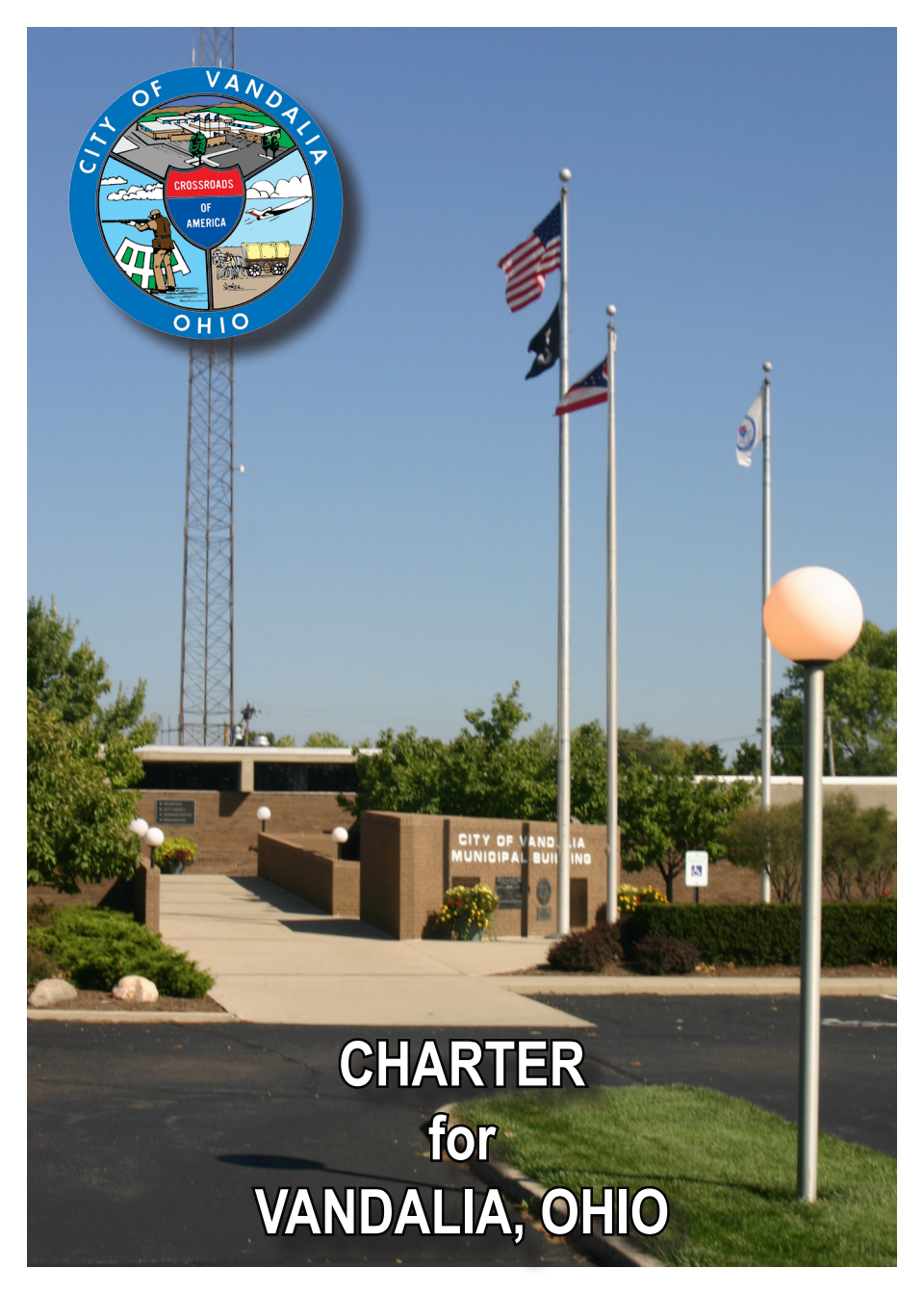




CHARTER for VANDALIA, OHIO

City Of Vandalia

333 James E. Bohanan Memorial Dr.

VANDALIA, OHIO 45377



EDITOR'S NOTE: The Charter for the City of Vandalia, Ohio, was adopted by the voters on April 7, 1959. The Charter became effective immediately upon approval for the purpose of nominating and electing officers. For all other purposes it became effective on January 2, 1960. Dates appearing in parentheses following a section heading in the Table of Contents indicate that the section was enacted, amended or repealed on the date given.

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PREAMBLE

Being grateful to Almighty God for the blessings of liberty, we, the people of the City of Vandalia, Ohio, in order to secure and exercise all the powers and benefits of local self-government under the Constitution of the State of Ohio, do enact and adopt this Charter.

ARTICLE I - POWERS

SECTION 1-1. POWERS OF THE CITY GOVERNMENT.

The City of Vandalia shall have authority to exercise all powers of local self-government and to adopt and enforce within its limits such local police, sanitary, and other similar regulations, as are not in conflict with general laws.

In addition to the powers expressed or implied in this Charter, the City of Vandalia, through the official acts of its legislative body, shall have and may exercise all other powers which are possible under the Constitution and laws of the State of Ohio.

The listing of particular powers by this Charter shall not be held to exclude other powers to which the City of Vandalia, under the Constitution and laws of the State of Ohio, is entitled.

ARTICLE II - FORM OF GOVERNMENT

SECTION 2-1. COUNCIL - MANAGER GOVERNMENT.

The municipal government provided by this Charter shall be known as the Council-Manager Government, and shall consist of a Council of seven citizens, of which six shall be Councilmembers and one shall be a separately elected Mayor as provided in Section 3-2. The Council shall constitute the governing body with powers to pass ordinances, to adopt regulations, and to exercise all powers provided by this Charter. (Amended 5-7-85)

ARTICLE III - COUNCIL

SECTION 3-1. QUALIFICATIONS.

Candidates for the office of the Council must be qualified electors of the City of Vandalia, Ohio.

