

**CHARTER
OF THE CITY OF
WILLOUGHBY HILLS**

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EDITOR'S NOTE: The Willoughby Hills Charter was approved by the voters at a special election on September 15, 1970. Dates appearing in parentheses following section headings indicate that those provisions were subsequently amended, added or repealed on the date given.

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**CHARTER
OF THE CITY OF
WILLOUGHBY HILLS**

PREAMBLE

We, the people of Willoughby Hills, Ohio, in order to exercise fully the privileges and responsibilities of home-rule self government, do hereby adopt this Charter for the Government of our community.

**ARTICLE I
THE MUNICIPALITY**

SECTION 1.1 THE NAME.

The municipal corporation now existing in the County of Lake, State of Ohio, known as Willoughby Hills, shall continue as a corporate body politic under the name of Willoughby Hills, regardless of its status as Village or City, and this Charter shall constitute the basic local document of its government.

SECTION 1.2 BOUNDARIES.

The boundaries of Willoughby Hills shall continue as presently constituted unless or until changed in the manner provided by law, provided that

- a - territory detached from, or annexed to such boundaries; or
- b - merger of Willoughby Hills with any other body politic; or
- c - termination of its existence as a municipal corporation;

may only be accompanied by action of Council in a manner subject to review by a vote of the electors upon referendum petition, or by vote of a majority of the electors of Willoughby Hills at a general, primary or special election, pursuant to an initiative petition.

SECTION 1.3 FORM OF GOVERNMENT.

The municipal government provided by this Charter shall be known as a Mayor-Council form of government.

SECTION 1.4 POWERS OF GOVERNMENT.

This Municipality shall have authority to exercise all powers of local self-government and to adopt and enforce such police, sanitary and other similar regulations as are not in conflict with general laws. All powers of government shall be exercised as follows:

Administrative powers - by the Mayor, his appointees and/or employees authorized by law.

Legislative powers - by a Council of seven (7) members.

Judicial powers - by the Mayor, as authorized by law.

All such powers shall be exercised in the manner prescribed in this Charter, or if not prescribed herein, in such manner as shall be prescribed by ordinance of Council, and when not prescribed in this Charter, or provided by ordinance of Council, then such powers shall be exercised in the manner provided by the general laws of the State of Ohio until the Council shall provide a different manner of exercising such powers. (Amended 11-8-88)

SECTION 1.5 INDEMNIFICATION.

(a) Any public official, employee, volunteer, agent or representative ("Member") of the Municipality, while acting for the Municipality shall not thereby incur personal civil liability and such persons are hereby relieved from all personal civil liability, for any loss, damage, expense and cost including court costs and reasonable and necessary attorney fees, arising from, growing out of, by reason of, or in any way connected with any acts or omissions of such Members in the performance of their official duties. Further, all such indemnification shall extend to all Members in their official duties, which may be professional in nature.

(b) Exclusions: In no event shall protection be offered through this Charter by the Municipality to:

- 1) Any dishonest, fraudulent, willful, intentional or malicious act or course of conduct of a Member, as deemed as such in a court of law;
- 2) Any act or course of conduct of a Member which is not performed on behalf of the Municipality;
- 3) Any act or course of conduct which is outside the scope of a Member's service or employment with the Municipality;
- 4) Any criminal prosecution brought against a Member by or on behalf of the Municipality if the individual is ultimately found guilty in a court of law; and/or
- 5) Any Member found guilty in a court of law.

(c) The indemnification provided herein shall pertain to any civil action arising under federal, state or local law. (Enacted 11-2-21)

**ARTICLE II
THE MAYOR****SECTION 2.1 THE OFFICE.**

2.11 Description of the Office. The Mayor shall be the chief executive officer and the head of the administrative branch of the Municipal government and shall perform all duties and may exercise all privileges and authority prescribed for him in this Charter, or by the Constitutions and laws of the United States and of the State of Ohio, including authorities of a judicial nature.

2.12 Term of Office. The Mayor shall be elected for a term of four (4) years, commencing on the first day of January next after his election, except under circumstances described in Section 2.3 and Section 8.31. (Amended 11-6-90)

2.13 Qualifications. The Mayor, for at least two (2) years prior to his election, shall have been continuously, and during his term of office shall continue to be, a resident of the Municipality and a qualified elector thereof. (Amended 11-4-75)

2.14 Salary. The Mayor shall receive an annual salary to be fixed by Council.

SECTION 2.2 DUTIES AND RESPONSIBILITIES.

2.21 Appointments to Office and Removals from Office. The Mayor shall appoint the heads of all Departments of the Municipality, including but not limited to the Department of Law, Department of Finance, Department of Public Safety, Police Department, Fire Department, Department of Public Service, the City Engineer, the Road Supervisor, Recreation Coordinator, City Prosecutor and Building Commissioner, subject to confirmation of such appointment by an affirmative vote of four (4) or more members of Council (unless the Mayor is appointing himself as the head of such Department as provided below where such confirmation shall not be applicable). The Mayor shall have the sole authority to hire, supervise and fire all other employees to whom he may appoint a successor unless otherwise provided by this Charter.

Subject to the provision of Sub-Section 9.43 which shall control with respect to removal of the Police Chief or Fire Chief, any department head appointed by the Mayor (other than the Mayor when the Mayor holds such position as provided below) may be removed from office either by an affirmative vote of five (5) or more members of Council or by the Mayor with an affirmative vote of four (4) or more members of Council. Any department head so removed from office shall not be eligible for appointment to the vacancy thereby created. The Mayor may also serve as director of one or both of the following departments without Council confirmation: Department of Public Safety and Department of Public Service. Council shall provide additional compensation to the Mayor for such service. (Amended 11-4-08; 11-2-21)

2.22 Council Meetings. The Mayor may attend all Council meetings and shall be entitled to a seat with the Council. The Mayor shall not have a vote, but shall have the right to introduce ordinances and resolutions and take part in the discussion of all matters coming before the Council. When requested by the Council, the head of any Municipal department shall attend the meetings of the Council and at such time answer questions put to them by any Council member relative to the affairs of the Municipality under their respective management and control. (Amended 11-4-08)

2.23 Veto Power. Every ordinance or resolution of Council shall be presented to the Mayor for approval. If the Mayor approves such ordinance or resolution, the Mayor shall sign it and return it forthwith to the Council. If the Mayor does not approve it, the Mayor shall return it to Council within fifteen (15) days or prior to the next regular Council meeting, whichever comes first, noting his or her objections in writing. These objections shall be noted in the Council's journal. In the case of ordinances appropriating money, the Mayor may approve or disapprove of them in the whole or part. If an ordinance or resolution is not returned to Council by the Mayor as noted herein, it shall take effect in the same manner as if the Mayor had signed it.

