

**CHARTER
OF THE
CITY OF BEXLEY, OHIO**

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**CHARTER
OF THE
CITY OF BEXLEY, OHIO**

PREAMBLE

We, the people of the City of Bexley, in the County of Franklin, and State of Ohio, in order that we may have the benefits of municipal home rule and exercise the powers of local self government conferred upon us by the Constitution of the State of Ohio, do hereby adopt this Charter.

ARTICLE I - POWERS

Section 1. General Powers; Annexation and Detachment of Territory.

The inhabitants of the City of Bexley, as its corporate limits now are, or may hereafter be, shall constitute a body politic and corporate under the name of the City of Bexley, with full power and authority to enlarge its corporate limits by the annexation of territory, or to detach territory therefrom in the manner authorized by the general laws of the State of Ohio; but no territory shall be detached therefrom, nor shall the City be annexed to any other municipality, without the approval of a majority of the electors of the City of Bexley voting on such question. Said City shall have all powers that now are, or hereafter may be, granted to cities by the Constitution and the laws of Ohio, and all such powers, whether expressed or implied, shall be exercised and enforced in the manner prescribed by this Charter, and any amendments thereto, or if not so prescribed, then in such manner as now is, or hereafter may be, provided by ordinance or resolution of Council. In the absence of such provision for the exercise of any power, such power shall be exercised in the manner that now is, or hereafter may be, prescribed by the general laws of Ohio applicable to cities.

Section 2. Additional Powers.

The enumeration of particular powers in this Charter shall not be held or deemed to be exclusive of other powers, but in addition to the powers enumerated herein, implied hereby, or appropriate to the exercise thereof, the City shall have and may exercise all other powers, which, under the Constitution and laws of Ohio, it would be competent for this Charter specifically to enumerate.

ARTICLE II - EXECUTIVE**Section 3. Executive and Administrative Powers.**

The executive and administrative powers of the City shall be vested in a Mayor and such other administrative officers and boards as may be provided for in this Charter or by ordinance. The Mayor shall cause to be prepared and submitted to Council a strategic plan for the City, which shall include, but not be limited to, issues of residential and commercial development, infrastructure, finances, safety and community quality of life. Following adoption of a plan by Council, with such changes, if any, as shall be authorized by it after providing the public the opportunity to comment on the plan, the Mayor shall annually issue a report of the progress made in achieving the goals and objectives of the strategic plan. The strategic plan shall be updated as needed by the Mayor, and such updates shall be submitted to Council for review, public comment and adoption. (Amended Nov. 6, 2001)

Section 4. Term and Qualifications of Mayor.

The Mayor shall be the chief executive officer of the City. The Mayor shall be elected for a term of four years and shall assume office on the first day of January next following the election and shall serve until a successor is elected and qualified. The Mayor shall be an elector of the City and shall not hold any other public office, except that of notary public or member of the State Militia or of the Federal Military Reserves, and the Mayor shall have all other qualifications, and be subject to the disqualifications, that are prescribed for the mayors of cities by the laws of the State.

(Amended Nov. 6, 1990)

Section 5. Office and Salary of Mayor.

The office of the Mayor shall be in the Municipal Building of the City. The salary of the Mayor shall be established by ordinance, provided that such ordinance shall be passed not less than one year prior to the beginning of the term to be thereby affected.

(Amended Nov. 6, 1990)

Section 6. General Powers and Duties of Mayor.

It shall be the duty of the Mayor to act as chief conservator of the peace within the City; to see that all ordinances of the City are enforced; to supervise the administration of the affairs of the City; to recommend to Council for its adoption such measures as the Mayor may deem necessary or expedient; to keep Council advised of the financial condition and of the needs of the City; to prepare and submit to Council such reports as may be required by Council; and to exercise such powers and perform such duties as are conferred or required by this Charter, by ordinance or resolution of Council, or by the laws of the State not covered by this Charter or the ordinances or resolutions of Council.

(Amended Nov. 6, 1990)

Section 7. Appointment of Safety and Service Directors.

The Mayor shall have the power to appoint, subject to confirmation by Council, a Director of Public Safety and a Director of Public Service, who shall exercise all powers and perform all duties that are delegated to and conferred upon such officers by the laws of Ohio not inconsistent with the provisions of this Charter and such other duties as may be assigned to either of them by the Mayor, or by ordinance. If the Mayor desires to do so, the Mayor may combine these two offices into one, and appoint, subject to confirmation by Council, a Safety-Service Director who shall have the above powers and duties. Any officer or officers appointed under this Section shall serve at the pleasure of the Mayor, and the compensation shall be fixed by Council.

In the event the Mayor does not make any such appointments, or in the event of a vacancy, the Mayor shall have and exercise the above powers and duties.
(Amended Nov. 6, 1990)

Section 8. Appointment of Other Officers.

The Mayor shall have the power to appoint, subject to confirmation by Council, the following officers, to-wit:

- (a) City Attorney.
- (b) Chief of Police.
- (c) Members of the Civil Service Commission.
- (d) Members of the Board of Health.
- (e) Members of the City Planning Commission, if established by Council.
- (f) Member of other boards and commissions, if any, established by Council.
- (g) All other officers, superintendents and heads of administrative departments, whose positions may be created by Council, and for whose appointment no other provision is made. Unless otherwise provided by this Charter or by ordinance, all appointments made under this subdivision shall be at the pleasure of the Mayor.

