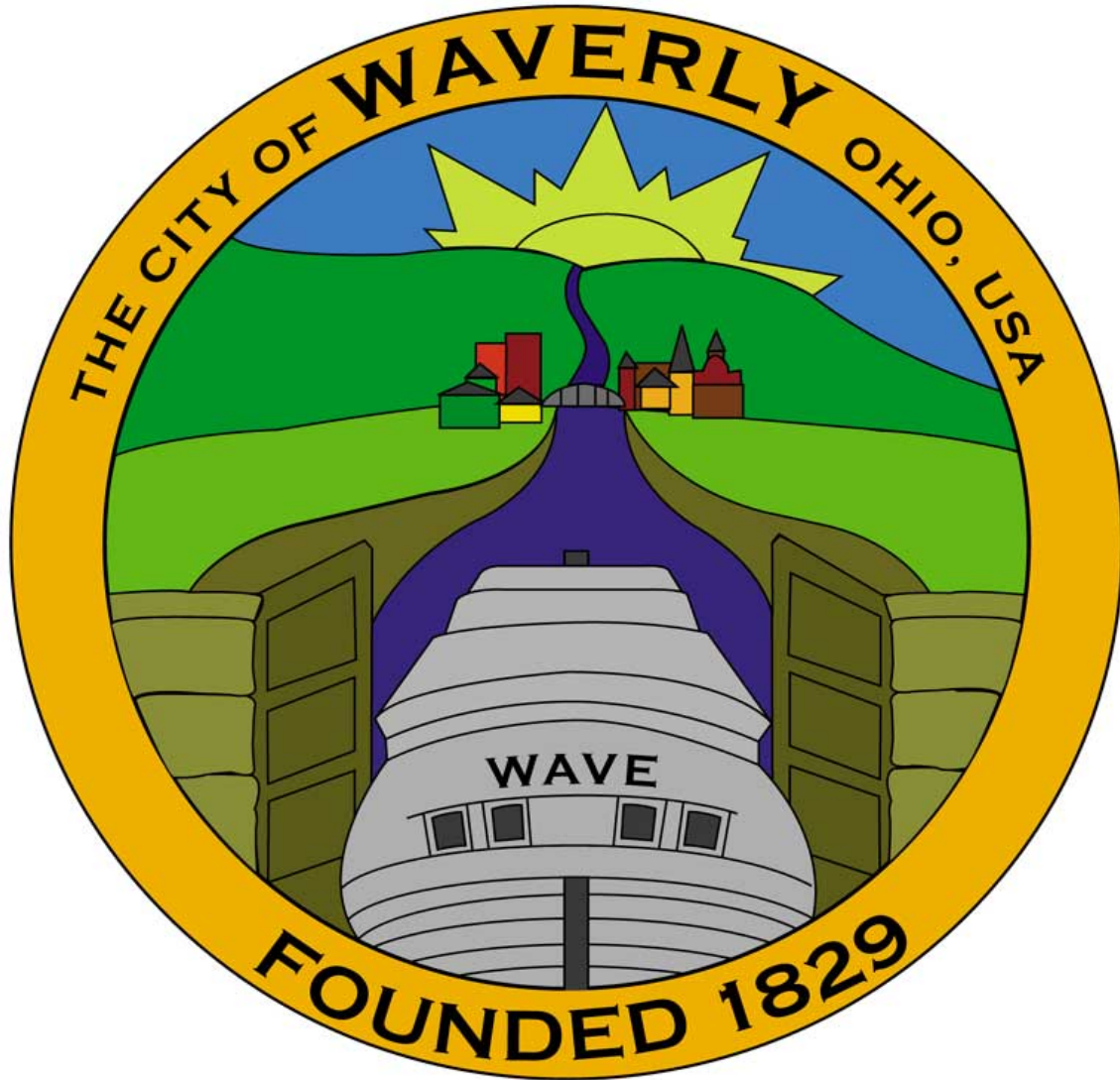


The Charter of the City of Waverly, OH
Adopted by the Voters of Waverly, OH on May 5, 1970
Affective Date: January 1, 1972



The above Seal of the City of Waverly, OH was revised and approved by the Waverly City Council on September 16, 2003, Resolution 65-2003

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Charter of the City of Waverly, OH

TO THE VOTERS OF WAVERLY

The official certified 1969 Federal Census figures show that the population of Waverly is in excess of five thousand (5,000). Therefore, under state law, Waverly has become a city. Unless Waverly adopts this proposed charter, city officials must be elected in the fall of 1971 under the form of city government established by the State Legislature many years ago.

The statutory form of government for cities is radically different from the village form under which we have been operating. In the opinion of your Commission the statutory form of government would be cumbersome, expensive and would not lend itself to serve efficiently the needs of Waverly. We can retain some of the simplicity and economy of village operation and tailor our government to fit the needs of our community by adopting this Charter.

You should understand that the charter is designed to establish a suitable framework for government of the City of Waverly, that is flexible to your future needs and that it may be amended by you from time to time.

Your large affirmative vote for the election of a Charter last November clearly indicated your desire to exercise your right to govern yourselves in the manner that you deem best with a Home Rule Charter.

The members of the Charter Commission have unanimously approved this Charter and they urge that you read its provisions and then vote of the Charter issue at the Primary Election on May 5, 1970.

PREAMBLE

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

ARTICLE I NAME AND BOUNDARIES

The Municipal Corporation now existing and known as the City of Waverly, Ohio, hereinafter in this Charter called the "City", shall be and continue to be a body politic and corporate under the name of the City of Waverly 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.

The term "City" as used in this Charter shall be construed to mean the Municipality of Waverly, which was originally incorporated as a village and which subsequently became a city pursuant to the Constitution and laws of Ohio.

ARTICLE II MUNICIPAL POWERS

The City shall have all powers of local self-government now hereafter granted to Municipalities by the Constitution of the State of Ohio and such further powers as are now or hereafter may be granted by the laws of the State 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.

ARTICLE III THE COUNCIL

SECTION 1.00 NUMBER, ELECTION AND TERM.

The legislative powers of the City, except as otherwise provided by this Charter and by the Constitution of the State of Ohio, shall be vested in a Council of seven (7) members, five (5) of whom shall be elected from wards to be established as provided by this Charter, and two (2) elected at large. Each member shall be elected for terms of four (4) years, except that of the seven (7) members elected in November 1971, one at large candidate and the three (3) ward candidates receiving the largest number of votes, shall serve for a term of four (4) years and the remaining three (3) shall serve for a term of two (2) years. Thereafter each member shall be elected for a term of four (4) years. Councilman shall assume office on the first day of January next following their election.

SECTION 2.00 WARDS.

The Municipality shall, as provided by Section 3 of this Charter, be divided into five (5) wards, and one (1) Councilman shall be elected from each ward. Two additional Councilmen shall be elected from the Municipality at large.

SECTION 3.00 DISTRICTING OF CITY INTO WARDS.

