

Adopted Charter of the City of Loveland, Ohio

Enacted July 25, 1961

Adopted November 5, 1991

Amended November 7, 2000

Adopted November 6, 2001

PREAMBLE

We, the people of the City of Loveland, Ohio (hereinafter "City"), desirous of securing for our City and for ourselves and our children the benefits and advantages of self-government conferred by the Constitution and statutes of Ohio (hereinafter "the laws of Ohio"), do hereby ordain and establish this revised Charter (hereafter referred to as "Charter") for the government of the City of Loveland.

ARTICLE I: NAME AND BOUNDARIES; POWER; FORM OF GOVERNMENT

SEC. 1.01 NAME AND BOUNDARIES.

The present municipality known as the City of Loveland, Ohio, shall continue to be a corporate body and political subdivision under the name of the City of Loveland. The boundaries of the City shall be those existing at the time of the adoption of this Charter, subject to change in the manner provided by the laws of Ohio. *(11-5-91, 11-7-00)*

SEC. 1.02 MUNICIPAL POWERS.

The City, under this Charter, shall exercise all powers of local self-government granted by the laws of Ohio, including all statutes and Constitutional Amendments now or hereafter adopted. All such powers shall be exercised in the manner prescribed by this Charter, or if not prescribed herein, in such manner as shall be provided by ordinances and/or resolutions, and if not provided by ordinances or resolutions, then as provided by the laws of Ohio. References to any particular power in this Charter shall not be deemed exclusive. *(11-5-91, 11-7-00)*

SEC. 1.03 FORM OF GOVERNMENT.

The form of government provided for by this Charter shall be known as "The Council-Manager Plan." *(11-5-91)*

ARTICLE II: THE CITY COUNCIL

SEC. 2.01 NUMBER, SELECTION, TERM.

Except as reserved to the people by this Charter, the legislative powers of the City shall be vested in a Council of seven (7) members, elected at large, for four-year (4) overlapping terms, with four (4) members to be elected at a scheduled municipal election and three (3) members to be elected at a scheduled municipal election two years thereafter. All elections of Council members shall be on a non-partisan ballot. *(11-5-91, 11-6-01)*

SEC. 2.02 QUALIFICATIONS.

Electors of the City of Loveland meeting the qualifications for member of City Council as set forth in the laws of Ohio shall be eligible to have their names placed on the ballot. A Council member who, during his or her term of office, ceases to meet such qualifications, or who is absent, without excuse by a majority of the other members of Council, from four (4) consecutive regular meetings of the Council, shall automatically vacate his/her office on the Council. *(11-5-91, 11-7-00)*

SEC. 2.03 FILLING OF VACANCIES.

Vacancies in the office of Council member shall be filled within thirty (30) days by vote of a majority of the remaining members of Council, by the selection of a person qualified as provided in Section 2.02 of this Charter. If Council fails to make a selection to fill such vacancy within thirty (30) days, the Mayor shall forthwith make the appointment. Such person so chosen shall serve the remainder of the unexpired term of the Council member whose vacancy he or she was appointed to fill. *(11-5-91, 11-6-01)*

SEC. 2.04 BEGINNING OF TERM OF OFFICE.

The term of office of Council members shall begin on the first Monday in December following the regular municipal election held the first Tuesday after the first Monday of November in the odd- numbered years, or such other election date prescribed by the laws of Ohio. *(11-5-91, 11-6-01)*

SEC. 2.05 ORGANIZATION AND MEETINGS.

Following each municipal election, Council shall meet within five (5) days after the beginning of the term of office of the newly-elected members of Council, for the purpose of organizing. At such meeting, the newly-elected members of Council shall take the oath of office and the Council shall proceed to elect a Mayor and Vice-Mayor and may transact such other business as may come before it. Thereafter, regular meetings shall be held as prescribed in the Council rules, but not less frequently than twice each month. Except as otherwise provided by the laws of Ohio, all meetings of the Council shall be open to the public. A majority of the members elected or appointed shall constitute a quorum at all meetings. *(11-5-91, 11-7-00)*

SEC. 2.06 MAYOR AND VICE-MAYOR.

At its organization meeting, the Council shall elect, from among its own members, one to serve as Mayor and one as Vice-Mayor for a term of two (2) years and until their successors are chosen and qualified. The Mayor shall preside at Council meetings, when present, and shall have a vote on all matters which come before Council, but shall have no power of veto. The Mayor shall be recognized as the head of the municipal government for ceremonial purposes, but shall have no administrative duties. The Mayor shall have the judicial functions of a Mayor under the laws of Ohio until such judicial functions are performed by some other officer appointed or elected for that purpose. The Vice-Mayor shall perform the duties of the Mayor when the Mayor is absent or disabled. *(11-5-91, 11-7-00)*

SEC. 2.07 SALARIES.

The salary of Council members shall be fixed by ordinance. No increase in salary shall ever take effect during the term of the Council members enacting the ordinance.

The Mayor's salary shall be fixed by ordinance. The Council may not increase or decrease the salary of the Mayor during his/her term of office.

The Vice Mayor's salary shall be fixed by ordinance. Council may not increase or decrease the Vice Mayor's salary during the Vice Mayor's term of office. A temporary increase in the Vice Mayor's salary is allowed if the Vice Mayor is performing the duties of the Mayor. *(11-5-91, 11-6-01)*

SEC. 2.08 CLERK OF COUNCIL.