No person shall be appointed as a member of any board or commission created by this Charter or by ordinance unless notice of the vacancy to be filled was published at least thirty days prior to the submission of such appointment by the Mayor to Council. Except as otherwise provided by the laws of the State of Ohio, the term of office for members of all boards and commissions created by this Charter or by ordinance shall be three years, each commencing July 1, provided that a vacancy during the term of any member shall be filled for the unexpired term of such office. (Amended Nov. 6, 2001)

Section 9. Removal Power of Mayor.

The Mayor, with the concurrence of Council, may at any time remove any officer, member of any board or commission, or superintendent or head of any department, so appointed under authority of paragraphs (a), (c), (d), (e), and (f) of Section 8 hereof, for inefficiency, neglect of duty, or malfeasance in office, having first given such official a copy of the charges and an opportunity to be heard in person or by counsel in the official's own defense, before Council, and such removal when concurred in by Council shall be final.

(Amended Nov. 6, 1990)

Section 10. Investigation by Mayor.

The Mayor may, without notice, appoint one or more persons to examine into the affairs and condition of any department or the conduct of any officer or employee of the City, and any such person or persons in conducting said examination shall have the same power to compel the attendance of witnesses, and the production of books, papers, records, and other evidence, and to cause witnesses to be punished for contempt.

(Amended Nov. 6, 1990)

Section 11. Acting Mayor; Succession to the Office of Mayor.

If the Mayor dies, resigns or moves from the City, during the term of office, the President of Council shall be the Acting Mayor until the vacancy is filled by the election of a Mayor by a majority vote of Council.

If the Mayor-elect shall die or move from the City before assuming office, the Council shall, at its first meeting in the following January, elect a Mayor.

The person so elected in either of the above contingencies shall possess all the qualifications required of a Mayor by this Charter and may serve until the first of January following the next regular Municipal election, at which election, a Mayor shall be elected for the remainder of the unexpired term, or for a four-year term, as the case may be.

If the Mayor is temporarily absent from the City, or shall become unable to perform the duties of office, the duties of Mayor shall be performed by the President of Council under the title of Acting Mayor, until the Mayor returns to the City or becomes able to perform said duties. If the President of Council, while performing the duties of Acting Mayor, is absent from the City, or becomes unable to perform such duties, the duties of Mayor shall be performed by a member of Council elected Acting Mayor for such period by a majority vote of Council.

(Amended Nov. 6, 2001.)

Section 12. Right of Mayor and Officials in Council.

The Mayor, the City Attorney and the Auditor shall be entitled to seats in Council. The Mayor shall have the right to take part in the discussion of all matters coming before Council, and the City Attorney and the Auditor shall be entitled to take part in all discussion in Council relating to their respective departments, but neither the Mayor, City Attorney nor Auditor shall have any vote in Council.

(Amended Nov. 6, 1990)

ARTICLE III - JUDICIAL**Section 13. Mayor's Court.**

The Mayor shall have and is hereby required to exercise the same jurisdiction in prosecutions for violations of ordinances of the City and in criminal prosecutions for violations of the laws of the State of Ohio as is conferred by the general laws of the State upon Mayors of cities; and Council may by ordinance regulate the procedure in the Mayor's Court.

Section 14. Summoning and Impaneling of Juries.

Editor's Note: Ohio R.C. 1905.05 and 1905.06, which authorized jury trials in ordinance and misdemeanor cases, were repealed by the Ohio General Assembly, effective October 19, 1961, and January 1, 1960, respectively. The foregoing section was repealed on November 6, 1990.

Section 15. Compensation of Jurors.

Editor's Note: Ohio R.C. 1905.05 and 1905.06, which authorized jury trials in ordinance and misdemeanor cases, were repealed by the Ohio General Assembly, effective October 19, 1961, and January 1, 1960, respectively. The foregoing section was repealed on November 6, 1990.

Section 16. Attendance of Police Chief in Mayor's Court.

The Chief of Police, or in the Chief's absence or disability a police officer of the City designated by the Mayor, shall attend on sittings of the Mayor's Court to execute the orders and process thereof and to preserve order therein. Such Chief of Police, or other police officer of the City, shall execute and return all writs and process as directed by the Mayor, and the Chief's jurisdiction in the execution of such writs and process in criminal cases and in cases of violations of ordinances of the City shall be co-extensive with the jurisdiction of the Mayor.
(Amended Nov. 6, 1990)

Section 17. Fees of Officers.

The fees of the Mayor in all cases shall be the same as those allowed in the municipal or county court within which jurisdiction the Mayor's Court is located, and the fees of the Chief of Police, and other police officers serving writs and process of the Court, in all cases shall be the same as those allowed constables, unless Council shall provide otherwise by ordinance.
(Amended Nov. 6, 1990)

Section 18. Disposition of Fines and Other Moneys.