The Mayor's veto of any ordinance or resolution can be set aside by the affirmative vote of five (5) or more members of Council after due consideration of the Mayor's objections. It shall then take effect as if signed by the Mayor. (Amended 11-4-08)

2.24 Annual Budget. Not less than sixty (60) days prior to the time fixed by general law for the certifying of the budget of the Municipality to the County Budget Commission or similar officials, the Mayor shall submit to the Council an annual budget covering the estimated needs of the Municipality for the next succeeding fiscal year which shall be compiled from information which shall be furnished by each office, department and agency in such form and detail and at such time as the Mayor shall require.

Such annual budget shall set forth specifically such items as may be required by general law or by ordinance of Council and the Council shall thereupon adopt such budget by ordinance, with or without amendment, and submit same to the County Budget Commission or similar officials. (Amended 11-2-21)

2.25 Budget Message. Together with the budget, the Mayor shall submit an explanatory budget message which shall contain an outline of any proposed changes in operating or financial policy, and an explanation of changes in expected costs or revenues, and a statement of pending permanent improvements and proposed new capital projects for the next succeeding year.

He shall also include in the message a capital program of proposed permanent improvements for the three (3) years following the budget year, together with his comments and any cost estimates prepared under his direction on such improvements.

2.26 Annual Appropriation. Within ten (10) days after the receipt of a Certificate of Resources from the County Auditor or from the beginning of the fiscal year, whichever shall occur last, the Mayor shall submit to Council an appropriation ordinance for the current fiscal year based on the budget previously submitted, together with a complete report on the finances and administrative activities of the Municipality for the preceding year.

The Council shall adopt such ordinance, with or without amendment, within ninety (90) days of its submission, and may make one or more preliminary appropriations for current expenses until the annual appropriation ordinance is in effect.

2.27 Salary Recommendations. Though Council has the power to fix salaries as defined in Section 3.32, the Mayor shall have the duty and responsibility to recommend to Council the amount of pay for various positions and shall also have the responsibility to review existing pay scales.

SECTION 2.3 VACANCY OF OFFICE.

In the event of the death, resignation or removal of the Mayor, as provided in Section 2.4 or otherwise, the President of Council shall become the Mayor. If less than eighteen (18) months are remaining in the unexpired term at the time when the vacancy occurs, the President of Council shall serve as Mayor for the time remaining in said unexpired term. If more than eighteen (18) months remain in the unexpired term at the time when the vacancy occurs, a mayoral election shall be held at the Primary or General election next following the occurrence of said vacancy. However, if there are less than thirty (30) days remaining until the deadline for the submission of petitions for the Office of Mayor to the Board of Elections for the next Primary or General election, the mayoral election shall take place at the second Primary or General election following the time such vacancy occurs. The successful candidate shall take office as soon as the results are certified by the Board of Elections. The Mayor elected at said next election shall serve the remainder of the unexpired term. (Amended 11-4-08)

SECTION 2.4 ACTING MAYOR.

When the Mayor is unable to perform his duties for any cause, the Council President shall serve as Acting Mayor.

While serving as Acting Mayor, he shall not serve as President of Council. Any and all appointments made by the Acting Mayor are subject to confirmation by the Mayor when he assumes or resumes his duties.

While the Council President is serving as Acting Mayor, the Council vice-president shall serve as Council President, but does not have the right of succession to the office of Mayor.

When the Mayor has been unable to perform his duties for a period of at least twelve weeks, the Council may declare the office of Mayor vacant and such vacancy shall be filled as provided for in Section 2.3.

(Enacted 11-3-98)

ARTICLE III THE COUNCIL

SECTION 3.1 COMPOSITION.

3.11 Number, Manner of Election. The Council shall consist of seven (7) members, four (4) of whom are elected at-large and three (3) of whom are elected as district councilmen. (Amended 7-8-75)

3.12 Voting Districts. The City shall consist of three (3) Voting Districts titled District One (1), District Two (2) and District Three (3), as determined by Ordinance. (Amended 11-4-08)

3.12.1 Councilmen-at-large. There shall be four (4) councilmen-at-large elected for terms as defined below:

a - Councilman-at-large I - four-year term commencing on the next January 1 following his election and expiring on December 31.

b - Councilman-at-large II - four-year term commencing on the next January 2 following his election and expiring on January 1, except in 2002 when the term shall commence on January 1.

c - Councilman-at-large III - four-year term commencing on the next January 3 following his election and expiring on January 2, except in 2002 when the term shall commence on January 1.

d - Councilman-at-large IV - two-year term commencing on the next January 1 following his election and expiring on December 31. (Enacted November 7, 2000.)

3.13 Term of Office. Except as otherwise stated herein, three (3) councilmen-at-large and the three (3) district councilmen shall serve terms of four (4) years; one (1) councilman-at-large, designated herein as councilman-at-large IV, shall serve a term of two (2) years.

The terms of all district councilmen shall commence on the next January 1 following their election, and the terms of all councilmen-at-large shall be as defined in Section 3.12.1.

Beginning with the Municipal election in 2001 and every four years thereafter, four (4) councilman-at-large shall be elected for terms as defined in Section 3.12.1.

Beginning with the Municipal election in 2003 and every four (4) years thereafter, the three (3) district councilmen shall be elected for terms of four (4) years and the councilman-at-large IV shall be elected for a term of two (2) years. (Amended November 7, 2000.)

3.14 Qualifications. Every councilman shall be an elector and shall continue to reside within the Municipality during his term. A district councilman shall reside within the voting district he represents and shall continue to reside within the district during his term. If, however, the Board of Elections changes the boundaries of the precincts, therefore changing the boundaries of the districts, and this section results in placing residence of a district councilman outside the boundaries of the district he was elected to represent, he shall continue to represent the district that elected him for the remainder of his term. No person shall serve as a member of Council without having been continuously a resident and elector of the Municipality for one (1) year immediately prior to his election or appointment. (Amended 11-4-75)

3.15 Removal from Office. The Council shall have the power to remove or expel from office any of its members in accordance with provisions outlined in Section 9.32.

SECTION 3.2 ORGANIZATION.

3.21 Presiding Officers. The presiding officers of the Council shall be President of Council and Vice-President of Council.

The President of Council shall preside at all meetings of the Council. In the absence of the President, the Vice President shall temporarily assume his duties, relinquishing them to the President upon his return. (Amended 7-8-75)

3.22 Election of Presiding Officers. Following the Municipal election in 1985 and at each organizational meeting thereafter, the Council shall elect one of its members as President of Council and another as Vice President. (Amended 11-2-82)

3.23 Organizational Meeting. Council shall convene at 7:00 p.m. on the first Monday of January on or after January third (3rd) of each year following a General Municipal Election. Council shall meet in the Council Chamber for the purpose of organization and shall elect its presiding officers who shall serve until the next organizational meeting. (Amended 11-4-08)

3.24 Vacancies in the Council. Any vacancy in the Council shall be filled by appointment by a majority vote of the remaining members of the Council. If the vacancy is not so filled within thirty (30) days, the Mayor shall fill it by appointment immediately. The appointee shall hold office for the unexpired term of the councilman he replaces. Any appointee must meet all of the qualifications for the office as described in Section 3.14.