A. For the purpose of dividing the City into wards as required in Section 2 of this Article III, the existing Council at the time this Charter is adopted shall, no later than October 1, 1970, appoint by a majority vote of the members of Council, six qualified voters of the City to the Districting Commission. The members of the Districting Commission shall not hold any other office or employment with the City. The Districting Commission shall divide the City into five (5) wards of substantially equal population no later than January 1, 1971, by a majority vote of its members. Upon the division of the City into wards, the Districting Commission shall certify a copy of its action to the Clerk of council and to the Clerk of the Board of Elections.

B. In January of 1980 and each ten years thereafter, and at any other time when the Council deems it necessary to preserve substantially equal population in the wards, the Council shall appoint six (6) new members to the Districting Commission, who shall have the same qualifications as provided in paragraph A of this section, to adjust and change the wards. The Districting Commission so appointed shall redivide the City into five (5) wards of substantially equal population no later than six (6) months after their appointment by a majority vote of its members. Upon the redivision of the City into wards, the Districting Commission shall certify a copy of its action to the Clerk of the Council and to the Clerk of the Board of Elections.

C. No more than three (3) of the members appointed to any Districting Commission appointed under paragraph A. or B. of this Section shall be of the same political party.

SECTION 4.00 QUALIFICATIONS.

A member of Council shall have been continuously a resident and an elector of the City for three (3) years immediately prior to the date of his election or appointment; a member of Council elected from a ward shall also have been continuously a resident and an elector of the ward from which elected for a period of one (1) year prior to the date of his election or appointment. Each member shall continue to be a resident and an elector of the City and ward throughout his term of office. No member of Council shall hold any other elective public office or any other Municipal office or employment. No member of Council shall be interested in the profits or emoluments of any contract job, work or service for which moneys of the City are expended. Council shall be the sole and final judge of the elections and qualifications of its members.

SECTION 5.00 COMPENSATION.

The salary of a member of Council shall be three hundred dollars (\$300.00) per year for the first term beginning January 1, 1972. For the terms thereafter the Council may determine and fix the salary of its members. But the salary of a member of Council shall not be increased or decreased during the elective term of office which he is serving at the time of the members in respect to a succeeding term of office such change must be made by the Council before the first day of January next preceding the regular Municipal election. Unless and until the salary is so changed, it shall remain as last fixed.

SECTION 6.00 ORGANIZATION.

On or before the fifth (5th) day of January next following each regular Municipal election, the members of Council shall meet at the Council Chambers for the purpose of organization. At such meeting, the Council shall elect one of the members thereof as President of the Council to serve until his successor shall have been elected. In the event the President of the Council ceases to be a member thereof, the Council shall elect another member to serve as President until his successor shall have been elected.

SECTION 7.00 QUORUM.

A Majority of the members of Council shall constitute a quorum for the transaction of business at any meeting of the Council, but a number less than a quorum may adjourn the meeting from time to time, and compel the attendance of absent members in such manner, and under such penalties, as may be prescribed by ordinance, resolution, or by rules of the Council.

At any meeting at which a quorum is present, unless a larger number is required by the provisions of this charter.

SECTION 8.00 RULES AND JOURNAL OF COUNCIL.

The Council Shall adopt its own rules, regulations or bylaws and shall keep a journal of all its proceedings. The journal shall be open for public inspection at all reasonable times. The voting upon any ordinance, resolution or motion shall be by roll call, and the vote of each member of Council shall enter upon the journal.

SECTION 9.00 CLERK OF COUNCIL.

The Council shall appoint an elector of the Municipality to serve as the Clerk of Council. The Clerk of Council shall serve at the pleasure of Council, shall attend all meetings of the Council, shall keep and have custody of the records, ordinances, resolutions, rules, regulations and bylaws adopted by the Council, and its record of proceeding. All such records shall be open for public inspection. The Clerk of Council shall perform such other duties as required by the Council or the laws of Ohio. See Section 5 of Article V hereof.

SECTION 10.00 VACANCIES.

Whenever the office of a member of Council shall become vacant, the vacancy shall be filled by a majority vote of all the remaining members of the Council. If the vacancy shall not be so filled within thirty (30) days, the Mayor shall fill it by appointment. A member of Council elected or appointed to fill a vacancy shall hold office for the balance of the unexpired term or until a successor shall be elected for the unexpired term to fill any such vacancy at the next regular Municipal or general election.

SECTION 11.00 MEETINGS.

A. Regular Meetings. The Council shall meet in the Council Chambers at such times as may be prescribed by its ordinances, resolution, or rules provided that regular meetings shall be held at least twice in each calendar month. All meetings of the Council, whether regular or special, shall be open to the public.

B. Special Meetings. Special meetings of the Council may be called in accordance with, and provided for by its rules. In the absence of such provisions, special meetings may be called by a vote of the Council taken at any regular or special meeting thereof, or shall be called by the Clerk upon the written request of the Mayor, or President of Council, or of three (3) members of Council. Any such request or call for a special meeting shall state the time, place and date thereof and the subjects to be considered at the meeting. Unless five (5) members in attendance at a special meeting concur, no other subject or subjects other than those stated in the call for the special meeting shall be considered at a special meeting. Notice in writing of each such meeting called at the request of the Mayor, President of Council or three (3) members of Council shall be given to each member of Council and the Mayor by serving the same on each of them personally or by leaving a copy thereof at his usual place of residence not less than twenty-four (24) hours preceding the date and hour of such meeting. A service of such notice may be waived in writing and shall be waived by attendance at such special meeting. Notice need not be served when a special meeting is called at a Council meeting.

SECTION 12.00 POWERS.

Except as otherwise provided by the Constitution of the State of Ohio or this Charter, the Council shall have and possess the following powers:

- A. All the legislative powers of the City and all powers now or hereafter granted by the Constitution, and laws of the State of Ohio to legislative bodies of municipalities, and such other powers granted by this Charter.
- B. The power to create, combine or abolish offices, departments, divisions, boards, or commissions of the City and the power to fix the number and qualifications of members, and the powers and duties, bonds and compensations of all officers and members, thereof;
- C. The power to approve and confirm, or to disapprove and reject, the appointment or removal by the Mayor, of an officer or employee.
- D. The power to establish the number of employees in the various departments of the City and to determine the qualifications, duties, bonds and compensation of such employees;
- E.
 - 1. The power to determine the method and procedure for making, awarding, advertising and enforcing contracts with the City, provided that when the expenditure of funds under any contract exceeds the amount specified by the laws of Ohio for which expenditures may be made without advertisement and bidding, such expenditure shall first be directed and authorized by ordinance passed by the Council, and the Auditor and mayor, after approval by the Council, shall make a written contract with the lowest and best bidder after advertisement on the same day of each week for not less than two (2), nor more than four (4) consecutive weeks in a newspaper of general circulation within the City.
 - 2. Compensation of persons and employees, contracts with persons, firms or corporations for services requiring specialized skill, knowledge or training, need not be advertised, as hereinabove provided.
 - 3. Expenditures required because of a real and present emergency need not be advertised and let after competitive bidding as hereinbefore provided when authorized by an ordinance adopted by a vote of five (5) members of the Council.
 - 4. Modifications and changes to contracts awarded under competitive bidding and in excess of one thousand five hundred dollars, shall first be authorized by ordinance, but need not be advertised or let after competitive bidding.
 - 5. The Council may authorize, by a majority vote of the Council and without bidding and advertising, as required by this Charter, the following: the acquisition or lease of real property; the purchase of used supplies, materials and equipment; the discharge of non-contractual claims against the City; the sharing of costs of construction, operation, maintenance and repair of facilities for joint use by the City and the State or political subdivisions of the State or their agencies; the purchase of materials, supplies or equipment from the State or political subdivisions of the State or their agencies; or the purchase of products or services of public utilities.
 - 6. The Council may authorized the Mayor, or any other administrative officer, to enter into contracts requiring the expenditures of not more than one thousand five hundred dollars, but

