CHARTER

CHARTER
MADEIRA, OHIO

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FOR THE PURPOSES OF THIS CHARTER:

The masculine gender shall include the feminine and the neuter, the feminine gender shall include the masculine and the neuter, and the neuter gender shall include the

masculine and feminine, unless the context otherwise requires. The singular form of a word shall include the plural and the plural form of a word shall include the singular, unless the context otherwise requires.

PREAMBLE

This charter is the fundamental law to provide the maximum of home rule to the people of Madeira. It supersedes many of the statutory laws of Ohio relative to municipal government. This right to adopt a charter for the self-government of the municipality is granted by the Constitution of Ohio.

The charter has been drafted to provide for a Council-Manager form of government. It is intended to provide a government responsive to the will of the people of Madeira, and capable of translating their wishes into effective action economically and without undue delay. An elected Council is charged with the full responsibility for passage of laws and for general supervision of the affairs of the government. Full responsibility for the actual administration of the laws and the executive conduct of the affairs of the municipality is, however, placed in the hands of a competent Manager, who must answer to Council but who is otherwise free from interference and pressure. The charter simplifies the form of government which would otherwise be imposed when Madeira becomes a city in 1960 or 1961, eliminating some of the more complicated requirements of a non-charter city government.

It is no more difficult to amend the charter than to adopt it originally, and its provisions may periodically be reviewed and revised to meet changing conditions and needs. This flexibility is, indeed, one of the advantages of the charter.

There will be a special election in the village on Tuesday, August 4, 1959, for the purpose of voting on the adoption of the charter. Please do not fail to vote at that time.

THE CHARTER COMMISSION OF MADEIRA, OHIO

William G. Blankemeyer	Robert L. Kinner
J. Paul Bowling	Harry E. Messerly
Anthony J. DeCenso	Carl A. Schneider
Mrs. Arnold Johnson	Clayton Strider
Robert L. Kessler	Norman S. Tiffany
Ray P. Keys	John Q. Vance

James H. King Mrs. Phila L. Weisbrod

Richard J. Wenstrup

The charter was adopted by the voters at the special election held on August 4, 1959. Since that time the charter has been amended several times. The list of those amendments and the date of approval by the electorate follows and is certified as correct.

Art. III, § 1 adopted by the voters 11-2-1981
Art. III, § 3 adopted by the voters 11-3-1998
Art. III, § 7 adopted by the voters 11-2-1981
Art. III, § 7 adopted by the voters 11-4-1986
Art. III, § 8 adopted by the voters 11-4-1986
Art. IV, § 2 adopted by the voters 11-4-1975
Art. IV, § 5 adopted by the voters 11-2-1981
Art. IV, § 5 adopted by the voters 11-3-1998
Art. IV, § 5 adopted by the voters 11-8-2011
Art. V, § 1 adopted by the voters 11-2-1981
Art. V, § 2 adopted by the voters 11-2-1981
Art. V, § 2 adopted by the voters 11-3-1998
Art. V, § 3 adopted by the voters 11-2-1981
Art. V, § 3 adopted by the voters 11-3-1998
Art. V, § 4 adopted by the voters 11-2-1981
Art. VII, § 1 adopted by the voters 11-4-1986
Art. VII, § 1 adopted by the voters 11-8-2011
Art. VII, § 3 adopted by the voters 11-2-1981
Art. VII, § 4 adopted by the voters 11-3-1998
Art. VIII, § 1 adopted by the voters 11-3-1998
Art. VIII, § 2 adopted by the voters 11-3-1998
Art. VIII, § 3 adopted by the voters 11-3-1998
Art. VIII, § 4 adopted by the voters 11-3-1998
Art. VIII, § 5 adopted by the voters 11-3-1998
Art. X, § 2 adopted by the voters 5-16-1965
Art. X, § 5 adopted by the voters 11-4-1975
Art. X, § 5 adopted by the voters 6-2-1992
Art. XI, § 1 adopted by the voters 11-2-1981
Art. XII, § 1 adopted by the voters 11-3-1998
Art. XII, § 1 adopted by the voters 11-8-2011
Art. XII, § 2 adopted by the voters 11-3-1998
Art. XII, § 2 adopted by the voters 11-8-2011
Art. XII, § 3 adopted by the voters 11-3-1998
Art. XII, § 3 adopted by the voters 11-8-2011
Art. XIII, § 1 adopted by the voters 11-3-1998

Art. XIII, § 2 adopted by the voters 11-2-1982
Art. XIII, § 2 adopted by the voters 11-3-1998
Art. XIII, § 3 adopted by the voters 5-16-1965
Art. XIV, § 5 adopted by the voters 11-2-1981
Art. XIV, § 5 adopted by the voters 11-8-2011
Art. XVI, § 1 adopted by the voters 11-4-2014
Art. XVII, §§ 1 through 4 adopted by the voters 5-2-2017

Certified as correct 8-13-1998 by:

/s/ Diane W. Novakov

Clerk of Council

ARTICLE I. PURPOSE, NAME, AND BOUNDARIES

We, the people of the municipal corporation of Madeira, Ohio, in order to determine for ourselves the form of its government and the manner in which its powers of home rule are to be exercised, do hereby adopt the following as the charter of our municipality.

The present municipality known as the Village of Madeira, Ohio, shall continue to be a body politic and corporate, under the name of the Village of Madeira, or the City of Madeira, as its population requires. The boundaries of the municipality shall upon adoption of this charter be the same as those immediately theretofore existing, but without limitation upon the future exercise by the municipality all of such power and authority as may be provided it by the general laws of Ohio in connection with the change of municipal boundaries by annexation or detachment.

ARTICLE II. FORM OF GOVERNMENT AND MUNICIPAL POWERS

Under the Council-Manager form of government provided by this charter all legislative powers of the municipality, except as reserved in this charter to the electors, shall be vested in an elected Council and the administrative powers of the municipal government shall be vested in a Manager appointed by such Council.

Under this charter the municipality shall have home rule and all the powers of local self-government and all other powers possible for it to have under the Constitution of the State of Ohio, and all powers that now are or may hereafter be granted it by the laws of Ohio.

Except in those cases in which the manner of the exercise of such powers may not be modified by or pursuant to charter or ordinance, they shall be exercised in the manner prescribed by this charter, or, if such manner is not herein prescribed, in such manner as may be prescribed by ordinance, or, if not prescribed by ordinance, in such manner as may be prescribed by general law.

ARTICLE III. COUNCIL

§ 1 MEMBERS AND TERMS.

The municipal Council shall consist of 7 members, elected at large for a term of 4 years, commencing on the first day of December next after such election, except that for the first election after passage of this charter amendment, 3 members shall be elected for 4 year terms and 4 members shall be elected for 2 year terms. Thereafter, an election shall be held every 2 years. The members of Council shall serve until their successors are chosen and qualified. A member who has served more than half of a term shall be credited with having served that term. A member shall not be eligible to serve more than 3 consecutive terms either as a Council member and/or Mayor.
(Amendment passed by the voters 11-2-1981)

§ 2 QUALIFICATIONS.