There shall be a Clerk of Council, whose duty it will be to give notice of Council meetings, keep the journal, advertise public hearings, record in separate books all ordinances and resolutions enacted by Council and have the same published in the manner provided by this Charter. *(11-5-91)*

SEC. 2.09 RULES AND JOURNAL.

The Council shall determine its own rules of procedure in conformity with the provisions of this Charter and shall keep a journal of its proceedings which shall be a public record. *(11-5-91, 11-6-01)*

SEC. 2.10 POWERS OF COUNCIL.

Among other powers, the Council shall have the authority to:

1. Adopt ordinances and resolutions on any subject within the scope of its powers;
2. Establish the internal organization, staffing and compensation of the departments, boards and commissions created by this Charter; set up such additional departments, boards or commissions as it may deem necessary and determine their powers and duties;
3. Adopt and modify the master plan and official map of the City;
4. Regulate the use of real estate in the City by establishing zones, limiting the uses in each zone, and limiting the height of buildings and the intensity of land use;
5. Adopt a subdivision platting ordinance and approve subdivision plats which conform thereto;

6. Enact a comprehensive building code;
7. Authorize the levy of taxes and the issuance of bonds as provided in this charter;
8. Adopt an annual appropriation ordinance based upon the annual budget, and delegate its enforcement to the City Manager.
9. Appoint and remove the City Manager, establish the City Manager's salary and benefits, and appoint an acting City Manager when necessary;
10. Appoint and remove the Director of Finance, and establish the Director of Finance's salary and benefits, and appoint an acting Director of Finance when necessary;
11. Appoint and remove the City Solicitor and establish the City Solicitor's salary and benefits, and appoint an acting City Solicitor when necessary;
12. Inquire into the conduct of any municipal officers or employees in the performance of their public functions;
13. Make investigations of any office, department or agency of the City;
14. Grant public utility franchises by vote of 6/7 of the members of Council;
15. Appoint and remove the members of the Planning and Zoning Commission, the Board of Zoning Appeals, the Recreation Board, and any other board or commission created by this Charter or by ordinance;
16. Employ a public accountant to make an audit of the financial affairs of the City whenever such an audit is deemed necessary;
17. Provide for the employment of engineering and other professional services on a consulting basis when deemed necessary;
18. Issue subpoenas for witnesses and to require the production of books and papers which may be necessary in the conduct of any hearing or investigation.
19. Appoint and remove the Clerk of Council, establish the Clerk of Council's salary and appoint an Acting Clerk of Council when necessary.

(11-5-91, 11-7-00, 11-6-01)

ARTICLE III: ACTION OF COUNCIL

SEC. 3.01 ACTION OF COUNCIL.

The action of Council shall be by ordinance, resolution, or motion. On all matters of a general or permanent nature, or granting a franchise, or levying a tax, or appropriating money, or contracting an indebtedness to be evidenced by the issuance of bonds or notes, or for the purchase, sale, lease or transfer of real property or establishing an offense and fixing the penalty therefor; action shall be taken formally by ordinance, in the manner hereinafter provided. Action on all other matters of a temporary or informal nature may be taken by resolution, or, where not required by the laws of Ohio to be by an ordinance or resolution, by motion approved by a majority of members present at the meeting when the action is taken. *(11-5-91, 11-7-00, 11-6-01)*

SEC. 3.02 ENACTMENT OF ORDINANCES.

Each proposed ordinance shall be introduced in writing by a member of the Council and, in addition to the title, shall contain an opening clause reading as follows: "Be it ordained by the Council of the City of Loveland, Hamilton, Clermont, and Warren Counties, Ohio." The action proposed to be taken shall be fully and clearly set forth in the body of the ordinance. Each ordinance shall contain one subject only, which shall be stated clearly in the title. No ordinance shall be passed without the concurrence of a majority of all members of Council, except that emergency ordinances, as hereinafter provided, shall require the concurrence of six (6) members of Council for passage. Every ordinance shall be read by title only, except that Council may require a full reading by a majority vote of its members. Such readings shall occur on two (2) different days before its enactment, unless an emergency is declared as hereinafter provided, or unless by a vote of six (6) members elected to Council, the reading on two (2) different days in full is dispensed with, in which case such ordinance may be read one (1) time and passed on the day of such reading. Final passage of all ordinances and resolutions shall be certified by the Mayor and the Clerk of Council. *(11-5-91)*

SEC. 3.03 EFFECTIVE DATE.

Ordinances providing for appropriations for current expenses of the City, or for public improvements petitioned for by the owners of a majority of the foot frontage of property benefited and to be specially assessed for the cost thereof, or ordinances wherein an emergency is declared to exist, shall become effective immediately upon passage or at such later date as may be provided therein, and such ordinances shall not be subject to referendum. All other ordinances shall take effect thirty (30) days after passage. An emergency ordinance as referred to herein is one which must be passed and made effective at once or in less than thirty (30) days to meet a real and present emergency in the operation of the City government, or which is necessary for the immediate preservation of the public peace, health, safety, morals or welfare. Each emergency ordinance shall contain therein a separate section setting forth the reason for, and nature of, the emergency. No ordinance granting a franchise or fixing a rate to be charged by a public utility shall be passed as an emergency measure. *(11-5-91, 11-6-01)*

SEC. 3.04 PUBLICATION OF ORDINANCES.

After passage, ordinances required by law to be published shall be published in summary form, one time, in a newspaper of general circulation in the City. Such summary shall consist of a brief statement of the purpose and effect of the ordinance. A copy of each ordinance shall be posted at least fourteen (14) days in a public place in the City Hall. *(11-5-91)*

SEC. 3.05 INITIATIVE AND REFERENDUM.

