

**ORDINANCE NO.: 2026-04**

INTRODUCED BY COUNCIL AS A WHOLE

**AN ORDINANCE TO SUBMIT TO THE ELECTORS OF THE VILLAGE OF OAKWOOD THE QUESTION OF ADOPTING A PROPOSED AMENDED CHARTER FOR THE VILLAGE OF OAKWOOD AND DECLARING AN EMERGENCY.**

**WHEREAS**, the Village of Oakwood Charter Commission, pursuant to the authority vested in it by Section 12.02 of the Oakwood Village Charter, has considered proposed amendments and repeal of multiple sections of the said Charter as set forth in Exhibit "A" attached hereto and incorporated herein; and

**WHEREAS**, the Oakwood Charter Review Commission has recommended said revisions to the Charter by motion passed by the Charter Review Commission as reflected in its minutes of May 7<sup>th</sup>, 2025, and,

**WHEREAS**, pursuant to Section 12.01 of the Village Charter and the Ohio Constitution, the Village Council has determined to authorize and direct the submission to the electors of the Village the proposed amendments to the Village Charter set forth in the foregoing Exhibit "A" at the next regular election or at a special election on a date designated by Council after consideration by Council of the proposed Charter Amendment(s);

**NOW, THEREFORE**, Be It Ordained by the Council of the Village of Oakwood, County of Cuyahoga, State of Ohio, that:

**Section 1:** There shall be submitted to the electors of the Village of Oakwood, Ohio, on the date of the regular election to be held on the 5<sup>th</sup> day of May, 2026, the question of whether the Amended Charter as set forth in the attached Exhibit "A" should be adopted.

**Section 2:** The ballot of said election shall at the top thereof be entitled:

"Proposed Charter Amendment a majority affirmative vote is necessary for passage" and the question to be submitted on said ballot shall be in words as follows:

"Shall the proposed Amended Charter of the Village of Oakwood as reported by the Council of the Village Oakwood be adopted?"

YES - For Passage

NO - Against Passage"

**Section 3:** The Clerk of Council is hereby authorized and directed to forward a certified copy of this Ordinance to the Board of Elections of Cuyahoga County and cause notice

of the foregoing proposed Charter amendment to be given in accordance with general law.

**Section 4:** To pay the cost of publishing said notice, there be and is hereby appropriated from the General Fund such sums of money as may be required.

**Section 5:** This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of the citizens of the Village of Oakwood for the reason that it is necessary meet the deadline to submit the proposed revisions to the Board of Elections for placement upon the ballot for the regular election to be held on May 5<sup>th</sup>, 2026 and, therefore, this Ordinance shall take effect and be in force immediately upon its passage and approval by the Mayor.

PASSED: 2/24/26

Eloise Hardin  
Eloise Hardin, President of Council

EW  
Evan Garrett, Assistant Clerk of Council

Presented to the Mayor: 3/2/26

Approved: \_\_\_\_\_

\_\_\_\_\_  
Mayor, Erica Nikolic

I, Evan Garrett, Assistant Clerk of Council of the Village of Oakwood, County of Cuyahoga and State of Ohio, do hereby certify that the foregoing Ordinance No. 2026-04 duly and regularly passed by this Council at the meeting held on the 24<sup>th</sup> day of February 2026.

EW  
Evan Garrett, Assistant Clerk of Council

**POSTING CERTIFICATE**

I, Evan Garrett, Assistant Clerk of Council of the Village of Oakwood, County of Cuyahoga and State of Ohio, do hereby certify that Ordinance No. 2026-04 was duly posted on the 2<sup>nd</sup> day of MARCH, 2026, and will remain posted in accordance with the Oakwood Village Charter.



\_\_\_\_\_  
Evan Garrett, Assistant Clerk of Council

DATED: 3/2/26

# EXHIBIT “A” CHARTER<sup>1</sup>

## PREAMBLE

We, the people of the Village of Oakwood, in the County of Cuyahoga and State of Ohio, in order to secure for ourselves the benefits of Municipal home rule and to exercise all the powers of local self-government under the Constitution and the laws of Ohio, do hereby adopt this Charter for our Municipality.

## ARTICLE I. NAME

### **Sec. 1.01. Existing village.**

The Municipality now existing in the County of Cuyahoga, State of Ohio, and known as Oakwood, shall continue to be a body politic and corporate under the name of the Village of Oakwood. If and when the Municipality shall, under the Constitution and general laws of Ohio, become a city, it shall be known as the City of Oakwood, unless the Municipality has changed its name. The provisions of this Charter, where competent, shall apply whether the Municipality is a village or a city.

### **Sec. 1.02. Change of name.**

The name of this Municipality may be changed as provided by the general laws of Ohio.

## ARTICLE II. BOUNDARIES

### **Sec. 2.01. Present boundaries.**

The Municipality shall have the same boundaries as now exist and with the power and authority to change its boundaries and in the manner authorized by the general laws of Ohio.

### **Sec. 2.02. Change of boundaries.**

No territory shall be detached from or annexed to the Municipality, nor shall the Municipality be annexed to, or merged with any other body politic, nor shall the corporate existence of the Municipality be terminated without the assent of a majority of the electors of the Municipality voting on such proposal, or the assent of the majority of the Council, subject to approval by a favorable vote of a majority of electors of the Municipality voting on such proposal. Any such proposal shall be submitted to the electors only at a general election in such manner as provided in the general laws of Ohio, or where competent, in such manner as the Council shall, by resolution or ordinance, prescribe.

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<sup>1</sup>Editor's note(s)—The Oakwood Charter was adopted at the general election held on November 5, 1968.

## ARTICLE III. FORM OF GOVERNMENT

### **Sec. 3.01. Elected officers.**

The representative branch of the government shall consist of the Mayor and the Council, who shall be elected by the electors of the Municipality and shall possess respectively administrative and legislative powers as set forth in this Charter.

### **Sec. 3.02. General.**

The Municipality shall have such other officers as are provided in this Charter or in ordinances duly enacted by the Council. Such officers shall perform the duties and functions as may be provided in this Charter, or in the ordinances creating the offices.

## ARTICLE IV. POWERS

### **Sec. 4.01. General powers.**

The Municipality shall have, possess and exercise all powers, general or special, governmental or proprietary, which may now or hereafter be granted to municipal corporations by the Constitution and general laws of Ohio.

### **Sec. 4.02. Reservation of powers.**

There is reserved to the electors of the Municipality the initiative and referendum powers; the nomination and election of a Mayor and Council and their recall; the adoption of amendments to this Charter; and there is reserved to the people the right to petition for redress of grievances.

### **Sec. 4.03. Manner of exercise.**

Unless otherwise provided in the grant or in this Charter, all such powers, whether expressed or implied, shall be exercised in such manner as shall be provided by the Council created by this Charter.

## ARTICLE V. INITIATIVE AND REFERENDUM

### **Sec. 5.01. Reserved to the electors.**

The initiative and referendum powers are hereby reserved to the electors of the Municipality on all questions which the Municipality may now or hereafter be authorized to control by legislative action.

### **Sec. 5.02. Proceedings.**

The initiative and referendum powers shall be exercised in the manner now or hereafter provided by general laws of Ohio.

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### **Sec. 5.03. Recall.**

The electors shall have the power to remove from office by a recall election any elected officer of the Municipality. If an elected officer shall have served for six months of ~~the official's~~ ~~his~~-term, a petition demanding ~~his~~-removal may be filed with the Clerk of Council, who shall note thereon the name and address of the person filing the petition and the date of such filing. Such petition may be circulated in separate parts, but the separate parts shall be bound together and filed as one instrument. Each part shall contain the name and office of the person whose removal is sought and a statement in not more than two hundred words of the grounds for the removal. Such petition in a case of a recall election for an officer elected at large shall be signed by at least that number of electors which equals twenty-five percent of the electors voting at the last preceding general election in the Municipality. In the case of a Ward Councilman such petition shall be signed by at least that number of electors which equals twenty-five percent of the electors voting at the last preceding general election in the ward represented. Within ten days after the day on which such petition shall have been filed, the Clerk shall determine whether or not it meets the requirements hereof. If the Clerk shall find the petition insufficient, ~~the Clerk~~ ~~he~~ shall promptly certify the particulars in which the petition is defective, deliver a copy of ~~the~~ ~~his~~-certificate to the person who filed the petition ~~with him~~, and make a record of such delivery. Such person shall be allowed a period of twenty days after the day on which such delivery was made in which to make the petition sufficient. If the Clerk shall find the petition sufficient, ~~the Clerk~~ ~~he~~ shall promptly so certify to the Council, shall deliver a copy of such certificate to the officer whose removal is sought, and shall make a record of such delivery. If such officer shall not resign within five days after the day on which such delivery shall have been made, the Council shall thereupon fix a day for holding a recall election, not less than sixty nor more than ~~ninety~~ ~~seventy-five~~ days after the date of such delivery. 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. Such election shall be held for the entire Municipality for recall of an at large officer and within the ward for recall of a Ward Councilman. If a 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, ~~the~~ ~~his~~-office shall be deemed vacant, and such vacancy shall be filled as provided in this Charter. The officer removed by such recall election shall not be eligible for appointment to the vacancy created thereby.