Any person elected to the Council must maintain his residence within the corporate limits of the City of Vandalia, Ohio.

Members of the Council shall not hold any other public office of the City of Vandalia, or employment in any agency or department of the City of Vandalia.

SECTION 3-2. TERM OF OFFICE.

In the general municipal election in November, 1985, the three candidates receiving the highest number of votes shall serve for a term beginning January 1, 1986, to December 31, 1989. The successors of the three members elected for the term ending December 31, 1989, shall be elected in the general election in November, 1989, and every fourth year thereafter.

In the general municipal election in November, 1987, three members of Council and the Mayor shall be elected at-large to take office commencing January, 1988. The mayoral candidates in the general election shall be determined by a primary election in May, 1987, and every fourth year thereafter, with the two receiving the highest number of votes being qualified to be a candidate for Mayor in the general election.

The Mayor shall be elected by separate ballot from the municipality at-large for a term of four years. The successors of the three Councilmembers elected for the term ending December 31, 1991, shall be elected in the general election of November, 1991, and every fourth year thereafter. The successor to the Mayor shall be determined by the

qualified candidate receiving the highest number of votes in the general election of November, 1991, and every fourth year thereafter.

Should a vacancy in the Council occur between elections and the time of taking office, the candidate receiving the highest number of votes not elected as determined by the Board of Elections shall be appointed by the newly elected Council. If no surplus candidates are available by election process, Council shall appoint an elector from the City of Vandalia.

Any Council seat that becomes vacant during the regular term of office for any reason, except by succession to position of Mayor, shall be filled by the majority vote of the remaining members of Council. If Council should fail to fill such vacancy within thirty days, the same shall be filled by appointment by the Mayor. Should any Council seat become vacant because a Councilmember whose term has not expired has been elected Mayor, then such vacancy in Council shall be filled by the candidate receiving the highest number of votes not elected as determined by the Board of Elections. (Amended 11-6-84; 5-7-85)

SECTION 3-3. SALARIES.

The salary of councilmen shall be established by ordinances. Additional compensation may be allowed for the Mayor and/or Vice Mayor. Salaries shall not be increased at intervals oftener than four years. The effective date of an ordinance increasing salary of councilmen shall begin four years after ordinance adoption.

SECTION 3-4. MEETINGS.

The Council shall meet regularly, at such times it may prescribe by its rules, but not less frequently than once each month. These regular meetings shall be established at the first organizational meeting of the Council in January following its election, and every two years thereafter.

Council shall take official action and conduct all deliberations upon official business only in open meetings unless the subject matter is specifically exempted by law. (Amended 11-3-2015)

A majority of the members elected to Council shall constitute a quorum to do business, but a lesser number may adjourn from time to time.

SECTION 3-5. MAYOR.

Until January 1, 1988, at each organizational meeting, the Council shall elect by a majority vote one of its members as Mayor. For a term beginning January 1, 1988, the Mayor shall be elected by separate ballot from the municipality at large for a four-year term. The Mayor shall be a Councilmember and have the right to vote on all issues before the Council, but shall have no power of veto. The Mayor shall, in addition to his or her powers, rights, and duties as a member of Council, preside at meetings of the Council and shall be recognized as the official head of the City of Vandalia for all ceremonial purposes; by the Governor for military purposes; and by the courts for the purpose of serving civil process. The Mayor shall perform all other duties prescribed for him or her in the Charter and such other duties as may be officially imposed upon him or her by any measure of Council and not inconsistent with the provisions of this Charter. The Mayor shall have all judicial powers as now or hereafter are provided by the laws of the State of Ohio. (Amended 5-7-85)

SECTION 3-6. VICE MAYOR.

At each organizational meeting, the Council shall elect by a majority vote one of its members as Vice Mayor. If Council should fail to elect a Vice Mayor within thirty days, the position shall be by appointment by the Mayor. The Vice Mayor shall have and exercise all powers, including judicial powers, during the temporary absence or disability of the Mayor and shall succeed to his or her office for the remainder of the unexpired term in case of any vacancy therein.

In the event the Vice Mayor succeeds to the office of Mayor, the Council must elect by a majority vote another of its members to fill the unexpired term of the Vice Mayor. This action must be taken at the first meeting of the Council following the succession to the office of the Mayor by the Vice Mayor. If the Council should fail to fill the unexpired term of the Vice Mayor at the first meeting of the Council following the succession, the position shall be filled by appointment of the Mayor. (Amended 5-7-85)

SECTION 3-7. CLERK OF COUNCIL.

The Council shall appoint, for an indefinite period, a Clerk whose responsibilities shall be to keep the journal and other records of the Council and to perform such other duties as the Council may require consistent with the provisions of this Charter.

SECTION 3-8. REMOVAL.

If a member elected or appointed to the Council is convicted of a felony or fails to fulfill requirements set forth in this Charter, action for removal shall be initiated by motion of the City Council and the office immediately declared vacant by special resolution of Council, with an affirmative vote of five of its members.

SECTION 3-9. RECALL.

The electors shall have the power to remove from office by a recall election any elected officer of the municipality.

If any elected officer shall have served for six months of his or her term, a petition demanding his or her 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 removal. Such petition shall be signed by not less than twenty-five percent of the qualified electors. Within ten days after the day on which such petition is filed, the Clerk of Council shall determine whether or not it meets the requirements hereof.

If the Clerk of Council shall find the petition insufficient, he or she shall certify the particulars in which the petition is defective, deliver a copy of his or her certificate to the person who filed the petition with him or her within five days, and make a record of such delivery. A period of twenty days after delivery of such certificate shall be allowed to make the petition sufficient.

If the Clerk of Council shall find the petition sufficient, he or she shall so certify to the Council at their next regular meeting, 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 order and fix a day for holding a recall election, not less than sixty nor more than seventy-five days after the date of such delivery, at the same time as any other general or special election held within such period; but if no such election be held within such period, the Council shall call a special recall election to be held within the time aforesaid.