All fines and forfeitures in ordinance cases and all fees collected by the Mayor in either State or ordinance cases, or which are in any manner received, due such Mayor or to the Chief of Police, or other officer of the Municipality, and any other fees and expenses collected, which have been advanced out of the Municipal Treasury, and all money received by such Mayor for the use of the Municipality, shall be paid into the Treasury of the Municipality on a timely basis, as determined by ordinance of Council. At the first regular meeting of Council in each and every month the Mayor shall submit a full statement of all money received, from whom and for what purpose received and when paid into the Treasury. Except as otherwise provided by law, all fines and expenses collected, which have been advanced out of the County Treasury, shall be paid over to the County Treasury on the first business day of each month.
(Amended Nov. 6, 1990)

ARTICLE IV - LEGISLATIVE**Section 19. Council; Composition and Terms.**

The legislative powers of the City, except as are reserved to the people by this Charter and by the Constitution of the State, shall be vested in a Council consisting of seven members elected at large. All members of Council shall serve for a term of four (4) years, or until their successors are elected and qualified.
(Amended Nov. 6, 1990)

Section 20. Qualifications of Members; Vacancies.

All members of Council shall be electors of the City, and any member who ceases to possess this qualification shall forthwith forfeit the office. Any vacancy in Council shall be filled by a majority vote of the remaining Council members then in office within sixty days after the vacancy occurs. If the vacancy occurs on or after July 1 of the second year of the term of the vacated office, the person elected by Council shall serve the unexpired term. If the vacancy occurs on or before June 30 of the second year of the term of the vacated office, the person elected by Council shall serve until a successor is certified as elected at the next general Municipal election to serve the balance of the vacated term. If Council fails to fill a vacancy in Council within sixty days after the occurrence of the vacancy, the Mayor shall appoint a person to serve for the period provided in this section. (Amended Nov. 6, 2001.)

Section 21. Meetings; President of Council.

At 7:00 p.m. on the first Monday in January following a regular Municipal election, or on the succeeding day if the first Monday is a legal holiday, Council shall meet at the usual place of holding its meetings, at which time the newly elected members of Council shall assume the duties of their office, and at said meeting Council shall elect one of its members President, who shall preside at meetings of the Council and perform such duties as presiding officer as may be imposed by Council. In the absence of the President at any meeting, Council shall elect a President Pro Tempore. Thereafter Council shall meet at such times as may be prescribed by ordinance or resolution, but shall meet at least twice each month, except that Council may designate one month in the summer season for vacation. The Mayor, President of Council, or any four members thereof, may call special meetings of Council upon written notice served personally upon each member, or left at the member's usual place of residence at least six hours previous to the time fixed for such meeting. Any request for a special meeting and the notice calling the same shall state the subjects to be considered, and such meeting shall be limited to a consideration of such subjects.

(Amended Nov. 6, 1990)

Section 22. Quorum; Rules; Journal; Public Meetings.

A majority of all the members elected to Council shall constitute a quorum to transact business, but a lesser number may adjourn from day to day and compel the attendance of absent members in such manner, and under such penalty as may be prescribed by ordinance. The Council shall determine its own rules and order of business and shall keep a journal of its proceedings. All meetings of Council or committees thereof shall be public, except Council may provide by ordinance for executive sessions for the discussion of matters declared in such ordinance to require confidentiality. No action of Council or committees thereof is valid unless adopted in a public meeting. Council may provide by ordinance for notification of meetings to the news media. Any citizen shall have access to the records of Council or committees thereof at all reasonable times.

(Amended Nov. 6, 1990)

Section 23. Officers and Employees; Clerk.

Council shall choose such officers and employees of its own body as are necessary, providing that the Auditor shall be its Clerk. The Clerk shall keep the records of Council, and perform such other duties as may be required by ordinance or resolution. Except the Clerk, all officers and employees chosen by Council shall serve during its pleasure.

Section 24. General Powers.

Council shall have authority to provide by ordinance or resolution for carrying into effect any and all powers conferred upon municipalities or the inhabitants thereof by the Home Rule provisions of the Constitution, and the method thereof, except where this Charter prescribes that method; and Council shall perform the duties imposed and exercise the powers conferred upon councils of cities by the general laws of the State not in conflict with this Charter or the ordinances and resolutions of Council.

Section 25. Enactment of Ordinances and Resolutions.

Each proposed ordinance or resolution shall be introduced in written or printed form and shall be read by title only, provided Council may require any reading to be in full by a majority vote of its members then in office. Each ordinance or resolution shall be passed, except as otherwise required by law, by a vote of at least a majority of the members of Council then in office, excluding abstentions. The vote on the passage of each ordinance or resolution shall be taken by yeas and nays and entered in the minutes. An ordinance or resolution shall be read on three different days, provided that Council may dispense with the requirement by a vote of at least three-fourths of its members then in office, excluding abstentions. At the meeting at which a vote of Council shall be taken on any ordinance or resolution, Council shall provide an opportunity for public comment thereon before the vote is called. The Mayor shall have the veto power over ordinances and resolutions subject to limitations and provisions of the statutes of the State of Ohio relating to such powers. Actions by Council, not required by law to be by ordinance or resolution, including, without limitation, procedural matters and elections among and appointments made or confirmed by Council, may be taken by motion on a voice vote approved by at least a majority of the members of Council present at a duly called meeting at which a quorum is present. Council shall by ordinance provide for the publication of the subject matter of all introduced and enacted legislation, provided that the failure to publish such information shall not invalidate any action of Council. (Amended Nov. 6, 2007)

Section 26. Fiscal Matter; Operating Budget.

