

CHARTER

**AMBERLEY VILLAGE, OHIO
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ARTICLE I. NAME AND BOUNDARIES

The present municipality known as Village of Amberley, Ohio, shall continue to be a body politic and corporate under the name of Amberley Village and as such shall have perpetual succession. Whenever by virtue of the Constitution or laws of Ohio, Amberley Village shall become a city, such city shall be deemed to be a continuation of Amberley Village identical therewith but by the name of Amberley. The boundaries of the municipality shall be those existing at the time of the adoption of this Charter, subject to change by annexation or detachment in the manner authorized by the general laws of Ohio.

ARTICLE II. MUNICIPAL POWERS

The municipality shall have home rule and under this Charter shall exercise all powers of local self government granted by the Constitution of Ohio and all other powers granted to municipalities by the laws of Ohio in effect at any given time. No reference in this Charter to any particular power shall be deemed to be exclusive. If the manner of exercising any power be not prescribed in this Charter it shall be exercised in the manner prescribed by ordinance, or in the manner prescribed by general law in any case wherein the general law may not be modified by or pursuant to Charter or ordinance, or wherein the manner of exercise has not been prescribed by ordinance.

ARTICLE III. COUNCIL**SECTION 1. POWERS, MEMBERS AND TERMS.**

All legislative powers of the municipality, except the powers of initiative and referendum reserved to the electors in this Charter, shall be vested in a Council of seven members, five of whom shall be elected, one from each of the five districts hereinafter provided, and the other two of whom shall be elected from the Village at large. The members of Council shall begin their terms on the 1st day of December next after their election and shall serve for a period of two years and until their successors are chosen and qualified.

SECTION 2. COUNCILMANIC DISTRICTS.

The districts from which five of the members of Council shall be elected are defined as follows:

District A-All of the municipality lying north of Galbraith Road.

District B-All of the municipality lying between Section Road and Galbraith Road, east of Ridge Road.

District C-All of the municipality lying within the following described areas:

From the intersection of Galbraith Road and Ridge Road, west along Galbraith Road to the corporation line of the Village and the west line of Crest Hills Country Club;
 thence south along the west line of Crest Hills Country Club to the south line of Crest Hills Country Club;
 thence along the south line of Crest Hills Country Club to the intersection of Willowbrook Lane, extended;
 thence south along the center line of Willowbrook Lane to the intersection of Willowbrook Lane and Willowbrook Drive;
 thence in a general westerly direction along Willowbrook Drive to its intersection with Fair Oaks Drive;

thence south along Fair Oaks Drive to its intersection with Section Road;
 thence east along Section Road to the intersection of Section Road and Ridge Road;
 thence south along Ridge Road, past Esther Drive to the south corporation line of Amberley Village;
 thence in an easterly direction with the corporation line of Amberley Village to its intersection with Section Road at Knoll Road;
 thence westwardly along Section Road to Ridge Road;
 thence northwardly along Ridge Road to the intersection of Galbraith Road and the place of beginning.

District D - All of the municipality lying south of Section Road and west of Ridge Road.

District E - All of the municipality lying north of Section Road and west to the following line:

From the intersection of Fair Oaks Drive and Section Road, north to the intersection of Willowbrook Drive; thence easterly along Willowbrook Drive to Willowbrook Lane;
 thence northwardly along Willowbrook Lane, as extended, to the south line of Crest Hills Country Club;
 thence westwardly along the south line of Crest Hills Country Club to its westerly line;
 thence north along said line to Galbraith Road and the north corporation line of the municipality.

The boundaries of these five districts may be changed from time to time by ordinance, but no such change shall be effective at the succeeding municipal election unless it has become effective as an ordinance on or before August 1st in the year of such election.
 (Am. Ord. C-408, passed 5-12-75)

SECTION 3. QUALIFICATIONS.

Members of Council shall be qualified electors of the municipality, and shall have resided in the municipality at least one full year next preceding their election.

SECTION 4. MEETINGS OF COUNCIL.

Council shall hold not less than twelve regular meetings each year, at such place and at such times as shall be determined by ordinance. Special meetings may be called by the Mayor or by any three members of Council by written notice served personally upon each member or left at his or her residence at least twelve hours in advance of the time of such special meeting. Except as provided herein for executive sessions, all meetings of the Council and its committees shall be open to the public. Council and its committees may meet in executive session in the manner and for the purposes provided by [R.C. § 121.22(G)] Section 121.22(G) of the Ohio Revised Code, and as the same may be amended or re-codified from time to time.

(Amendment adopted by electorate 11-4-97)

SECTION 5. QUORUM AND VOTING.

A majority of the qualified members of Council shall constitute a quorum to do business, but a lesser number may adjourn from time to time and compel the attendance of absent members.