At such recall election this question shall be placed on the ballot: "Shall (naming the officer) be allowed to continue as (naming the of-

fice)?" with provision on the ballot for voting affirmatively or negatively on such question. If the majority of the votes cast at such election shall be voted affirmatively, such officer shall remain in office and he or she shall not again be subject to recall for a period of one year for the same issue. If a majority of the votes cast shall be voted negatively, such officer shall be considered as removed, his or her 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 thereby created.

Within twenty days after receipt of the certificate demanding recall action, the accused may in defense submit to the Clerk of Council a letter containing not more than two hundred words answering to the charges brought forth requesting recall. This answer shall be printed and mailed at City expense to each registered voter within the municipality not later than ten days before the day set for recall election.

In the event the officer being recalled resigns his or her office prior to the date set for a special recall election, Council may take action to cancel such special recall election.

ARTICLE IV - LEGISLATION

SECTION 4-1. DEFINITION.

Council action shall be by ordinance or resolution. Ordinances shall prescribe permanent rules for the conducting of the municipal government. Resolutions shall be orders of the Council of a special or temporary nature.

SECTION 4-2. PROCEDURE FOR PASSAGE OF ORDINANCES AND RESOLUTIONS.

Each proposed ordinance or resolution shall be introduced in a written or printed form, and shall not contain more than one subject, which

shall be clearly stated in the title; but general appropriation ordinances shall contain the various subjects and accounts for which monies are to be appropriated. The enactment clause of all ordinances or resolutions passed by the Council shall be, "Be it resolved by the Council of the City of Vandalia." The enacting clause of ordinances submitted by the initiative shall be, "Be it ordained by the people of the City of Vandalia."

No ordinance shall be passed on the day on which it shall have been introduced, unless it be declared an emergency measure.

No ordinance, resolution, or section thereof finally adopted, shall be revised or amended, unless the new ordinance or resolution contains the entire ordinance, resolution, or section revised or amended; and the original ordinance, resolution, section or sections so amended shall be repealed.

SECTION 4-3. FIRST READING.

Every ordinance shall be introduced in writing in a form prepared by the City Attorney of the City of Vandalia and given two separate readings by Council on separate days. For the first reading, such ordinance may be read by title only, unless a member of Council present requests a reading in full. After its approval on its first reading by Council, a summary of the ordinance shall be published in a newspaper with general circulation within the City of Vandalia or published on the City's web page and posted at the municipal building and two other public buildings within the City. (Amended 11-3-2015)

The summary shall describe the ordinance in brief and general terms and state that the ordinance is available for public inspection at the office of the Clerk of Council, together with a notation as to the time and place of its consideration for final adoption. The publication shall be at least three days prior to the time advertised. (Amended 3-4-08)

SECTION 4-4. SECOND READING.

For the second reading at the time and place so advertised such ordinance may be read by title only, unless a member of Council present requests a reading in full. All interested persons present shall be given an opportunity to be heard prior to the final vote. After such reading, the Council may finally adopt such ordinance except if an amendment changes it in substance. When an ordinance is amended, it shall not be finally adopted until a summary of the amended sections is published at least once, together with a notice of the time and place, when and where, such amended ordinance will be further considered; the time shall not be less than three days after publication.

SECTION 4-5. FINAL ADOPTION.

The affirmative vote of at least four members of Council shall be necessary for the final passage of any ordinance unless otherwise provided by the Charter. A resolution may be enacted on a formal motion by a majority vote of the members of Council present unless otherwise provided by the Charter.

Unless the ordinance shall specify a later date, the effective date of any ordinance shall be thirty days after adoption except as otherwise provided in this Charter or by the Constitution of the State of Ohio. A resolution takes effect immediately upon its adoption. (Amended 11-3-2015)

Every ordinance or resolution upon its final passage shall be recorded in a book kept for this purpose, and shall be authenticated by the signature of the presiding officer and the Clerk of the Council.

SECTION 4-6. PUBLICATION.

Every ordinance or resolution, in full or summary form, shall be

published at least once within ten days after its final passage or adoption. Copies of the ordinance in the form it was adopted shall be made available for public inspection in the office of the municipality. (Amended 11-3-2015)

Publication shall be in a newspaper of general circulation in the City of Vandalia; or published on the City's web page and posted at the municipal building and two other public buildings within the City. (Amended 11-3-2015)

Emergency measures shall also be published as aforesaid, but said requirement shall not postpone the immediate taking effect thereof.

SECTION 4-7. EMERGENCY MEASURE.

An emergency measure is an ordinance for the immediate preservation of the public peace, property, health, safety, and welfare; or providing for special emergencies in the operation of a municipal department, in which the emergency is set forth and defined in a preamble thereto. The Council may, by an affirmative vote of five members of the Council, pass emergency ordinances to take effect at the time indicated therein and such ordinances shall not be subject to referendum. Ordinances appropriating money may be passed as emergency measures, but no measure making a grant, renewal or extension of a franchise or other special privilege, or regulating the rate to be charged for its services by any public utility, shall ever be passed as an emergency measure. (Amended 11-3-2015)

ARTICLE V - CITY MANAGER

SECTION 5-1. APPOINTMENT AND QUALIFICATIONS.

The Council shall by a majority vote appoint a City Manager as Chief Executive Officer and Administrative Head of the city government. The City Manager shall administer the affairs of the City of Vandalia.

Appointment shall be made only on the basis of known executive and administrative qualifications or education, training, or experience in this field. (Amended 11-3-2015)

The term of his or her appointment shall continue without interruption or until removal as provided in this Charter.

No elected official shall receive such appointment during the term for which he or she shall have been elected, nor within one year after expiration of his or her term.

SECTION 5-2. POWERS AND DUTIES.