no other contract shall be made on behalf of the City unless authorized and approved by the Council. No contract shall be binding on the City unless the money required to meet the payment thereof has been appropriated by Council.

F. The power to determine the method, manner, consideration and procedure for the purchase or property on behalf of the City and the sale or disposal thereof;

G. The method, manner and procedure for making improvements and for levying and collecting assessments on property benefited thereby; until such methods, manners and procedures shall have been provided by the Council, the general laws of Ohio pertaining to the levying of assessments shall be followed.

H. The power to expel or remove:

1. Any member of Council for gross misconduct, misfeasance, malfeasance or nonfeasance in office, or for disqualification from holding office, or for conviction while in office of a crime involving moral turpitude, or for violation of his oath of office, or for persistent failure to abide by the rules of Council or for absence without justifiable excuse for three (3) consecutive regular meetings of council;

2. The Mayor or Auditor for gross misconduct, malfeasance, misfeasance or nonfeasance in office or for disqualification from holding, or for conviction while in office of a crime involving moral turpitude, or for the violation of his oath of office. No such expulsion or removal shall take place except on concurrence of five (5) members of Council, nor until the accused person shall have been notified in writing of the charge against him at least ten (10) days in advance of any hearing upon such charge, and until he or his counsel shall have been given the opportunity to appear before the Council and be heard, present evidence and examine witnesses appearing in support of the charge;

I. The power to levy taxes and incur debts subject to the limitations of the Constitution and general laws of the State of Ohio.

J. The power to adopt and provide for the enforcement of local police, sanitary and other similar regulations as are not in conflict with general laws.

SECTION 13.00 PROVISIONS AS TO LEGISLATIVE ACTION.

A. All legislative action of a general and permanent nature by the Council shall be by ordinance or resolution introduced in written or printed form; other action of the Council may be taken by motion. An affirmative vote of at least a majority of the members of Council shall be required for the passage of every ordinance or resolution.

B. Every ordinance or resolution shall be fully and distinctly read at three (3) different meetings of the Council unless five (5) members of Council vote to dispense with the second and third readings thereof, in which event such ordinance or resolution shall be fully and distinctly read at least once before passage. The Council may read any ordinance or resolution by title only upon motion approved by a majority of the members of Council.

C. No ordinance or resolution shall contain more than one general subject, which subject shall be clearly expressed in its title. Any ordinance or resolution revising or amending

previous legislation shall set forth the entire section or sections thereof so revised or amended, as revised or amended and the original sections or section, so revised or amended, shall be deemed repealed.

D. The Council may adopt standard codes prepared by public or private agencies on such matters as fire prevention, building construction, electric wiring, plumbing, heating, ventilation, air conditioning, and similar subjects and on subjects determined by Council to be appropriate for adoption by reference, by reference to the date and source of such codes without reproducing the same at length in the adopting ordinance. In case of such adoption, publication of the code at length shall not be required, but there shall be at the time thereafter on file for public inspection in the office of the Auditor of the City, at least one copy of such code. The Auditor shall make additional copies thereof, available for sale to interested persons at such prices as may be established by Council.

E. Revisions, codifications or rearrangements of ordinances may be published in book form. If so revised, codified and rearranged, under appropriate titles, chapters and sections, such revisions, codifications or rearrangements may be made in one ordinance comprising one or more subjects. The publication in book form as aforesaid with certification of the passage and adoption thereof. By the Clerk of Council shall constitute sufficient publication of the ordinance or ordinances contained therein. The book so published and certified, shall be received in evidence in any court, for the purpose of proving the ordinance or ordinances therein contained. In the same manner and for the same purpose the original book, ordinance minutes or journal would be received. If a revision, codification or rearrangement of ordinances contains new matter not previously published, a notice of the enactment thereof, setting forth the titles of the ordinances and the titles of the chapters and sections containing such new matter, shall be published in the manner provided in Section 14 of this Article, which notice shall constitute a sufficient publication of such new matter.

SECTION 14.00 PUBLICATION OF ORDINANCES, RESOLUTIONS AND NOTICES.

A. Except as herein otherwise provided, every ordinance or resolution of a general or public nature including, but not limited to those granting, renewing or extending a franchise, creating a right, involving expenditures of money, levying of a tax, or concerning the purchase, lease, sale or transfer of public property and every notice, statement, order, proclamation or report required to be published by this Charter, the applicable laws of Ohio or legislation enacted by Council shall be published either by posting a copy thereof in a conspicuous place in the Waverly Municipal Building for a period of not less than fifteen(15) days, or by publishing the same in any English language newspaper printed in, and of general circulation in the City, unless there is no such newspaper so printed, in which event such publication may be made in any newspaper of general circulation therein, as determined by Council. Except as to emergency ordinances and resolutions, publication shall be completed prior to the taking effect thereof.

B. Council may, by ordinance, designate additional public places in the City for posting copies of ordinances or resolutions and may make provision in any ordinance or resolution for the publication of such ordinance or resolution in one newspaper of general circulation in the City. In the case of newspaper publication, ordinances and resolutions shall be

published not less than once a week for two (2) nor more than (4) consecutive weeks, and all other matters shall be published once.

C. Notice to bidders for the construction of public improvements and notices of the sale of notes or bonds of the City, shall be published in not more than two (2) English language newspapers printed in the State of Ohio, and of general circulation in the City.

D. Proof of any publication provided for in this Section shall be made by the Clerk of Council as provided by ordinance, or if not so provided, by laws of the State of Ohio.

SECTION 15.00 EFFECTIVE DATE OF ORDINANCES AND RESOLUTIONS.

A. Each ordinance or resolution providing for the appropriation of money, or for any annual tax levy, or for the authorization or making of improvements petitioned for by the owners of not less than a majority of the front footage of property to be benefited and specially assessed therefore, and any emergency ordinance or resolution declared by the Council to be necessary for the immediate preservation of the public peace, health or safety shall take effect, unless a later date be specified therein; (1) upon its approval by the Mayor, or (2) upon the expiration of the time within which it may be disapproved by the Mayor, or (3) upon the passage thereof, after disapproval by the Mayor, as the case may be.