No past or present Council member serving within one hundred eighty (180) days of any vacancy shall be appointed to a vacant seat.

A vacancy in the office of President of Council shall immediately be filled by the Vice President who shall thereupon become President, to serve for the balance of the unexpired term.

A vacancy in the office of Vice President shall be filled by the Council which shall immediately elect one of its remaining members as Vice President to serve the balance of the unexpired term. (Amended 11-2-82; 11-2-21)

3.25 The Clerk and Other Employees. The Council shall appoint a Clerk of Council and such other employees of the Council as it deems necessary.

The Clerk shall be an elector unless Council shall waive this requirement for good and sufficient reason. He shall give notice of and attend all meetings of Council in which he shall enter the votes, by roll call, of each councilman upon any ordinance, resolution or motion. he shall authenticate all records, documents and instruments of the Municipality on which authentication is properly required and perform all other duties prescribed for him by Council.

A vacancy in the office of Clerk shall be filled by appointment of the Council within thirty (30) days. If the vacancy is not so filled, the Mayor shall fill it by appointment immediately. (Amended 7-8-75)

SECTION 3.3 POWERS, DUTIES AND RESPONSIBILITIES.

3.31 Powers. The Council shall enact any and all legislation deemed necessary for the preservation of the safety and welfare of the community and provide for the orderly and desirable growth of the community for the efficient and orderly operation of the local government.

The procedures for enacting this legislation shall follow the laws of the State of Ohio and any additional stipulations as found in Article VI of this Charter, provided, however, that each ordinance or resolution shall be read by title only on three (3) different days unless five (5) members of Council dispense with the rule, and no other provision of this Charter, nor the general laws of Ohio shall impair or limit this rule. (Amended 11-2-82)

3.32 Fixing of Salaries. Council shall by ordinance fix the salary or compensation of every officer and employee of the Municipality.

3.33 Meetings. The Council shall meet no less frequently than once a month for not less than eleven months of each year. Council shall provide by ordinance for the time and place of its regular meetings and for the method of calling special meetings. All meeting of Council or any other municipal body as defined at Section 107.01(c) of the City's Codified Ordinances, shall be subject to the "Open Meeting" provisions of Chapter 107 of the City's Codified Ordinances.

Four (4) members of the Council shall constitute a quorum for the transaction of business, but a lesser number may adjourn from time to time and compel the attendance of absent members. (Amended 11-8-88)

3.34 Rules. The Council shall determine its own rules and keep a journal of its proceedings which shall be open to public inspection.

3.35 Instruction of New Members. At every organizational meeting the incumbent members of the Council shall instruct the new members with regard to their powers and duties, and present to each such member a copy of the Charter, of the ordinances of the Municipality, of the rules of Council and such other material as they may deem necessary to assist the new members in carrying out their responsibilities in an informed manner.

3.36 Adoption of Master Plan. Council shall adopt a Master Plan for the preservation and development of the physical character of the Municipality and appropriate ordinances to implement the plan by January 1, 1973.

ARTICLE IV ADMINISTRATIVE DEPARTMENTS

SECTION 4.1 THE DEPARTMENT OF PUBLIC SAFETY.

4.11 The Director of Public Safety. The Department of Public Safety shall be administered by a Director of Public Safety, who shall be appointed by the Mayor. (Amended 11-2-82)

4.12 Duties and Responsibilities. Under the direction of the Mayor, the Director of Public Safety shall be the executive head of the Police and Fire Departments, and the chief administrative officer of the Building Department if such Building Department is created by ordinance of Council.

SECTION 4.2 THE DEPARTMENT OF FINANCE.

4.21 The Director of Finance. The Department of Finance shall be administered by a Director of Finance who shall be appointed by the Mayor.

4.22 Duties and Responsibilities. Under the direction of the Mayor, the Director of Finance shall be the executive head of the treasury of the Municipality, and shall keep an account of all monies received by the Department of Finance, showing the amount thereof, the time received, from whom, and on what account received; all disbursements made by the Department of Finance, showing the amount thereof, the time made, to whom and on what accounts paid.

4.23 General Matters. The laws of the State of Ohio relating generally to budgets, appropriations, deposits, contracts, expenditures, taxation, assessments, debts, bonds and other fiscal matters of the Municipality shall be applicable to the Municipality, except, where competent, as modified by or necessarily inconsistent with the provisions of this Charter or by the ordinances of Council, and except when provision therefor is made in the Constitution of the State of Ohio.

SECTION 4.3 THE DEPARTMENT OF LAW.

4.31 The Law Director. The Department of Law shall be administered by a Law Director, who shall be an attorney-at-law admitted to practice in the State of Ohio, and shall be appointed by the Mayor.

4.32 Duties and Responsibilities. The Law Director shall prepare all contracts, bonds and other instruments in writing in which the Municipality is concerned, and shall serve the several directors and officers of the Municipality as legal counsel and attorney. Such Law Director shall be prosecuting attorney of the Police or Mayor's Court. Subject to the approval of the Mayor, the Law Director may appoint such assistants as he shall deem necessary.

When required to do so by resolution of Council, the Law Director shall prosecute or defend on behalf of the Municipality, all complaints, suits, and controversies in which the Municipality is a party, and such other suits, matters and controversies as he is directed to prosecute, by resolution or ordinance. He shall not be required to prosecute any action before the Mayor for the violation of an ordinance without first advising such action.

SECTION 4.4 THE DEPARTMENT OF PUBLIC SERVICE.

4.41 The Director of Public Service. The Department of Public Service shall be administered by a Director of Public Service who shall be appointed by the Mayor.
(Amended 11-2-82)

4.42 Duties and Responsibilities. Under the direction of the Mayor, the Director of Public Service shall manage and supervise all public works and undertakings of the Municipality except as otherwise provided by law. He shall make rules and regulations for the administration of the affairs under his supervision.

SECTION 4.5 CONSOLIDATION OF DEPARTMENTS.

(EDITOR'S NOTE: The provisions of Section 4.5 were repealed on November 4, 2008.)

**ARTICLE V
BOARDS AND COMMISSIONS****SECTION 5.1 PLANNING AND ZONING COMMISSION.**

5.11 Composition. There shall be a Planning and Zoning Commission consisting of seven (7) members, one of whom shall be the Mayor, one of whom shall be a member of Council appointed by his fellow councilmen, and the remaining five (5) shall be electors to be appointed by the Mayor for terms of six (6) years.