The powers and duties of the City Manager shall be:

- (a) To see that the laws and ordinances are enforced.
- (b) Except as provided in this Charter, to appoint and remove all directors of the departments and all subordinate officers and employees in the departments in both the classified and unclassified service.
- (c) To exercise control over all departments and divisions created herein or that may be hereafter created by the Council.
- (d) To attend all meetings of the Council with the right to take part in the discussion but having no vote.
- (e) To keep the Council fully advised as to the financial condition and needs of the city.
- (f) To formulate and arrange contracts, franchises, and agreements. No contracts, franchises, or agreements of any contractual nature, shall have any effect, force, or validity until ratified by Council and according to the provisions of Article XVIII of the Ohio Constitution in reference to public utilities.
- (g) To perform such other duties as may be prescribed by this Charter or be required of him or her by ordinance or resolution of the Council.

SECTION 5-3. SALARY.

The City Manager shall receive such salary as may be fixed by ordinance of the Council.

SECTION 5-4. INVESTIGATIONS BY THE CITY MANAGER.

The City Manager may without notice cause the affairs of any department or the conduct of any officer or employee to be examined.

SECTION 5-5. REMOVAL.

Removal of the City Manager shall be only by action of Council. Should such removal become necessary, Council shall, thirty days before the effective date thereof, notify the City Manager of such intent, stating cause for removal, immediately suspend him or her from office and appoint an officer of the City to perform the duties of the Manager during his or her suspension. The City Manager may, within one week after notice of suspension, reply in writing and request an appearance before Council. Council shall grant this request within two weeks after reply is received. After full consideration, Council may declare the City Manager removed. Action resulting in suspension or removal shall be by resolution of Council with an affirmative vote of at least five members of Council. Decision of the Council shall be final. In any case of removal, the former Manager shall be paid any unpaid balance of salary, and his or her salary for the next two months following the adoption of the resolution.

SECTION 5-6. RESIGNATION.

The City Manager may resign from his or her office by notifying Council in writing thirty days in advance of the effective date, stating cause for resignation. Such thirty-day period may be waived by Council.

SECTION 5-7. ABSENCE OR DISABILITY OF THE MANAGER.

To perform his or her duties during his or her temporary absence or disability, the Manager may designate by letter filed with the Clerk of Council a qualified administrative officer of the city. In the event the Manager does not make such designation, the Council shall by resolution appoint an officer of the city to perform the duties of the Manager until he or she shall return or his or her disability cease.

SECTION 5-8. INTERFERENCE BY COUNCIL.

Neither the Council nor any of its committees or members shall interfere in any way with the appointment or removal of any of the officers and employees in the administrative service. Except for the purpose of inquiry, the Council and its members shall deal with that part of administrative service for which the Manager is responsible, solely through the Manager. In case any member shall be found by Council to have violated this section, Council shall declare his or her seat vacant.

ARTICLE VI - ADMINISTRATIVE DEPARTMENTS

SECTION 6-1. DEPARTMENTS.

The following administrative departments are hereby established by this Charter:

- A. Department of Law.
- B. Department of Public Service.
- C. Department of Public Welfare.
- D. Department of Public Safety.
- E. Department of Finance.

This Charter also recognizes all other departments, offices, and agencies the Council may by ordinance establish, change, and abolish. The Council may assign or reassign additional duties, and/or titles to the departments, divisions, and agencies established by this Charter, but may not discontinue any function assigned thereto by this Charter.

SECTION 6-2. DIRECTORS OF DEPARTMENTS.

The head of each department shall be the City Manager, or a Director, appointed by the City Manager for an indefinite term. One individual may be appointed to head more than one department. (Amended 11-3-2015)

Each Director shall conduct the affairs of his or her department in accordance with the rules and regulations prescribed by the City Manager unless otherwise prescribed by this Charter and shall be responsible for the conduct of the officers and employees of his or her department, for the performance of its business, and for the custody and preservation of the books, records, papers, and property under its control.

SECTION 6-3. DEPARTMENT OF LAW.

The Department of Law shall be headed by a Director known as the City Attorney, who shall be an attorney at law qualified to practice in the State of Ohio.

SECTION 6-4. DUTIES.

He or she shall serve the Manager, the Mayor, the Council, the administrative departments, and the officers, boards, and commissions of the city as legal counsel in connection with municipal affairs, and subject to the direction of the City Manager shall represent the city in all proceedings in court or before administrative boards. (Amended 11-3-2015)

Under the direction of the City Manager, he or she shall prepare all contracts, bonds, and other instruments in writing in which the municipality is concerned, and shall endorse on each his or her approval of the form and correctness thereof. He or she shall perform all other duties as the Council or City Manager may now or hereafter impose upon him or

her not inconsistent with the provisions of this Charter or the Constitution of the State of Ohio.

The City Attorney shall apply, in the name of the city, to a court of competent jurisdiction for an order of injunction to restrain the misapplication of funds of the city, or the abuse of its corporate powers, or the execution or performance of any contract made in behalf of the city in contravention of law, or which was procured by fraud or corruption.

When an obligation or contract made on behalf of the city granting a right or easement, or creating a public duty, is being evaded or violated, the City Attorney shall likewise apply for the forfeiture or the specific performance thereof as the nature of the case requires.

In case any officer or board fails to perform any duty required by law, the City Attorney shall apply to a court of competent jurisdiction for a writ of mandamus to compel the performance of such duty.

SECTION 6-5. DEPARTMENT OF FINANCE. The Director of Finance shall have knowledge of municipal accounting and taxation and shall have had experience or training in budgeting and financial control.

The Director of Finance shall be the Chief Fiscal and Accounting Officer of the city and shall have the powers and duties necessary to the Department of Finance, and as now or hereafter prescribed by this Charter, the Ohio Constitution, and the ordinances of Council.

As Accountant he or she shall require daily departmental reports of receipts of monies, expenditures, and balances in such form as may be prescribed by the City Manager.

