

ARTICLE II MUNICIPAL POWERS

The City shall have all powers of local self-government now and hereafter granted to municipalities by the Constitution of the State of Ohio and such further powers as are now or hereafter may be granted by the laws of the State of Ohio. All such powers shall be exercised in the manner prescribed in this Charter or, if not prescribed herein, in such lawful manner as the Council shall determine by ordinance or resolution. Enumeration of or reference to particular powers in this Charter shall not be construed to be exclusive.

ARTICLE III THE COUNCIL

SECTION 1.0 COMPOSITION AND TERM.

The Council shall consist of seven (7) members all of whom shall be elected at large. The terms of the members of the Council shall begin on the first day of January next following their election and they shall serve for a term of four (4) years or until their successors are chosen and qualified; except that of the seven (7) members elected in 1961, the three (3) receiving the largest number of votes shall serve for a term of four (4) years and the remaining four (4) shall serve for a term of two (2) years.

SECTION 2.0 QUALIFICATIONS.

A member of Council shall have been continuously a resident and an elector of the City for two (2) years immediately prior to the date of his election or appointment, and each such member shall continue to be a resident and an elector therein throughout his term of office. No member of Council shall hold any other elective public office or any other municipal office or employment. No member of Council shall be interested in the profits or emoluments of any contract, job, work or service for which moneys of the City are expended. Council shall be the sole and final judge of the election and qualification of its members.

SECTION 3.0 COMPENSATION.

The salary of a member of Council shall be three hundred sixty dollars (\$360.00) per year for the first term beginning January 1, 1962. For the terms thereafter the Council may determine and fix the salary of its members, but the salary of a member of Council shall not be increased or decreased during the elective term of office which he is serving. If the Council determines to change the established salary of members in respect to a succeeding term of office, such change must be made by the Council before the first day of September next preceding a regular municipal election. Unless and until the salary is so changed, it shall remain as last fixed.

SECTION 4.0 ORGANIZATION.

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

SECTION 5.0 QUORUM.

A majority of the members of Council shall constitute a quorum for the transaction of business at any meeting of the Council, but a number less than a quorum may adjourn the meeting from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance, resolution or by rules of the Council. At any meeting at which a quorum is present, any action may be taken by the affirmative vote of a majority of the members of the Council present, unless a larger number be required by the provisions of this Charter or the laws of the State of Ohio not in conflict therewith.

SECTION 6.0 RULES AND JOURNAL OF COUNCIL.

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

SECTION 7.0 CLERK OF COUNCIL.

See Section 5.0 of Article V hereof.

SECTION 8.0 VACANCIES.

Whenever the office of member of Council shall become vacant, the vacancy shall be filled by a majority vote of all the remaining members of Council. If the vacancy shall not be so filled within thirty (30) days, the Mayor shall fill it by appointment. A member of Council elected or appointed to fill a vacancy shall hold office for the balance of the unexpired term or until a successor shall be elected and shall qualify for the unexpired term as hereinafter provided. In the event the office of member of Council shall become vacant more than sixty (60) days prior to the next regular municipal primary election, a successor for the unexpired term shall be elected at the next regular Municipal General Election held thereafter. (Amended 11-5-68.)

SECTION 9.0 MEETINGS.

(a) Regular Meetings. The Council shall meet in the Council Chambers at such times as may be prescribed by its ordinances, resolutions or rules. Regular meetings shall be held at least twice in each calendar month except during the months of July and August, the Council may dispense with one of its regular meetings in each of those months. All meetings of the Council, whether regular or special, shall be open to the public; provided, however, the Council may hold an executive session if a majority of a quorum of the Council so determines, by a roll call vote, to hold such a session at regular or special meetings for the sole purpose of the consideration of the following matters: personnel matters; purchase, lease or sale of property; pending or eminent litigation or court action; collective bargaining issues; matters required to be kept confidential by federal or state law or rules; and specialized details of security arrangements where disclosure might reveal information that could be used for the purpose of committing a violation of the law or avoiding prosecution therefor. (Amended 11-7-00.)

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

SECTION 10.0 POWERS.

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

- (a) All of the legislative powers of the City now or hereafter granted by the Constitution and laws of the State of Ohio to legislative bodies of municipalities, and such other powers granted by this Charter and all powers now or hereafter granted by the laws of the State of Ohio to Boards of Control, Municipal Tax Commissions, Boards of Trustees of Public Affairs, Recreation Boards, or any other municipal commission, board or body now or hereafter created by law, except as otherwise provided by the Constitution of the State of Ohio or this Charter. Any such Board, Commission, or Body heretofore created, authorized, appointed or existing shall be, and the same hereby is, abolished as of January 1, 1962;
- (b) The power to create, combine or abolish offices, departments, divisions, boards or commissions of the City and the power to fix the qualifications, duties, bonds and compensation of all officers and members thereof;
- (c) The power to approve and confirm or to disapprove and reject the appointment or removal by the Mayor of any appointive officer or head of a department or division of the City;
- (d) The power to establish the number of employees in the various departments of the City and to determine the qualifications, duties, bonds and compensation of such employees;
- (e) The power to determine the method of and procedure for making, awarding, advertising, modifying and enforcing contracts with the City and the method, procedure, time and manner of payment thereunder. No contract shall be made on behalf of the City unless authorized by the Council and no contract shall be binding upon the City unless it has been so authorized or approved and the necessary money has been lawfully appropriated therefor;