## **ARTICLE VI. NOMINATION, ELECTION AND QUALIFICATIONS**

### **Sec. 6.01. Regular and primary elections.**

Regular and primary Municipal elections shall be held on the dates specified in Section 3501.01 of the Ohio Revised Code or as otherwise provided in the Ohio Constitution or Ohio Revised Code.

(Passed 11-5-1985; Ord. No. 2020-45 , § 1, 6-9-2020, passed 11-3-2020)

### **Sec. 6.02. Special elections.**

Special elections shall be held for amendments to this Charter, as provided in the Constitution of Ohio, and such other special elections shall be held as provided for in this Charter.

### **Sec. 6.03. General provisions.**

All Municipal elections including, but not in limitation, the nominations therefor, canvass and certification of the votes, recount and contest of elections shall be conducted and determined by the election authorities and in the manner, except as provided in this Charter, as prescribed by the general laws of Ohio. The ballot used in the

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election of officers, under this Charter, shall be without party mark or designation. The names of all candidates for any office, under this Charter, shall be placed upon the same ballot and shall be rotated in the manner provided by the laws of Ohio. No additional registration shall be required to vote in Municipal elections. Except as otherwise provided in this Charter, the laws of Ohio shall govern the nomination and election of the elective officers of the Municipality.

### **Sec. 6.05. Nominations.**

Nominations for elective offices, under this Charter, shall be made only by petition, which shall be filed with the Board of Elections not less than 90 days prior to the primary election. Each candidate for Mayor shall file a petition signed by not less than 75 registered voters of the Municipality and by not more than 150 registered voters. Each candidate for member of Council-at-large shall file a petition signed by not less than 50 registered voters of municipality and by not more than 100 registered voters. Each candidate for Ward Councilman shall file a petition signed by not less than 25 registered voters of the respective ward and by not more than 50 such registered voters. Each petition shall be accompanied by the written acceptance of the nominee. The nomination of each candidate shall be made by a separate petition, but such petition may be circulated in separate parts which shall be filed, however, as one instrument. A candidate for office is not eligible to file a nominating petition with the Board of Election if the candidate holds a different elective office of the Village at the time of filing said petition.

(Amended 11-6-2012; Ord. No. 2020-46 , § 1, 6-9-2020, passed 11-3-2020)

### **Sec. 6.06. Primary and run-off elections.**

When there are more than two candidates for Mayor or a Ward Council seat, or more than four candidates for Council-at-large, there shall be a primary election for that particular office, with two candidates receiving the highest votes for Mayor and Ward Councilman, and the four highest votes for Council-at-large, appearing in the ballot at the following regular municipal election in November. In the event a tie vote occurs in any regular municipal election for any elected office of the municipality, there shall be a run-off election between the two candidates, to be held on the first Tuesday in the following December.

(Enacted 5-6-1997)

### **Sec. 6.07. Qualifications.**

Each ~~at large~~ elector of the Municipality shall be a registered elector of the Municipality and shall have resided continuously therein, or in a territory annexed thereto, for a period of one year immediately preceding the date of his election. ~~He or she~~ The elected official shall continue to be a bona fide resident of the Municipality during ~~his or her~~ the elected official's term. Each Ward Councilman shall be a registered elector in ~~his or her~~ the ward ~~the official is elected represent~~ and shall have resided continuously in ~~his or her~~ that ward for ~~a~~ one year immediately preceding ~~his or her~~ to office. ~~He or she~~ The Councilperson shall continue to be a bona fide resident of ~~his or her~~ that ward during ~~the~~ his or her term. A ~~Ward Councilperson or an at large Councilperson~~ Elected officials of the Municipality shall have had no felony convictions prior to ~~his or her~~ the official's term, and shall hold no other public office, other than notary public, or such offices as may be held in an ex-officio capacity. ~~He or she~~ No elected official shall ~~not~~, directly, or indirectly, solicit, contract for, receive, or be interested in any profit or emolument from or on account of any contract, job, work, or service with or for the Municipality.

(Amended November 2, 2010)

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**Sec. 6.08. Oath required.**

Every officer of this Municipality shall, within ten days after the commencement of the term and before assuming office, take and subscribe an oath or affirmation to support the Constitution of the United States, the Constitution of the State of Ohio, the Charter, ordinances and resolutions of this Municipality, and to faithfully, honestly and impartially discharge the duties of their office. The officer shall give such bond as is required by ordinance of Council, the premium to be paid by the Municipality.

**Sec. 6.09. Reserved.**

Editor's note(s)—Former § 6.09, which pertained to removal of officers, was repealed by the voters on November 2, 2010.

**Sec. 6.10. Continuity of office.**

A person holding an office, or public trust, of the Municipality shall continue therein until a successor is elected or appointed and qualified, unless otherwise provided in the Constitution of Ohio, or this Charter.

## ARTICLE VII. COUNCIL

**Sec. 7.01. Number and term.**

Except as reserved to the people by this Charter, the legislative power of the Municipality shall be vested in a Council of seven members, five of whom shall be elected by the several wards, provided for in this Charter, and two of whom shall be elected at large. All members shall be elected for a term of four years to commence on the first day of January next after their election, except for the election in November, 1991. The council member from Ward No. 1 and the two council members at large shall be elected to a four year term in November, 1991, and each four years thereafter. The council members from Ward Nos. 2, 3, 4 and 5 shall be elected to a four year term in November, 1993, and each four years thereafter.

(Amended 5-8-1990)

**Sec. 7.02. Wards.**

The Municipality shall, by this Charter, be divided into five wards. Each ward shall elect one member of Council.

The Village Engineer shall keep, maintain and make available for public inspection a map of the Municipality delineating its ward boundaries and shall update such map within 30 days of passage of an ordinance redividing the Municipality or the President of Council's submission of a plan to the Clerk of Council as provided in this section.

**Sec. 7.04. Division after Federal census.**

No later than September 1, 1970, based on the Federal census of 1970, and thereafter, within sixty days after the proclamation by the Secretary of State of Ohio announcing the population of municipalities in Ohio, as

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determined by each recurring Federal census, the Council shall redivide the Municipality into five wards which shall be as nearly equal in number of persons as is possible.

Any change shall be made by ordinance. All wards shall be bounded, as far as practicable, by county lines, streets, alleys, public grounds, subdivision lines, corporation lines, center lines of streets, railroads or natural boundaries and each ward shall be composed of adjacent and compact territory so that the wards shall be as nearly equal in number of persons as is possible, regardless of the land area of each ward.

Upon failure of the Council to act to redivide the Municipality within the period provided, the President of the Council shall redivide it as herein provided and shall file such plan with the Clerk of the Council within 120 days after the proclamation of the Secretary of State of Ohio. The plan shall thereupon become the new division by wards of the Municipality.

Council may direct such officials, departments, or employees of the municipality, or may appropriate such funds and contract with a third party, as Council may determine is necessary and desirable to effectuate this section.

### **Sec. 7.05. Qualifications; quorum.**

The Council shall be the judge of the election and qualifications of its members.

A majority of all members of the Council shall constitute a quorum for the transaction of business, but a lesser number may adjourn from day to day and compel the attendance of absent members in such manner and under such penalties as may be provided by rules of the Council.

### **Sec. 7.06. Removal.**

~~The Council shall be the judge of the election and qualifications of its own members. It may expel or remove any member for gross misconduct or malfeasance or nonfeasance in or disqualification for office, or upon conviction while in office of a felony or other crime involving moral turpitude, or for a violation of his oath of office, or persistent failure to abide by the rules of Council, or absence without justifiable excuse from three (3) consecutive regular meetings of Council, provided, however, that such expulsion or removal shall be upon the concurrence of two-thirds (2/3) of the members of Council after public hearing upon the charge or charges brought; and provided further, that the accused member shall have been notified in writing of the charge or charges against him at least fifteen (15) days in advance of such public hearing; and provided further, that he or his counsel shall have been given an opportunity to be heard, present evidence, and examine witnesses appearing in support of such charge or charges.~~

~~The decision of Council in expelling or removing a member of Council after compliance with this section shall be final and thereupon the office of any such removed or expelled member of Council shall be vacant.~~

Elected officials and any Director of any Department of the Municipality shall be removed for cause as provided in this Section of the Charter.

As used in this section of the Charter, the "charging official" shall mean: The Mayor or 2/3 of the Council.

The charging official, if there exists reason to believe there is probable cause (as such causes are defined in this section) for removal of an official, shall give notice of the alleged cause for removal and the time, date, and place of the commencement of a hearing for removal, which shall not be earlier than ten (10) days after the service of the notice, to the accused person by personal service, certified mail or by leaving a copy of such notice at the person's last known place of residence in the Municipality. At such time, date, and place and at any adjourned meetings of such hearing, the Council shall hear the cause for removal; shall provide an opportunity for the accused person to be heard and present defenses and shall determine whether the accused person shall be removed from office. The

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Council may remove an official for any of the following causes by a three-fourths (3/4) vote of the members of Council. Such person shall not vote on any matter during the removal procedure and shall not be counted in determining required majorities. The following are grounds for removal of elected officials and directors of departments of the Municipality.