The laws of the State of Ohio relating generally to budgets, appropriations, taxation, debts, bonds, assessments, deposit and investment of funds and other fiscal matters of the City shall be applicable, except as otherwise provided by this Charter or by ordinance of Council. The fiscal year of the City shall begin on the first day of January. The Mayor and Auditor shall prepare and submit to Council an operating budget in accordance with an annual budget calendar authorized by Council. The operating budget shall provide a complete financial plan of City funds and activities for the ensuing fiscal year which, except to the extent required by law or this Charter, shall be in a form acceptable to Council. Council shall adopt an operating budget for the ensuing fiscal year on or before December 31 of each year. To implement the operating budget as adopted, the Council shall, on or before December 31, also adopt an appropriation ordinance authorizing an appropriation for each program or activity by department or major organizational unit. (Amended Nov. 6, 2001)

Section 27. Limitations on Appropriations.

No money shall be drawn from the Treasury of the City, nor shall any obligation for the expenditure of money be incurred, except pursuant to appropriation made by Council. At the end of each fiscal year all unexpended balances of appropriations not covered by outstanding contracts shall revert to the respective funds from which the same then be subject to future appropriations. Appropriations may be encumbered in furtherance of capital improvements of the City which will not be completed within the current year. (Amended Nov. 6, 1990)

Section 28. Limitations on Expenditures.

The Mayor and Auditor shall supervise all departmental expenditures and shall keep such expenditures within the appropriation. Moneys appropriated as above provided shall not be used for other purposes than those designated in the appropriation ordinance, and all expenditures within the fiscal year shall be made within the appropriations hereinbefore provided for. Council may, however, at any time by resolution with the approval of the Mayor and Auditor, transfer money so appropriated for the use of one department, division or purpose, to any other department, division or purpose; but no such transfer shall be made of money derived from the sale of bonds, or of revenue or earnings of any non-tax supported utility. Any accruing revenue of the City not appropriated as hereinbefore provided may from time to time be appropriated by the Council to such authorized uses as it may by ordinance determine.

Section 29. Transfers from a Designated Fund to General Fund.

Notwithstanding the provisions of Section 28, Council may to the extent not prohibited by the general laws of the State applicable to cities, at any time by resolution and with the approval of the Mayor and Auditor, transfer excess money not necessary for the operation of a fund created by Council from an issue of bonds, revenue or other sources from such fund to the General Fund. (Amended Nov. 6, 1990)

Section 29. Transfers of Unexpended Balances.

(Repealed Nov. 6, 1990)

Section 30. Bonds of Officers and Employees.

Council shall fix by ordinance the amount of bond to be given by each officer, clerk and employee in each department of the City government, if any be required, which bond shall be given by such officer, clerk or employee with corporate surety authorized to do business in the State to the approval of the Mayor; provided, however, that the bond of the Mayor shall be approved by Council. Premiums on such official bonds shall be paid by the City.

Section 31. Compensation of Officers and Employees.

Subject to the provisions of this Charter, Council shall fix by ordinance the salary or compensation of all officers or employees of the City government, provided, however, that the salary of no such officer or employee who has been elected or appointed for a definite term shall be increased or diminished during that term and all fees accruing to and collected by any office shall be paid into the City Treasury.

(Amended Nov. 6, 1990)

Section 32. Compensation of Council Members; Vacation of Office.

Council members may be compensated for their services as such by the payment of salary and/or the receipt of benefits under City sponsored benefit plans. For terms of Council members beginning on the first day of January, 2002, and the remainder of the terms of incumbent Council members in office on the effective date of the amendment of this Section 32, the compensation of Council members, including the cost to the City of any benefits, shall be \$530 per month, being the salary and cost of benefits to which a Council member is entitled in calendar year 2001. For terms of Council members beginning on or after the first day of January, 2004, the annual compensation of Council members, including benefits, if any, shall not be subject to the limitation set forth in the preceding sentence and shall be in an amount established by a non-emergency ordinance of Council passed at least one year prior to the beginning of the term to be thereby affected. In the event that Council fails for any reason to adopt an ordinance establishing the compensation of its members or any ordinance so adopted is rejected by referendum, the annual compensation then in effect shall continue for the succeeding term without further action of Council. Absence of four successive regular meetings shall operate to vacate the seat of a member of Council, unless such absence is authorized or excused by Council.
(Amended Nov. 6, 2001)

ARTICLE V - AUDITOR**Section 33. Election, Qualifications and General Duties.**

An Auditor, who shall be the fiscal officer of the City, shall be an elector of the City and be elected for the term of four years, and shall assume office on the first day of January next following the election, and shall serve until a successor is elected and qualified. The Auditor shall perform all the duties and exercise all powers conferred upon the Auditor by this Charter, the ordinances of the City and the general laws of the State defining the duties and powers of auditors of cities; the Auditor shall be ex-officio Clerk of Council and shall perform the duties prescribed for such Clerk by this Charter, by ordinances of the City, and the general laws of Ohio defining the duties of such clerks in cities not in conflict with this Charter and ordinance. The Auditor's salary shall be established by ordinance of Council passed at least one year prior to the beginning of the term thereby to be affected.
(Amended Nov. 6, 1990)

Section 34. Other Duties; Bond.