Of the five (5) appointees first appointed by the Mayor, one (1) shall be appointed for a term of six (6) years; one (1) shall be appointed for a term of five (5) years; one (1) shall be appointed for a term of four (4) years; one (1) shall be appointed for a term of three (3) years; and one (1) shall be appointed for a term of two (2) years. Thereafter, appointments shall be made at the termination of each member's term of office, and each appointment shall be for a term of six (6) years.

In the event of the death, resignation or removal of any of the members of the Commission appointed by the Mayor, the Mayor shall, forthwith, appoint a new member to fill the unexpired term left vacant. Council shall, immediately fill a vacancy left by the death, resignation or removal of the Council members of the Commission.

5.12 Duties and Responsibilities. The Planning and Zoning Commission shall have all of the authorities and responsibilities provided by the laws of the State of Ohio or by ordinances of this Municipality.

5.13 The Master Plan. The Planning and Zoning Commission shall be responsible for the preservation and development of the physical character of the Municipality, and to that end, shall have the power and be required to make and to present to Council for their consideration, a Master Plan for the present needs and future growth and development of the Municipality. Such Master Plan shall be comprised of existing ordinances and existing maps, a future land use plan, a public service plan, a street plan, and such other plans, maps, charts and descriptive and explanatory matters as are necessary to show the Commission's recommendations for the most effective use of the Municipality's resources.

The Commission shall make such investigations and inquiries as are necessary to complete this plan and may require information to be furnished by the Mayor or any office, department or agency of the Municipality. The Commission may also, within its budget appropriation, contract for the occasional services of city planners and other consultants, as it may require. The Commission shall promote public interest in and understanding of the Master Plan and of planning, zoning and urban renewal.

The initial Master Plan shall be completed not later than January 1, 1972, and thereafter it shall be revised and amended or extended by the Commission as it deems necessary, providing that a complete review of the Plan takes place not less than once every five (5) years.

5.14 Updating Zoning Code. The Planning and Zoning Commission shall review all currently authorized zoning uses in the City Zoning Code; said review shall be completed no later than January 1, 1984, and a review shall be made by said Commission at least once every five (5) years thereafter. Upon completion of the review provided by this section, the Planning and Zoning Commission shall forward its recommendation to the Council which shall be authorized to adopt legislation implementing the recommendations of the Planning and Zoning Commission; provided, however, that no such legislation shall provide for changes in the existing Zoning Map of the City except in accordance with the provisions of Section 6.2 of this Charter. (Added 11-2-82)

5.15 Mandatory Public Vote on Land Use Changes. Any change to the existing permitted uses in zoning districts, or any changes in the Municipal Zoning Map as amended from time to time, cannot be approved unless and until it shall have been submitted to the Planning Commission, for approval or disapproval. In the event the City Council should approve any of the preceding changes, whether approved or disapproved by the Planning Commission it shall not be approved or passed by the declaration of an emergency, and it shall not be effective, but it shall be mandatory that the same be approved by a majority vote of all votes cast of the qualified electors of the City of Willoughby Hills at the next regular Municipal election, if one shall occur not less than sixty (60) or more than one hundred and twenty (120) days after its passage, otherwise at a special election falling on the generally established day of the primary election. Said issue shall be submitted to the electors of the City only after approval of a change of an existing land use by the Council for an applicant. Should the land use request not be affirmed by a majority vote it cannot be presented again for one full year and new request must be made at that time.

All permitted use changes are subject to Section 5.15 and Section 6.2 of the Charter of the City of Willoughby Hills. (Enacted November 5, 1996)

SECTION 5.2 ARCHITECTURAL BOARD OF REVIEW.

5.21 Composition. The Planning and Zoning Commission of this Municipality shall serve as the Architectural Board of Review.

5.22 Employment of Architect Consultants. The Architectural Board of Review shall have the authority to employ one or more architect consultants to assist it in its deliberations. Each architect consultant shall receive a fee to be determined by Council.

Each architect consultant shall be an architect duly registered and authorized to practice architecture in and under the laws of the State of Ohio.

5.23 Purposes of the Board. The purposes of the Architectural Board of Review are to protect the value, appearance and use of property on which buildings are constructed or altered, to maintain a high character of community development, to protect the public health, safety, convenience and welfare and to protect real estate within the Municipality from impairment or destruction of value. Such purposes shall be accomplished by the Board by regulating, according to accepted and recognized architectural principles, the design, use of materials, finished grade lines, dimensions, orientation and location of all main and accessory buildings to be erected, moved, altered, remodeled or repaired, subject to the provisions of the zoning and building codes and other applicable ordinances of the Municipality. In reviewing, regulating and approving building plans the Board shall consider and take cognizance of the development of adjacent, contiguous and neighboring buildings and properties for the purpose of achieving safe, harmonious and integrated development of related properties.

5.24 Review of Plans and Specifications. No person shall construct, alter or relocate any building or erect any structure without first submitting detailed plans and specifications including representations of exterior appearance, to the Architectural Board of Review at the time of filing an application for a building permit.

At the next regular meeting, not more than thirty (30) days after filing, the Board shall review and pass upon all drawings, data, reports and complaints filed with the Building Inspector, for the purposes set forth in this section. No plans shall be approved without the affirmative vote of a majority of the entire Board. The Board shall immediately notify the Building Inspector in writing of action taken in each instance, and no permit shall be issued by the Building Inspector unless plans and specifications thereof have been approved in writing by the Architectural Board of Review. All rejections of plans or specifications shall contain a written statement containing the reason or reasons for rejection.

5.25 Finality of Decisions. Decisions of Architectural Board of Review may be appealed to Council within twenty (20) days after announced, and the decision of the Council shall be final within the Municipality, except that an appeal therefrom may be taken to any court of record in accordance with the laws of the State of Ohio by any proper and interested party including the Municipality.

SECTION 5.3 BOARD OF BUILDING AND ZONING APPEALS.

5.31 Composition. A Board of Building and Zoning Appeals, consisting of five (5) electors, shall be appointed by the Mayor for terms of five (5) years each.

Of the Board members first appointed by the Mayor, one (1) shall be appointed for a term of five (5) years; one (1) shall be appointed for a term of four (4) years; one (1) shall be appointed for a term of three (3) years; one (1) shall be appointed for a term of two (2) years; and one (1) shall be appointed for a term of one (1) year. Thereafter, appointments shall be made annually at the termination of each member's term of office, and each appointment shall be for a term of five (5) years.

In the event of the death, resignation or removal of any of the Board members, the Mayor shall, forthwith, appoint a new member to fill the unexpired term left vacant.

5.32 Duties and Responsibilities. The Board of Building and Zoning Appeals shall meet at the call of a chairman elected by its members from the membership of the Board, and it shall hear and determine appeals except as provided herein. It may grant exceptions to or variations from zoning ordinances or building codes in individual cases to alleviate hardship and to promote justice to property owners.

Decisions of the Board of Building and Zoning Appeals shall be based upon facts set forth in writing which shall become a part of the public record.