Except as otherwise provided in this Charter, ordinances may be proposed and submitted to popular vote by initiative and referendum. Any action taken shall follow the procedure set forth by the laws of Ohio, now in effect or as hereafter amended except that:

1. Initiative and referendum petitions and any other documents required to be filed with the City shall be filed with the Clerk of Council.
2. Submitted petitions must be transmitted along with a certified copy of the text of the ordinance, to the Board of Elections on or before the fifteenth business day after receipt by the Clerk of Council.
3. Ordinances proposed by initiative petition and ordinances referred to the electorate by referendum shall be submitted to the electors for approval or rejection at the next succeeding general, primary, or special election occurring subsequent to seventy-five days after the transmission of such petitions to the Board of Elections.

(11-5-91, 11-7-00, 11-6-01)

SEC. 3.06 ADOPTION OF STANDARD CODES BY REFERENCE.

The Council may adopt model or standard codes prepared and published by public or private agencies by reference to the date and source of the code without reproducing the same in full in the ordinance. Copies of all such codes shall be kept in the office of the Clerk of Council for reference and consultation by interested persons during regular office hours, and additional copies shall be available for sale, at cost, by the Clerk of Council. Any standard code adopted in this manner shall not be required to be published at length. *(11-5-91)*

ARTICLE IV: THE CITY MANAGER

SEC. 4.01 APPOINTMENT, QUALIFICATIONS, SALARY, AND BENEFITS.

The Council shall appoint, by majority vote of all members, an officer of the City who shall have the title of City Manager. The City Manager shall be chosen by the Council solely on the basis of his/her executive and administrative qualifications, as judged by the adequacy of the

City Manager's training and experience in public administration. At the time of appointment, the City Manager need not be a resident of the City or State, but during the tenure of office shall reside in the City. No Council members shall be eligible for appointment as City Manager during the term for which they have been elected, or for one (1) year thereafter. The salary and benefits of the City Manager shall be fixed by ordinance. (11-5-91, 11-6-01)

SEC. 4.02 DUTIES OF THE CITY MANAGER.

The City Manager shall be the chief executive and administrative officer of the City. The City Manager shall be responsible to the Council for the proper administration of all the affairs of the city, and to that end, subject to the provisions of this Charter, shall have the authority and shall be required to:

1. See that this Charter and the ordinances and resolutions of the City are faithfully observed and enforced;
2. Appoint and remove all officers and employees of the City except those selected or appointed by Council, or as otherwise provided in this Charter;
3. Prepare the annual budget, and submit the same to the Council;
4. Prepare and submit monthly reports to the Council. Prepare and submit to the Council and the public annually, not later than March 31st a complete report on the finances and administrative activities of the City for the preceding year; which report shall be deemed to satisfy the requirements of the laws of Ohio, without separate publication of the financial statement. Such annual report shall be published in the manner provided by ordinance;
5. Formulate and arrange contracts, franchises, and agreements subject to the approval of Council. Sign all contracts, bonds and notes on behalf of the city;
6. Attend meetings of the Council and shall have the right of participating in the discussion of all matters coming before Council, but shall have no vote;
7. Serve as an ex-officio non-voting member of all boards and commissions authorized under this Charter, except the Civil Service Commission and the Board of Zoning Appeals;
8. Delegate to subordinate officers and employees of the City any duties conferred upon the City Manager by this Charter or by action of the Council, and hold them responsible for the faithful discharge of such duties;
9. Perform such other duties, not inconsistent with this Charter, as may be required by the Council.

(11-5-91, 11-7-00, 11-6-01)

SEC. 4.03 ABSENCE OR DISABILITY OF CITY MANAGER.

The City Manager shall designate, by letter filed with the Clerk of Council with a copy to Council, any qualified administrative officer of the City to perform the City Manager's duties during temporary absence or disability. If such designation has not been made and the Manager is unable to perform the City Manager's duties or to make such designation, Council may, by resolution, appoint any qualified administrative officer of the City to perform the duties of the City Manager until the City Manager shall return or his/her disability ceases. *(11-5-91, 11-6-01)*

SEC. 4.04 REMOVAL OF THE MANAGER.

The City Manager shall serve for an indefinite term, subject to removal at any time, with or without cause, by a majority vote of all members of Council. In the case of the voluntary resignation of the City Manager, the Council and the City Manager shall agree upon the effective date and terms of the resignation. *(11-5-91, 11-6-01)*

SEC. 4.05 RELATIONSHIP BETWEEN COUNCIL AND THE CITY MANAGER.

Neither Council, nor any member thereof, shall give orders to any subordinate of the City Manager, or take part in the appointment, discipline or removal of subordinate employees of the City Manager, either publicly or privately. Council, or any member thereof, shall deal with the administrative employees of the City solely through the City Manager. Any member of Council may request information regarding the City directly from any employee. *(11-6-01)*

ARTICLE V: ADMINISTRATIVE DEPARTMENTS

SEC. 5.01 CREATION OF DEPARTMENTS.

The administrative functions of the City shall be carried on by a Department of Finance, a Department of Law, a Department of Safety, a Department of Service and such other departments as may be created by ordinance, after consultation with the City Manager. *(11-5-91)*

SEC. 5.02 DEPARTMENT DIRECTORS.