The Auditor shall ex-officio perform all services, and discharge all duties and be subject to all obligations required of city treasurers by the general laws of the State and shall give a corporate surety bond for the performance of the duties as such Auditor and as ex-officio Treasurer in such sum as may be required by Council or by general law.
(Amended Nov. 6, 1990)

Section 35. Deposits.

Council shall provide by ordinance for the procedure for the deposit of all public moneys coming into the hands of the Auditor, both as Auditor and as Treasurer. Such funds shall be deposited only in such financial institutions and invested only in such securities and obligations as set forth in the Uniform Depository Act, as contained in Chapter 135 of the Ohio Revised Code, as amended from time to time, or in any successor provisions of the general laws of the State.
(Amended Nov. 6, 1990)

Section 36. Successor to Auditor.

If the Auditor dies, before beginning or during the term of office, resigns or moves from the City, or is removed or becomes incapacitated from serving as Auditor for any reason whatsoever, a successor shall be elected by Council to serve as such Auditor until the next regular Municipal election, at which time an Auditor shall be elected to serve such unexpired term. (Amended Nov. 6, 1990)

ARTICLE VI - SINKING FUND TRUSTEES

Editor's Note: The powers of the Board of Trustees of the Sinking Fund were limited by Ordinance 6-43, passed March 23, 1943, and the Board was abolished by Section 41 of this Charter, as amended by the voters on November 8, 1955. Sections 37 through 41, inclusive, were repealed on November 6, 1990.

ARTICLE VII - CITY ATTORNEY**Section 42. Qualifications; Term; Compensation; Duties Generally.**

The City Attorney shall be an attorney-at-law admitted to practice in the State of Ohio, and shall be an elector of the City and shall have such assistants of like qualifications as the Council may authorize. The City Attorney shall be appointed by the Mayor and confirmed by Council for a term of one year, and compensation shall be fixed by Council. The City Attorney shall be the legal advisor of and attorney and counsel for the City and for all officers and departments thereof in matters relating to their official duties. The City Attorney shall prepare all contracts, bonds, and other instruments in writing in which the City is concerned, and no contract with the City shall take effect until the City Attorney's approval of the form and correctness thereof is endorsed thereon.

(Amended Nov. 6, 1990)

Section 43. Other Duties.

In addition to the duties imposed upon the City Attorney by this Charter or required by ordinance in accordance therewith, the City Attorney shall perform the duties which are imposed upon City Attorneys by the general laws of the State.

(Amended Nov. 6, 1990)

ARTICLE VIII - CITY ENGINEER**Section 44. Appointment; Contract.**

Council shall appoint a City Engineer, who shall hold office at its pleasure and whose duties and compensation shall be fixed by Council; or Council may by ordinance authorize the employment of an engineer or engineers to render such engineering services to the City as may be deemed necessary, such contract of employment to be for such term and upon such compensation as such ordinance may provide.

ARTICLE IX - POLICE DEPARTMENT**Section 45. Composition; Compensation.**

The Police Department shall be composed of the Chief and such other officers and other personnel as may be provided by ordinance of Council, which shall fix their compensation. (Amended Nov. 6, 1990)

Section 46. Powers and Duties of Chief.

The Chief of Police shall exercise such powers and perform such duties as are prescribed by this Charter, by ordinances and resolutions of Council, and by the general laws of the State governing the Police Department of cities, as far as such general laws do not conflict with said Charter, ordinances and resolutions. (Amended Nov. 6, 1990)

Section 47. Term; Removal of Chief.

The Chief of Police shall be appointed by the Mayor and confirmed by Council for a term fixed by Council. The Chief of Police may serve one or more terms; provided, however, that appointment and confirmation is at the sole discretion of the Mayor and Council and the failure of the Mayor to appoint or Council to confirm such appointment for any reason at the end of any term shall be final. During such term of office, the Mayor shall have the right to suspend the Chief of Police for cause, including, but not limited to, incompetence, neglect of duty, moral turpitude, substance abuse or use of an illegal substance, and failure to obey lawful orders given by a proper authority. The Mayor shall forthwith certify the fact of any such suspension, together with the cause thereof, to Council, and Council shall, within ten days from the receipt of such notice, proceed to hear such charges and render judgment thereon, which judgment may be suspension, reduction in rank or dismissal, and shall be final. (Amended Nov. 6, 2007)

ARTICLE X - BOARD OF CONTROL**Section 48. Composition; Powers and Duties.**

The Mayor, the Auditor and President of the Council shall constitute the Board of Control which shall have the powers and perform the duties imposed upon boards of control of cities by general law of the State and by ordinances of Council. The chair of the Finance Committee of Council shall be an alternate member authorized to sit and act as a member of the Board of Control in the absence of a regular member. (Amended Nov. 6, 2001)

ARTICLE XI - BOARD OF HEALTH**Section 49. Composition; Terms, Vacancies; Powers and Duties.**

The Board of Health shall be composed of five members who shall serve without compensation. Their term shall be for three years. The members of the existing Board of Health shall continue in office for the terms for which they were appointed. The Board shall elect one of its members as President.

The Board of Health shall have such powers and perform such duties as may be prescribed by ordinance of Council and by statutes governing boards of health in cities not in conflict with such ordinances. (Amended Nov. 6, 2001)

ARTICLE XII - CIVIL SERVICE COMMISSION**Section 50. Composition; Terms; Compensation; Officers.**

The Civil Service Commission shall consist of three electors of the City. The term of each member shall not exceed three years. They shall receive no compensation for their services. One of the members shall be chosen by the Civil Service Commission as chairperson, and a secretary shall be appointed by the Civil Service Commission members.