The Board of Building and Zoning Appeals may submit to the Planning and Zoning Commission, at any public hearing, recommendations for changes in zoning or building ordinances.

The Board of Building and Zoning Appeals does not have administrative authority to determine or grant changes to permitted uses in zoning districts that have not been approved by public vote as defined by Section 5.15 and 6.2 of the Charter of the City of Willoughby Hills.
(Amended 11-4-08)

5.33 Finality of Decisions. Decisions of the Board of Building and Zoning Appeals shall be final within the Municipality, except that an appeal therefrom may be taken to any court of record in accordance with the laws of the State of Ohio, by any proper and interested party including the Municipality.

SECTION 5.4 RECREATION COMMISSION.

5.41 Composition. Commencing on January 1, 1991, the Recreation Commission shall consist of no fewer than five (5) electors of the Municipality. The number of members at any given time shall be sufficient to carry on the work of the Commission as determined by the Mayor. The members of the Recreation Commission shall be appointed by the Mayor for terms of three (3) years, such terms to be considered as commencing on January 2 of the year of appointment unless such appointment is to fill an unexpired term left vacant, and such members shall serve without compensation. The terms of the electors appointed to the Recreation Commission prior to the effective date of this section shall remain in effect.

In the event of the death, resignation or removal of any of the Commission members the Mayor may appoint a new member to fill the unexpired term left vacant.

A member of Council, by reason of his or her office shall not be disqualified to serve as a member of the Recreation Commission. (Amended 11-6-90)

5.42 Duties and Responsibilities. The Recreation Commission shall have responsibility for developing, maintaining and overseeing the planned programs for public playground operation and other recreational activities in the Municipality.

SECTION 5.5 CIVIL SERVICE COMMISSION.

5.51 Composition. A Civil Service Commission, consisting of three (3) electors, shall be appointed by the Mayor for terms of six (6) years each.

Of the Commission members first appointed by the Mayor, one (1) shall be appointed for a term of six (6) years; one (1) shall be appointed for a term of four (4) years; and one (1) shall be appointed for a term of two (2) years. Thereafter, appointments shall be made at the termination of each member's term of office, and each appointment shall be for a term of six (6) years.

In the event of the death, resignation or removal of any of the Commission members, the Mayor shall, within thirty (30) days, appoint a new member to fill the unexpired term left vacant.

5.52 Duties and Responsibilities. The Civil Service Commission shall make rules for the appointment, promotion, certification of names of applicants from eligibility lists for original appointment, and promotion, transfer, lay-off, reinstatement, suspension and removal of persons in the classified service and for appeals from the action of appointing authority. Before any such rules or amendments thereof shall become effective, they shall be published in writing and an opportunity given for a public hearing thereon to be held after reasonable notice thereof has been given by the Commission. Neither the general laws of the State of Ohio nor any other provision of this Charter shall impair or limit the authority conferred in this section.

In addition to the foregoing, the Commission shall, prior to an employment offer by the appointing authority, review and confirm all credentials stated in the application provided by the candidate for classified employment by the Municipality, including, without limitation: (i) reviewing and confirming that the employment and educational history of any candidate is correct as stated in such candidate's employment application, and (ii) that such candidate has obtained and is maintaining in full force any license, certification or other qualification required by the Municipality for employment by the Municipality in the position sought by such candidate.

The Commission shall report its proceedings to the Mayor or Council upon request and shall make a report to the Mayor at the beginning of each fiscal year.
(Amended 11-8-88; 11-3-15; 11-2-21)

SECTION 5.6 CHARTER REVIEW COMMISSIONS.

5.61 Composition. In January, 1975, and at least once every eight (8) years thereafter, there shall be a Charter Review Commission which shall consist of nine (9) electors appointed by the Mayor with the approval of a majority of Council, five (5) of whom shall not have held elected public office within the City of Willoughby Hills during the five (5) years preceding their appointment. The Commission shall serve until the next succeeding November general election.
(Amended 11-3-15)

5.62 Duties and Responsibilities. The Commission shall be responsible for reviewing the Charter and to that end shall have power and be required to:

Consider the recommendation of any office, department or agency of the Municipality for changes in the Charter;

Hold public hearings to consider the recommendations of any elector for changes in the Charter;

Make such investigations as it deems necessary on the basis of these recommendations or its own determinations;

Draft and submit to Council not later than August 1, following its appointment, such amendments to the Charter as are desirable in the judgment of the Commission;

Upon receipt of such amendments, Council shall forthwith submit them without alteration to the electors at the next succeeding November election in the manner prescribed in the Constitution of the State of Ohio. (Amended 11-6-90; 11-3-15)

SECTION 5.7 COMPENSATION.

Members of all Boards and Commissions under this Article shall serve without compensation unless provided by ordinance of Council.

SECTION 5.8 RECORDS COMMISSION.

5.81 Composition. Commencing on January 1, 2016, a Records Commission for the Municipality, as required by Chapter 149 of the Ohio Revised Code, shall consist of: the Mayor (or his representative) as Chairperson, the Finance Director, the Law Director, and an additional member appointed by the Mayor who shall serve a term of six (6) years. The additional member of the Commission shall be an elector.

5.82 Duties and Responsibilities. The functions of the Records Commission shall be governed by Chapter 149 of the Ohio Revised Code as may be amended from time to time. The Commission shall provide rules and schedules for record retention and disposal. All record retention schedules and disposals are subject to approval by the Records Commission, the Ohio Historical Society and the Auditor of State. (Enacted 11-3-15)

ARTICLE VI LEGISLATION

SECTION 6.1 GENERAL ORDINANCES.

The Council shall make provision by ordinance for:

- a - the form and method of enactment of its ordinances and the adoption of its resolutions;
- b - the method of giving public notice of the enactment of its ordinances and the adoption of its resolution, and of any other of its acts or proceedings which it deems proper to publish;
- c - the procedure for making public improvements and levying assessments, including the procedure for combining two or more public improvements, and the levying of assessments therefor, in one proceeding, if the Council finds that it will be economical and practical to undertake such improvements jointly;
- d - the making, advertising, awarding and execution of contracts and of alterations or modifications of contracts;
- e - the sale or disposal of Municipal property;
- f - such other general regulations as the Council may deem necessary including the use of an official seal.

Ordinances may be revised, codified, rearranged and published in book form under appropriate titles, chapters and sections, and such revisions and codification may be made in one ordinance comprising one or more subjects. The publication of such revision and codification in book form as aforesaid shall be held sufficient publication of the ordinance or ordinances contained in such revision and codification. Any such publication of a revision or codification of ordinances in book form shall contain a certification by the President of Council and the Clerk of the correctness of such revision, codification and publication, and the book so published shall be received in evidence in any court for the purpose of providing the ordinance or ordinances therein contained, in the same manner and for the same purpose as the original book, ordinances, minutes or journals would be received.