Upon the death, resignation, removal, or expiration of the term of any

officer or official, the Director of Finance shall examine the accounts of such officer or official and report his or her findings to the City Manager.

At the end of each fiscal year, as determined by the City Manager, he or she shall prepare for the Manager a full budgetary report and an inventory of city properties and holdings.

The Director of Finance shall cause to have published annually the report of the findings of city finances through audit by a certified public accountant.

SECTION 6-6. DEPARTMENT OF PUBLIC SERVICE.

The Director of Public Service shall have all powers and duties now or hereafter given by this Charter, the Ohio Constitution, and ordinances of Council, and shall include having charge of construction, operation, and maintenance of all public works, properties, and improvements for the protection of the health, welfare, convenience, and necessity of the people.

SECTION 6-7. DEPARTMENT OF PUBLIC WELFARE.

The Director of the Department of Public Welfare shall have the powers and the duties now or hereafter given to him or her by this Charter, the Ohio Constitution, and the ordinances of Council, and shall have all the powers and duties necessary or proper to the health, morals, safety, and welfare of the people.

SECTION 6-8. HEALTH OFFICER.

The Health Officer of the City shall be appointed by the City Manager with such qualifications and powers as now or hereafter shall be required by general law.

SECTION 6-9. DEPARTMENT OF PUBLIC SAFETY.

The Director of Public Safety shall be the executive head of the Divisions of Police and Fire. The Director shall have all the powers and duties given such Director by this Charter, the Ohio Constitution, and ordinances of Council.

SECTION 6-10. DIVISION OF POLICE.

Under such procedures as the Director of Public Safety may prescribe, the Chief of Police shall have exclusive control of the stationing and transfer of all patrolmen, other officers, and employees comprising the police force.

SECTION 6-11. DIVISION OF FIRE.

Under such procedures as the Director of Public Safety may prescribe, the Fire Chief shall have exclusive control of the stationing and transfer of all firemen, other officers, and employees comprising the fire force.

SECTION 6-12. RELIEF OF POLICEMEN AND FIREMEN.

By ordinance the Council shall provide a police and fire fund for the relief of members and their dependents of the Divisions of Police and Fire who are temporarily or permanently disabled in the discharge of their duties and for their dependents in the event of death to the members while discharging their duties.

SECTION 6-13. PENSIONS.

Council shall have the authority to provide a pension system for municipal employees under Civil Service from funds appropriated by ordinances of Council and from the salaries of said employees.

SECTION 6-14. DISCIPLINARY ACTION.

The Chiefs of Police and Fire and all other department heads shall have the right to discipline any of the officers or employees in their respective divisions who may be under their management and control for incompetence, neglect of duty, or serious actions unbecoming their office or job. Disciplinary action must have the approval of the department director.

If any officer or employee be disciplined as herein provided, the director of the department shall certify the fact in writing and state the reason to the Civil Service Commission and Appeal Board.

ARTICLE VII - COMMISSIONS AND BOARDS

SECTION 7-1. PLANNING COMMISSION.

There shall be a Planning Commission consisting of the City Manager, who shall serve without voting power, and five electors appointed by Council. The Commission shall elect one of the voting members as its chairman. The appointments to the Commission shall be for three-year terms. Council, by a majority vote of four of its members, shall choose a successor to fill any vacancy. (Amended 11-6-84)

SECTION 7-2. POWERS AND DUTIES.

The Planning Commission may act as the Platting Commission of the municipality. As such it shall provide for planning and regulations covering the platting of all lands which are subject to control by the municipality and shall cause an official map of such territories to be made.

It shall adopt and recommend to the Council a comprehensive (and/or master) general plan for the physical development of the municipality which shall include the locations of public ways, property, bridges, utilities, buildings, parks, playgrounds, recreation areas, and historical places and features. The comprehensive general plan shall show all

existing school locations in the municipality and the projected locations of new schools as determined by the Board of Education.

It shall prepare and recommend to Council ordinances providing procedures for condemnation, acquisition, easement rights, sale, and disposal of property, and for creating areas, zones, and districts of permitted and excluded uses, including rules, regulations, restrictions and limitations governing the design, height, floor area, size of structure, area and size of lots, size of yards, courts, open spaces, use and occupancy of public and private buildings, structures and land for trade, industries, off-street parking, residence, parks, playgrounds, dedication and acceptance of new streets, and other uses or purposes as will promote the general health, morals, safety, and welfare of the municipality and its inhabitants

Before the Planning Commission shall recommend to Council the rezoning of any lands, it shall hold a public hearing on the question. The Planning Commission shall cause to be published in a newspaper of general circulation within the corporate limits of the municipality, a notice of the public hearing. Such notice shall be published at least ten days prior to the public hearing and shall contain a summary of the question and the time and place of the public hearing. The plan or zoning proposed, together with a map of the same, shall be open to public inspection in the office of the municipality during the days of publication prescribed herein.

The Planning Commission may enter upon any land within the area permitted by general law, to make examinations and surveys, and place, and maintain necessary monuments and marks thereon.

SECTION 7-3. APPEALS TO BOARD OF ZONING APPEALS.

Any aggrieved party or parties alleging that there is an error in any

order, requirement, decision or determination made by the Administrative Officer in regard to zoning may appeal to the Board of Zoning Appeals by filing a petition with the Clerk of Council within fifteen days of the date of decision, stating the facts of the case. (Amended 11-3-2015)

The Board of Appeals shall hear any petitioner not later than thirty days after the petition has been filed with the Clerk of Council. All recommendations shall be decided by an affirmative vote of at least three of its members. The findings and recommendations of the Board of Zoning Appeals shall be presented to Council for final decision. (Amended 11-3-2015)

SECTION 7-4. BOARD OF ZONING APPEALS.

There shall be a Board of Zoning Appeals composed of five electors appointed by Council. The first appointed electors shall serve: three for three years, one for two years, and one for one year. Thereafter, appointments shall be for three-year terms. Council by a majority vote of four of its members shall choose a successor to fill any vacancy.