- A. Failure to possess the qualifications of office required pursuant to the provisions of this Charter.
- B. Conviction of a felony or other crime involving moral turpitude.
- C. Failure to take the required oath, or to give any required bond within twenty (20) days after effective date of election or appointment, or obligation to give a new or additional bond.
- D. Being adjudicated legally incompetent.
- E. Conduct which is determined by Council to be gross misconduct or gross neglect of duty with respect to the official's powers or duties.
- F. Violation of the oath of office.
- G. Gross failure of an elected official or director to abide by the rules of Council or the ordinances of the Municipality, as appropriate; or absence from three (3) consecutive regular meetings of the Council without being excused by Council.

Upon the removal of an official from office pursuant to this Section, the office of the offending person shall be declared vacant, subject to any appeal to and review by an appropriate court, and the vacancy shall be filled as provided in this Charter.

The removal of an official or the occurrence of any of the causes permitting the removal shall not invalidate any action of the official or anybody, including Council, in which the member participated. The subsequent removal of a person who fills a vacancy created pursuant to this section by reinstatement by a court of a person previously removed by Council, shall not invalidate any action of the person who filled the vacancy or anybody, including Council, in which such person who filled the vacancy participated.

Council shall be the judge of the qualifications of and of the grounds for removal from office and shall conduct the proceedings relative to removal. Council shall have the power to subpoena witnesses, administer oaths, and require the production of evidence, either on its own motion or through the process of any appropriate court or officer thereof. A person charged with conduct constituting grounds for removal from office shall receive a public hearing, and a record of the proceedings shall be made and preserved. A notice of such hearing shall be published in at least any one (1) newspaper of general circulation in the Municipality at least one (1) week in advance of the hearing, and in such event, the President of Council, or other presiding officer of Council, may reschedule the time, date, and place of the hearing to accommodate the publication of the notice. If the hearing is rescheduled, the President of Council, or other presiding officer, shall notify the accused person of such fact. Decisions made by Council under this Section shall be subject to review by the Courts on matters of law and whether Council acted arbitrarily and without probative evidence to support the grounds for removal.

The Director of Law or special counsel engaged by the Director of Law shall prosecute the removal proceedings before Council and any review thereof by the courts. In the event the person sought to be removed from office is the Director of Law, a special counsel engaged by the Mayor, with the approval of a majority of Council, shall prosecute the removal proceedings before Council and any review thereof by the courts. If a person accused is

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not finally removed, the Municipality shall pay the reasonable costs of the defense of such person and any compensation withheld pending the appeal of the action of Council.

(Enacted 11-2-2010)

### **Sec. 7.07. Vacancy.**

Whenever the office of a member of Council shall become vacant for any reason, the vacancy shall be filled by a majority vote of all the remaining members of the Council. If the Council shall not so fill such vacancy within thirty (30) days after the date the vacancy has occurred, the power of Council to do so shall lapse and the Mayor shall make an appointment to fill such vacancy. Such appointee shall hold office for the unexpired term of the member in whose office the vacancy has occurred **or until the beginning of the term of a successor elected as hereinafter provided.** A successor shall be elected to serve the remainder of the unexpired term of the member in whose office the vacancy occurs at the next regular or primary municipal election if (a) such election shall occur more than one year prior to the expiration of the unexpired term, and (b) the vacancy shall have occurred not less than 120 days prior to such election. There shall be no primary contest for the election held under this Section and the candidate receiving the highest number of votes shall be elected to serve the remainder of the term in which the vacancy has occurred. A candidate for office under this Section shall file with the Board of Elections, not less than 60 days before the election, a petition signed by the number of voters specified for the office by Section 6.05 of this Charter. A candidate for office under this Section is ineligible if he or she holds a different elective office of the Village at the time of filing his or her nominating petition for said office and his or her office as member of Council shall thereby become vacant.

(Amended 11-2-1999; Ord. No. 2020-47 , § 1, 6-23-2020, passed 11-3-2020)

### **Sec. 7.08. President of Council.**

The member running at large and receiving the highest number of votes in the election shall become President of the Council. The other member elected at large shall become the President Pro Tempore of the Council, and shall be Acting President of the Council in the absence or disability of the president, and perform such other duties as may be required by the Council.

The President of Council shall be vested with all of the rights and perform all duties and functions of any other member of Council, and in addition shall preside at all meetings of Council and sign all resolutions and ordinances, which are duly adopted, and the journal of the Council. The President of Council shall perform such other duties in connection with the office as Council may impose, or as required by this Charter.

In event of the death, resignation, recall or removal of the President of Council, or if the President of Council becomes Mayor, as provided in Section 8.03 of this Charter, the President Pro Tempore of Council shall become President of Council and the office of the President Pro Tempore of Council shall be vacant.

### **Sec. 7.09. Meetings.**

In each calendar month, the Council shall hold at least two regular meetings, excepting in July and August, when it shall hold at least one regular meeting. The time of regular meetings shall be prescribed by ordinance. The Mayor or any three members of the Council may call special meetings upon at least twelve hours written notice to each member, **sent by email,** served personally on each member, or left at **their** ~~his~~ usual place of residence. Such notice shall state the subject or subjects to be considered at the meeting and no other subject shall be there considered. The notice shall be signed by the Clerk, or **the Clerk's** ~~his~~ deputy, who shall see that it is properly served. All meetings of Council called for the purpose of transacting public business, where a

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majority of the members elected are present, shall be open to the public unless a private executive session is called pursuant to the Ohio Revised Code.

(Passed 11-8-1988)

### **Sec. 7.10. Organization of Council.**

Within ~~seven~~ five days after the commencement of their term, ~~at the call of the Mayor, or otherwise at its first regular meeting after the commencement of a new term of any of its members, the~~ members of the Council shall meet in the Council Chamber and organize. At such meeting, the Council shall elect a Clerk and such other officers and employees of the Council as it may deem necessary, to serve at the pleasure of the Council.

The Clerk shall keep the records of the Council and its committees and an accurate and complete journal of the proceedings of the Council. ~~The Clerk~~ He shall perform such other duties as may be required by this Charter, the Council or by law. ~~The Clerk~~ He shall, with the President of Council, authenticate all ordinances and resolutions and any official act of the Council. When called on, ~~the Clerk~~ he shall certify copies of ordinances, resolutions and minutes of the Council. As soon as an ordinance, resolution or bylaw is passed and authenticated, and signed by the Mayor, it shall be recorded by the Clerk in a book furnished by the Council for that purpose.

### **Sec. 7.11. Rules and journal.**

The Council shall determine its own rules and keep a journal of its proceedings. Its journal shall at all reasonable times be open to public inspection.

### **Sec. 7.12. Action by the council.**

The action of the Council shall be by ordinance or resolution, except that action by Council not required by this Charter or law to be by ordinance or resolution, may be taken by motion approved by at least four (4) members of Council, and on the passage of each ordinance or resolution the vote shall be taken by "yes" and "no" and entered upon the journal, but this shall not apply to the ordering of an election, or direction by the Council to any board or officer to furnish it with information as to the affairs of any department or office. An affirmative vote of at least four (4) members of Council shall be required for the passage or enactment of every ordinance or resolution. No bylaw, ordinance, or resolution, of a general and permanent nature, or granting a franchise, or creating a right, or involving the expenditure of money, or the levying of a tax, or for the purchase, lease, sale, or transfer of property, shall be passed, unless it has been fully and distinctly read on three different days, and with respect to such bylaw, ordinance, or resolution, there shall be no authority to dispense with this rule, except by three-fourths vote of all members ~~elected to~~ of the Council, taken by "yes" and "no", on each bylaw, resolution, or ordinance, and entered on the journal.

(Amended 11-7-1995)

### **Sec. 7.13. Effective date of ordinances and resolutions.**

Each ordinance or resolution providing for (a) the appropriation of money, (b) an annual real or personal property tax levy, and (c) improvements petitioned for by the owners of a majority of the foot frontage of the property benefited and to be specially assessed therefor, and (d) 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 disapproval by the Mayor, as the case may be. No other

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ordinance or resolution shall go into effect until thirty days after its passage or adoption by the Council. Each emergency measure shall contain a statement of the necessity for such emergency action and shall require the affirmative vote of two-thirds of the members of the Council for its enactment. No action of the Council (a) relating to any changes in the boundaries or the zoning ordinances of the Municipality, (b) providing for the surrender or joint exercise of any of its powers, (c) granting any franchise, or (d) contracting for the supply to the Municipality or its inhabitants of the product or service of any utility, whether Municipally owned or not, or (e) levying an income or excise tax shall be taken as an emergency measure. Council may, by a vote of three-fourths (3/4) of its members, dispense with three readings of any such ordinance(s).

(Ord. No. 2020-48 , § 1, 6-9-2020, passed 11-3-2020)

#### **Sec. 7.14. Publication.**

All ordinances and resolutions shall be published by posting copies thereof in the lobby of the Village Hall and on the official Village website for a period of not less than fifteen days prior to the taking effect thereof, excepting emergency measures which shall take effect as hereinabove provided. The Council may provide for additional publication of an ordinance or resolution in a newspaper of general circulation within the Municipality, and in such case the effective date of such ordinance or resolution shall be as provided in this Charter.