Each department of the City government shall be headed by a full-time or part-time director. With the exception of the Department of Finance and the Director of the Department of Law, the City Manager shall appoint and may remove all department directors, subject to approval by the Council. The director of the Department of Finance and the Director of the Department of Law shall be appointed by the Council in accordance with the provisions of this Charter. Each department director shall be an administrative officer of the City. Two or more departments may be headed by the same person and the City Manager may serve as the director

of one or more departments except Law and Finance, in addition to his/her duties as Manager, once approved by the Council. *(11-5-91, 11-6-01)*

SEC. 5.03 DEPARTMENTAL DIVISIONS.

The work of each department may be distributed among each divisions thereof as may be established by the administrative code. *(11-5-91)*

SEC. 5.04 ADMINISTRATIVE CODE.

Subject to the provisions of this Charter, and after consultation with the City Manager, the Council shall adopt an administrative code which shall provide in detail the organization of the City government, define the powers and duties of each organization unit and determine the administrative procedures to be followed. Amendments to and revisions of the administrative code shall be made by the Council only after consultation with the City Manager. Where the administrative code is silent the officers and employees of the City shall have and may exercise all powers and duties provided for similar officers and employees by the laws of Ohio. *(11-5-91, 11-7-00, 11-6-01)*

SEC. 5.05 DEPARTMENT OF LAW.

The Director of the Department of Law shall be known as the City Solicitor and shall be an attorney-at-law, admitted to the practice of law in the State of Ohio. The City Solicitor shall serve for an indefinite term, subject to removal at any time, with or without cause, by a majority vote of all members of Council. *(11-5-9 1, 11-7-00)*

SEC. 5.05a POWERS AND DUTIES OF THE CITY SOLICITOR.

The City Solicitor shall be the legal advisor, attorney and counsel for the City and for all offices, departments, divisions, bureaus, boards, commissions and the bodies of the City in connection with municipal affairs. Subject to the direction of Council, the City Solicitor shall represent the City in all proceedings in court, or before any administrative board or body. The City Solicitor shall perform such other duties consistent with the office, as may be required by this Charter, by ordinance or resolution of the Council, or by the laws of Ohio. The City Solicitor shall be the prosecuting attorney on behalf of the City and shall prosecute cases brought before courts of competent jurisdiction.

Council may provide for assistants and special counsel to the City Solicitor. All assistants and special counsel shall be responsible to the City Solicitor and when authorized by Council, may exercise powers and duties granted to the City Solicitor. *(11-7-00)*

SEC. 5.06 DEPARTMENT OF FINANCE.

The Department of Finance shall perform those functions customarily performed by the City Auditor and Treasurer under the laws of Ohio. The Director of the Department of Finance

shall be appointed by Council for an indefinite term subject to removal at any time, with or without cause, by a majority vote of all members of Council. The Director of Finance shall have knowledge of municipal accounting and taxation and shall have had experience or training in budgeting and financial control. The Director of Finance shall be the fiscal officer of the City, shall be responsible for the accounting, collection and custody of public funds, and shall control all disbursements authorized from the City treasury. The Director of Finance shall countersign all bonds and notes issued by the City and shall perform such other functions as may be prescribed by this Charter, assigned by ordinance of Council, or by order of the City Manager. Upon the death, resignation, removal or expiration of the term of office of any officer or employee, the Director of Finance shall examine the accounts of such officer or other person, and report the findings to Council and the City Manager. In the event of the removal, resignation, or death of the Finance Director, Council shall order a similar audit of the Department of Finance. *(11-5-91, 11-7-00, 11-6-01)*

SEC. 5.07 DEPARTMENT OF SAFETY.

The Department of Safety shall have and perform such functions relative to police protection and fire and emergency medical services as may be assigned by ordinance or by order of the City Manager. Notwithstanding any provisions of state law, the Council may establish a unified police and fire protection service in which both types of service are rendered by the same personnel. The head of this department shall be designated the Director of Safety. *(11-5-91, 11-6-01)*.

SEC. 5.08 DEPARTMENT OF SERVICE.

The Department of Service shall have the custody, care and maintenance of the public buildings, grounds, streets, sewers, municipal utilities, and cemeteries owned by the city. The head of this department shall be designated the Director of Service. The Director of Service shall perform such functions and duties with reference to the service department as may be assigned by ordinance or by order of the City Manager, in addition to those prescribed in the administrative code. *(11-5-91, 11-6-01)*

ARTICLE: VI: TAXATION AND BORROWING

SEC. 6.01 LEVYING TAXES.

The Council shall have the power to levy taxes in the manner provided by the laws of Ohio, subject to the limitations provided therein, and the limitations expressly set forth in this Charter. *(11-5-91, 11-7-00)*

SEC. 6.02 SUBMISSION OF EXTRA LEVY TO VOTE.

On or before the 15th day of September in any year, the Council may, by Ordinance adopted by a majority of the members elected or appointed thereto, declare that the amount of

money which may be raised by taxation together with all the funds available during the year will be insufficient for the requirements of the City and it is necessary to levy additional taxes and may require the submission of the question of levying such additional tax to the electors of the City at a primary, special or general election. Such ordinance shall specify the additional rate of the levy and the purpose thereof and the number of years during which such levy shall have effect. Such ordinance shall take effect on its adoption and shall be certified to the election authorities, as prescribed by general law. The election authorities shall place said question upon the ballot in the form prescribed by general the laws of Ohio.

The question covered by such ordinance shall be submitted as a separate proposition, but may be printed on the same ballot with any other proposition, other than the election of officers, submitted at the same election. If a majority of those voting thereon at a municipal election, or sixty percent of those voting thereon at a special election, vote for the approval of the 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. *(11-5-91)*

SEC. 6.03 POWER TO INCUR DEBT, ISSUE BONDS OR NOTES.