SECTION 6.2 EFFECTIVE DATE OF ORDINANCES.

Each ordinance or resolution providing for the appropriation of money, or for an annual tax levy, or for improvements petitioned for by the owners of a majority of the foot frontage of the property to be benefited and specially assessed therefor, and any emergency ordinance or resolution necessary for the immediate preservation of the public peace, health or safety shall take effect, unless a later time be specified therein, upon its signature by the Mayor, or upon the expiration of the time within which it may be disapproved by the Mayor, or upon its passage after the disapproval by the Mayor as the case may be.

No other ordinance or resolution shall go into effect until thirty (30) days after its final passage by the Council.

No ordinance or measure which provides for a change in the existing Municipal Zoning Map or which otherwise provides for a change in the use of property from the uses presently authorized by the existing Zoning Code of the Municipality shall go into effect until approved by a majority of those voting upon it at the next succeeding primary or general election, in any year, occurring subsequent to sixty days after the approval of such ordinance or measure by the Mayor

or the overriding by Council of the disapproval of such ordinance or measure, whichever occurs later and Council shall cause such ordinance or measure to be submitted to the electors of the Municipality in the manner provided by law for the submission of ordinances or measures upon the filing of a proper referendum petition. (Amended 11-6-73)

SECTION 6.3 EMERGENCY ORDINANCES.

Each emergency measure shall contain a statement of the necessity for such emergency action and shall require the affirmative votes of at least two-thirds (2/3) of the members of Council for its enactment. No action of the Council in authorizing any change in the boundaries of the Municipality or the surrender or joint exercise of any of its powers, or in granting any franchise, or in contracting for the supply to the Municipality or its inhabitants of the product or service of any utility, whether Municipally owned or not, shall be taken as an emergency measure.

New issues of councilmanic bonds shall not be enacted under emergency ordinances. This restriction does not apply to renewal of such bonds.

No action of the Council providing for a change in the existing Zoning Code or Zoning Map of the Municipality shall be taken as an emergency measure. (Amended 11-4-75)

ARTICLE VII FISCAL MATTERS

SECTION 7.1 FISCAL YEAR.

The fiscal year of this Municipality shall be January 1 to December 31.

SECTION 7.2 VOTER APPROVAL OF TAX LEVIES.

At least ninety (90) days prior to any election, whether general, primary or special, the Council may declare by ordinance adopted by an affirmative vote of the majority of its members and certified to the Board of Elections, that the amount of taxes will be insufficient for the necessary requirements of the Municipality, and that it is necessary to levy a tax in excess of such limitation for any Municipal purpose specified in such ordinance.

Such ordinance shall specify the election at which the levy shall be submitted and shall contain the ballot title. Such ordinance shall be confined to a single purpose, specify the exact amount of additional levy required, the purpose thereof and the number of years, not to exceed five (5) years, it shall be in effect, which may or may not include a levy on the duplicate for the current year, but no extra levy for any purpose shall be resubmitted to the electorate more than once in any calendar year.

Approval by a majority of those voting thereon in any general or primary election or approval by fifty-five percent (55%) of those voting in any special election shall be sufficient for its passage. If passed, the Council may immediately make such levy, or such part thereof as it finds necessary. (Amended 11-4-08; 11-3-15)

SECTION 7.3 VOTER APPROVAL OF BOND ISSUES.

All bond issues to be voted shall be submitted to the electors in the manner provided by the general laws of Ohio. The Council shall annually levy an amount sufficient to pay the interest, sinking fund and retirement charges on all notes and bonds of the Municipality heretofore or hereafter authorized to be issued by the electors. This entire levy shall be outside of the limitations imposed by general law, and shall be placed before and in preference to all other levies and for the full amount thereof. Amounts certified under the laws of Ohio as necessary for such purpose shall not be subject to change by the Council.

SECTION 7.4 PROHIBITION OF EXCESSIVE INCOME TAX.

No income tax shall be imposed by Council which shall be in excess of two percent (2 %).

The Council shall, by ordinance, impose an income tax at a rate of two percent (2%) on all incomes which are now or may hereafter be subject to taxation by the municipality of Willoughby Hills under the Constitution and laws of the State of Ohio. The income tax required to be imposed by this section shall remain in effect until repealed by amendment of this Charter by a vote of the electors of Willoughby Hills.

Any and all income tax above one and one-half percent (1.50%) up to two percent 2.00% of income tax paid on income earned within the City and net profits shall be exclusively used to support the City's Safety Forces only.

By the terms of said ordinance the Council shall amend existing Sections 185.0501, 185.0502 and 185.1302 of the Codified Ordinances of the municipality so that the rate of the municipal income tax shall be increased from one and one-half percent (1.50%) to two percent (2%) per annum, effective January 1, 2011. Section 185.1902 shall be amended to reflect a tax credit of one hundred percent (100%); such credit limit shall be equal to one and one-half percent (1.50%). The credit and limits by this section shall remain in effect until repealed by amendment of this Charter by a vote of the electors of Willoughby Hills. (Amended 11-2-10.)

SECTION 7.5 LEVY OF TAXES FOR FIRE AND EMERGENCY MEDICAL SERVICE.

Commencing with the tax list and duplicate for the year 1982, the Council of the Municipality may levy in each year, without a vote of the people, a tax in an amount not to exceed in each such year one and eight-tenths (1-8/10) mills per dollar of assessed valuation upon all property in the Municipality assessed and listed for taxation according to value for the purpose of paying costs incurred in connection with the provision of firefighting, ambulance and emergency medical services in the Municipality. The amount of taxes in each year so levied pursuant to this section (7.5) shall be in addition to any taxes levied by Council pursuant to any other provisions of this Charter or the general laws of the State of Ohio and no other provision of this Charter or general laws of the State of Ohio shall impair or limit this power. (Added 11-2-82)

**ARTICLE VIII
THE ELECTORATE****SECTION 8.1 QUALIFICATIONS OF ELECTORS.**

Every resident of Willoughby Hills meeting the requirements of the State of Ohio for an elector and who is registered with the Lake County Board of Elections shall be a qualified elector of the Municipality.

The term elector, when used in this Charter shall refer to a qualified elector of the Municipality of Willoughby Hills unless otherwise specified.

SECTION 8.2 POWERS OF THE ELECTORATE.

8.21 Nominations. There shall be no primary elections for nomination to Municipal office. Nominations for Municipal elective officers shall be made by individual petition only as prescribed in Section 8.32, and shall be filed with the Board of Elections of Lake County in accordance with rules and deadlines set by the Board of Elections. The required percentage shall be at least one percent (1%) for Council Member candidates and at least four percent (4%) for Mayoral candidates of the number of electors voting in the last general Municipal election. (Amended 11-2-21)

8.22 Initiative and Referendum Petitions. The electors shall have the power to propose any legislative measure by initiative petition or to demand repeal of any ordinance by referendum petition with the exception of one appropriating money. Such petition shall comply with the provisions of Section 8.32, and the required percentage shall be at least ten percent (10%).