The Clerk shall make and sign a certificate as to such posting and as to the times when such posting was done, and such certificate shall be prima-facie evidence that the copies were posted as required. Such certificate as authenticated by the Clerk shall be entered in the record of ordinances and resolutions.

(Ord. No. 2020-49 , § 1, 6-9-2020, passed 11-3-2020)

#### **Sec. 7.15. Codification.**

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 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 proving 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.

The Council may adopt standards and codes promulgated by a public body, agency or agencies, or private organization, which publishes a model or standard code, and may incorporate such code or regulations by reference. The ordinance shall clearly identify such code or standard, shall state the purpose thereof and shall state that a complete copy of such code or standard is on file with the Clerk of the Council for inspection by the public. If the Council amends or deletes any provision of such code or standards, the ordinance shall contain a brief summary of such deletion or amendment.

Ordinances or codes adopted by the Council under the provisions of this section shall be deemed to be a full and complete compliance with the provisions of this Charter with respect to publication, and no other publication is necessary than as herein set forth.

#### **Sec. 7.16. Compensation of officers and employees.**

The salary or compensation of all officers, including members of boards and commissions, and employees of the Municipality, shall be fixed by ordinance. The Council may, however, establish by ordinance schedules of

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compensation of employees, or pay ranges, to be fixed by the appointing authority in accordance with ability, fitness and seniority, within limits set forth in the Council's salary or compensation schedules.

The compensation of elected officers for the terms, beginning on the next succeeding first day of January following a regular Municipal election, shall be fixed at least 30 days prior to the last day for filing nominating petitions by candidates for election for such terms and shall not thereafter be changed in respect of any such terms, or any part thereof. Such compensation for the terms beginning March 1, 1969, shall be fixed by the Council prior to November 26, 1968, and shall not thereafter be changed in respect to such terms, or any part thereof.

In providing for the wages, terms and conditions of employment for all full-time employees and regular part-time employees with a minimum of two (02) years of prior service within the Village, Council shall adhere to the provisions set forth in Section 4117 of the Ohio Revised Code regarding Collective bargaining. The Village hereby waives any exemptions granted to municipalities of its type in Section 4117 of the Ohio Revised Code.

Notwithstanding any provisions of the Ohio Revised Code to the contrary, the Village of Oakwood agrees to abide by all provisions contained in Section 4117 of the Ohio Revised Code, and permit said employees:

- A. The right of form, join, or participate in any employee organization of their choosing.
- B. To bargain collectively with their public employers to determine wages, hours, terms and other conditions of employment, and to enter into collective bargaining agreements.
- C. To engage in other lawful concerted activities for the purpose of Collective Bargaining.

(Amended November 7, 1995)

### **Sec. 7.17 Finances.**

Except as limited by the laws of Ohio relating generally to budgets, appropriations, deposits, expenditures, debts, bonds, contracts, and other fiscal matters of a Municipality, or as otherwise provided in this Charter, the Council shall have the power and authority to provide by ordinance for the exercise of any fiscal power of the Municipality.

### **Sec. 7.18. Acceptance of gifts.**

Elected and appointed officials or employees of the Village may only accept gifts, or grants of property, real or personal, and/or money, on behalf of and for the benefit of the Village.

(Amended November 2, 1993; November 2, 2010)

### **Sec. 7.19. Income tax credit.**

When the taxable income of a resident of the Municipality is subject to a municipal income tax in another municipality on the same income taxable under the laws of this Municipality, such resident shall be allowed a credit of the amount of income tax paid on such taxable income to such other municipality, equal to one hundred percent (100%) of the amount obtained by multiplying the lower of the tax rate of such other municipality or of this Municipality by the taxable income earned in or attributable to the municipality of employment or business activity but, in any event, such credit shall not be applied to a rate in excess of two percent (2%) of the taxable income earned in or attributable to the municipality of employment or business activity. For the purpose of this section, taxable income shall include the distributive share of net profits of a resident partner or owner of an unincorporated business entity.

The amount of tax credit provided in this section may be altered by ordinance of Council provided such ordinance is submitted to the electors of the Municipality and approved by a majority favorable vote of all votes

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cast for this issue by qualified electors of the Municipality at any general, regular, primary or special election held not less than seventy-five (75) days after passage of the proposed change in tax credit by Council. The Clerk of Council shall advertise any proposed change in a newspaper of general circulation within the Municipality for two consecutive times, with at least two weeks between notices, and a third notice one week prior to the election.

(Enacted 5-6-1997)

## ARTICLE VIII. THE MAYOR

### Sec. 8.01. Qualifications and term of office.

The Mayor shall be a registered elector of the Municipality and shall have resided continuously therein for a period of two years immediately preceding the date of election. The Mayor shall continue to be a bona fide resident of the Municipality during the term. The chief executive power shall be vested in the Mayor. The Mayor shall be elected for a term of four years, to commence on the first day of January next after the election beginning with the election in November, 1991.

(Amended 11-8-2017)

### Sec. 8.02. Powers of the Mayor.

- A. *Judicial powers.* The Mayor shall have all the judicial powers granted to mayors of municipalities by the laws of Ohio.
- B. *Mayor's right in Council.* The Mayor, directors, and department heads shall attend all meetings of the Council. The Mayor may introduce ordinances and resolutions in the Council and take part in the discussion of all matters coming before it. The Mayor shall make such recommendations to the Council for the welfare of the Municipality as the Mayor deems wise.
- C. *Veto.* Every ordinance or resolution passed by Council shall be signed by the President and Clerk of Council and shall be presented to the Mayor by the Clerk of Council. If the Mayor approves such ordinance or resolution, the Mayor shall sign it and file it with the Clerk of Council. If the Mayor disapproves any emergency ordinance or resolution, the Mayor shall return it to the Clerk of Council within twenty-four (24) hours after its passage, and in case the Mayor disapproves any other ordinance or resolution, the Mayor shall return it to the Clerk of Council within ten (10) days after its passage, together in each instance with the Mayor's objections in writing. The Mayor's objections shall be entered in full on the journal of Council. The Mayor shall have no power to veto an ordinance submitting to the electors an amendment to this Charter. The Mayor may approve or disapprove the whole or any part of any ordinance appropriating money, but otherwise such approval or disapproval shall be addressed to the entire ordinance or resolution.

If the Mayor, within the time specified after its passage, does not sign or disapprove an ordinance or resolution so presented, such ordinance or resolution shall take effect in the same manner as if the Mayor had signed it within the time specified. When the Mayor has disapproved an ordinance or resolution, or an item of it as herein provided, the Council may, but not later than its next regular meeting, reconsider the ordinance or resolution or part thereof disapproved by the Mayor and if, upon such reconsideration, the ordinance, resolution or item is approved by an affirmative vote of two-thirds (2/3), or more, of the members of Council, such ordinance, resolution or item shall take effect, notwithstanding the disapproval of the Mayor.

- D. *General powers and duties.* The Mayor shall exercise supervision and control of all the executive departments and divisions of the Municipality. The Mayor shall be the chief conservator of the peace within the Municipality and see that all laws, ordinances and resolutions are faithfully obeyed and enforced. The Mayor shall have the power to appoint, promote, transfer, reduce, or remove any officer, not elected, or

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employee of the Municipality, but such power shall be subject to the other provisions of this Charter, or to the laws of Ohio where it is beyond the competence of this Charter to provide; and such power of removal shall be exercised over a member of a board or commission, after complaint and hearing, only for neglect of duty, incapacity, incompetency, or malfeasance in office.

The Mayor shall submit to the Council an annual estimate of revenues and expenditures, and shall advise the Council as to the financial condition and needs of the Municipality, including necessary appropriation measures. The Mayor shall see that the terms and conditions of any franchise or contract to which the Municipality is a party are faithfully kept and performed. Unless otherwise provided by ordinance, the Mayor shall execute all contracts to which the Municipality is a party. Together with the Director of Finance, the Mayor shall execute on behalf of the Municipality all conveyances and evidences of indebtedness. At the first regular meeting in March of each year, and at such other times as the Council shall direct, the Mayor shall report to the Council concerning the affairs of the Municipality and present a three year capital improvement plan for the Municipality.

- E. *Official and ceremonial head.* The Mayor shall be the official and ceremonial head of the Municipality and shall be recognized by the Governor of Ohio for military and other public purposes and by the courts for the purpose of serving civil process in any action wherein the Municipality is a party.
- F. *Custodian of seal.* The Mayor shall have custody of the seal of the Municipality and may affix it to all contracts, conveyances, evidences of indebtedness and all other instruments, but the absence of the seal shall not affect the validity of any instrument.

(Amended 11-2-2010)

### **Sec. 8.03. Vacancy.**

During such period when the Mayor is absent from the Municipality, or is otherwise not accessible, or is temporarily unable for any cause to perform his or her duties, the order of succession as Acting Mayor shall be as follows: President of Council and President Pro Tem of Council. In case of death, resignation, recall or removal of the Mayor, the President of Council shall become Mayor until elected or replaced as provided hereinafter. Upon the death, resignation, recall or removal of the Mayor, there shall be conducted a special election, but no primary election, in which the candidate receiving the highest number of votes shall be elected to serve the remainder of the Mayor's term. Said election shall take place within 120 days of said vacancy in the office of Mayor unless a general or primary election is scheduled not less than 90 nor more than 120 days from the date of said vacancy in which case said election shall take place at the next general or primary election. A candidate for office under this section shall file with the Board of Elections, not less than 60 days before the election, a petition signed by not less than 75 registered voters of the Municipality and by not more than one hundred and 150 registered voters. A candidate for the office of Mayor under this Section is ineligible if he or she holds a different elective office of the Village at the time of filing his or her nominating petition for said office and his or her office as member of Council shall thereby become vacant.