Council may, by ordinance, authorize and issue any and all types of bonds or notes for any purpose permitted by the laws of Ohio. In issuing such bonds or notes, Council shall be bound by the definitions, limitations and procedures prescribed by the laws of Ohio, except as otherwise provided in this Charter. *(11-5-91, 11-7-00)*

SEC. 6.04 MORTGAGE REVENUE BONDS.

The Council may, by ordinance, issue mortgage revenue and/or revenue bonds for any purpose and in any total amount authorized by the laws of Ohio. *(11-5-91, 11-7-00)*

SEC. 6.05 SPECIAL ASSESSMENT BONDS.

The Council may, by ordinance, determine to proceed with a public improvement, all or part of the cost of which is to be assessed against real property specially benefited by the improvement. Council may establish, by ordinance, the procedure to be followed in making such assessments, and shall determine the proportion of the cost of such improvement which shall be paid by the City from general receipts, taxes, bond or note issues; and the proportion of the cost which shall be assessed against the owners of benefited property. In all other respects the levying, certification and collection of special assessments by the City shall be in conformity with the laws of Ohio, governing the assessment of the cost of improvements on benefited property. *(11-5-91, 11-7-00)*

SEC. 6.06 TAX AND REVENUE ANTICIPATION NOTES.

The Council may, by ordinance, issue notes in anticipation of the collection of taxes or other revenue on whatever conditions may seem reasonable. Such notes shall be paid from the tax receipts of the year in which they are issued. *(11-5-91)*

SEC. 6.07 PROCEDURE IN BOND AND NOTE ISSUES.

The procedure followed in authorizing bonds and notes and applying the proceeds therefrom, shall be in accordance with the applicable provisions of the laws of Ohio. *(11-5-91, 11-7-00)*

SEC. 6.08 EMERGENCY BORROWING.

The Council may, by ordinance, borrow money and issue notes in case of public emergency as authorized by the laws of Ohio. *(11-5-91, 11-7-00)*

SEC. 6.09 ADDITIONAL LEVIES.

The authority of the Council to submit additional levies to a vote of the people under authority of the Constitution and laws of Ohio, shall not be deemed impaired or abridged by reason of any provision contained in this Charter. *(11-5-91)*

SEC. 6.10 INCOME TAX MEASURES TO BE APPROVED BY ELECTORS.

No ordinance passed by Council enacting an income tax shall be effective unless and until such ordinance is approved by a majority of the electors of the City of Loveland voting at a municipal election, or a special election called for that purpose. *(11-5-91)*

SEC. 6.11 SALE OF MUNICIPALLY-OWNED UTILITIES

No utility owned by the City of Loveland shall ever be sold without first submitting the question of such sale to the electors for approval. If a majority of the electors voting vote in favor of selling such utility, the Council may proceed with the sale. *(11-5-91)*

ARTICLE VII FINANCE

SEC. 7.01 ANNUAL TAX BUDGET.

On or before the first day of June in each year, the City Manager shall submit to the Council a tax budget for the ensuing fiscal year. For that purpose, at such time as he/she shall determine, the City Manager shall obtain from the director of each department or agency of the City government, plans for the work to be undertaken by such department during the next fiscal year, together with estimates of the cost of performing such work. The Department of Finance shall supply estimates of available revenue. From this data, the City Manager shall prepare the consolidated estimates for the annual tax budget. The Council shall consider these estimates,

revise and adopt them, with or without amendments, as the tax budget of the City for the ensuing year, and transmit them, on or before the 15th day of July to the County Budget Commission, in the form required by the laws of Ohio. (11-5-91, 11-7-00, 11-6-01)

SEC. 7.02 REVISION OF TAX BUDGET.

The City Manager shall prepare and submit to the Council each year a budget so revised that the total contemplated work program and expenditures from each fund during the ensuing fiscal year shall not exceed the total recommended appropriations from each fund and the total estimated resources certified by the County Budget Commission and the County Auditor. Such revised budget shall serve as the basis for the annual appropriation ordinance. (11-5-91)

SEC. 7.03 OTHER PROCEDURES.

In all other respects, the procedure for the preparation, hearing, advertising and adoption of the budget and the appropriation of municipal funds shall be governed by the laws of Ohio pertaining to such matters. (11-5-91, 11-7-00)

SEC. 7.04 FISCAL YEAR.

The fiscal year of the City shall be the calendar year, beginning January 1st and ending December 31st each year. (11-5-91)

ARTICLE VIII: CIVIL SERVICE

SEC. 8.01 MERIT SYSTEM.

All appointments and promotions in the service of the City shall be made according to merit and fitness, to be ascertained, so far as practicable, by competitive examinations given under rules provided by the Civil Service Commission. These rules shall include provision for the following:

1. Plans for the recruitment of qualified persons, which shall take into account experience, character, references and physical fitness, together with such other characteristics as may be deemed appropriate.
2. The preparation, scheduling and holding of competitive examinations.
3. The creation of eligible lists from the results of examinations.
4. The certification of eligibles to appointing officers.

5. The classification of positions and establishment of job specifications, which rules shall be formed in conjunction with the City Manager and the appropriate department directors.
6. The preparation, and recommendation to the Manager for approval and publication, of all necessary rules to establish and maintain the merit system in the City.
7. Such other rules as are necessary and desirable for the advancement of the merit and civil service principles.

(11-5-91)

SEC. 8.02 EXEMPTIONS.