Members of Council shall be electors of the municipality and shall, as of the date of their election, have resided therein since at least the next preceding general election.

§ 3 MEETINGS.

Council shall hold not less than one meeting in each calendar month at such time and place as may be designated for its regular meetings by rule or ordinance. In addition, on the first day of December after its election, Council shall hold an installation and organizational meeting. Unless notice is provided to the contrary, that meeting shall be heard at 7:30 p.m. at the municipal building. Special meetings may be called by the Mayor or by any three members of Council on notice in writing delivered to each other member in person or left at the Council member's home at least 24 hours in advance thereof.
(Amendment passed by the voters 11-3-1998)

§ 4 QUORUM AND VOTING.

A majority of the members of Council shall constitute a quorum to do business, but a lesser number may adjourn from time to time and compel the attendance of absent members as provided by ordinance. Every ordinance and every resolution having the force or effect of law shall be read on 3 separate days before its passage, unless such requirement is dispensed with by affirmative vote of at least 5 members of Council. The affirmative vote of at least 4 members, except as otherwise prescribed in this charter, shall be necessary to the passage of any such measure having the force or effect of law, and all votes thereon shall be taken by roll call and the yeas and nays entered upon the journal. Council may adopt rules, not inconsistent with this charter, governing its own proceedings and other matters pertaining to the exercise of its powers and performance of its duties.

§ 5 REMOVALS AND VACANCIES.

During the term of their office, Members of Council shall not be employed by the government of this municipality, but may hold any other compatible public office or employment. Any member who ceases to be a resident of this municipality shall thereby forfeit his office as such. Council may, after notice and hearing, and with the concurrence of five of its members, declare vacant the seat of any member who at any time fails, for 90 days and without reasonable cause, to attend any regular meeting of Council or who is guilty of misconduct in his office as Councilman. When the seat of any member becomes vacant, it shall be filled for the unexpired term by Council, at least four of its members concurring in the election of the successor. If Council fails within 60 days to fill such vacancy, the Mayor shall select the successor.
(Amendment passed by the voters 5-2-2017 (Ord. 17-03, passed 3-2-2017))

§ 6 SALARIES.

Salaries of Councilmen shall be established by ordinance. Additional compensation may be established for the Mayor by ordinance. Salaries of the Councilmen and Mayor shall not be changed during their term of office, nor by any ordinance passed subsequent to the final date on which they could be nominated for such office.

§ 7 MAYOR.

Council shall at its installation meeting choose one of its members as Mayor to serve for a two year term. The member chosen as Mayor must receive the affirmative vote of four or more members of Council. The Mayor shall, in addition to the powers, rights and duties as a member of Council preside at all its meetings and be recognized as the official head of the municipality for all ceremonial purposes, by the Governor for military purposes, and by the courts for purposes of serving civil process. The Mayor shall have jurisdiction in civil and criminal cases as provided by law.
(Amendment passed by the voters 11-2-1981; Amendment passed by the voters 11-4-1986)

§ 8 VICE MAYOR.

Council shall at its installation meeting choose one of its members as Vice Mayor to serve as such for a two year term. The member chosen as Vice Mayor must receive the affirmative vote of four or more members of Council. The Vice Mayor shall exercise all the powers and perform all the duties of the Mayor in case of temporary absence or disability of the Mayor and shall succeed to this office in case of vacancy.
(Amendment passed by the voters 11-4-1986)

ARTICLE IV. MANAGER

§ 1 APPOINTMENT.

Council shall appoint a Manager who shall be the chief executive and administrative officer of the municipality. He shall be appointed for an indefinite term, subject to removal as provided by this charter. He shall be chosen solely on the basis of his executive and administrative qualifications, with special reference to his actual experience in, or knowledge of, accepted practice in respect to the duties of his office as hereinafter set forth.

No Councilman shall receive such appointment during the term for which he shall have been elected, nor within one year after the expiration of such term.
(Amendment passed by the voters 5-2-2017 (Ord. 17-03, passed 3-2-2017))

§ 2 POWERS AND DUTIES.

The Manager shall be responsible to Council for the proper administration of all the affairs of the municipality and the enforcement of all its laws and ordinances, except as herein otherwise provided, and to that end he shall have exclusive authority to make all appointments, suspensions, and removals of employees in the departments and offices under his control, including, without limitation, the chief of police, the heads of all such departments and offices, and all personnel subordinate to them, but subject to such restrictions as may be imposed upon such authority of the Manager under and pursuant to the provisions of Article VIII of this charter relative to the civil service at such time as the municipality becomes a city.

He shall attend all meetings of Council, with the right to participate in its discussions but without the right to vote; and he shall attend meetings of any committee of Council when so requested by such committee.

He shall prepare and submit to Council the annual budget and the annual appropriation ordinance and be responsible for the administration of them after their adoption.

He shall prepare and submit to Council as of the end of each fiscal year a complete report on the finances and administrative activities of the municipality for such year.

He shall prepare and submit to Council each month a report showing the conditions of all appropriated funds.

He shall serve as chief executive officer over all departments except that he shall not have jurisdiction or authority over, or serve as, the Clerk, Treasurer, Clerk-Treasurer, or Solicitor.

He shall issue all licenses and permits pursuant to ordinances and perform all other duties prescribed for him in this charter or imposed on him by any measure of Council.

The Manager may by letter filed with the Clerk designate a qualified person, subject to the approval of Council to perform his duties during his temporary absence or disability. In the event such designation is not made, Council may appoint a qualified person to perform the duties of the Manager until his return or the end of his disability.
(Amendment passed by the voters 11-4-1975)

§ 3 INTERFERENCE BY COUNCIL.

Neither Council, its committees or members, nor the Mayor, shall direct or request the appointment of any person to, or his suspension or removal from, office or employment by the Manager, or in any manner take part in the appointment, discipline, or removal of subordinates and employees in the administrative service of the municipality. Council, its committees and members, shall deal with that

portion of the service of the municipality for which the Manager is responsible solely through the Manager, and neither Council, nor its committees or members, shall give any orders to any subordinate of the Manager. Violation of this section shall be deemed misconduct in office. Council may, however, inquire into the conduct of any office or department, the performance of any contract, or any of the affairs of the municipality, and may in the exercise of such power compel or authorize one of its committees to compel the attendance and testimony of witnesses and the production of books, papers, and other evidence under penalty of law.

§ 4 EXPENDITURES.

All expenditures of municipal funds shall be upon warrants signed by the Treasurer (or Clerk-Treasurer) and countersigned by the Manager. Such expenditures shall be made only upon authorization of the Manager. Such authorization shall in each case include certification that the expenditure is covered by an appropriation in the annual appropriation ordinance or some amendment thereto and that unexpended funds within such appropriation, sufficient to cover such expenditure, are on hand and available for the payment thereof.