SECTION 7-5. DUTIES.

It shall be the duty of the Board of Zoning Appeals to hear and determine appeals made for exceptions to and variations in the application of the provisions of the zoning ordinance.

All recommendations shall be decided by an affirmative vote of at least three of its members. The findings and recommendations of the Board of Zoning Appeals shall be presented to the Council for final decision.

SECTION 7-6. CIVIL SERVICE COMMISSION AND APPEAL BOARD.

The Civil Service Commission and Appeal Board shall consist of three electors of the City of Vandalia: one elector appointed by the City Manager, and two electors appointed by the Council. Immediately after appointment, the Board shall organize by electing one of its members chairman.

The Board shall appoint a Chief Examiner, without power of vote, who shall also act as secretary. The Board may appoint such other subordinates as may by appropriation be provided for. (Amended 11-3-2015)

Members shall be appointed for a term of four years and until their successors have been appointed and have been qualified. (Amended 11-3-2015)

Members of the Board shall not hold any other public office of the City of Vandalia.

Vacancies and reappointments shall be filled by the agency or person making the original appointment.

SECTION 7-7. DUTIES.

Appointments in the Civil Service of the City of Vandalia shall be made according to merit and fitness to be ascertained, as far as practicable, by competitive examination. The Commission shall provide rules for the determination of merits and fitness as the basis for appointment and promotion of classified personnel covered by Civil Service of the City of Vandalia; and unless otherwise provided in this Charter, for appeals from the action of the City Manager or other officers in case of disciplinary action, transfer, reduction in rank, or removal of both classified and unclassified employees.

The action of the Civil Service Commission and Appeal Board shall be final.

SECTION 7-8. CLASSIFICATION OF SERVICE.

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

The classified service shall comprise all positions not specifically included by this Charter in the unclassified service. There shall be in the classified service two classes to be known as the competitive class and non-competitive class.

The competitive class shall include all positions and employment for which it is practicable to determine the merit and fitness of applicants by competitive examination.

The non-competitive class shall consist of all positions requiring peculiar and exceptional qualifications of a scientific, managerial, professional, or educational character as may be determined by the rules of the Commission.

SECTION 7-9. CLASSIFIED SERVICE.

The classified service shall include:

- a. Members, including officers, of the Police and Fire Divisions, other than the Chiefs thereof.
- b. Employees of any utility operated by the municipality requiring an operator's license, except a chauffeur's license, in the performance of their duties.
- c. Inspectors, such as plumbing, heating, electrical, health, sanitary, sewer, or other inspectors required in municipal operations.
- d. Skilled labor.
- e. Office help, mechanics and all positions not specifically included by this Charter in the unclassified service.

SECTION 7-10. UNCLASSIFIED SERVICE.

The unclassified service shall be exempt from competitive examination and shall include:

- a. All officers elected by the people.
- b. All directors of departments and their assistants.
- c. The Manager.
- d. Members of boards and commissions.
- e. Clerk of Council.
- f. Secretary to Manager, secretary to each department head, and secretary to each board and commission.
- g. Unskilled labor.
- h. Persons appointed to fill vacancies in elected offices.
- i. All officials and employees appointed by the Council.
- j. Provisional employees whose employment shall not exceed 120 days.
- k. Any office or position requiring peculiar and exceptional qualifications.
- l. Clerk of Courts.

SECTION 7-11. PROMOTION.

The Commission shall provide for promotion to all positions in the classified service based on competitive examination and on records of merit, efficiency, character, conduct, and seniority.

SECTION 7-12. PROBATION PERIOD.

An appointment of a new employee shall not be deemed complete until a period of probation not to exceed twelve (12) months has elapsed, and such probationer may be discharged at any time within the said period of 12 months, upon the recommendation of the head of the department in which said probationer is employed, with the approval of the City Manager. (Amended 5-6-03)

SECTION 7-13. DISCHARGE OR REDUCTION.

An employee shall not be discharged or reduced in rank or com-

pensation until he or she has been presented with reasons for such discharge or reduction, specifically stated in writing as provided in this Charter. The reason for such discharge or reduction and any reply in writing thereto by such employee shall be filed with the Commission.

ARTICLE VIII- ELECTIONS

SECTION 8-1. MUNICIPAL ELECTIONS.

The regular election for the choice of members of Council provided for in this Charter shall be held on the first Tuesday after the first Monday in November in the odd-numbered years. Elections held on the above dates shall be known as regular municipal elections. All other elections held under the provisions of this Charter shall be known as special elections.

SECTION 8-2. NOMINATIONS.

Nominations shall be made by petition signed by not less than seventy-five qualified electors of the City of Vandalia. (Amended 11-3-2015)

No electors shall sign more petitions than the number of councilmen that are to be chosen at the next municipal election. If an elector signs more than the maximum petitions, his or her signature shall be void except for the maximum petitions first filed.

The form of the nominating petition shall not carry any party marks or designations. The form and procedure shall be prescribed by the City Attorney subject to the enactment by Council.

SECTION 8-3. FILING PETITIONS.

Petitions must be filed with the election authorities not later than ninety days before the date set for the election.

Unless otherwise provided in this Charter, candidates shall follow the same rules as outlined in the General Election Laws of the State of Ohio pertaining to the filing of the petition with the election authorities, the amount and payment of filing fees, and acceptance of the candidacy.

SECTION 8-4. BALLOTS.

The ballots used in all elections provided for in this Charter shall be without party marks or designations.

The names of all candidates for any municipal office shall be placed upon the same ballot and rotated in the same manner provided by the General Election Laws of the State of Ohio.

SECTION 8-5. ELECTION.

The candidates at the regular municipal election, equal in number to the places to be filled in each office, who received the highest number of votes, shall be declared elected.