No person who is a permanent employee of the City in a position provided for in this Charter at the time this Charter goes into effect, shall be required to take any examination to retain his position, but shall thereafter be subject to the Civil Service provisions established pursuant to this Charter.

The following persons shall be exempt from any Civil Service provision:

1. The City Manager, Clerk of Council, Clerk of Court, Director of Finance, and City Solicitor.
2. All members of City Council, and the City's boards and commissions.
3. The Manager's staff, including the Secretary to the City Manager, the Directors of all departments, Department Directors' Secretaries, the Chief of Police and the Fire Chief.
4. All unskilled laborers, part-time employees, seasonal employees, and temporary employees.
5. Employees of exceptional professional or scientific qualifications engaged as consultants for special work by the City.
6. Persons appointed to fill vacancies in elective offices.

(11-5-91)

SEC. 8.03 THE CIVIL SERVICE COMMISSION

There shall be a Civil Service Commission consisting of three (3) members, qualified electors of the City, who shall be appointed by the Council for six-year (6) staggered and overlapping terms. The incumbents, as of time of the adoption of this Charter, shall serve their respective unexpired terms. *(11-5-91)*

SEC. 8.04 EXAMINATIONS BY ANOTHER MUNICIPALITY.

Should it prove more practical and economical, this Commission can arrange with the Civil Service authority of another City to conduct examinations on behalf of the City. *(11-5-91)*

SEC. 8.05 RULES AND REGULATIONS.

No officer or employee in the classified service shall be demoted or removed except for cause and after hearing, and the Council shall provide by ordinance for the enforcement of this provision and also for appeals to the Civil Service Commission from suspensions, demotions and removals by the City Manager. The Commission shall provide rules for the determination of merit and fitness as the basis for appointment and promotion of classified personnel covered by civil service. *(11-5-91)*

SEC. 8.06 PROMOTION.

The Commission shall provide for promotion to all positions in the classified service based on competitive examination and on records of merit, efficiency, character, conduct, and seniority. Promotional examinations may be restricted to present employees, or if recommended by the City Manager, they may be opened to qualified candidates from outside the City service, by resolution of the Council. *(11-5-91)*

SEC. 8.07 TEMPORARY APPOINTMENTS.

In the event the Civil Service Commission does not have on its list of certified applicants an employee, or employee, required by the City, such employee or employees may be appointed on a temporary basis by the City Manager or delegated representative, until certified applicant or applicants are available from the certified lists of the Civil Service Commission. No such temporary employees shall remain in the employment of the City for a period to exceed one (1) year without the requirement and opportunity of taking a Civil Service examination for the job or jobs in which they are employed. In the event of the expiration of the said one (1) year period without the conduction of a said examination, the said temporary employee or employees shall, without necessity of further notice, revert back to his or her or their former position or positions. *(11-5-91)*

SEC. 8.08 PROBATION PERIOD.

An original appointment of a new employee who has passed the Civil Service examination shall not be deemed complete until a period of probation not to exceed six (6) months has elapsed. Such probationary employee may be discharged at any time within the said period of six (6) months, upon the recommendation of the department director in which said probationer is employed with the approval of the City Manager. *(11-5-91)*

ARTICLE IX: BOARDS AND COMMISSIONS

SEC. 9.01 CREATION AND ABOLISHMENT OF OFFICES.

Council shall not abolish any office, board, or commission or diminish or transfer any powers or duties prescribed in this Charter. Council may, however, by ordinance, establish, abolish, divide, or combine, and shall determine the functions, compensation, powers, and duties of any office, board, commission, or committee not prescribed in this Charter. *(11-5-91)*

SEC. 9.02 BOARD AND COMMISSION APPOINTMENT AND REMOVAL.

No appointment shall be made by Council except by majority vote. Council may remove any person it has appointed, but such removal shall be effected (unless the appointee in writing waives these provisions) only by affirmative vote of four (4) or more members of Council at a regular meeting of Council. 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, with or without establishing any reason for removal. Council may, in any event, suspend such appointee from office pending such meeting and final decision with regard to removal. *(11-5-91, 11-6-01)*

SEC. 9.03 PLANNING AND ZONING COMMISSION

There shall be a City Planning and Zoning Commission consisting of five (5) members. One (1) of said members shall be a member of Council, to be selected by Council. One (1) of said members shall be selected by the Board of Education, who may or may not be a member of said board. Three (3) of said members shall be selected by Council, but shall not be members of Council. Members of the Commission shall be residents of the City for at least one (1) year prior to their appointment. If the Board of Education and/or the Council shall fail in their appointed duties hereinbefore set forth, for a period of forty-five (45) days, after a vacancy occurs, the Mayor shall forthwith make such appointments. The terms of office of a member of the Commission who is a member of Council shall be concurrent with such Council Member's term of office as such member of Council. The remaining four (4) members shall be appointed to staggered and overlapping terms of three (3) years each. The incumbents, as of the time of the adoption of this Charter, shall serve their respective unexpired terms. *(11-5-91, 11-6-01)*

SEC. 9.03a POWERS AND DUTIES OF PLANNING AND ZONING COMMISSION.

The Commission shall act as the platting commission of the City. As such, it shall provide for planning and regulations covering the platting of all lands which are subject to

control by the municipality, and may cause an official map of such territories to be made. The Commission shall carry out the City planning function, which may include preparation of a master plan, and make such investigations, reports and recommendations relating to planning and the physical development of the City as it finds necessary and desirable; and shall have all the powers granted to and shall perform all the duties imposed on planning commissions by the laws of Ohio, and such other powers and duties as established by Council by ordinance. Regular meetings shall be held at least once each month. *(11-5-91, 11-6-01)*

SEC. 9.04 BOARD OF ZONING APPEALS.