§ 5 CONTRACTS AND PURCHASES.

The Manager shall execute and deliver all contracts and make all purchases for the municipality, except franchise for public utility services. All contracts and purchases involving an expenditure for more than $10,000 shall be authorized by ordinance of Council. No contract involving the expenditure of an amount in excess of that set forth in the applicable provision of the Ohio Revised Code as amended, for the construction, maintenance or repair of any public work or improvement by a private contractor, and no purchase in excess of such amount, shall be made, except after advertising at least once and for at least one week in a newspaper of general circulation in the municipality and the receipt of written bid or bids, unless in case of emergency which will not admit of delay. In lieu of the advertising set forth herein, the city may proceed to obtain bids pursuant to any other notice or advertising procedures that may be authorized for municipalities by the Ohio Revised Code. Where such a contract or a purchase is made by the Manager in such an emergency, he/she shall fully report thereon to Council at its next meeting thereafter. No contract not constituting a franchise for public utility service shall be made for a term of longer than five years. All contracts shall be approved as to form by the Solicitor before they are executed by the Manager.

Purchases may be made simultaneously with purchases by other governmental bodies and in cooperation with their officers.

After receipt of bids where required, Council may authorize the Manager to make the subject purchase or contract from or with the bidder who in its judgment offers the best proposal in terms of quality,

service and adaptability to the requirements of the municipality, as well as price, or may direct the rejection of all bids.
(Amendment passed by the voters 11-2-1981; Amendment passed by the voters 11-3-1998; Amendment passed by the voters 11-8-2011)

§ 6 SALARY.

Council shall establish the salary of the Manager by ordinance.

ARTICLE V. OTHER OFFICIALS

§ 1 CLERK.

Council shall appoint a Clerk who shall attend all meetings of Council, keep its records, and perform all duties prescribed for him in this charter, and such additional duties as may be imposed upon him by any measure of Council or by general law. His appointment shall be for two years, concurrent with the term of Council appointing him.
(Amendment passed by the voters 11-2-1981; Amendment passed by the voters 5-2-2017 (Ord. 17-03, passed 3-2-2017))

§ 2 TREASURER.

Council shall appoint a Treasurer who shall serve as the fiscal and accounting officer of the municipal government. The Treasurer shall be responsible for the receipt and deposit of all funds of the municipality, for the collection of all monies due the municipality, and shall sign all checks and vouchers for the disbursement of the funds of the municipality. The Treasurer shall demand and receive from the County Treasurer the taxes levied and assessments made and certified by the legislative authority, monies from employees and officials of the municipality who are authorized to collect such monies and monies accruing to the municipality from any judgements, fines, penalties, forfeitures, licenses, costs taxed in Mayor's court, and debts due the municipal corporation. He/she shall be the custodian of the official bonds of others, and of instruments for the payment of money of the municipality, and shall perform all other financial duties imposed upon him/her by any measure of Council or by general law. His/her appointment shall be for two years, concurrent with the term of Council appointing him/her.
(Amendment passed by the voters 11-2-1981; Amendment passed by the voters 11-3-1998; Amendment passed by the voters 5-2-2017 (Ord. 17-03, passed 3-2-2017))

§ 3 LAW DIRECTOR.

Council shall appoint a Law Director who shall be an attorney-at-law admitted to practice in Ohio.

The Law Director shall be the legal advisor of, and attorney and counsel for, the municipal government, and all officers and departments thereof in any matters relative to their official duties, and shall, when requested, give legal opinions in writing. He/she shall represent the municipality in all litigation to which it may be a party, and shall upon request of the Mayor prosecute for violations of law in actions before the Mayor. He/she shall, on request, prepare all contracts, bonds, and other written instruments in which the municipality is concerned, and shall endorse on each his/her approval of the form and correctness thereof. He/she shall perform all other duties of a legal nature imposed on him/her by any measure of Council. His/her appointment shall be for two years concurrent with the terms of Council appointing him/her, subject to removal in accordance with Article VI, § 1 of this charter. Nothing herein, however, shall prohibit Council from retaining additional legal counsel as it may deem appropriate from time to time. In addition, nothing shall limit Council contracting for legal services performed by professionals in a law office of the Law Director. Any contract with the Law Director for legal services shall terminate upon removal from office or upon conclusion of the term of appointment, whichever occurs first.
(Amendment passed by the voters 11-2-1981; Amendment passed by the voters 11-3-1998; Amendment passed by the voters 5-2-2017 (Ord. 17-03, passed 3-2-2017))

§ 4 COMBINATION OF OFFICES (CLERK-TREASURER).

Council may, effective at any time on or after December 1, 1959, and regardless of the term for which the incumbents thereof may have been appointed, by ordinance combine the offices of Clerk and Treasurer, allowing one individual to perform the functions of both offices. The person appointed to perform such combined functions shall be known as Clerk-Treasurer. His appointment shall be for 2 years, concurrent with the term of Council appointing him.
(Amendment passed by the voters 11-2-1981; Amendment passed by the voters 5-2-2017 (Ord. 17-03, passed 3-2-2017))

§ 5 SALARIES.

Council shall establish the salaries of the Clerk, Treasurer, or Clerk-Treasurer, and the compensation of the Law Director, by ordinance.

ARTICLE VI. APPOINTMENTS AND REMOVALS

§ 1 APPOINTMENT AND REMOVAL OF OFFICIALS.

No appointment shall be made by Council except by majority vote. Council may remove any official which it has appointed, but such removal shall be effected, unless the appointee in writing waives these

provisions, only by affirmative vote of 5 or more members of Council at a regular meeting of Council. Council shall notify the appointee that it proposes to remove him from office, stating its reasons for such proposed removal and the time and place of the meeting at which it proposes to take such action; such notice shall be given in writing delivered to him in person or left at his home at least 7 days in advance of such meeting. The appointee shall be entitled to be heard at such meeting, to present evidence in his own behalf, and to examine witnesses appearing in support of any charge against him. The action of Council in such matters shall, however, be final, and subject to no appeal, it being the intention of this charter to vest all authority and fix all responsibility for any such removal in the Council. Council may in any event suspend such appointee from office pending such meeting and final decision with regard to his removal.

§ 2 CREATION AND ABOLISHMENT OF OFFICES.

Council shall not abolish any office or diminish or transfer any powers or duties prescribed in this charter. Council may, however, by ordinance establish, abolish, divide, or combine, and may determine the functions, powers, and duties of, any office or department not prescribed in this charter. Appointees to the offices of Clerk and Treasurer shall hold their such appointments subject to loss of office through combination of their offices and such combination during their terms shall not be deemed a removal within the provisions of this article.

ARTICLE VII. PLANNING COMMISSION

§ 1 APPOINTMENT.