No question submitted to the electors under this Charter shall be passed or carried unless a majority of the electors voting on the question vote in favor thereof, and if any state law governing such election requires more than a majority vote, the percentage of vote required to pass the measure under the state law shall govern in the absence of an ordinance of Council otherwise providing.

The form of ballot to be used on all questions submitted to the electors shall be prescribed by Council at the time the question is certified to the proper election officials for the calling of the election.

SECTION 8-6. CONDUCT OF ELECTIONS.

All elections shall be conducted and the results canvassed and cer-

tified by the election authorities as prescribed by the General Election Laws of the State of Ohio.

All other matters relating to elections not specifically provided for in this Charter or by ordinance of Council shall be determined by the General Election Laws of the State of Ohio.

ARTICLE IX - INITIATIVE AND REFERENDUM

SECTION 9-1. INITIATIVE.

The electors shall have power to propose any ordinance, and to adopt or reject the same at the polls. Any such initiated ordinance may be submitted to Council by a petition signed by qualified electors equal in number to at least fifteen percent of the number voting in the last general election.

SECTION 9-2. REFERENDUM.

Council may by an affirmative vote of four members submit any proposed ordinance to a vote of the people. This ordinance shall not be subject to initiative as provided by this Charter.

The electors shall have the power to approve or reject at the polls any ordinance passed by Council on any matter not pre-empted by this Charter, the Ohio Constitution, or the General Law. Within thirty days after the enactment by Council of any ordinance, a petition signed by qualified electors equal in number to at least fifteen percent of the number voting in the last general election shall cause Council to place the issue upon the ballot.

SECTION 9-2.1 REMAND OF ZONING DECISION.

The electors shall have the power to approve or reject at the polls any legislative change, modification or addition to the Zoning Code of the City excluding variances and conditional use permits.

A petition, signed by qualified electors equal in number to at least five percent of the qualified electors of the City, presented to Council, shall require the Council to remand the decision to the electors, without Council taking a vote thereon.

Council shall cause such changes, additions, modifications, or variances to be published not less than two weeks before their formal consideration.

All decisions of Council as described in this section which shall address the Zoning Code of the city shall take effect not earlier than thirty days from Council's final decision. Such decisions shall be subject to referendum in accordance with the procedures provided for in Section 9.2 of this Charter. (Amended 8-25-81; 3-4-08)

SECTION 9-3. FORM OF PETITIONS.

All petition papers presented to Council relating to either initiative or referendum shall be uniform in size and character, and shall be substantially in the same format as provided by the Clerk of the Council. Initiative petitions shall contain the full text of the proposed ordinance. A certified copy of the Initiative or Referendum Petition shall be submitted to the Clerk of Council before circulation of same for signatures.

All petition papers shall contain the names and addresses of five or more electors who shall be regarded as filing the petition and shall constitute a committee of the petitioners. All names shall be signed in ink and shall show the petitioners' place of residence.

There shall be placed upon each separate petition paper an affidavit of the circulator thereof that he (or she) only, personally circulat-

ed the paper, and that each signature thereon was signed in his (or her) presence.

(Amended 3-4-08)

SECTION 9-4. FILING, EXAMINATION AND CERTIFICATION.

All petition papers relating to either initiative or referendum shall be assembled and filed with the Clerk of the Council as one instrument, who shall forward same to the county election authorities. Within twenty days the County election authorities shall determine the validity and the sufficiency of the petition and qualified electors according to law.

Each petition shall satisfy the requirements of the general laws of the State of Ohio regulating such petitions except as otherwise provided in this Charter.

If the petition is found to be insufficient due to the lack of required signatures, the committee of petitioners shall be notified by the Clerk of Council and given ten days in which to rectify the signature deficiency.
(Amended 3-4-08)

SECTION 9-5. EFFECT ON INITIATIVE.

Following the certification of a petition of initiative, Council shall proceed to consider it at its next regular meeting and shall take final action thereon within thirty days. Provisions may be made for public hearings. If Council rejects the proposed ordinance, or passes it in a form different than set forth in the petition, the committee of the petitioners may re-quire by stating in writing to Council within 14 days of Council's rejection of the ordinance or passage of the ordinance in a different form than set forth in the petition, that it be submitted to a vote of the electors, either in its original or amended form.(Amended 3-4-08)

SECTION 9-6. EFFECT ON REFERENDUM.

Following the certification of a petition of referendum, the ordinance

indicated by the petition shall not go into effect unless and until it has been approved by the electors.

SECTION 9-7. SUBMISSION TO ELECTORS.

Ordinances submitted to vote of the electors in accordance with the initiative and referendum provisions of this Charter shall be submitted by title, which shall be prepared in all cases by the City Attorney upon direction of Council. The title shall be a clear, concise statement, descriptive of the substance of such ordinance. Immediately below the title the propositions "For the Ordinance," "Against the Ordinance," shall occur.

Any number of ordinances may be voted upon at the same election.

SECTION 9-8. RESULTS OF ELECTION.

If an ordinance of initiative receives a majority vote in favor thereof, it shall be considered an ordinance of the city. A referred ordinance which is not approved by a majority of the electors voting thereon shall be deemed repealed.

If the provisions of two or more ordinances adopted or approved at the same election conflict, the ordinance receiving the highest affirmative vote shall prevail.

Ordinances shall be subject to referendum as provided by this Charter; and if the ordinance was adopted as a result of a referendum election, the effective date shall be the date the results are certified by the Board of Elections. Initiative Ordinances approved by voters, shall not be repealed or amended by Council, but shall be subject to referendum.(Amended 3-4-08)

ARTICLE X - GENERAL PROVISIONS

SECTION 10-1. ORDINANCES IN EFFECT.

All existing ordinances, resolutions, and other acts of the municipality which are not inconsistent with this Charter and the Ohio Constitution, shall remain in effect until amended or repealed by the Council.

SECTION 10-2. VESTED RIGHTS

The adoption of this Charter shall not impair any right vested in the municipality nor discharge any liability incurred by the municipality at the time of its adoption.