The Council shall appoint a Board of Zoning Appeals consisting of three (3) electors of the City to serve staggered and overlapping terms of three (3) years each. The incumbents, as of the time of adoption of this Charter, shall serve their respective unexpired terms. If Council fails to make an appointment for a period of forty-five days after a vacancy occurs, the Mayor shall forthwith make such appointment. The Board shall establish its own rules of procedure and keep a record of its proceedings in all matters coming before the Board. *(11-5-91, 11-6-01)*

SEC. 9.04a POWERS AND DUTIES OF BOARD OF ZONING APPEALS.

The Board shall have the power to hear and determine appeals from decisions of the Development Director and requests for variances from building and zoning regulations and refusal of the Planning and Zoning Commission to permit the cutting up of lots under certain conditions. Whenever any person is aggrieved at any action of the Development Director in denying a building permit, or a certificate of occupancy under the zoning ordinance, or the refusal of the Planning and Zoning Commission to permit the cutting up of lots, such person may file an appeal with the Board who shall fix the time for a hearing on such appeal to be conducted in the manner provided by ordinance. The Board shall have the power to grant such variances from building and zoning ordinances as may be required to afford justice and avoid unreasonable hardship to property owners. The standards to be applied in such cases shall be established by ordinance and have uniform application. No resolution, overruling an action under or interpretation of the zoning ordinance by an administrative officer of the City, shall be adopted except by the affirmative vote of all three (3) members of the Board appointed by Council. *(11-5-91, 11-6-01)*

SEC. 9.05 RECREATION BOARD.

There shall be a Recreation Board consisting of five (5) members, electors of the city, appointed by the Council for staggered and overlapping terms of four (4) years. One (1) of the five (5) appointees shall be approved by and be a representative of the Board of Education. The Recreation Board shall provide for the development, maintenance and operation of playgrounds and recreational facilities and programs for the city. The incumbents as of the time of the adoption of this Charter shall serve their respective unexpired terms. *(11-5-91)*

SEC. 9.06 OTHER BOARDS AND COMMISSIONS.

Council may create and abolish such other advisory boards, commissions and committees as may be deemed necessary. *(11-5-91)*

SEC. 9.07 CITY MANAGER – EX OFFICIO MEMBER.

The City Manager shall be an ex officio, non-voting member of all boards and commissions created by or under authority of this Charter, except the Civil Service Commission and the Board of Zoning Appeals. *(11-5-91, 11-6-01)*

ARTICLE X. NOMINATIONS AND ELECTIONS

SEC. 10.01 MUNICIPAL ELECTIONS.

The regular election for the choice of members of the Council shall be held at the general election in the odd-numbered years. This shall be known as the Municipal Election. The Council may, by resolution, order a Special Election at any time, the purpose of which shall be set forth in the resolution. *(11-5-91)*

SEC. 10.02 CONDUCT OF ELECTIONS.

All elections shall be conducted under the provisions of this Charter by the Board of Elections of the respective counties in which the City lies. Where the Charter is silent, the provisions of the laws of Ohio shall be followed. *(11-5-91, 11-7-00)*

SEC. 10.03 NOMINATIONS.

No primary election shall be held for the nomination of candidates for Council. Nominations for the office of Council member shall be made by petition signed by not less than twenty-five (25) nor more than fifty (50) electors of the city. Petitions shall be the standard forms for the nomination of individual non-partisan candidates for such office. Group petitions shall not be used. Petitions shall be filed with the Board of Elections within the time period specified by the Ohio Revised Code. An elector may sign only as many petitions as there are Council members to be elected at the municipal election for which the nominations are made. *(11-5-91)*

SEC. 10.04 SPONSORS, ACCEPTANCE, VERIFICATION.

Each candidate shall have a sponsoring committee of five (5) qualified voters, whose names and addresses shall appear on each copy of the petition. The signature of the candidate indicating acceptance of the nomination and willingness to serve if elected shall appear on each copy of the petition. The petition may be in a number of parts, but each part shall be verified under oath by the circulator, as required by law. *(11-5-91)*

SEC. 10.05 BALLOTS.

The full names of all nominated candidates shall be printed on the official ballot without party designation. The resident addresses of candidates with the same surname, or with names likely to cause confusion, shall be placed below their respective names on the ballot. The names of all candidates shall be rotated on the ballot as provided by the laws of Ohio. *(11-5-91, 11-7-00)*

SEC. 10.06 WRITE-INS.

Only in the event that fewer candidates are nominated by petition than there are Council members to be elected at the ensuing election, shall space be provided on the ballot for the writing in at the election of the names of additional persons. *(11-5-91)*

SEC. 10.07 WATCHERS AND CHALLENGERS.

At each municipal election, each regularly nominated candidate shall be entitled, on written application to the Board of Elections, at least ten (10) days before the election, to appoint one (1) person and one (1) alternate to represent him/her as a watcher and a challenger at each polling place during the casting and counting of ballots, and one (1) person and one (1) alternate to represent him/her as watcher and challenger during the canvass of votes at the Board of Election. *(11-5-91)*

SEC. 10.08 ELECTION.

The candidates for member of Council at the regular municipal election, equal in number to the places to be filled on Council, who received the highest number of votes shall be declared elected. *(11-5-91)*

SEC. 10.09 RECALL.