B. No other ordinance or resolution shall become effective until thirty (30) days after: (1) its approval by the Mayor, or, (2) the expiration of the time within which it may be disapproved by the Mayor, or (3) its passage after disapproval by the Mayor, as the case may be. Each emergency measure shall contain a statement of the necessity for such emergency action and shall require the affirmative vote of at least five (5) members of Council for its enactment. No action of the Council authorizing any change in the boundaries of the City, or authorizing the surrender or joint exercise of its powers or granting, renewing or extending any franchise, or contracting for the supply to the City or its inhabitants of the product or service of any utility shall be taken as an emergency measure.

ARTICLE IV THE MAYOR

SECTION 1.00 ELECTION AND TERM.

The Mayor shall be elected at the regular Municipal election held in the year 1971, and every fourth year thereafter, for a term of four (4) years. His term shall commence and he shall assume office on the first day of January next, following such election, and he shall serve until his successor is elected and qualified, unless sooner removed from office, as provided by this Charter.

SECTION 2.00 QUALIFICATIONS.

The Mayor shall have been a resident and an elector of the City for at least three years immediately prior to the date of his election, and shall continue to be a resident, and an elector, therein, throughout his term of office. He shall not, directly or indirectly, solicit, contract for,

receive or be interested in any profit or emolument from, or on account of, any contract, job, work or service with or for the City.

SECTION 3.00 COMPENSATION.

The salary of the Mayor shall be twenty-four hundred dollars (\$2400) per year for the first term beginning January 1, 1972. For terms thereafter, such salary shall be fixed and determined by the Council, but the salary of the Mayor shall not be increased or decreased during the elective term of office which he is serving. If the established salary of the Mayor is to be changed in respect to a succeeding term of office, such change must be made by the Council prior to the first day of January of the last year of the term then being served by the Mayor. Unless and until such salary is so changed, it shall remain as last fixed.

SECTION 4.00 ABSENCE OR VACANCY.

A. ABSENCE.

When the Mayor is absent or inaccessible, or is unable for any cause to perform his duties, the President of Council shall become the Acting Mayor and during such period shall have the same powers, except the power to disapprove legislation of the Council, and perform the same duties as the Mayor. He shall also continue as a member of Council with all the powers and duties of such member.

B. VACANCY.

In the event the office of Mayor shall become vacant for any reason, the President of Council shall thereupon become the Mayor and shall serve for the unexpired term or until the beginning of the term of a successor duly elected as hereinafter provided. Upon becoming Mayor, his office as President of Council and member of Council shall become vacant. The President of Council may refuse to accept the office of Mayor and in that case the Council shall appoint a qualified voter of the City to fill the vacancy in the office of Mayor, and such person shall serve for the unexpired term or until the beginning of the term of a successor duly elected as hereinafter provided.

C. ABSENCE OF PRESIDENT OF COUNCIL.

In the event the President of Council shall be absent or inaccessible or for any reason unable to perform his duties as Acting Mayor, and an emergency or urgent necessity so requires, the Council, by vote of a majority of the remaining members of Council may designate one of their number Acting Mayor for the purposes and duration only of such emergency or urgent necessity.

D. ELECTION OF SUCCESSOR IN THE EVENT OF VACANCY.

In the event the office of Mayor shall become vacant, a successor for the unexpired term shall be elected Mayor at the next regular Municipal or general election.

SECTION 5.00 EXECUTIVE POWERS.

A. The Mayor shall be the chief executive of the City. At the discretion of Council, he shall supervise the administration of the affairs of the City and shall exercise control over

all departments and divisions thereof. He shall be the chief conservator of the peace within the City and shall cause all laws and ordinances to be enforced therein.

B. He and the Auditor shall be responsible for the preparation and submission of the annual estimate of receipts and expenditures and of appropriation measures and for furnishing to the Council full information of the financial condition and needs of the City. He shall be responsible for the faithful observance and performance of the conditions imposed in favor of the City or its inhabitants by any franchise or contract to which the City is a party.

C. Except as otherwise provided by this Charter, the Mayor shall have the power to appoint, promote, transfer, suspend for a period of not more than thirty(30) days, reduce or remove any officer or employee of the City except those required by this Charter to be elected; provided, however, that such appointment, promotion, transfer, reduction, or removal of officers or employees shall not take effect without the concurrence of a majority of the members of Council.

D. After notice and public hearing as hereinafter provided the Mayor, with the concurrence of a majority of the members of Council, may remove any member of a Municipal board of commission for inefficiency, incapacity, incompetency, neglect of duty, malfeasance, misfeasance or nonfeasance in office. To effect such removal the Mayor shall deliver to the individual concerned personally, or by registered mail, a written notice to show cause why he should not be removed, accompanied by a statement of reasons for removal and shall fix therein a date, time and place for a public hearing not earlier than ten (10) days after the date of delivery of such notice and statement. Pending such hearing the Mayor may suspend such individual from office, and prohibit him from exercising any duties, functions or authority of his office or position. At such hearing such individual shall have the right to be heard in person and to be represented by council in respect to any charge specified in said written statement of the Mayor. If following such hearing the Mayor shall remove such individual, he shall file with the Clerk of Council a signed order of removal accompanied by a written statement of his findings at such hearing and the reasons for such removal. Upon approval of such order by a majority of the members of Council, such removal shall become final, and the Clerk of Council shall notify the individual so removed accordingly. If the order of removal is not approved by the Council within thirty(30) days after it is delivered to the Clerk of Council by the Mayor, the person ordered removed by the Mayor shall be restored to office.

E. The Mayor and Auditor shall execute on behalf of the City, all contracts, conveyances, evidence of indebtedness, and all other instruments to which it is a party. The Mayor shall have custody of the Seal of the City, and may affix it to any of said instruments, but the absence of the Seal shall not affect the validity of any such instrument. The Mayor shall be recognized as the official and ceremonial head of the City and by the Governor for military purposes and by the Courts for the purpose of serving civil processes.

SECTION 6.00 LEGISLATIVE POWERS.

The Mayor shall attend Council meetings, but shall have no vote therein. He shall have the right to recommend and introduce legislation, and to take part in the discussion of all matters coming before Council. Every ordinance or resolution adopted by Council shall be signed by the President of Council or other presiding officer, attested by the Clerk of Council, and presented promptly to the Mayor for consideration before it goes into effect. If the Mayor approves such ordinance or resolution, he shall sign and return it to The Clerk of Council within ten(10) days after its adoption by Council, but if he does not approve it, he shall return it to Council within said ten (10) days with his written objections by delivery to the Clerk of Council, which objects shall be entered in full on the journal of the Council. The Mayor may approve or disapprove the whole or any item of an ordinance or resolution appropriating money, but other otherwise his approval or disapproval shall be addressed to the entire ordinance or resolution. If he does not return an ordinance or resolution within said ten (10) day period, it shall take effect in the same manner as if he had signed it. When the Mayor has disapproved an ordinance or resolution, or a part of item thereof as herein provided, the Council shall, not later than its next regular meeting, proceed to reconsider it, and, if upon reconsideration the ordinance or resolution or part or item thereof be approved by the affirmative vote of five (5) of the members of Council, it shall then take effect as if had received the approval of the Mayor.