- (f) The power to determine the method, manner, consideration and procedure for the purchase of property on behalf of the City and the sale or disposal thereof;
- (g) The method, manner and procedure for making the following improvements and for levying and collecting assessments on property benefitted thereby:
 - (1) Construction, reconstruction or repair of sidewalks;
 - (2) Lighting, sprinkling, cleaning or oiling streets, highways, public places and public grounds;
 - (3) Cutting and disposal of weeds and abatement of nuisances on private property;
 - (4) Collection and disposal of garbage, rubbish and refuse;
- (h) The power to expel or remove:
 - (1) Any member of Council for gross misconduct, misfeasance, malfeasance or nonfeasance in office, or for disqualification from holding office, or for conviction while in office of a crime involving moral turpitude, or for violation of his oath of office, or for persistent failure to abide by the rules of Council or for absence without justifiable excuse for three (3) consecutive regular meetings of Council;
 - (2) The Mayor or Clerk-Auditor for gross misconduct, malfeasance, misfeasance or nonfeasance in office or for disqualification from holding office, or for conviction while in office of a crime involving moral turpitude, or for the violation of his oath of office.

No such expulsion or removal shall take place except on concurrence of five (5) members of Council, not until the accused person shall have been notified in writing of the charge against him at least ten (10) days in advance of any hearing upon such charge, and until he or his counsel shall have been given the opportunity to appear before the Council and be heard, present evidence and examine witnesses appearing in support of the charge;
- (i) The power to make such other general regulations as the Council may deem necessary in the public interest.

SECTION 11.0 PROVISIONS AS TO LEGISLATIVE ACTION.

(a) All legislative action by the Council shall be by ordinance or resolution introduced in written or printed form. An affirmative vote of at least a majority of the members of Council shall be required for the passage of every ordinance or resolution. (Adopted 9-6-61.)

(b) Every ordinance or resolution shall be read at three (3) different meetings of the Council unless five (5) members of Council vote to dispense with the second and third readings thereof, in which event such ordinance or resolution shall be read at least once before passage. Every reading shall be by title only if the ordinance or resolution shall have been written or printed and a copy thereof furnished to or placed on the desk of each member of Council prior to the first reading; otherwise, if the same has not been so furnished or placed, each reading thereof shall be in full. Council, by a majority vote of its members may require any reading to be in full. (Amended 11-6-84.)

(c) No ordinance or resolution shall contain more than one general subject, which subject shall be clearly expressed in its title. Any ordinance or resolution revising or amending previous legislation shall set forth the entire section or sections thereof so revised or amended, as revised or amended, and the original section or sections, so revised or amended, shall be deemed repealed.

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

(e) Revisions, codifications or rearrangements of ordinances may be published in book form if so specified therein. If so revised, codified or rearranged under appropriate titles, chapters and sections, such revisions, codifications or rearrangements may be made in one ordinance comprising one or more subjects. The publication in book form as aforesaid with certification of the passage and adoption thereof by the Clerk-Auditor shall constitute sufficient publication of the ordinance or ordinances contained therein. The book so published and certified shall be received as evidence in any Court, for the purpose of proving the ordinance or ordinances therein contained, in the same manner and for the same purpose as the original book, ordinances, minutes or journal would be received. If a revision, codification or rearrangement of ordinances contains new matter not previously published, a notice of the enactment thereof, setting forth the titles of the ordinances and the titles of the chapters and sections containing such new matter, shall be published in the manner provided in Section 12.0 of this Article, which notice shall constitute a sufficient publication of such new matter.

SECTION 12.0 PUBLICATION OF ORDINANCES, RESOLUTIONS AND NOTICES.

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

(b) Council may by ordinance designate additional public places in the City for posting copies of ordinances or resolutions and may make provision in any ordinance or resolution for the publication of such ordinance or resolution in one English language newspaper of general circulation in the City. In the case of newspaper publication, ordinances and resolutions shall be published once a week for two (2) consecutive weeks; notices shall be published not less than two (2) nor more than four (4) consecutive weeks, and all other matters once.

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

(d) Proof of any publication provided for in this Section shall be made by the Clerk-Auditor as provided by ordinance, or if not so provided, by the laws of the State of Ohio.

SECTION 13.0 EFFECTIVE DATE OF ORDINANCES AND RESOLUTIONS.

(a) Each ordinance or resolution providing for the appropriation of money or for any annual tax levy, or for the authorization or making of improvements petitioned for by the owners of not less than a majority of the front footage of property to be benefitted and specially assessed therefor, and any emergency ordinance or resolution declared by the Council to be necessary for the immediate preservation of the public peace, health or safety shall take effect, unless a later date be specified therein, (1) upon its approval by the Mayor, (2) upon the expiration of the time within which it may be disapproved by the Mayor, or (3) upon the passage thereof after disapproval by the Mayor, as the case may be.
(Adopted 9-6-61.)

(b) No other ordinance or resolution shall become effective until thirty (30) days after (1) its approval by the Mayor, (2) the expiration of the time within which it may be disapproved by the Mayor, or (3) its passage after disapproval by the Mayor, as the case may be. Each emergency measure shall contain a statement of the necessity for such emergency action and shall require the affirmative vote of at least five (5) members of Council for its enactment. No action of the Council authorizing the surrender or joint exercise of its powers, or granting, renewing or extending any franchise or contracting for the supply of the City or its inhabitants of the product or service of any utility shall be taken as an emergency measure.
(Amended 11-5-68.)

ARTICLE IV THE MAYOR

SECTION 1.0 ELECTION AND TERM.

The Mayor shall be elected at the regular municipal election held in the year 1961, and every fourth year thereafter, for a term of four (4) years. His term shall commence and he shall assume office on the first day of January next following such election.