The Planning Commission shall consist of seven members, all of whom shall be appointed by Council. All persons appointed as members of the Commission shall be qualified electors of the municipality. As of December 31, 2017, all existing terms shall be vacated. Council shall make initial appointments effective January 1, 2018, as follows: three persons shall be appointed as members for terms of four years, ending December 31, 2021, and four persons shall be appointed as members for terms of two years, ending December 31, 2019. Thereafter, all persons shall be appointed for four year terms beginning January 1 of the appointed year and shall continue in office until his or her successor is appointed. Any vacancies shall be filled in the manner in which the original appointment was made to serve for the respective unexpired term.

One member of Council shall be appointed to the Commission and shall be the only paid city official on the Commission. The member of the Commission appointed thereto as a member of Council, and any successor, shall serve on the Commission only during their respective term of the appointing Council. (Amendment passed by the voters 11-4-1986; Amendment passed by the voters 11-3-1998; Amendment passed by the voters 11-8-2011; Amendment passed by the voters 5-2-2017 (Ord. 17-04, passed 3-2-2017))

§ 2 POWERS AND DUTIES.

The Commission shall have all the powers granted to, and perform all the duties imposed upon, planning commissions and platting commissioners by the laws of Ohio, including all statutes now or hereafter enacted.

The Commission shall adopt, and from time to time amend or modify, a general plan for the municipality. It shall also submit annually to the Manager, not less than ninety days prior to the beginning of the budget year, a list of capital improvements which in the opinion of the Commission are necessary or advisable to be constructed during the 5 year period then next ensuing. Such list shall be arranged in order of preference, with recommendations as to the scheduling of projects.

The Commission shall consider all petitions for amendment of the zoning plan of the municipality referred to it by Council, and may on its own initiative propose amendments to such zoning plan.

The Commission may conduct studies of, and related to, zoning and land use planning for the municipality, and report to Council the results of such studies, together with its recommendations.

The Commission shall meet not less than once each month and keep a public record of its findings, resolutions, and determinations.
(Amendment passed by the voters 5-2-2017 (Ord. 17-04, passed 3-2-2017))

§ 3 ACTION OF COUNCIL NECESSARY.

No plan or code or amendment or modification thereof made, proposed, or prepared by the Commission shall become effective unless and until embodied in an ordinance passed by Council.

Petitions for change in the zoning plan or law shall be filed with the Clerk, accompanied by a proposed ordinance effecting the change desired and by such other information and data as the Commission may require. Such petitions shall be reported by the Clerk to Council which shall forthwith refer them to the Commission. The Commission shall hold public hearing thereon, with notice of the time and place thereof posted on the official website of the municipality or other official electronic media platform, and in the lobby of the municipal building at least 10 days in advance of such hearing. The Commission shall, in addition, give notice of any such hearing by letter to property owners where property is located within 200 feet of the subject property and other deemed interested parties by the City Manager, deposited in the mail 10 days in advance of such hearing and addressed to their last known residences, in those cases where the proposed change does not directly affect more than 30 such owners. Following such hearing and within 45 days after reference of such petitions to the Commission, it shall report to Council its recommendation with regard to the proposed change. Following receipt of such report, Council shall hold a public hearing on such proposed ordinance, with advanced notice in the same manner as required for the public hearing held by the Commission.

No ordinance or measure amending the zoning plan or law or changing the general plan for the municipality contrary to the recommendation of the Commission shall be passed except upon the affirmative vote of 5 members of Council.
(Amendment passed by the voters 11-2-1981; Amendment passed by the voters 5-2-2017 (Ord. 17-04, passed 3-2-2017))

§ 4 DELETED IN ITS ENTIRETY BY ORD. 17-04, PASSED 3-2-2017.

(Amendment passed by the voters 11-3-1998; Amendment passed by the voters 5-2-2017 (Ord. 17-04, passed 3-2-2017))

ARTICLE VIII. CIVIL SERVICE

§ 1 CIVIL SERVICE COMMISSION.

The Civil Service Commission of Madeira shall consist of three electors of the municipality who shall serve for six year terms. One member shall be appointed by the Board of Education of the Madeira School District and two members shall be appointed by the Council. A vacancy occurring during the term of any member of the Commission shall be filled for the unexpired term by appointment of the appropriate appointing authority. No member of the Commission shall hold any other office or employment with the municipality.
(Amendment passed by the voters 11-3-1998)

§ 2 DUTIES OF THE COMMISSION.

The Civil Service Commission shall provide for the ascertainment of merit and fitness as the basis for appointment and promotion in the service of the municipality as required by the Constitution of Ohio, and shall perform such other duties as may be imposed upon it by the charter and ordinances of the City of Madeira. The Civil Service Commission shall serve as the Commission for the Madeira School District in accordance with Section 124.011, Ohio Revised Code. The Commission shall have the power to subpoena witnesses and require production of records.
(Amendment passed by the voters 11-3-1998)

§ 3 CLASSIFICATION OF SERVICE.

The civil service of the municipality is hereby divided into classified and unclassified service. Classified service shall mean that all appointments and promotions of such persons in the employment of the city

shall be made according to merit and fitness ascertained as far as practicable by competitive examinations. Appointments and promotions of persons in the unclassified service shall be made according to merit and fitness but are not practical to place the positions in classified service.

a. The classified service shall include all the full-time sworn members of the police department except the chief of police.

b. The unclassified service shall include the following:

All officers elected by the people;
The City Manager, Law Director, the Clerk, the Treasurer, the Chief of Police, the Engineer and other professional persons employed or appointed by Council;
Members of Boards and Commissions;
Full-time hourly workers;
Part-time hourly workers.

Any positions hereafter established by Council shall be designated by ordinance as a position which is to be in the classified or unclassified service.
(Amendment passed by the voters 11-3-1998)

§ 4 CIVIL SERVICE COMMISSION'S PROCEDURES.

The Civil Service Commission shall adopt its own procedures for the conduct of meetings and hearings. All procedures adopted by the Civil Service Commission shall supersede and override statutes, rules and regulations of the State of Ohio, including, but not limited to state civil service provisions.
(Amendment passed by the voters 11-3-1998)

§ 5 RULES AND REGULATIONS OF THE CIVIL SERVICE COMMISSION.

The Council shall adopt by ordinance all rules and regulations which are not procedural in nature and such rules and regulations shall supersede and override statutes, rules and regulations of the State of Ohio, including, but not limited to, state civil service provisions.
(Amendment passed by the voters 11-3-1998)

ARTICLE IX. POLICE AND FIRE PROTECTION

§ 1 POWERS.

The municipality shall have all powers to organize and maintain a police department and a fire department, granted to municipalities by the Constitution and the laws of Ohio, including all statutes now or hereafter enacted.

§ 2 POLICE PROTECTION.

The police department shall provide police services within the jurisdictional limits of the municipality, including the preservation of the peace, the protection of persons and property, and the enforcement of law. The department shall be under the direction of a Chief of Police who shall report to the Manager for administrative purposes.