SECTION 7.00 JUDICIAL POWERS.

The Mayor shall have all the judicial powers granted from time to time by the general laws of the State of Ohio to Mayor of municipalities.

ARTICLE V AUDITOR

SECTION 1.00 ELECTION AND TERM.

The Auditor shall be elected at the regular Municipal election held in the year 1971, and every fourth year thereafter for a term of four (4) years commencing on the first day of January after such election, and shall serve until his successor is elected and qualified, unless sooner removed from office as provided by this Charter.

SECTION 2.00 QUALIFICATIONS.

Except as otherwise provided in this Article V, the Auditor shall have been a resident and an elector of the City for at least three (3) years immediately prior to the date of his election and shall continue to be a resident and an elector therein throughout his term of office. He shall not, directly or indirectly, solicit, contract for, receive or be interested in, any profit or emolument from or on account of contract, job, work or service with or for the City.

SECTION 3.00 COMPENSATION.

The Council shall fix the salary of the Auditor, which salary for the calendar years 1972 through 1975, shall be fixed, prior to January 1, 1971, by the Council holding office on the date of the adoption of this Charter. If the established salary of the Auditor is to be changed or adjusted in respect to a succeeding term of office, such change or adjustment must be made by Council not later than January first of the last year of the elective term then being served by the auditor, but the salary shall not be increased or decreased so as to be effective during the elective term of

office which is then being served by the Auditor. Unless, and until the salary is changed, it shall remain as last fixed.

SECTION 4.00 ABSENCE OR VACANCY.

A. ABSENCE.

When the Auditor is absent or inaccessible or is unable for any cause or reason to perform his duties, Council may designate an Acting Auditor to perform the powers, duties and functions of the Auditor.

B. VACANCY.

In the event the office of Auditor shall become vacant, for any reason, a successor for the unexpired term shall be elected Auditor at the next regular Municipal or general election. Until the Auditor is elected as provided in this Article, any vacancy in such office shall be filled by appointment by the Mayor subject to confirmation by a majority of the members of Council. A person serving as Auditor by appointment shall meet the same requirements as provided in Article V, Section 2.

SECTION 5.00 CLERK OF COUNCIL-TREASURER.

If designated by the Council, the Auditor shall be the Clerk of Council and Treasurer, and shall perform the powers and duties of the Clerk of Council and Treasurer.

SECTION 6.00 FISCAL OFFICER.

A. The Auditor shall be the fiscal officer of the City and shall be the head of the Department of Finance. He shall be the financial advisor of the City and shall at all times keep the Mayor and the Council informed of the financial condition and needs of the City. He shall be the keeper of the fiscal officers seal.

B. The Auditor shall comply with the applicable laws of the State of Ohio relating to certification for and expenditure of public moneys. To that end he shall prepare and sign all warrants for the disbursements of moneys of the City and shall examine all payrolls, bills and other claims against the City. Unless he shall find that such payroll, bill or claim is in proper form, correctly computed and duly approved; that the same is due and payable; that a lawful appropriation has been made for the payment thereof; and that the amount required to pay the same is in the Treasury or in the process of collection to the credit of an appropriate fund, free from any previous encumbrances, he shall issue no warrant for the payment thereof.

C. The Auditor shall prepare the annual estimate of receipts and expenditures and all appropriation measures and submit the same to the Mayor for his approval or modification and transmittal to the Council.

D. On or before the 31st day of March of each year, the Auditor shall prepare and submit to the Mayor and Council a report of the financial condition of the City and of receipts and expenditures for the preceding calendar year, which report shall be published in the manner provided in Section 14B of Article III of this Charter.

SECTION 7.00 OTHER DUTIES.

A. The Auditor shall authenticate all reports, documents and instruments of the City, authentication of which is necessary or proper. He shall have custody and charge of all records of the City not otherwise by this Charter or by ordinance or resolution committed to the charge or custody of other officers or agencies of the City.

B. The Auditor shall perform such other duties consistent with his office as the Mayor or the Council may direct and so required by law.

**ARTICLE VI
CITY TREASURER**

SECTION 1.00 TERM.

The City Treasurer, herein also referred to as the "Treasurer" shall be appointed by the Mayor, subject to confirmation by a majority of the members of Council, to serve until removed as provided in Section 5C of Article IV of this Charter.

SECTION 2.00 VACANCY.

When a vacancy occurs in the office of Treasurer, the vacancy shall be filled by an appointment made by the Mayor, subject to confirmation by a majority of the members of Council.

SECTION 3.00 QUALIFICATIONS.

Except as otherwise provided in this Article VI the Treasurer shall have been a resident and an elector of the City for at least three(3) years immediately prior to the date of his appointment and shall continue to be a resident and an elector therein throughout his term of office. He shall not, directly or indirectly, solicit for, receive or be interested in any profit or emolument from or on account of any contract, job, work or service with or for the City.

SECTION 4.00 ELIGIBILITY OF AUDITOR.

The Auditor shall be eligible and may hold the office of City Treasurer.

SECTION 5.00 POWERS AND DUTIES.

A. The Treasurer shall be custodian of all moneys of the City and of all evidence of investments of City moneys, and shall keep and preserve the same in such manner and at such places as shall be determined by the Council.

B. The Treasurer shall pay out money from the City Treasury only on warrants issued by the Auditor. He shall keep a detailed record of all disbursements of City moneys and a record of the expenditures from various appropriated funds.

C. In general, and without limitations as to particularity, the Treasurer shall discharge the duties and functions of the Treasurer of a city except as otherwise provided in this Charter.

SECTION 6.00 COMPENSATION.

The Council shall fix the salary of the Treasurer.

**ARTICLE VII
ADMINISTRATIVE OFFICERS AND DEPARTMENTS**

SECTION 1.00 GENERAL PROVISIONS.

A. In addition to the offices otherwise created by this Charter, the City shall have a Solicitor, a Department of Public Safety and a Department of Public Service and the Council shall provide by ordinance for the organization of such departments.

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

C. The Council may, subject to the other provisions of this Charter: (1) except as to the Solicitor, combine any departments, divisions and non-elective officers or positions; (2) authorize one person to occupy two or more nonelective offices or positions or serve in any capacity in two (2) or more departments or divisions; (3) authorize the Mayor or Auditor to be appointed to and serve in one or more nonelective offices or positions in addition to his elective office and be compensated for such service in such additional office, position, offices or positions. Such additional compensation shall not be subject to any limitations provided in this Charter pertaining to increases or decreases of the compensation of such officers. If the Mayor is authorized by legislation of Council to serve in any such additional nonelective office or position, no appointment to such office or position shall be required as otherwise provided by this Charter and the Mayor's occupancy of such office or position may be terminated by affirmative vote of a majority of the members of Council; (4) abolish any department, division, board, commission, non-elective office or position unless the continuation of such office or position is specifically required by this Charter.