(Amended Nov. 6, 2001)

Section 51. Nonclassified Personnel.

The following officers and employees of the City shall be exempt from the classified service:

1. All officers elected under this Charter;
2. All officers and members of boards or commissions whose appointment is subject to concurrence by Council or who are appointed by Council;
3. One secretary or Clerk for the Mayor, assistant or clerk for the Auditor and for each board or commission appointed hereunder;
4. The Chief of Police;
5. The heads of any departments or sub-departments, the supervisors or assistant supervisors of any functions, or such other supervisory or management personnel that may be created by Council under this Charter;
6. All employees whose service is temporary or part time;
7. All unskilled labor positions, designated as such by ordinance of City Council.

(Amended Nov. 6, 2001)

Section 52. Classified Personnel.

The classified service shall comprise all positions not specifically exempt under Section 51. In the classified service there shall be two classes to be known as the competitive and the non-competitive classes. The competitive class shall include all positions and employments for which it is practicable to determine the merit and fitness of applicants by competitive examination, and the non-competitive class shall consist of all positions requiring peculiar and exceptional qualifications of a scientific, managerial, professional or educational character to be determined by the rules of the Civil Service Commission.

(Amended Nov. 6, 2001)

Section 53. Continuation of Positions.

All persons whose positions were previously exempt from the provisions of former Section 51, paragraph (6), and whose positions are now within the provisions of Section 52, and who have been continually in the service of the City since July 1, 1974, shall retain their positions until discharged, reduced, promoted, or transferred in accordance with the provisions herein.

(Amended Nov. 6, 2001)

Section 54. Rules.

Subject to approval by City Council, the Civil Service Commission may promulgate and amend such rules, as the Civil Service Commission deems appropriate to promote an efficient civil service system based on merit and fitness. The Civil Service Commission shall enforce the rules it has promulgated or amended.

The Civil Service Commission's rule-making and rule-amending authority extends to rules which are consistent with the laws of the State of Ohio. In addition, the Civil Service Commission may promulgate and amend rules, which deviate from the laws of the State of Ohio with respect to the following matters:

1. The Civil Service Commission's day-to-day operations, office procedures, staff and the qualifications of the Civil Service Commission's staff.
2. The preparation, conduct and grading of competitive and noncompetitive civil service examinations and other selection criteria.
3. The creation, maintenance and expiration of seniority lists and the selection of candidates therefrom.
4. The selection of candidates for promotion.
5. Temporary and exceptional appointments.
6. Transfers and reinstatements.
7. Changes in classification.
8. Job abolishment, layoff, order of layoff and recall, displacement rights and recall lists.
9. Probationary periods.
10. Appeals of members of the Classified Civil Service of the City of Bexley.
11. Record-keeping by the Commission.
12. Establishment, creation, review, and alteration of classification specifications.
13. Procedures for establishment of new, or abolishment of existing, positions in the civil service of the City of Bexley.
14. Procedures for investigation of matters involving the civil service system of the City of Bexley.
15. Any other topic addressed in Chapter 124 of the Ohio Revised Code or as otherwise provided in this Charter.
(Amended Nov. 6, 2001)

Section 55. State Law.

The Civil Service Commission shall be governed by the laws of the State of Ohio governing civil service in cities to the extent that the laws are not in conflict with this Charter, ordinances of Council passed thereunder, or rules of the Civil Service Commission promulgated or amended pursuant to this Section. In no case shall the Civil Service Commission promulgate, maintain or enforce a rule that is inconsistent with the terms of this Charter.
(Amended Nov. 6, 2001)

ARTICLE XIII - CITY PLANNING COMMISSION

Section 56. Creation; Composition; Terms.

Council by ordinance shall create one or more boards or commissions to perform the powers and duties of a city planning commission and to administer the City zoning code. Each such board or commission shall consist of electors of the City who shall serve without compensation and who, with the concurrence of Council, shall be appointed by the Mayor for terms of three years. The members of the existing City Planning Commission shall continue in office until said commission is reorganized or replaced by ordinance of Council.
(Amended Nov. 6, 2007)

Section 57. Powers and Duties.

The duties, powers and procedures of Council and each board or commission created by Council pursuant to Section 56 with respect to planning and zoning may be prescribed by ordinance of Council to the maximum extent such legislative authority is conferred upon the City under the Ohio Constitution. In the absence of such ordinance, City officials shall perform their duties and exercise their powers in accordance with the general laws of the State of Ohio not in conflict with this Charter. (Amended Nov. 6, 2007)

ARTICLE XIV - BONDS AND EVIDENCES OF INDEBTEDNESS

Section 58. Signatures and Seal; Issuance and Sale.

All bonds, notes and certificates of indebtedness issued by the City shall be signed by the Mayor and by the Auditor and shall be sealed with the corporate seal. They shall be issued and sold for the purposes and in the manner prescribed by general laws of the State governing the issuance and sale of bonds and notes of cities.
(Amended Nov. 6, 1990)

ARTICLE XV - CONTRACTS

Section 59. Contracting Procedures.