### **Sec. 8.04. Reserved.**

Editor's note(s)—Former § 8.04, which pertained to hearings and appeals, was repealed by Ord. No. 2020-51 , § 1, adopted June 9, 2020, passed by voters in the November 3, 2020 election.

## **ARTICLE IX. ADMINISTRATIVE DEPARTMENTS**

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### **Sec. 9.01. General provisions.**

Initially, the Municipality shall have a Department of Law, Department of Finance, Department of Public Safety and Department of Public Service and Properties. The Council shall by ordinance provide for the organization and duties thereof not provided for by this Charter.

### **Sec. 9.02. Council authority.**

The Council may by ordinance establish additional departments, boards or commissions or divisions thereof, and provide for them as it may deem necessary. With the exception of the departments, boards or commissions established by this Charter, and not authorized to be combined, the Council may combine or abolish any department, division, board, commission, nonelective office or job classification and may authorize one person to serve in any capacity in two or more departments, divisions, boards or commissions, when such positions are not incompatible.

### **Sec. 9.03. Appointment of Directors.**

The Mayor shall appoint a director as head of each department who shall be subject to confirmation by a majority of the members of Council. The Council shall act on any appointment within thirty (30) days next following the meeting at which notice of the appointment was received. Each director shall serve at the pleasure of the Mayor. The Mayor may make an interim appointment pending action by the Council and such appointee shall be acting head of the department. In the event of a vacancy in the office of director of any department, or of any disability or absence of a director, excepting the Director of Law, the Mayor shall serve as such acting director and head of the department unless provision has been made by ordinance for an assistant or deputy director, who shall be the acting director. All Directors and their assistants shall be electors of the Village except the Law Director and the Finance Director. In the event of a vacancy in the office of Finance Director, the Mayor shall fill such vacancy within sixty (60) days next following such vacancy or denial of confirmation by the Council. Preference shall be given to candidates for the position of Finance Director who are electors of the Village and who meet the requirements of Section 9.06. Should the Mayor be unable to fill said Finance Director position from candidates who are electors of the Village within a thirty day period, the Mayor may then fill such vacancy for the position of Finance Director from candidates who reside within a twenty mile radius of the Village of Oakwood. Upon the failure of the Mayor to fill a vacancy in the position of Finance Director within sixty (60) days next following such vacancy or denial of confirmation by the Council, the Council may appoint, by a majority vote, and fill such vacancy. Upon the failure of the Mayor to fill all other vacancies as heads of Departments within thirty (30) days next following such vacancy or denial of confirmation by the Council, the Council may appoint, by majority vote, and fill such vacancy.

(Amended 3-19-1996)

### **Sec. 9.04. Department of Public Safety.**

The Mayor shall be in charge of the Department of Public Safety as executive head of each division thereof, which shall include the Police Department, Fire Department, and Building Department, together with such other divisions thereof as Council may provide. The Mayor shall serve as Director of Public Safety. The Council may by ordinance provide for a separate Director of Public Safety who shall be in charge of such department and be the head of the department, and of each division thereof. Council shall provide for the composition of the Police and Fire Departments. It may also provide for special and auxiliary police officers, or firemen, subject to general regulations which the Council may prescribe or authorize.

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### **Sec. 9.05. Department of Public Service and Properties.**

The Director of Public Service and Properties shall be the head of the Department of Public Service and Properties. Such Director shall manage and supervise public works, public construction and all other matters as may be provided by the Council or directed by the Mayor. The Director shall have charge of the maintenance of public buildings or other property as the Mayor may direct. The Director shall be the purchasing agent of the Municipality unless the Council shall otherwise provide, and all such purchases shall be made in the manner provided by general laws or, when competent, as provided by ordinance of the Council. As purchasing agent, the Director shall be bound by the awards of the Board of Control hereinafter provided unless the amount of any purchase is less than the requirement of general law or ordinance.

### **Sec. 9.06. Director of Finance.**

The Director of Finance shall be the head of the Finance Department and fiscal officer of the Municipality. The Director of Finance shall have a minimum of a Bachelor's Degree in Business Administration. Preference for appointment shall be given to individuals who have a major in accounting and/or finance. The Finance Director shall have, at the time of appointment, a minimum of four years of municipal finance experience as the Chief Financial Officer or Assistant Chief Financial Officer. ~~The Director He/she~~ shall serve the Mayor and the Council as financial advisor in connection with municipal affairs, and shall prepare and submit such reports regarding the finances of the Municipality as the Mayor or Council directs. ~~The Director He/she~~ shall keep the financial records of the Municipality, exhibiting accurate statements of all moneys received and expended, of all property owned by the Municipality, and of all taxes and assessments. ~~The Director He/she~~ shall be custodian of all public money of the Municipality, shall keep and preserve such money in the place or places authorized by ordinance, and shall disburse the same as may be required by law or ordinance. ~~The Director He/she~~ shall not allow the amount set aside for any appropriation to be overdrawn for any other purpose. ~~The Director He/she~~ may examine and audit the accounts of all officers, employees, and departments. ~~The Director He/she~~ may require evidence that the amount of any claim presented to ~~the Director him/her~~ is due. ~~The Director He/she~~ shall perform such other duties consistent with ~~the his~~ office as the Mayor or the Council may direct. ~~The Director He/she~~ may also serve as Clerk of the Council in the event of the vacancy, disability and/or absence of the Clerk and all assistants to the Clerk, if ~~it~~ Council so provides.

(Amended 3-19-1996)

### **Sec. 9.07. Director of Law.**

The Director of Law shall serve the Mayor, the Council, the administrative departments, and the officers, boards and commissions of the Municipality, as legal counsel in connection with Municipal affairs, and, subject to the direction of Council, shall represent the Municipality in all proceedings in court or before any administrative board. The Director shall perform all other duties now or hereafter imposed upon city solicitors under the laws of Ohio, unless otherwise provided by ordinance of the Council, and the Director shall perform such other duties consistent with the office as the Mayor or the Council may request. No person shall act as Director of Law unless duly admitted to practice law in the State of Ohio. The Director of Law shall have such assistants and other employees as the Council may provide.

(Passed 11-5-1985)

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### Sec. 9.08. Board of Control.

The Mayor and the director of the several departments, established either by this Charter or ordinance, shall constitute a Board of Control. The Mayor shall be ex-officio president. The Director of Finance shall be secretary. The Board shall keep a journal of its proceedings. The voting shall be taken by "Yes" and "No" and entered in the journal and the vote of a majority of all of the members of the Board shall be necessary to adopt any question, motion or order. All meetings of the Board shall be open to the public. The Board shall approve any purchase, or contract, in excess of the minimum amount fixed by the general law or, where competent, by ordinance of the Council. It shall award any contract or purchase, which has been authorized by the Council, to the lowest and best bidder. The Board shall have such further powers and perform such other duties as shall be prescribed by ordinance. It shall adopt rules governing its meetings and business, and the exercise of its powers.

### Sec. 9.09. Chief of Police.

The Chief of Police shall be appointed by the Mayor, subject to the approval of a majority of the members ~~elected to~~of Council. The Police Chief shall be appointed from the Police Department of the Municipality or shall have had not less than ten years of training and experience in law enforcement in a police organization of at least comparable size to that of this Municipality and holds the rank of sergeant or above with that police organization at the time application for the position is made. The Police Chief shall hold office until retirement, resignation, or until removed by the Mayor with the approval of two-thirds (2/3) of the members ~~elected to~~of Council. If so removed, ~~he or she~~ the former Chief shall be entitled, unless the removal shall have been for reasons which constitute grounds for termination, to be restored to the highest position in the Police Department held ~~by him or her~~ prior to appointment as Police Chief if the appointment came from the ranks of this Municipality's Police Department. This provision shall apply to persons appointed to the position of Chief of Police subsequent to the effective date of this provision.

(Enacted 11-5-2002)

### Sec. 9.10. Fire Chief.

The Fire Chief shall be appointed by the Mayor, subject to the approval of a majority of the members ~~elected to~~of Council. The Fire Chief shall be appointed from the Fire Department of the Municipality or shall have had not less than ten years of training and experience in fire suppression in a fire suppression organization of at least comparable size to that of this Municipality and holds the rank of sergeant or above with that fire suppression organization at the time application for the position is made. The Fire Chief shall hold office until retirement, resignation, or until removed by the Mayor with the approval of two-thirds (2/3) of the members ~~elected to~~of Council. If so removed, ~~the former chief or she~~ the former chief shall be entitled, unless the removal shall have been for reasons which constitute grounds for termination, to be restored to the highest position in the Fire Department held ~~by him or her~~ prior to appointment as Fire Chief if the appointment came from the ranks of this Municipality's Fire Department. This provision shall apply to persons appointed to the position of Fire Chief subsequent to the effective date of this provision.