SECTION 10-3. LIMITATION ON COUNCIL'S POWER TO TAX.

The Council shall have no power to adopt and levy a municipal income tax without a majority vote of the electors voting on such levy.

The Council shall have no authority, without a vote of the people, to levy taxes upon the tax lists or duplicates of property assessed and listed for taxation according to value for all purposes of the City of Vandalia, its boards, departments, and institutions, beyond the limitation set by the Constitution of Ohio, except in amounts not in excess of the total maximum levies for the years specified as follows:

For the years 1960 to 1964, both inclusive, an amount not to exceed three mills upon each dollar of assessed valuation on the tax list or duplicate beyond the limitation set by the Constitution of the State of Ohio; for the year 1965 and thereafter, a total amount not to exceed five mills upon each dollar of assessed valuation on the tax list or duplicate beyond the limitation set by the Constitution of the State of Ohio.

Out of the said total maximum amounts derived from the above

mentioned levies, an amount shall be retained annually sufficient to pay the interest, sinking fund, and retirement charges on all bonds and notes of the City of Vandalia now or hereafter authorized to be issued without further authority of the electors. This levy in its full amount shall be placed before and in preference to all other levies.

The remaining portion of the said total maximum levy, not exceeding three mills, and commencing with the year 1960, and 1965, and continuing thereafter from both dates, may be used for the general fund of the City of Vandalia.

Any taxes beyond the limit set by the Constitution of Ohio, other than those provided in this Charter, must be approved by a majority of the electors voting at any election wherein the tax levy question, issue, or proposition has been authorized by resolution of Council, stating the purpose, rate, and number of years of said tax.

For special benefits conferred upon property by any municipal work, service or improvement, the Council shall have power to provide by ordinance to levy and collect taxes in the form of special assessments as provided in the general laws of the State of Ohio.

SECTION 10-4. CHARTER AMENDMENT.

This Charter may be amended at any time in the manner provided by the Constitution of Ohio.

SECTION 10-5. PRECEDENCE.

In the event of conflict between any ordinance or resolution of this municipality and any law, other than a law enacted in conformity with the powers reserved to the General Assembly by the Constitution of Ohio, the provisions of the ordinance or resolution shall prevail and

control.

SECTION 10-6. OFFICIAL BONDS.

The Council shall determine whether any officer, clerk, or employee shall give a bond and the amount thereof, which bond shall be procured from a regularly accredited surety company authorized to do business under the laws of Ohio. Premiums on such bonds shall be paid by the city.

SECTION 10-7. OATH OF OFFICE.

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

“I solemnly swear (or affirm) that I will support the constitution and will obey the laws of the United States and of the State of Ohio, that I will in all respects, observe the provisions of the Charter and ordinances of the City of Vandalia and will faithfully discharge the duties of the office of”

SECTION 10-8. DEFINITION OF OFFICIALS AND EMPLOYEES.

All persons invested by law and engaged in the direct function of government shall be classified as officials.

All persons engaged for hire by an official of the municipality shall be classified as employees.

SECTION 10-9. TIME STANDARDS.

The time standard shall be that established by general law unless otherwise provided by ordinance of Council.

SECTION 10-10. REMOVAL OF BOARD OR COMMISSION MEMBERS.

By an affirmative vote of five members, the Council at a regular meeting may remove any member of a board or commission for incompetency, misconduct, or neglect of duty. Reasons for removal shall be stated in writing and said member shall be given an opportunity to be heard in a regular meeting of the Council. Action of the Council shall be final.

SECTION 10-11. POLITICAL BELIEF, ASSESSMENTS, AND ACTIVITY.

No person in the employment of the City of Vandalia or seeking employment thereto, shall be employed, reduced, or removed, or in any way favored, or discriminated against, because of political opinions or affiliations or because of race, color, or religious belief.

No employee of the City of Vandalia shall directly or indirectly solicit or receive from any officer or employee of the City any assessment, subscription, or contribution for any political party or political purpose whatever. (Amended 11-3-2015)

Neither the Mayor nor any Councilmember shall knowingly solicit or accept from any employee of the City any financial contribution for any political party or political purpose whatever. (Amended 11-3-2015)

No employees of the municipal government may engage in political campaigns (other than his or her own) in which candidates for the office of this municipality are involved further than to cast his or her vote or to express privately his or her opinions. (Amended 11-3-2015)

Any person guilty of violating any of the above provisions may be dismissed from his or her position. (Amended 11-3-2015)

SECTION 10-12. ANNUAL REPORT.

The Council shall annually publish a comprehensive report to the people of Vandalia covering the activities and status or condition of the municipal government of Vandalia.

SECTION 10-13. MANAGEMENT OF FUNDS.

The Council shall have exclusive authority to determine the management and deposit of all municipal funds, except those funds that are pre-empted by general law.

ARTICLE XI - TEMPORARY PROVISIONS

SECTION 11-1. CHARTER EFFECTIVE DATE.

For the purpose of nominating and electing officers, this Charter shall take effect from the time of its approval by the electors of the city. For the purpose of establishing departments, divisions, and offices, and distributing the functions thereof, and for all other purposes it shall take effect on the second day of January 1960.

SECTION 11-2. CONTINUANCE IN OFFICE.

Any person holding an office or employment in the City of Vandalia on the effective date of this Charter who shall have served in such position for a period of at least six months, shall, unless the office or position be abolished, be retained and thereafter be subject in all respects to the provisions of this Charter.

On the effective date of this Charter, all areas of the municipal government of Vandalia not consistent with this Charter are abolished and shall be established in accordance with the provisions of this Charter.

The powers which are conferred and the duties which are imposed upon any officer, board, commission, or department of the city under the

laws of the state shall, if such officer, board, commission, or department is abolished by this Charter, be thereafter exercised and discharged by the persons and/or agencies upon which corresponding functions, duties, and powers under the provisions of this Charter are imposed.