Upon certification of such petition to the Council, the Council shall provide for a public hearing and take final action within thirty (30) days after its receipt of such petition.

If the petitioners are not satisfied with the action of the Council, they may file with the Clerk, within ten (10) days after final action by the Council or after the thirty-day period prescribed above if the Council fails to act, a second petition containing the signatures of an additional five percent (5%), requiring that such initiated or referred ordinance be submitted to a vote of the electors.

Following the certification to the Council of such second petition, the Council shall forthwith call an election as prescribed in Section 8.31, and the Clerk shall comply with the provisions of Section 8.33.

If conflicting ordinances are approved by the electors at the same election, the one receiving the greatest number of affirmative votes shall prevail.

8.23 Recall. Any person holding elective office in the City who is guilty of malfeasance, misfeasance or nonfeasance in office, may be removed from office by recall. After an elective officer of the City has served six (6) months of his term, a petition demanding his removal may be filed with the Clerk; such petition shall state facts, in not more than two hundred words, which allege said officer to be guilty of malfeasance, misfeasance or nonfeasance in office. Such petition shall comply with the provisions of Section 8.32 and the required percentage of electors signing such petition shall be at least twenty percent (20%) of the number of electors voting in the last general Municipal election. If the Clerk shall find the petition and the allegations contained therein legally sufficient, he shall promptly certify his findings to the Council, deliver a copy of each certification to the officer whose removal is sought, and make a record of the delivery.

If such officer shall not resign within five (5) days after the date of delivery, Council shall forthwith call an election as prescribed in Section 8.31, and the Clerk shall comply with the provisions of Section 8.33. At such recall election, this question shall be placed on the ballot: "Shall (officer's name) be allowed to continue as (name of office)?", with provision on the ballot for voting affirmatively or negatively on such question.

If the majority of the votes cast at such election shall be voted affirmatively, such officer shall remain in office.

If a majority of the votes cast shall be voted negatively, such officer shall be considered as removed, his office shall be deemed vacant, and such vacancy shall be filled as provided for in this Charter. The officer removed by such recall election shall not be eligible for appointment to the vacancy thereby created. (Amended 11-2-21)

SECTION 8.3 PROCEDURES.

8.31 Elections. General municipal elections shall be held on the first Tuesday after the first Monday of November in the odd-numbered years. The ballot, or ballot labels on voting machines, used in the elections of officers of the Municipality, shall be without party mark or designation. The names of all candidates for any Municipal office shall be placed upon the same ballot, or the same voting machine, and shall be rotated in the manner provided by the laws of the State of Ohio.

In the event no candidate is issued a certificate of election by the Board of Elections before the commencement of the new Mayoral term on January 1 of the year immediately following the runoff election, then, immediately following the organizational meeting of Council as described in Section 3.23, the President of Council shall temporarily assume the office of Mayor with all the powers, duties and responsibilities of the office until a Mayor-elect is issued a certificate of election by the Board of Elections, at which time the Mayor-elect shall assume the office of Mayor and serve the remainder of the term of four (4) years as defined in Section 2.12.

Whenever it becomes the duty of Council to call an election on initiated or referred ordinances or on a question of recall, such election shall take place within sixty (60) to ninety (90) days of the filing of the initial petition at a primary or general election if one occurs during that period or, if not, at a special election, except that no special election may be called within thirty (30) days of a primary or general election. (Amended 11-6-90; 11-2-21)

8.32 Petitions. Unless modified by or necessarily inconsistent with the provisions of this Charter, the general laws of Ohio shall govern the form, circulation and filing of all petitions. The voting precinct shall be listed in the space allotted for ward or district on all petitions. The provisions of this Section shall have no application to the form, circulation and/or filing of petitions which propose Charter amendments.

Within ten (10) days after the filing of any petition, the Director of Elections or the Clerk of Council, as the case may be, shall examine each part of the petition to see if it is sufficient and in proper form, and certify his findings to the Board of Elections or to the Council, as the case may be. If any petition is found insufficient or incorrect in form or substance, the petitioners shall be notified of the findings, including what particulars have been found defective.

Any petition with the required number of valid signatures may be amended for other defects within a ten (10) day grace period after the notification and refiled upon additional forms in the manner provided for filing the original, including the repayment of filing fees, if any.

The sufficiency of the number of signatures on any petition shall be determined as being the required percentage of the number of electors voting in the last general Municipal election. (Amended 11-4-08)

8.33 Official Notice. On or before the scheduled distribution of any form of absentee ballot by the Board of Elections for any election at which an initiated or referred ordinance, recall of an elected official, or Charter amendment is to be submitted, the Clerk of Council shall have printed and mailed to each elector an official notice containing a full text of any such ordinances with their respective ballot titles, or the ballot title for a recall election; provided, however, that notice of Charter amendments may be given by newspaper advertising in accordance with the general laws of the State. The validity of the election result on such ordinances or recall shall not be questioned because of errors or irregularities in such mailing or newspaper advertising. (Amended 11-4-75; 11-3-15)

ARTICLE IX PERSONNEL

SECTION 9.1 OFFICERS.

The word "officer" as used in this section shall include the Mayor, members of Council, the Clerk of Council, members of all Council or Charter-established Committees, or Commissions and the Department heads of the Municipality. (Amended 11-3-15)

SECTION 9.2 GENERAL QUALIFICATIONS.

9.21 For All Personnel. No officer or employee shall hold any other elective public office, nor any other employment incompatible with his duties as an officer of this Municipality.

Unless otherwise provided by this Charter, the laws of the State of Ohio, including those pertaining to conflicts of interest, criminal misbehavior, ethics (including nepotism and acceptance of gratuities), financial disclosure by municipal officials and employees, campaign financing and other election practices of candidates for municipal office, shall apply to all officers and employees under this Charter.

Any officer or employee of this Municipality pleading either guilty or no contest to a violation of such laws, or convicted of a violation of such laws shall be subject to punishment, suspension, or removal from office as provided in Section 9.3. (Amended 11-3-15)

9.22 For Officers. Every officer shall comply with such qualifications as may be stated in the section regarding his election or appointment.

Every officer shall, before entering upon the duties of his office, take and subscribe his oath or affirmation to support the Constitutions of the United States and of the State of Ohio and the Charter and ordinances of the City of Willoughby Hills, and faithfully, honestly and impartially discharge the duties of the office. (Amended 11-3-15)

SECTION 9.3 REMOVAL FROM OFFICE.

9.31 Removal by the Mayor. The Mayor shall remove promptly any such officer or employee to whom he may appoint a successor, unless otherwise provided by this Charter, for violation of any of the requirements stated in Section 9.2, for gross misconduct, malfeasance or non-feasance in office, or upon conviction while in office of a felony or other crime involving moral turpitude.