Council, by ordinance, shall establish a threshold amount, notice provisions, and other procedures for competitive bidding. When any contract for the construction of a public improvement or the purchase of equipment, supplies, or materials is estimated to exceed the threshold established by Council, the contract shall be competitively bid. No contract shall be divided to avoid the requirements of competitive bidding. By a vote of no less than five members, Council may waive the competitive bidding requirement if the statutory or common law of the State of Ohio does not require competitive bidding, if Council determines that an item is available and can be acquired only from a single source, or if Council determines that a waiver of the competitive bidding requirement is in the best interest of the City. Contracts for professional services shall not be subject to the competitive bidding requirements of this Section and shall not require authorization by Council if the current operating budget provides sufficient funding for the scope of services in any such contract. Council shall establish procedures for alterations or modifications of contracts. Modifications or alterations of contracts shall not require competitive bidding. No contract involving the expenditure of money shall be entered into or authorized by the Mayor unless the Auditor or the Auditor's designee shall first certify that funds required for the contract are in the City's treasury or in the process of collection; and funds have been appropriated by Council for the specified purpose and remain unencumbered. The Auditor shall file and record the certification of availability and appropriation of funds in the accounting records of the City and shall furnish a copy to the vendor or contractor. Without the certification, a contractual obligation shall be void and unenforceable against the City unless recognized by Council as a moral obligation. All contracts of the City shall be signed by the Mayor and Auditor.
(Amended Nov. 6, 2001)

Section 60. Conflicts of Interest.

No officer or employee of the City shall have any interest, direct or indirect, in any contract with or for the City, or be interested directly or indirectly in the sale to the City of any supplies, material, service or property, real or personal, except on behalf of the City as an officer or employee, and except when the City appropriates property for public purposes. Any violation of this section shall constitute malfeasance in office, and any such officer or employee shall thereby forfeit the office or employment.

(Amended Nov. 6, 1990)

ARTICLE XVI - INITIATIVE AND REFERENDUM**Section 61. Scope of Power.**

Initiative and referendum powers are hereby reserved to the people of the City on all questions which the City may be authorized by this Charter, by ordinance of the City, or by general laws of the State, to control by legislative action, and such powers shall be exercised in the manner prescribed by general law of the State. No measure initiated by the people and adopted by popular vote shall be repealed by Council, or so amended by it as to destroy the effectiveness thereof, within two years after it takes effect.

ARTICLE XVII - FRANCHISES**Section 62. Public Utilities.**

All grants or renewal of franchises to construct or operate any public utilities on, under or above the streets of the City shall be in all respects governed by general laws of the State. However, subject to the rights of property holders under the Constitution of Ohio, Council at all times may direct the distribution of space in, over, under or across all streets or public grounds occupied by public utility fixtures, and Council shall have the continuing right to pass reasonable regulations for the operation of City utilities, including the right to require reconstruction, relocation, or discontinuance of appliances used by the utilities in the streets or public grounds as shall in the opinion of Council be necessary.

(Amended Nov. 6, 1990)

ARTICLE XVIII - NOMINATIONS AND ELECTIONS**Section 63. Electors.**

Every citizen of the United States of the age of eighteen years who shall have been a resident of the State and of the City for thirty days next preceding the election, and has been registered to vote for thirty days shall have the qualifications of an elector and shall be entitled to vote at all Municipal elections and all special elections and upon any question which may be submitted to the electors under the provisions of this Charter.

(Amended Nov. 6, 1990)

Section 64. Time for Holding Elections.

Regular Municipal elections shall be held on the first Tuesday after the first Monday in November in the odd numbered years and shall be conducted and the results canvassed and announced by the regular election authorities. Any matter which by the terms of this Charter or ordinance of Council may be submitted to the electors of the City at any special election may be submitted at a general Municipal election, but not at any State election.

Section 65. Nominations.

There shall be no primary election for City officers. Nominations for the Mayor, Auditor and Council shall be made by petitions signed by not less than 150 nor more than 300 qualified electors of the Municipality. All petitions shall be on the standard forms for the use of nonpartisan candidates for such offices. Group petitions shall not be used. Petitions shall be filed with the Board of Elections at least ninety days before the day of election.
(Amended May 5, 1970)

Section 66. Acceptance.

(Repealed Nov. 6, 1990)

Section 67. Ballots.

The ballots used in all elections provided for in this Charter shall be without party marks or designations. The whole number of ballots to be printed for any election for any office shall be divided by the number of candidates for such office, and the quotient so obtained shall be the number of ballots in each series to be printed. The names of the candidates shall be arranged in alphabetical order and the first series of ballots printed. The first name shall then be placed last and the next series of ballots printed, and this process shall be repeated until each name shall have been first an equal number of times. These ballots shall then be combined into tablets with no two of the same order of names together. One space shall be left below the printed names of the candidates for each office to be voted for, wherein the voter may write the name of any person for whom he may wish to vote.

Section 68. Requirements for Election.

The candidates at the regular Municipal election, equal in number to the places to be filled in each office, who receive the highest number of votes shall be declared elected. If it cannot be determined which of two or more candidates shall be declared elected, by reason of their having received the same number of votes, the election authorities shall determine by lot which of the candidates shall be declared elected.

Section 69. Majority Vote Required; Exceptions; Form of Ballot.