SECTION 2.00 SOLICITOR.

The Solicitor shall be appointed by the Mayor, subject to confirmation by a majority of the members of Council, to serve until removed as provided in Section 5C of Article IV of this Charter. He shall be the head of the Department of Law. The Solicitor shall serve the Mayor, the Council, the administrative departments and the officers, boards and commissions of the City as legal counsel in connection with Municipal affairs and subject to the directions of the Mayor, shall represent the City in all proceedings in court or before any administrative board. He shall perform all others duties now or hereafter imposed upon the municipal solicitors under the laws of the State of Ohio unless otherwise provided by ordinance of the Council and he shall perform such other duties consistent with his office as the Mayor or the Council may request. No person shall act as Solicitor unless duly admitted to practice law in the State of Ohio. He may serve as legal officer for the City Board of Education.

SECTION 3.00 DEPARTMENT OF FINANCE.

The Auditor shall be the head of the Department of Finance.

SECTION 4.00 DIRECTOR OF PUBLIC SERVICE.

A. The Director of Public Service shall be appointed by the Mayor, subject to confirmation by a majority of the members of Council, and may be removed by the Mayor, without cause, with the approval of the Council, as provided in Section 5C of Article IV of this Charter.

B. Under the direction of the Mayor, the Director of Public Service shall have charge of and exercise supervision for the City over:

(1) All public works and improvements and the construction, maintenance, operation and repair thereof and all engineering and inspection in connection therewith;

(2) The construction, improvement, repair, operation and maintenance of streets, sidewalks, public ways, bridges, and flood control measures;

(3) The construction, improvement, repair, operation and maintenance of water mains, pumps, pipes, purification and filtration plants, and water supply and distribution system;

(4) The construction, improvement, repair, operation and maintenance of sewers, drains, ditches, culverts, streams, water courses, and sewers and sewage systems;

(5) Unless otherwise provided for by the Council the care, repair, operation and maintenance of all public buildings, parks, playgrounds, recreation programs and other public places and utilities belonging to the City or in its custody or under its control and the construction of buildings or improvements thereon;

(6) The making and preservation of all surveys, maps, plans, drawings and estimates for public works and improvements;

(7) The cleaning, resurfacing, sprinkling and lighting of streets and public places;

(8) All machinery, equipment and materials of the City pertaining to the functions of the Department of Public Service.

C. Under the direction of the Mayor, the Director of Public Service shall manage and control the collection, treatment and disposal of sewage, the water supply and distribution system, and all public utilities owned or operated by the City and shall enforce all the obligations of privately owned or operated utilities enforceable by the City.

D. The Director of Public Service shall perform such other duties consistent with his office as may be required by this Charter, by ordinance of the Council or by the Mayor.

SECTION 5.00 DIRECTOR OF PUBLIC SAFETY.

A. The Director of Public Safety shall be appointed by the Mayor subject to confirmation by a majority of the members of Council, and may be removed, without cause by the Mayor with approval of the Council, as provided in Section 5C of Article IV of this Charter. Under the direction of the Mayor, the Director of Public Safety shall have charge of and exercise supervision over: (1) The Division of Police, the Division of Fire, and all correctional institutions or facilities; (2) all equipment and materials of the City pertaining to the functions of the Department of Public Safety.

B. Under the direction of the Mayor, the Director of Public Safety shall be responsible for the enforcement of all laws, rules and regulations of the City and of the State of Ohio.

C. The Director of Public Safety shall perform such other duties consistent with his office as may be imposed upon him by this Charter, by ordinance of the Council or by the Mayor.

**ARTICLE VIII
CIVIL SERVICE**

SECTION 1.00 CLASSIFICATION OF EMPLOYEES.

The Civil Service of the City is hereby divided into the unclassified and classified service.

(1) The unclassified service shall include:

- (a) all members of boards and commissions;
- (b) all elective or appointive officers specifically provided for by this Charter, including but not limited to the members of Council. Clerk of Council. Mayor, Auditor, Solicitor, City Treasurer, and the Directors of Public Service and Safety.
- (c) all heads of departments and divisions and one deputy or assistant to each department or division head;
- (d) all assistants or deputies to the Solicitor and Clerk of Council, and the Auditor;
- (e) one secretary to the Mayor and one secretary to the head of each department;
- (f) all persons appointed to an office or position requiring professional or exceptional qualification as determined by the Council;
- (g) all employees in unskilled labor positions;
- (h) all part-time temporary or seasonal employees.
- (i) Volunteer members of the Division of Fire and members of the auxiliary police unit within the Division of Police.

(2) The classified service shall comprise all positions not specifically included by this section as being in the unclassified service.

SECTION 2.00 PRIOR SERVICE PROVISIONS.

Any person who, upon the effective date of this Section, has had satisfactory Service in the employment of the City for a period of one (1) year during a period of two (2) years immediately prior to such date may be appointed to serve in the same or a similar position in the classified service without competitive examination and shall be deemed to have served any required probationary period.

**ARTICLE IX
COMMISSIONS AND BOARDS**

SECTION 1.00 GENERAL PROVISIONS.

The City shall have a Civil Service Commission, a Municipal Planning Commission, a Board of Health and an Environmental Study Control Board. The Council may establish by ordinance such other commissions or boards as it may deem necessary for the proper administration or trusteeship of any public functions, property or fund or for any proper Municipal purpose.

SECTION 2.00 THE CIVIL SERVICE COMMISSION.

A. COMPOSITION AND TERM.

The Civil Service Commission shall consist of three (3) electors of the City, not holding other Municipal office or employment, appointed by the Mayor, subject to confirmation by a majority of the members of Council, for a term of six (6) years, except that of the three (3) first appointed, one (1) shall be appointed for a term of two (2) years, one (1) for a term of four(4) years and one (1) for a term of six (6) years. A vacancy occurring during the term of any member of such commission shall be filled for the unexpired term in the manner provided for an original appointment. Not more than two members of the Civil Service Commission shall be of the same political party.

B. POWERS AND DUTIES.

The Civil Service Commission shall provide by rule for the ascertainment of merit and fitness as the basis for appointment and promotion of all employees in the classified service of the City as required by the Constitution of the State of Ohio, and for appeals from the action of the Council or Mayor in cases of transfer, suspension, reduction or removal of such employees. To the extent legally permissible, the action of the Commission on any such appeal shall be final.

C. INTERIM PROVISIONS.

Until adoption of rules by the Commission, the provisions made by this Charter and ordinances of the Council enacted pursuant thereof shall govern such appointments, transfers, suspensions, reductions and removals.