Members of Council may be removed from office before the expiration of their terms by the qualified voters of the City. The procedure for such recall shall be that provided by the laws of Ohio. *(11-5-91, 11-7-00)*

ARTICLE XI: GENERAL PROVISIONS

SEC. 11.01 OATH OF OFFICE.

Every officer and employee of the City shall, before entering upon his/her duties, take and subscribe to the following oath or affirmation, which shall be filed and kept in the office of the Clerk of Council:

"I, (name), solemnly swear (or affirm) that I will support the Constitution of the United States, the Constitution of the State of Ohio, the Charter and Ordinances of the City of Loveland,

and will obey the laws thereof, and will faithfully discharge the duties of (_____), upon which I am about to enter." (11-5-91, 11-6-01)

SEC. 11.02 OFFICIAL BONDS.

All officers and employees of the city, whose duties require them to handle municipal and other public money or property, may be required by Council to furnish a corporate bond issued by a company authorized to do business in Ohio, to protect the City against loss due to their acts. The amount of the bond in each case shall be determined by Council and the premium on such bonds shall be paid from the funds of the city. All such bonds shall be filed with the Clerk of Council. (11-5-91)

SEC. 11.03 PERSONAL INTEREST.

No member of the Council or any officer or employee of the City shall have any financial interest, direct or indirect, in any contract with or sale to the City of any materials, supplies, or services, or any land or interest in land. A person who knowingly and willfully violates this section shall be guilty of malfeasance in office and upon conviction thereof, shall be removed from office. Any contract or agreement made in violation of this section shall be violable at the election of the Council. (11-5-91)

SEC. 11.04 REMOVAL FROM OFFICE — DISQUALIFICATION.

Whenever, in this Charter, certain acts on the part of City officials are described as constituting malfeasance in office, the procedure for complaint, trial and judgment thereon shall be that prescribed by the laws of Ohio. (11-5-91, 11-7-01)

SEC. 11.05 AMENDMENTS.

Any section of this Charter may be amended to meet changing conditions as the municipality develops, in order that the best interests of those who live and work in the City of Loveland may continue to be served. Amendments may be submitted to electors by five (5) votes of the Council, or shall be submitted upon petition signed by ten (10%) percent of the electors of the City voting at the last preceding Municipal Election. Copies of the proposed amendments shall be mailed to the electors not less than thirty (30) days prior to the date of an election at which such amendments are to be voted on. If any such amendment is approved by a majority of the electors voting thereon, it shall become a part of the Charter of this municipality. (11-5-91, 11-6-01)

SEC. 11.06 SEVERABILITY CLAUSE.

If any section or part of section of this Charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this Charter, which would have been adopted without the invalid portion if such invalidity could have been known at the time of its original adoption. (11-5-91)

ARTICLE XII: TRANSITIONAL PROVISIONS

SEC. 12.01 FISCAL SUCCESSION.

The City, under this Charter, is hereby declared to be the only legal successor of the City of Loveland under its former charter and the laws of Ohio. As such, the City has title to all property, real and personal, owned by its predecessor, including all monies on deposit and all taxes in the process of collection, together with all accounts receivable and rights of action. The City is liable for all outstanding orders, contracts and debts of its predecessor and for any other obligations for which it may be held liable, as such successor, by any court of competent jurisdiction. *(11-5-91, 11-7-00)*

SEC. 12.02 CONTINUATION OF ORDINANCES.

All ordinances of the City of Loveland in effect at the time of the adoption of this Charter shall remain in effect, except as superseded by the provisions of this Charter, until they are amended or repealed. *(11-5-91)*

SEC. 12.03 CONTINUATION OF OFFICES.

All persons holding office at the time this Charter is adopted shall continue in office and in the performance of their duties until provision shall have been otherwise made in accordance with this Charter for the performance or discontinuance of the duties of any such office. *(11-5-91)*

SEC. 12.04 CONTINUANCE OF EMPLOYEES.

Every employee of the City government when this Charter takes effect shall be retained in employment and shall thereafter be subject in all respects to the provisions of this Charter. *(11-5-91)*

SEC. 12.05 TRANSFER OF RECORDS AND PROPERTY.

All public records and property in the custody of officers and employees of the City shall be transferred and delivered promptly to their successors, upon termination of tenure of office or employment. *(11-5-91)*

SEC. 12.06 CONTINUANCE OF CONTRACTS AND PUBLIC IMPROVEMENTS.

All contracts entered into for the City or for its benefit, prior to the taking effect of this Charter, shall continue in full force and effect. Public improvements for which legislative steps have been taken under laws existing at the time this Charter takes effect shall be completed, as nearly as practicable, under the provisions of such laws. *(11-5-91)*

SEC. 12.07 PENDING ACTIONS AND PROCEEDINGS

No action or proceeding, civil or criminal, pending at the time when this Charter shall take effect, brought by or against the City or any office, agency or officer thereof, shall be abated or affected by anything herein contained, but all such actions shall be prosecuted or defended under the laws in effect when they are filed. *(11-5-91)*

SEC. 12.08 REVISED CHARTER; WHEN AMENDMENTS THERETO TAKE EFFECT.

The proposed amendments shall be voted upon at the general election on November 6, 2001 and, if approved by a majority of the electorate voting thereupon, shall take effect and be in force from and after certification by the Board of Elections. Except as amended, all other provisions of the Revised Charter approved on November 5, 1991, and thereafter, shall remain unchanged. *(11-5-91, 11-7-00, 11-6-01)*