No question submitted to the electors under this Charter shall be passed or carried unless a majority of the electors voting on the question shall vote in favor thereof, and if any State law governing such election shall require 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 70. Conduct of Elections.

All elections shall be conducted and the results canvassed and certified by the election authorities prescribed by general election laws, and all other matters relating to elections not herein or by ordinance of Council specifically provided for shall be determined by the general election laws of the State.

ARTICLE XIX - MISCELLANEOUS PROVISIONS**Section 71. Continuance of Present Officials.**

(Repealed Nov. 6, 1990)

Section 72. Changes in State Law.

Whenever resort to general laws of the State is required by this Charter for the purpose of defining the powers and duties of officers, boards, departments or commissions of the City and those general laws effective at the time the Charter is adopted shall have been thereafter repealed, supplemented or amended, then and in that event such powers and duties shall be exercised and performed as directed and authorized by existing laws. If any office, board, commission or department of cities, now existing under general laws, and to which reference is specifically made herein, shall hereafter be abolished by State law, then the reference thereto in this Charter shall apply to the office, board, commission or department that may be created by such general law to exercise and succeed to the functions, powers and duties corresponding to those pertaining to the office, board, commission or department so abolished.

Section 73. Oath of Office.

Every officer of the City shall, before entering upon the duties of office, take and subscribe to an oath or affirmation, as required by the statutes of Ohio, which oath or affirmation shall be filed and kept in the office of the Auditor.

Section 74. Continuance of Contracts and Ordinances.

All ordinances and resolutions in force at the time the foregoing provisions of this Charter take effect, not inconsistent therewith, shall continue in force until amended or repealed. (Amended Nov. 6, 1990)

Section 75. Application of State Law.

All general laws of the State of Ohio applicable to cities, now in force or hereafter enacted, and which are not in conflict with this Charter, or with ordinances or resolutions hereafter enacted by Council, shall be applicable to this City; provided, however, that nothing contained in this Charter shall be construed as limiting the power of Council to enact any ordinance or resolution not in conflict with the Constitution of the State or with the express provisions of this Charter.

Section 76. Saving Clause.

If any section or part of a section of this Charter shall prove to be invalid or unconstitutional, that fact shall not be held to invalidate or impair the validity of any other section or part of section of this Charter, unless it shall clearly appear that such other section or part of section is wholly or necessarily dependent for its operation upon the section or part of section so held to be unconstitutional or invalid.

Section 77. Amendments.

Amendments to this Charter may be submitted to the electors of the City by a two-thirds vote of the Council, and shall be submitted by Council upon a petition signed by ten percent of the electors of the City, setting forth any such proposed amendment. The ordinance providing for the submission of any such amendment shall require that it be submitted to the electors at the next regular Municipal election if one shall occur not less than sixty nor more than 120 days after its passage; otherwise it shall provide for the submission of the amendment at a special election to be called and held within the time aforesaid.

Notice of any proposed amendment shall be given in one of the following ways:

- (a) Not less than thirty days prior to the election at which the amendment is to be submitted to the electors, the City Clerk shall mail a copy of the proposed amendment to each elector whose name appears upon the poll of the last regular Municipal or general election.
- (b) The full text of the proposed amendment shall be published once a week for not less than two consecutive weeks in a newspaper published in the City, with the first publication being at least fifteen days prior to the election at which the amendment is to be submitted to the electors. If no newspaper is published in the City, then such publication shall be made in a newspaper of general circulation within the City.
- (c) Any other procedure authorized by the general laws of the State applicable to cities. (Amended Nov. 6, 1990)

If such proposed amendment is approved by a majority of the electors voting thereon, it shall become a part of the Charter.

Section 78. Effective Date. For the purpose of nominating and electing officers and all purposes connected therewith and incident thereto, and for the purpose of exercising such legislative powers as are necessary to be exercised by the present Council preliminary to the organization of departments, boards, and offices herein provided, this Charter shall take effect from the time of its approval by the electors of the City. For all other purposes it shall take effect on the first day of January, 1932.

Section 79. Charter Review. By the fifteenth day of February in 1998 and by the fifteenth day of February every ten years thereafter, City Council may appoint a committee to review the City Charter and report to Council by the fifteenth day of December of that year its recommendations concerning possible amendments to update the Charter. (Amended Nov. 6, 1990)

Section 80. Drive-Through Food Service Facility. As used in this section, “drive-through food service facility” means any retail or service establishment that serves food and/or beverages as part of its business and that provides a designated place where persons can drive in vehicles in such proximity to the establishment that they can or are permitted to conduct the major portion of their business with the establishment without having to exit their vehicles.

1. Notwithstanding any provision of this Charter or any regulations contained in existing ordinances of the City, no structure shall be constructed, erected, converted, or altered for the purpose of using it or any portion of it as a drive-through food service facility on or after the effective date of this amendment.

2. No existing use of any property situated within the City of Bexley shall be altered so as to permit the operation of a drive-through food service facility.

3. Notwithstanding any other provision of this Charter permitting the exercise of legislative, executive, or administrative power, no zoning variance, approval of conditional use of property, approval of plans, or permits or other approvals to construct, erect, convert, alter, modify, use or occupy any structure shall be approved, granted, authorized, issued, or permitted by the City of Bexley if the structure or any portion thereof is for the operation of a drive-through food service facility. (Added Nov. 3, 1998.)