SECTION 3.00 THE MUNICIPAL PLANNING COMMISSION.

A. COMPOSITION AND TERM.

The Municipal Planning Commission shall consist of the Mayor and four (4) electors of the City not holding other Municipal office or employment, to be appointed by the Mayor, subject to confirmation by a majority vote of the members of Council. The terms of the members of the Planning Commission existing under the general statutory form of government for villages shall terminate on December 31, 1971, and their successors shall be appointed under this Charter for a term of four (4) years, except that of the four (4) first appointed, one (1) shall be appointed for a term of one (1) year, one (1) shall be appointed for a term of two (2) years, one (1) shall be appointed for a term of three (3) years, and one (1) for a term of four (4) 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 an original appointment.

B. POWERS AND DUTIES.

The Municipal Planning Commission shall have the powers and duties conferred upon it by this Charter and by ordinances of the Council enacted pursuant thereto and in addition shall have such powers not inconsistent with said Charter or ordinances as may now or hereafter be granted by the laws of the State of Ohio. It shall adopt and recommend to the Council a comprehensive general plan for the physical development of the City or the redevelopment of any area or district therein, which shall include the location of public ways, property, bridges, schools, utilities,

building, parks, playgrounds and recreation areas, and plans or proposals for the reservation and acquisition of lands therefore.

As deemed necessary or desirable or upon request of Council, the Planning Commission shall prepare and recommend to the Council legislation respecting zoning and creating areas, zones and districts of permitted and excluded uses, and such rules regulations, restrictions and limitations governing the use of land as will promote the general welfare of the Municipality and its inhabitants. It shall have jurisdiction over and the power to adopt rules and regulations governing the platting and subdivision of lands and the improvement or development thereof, including the construction of streets, sewers, and utilities therein. It shall have such other powers, functions and duties as provided by ordinance.

C. PLANNING, ZONING AND SUBDIVISION REGULATIONS.

In furtherance and not in limitation of any power or powers granted to it by this Charter, the Council shall have full power and authority to:

- (1) adopt, amend and enforce all or any portion of a comprehensive general plan for the orderly development of the City and plans for the redevelopment of any area or district therein;
- (2) create, change or revise areas, zones and districts of permitted and excluded land uses of such numbers or classifications as it may deem appropriate;
- (3) Enact and enforce such rules, regulations, limitations and restrictions pertaining to the matters mentioned in this paragraph C as will promote and preserve the general welfare of the Municipality and its inhabitants;
- (4) Legislate upon any matter concerning which the Planning Commission has jurisdiction or powers of recommendation or regulation provided that any such matter shall be first submitted to the Planning Commission for recommendation except by the majority vote of Council.

D. NOTICES AND HEARINGS.

In the enactment of zoning legislation or of regulation respecting the platting or subdivision of lands, the Council may provide by ordinance for such public hearings and notices and for the form and manner of publication or delivery of notices as it deems necessary and in the public interest and as may be in conformity with this Charter, irrespective of the provisions of the statutes of the State of Ohio in regard thereto.

SECTION 4.00 THE BOARD OF HEALTH.

A. COMPOSITION AND TERM.

The Board of Health shall consist of the Mayor and five (5) electors of the City not holding other Municipal office or employment, to be appointed by the Mayor. subject to confirmation by a vote of at least a majority of the members of Council. The Mayor shall be President of the Board of Health by virtue of his office. A vacancy occurring during the term of any member of the Board of Health shall be filled for the unexpired term in the manner authorized for an original appointment. The term of office of the members of the Board of Health shall be five (5) years from the date of appointment and until their successors are appointed and qualified, except that of the five (5) first appointed, one (1) shall serve for a term of one (1) year, one (1) for a term of two (2) years, one (1) for a term of three (3) years, one (1) for a term of four (4) years, and one (1) for a term of five (5) years.

B. DUTIES.

The Board of Health shall have such powers and authority and perform such duties as shall be granted or imposed upon it and the members thereof by ordinance of the Council and the laws of the State of Ohio.

SECTION 5.00 ENVIRONMENTAL STUDY CONTROL BOARD.

The City shall have an Environmental Study Control Board, consisting of three(3) members, one (1) of such members shall be a member of Council and two (2) shall be electors of the City who hold no other office or employment with the City. These members shall be appointed by the Mayor and confirmed by a vote of at least a majority of the members of Council. Their term shall be for a period of four (4) years, except that of the three (3) first appointed, one (1) shall serve for a term of two (2) years, one for a term of three (3) years, and one for a term of four (4) years. The duties of said Board shall be to study and investigate local pollution conditions and to recommend to City Council actions of a proper nature to relieve conditions of contamination and pollution.

**ARTICLE X
NOMINATIONS AND ELECTIONS**

SECTION 1.00 MUNICIPAL ELECTIONS.

All elections provided for by this Charter, whether for the choice of officials or the submission of questions to the voters, shall be conducted by the election authorities prescribed by the laws of the State of Ohio, and the laws governing elections in general statutory plan cities shall apply to all elections except as provision is otherwise made by this Charter. A regular Municipal election for the choice of elective offices of the City shall be held on the first Tuesday after the first Monday in November in the year 1971 and on such day in the odd numbered years thereafter. The nominating petitions and ballots to be used in all Municipal elections shall bear party marks or designations.

SECTION 2.00 NOMINATING PROCEDURE AND PETITIONS.

All candidates shall be elected at partisan primaries and on a partisan ballot, in accordance with the statutes of the State of Ohio governing elections in general statutory plan cities.

SECTION 3.00 WHO TO BE DECLARED ELECTED.

The candidates for any elective office, equal in number to the places to be filled who shall receive the greater number of votes at such regular Municipal or general election shall be declared elected.

**ARTICLE XI
INITIATIVE, REFERENDUM AND RECALL**

SECTION 1.00 INITIATIVE.

The electors of the City shall have the power to propose any ordinance or resolution, and to adopt or reject the same at the polls, such power being known as the initiative. An initiated ordinance or resolution shall be submitted to the Council by a petition signed by electors of the City not less in number than ten percent (10%) of the electors voting at the last regular Municipal

election. Such petition shall designate not less than three (3) of the Signers thereof as a committee authorized to take action as in this Section Provided. When so submitted, the Clerk of Council shall ascertain the sufficiency of such petitions and, if found sufficient, the Council shall take final action, either enacting, amending or rejecting the proposed legislation, within forty (40) days after submission. If the Council fails to pass such proposed ordinance or resolution, or passes it in some form different from that set forth in the petition thereof, the petitioners, through the committee named in such petition, may not later than the next meeting of the Council, request in writing that the legislation as set forth in said petition be submitted to a vote of the electors. Not later than the next regular meeting thereof following receipt of such request, the Council shall provide for submitting the petitioned ordinance or resolution to the electors at the next general election or regular Municipal election occurring more than sixty (60) days after the filing of such request. If such petition is signed by at least twenty percent (20%) of such electors, or such number of electors so request by petition, the Council shall provide for submitting such legislation to the electors at a general or primary election to be held not later than eight (8) months after such request.