(Enacted 11-5-2002)

## ARTICLE X. BOARDS AND COMMISSIONS

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### **Sec. 10.01. Planning Commission.**

- A. The Municipality shall have a planning commission of five members to be known as the Oakwood Planning Commission, or such other name as the Council may provide. The members shall be electors of the Municipality not holding other Municipal office. They shall be appointed by the Mayor for a term of six years, excepting that of the five appointed for the terms beginning March 1, 1969, two shall be appointed for terms expiring December 31, 1971, two for terms expiring December 31, 1973, and one for a term expiring December 31, 1975. A vacancy occurring during the term of any member shall be filled by the Mayor for the unexpired term.
- B. *Chairman.* The Chairman of the Planning Commission shall be appointed annually by the Mayor from its members and may be removed as chairman at his pleasure. The Commission shall elect a Vice-Chairman and a Secretary who may or may not be a member. The Commission shall appoint such other employees and staff members as shall be provided by ordinance of the Council.
- C. *Rules and by-laws.* The Commission shall adopt rules and by-laws governing the holding of meetings, both regular and special, the transaction of its business, the filing of papers and applications, the conducting of hearings and the manner of the exercise of its powers. Where Council by ordinance has provided for the manner of the exercise of such powers, the provisions of the ordinance shall be followed. All meetings of the Commission shall be public.
- D. *Quorum.* A majority of its members shall constitute a quorum and no action of the Commission shall be taken unless concurred in by a majority of its members. The Council shall make provisions for the necessary appropriations for the functioning of the Commission.

### **Sec. 10.02. Functions of Planning Commission.**

- A. *General functions.* It shall be the function and duty of the Planning Commission to make and adopt a general plan for the development and improvement of the Municipality. No general plan or portions thereof or amendments thereto shall be adopted by the Commission until after a public hearing thereon. So much of the general plan as may be established, or from time to time amended, by ordinance of Council shall constitute the official plan and map of the Municipality.
- B. *Powers and duties.* The Planning Commission shall have the power or recommendation concerning the plan, design, location, removal, relocation and alteration of any building or structure belonging to the Municipality or located in or on public streets or public property; the location, widening, extension and vacation of streets, parks, parkways, playgrounds, recreation areas and other public places; the approval of plats for the subdivision of lands, the zoning of the Municipality for the purpose of regulating the location of trades, industries, multiple dwelling districts or other uses of the property, the height and design of buildings, the percentage of area of the lot which may be occupied by building, the area of lot per family of occupation, the provision of yard spaces, the fixing of building lines and the preparation of plans or maps for the future physical development and harmonious improvement of the Municipality; and such other powers as are now or hereafter may be conferred by ordinance of the Council.
- C. *Mandatory referral.* No public building, street, boulevard, parkway, park, public land, playground, dock, wharf, aviation field, utility, bridge, tunnel, or part thereof shall be constructed or authorized to be constructed in the Municipality, or purchased, or sold, or shall any street, avenue, parkway, boulevard or alley be opened for any purpose whatsoever, or shall any street, avenue, parkway, boulevard or alley be widened, narrowed, relocated, vacated, or its use changed or any ordinance referring to zoning or other regulations controlling the use or development of lands be passed, or become effective or binding upon the Municipality unless and until Council shall have first submitted the same to the Planning Commission for report and recommendation. Any matter so referred to the Planning Commission shall first be considered by

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the Planning Commission at a public hearing, to be held not earlier than fifteen (15) days after publication of notice thereof in a newspaper of general circulation in the Municipality, and thereafter shall be acted upon by it within sixty (60) days from the date of referral unless a longer time be allowed by Council. If the Planning Commission shall fail to act within the time allotted, Council may act thereon as if it has received a recommendation of approval in such matter. Any provision of any ordinance, resolution or order disapproved by formal action of the Planning Commission shall require a concurrence of three-fourths (¾) of the members of Council for adoption or authorization.

When the Planning Commission shall make a recommendation to the Council for a change in, or addition to any zoning ordinance or building code, Council shall study each recommendation and take action within sixty (60) days by placing on its first reading an ordinance properly covering such recommendation. Final action by Council on such ordinance shall be taken by placing said ordinance on its third and final reading no later than sixty (60) days after its first reading.

(Amended 11-2-2010)

### **Sec. 10.03. Board of Zoning Appeals.**

- A. *Board established.* There is established a Board of Zoning Appeals, which shall consist of five members. , who shall be appointed by the Mayor for terms of three years. Initially, one member shall be appointed for a term expiring December 31, 1970, two members for terms expiring December 31, 1971, and two members for terms expiring December 31, 1972. The Council, by vote of two-thirds (⅔) of its members, may combine the Board of Zoning Appeals with the Planning Commission and provide for the powers and jurisdiction of such Board to be exercised by the Planning Commission. By similar majority, the Council may likewise provide for a separation of such Board and Commission. A vacancy shall be filled by the Mayor for the unexpired term.
- B. *Rules and by-laws.* The Board shall adopt rules and by-laws governing its business, the transaction of its business and the exercise of its powers. No rule or by-law shall conflict with the provision of any ordinance and the Board shall adhere to all provisions of ordinances with respect to the exercise of its powers. It shall elect a Chairman, Vice-Chairman and a Secretary, who may or may not be a member. All meetings shall be open to the public. It shall keep a journal of its proceedings which shall be public and which shall show the vote of each member upon any question or matter presented to the Board. A majority of its members shall constitute a quorum and the concurrence of the majority of its members shall be necessary to determine any question or matter before the Board.
- C. *Jurisdiction of Board of Zoning Appeals.* It shall be the duty of the Board of Zoning Appeals to hear and decide appeals made for exceptions to and variations in the application of ordinances governing zoning in the Municipality in conformity with the purpose and intent thereof and to hear and decide all appeals made for exceptions to and variations in the application of ordinances, or orders or regulations of administrative officials or agencies. The Board shall hear and decide all appeals from decisions of the Building Commissioner or Inspector concerning permits and appeals from decisions of the officers enforcing zoning regulations or issuing zoning or use permits. The Council by ordinance may provide for affirmance, reversal or modification by it of any decisions of the Board and a hearing by the Council before any decision becomes effective. In such case, the Council by ordinance shall provide the procedure for such hearing and determination. Failure of the Council to act within thirty (30) days after such hearing shall constitute an affirmance of the decision of the Board. The Board shall perform such other functions and shall have such other power as Council may provide by ordinance.

### **Sec. 10.04. Zoning.**

The Council shall by ordinance provide regulations and restrictions governing the height, number of stories and size of buildings and other structures, the percentage of lot that may be occupied, the density of population,

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the size of yards, courts and open spaces, and the location and use of buildings, structures and land for trade, industry, residence and other purposes, shall prescribe standards for the granting of variances, exceptions and conditional use permits and for the manner of the exercise of the zoning powers and such other matters pertinent thereto as may be competent for this Charter to authorize. Before any zoning ordinance, measure or regulation may be passed, the Council shall hold a public hearing thereon and shall give thirty (30) days notice of the time and place thereof in a newspaper of general circulation in the Municipality , and during such 30 days the text of such ordinance, measure or regulation, together with the maps or plans, or copies thereof, forming part of or referred to in such ordinance, measure or regulation and the maps, plans and reports submitted by the Planning Commission, shall be on file for public examination, in the office of the Clerk of the Council.

#### **Sec. 10.05. The Recreation Commission.**

There is established a Recreation Commission of six members, five of whom shall be appointed by the Mayor. The members appointed by the Mayor shall serve for terms of five years, but initially the members shall be appointed for such terms that the term of one member shall expire annually thereafter. One of the members shall be a member of Council who shall be appointed by the President of Council and who shall serve for a term of one year, ending December 31st of the year appointed. The other members shall be electors of the Municipality holding no other public office. The Mayor's appointments shall consist of residents from each of the Village's five Wards. The Commission shall select one of its members as Chairman and a Secretary, who may or may not be a member. The Commission may adopt rules and regulations for the conduct of its business and meetings. A vacancy occurring during the term of any member of the Recreation Commission shall be filled for the unexpired term in the manner authorized for an original appointment. The powers and duties of the Recreation Commission, including the removal of members for non-attendance at meetings, shall be as provided by ordinance of Council.