§ 3 FIRE PROTECTION.

A municipal fire department may be organized by Council, under the direction of a fire chief. If and when such department is established, it shall have the responsibility for all fire protection services within the territorial limits of the municipality. The fire chief shall in such event report to the Manager for administrative purposes.

The municipality shall have the power to enter into contracts with one or more townships, municipal corporations, or private fire companies obligating the latter to render for periods not exceeding 5 years all fire protection services needed within the territorial limits of the municipality.

Each such contract shall stipulate that it may be terminated before expiration, by the affirmative vote of 5 members of Council, if public safety is endangered because of any inadequacy of the services provided thereunder, or by ordinance proposed by initiative petition and approved by a majority of the electors voting thereon. Council may cause the properly qualified employees of any such private fire company to be vested with all the powers granted to the members of fire departments of municipalities by the laws of Ohio, including all statutes now or hereafter enacted.

ARTICLE X. FINANCES

§ 1 TAXES.

Council shall annually levy a tax for current expense on real and personal property in the municipality. The rate of such tax shall not exceed 7-1/2 mills on the dollar of assessed valuation.

§ 2 EXTRA LEVY.

On or before the 15th day of September in any year Council may, by resolution adopted by affirmative vote of not less than 5 of its members, declare that the amount of money that may be raised by taxation under the preceding section, together with all other funds available during the year, will be insufficient to provide an adequate amount for the necessary requirements of the municipality and that it is necessary

to levy taxes in excess of said limitations for the purpose of meeting the current expenses of the municipality, and may require the submission of the question of levying such additional tax to the electors of the municipality at the next November election. Such resolution shall specify the additional rate of levy required and the number of years during which such increased rate may be levied, which shall not exceed two years. Such resolution shall take effect upon its adoption and shall be certified by the Clerk forthwith to the election authorities who shall place said question upon the ballot in the following form:

> For the approval of an additional levy of taxes by the City of Madeira at the rate of _____ mills to be used for the purpose of meeting current expenses and to be effective during the tax year _____.
>
> Against the approval of an additional levy of taxes by the City of Madeira at the rate of _____ mills to be used for the purpose of meeting current expenses and to be effective during the tax year _____.

The question covered by such resolution shall be submitted as a separate proposition. If a majority of those voting thereon vote for the approval of such additional levy, Council shall immediately make such levy, or such part thereof as it finds necessary, pursuant to such approval, and certify the same to the county auditor to be placed on the tax list and collected as other taxes.
(Amendment passed by the voters 5-16-1965)

§ 3 BUDGET.

Within the time required by general law the Manager shall prepare and submit to Council a budget covering an estimate of available funds and required expenditures for the ensuing calendar year. Council shall by ordinance specify the form of and information to be included in the budget. Such budget may be amended by Council; shall be approved by Council as presented or amended; and shall be the basis of any levy of taxes by Council or any request for an extra tax levy.

§ 4 APPROPRIATION ORDINANCE.

On or before the first day of December in each year the Manager shall prepare and submit to Council an appropriation ordinance, containing a financial plan for conducting the affairs of the municipality during the ensuing year. Council shall by ordinance specify the form of and the information to be included in the appropriation ordinance. Council shall not act upon such ordinance prior to its first regular December meeting. Council may provide for public hearing on such ordinance, and may from time to time amend such ordinance in accordance with its judgment and discretion. The appropriation ordinance may be passed upon a single reading and shall become effective forthwith on its adoption.

§ 5 AUDITS.

The audit of all financial affairs of the municipality may be made by a representative of the Auditor of the State of Ohio; or, City Council may, by ordinance, employ the services of an independent certified public accountant not already in the employ of the city or financially interested in any transaction to be audited in accordance with the provisions of the Ohio Revised Code. An audit as prescribed in this Charter shall be conducted at a minimum of every two years.
(Amendment passed by the voters 11-4-1975; amendment passed by the voters 6-9-1992)

§ 6 CAPITAL IMPROVEMENT RESERVE FUND.

Council shall create and maintain a capital improvement reserve fund, and may from time to time transfer or appropriate thereto all moneys accruing to any other fund of the municipality not needed for the purposes of such fund and available for transfer under general law and also the unencumbered balance remaining in the general fund of the municipality at the end of any fiscal year. Moneys in the capital improvement reserve fund shall not be expended for any purpose except to purchase equipment, apparatus, or other property, or to construct buildings, structures, roads, and other public improvements, needed for the use of the municipality, or to pay bonded obligations of the municipality by means of transfer to its bond interest and retirement fund.

ARTICLE XI. ORDINANCES AND RESOLUTIONS

§ 1 TIME AND TAKING EFFECT.

All measures passed by Council shall be recorded, and all measures having the force and effect of law shall be published once by title and in summary on the official website of the municipality or other official electronic media platform, and posted in the lobby of the municipal building. Measures passed by Council shall, unless later date be specified therein, take effect as follows:

A. Measures to which the referendum is not applicable by the provisions of this charter, immediately upon passage.

B. Emergency measures, to which Council has by an affirmative vote of not less than 5 of its members added a section declaring the necessity to put such measures into immediate force and effect in order to preserve the public peace, order, safety, health or welfare of the municipality, or in order to provide for the usual daily operation of a department or office of the municipality, and also declaring specifically the reason for such necessity, immediately upon passage; but no public utility franchise or rate ordinance shall be passed as an emergency measure.

C. All other measures shall take effect and be in force 45 days after their publication under the requirements of this charter, unless suspended by the filing of a valid and sufficient referendum petition.

(Amendment passed by the voters 11-2-1981; Amendment passed by the voters 5-2-2017 (Ord. 17-03, passed 3-2-2017); Amendment passed by the voters 5-2-2017 (Ord. 17-06, passed 3-13-2017))

ARTICLE XII. INITIATIVE, REFERENDUM, AND RECALL

§ 1 POWERS RESERVED.

The charter and the Constitution of the State of Ohio provide to the Electors of the City of Madeira the right to amend the charter, to petition for referendum to reject certain legislative acts or measures passed by Council and to initiate the adoption of certain legislative acts without passage of such act by Council. This Charter intends to protect the right of the Electors to exercise those fundamental rights. The people of the municipality of Madeira hereby reserve to themselves the legislative power of the initiative and referendum and the power to amend the charter, to be exercised in accordance with the provisions of this Charter.

If a petitioner is in compliance with the requirements herein for initiative, referendum and charter amendments, the Clerk, Law Director and the Council shall deem the respective petitions to be procedurally valid and sufficient, and shall, without further inquiry, refer the matter forthwith to the Hamilton County Board of Elections to be placed on a ballot at the appropriate regular or special election. Petitioner shall be responsible for ensuring that the petition is in compliance with the Constitution of Ohio and the Ohio Revised Code, including, but not limited to, election laws.
(Amendment passed by the voters 11-3-1998; Amendment passed by the voters 11-8-2011)

§ 2 INITIATIVE.