SECTION 2.00 REFERENDUM.

Within thirty (30) days after the final passage by Council of any ordinance or resolution which is subject to a referendum under the laws of the State of Ohio, a petition signed by electors of the City not less in number than ten percent (10%) of the total electors voting at the last regular Municipal election may be filed with the Clerk of Council requesting that the ordinance or resolution be repealed or submitted to a vote of the electors. When said petition is filed, the Clerk of Council shall ascertain the sufficiency of the petition and, if found sufficient, the Council shall, within thirty (30) days after the filing such petition, reconsider such ordinance or resolution. If upon such reconsideration such ordinance or resolution is not repealed, the Council shall provide for submitting the same to a vote of the electors at the next general election or regular Municipal election as provided by the Constitution and laws of the State of Ohio.

SECTION 3.00 RECALL.

Electors of the City shall have the power to remove from office by recall election any elected official of the City in the manner provided by Section 705.92 of the Revised Code of Ohio.

SECTION 4.00 GENERAL PROVISIONS.

The manner of signing, the method of circulating, the form and requirements as to the affidavit, and the other requirements of the general law regulating initiative and referendum petitions shall apply to initiative, referendum and recall in the City, except as otherwise provided in this Charter.

ARTICLE XII FINANCE

SECTION 1.00 CONTRACTS AND FISCAL MATTERS.

Provisions of the Constitution and laws of the State of Ohio relating generally to budgets, appropriations, deposits, expenditures and the control thereof, debts, tax levies, bonds, contracts and other fiscal matters of a City shall be applicable to this City except as modified by, or necessarily inconsistent with, the provisions of this Charter.

**ARTICLE XIII
FRANCHISES**

The Council may by ordinance grant a nonexclusive franchise to any person, firm or corporation to construct or operate a public utility in, on, across, under, over or above any public street or public property within the City for a period not in excess of twenty-five (25) years; and it may prescribe in the ordinance the kind or quality of service or product to be furnished, the rate or rates to be charged therefore, and such other terms as the Council shall deem conducive to the public interest. Such franchise may be amended or renewed in the manner and subject to the provisions established by this Charter for original grants. No consent of the owner of property abutting on any public street or public property shall be necessary to the effectiveness of any such grant amendment or renewal. All such grants, amendments and renewals shall be made subject to the continuing right of the Council to enact and enforce reasonable regulations for the operation of such utilities with reference to such public streets and public property including the right to require such reconstruction, relocation, alteration or removal of structures and equipment used in such public streets or public property as shall, in the opinion of Council, be necessary in the public interest.

**ARTICLE XIV
AMENDMENTS TO CHARTER**

This Charter may be amended by either of two methods. The Council may, by an affirmative vote of at least five (5) of its members, submit to the electors any proposed amendment or amendments to this Charter; or, upon petition signed by not less than ten percent (10%) of the electors of the City setting forth any proposed amendment or amendments to this Charter, the Council shall submit such proposed amendment or amendments to the electors in accordance, in each instance, with the provisions of the Constitution of the State of Ohio now or hereafter in effect. The Council shall determine the manner of submission of any proposed amendment or amendments to the electors to the extent that such submission is not governed by this Charter or the Constitution of the State of Ohio.

If any such proposed amendment or amendments shall be approved by a majority of the electors voting thereon, it or they shall become a part of this Charter; except that if two or more inconsistent proposed amendments on the same subject shall be so approved at the same election, only the one of such amendments receiving the largest affirmative vote shall become a part of the Charter.

**ARTICLE XV
GENERAL PROVISIONS**

SECTION 1.00 EFFECTIVE DATE OF CHARTER.

For the purpose of nominating and electing the Mayor, the Auditor and members of Council of the City, the division of the City into wards, and fixing the compensation of those to be elected in 1971, this Charter shall be in effect from and after the date of its approval by the electors of the City. For all other purposes, the Charter shall be in effect on and after the first day of January 1972.

SECTION 2.00 EFFECT OF THE CHARTER UPON EXISTING LAWS AND RIGHTS.

The adoption of this Charter shall not effect any pre-existing rights of the City, or any right or liability or pending suit or prosecution, either on behalf of or against the City or any officer thereof, or any contract entered into by the City, or any franchise granted by the City, or any pending proceedings for the authorization of public improvements or the levy of assessments therefore. All ordinances, resolutions, rules and regulations in force in the City when this Charter takes effect and which are not inconsistent with the provisions of this Charter, shall continue in full force and effect until amended or repealed.

SECTION 3.00 CONTINUATION OF OFFICERS AND EMPLOYEES.

Except as otherwise provided in this Charter, all persons holding non-elective office or employment with the City on December 31, 1971, shall continue in such office or in such employment, as the case may be, until succeeded or removed in accordance with the provisions of this Charter. The offices of all persons elected under the general statutory form of government for villages whose terms have not expired prior to January 1, 1972, or whose offices are not continued by this Charter as an elective office, shall be abolished on January 1, 1972 and the terms of such officers shall end and terminate on December 31, 1971.

SECTION 4.00 MILITARY SERVICE.

Except as hereafter in this Section provided, if a person holding an elective office in the City shall be called into active military service during his elective term, his office shall thereupon become vacant and it shall be filled as provided by this Charter. Membership in military reserve organizations 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 thirty (30) consecutive days.

SECTION 5.00 BONDS OF OFFICERS AND EMPLOYEES.

The Council may require any officer or employee of the City to give bond to the City for the faithful performance of his duties in such amount as the Council may determine and with such surety or sureties as it may approve. The Council may, from time to time, require additional bond or surety of any officer or employee, and may provide that the premium for any such bond be paid by the City. The following officers and employees shall be required to furnish bond, namely: Mayor, Auditor, Treasurer, Chief of Police, Building Inspector, all officers and employees carrying firearms and all other officers or employees having moneys of the City in their custody or control.

SECTION 6.00 FORFEITURE OF OFFICE.

Any officer or member of Council of the City who shall at any time during his term fail or cease to possess the qualifications for such office prescribed in this Charter shall forfeit his office and the same shall thereupon become vacant. The forfeiture of such office shall not render void or ineffective any action taken by such officer or member of Council in his official capacity.

SECTION 7.00 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. In order that a ready means may be at hand for reconciling any conflicts, resolving any inconsistencies and clarifying any obscurities, which may be discovered in the language of this Charter, the power is hereby vested in the Council to interpret the various sections and parts of this Charter in harmony with the spirit thereof, by ordinance, resolution or other measure of said Council adopted by the affirmative vote of five (5) or more of its members. Masculine pronouns used in this Charter shall be construed to include the feminine pronoun , and the singular number shall be construed to include the plural number whenever the context shall require.

SECTION 8.00 SAVING CLAUSE.

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