The Mayor may authorize the head of a department to make such removals in his department. (Amended 11-4-08; 11-2-21)

9.32 Removal by Council. Council shall be the judge of the election and qualification of its own members and those employees and officers to whom it may appoint a successor. It may punish, suspend or remove from office any member of Council or any employee or officer to whom Council may appoint a successor for:

- (1) Gross misconduct, malfeasance, misfeasance, nonfeasance, or
- (2) Disqualification from office for failure to comply with the residential qualifications stated in the section regarding his or her election or appointment, or
- (3) The conviction (or a plea of guilty or no contest), while in office, of a crime; (a) involving moral turpitude, (b) which violates law applicable to public employees or officials as provided in Section 9.21 hereof or (c) that is a felony, or
- (4) The persistent failure to abide by the rules of Council; or
- (5) Incompetence if such person is legally adjudicated incompetent; or
- (6) A violation of his or her oath; or
- (7) Absence without justifiable excuse from three (3) consecutive regular meetings of Council;

Provided that such punishment, suspension or removal shall not take place without providing a written complaint setting forth the charge or charges signed by at least four (4) members of Council and shall be filed with the Clerk of Council, who shall cause a copy thereof to be served upon the accused Council member, employee or officer as soon as possible and at least ten (10) days before a hearing by Council on the matters specified in such complaint where the accused Council member, employee or officer or his/her counsel will be given an opportunity to be heard, present evidence or examine any witness or witnesses in support of said charges. A decision to punish, suspend or remove the Council member, employee or officer, shall state the facts which support the grounds specified in the complaint and shall require the concurrence of at least five (5) members of Council and shall be filed with the Clerk of Council. Removal from office of any Council member shall not render void or ineffective any action of Council in which such member has participated unless void by a vote of two-thirds of all remaining members of Council. (Amended 11-3-15)

9.33 Finality of Removals. The decision of the Council or the Mayor or other officer in removing any officer or employee after compliance with this Section 9.3 and subject to the provisions of Section 9.4 when applicable, shall be final, and thereupon the office or post of any such person shall be vacant.

9.34 Removal by Council of Mayoral Appointees. If after Council has requested him to do so, the Mayor fails to remove any officer or employee in the unclassified service to whom he may appoint a successor for violation of any of the reasons or grounds enumerated in Section 9.31 for which the Mayor is required to remove promptly such officer or employee, Council may, in accordance with the procedure provided in this section, remove such officer or employee. Proceedings for the removal by Council of an officer or employee to whom the Mayor may appoint a successor shall be commenced by filing of a written complaint setting forth the charge or charges which shall be limited to violations of any of the requirements stated in Section 9.2, gross misconduct, malfeasance or nonfeasance in office, or conviction in office of a felony or other crime involving moral turpitude. Such complaint shall be signed by at least five (5) members of Council and shall be filed with the Clerk of Council, who shall cause a copy thereof to be served upon the accused officer or employee at least ten (10) days before a hearing by Council on the matters specified in such complaint. Such hearing, which shall be open to the public, shall be had within thirty (30) days of the filing of the complaint, unless Council extends the time for hearing, which shall be done only upon the application of the accused officer or employee. The accused officer or employee may appear in person and by counsel, examine all witnesses, and answer all charges against him. A decision by Council to remove the accused officer or employee shall state the facts which support the grounds specified in the complaint and shall require the concurrence of at least five (5) members of Council. Any officer or employee so removed from office shall not be eligible for appointment to the vacancy thereby created. (Adopted 11-4-75; 11-3-15)

SECTION 9.4 CIVIL SERVICE.

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

9.41 Classified Service. All persons who have been continuously employed in the service of the Municipality in the same or similar position, herein included in the classified service, for at least thirty (30) days preceding the adoption of this Charter shall retain their positions until discharged, reduced, promoted or transferred in accordance with the provisions of this Charter.

The classified service shall include:

- a - all full-time members of the Police Department, except for the Police Chief;
- b - all full-time members of the Fire Department, except for the Fire Chief;
- c - all positions which may, consistent with the provisions of this Charter, be classified by ordinance of Council upon recommendation of the Civil Service Commission.

9.42 Unclassified Service. The unclassified service shall comprise all positions not specifically included by Section 9.41.

The unclassified service shall include:

- a - all officers elected by the people;
- b - all directors of departments and their assistants;
- c - all members of all boards and commissions appointed by the Mayor or Council;
- d - any temporary or part-time office requiring qualifications of an expert.

9.43 Police Chief and Fire Chief. The positions of Police Chief and Fire Chief shall be unclassified.

The Mayor shall have the authority to suspend or remove the Police Chief or Fire Chief only as provided for in Section 733.35 of the Ohio Revised Code, provided, however, that such suspension or removal shall have the concurrence of two-thirds (2/3) of the members elected to Council. (Amended 11-4-08)

9.44 Rules and Regulations. The appointment, promotion, transfer, layoff, reinstatement, suspension and removal of persons in the classified service and appeals from the action of the appointing authority shall be subject to the rules established by the Civil Service Commission as directed in Section 5.52 of this Charter.

ARTICLE X MISCELLANEOUS PROVISIONS

SECTION 10.01 EFFECTIVE DATE OF CHARTER.

This Charter will take effect on the first day of January, 1971, except for the provisions relating to elected officials.

SECTION 10.2 GENDER NEUTRALITY.

Any reference in this Charter to a particular gender shall be deemed as reference to either gender. (Amended 11-4-08)

10.21 Rights and Privileges Preserved. (EDITOR'S NOTE: The provisions of Section 10.2 were repealed on November 4, 2008.)

10.22 Personnel System. (EDITOR'S NOTE: The provisions of Section 10.22 were repealed on November 4, 2008.)

10.23 Continuance in Office. (EDITOR'S NOTE: The provisions of Section 10.23 were repealed on November 4, 2008.)

SECTION 10.3 PENDING MATTERS.

All rights, claims, actions, orders, contracts and legal or administrative proceedings shall continue except as modified under provisions of this Charter and in each case shall be maintained, carried on or dealt with by the Municipal department, office or agency appropriate under this Charter.

SECTION 10.4 CHARTER AMENDMENTS.

The electors shall have the power to propose, by petition, amendments to this Charter. Such petitions shall comply with the general laws of Ohio.

The Council shall submit to the Board of Elections the following amendments: (1) any amendment proposed by a petition certified to the Council, (2) any amendment proposed by a Charter Review Commission, or (3) any amendment proposed by a vote of 2/3 of the members of the Council. Amendments proposed by the Charter Review Commission shall be submitted only at the next general election.

If conflicting amendments are approved by the electors at the same election, the one receiving the greatest number of affirmative votes shall prevail.
(Amended 11-4-75; 11-3-15)