A. Ordinances providing for the exercise of any powers of government granted by the constitution or delegated by the General Assembly to charter municipalities may be proposed by initiative petition.

B. The petitioner shall provide written notification to the Clerk of the intent to circulate an initiative petition and solicit signatures and concurrently file with the Clerk a certified copy of the proposed ordinance or measure. "Certified copy" means a copy containing a written statement, on the face of the document, by the petitioner, attesting that it is a true and accurate reproduction of the original proposed ordinance or measure. The Clerk shall receive the documents and provide the petitioner with a receipt that contains the date, seal and the signature of the Clerk. The Clerk shall keep the copy of the proposed ordinance or measure available for inspection by any interested party.

C. The Clerk shall request the Law Director to make a determination of whether the proposed ordinance or measure is a legislative action subject to an initiative or an administrative action not subject to an initiative, which determination shall be made within a reasonable period of time, not to exceed ten (10) business days.

D. After circulation of said petition, petitioners shall file with the Clerk, all separate petition papers, including the signatures of the electors of the City of Madeira, at the same time, as one instrument.

E. Such initiative petition must contain the signatures of not less than one-fifth of the total number of electors who voted in the preceding general election. Election statistics are available at the Hamilton County Board of Elections. The form, content, verification of and other requirements for initiative petitions shall be those prescribed by the constitution and the general laws of the State of Ohio relating to initiative petitions, except as otherwise provided in this charter.

F. The circulator of an initiative petition, or his agent, shall, within five days after such petition is filed with the Clerk, file an itemized statement, made under penalty of election falsification, according to Ohio Law.

G. The Clerk shall review the petition for the purpose of determining whether it is valid and sufficient according to law and this Charter. A petition shall be deemed procedurally valid and sufficient, without further inquiry, if: (1) the petitioner has filed the certified copy with the Clerk as required herein prior to circulation of said petition and (2) the petition appears to contain the minimum number of required signatures.

H. At the first regular meeting of Council which occurs more than ten days after the filing of the petition, the Clerk shall present the text of the proposed ordinance to Council with a certification stating whether the petition has been determined to be valid and sufficient.

I. If the petition has been determined by the Clerk to not be valid or sufficient, Council need not take any further action. If the ordinance initiated by petition is certified by the Clerk to be valid and sufficient, then Council shall hold a public hearing thereon. The public hearing shall be set for a regular Council meeting not more than thirty (30) days after the Council meeting at which the ordinance was present by the Clerk. Notice of the time and place of the public hearing shall be made by posting on the official website of the municipality or other official electronic media platform, and in the lobby of the municipal building at least ten (10) days in advance of such meeting.

J. At said meeting, after said public hearing, Council shall either adopt the proposed ordinance or submit the question of its adoption to the electors at the next succeeding primary or general election or at a special election if there is no general or primary election within 120 days of Council's decision to submit the question to the electors. Initiative ordinances approved by a majority of the electors voting thereon shall take effect on the fifth day after the day on which

the Board of Elections certifies the official vote thereon or on the date specified in such ordinance, whichever is later. All other matters relating to the exercise of the initiative powers of the electors shall be as determined by the Revised Code of the State of Ohio.

(Amendment passed by the voters 11-3-1998; Amendment passed by the voters 11-8-2011; Amendment passed by the voters 5-2-2017 (Ord. 17-03, passed 3-2-2017); Amendment passed by the voters 5-2-2017 (Ord. 17-06, passed 3-13-2017))

§ 3 REFERENDUM.

A. The referendum shall not be applicable to administrative acts, including, (a) ordinances making or transferring annual appropriations, or amendments thereto, (b) measures providing for the discharge of any obligation legally due from the municipality, (c) measures submitting any measure to a vote of the electors, (d) measures directing the performance of any official duty or providing for investigations or reports, (e) measures not having the force or effect of law, (f) repealing measures passed by Council pursuant to referendum petitions, or (g) measures relating to any public improvement subsequent to the ordinance determining to proceed therewith.

B. Prior to or concurrently with the passage of an ordinance or measure by the Council, the Law Director shall indicate whether or not the ordinance or measure is subject to referendum under the charter and Ohio law.

C. Petitions for referendum on an ordinance or measure shall be filed within thirty days after the Council has passed the ordinance or measure that is subject to a referendum.

D. If the referendum is applicable to a measure, the passage of the measure as an emergency shall not make the referendum inapplicable, However, the emergency measure shall take effect pending the outcome of the referendum. The taking effect of any other measure shall be postponed by the timely filing of a valid and sufficient referendum petition.

E. The petitioner shall provide written notification to the Clerk of the intent to circulate a referendum petition and solicit signatures and concurrently file with the Clerk a certified copy of the ordinance or measure that is the subject to the referendum. "Certified copy" means a copy, obtained by petitioner from the Clerk, containing a written statement by the Clerk, on the face of the document, attesting that it is a true and exact reproduction of the legislation passed by Council.

F. After circulation of said petition, petitioners shall file with the Clerk, all separate petition papers, including the signatures of the electors of the City of Madeira, at the same time, as one instrument. Each referendum petition must contain the signatures of not less than one-fifth of the total number of electors who voted in the preceding general election. Election statistics and other information pertaining to referendum petitions and elections are available at the Hamilton

County Board of Elections. The form, content, verification of and other requirements for referendum petitions shall be those prescribed by the constitution and the general laws of the State of Ohio relating to referendum petitions except as otherwise provided by this Charter.

G. The circulator of a referendum petition, or his agent, shall, within five days after such petition is filed with the Clerk, file an itemized statement, made under penalty of election falsification, according to Ohio Law.

H. The Clerk shall review the petition for the purpose of determining whether it is valid and sufficient according to law and this charter. A petition shall be deemed procedurally valid and sufficient, without further inquiry, if: (1) the petitioner has filed the certified copy with the Clerk as required herein prior to circulation of said petition, (2) the petition appears to contain the minimum number of required signatures, and (3) the petition is timely filed within the 30 day period set forth herein.

I. At the first regular meeting of Council which occurs more than ten (10) days after the filing of the petition, the Clerk shall refer the proposed referendum to Council with a certification stating whether the petition has been determined to be valid and sufficient.

J. If the petition has been determined by the Clerk to not be valid or sufficient, Council need not take any further action. If the referendum petition is certified by the Clerk to be valid and sufficient, then Council shall hold a public hearing thereon. The public hearing shall be set for a regular Council meeting not more than thirty (30) days after the Council meeting at which the referendum petition was present by the Clerk. Notice of the time and place of the public hearing shall be made by posting on the official website of the municipality or other official electronic media platform, and in the lobby of the municipal building at least ten (10) days in advance of such meeting.