(Amended 5-6-2003)

#### **Sec. 10.06. Civil Service Commission.**

- A. *Commission established.* If and when the municipality becomes a City as provided by the applicable laws of the State of Ohio, there is established a Civil Service Commission of three members who shall be electors of the Municipality not holding other Municipal office or employment. They shall be appointed by the Mayor and approved by a majority of Council for terms of six (6) years, excepting that initially one member shall be appointed for a term of four (4) years, and one for a term of six (6) years. Any vacancy shall be filled by the Mayor for the unexpired term and approved by Council.
- B. *Officers.* In January of each year the Commission shall elect one of its members as Chairman and elect a Secretary who may or may not be a member. Two members shall constitute a quorum and the concurrence of two members shall be necessary for any decision or action of the Commission.
- C. *Commission to provide by rule.* In all matters dealing with the civil service of the Municipality, the Civil Service Commission shall provide by rule for the ascertainment of merit and fitness, as far as practicable, as a basis for appointment and promotion in the classified service of the Municipality, as required by the Constitution of the State of Ohio, for conducting examinations and maintaining eligible lists for the appointing authority, for the classification of offices and positions, for maintenance of a complete roster of all persons in the classified service, which shall be public, for hearing appeals to it, for making an annual report to the Mayor and Council, for grading applicants, for a test of manual skills where required, for reasonable credit for seniority in a promotional examination, for the basis and method for determination of eligibility, certification, appointment and promotion of candidates for positions in the classified service; for the conduct of the affairs of the Commission; and for appeals in case of transfer, reduction, suspension or removal. The action of the Commission on any appeal shall be final except as otherwise provided by the general laws of Ohio.

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D. *Service classification.* Except as herein provided, the Commission shall determine the practicability of competitive examinations for any nonelective office or job classification in the service of the Municipality. The Civil Service is hereby divided into unclassified and classified service. The unclassified service shall include:

1. All officers elected by the people;
2. Any member of a board or commission, or any head of a department, subdepartment or division thereof, including the Police and Fire Departments;
3. Secretaries, and assistants to the Mayor, and one secretary and assistants to each department or division head;
4. Any deputy of an elected or appointed officer who holds fiduciary relationship to his principal;
5. Any office or position requiring peculiar or exceptional qualifications;
6. Plumbing, heating, building, electrical, health, sanitary, zoning or sewer inspectors;
7. Temporary or provisional employees, whose employment, unless extended by the Commission, shall not exceed one hundred twenty (120) days;
8. Unskilled labor;
9. The Clerk of Council, his assistants and one secretary;
10. Two secretaries, assistants or clerks for each board or commission, if provided by Council; and
11. Part-time employees.

The classified service shall include:

1. Members of the Police and Fire Departments, except for the Police and Fire Chiefs;
2. All other positions and employments, not enumerated above, for which it is practicable to determine merit and fitness of applicants by competitive examinations.

E. *Village employees.* Any person who is serving the municipality in a full time or regular part-time position shall be included in classified service and shall be retained in the same or similar position. Those employees will be certified by the Commission and shall be deemed in the classified service.

Those employees in classified positions shall be entitled to hearings and appeals to the Commission under Paragraph C, and shall not be additionally entitled to hearings and appeals under Article VIII, Section 8.04 of the Charter.

Editor's note(s)—This subsection was interpreted and modified by the Cuyahoga County Court of Common Pleas.

- F. *Action by Council.* The Council may by ordinance implement the provisions of this article and shall provide funds and assistance for the functioning of the Commission.
- G. *Commission employees.* The Commission may appoint or employ professional services and may appoint a secretary, clerks, draftsmen and other subordinates as it finds necessary in connection with the performance of its functions and duties. Expenditures for such service and employment shall be within the amount appropriated for such purpose by the Council.
- H. *Credit for military services.* Any honorably discharged member of the armed forces of the United States shall, in any examination for original appointment, be entitled to receive an additional credit of ten percent of the total grade given in the regular examination in which he/she receives a passing grade.

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- I. *Credit for citizens.* A current resident of the Municipality shall receive an additional credit of five percent of the total grade given in the examination for original appointment in which he/she receives a passing grade, provided the resident has resided in the Municipality for a minimum of two years.
  - J. *Credit for part time service.* Regular part-time employees who have at least one year of continuous service with the municipality in the department for which a full time position is sought shall receive an additional credit of fifteen percent of the total grade given in the examination for original appointment to a full time position in their respective departments in which he/she received a passing grade.

(Amended 11-7-1995; 11-2-1999; 11-5-2002; 11-2-2011)

### **Sec. 10.07. Records Commission.**

Council may provide for a records commission, to be composed of the Mayor, the President of the Council, the Director of Law, the Director of Finance and the Clerk of Council and make provision for the destruction of any record, document, paper or instrument in writing, which has been preserved by means of any photostatic, photographic, film or microfilm process, which accurately copies or reproduces the record, document, paper or instrument in writing, or provides a medium for accurately reproducing it. The Mayor shall be chairman of such Commission which shall be known as the Oakwood Records Commission, or as may be designated by the Council.

### **Sec. 10.08. Meetings of Boards and Commissions.**

All meetings of any board or commission of the Municipality are declared to be public meetings open to the public at all times. No resolution, rule, regulation or formal action of any kind shall be adopted at any executive session of any board or commission of the Municipality. The minutes of a regular or special session or meeting of any such board or commission shall be promptly recorded and such records shall be open to public inspection. All papers, reports, documents, written instruments or correspondence in any way connected with, or relied on in any decision by a board or commission, shall be open to public inspection.

### **Sec. 10.09. Ward representation on Boards and Commissions.**

Beginning on December 31, 1993, as terms expire and as vacancies otherwise occur on the Planning Commission, Board of Zoning Appeals and Architectural Board of Review, the Mayor shall fill any such vacancy on said Board or Commission with an elector from a ward not represented on said Board or Commission until all wards are represented by a member on each such Board or Commission. Thereafter, each such Board or Commission shall be represented by a member, who is an elector, from each of the five wards of the Village.

(Enacted 11-2-1993)

### **Sec. 10.10. Architectural Board of Review.**

- A. Effective January 1, 1994, there is hereby created an Architectural Board of Review for the Village, to be appointed by the Mayor with confirmation by Council, to consist of three members, to serve three year terms, and two members to serve one year terms, for a total of five members on the Board. All present members of the Architectural Board of Review shall serve the balance of their terms as previously established pursuant to Section 1140.01 of the Codified Ordinances of the Village of Oakwood. One such member shall be appointed by the Mayor, with confirmation of Council, to serve a one year term beginning on January 1, of each year, such member having background, education and/or experience in the landscaping profession. One member will be selected by a majority vote of the Planning Commission to serve a one year term, subject to the requirement that said member shall be an elector of a ward not already represented on said Board.

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- B. A vacancy occurring during the term of any member of the Architectural Board of Review shall be filled for the unexpired term in the manner authorized for an original appointment subject to the requirement that said vacancy shall be filled by an elector of a ward not already represented on said Board.
  - C. The Board shall establish and adopt its own rules of procedure not inconsistent with the Charter and ordinances of the Village, except that all meetings shall be held at the Village Hall and shall be open to the public and further that a record of its resolutions, findings and determinations shall be maintained. A copy of all decisions shall be forwarded to Council. If the Board fails to establish a regular schedule of meetings, then meetings shall be called by the Chairman or Secretary and written notice of such meeting shall be given not less than twenty-four hours prior thereto, by delivering such notice at the regular place of residence of each member.
  - D. The duties of the Architectural Board of Review shall be to examine all plans, drawings and specifications submitted to the Building Inspector for the construction, exterior alteration, moving or demolishing any building, structure, and to determine whether such proposed work is of such design, material or location that it will result in a substantial impairment or destruction of value in neighboring real estate, and whether the use of such proposed design, material and location, or substantially similar ones, are reasonably necessary to the development of the property involved, and to approve, disapprove or recommend modification of plans, drawings and specifications accordingly. The concurrence of the majority of the members of the Board shall be necessary for any decision by such Board.
  - E. Whenever, in considering any application for a permit for the construction, exterior alteration, moving or demolishing any building, structure, except decks, patios, sheds, fences or replacement garages, or permanent signs within the Village, the Board finds that such proposed construction, exterior alteration, or other proposed work would be of such design, material or location that it would result in substantial impairment or destruction in value in neighboring real property in the Village, or would not be in conformity to the established development of the area in which the same is proposed to be constructed or performed, or would be detrimental to the future growth and development of such area, or detrimental to the general welfare of the Village and the inhabitants thereof, and further finds that the use of the particular design, material or location proposed, or substantially similar ones, is not reasonably essential to the development of the property upon which such construction, erection, alteration, addition or other work is proposed to be performed, the Board shall disapprove such plans and specifications unless said plans and specifications have been modified or amended so as to remove such objections.
  - F. The Architectural Board of Review shall consider any application approved by the Planning Commission requesting outside storage and shall determine if such application meets the screening criteria established by ordinance before final approval is granted by the Board.
  - G. All applications, plans and specifications received by the Building Inspector shall be considered by the Architectural Board of Review as soon as practical thereafter and within thirty days of their review, shall report to the Building Inspector its approval, disapproval or recommendation for change by the Board. The Building Inspector shall issue no permit except on plans and specifications which have been approved as provided herein by the Architectural Board of Review.
  - H. Any applicant to whom a permit has been refused by the Architectural Board of Review may appeal from such refusal to Council by written notice to the Clerk. Council shall consider the appeal and may approve, reverse or modify any decision of the Architectural Board of Review and authorize the permit with such modifications as they may impose.
  - I. When an applicant makes application to appear before the Architectural Board of Review and the subject matter of the application requires the services of the Engineer, Law Director, Village Architect, a landscape consultant or other professional, for the Board to properly consider the applicant's plans, the applicant shall, upon notification by the Board, deposit a sum as provided by ordinance of Council, to defer the expenses

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incurred by the use of the aforesaid professionals by the Board. Such expenses incurred in connection with the application shall be approved for payment by the Chairman of the Architectural Board of Review or the Mayor.