K. At said meeting, after said public hearing, Council shall either repeal the measure against which such petition is directed or take such action as may be required to submit it to the vote of the electors of the municipality at the next succeeding primary or general election, or at a special election if there is no general or primary election within one hundred twenty (120) days of Council's decision to submit the question to the electors. If the measure against which such petition is rejected by a majority of the electors voting thereon, it shall be deemed repealed as of the fifth day after the day on which the Board of Elections certifies the official vote thereon. If, however, it is not rejected and it has already gone into effect, it shall remain in effect; if it is not rejected and has not yet gone into effect, it shall take effect on such fifth day or as soon as all other conditions for its taking effect have occurred whichever is later. All other matters relating to the exercise of the powers of referendum of the electors shall be as determined by the Revised Code of the State of Ohio.

(Amendment passed by the voters 11-3-1998; Amendment passed by the voters 11-8-2011; Amendment passed by the voters 5-2-2017 (Ord. 17-03, passed 3-2-2017); Amendment passed by the voters 5-2-2017 (Ord. 17-06, passed 3-13-2017))

§ 4 RECALL.

Any elective officer of this municipal government may be removed from his such office, and the successor thereto elected, by the qualified electors of the municipality in the same manner and pursuant to the requirements and with the effect prescribed by § 705.92 of the Revised Code of Ohio as it provides on the date of adoption of this charter, as though the terms of said section were fully herein set forth, except that the question of any such removal of any such officer may be submitted to such electors after, but only after, such officer has been in office for 6 months of the term thereof during which he is sought to be recalled. The provisions for recall hereinabove in this charter made shall not be nullified or altered by any repeal or amendment of said section after such date of adoption.

ARTICLE XIII. NOMINATIONS AND ELECTIONS

§ 1 ELECTIONS.

a. A regular municipal election shall be held on the first Tuesday after the first Monday in November in the odd numbered years. The Council may by ordinance order a special election at any time, for any purpose, which purpose shall be set forth in the ordinance. Any matter which by the terms of this charter may be submitted to the electors of the municipality at any special election may be submitted at the time of a primary election or of a general election.

b. The full names of all candidates nominated shall be printed on the official ballot beneath the title of the office for which they are candidates and shall be rotated as provided by the general election laws.

c. A blank space shall be provided under the title of each office and below the name or names of the candidate or candidates for that office, wherein an elector may write in the name of a person, not printed on the ballot, for whom he/she wishes to vote.

(Amendment passed by the voters 11-3-1998)

§ 2 NOMINATIONS.

a. Candidates for all municipal offices shall be nominated by individual nominating petitions only.

b. Nominating petitions shall be substantially in the form prescribed by Section 3513.261 of the Ohio Revised Code for the nomination of individual nonpartisan candidates. In addition, a nominating petition shall contain the sworn statement of the candidate that he/she is, or will be at the time of the commencement of the term of the office he seeks, qualified to hold such office under the provisions of this charter.

c. Each nominating petition shall be signed by not less than 25 nor more than 50 electors and may be in a number of parts, but each part shall be verified under oath by the circulator as required by the election laws of the State of Ohio.

d. Nominating petitions shall be circulated not more than 150 days from the date of the election and filed by or on behalf of each candidate at least 75 days prior to the date of the election.

(Amendment passed by the voters 11-2-1982; Amendment passed by the voters 11-3-1998)

§ 3 BALLOTS.

The ballots used in all elections provided for in this charter shall be without party marks or designations. If the election authorities prescribed by general law adopt any mechanical or other devices or equipment for use in voting and the tabulating of votes in any election for any office of the municipality and the number of candidates for such office is greater than the then number of voting precincts in the municipality, the ballots to be printed for such election shall be printed in such number of series as equals the number of such precincts. In all other cases the number of series to be printed shall equal the number of candidates for such office.

In any case, however, the first series shall be printed with the names of the candidates arranged in an order to be determined by lot. The first name shall then be placed last, each other name shall be moved up one place, and the next series printed; and this process shall be repeated, series by series, in order that each name shall appear an equal number of times (as nearly as practicable and as nearly as the number of series permits) at the top, at the bottom, and in each intermediate place, if any, of the ballot under the title of the office sought. Seven spaces shall in any case be left below the printed names of the candidates, wherein the voter may write the name of any person or persons for whom he may wish to vote.

If general law requires in connection with any mechanical or other voting and vote tabulating devices or equipment adopted by the election authorities prescribed by general law for use in any such election, that all ballots within a precinct be of the same series, the first series printed shall be used within the precinct that is first in the alphabetical (or numerical) order of the precincts in the municipality, the second series shall be used within the second precinct in such order of precincts, and so forth. If it shall under such circumstances be necessary to use the same series in more than one precinct, the first series printed shall be used within the precinct that is next in such order of precincts after the precinct within which the last series printed is used, the second series shall be used within the precinct second next in such order of precincts after that within which the last series printed is used, and so forth in regular rotation.

Council shall by ordinance establish a procedure for the making of such determinations by lot as are required by the provisions of this section.

(Amendment passed by the voters 5-16-1965)

§ 4 CONDUCT OF ELECTIONS AND CANVASS OF VOTES.

All elections shall be conducted and the results canvassed and certified by the election authorities prescribed by general law, and all other matters relating to elections not herein or by ordinance of Council specifically provided for shall be determined by such general law.

§ 5 WHO ELECTED.

The candidates for any elective office, equal in number to the places to be filled, who shall receive the highest number of votes at such election shall be declared elected thereto.

ARTICLE XIV. GENERAL PROVISIONS

§ 1 PUBLICITY OF RECORDS.

All records and accounts of every office, department, or agency of the municipality shall be maintained at the main municipal building and shall be open to inspection by any citizen, any representative of a citizens' organization, or any representative of the press at all reasonable times and under reasonable regulations established by the Manager, except records and documents the disclosure of which would tend to defeat the lawful purpose which they are intended to accomplish or serve.

§ 2 PERSONAL INTEREST.

No member of Council nor any official appointed by Council shall have a substantial financial interest, direct or indirect, in any contract with the municipal government, or in the sale thereto, or to any person selling thereto, of any land, material, supplies, or services, or rights therein. Willful violation of this section shall constitute misconduct in office. If at the time any such contract with the municipal government is made the contractor knows or circumstances are such that he may more reasonably than not be assumed to have knowledge of any such prohibited interest, such contract shall be voidable by the Manager or by Council.

§ 3 OFFICIAL BONDS.

The Manager and the Treasurer, and such other officials appointed by Council as may by ordinance be required so to do, shall give bond for the faithful performance of their respective duties as such officials, in such amount as may be required and with surety as approved, by Council.

§ 4 SEPARABILITY.

If any section or part of a section of this charter shall be held unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity, force, or governance of the remainder of this charter.

§ 5 AMENDING THE CHARTER.

A. This charter may be amended in the following manner, as provided by the Constitution of Ohio. Amendments to this charter may be submitted to the electors of the municipality by a 2/3 vote of Council, or, upon petitions signed by ten percentum of the electors of the municipality. Election statistics are available at the Hamilton County Board of Elections. The submission of such amendments to the electors shall be governed by the same requirements as govern the submission of the question of choosing a Charter Commission; and copies of such amendments shall be mailed to the electors as required in the case of this original charter.

B. Petitioners shall file with the Council, all separate petition papers, including proposed charter amendment and the signatures of the electors of the City of Madeira, at the same time, as one instrument. For purposes of this section, filing with the Clerk of proposed amendments along with the petitions signed by ten percentum of the electors of the municipality shall constitute filing with the Council.

C. The Clerk shall forthwith transmit the complete petition to each member of the Council. If the petition appears to contain the minimum number of required signatures, the Council shall presume, without further inquiry that the petition is procedurally valid and sufficient and immediately refer the matter to the Hamilton County Board of Elections to be placed on a ballot at the appropriate regular or special election.

D. The ordinance providing for the submission of such question must require that it be submitted to the electors at the next regular municipal election if one will occur not less than 60 days or no more than 120 days after its passage; otherwise, it must provide for the submission of the charter amendment at a special election to be called and held within that time. To submit a proposed charter amendment to the electors at a special election, the Council must establish the date for the election.

E. Not less than 30 days prior to such election, the Clerk shall mail a copy of the proposed charter amendment to each elector whose name appears on the poll or registration books of the last regular or general election held in Madeira.

F. If any such charter amendment is approved by a majority of the electors voting thereon, it shall become a part of this charter. A copy of any approved charter amendment must be certified by the Clerk to the Secretary of State within 30 days after adoption.

(Amendment passed by the voters 11-2-1981; Amendment passed by the voters 11-8-2011)

ARTICLE XV. EFFECTIVE DATE AND EFFECTS OF ADOPTION

§ 1 EFFECTIVE DATE.

This charter shall take effect and be in force from and after certification of its adoption by the election authorities of Hamilton County.

§ 2 EFFECT ON PRESENT OFFICES.

The existing offices of members of Council, Mayor, Clerk, and Treasurer are hereby abolished by this charter from and after its effective date. The 6 members of Council and the Mayor elected by the electors of the Village of Madeira in November, 1957, shall upon this charter taking effect have and exercise all the powers and duties of members of Council as prescribed in this charter and shall serve as such until their successors elected in 1959 shall take office, and such Mayor shall, in addition, have and exercise all the powers and duties of the Mayor as prescribed in this Charter and shall serve as such until the members of Council elected in 1959 shall take office. The Clerk and Treasurer of the Village of Madeira elected in November, 1957, shall respectively have and exercise the powers and duties of the Clerk and Treasurer as prescribed in this charter and shall serve as such, unless earlier combined, until their respective successors are appointed by the Council elected in 1959. The existing offices of members of the Planning Commission are by this charter abolished, and the provisions of § 1 of Article VII hereof shall by Council be implemented, effective January 1, 1960.

§ 3 EFFECT ON PRESENT ORDINANCES.

All ordinances and other measures of the village in force when this charter takes effect and not inconsistent therewith shall continue in force until amended or repealed by Council. All rules and regulations of the Planning Commission of the village in force when this charter takes effect and not inconsistent therewith shall continue in force until amended or repealed by the Planning Commission and Council.

§ 4 EFFECT ON PRESENT CONTRACTS.

All contracts entered into and obligations incurred by the village or for its benefit prior to the taking effect of this charter shall continue in full force and operation.

ARTICLE XVI. MADEIRA HISTORIC DISTRICT/PRESERVATION

§ 1 MADEIRA HISTORIC DISTRICT/PRESERVATION.

The City of Madeira was deeded and assumed ownership of the "Hosbrook House" located at 7014 Miami Ave. and the "Muchmore House" located at 7010 Miami Ave. In addition to these two properties the City also has ownership of the historic Railroad Depot located at 7701 Railroad Ave. These three important and historic properties are to be preserved, protected, and left standing on the same ground that the structures were built upon. These three historic structures will be included in the "Historic District".
(Amendment passed by the voters _____(Ord. 15-05, passed 3-9-2015))

ARTICLE XVII. BOARD OF ZONING APPEALS

§ 1 APPOINTMENT AND QUALIFICATIONS.

The Board of Zoning Appeals shall consist of five members, each of whom shall be appointed by a majority of Council. All persons appointed as members to the Board shall be qualified electors of the municipality. Council shall make initial appointments effective August 1, 2017, as follows: three persons shall be appointed as members for terms of four years, with the fourth year of their term ending on December 31, 2020, and two persons shall be appointed as members for terms of two years, with the second year of their term ending on December 31, 2019.

Thereafter all persons shall be appointed for four year terms commencing on January 1st of the appointed year and shall continue in office until his or her successor is appointed. Any vacancies shall be filled in the manner in which the original appointment was made to serve for the respective unexpired term.

No person may serve on the Planning Commission and the Board concurrently.
(Amendment passed by the voters 5-2-2017; (Ord. 17-04, passed 3-2-2017))

§ 2 MEETINGS.

The Board of Zoning Appeals shall meet not less than once each month, and keep a public record of its findings, resolutions, and determinations.
(Amendment passed by the voters 5-2-2017; (Ord. 17-04, passed 3-2-2017))

§ 3 POWERS AND DUTIES.

The Board of Zoning Appeals shall have all the powers granted to, and perform all the duties imposed upon, boards of zoning appeals by the laws of Ohio, including all statutes now or hereafter enacted.

Any decision of a public official made in the administration of the city's zoning ordinance may be appealed to the Board of Zoning Appeals in accordance with the procedures established by ordinance. The Board of Zoning Appeals shall have the authority to interpret provisions of the zoning ordinance and to confirm, modify or reverse the zoning decision of the public official. The Board of Zoning Appeals shall follow the procedures and standards as established by ordinance, laws and decisions of courts having jurisdiction over the City of Madeira.
(Amendment passed by the voters 5-2-2017; (Ord. 17-04, passed 3-2-2017))

§ 4 VARIANCES.

Upon application, the Board of Zoning Appeals shall consider applications for variance in accordance with the standards established by ordinance. The Board of Zoning Appeals shall have the authority to grant relief from the strict application of the zoning ordinances. No variances shall be granted and no decision of a public official regarding the administration of the zoning ordinance shall be reversed except upon the affirmative vote of a majority of the members of the Board.

When any such appeal or variance is filed, the Board shall hold a public hearing on each appeal and variance, with notice of the time and place thereof posted on the official website of the municipality and in the lobby of the municipal building at least 10 days in advance of such hearing. The Board shall, in addition, give notice of any such hearing by letter to property owners where property is located within 200 feet of the subject property and other deemed interested parties by the City Manager, deposited in the mail 10 days in advance of such hearing and addressed to their last known residences, in those cases where the proposed change does not directly affect more than 30 such owners.
(Amendment passed by the voters 5-2-2017; (Ord. 17-04, passed 3-2-2017))