(Enacted 11-2-1993; Amended 11-2-2011)

### **Sec. 10.11. Mandatory referral—Automatic zoning referendum.**

A. Any legislation passed by Council or proposed by initiative petition which refers to a change in existing zoning or to a change in any use regulations controlling the use or development of land shall not become effective or binding upon the municipality unless and until the same be submitted to the electors of the municipality and approved by a fifty-five percent (55%) favorable vote of all votes cast for this issue by the qualified electors of the Village and a fifty five percent (55%) favorable vote of all votes cast in each ward in which the change is applicable to property in the ward, at the next general election in the case of legislation proposed by initiative petition and for legislation adopted by Council at the next general, regular, or primary election held in the municipality, which shall occur not less than seventy five (75) days after its passage by Council or, in the case of legislation proposed by initiative petition, after its certification to the Board of Elections. The Clerk of Council shall advertise any proposed change by posting same in the lobby of the Village Hall and on the official website of the Municipality and in a newspaper of general circulation, whose circulation is either the largest, or second to the largest within the limits of the Village for two consecutive times, with at least two weeks between notices and a third notice one week prior to the election for at least four (4) weeks prior to the election.

B. Subsection A. above shall also apply to any attempt to amend or repeal changes in existing zoning or to a change in any use regulations controlling the use or development of land adopted by initiative petition.

(Amended 5-2-1995)

### **Sec. 10.12. Drive-thru windows.**

Village Council may permit drive-thru windows at any restaurant establishment located in a General Business District on Broadway Avenue, subject to compliance with standards and requirements to be established by ordinance of Council.

(Enacted 11-7-2017)

### **Sec. 10.13. Audio and video recording, production and editing facilities, passive parks and nature preserves.**

Notwithstanding any provisions of Sections 10.01 through 10.12 of the Oakwood Village Charter and provisions of the current Codified Ordinances to the contrary, Village Council by a 2/3rds affirmative vote of its members is hereby authorized to permit the construction and operation of video and audio recording, production and editing facilities, helicopter landing and take-off pads accessory to such uses, and passive parks and nature preserves in the area contained within the following boundaries which area is presently zoned R1F Residential: Solon Road on the North, Richmond Road on the East, Hawthorne Parkway on the South and the Oakwood Village border with the City of Bedford Heights on the West, subject to such standards and requirements as are to be established by ordinance of Council.

(Enacted 5-7-2019)

## ARTICLE XI. FRANCHISES

The Council may by ordinance grant a nonexclusive franchise to any person, firm, or corporation to construct or operate a public utility on, across, under, over, or above any public street or real estate within the Municipality; and it may prescribe in the ordinance the kind or quality of service or product to be furnished, the just and reasonable rate, or rates, to be charged therefor, and such other terms as it shall deem conducive to the public interest. In the case of any public utility, excepting a telephone or telegraph company, there is reserved to the Council the right, privilege and authority to approve all rates, charges or tolls for services, and no rate schedule shall be agreed to, or effective, for a longer period than five years. Such franchise may be amended subject to the provisions established herein for original grants. No consent of the owner of property abutting on any public street or real estate shall be necessary to the effectiveness of any such grant, amendment, or renewal. All such grants, amendments, and renewals shall be subject to the continuing right of the Council to provide reasonable regulations for the operation of such utilities with reference to such streets and real estate, including the right to require such reconstruction, relocation, alteration, or removal of structures and equipment used in such streets or public grounds as shall, in the opinion of the Council, be necessary in the public interest.

## ARTICLE XII. AMENDMENTS TO THE CHARTER

### **Sec. 12.01. Submission by Council or petition.**

The Council may, by affirmative vote of at least two-thirds of its members, submit any proposed amendment to the Charter to the electors and, upon receipt of petitions signed by ten percent of the electors of the Municipality setting forth any proposed amendment to the Charter, it shall submit such proposed amendment to the electors. The Council shall determine the manner of the submission of any proposed amendment to the electors to the extent that such submission is not governed by the Constitution and the laws of Ohio. If any such proposed amendment shall be approved by a majority of the electors voting thereon, it shall become a part of this Charter; except that if two or more inconsistent proposed amendments on the same subject shall be submitted at the same election, only the one of such amendments receiving the largest affirmative vote, not less than a majority, shall become a part of the Charter.

### **Sec. 12.02. Charter Review Commission.**

Within one month after the regular general election to be held in the year 2014, and within one month after the regular general election to be held each fifth year thereafter, a Charter Review Commission consisting of nine members shall be selected as provided herein. Each ward Councilperson shall select one qualified elector from that Councilperson's ward. The at-large Councilpersons shall each select one qualified elector of the Village of Oakwood. The Mayor shall select two qualified electors of the Village of Oakwood. The Council shall provide a budget to the Charter Review Commission adequate to provide Village residents with regular mail notice of its public meetings as well as mail notice of any amendments to the Charter proposed by the Charter Review Commission. The Council shall also appoint a Secretary for the Commission who shall attend Charter Review Commission meetings and who shall prepare the minutes of said meetings so as to insure a public record of said proceedings. The Charter Review Commission Secretary shall be compensated on the same basis and at the same rate of compensation in effect at the time of appointment as the secretaries of all other Village boards and commissions. Charter Review Commission members will be compensated on the same basis and at the same rate of compensation in effect at the time of their appointment as the members of all other Village boards and commissions. Such Commission shall review and recommend to the Council of the Municipality any alterations, revisions, and amendments to this Charter as in the judgment of the Charter Review Commission seem desirable.

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The Council shall submit to the electors any such proposed alterations, revisions, or amendment to the Charter, in the manner provided in Section 12.01.

(Amended 11-2-1993; 11-2-2010)

## ARTICLE XIII. MISCELLANEOUS

### **Sec. 13.01. When Charter takes effect.**

For the purpose of nominating and electing officers of this Municipality, and fixing the compensation of the officers to be elected, this Charter shall be in effect from and after its approval by the electors of the Municipality; and for all other purposes this Charter shall be in effect on and after the first day of March, 1969.

### **Sec. 13.02. Effect of partial invalidity.**

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

### **Sec. 13.03. Effect of existing laws and rights.**

This Charter shall not affect any vested rights or accrued liabilities of the Municipality, or any right or liability in any pending suit or prosecution either on behalf of or against the Municipality, or any contract heretofore entered into by the Municipality, or any franchise heretofore granted by the Municipality, or any prior, or pending, proceeding for the authorization of public improvements or the levy of assessments therefor. Except as a contrary intent appears herein, all acts of the Council of the Municipality in effect on February 28, 1969, shall continue thereafter in effect until lawfully amended or repealed.

### **Sec. 13.04. Interpretation of the Charter.**

The article and section headings herein have been inserted for convenience in reference and are not intended to define or limit the scope of, or otherwise affect, any provision of this Charter.

### **Sec. 13.05. Continuity of government.**

The Council is authorized to make provision for the continuity of the government of the Municipality in case of emergency or attack by an enemy of the United States, causing substantial damage or injury to civilian property, or persons in the Municipality, by sabotage or by the use of bombs, missiles or atomic or other means, weapons or processes.

### **Sec. 13.06 Gender neutral designations.**

All legislation, amendments to the Codified Ordinances, and any amendments made to this Charter shall henceforth contain gender neutral language.

(Enacted 11-5-2002)

### **Sec. 13.07 Charter corrections.**

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Council shall be authorized to make typographical corrections to or changes or deletions in, as well as changes in the form of, the Charter; however, the changes shall relate to matters of form; or, to make the Charter consistent with Ohio law, upon advice of the Director of Law. Any such modification, change, or correction shall, in all cases, be approved by resolution of Council, prior to going into effect. No modification, change or correction shall affect the construction, meaning, substance, or intent of the Charter as adopted and amended by the people, except where the change corrects the Charter to comply with Ohio law. The specific powers granted by this Section include the following:

- A. Council may correct obvious misspellings and typographical errors.
- B. Council may divide the text of any section or paragraph into shorter paragraphs or subparagraphs and letter or number the same to improve clarity and ease of reference.
- C. Council may renumber the sections and rearrange their order to provide:
  - 1. More coherent grouping of sections related in subject matter; and
  - 2. Continuous, consecutive numbering of sections.
- D. Council may remove inconsistent language and correct language that violates Ohio law to ensure that the Charter complies with Ohio law.
- E. Council may change gender-specific language to gender-neutral language.

Upon the adoption of any amendment that creates or abolishes an office or offices or changes the powers or duties of any officer or department of the Village, the Council shall make necessary correlative changes in existing sections that refer to such offices, officers, or agencies by deleting therefrom, as the case may be, the name of the office created or the title of the officer or agency then having such powers or duties.

### **13.08 Ethical Conduct and Conflict of Interest**

The standards of ethical conduct and avoidance of conflicts of interest for all elected and appointed officers, officials, and employees of the Municipality shall be those established by the general laws of the State of Ohio.

The civil and criminal penalties imposable for violations of such standards shall be in accordance with the general laws of the State of Ohio.

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