Every ordinance and every resolution having the force or effect of law shall be read on three separate days before its passage unless such requirement is dispensed with by a vote of at least five members of Council. The affirmative vote of at least a majority of the members shall be necessary for the passage or adoption of any measure or for the selection, appointment or removal of any official, where such action lies within the power of Council, unless otherwise herein provided. Every vote upon any ordinance or resolution having the force or effect of law and upon the selection, appointment, or removal of any official, and every other vote as to which any member shall so demand shall be taken upon a roll call and entered upon the journal. Council may adopt rules, not inconsistent with this Charter, governing its own proceedings and all other matters pertaining to the exercise of its powers and the performance of its duties.

SECTION 6. REMOVAL AND VACANCIES.

The Council shall declare vacant the seat of any member who shall cease to be a resident of the Village, or who shall hold any other public office or employment except that of Mayor of the municipality, Notary Public, member of the Armed Forces of Ohio or the United States, or trustee or director without pay of any public institution or board. Council may also declare vacant the seat of any member who persistently fails to abide by the rules of the Council or who is otherwise guilty of misconduct affecting the performance of his duties as councilman, but such action shall be taken only upon the concurrence of five members of Council at a regular meeting of Council after service of notice upon such member of such proposed action at least 24 hours in advance of such meeting.

The remaining members of Council shall, by majority vote, elect a successor to fill any vacancy however caused; providing that in the event of a vacancy in the seat of a member elected from a district of the municipality, his successor shall be chosen from the same district. If Council fails, by the conclusion of the second general meeting of Council following the establishment of a vacancy, to fill such vacancy, the Mayor shall fill it by appointment.

SECTION 7. SALARIES.

Salaries of councilmen shall be established by ordinance in accordance with the limitations of the Revised Code of Ohio. Additional compensation may be established for the Mayor or for the Vice Mayor when serving in the Mayor's stead by ordinance of Council. Salaries of the councilmen or the Mayor and Vice Mayor shall not be changed during their term of office, nor by any ordinance passed subsequent to the final date on which they could be nominated for office.

Compensation of all other officers and employees of the municipality shall be fixed by ordinance.
(Amendment adopted by electorate 11-5-74)

ARTICLE IV. OFFICIALS**SECTION 1. THE MAYOR.**

Council shall at the regular December meeting following its election choose by a majority vote one of its members as Mayor, to serve the remainder of his current term. The Mayor shall in addition to his powers, rights and duties as a member of Council, preside at all its meetings and shall be recognized as the official head of the municipality for all legal or 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 in this Charter and such other duties as may be imposed on him by any measure of Council. He shall also have jurisdiction in civil and criminal cases as provided by the laws of Ohio.

SECTION 2. THE VICE MAYOR.

Council shall at the regular December meeting following its election choose one of its members by majority vote as Vice Mayor to serve during the remainder of his current term. The Vice Mayor shall exercise all the powers and perform all the duties of the Mayor in case of temporary absence or disability of the Mayor and shall succeed to his office in case of any vacancy therein.

SECTION 3. THE CLERK.

Council shall choose a Clerk who shall attend all meetings of Council, keep its records, and perform all duties prescribed for him in this Charter and such additional duties as may be imposed upon him by any action of Council or by any provision of the general laws of Ohio. The Clerk need not be a resident of the municipality. His appointment shall be for the term of the Council appointing him.

SECTION 4. THE TREASURER.

The Council shall appoint a Treasurer who shall be a resident of the municipality, and who shall serve as the fiscal and accounting officer of the municipality. The Treasurer shall receive, collect, and deposit all monies due the Village and sign all checks and vouchers for their disbursement. He shall be the custodian of official bonds and of instruments for the payment of the money of the municipality and shall perform all other financial duties imposed upon him by any measure of Council. The Treasurer shall give bond for the faithful performance of his duties, in an amount and subject to approval as provided by Council by ordinance. He shall serve for the term of the Council appointing him.

SECTION 5. THE SOLICITOR.

Council shall appoint a Solicitor who shall be an Attorney-At-Law admitted to practice in Ohio, and shall be a resident of Hamilton County. He shall be the legal adviser of and attorney and counsel for the Village and for all officers and departments thereof in all matters relating to their official duties; and shall, when requested, give legal opinions in writing. He shall represent the municipality in all litigation to which it may be a party and shall, upon request of the Mayor or police officials of the Village, prosecute for all offenses against the ordinances of the Village or against the laws of Ohio in actions before the Mayor. He shall on request prepare all contracts, bonds, and other instruments in writing in which the municipality is concerned and shall endorse on each his approval of the form and correctness thereof. He shall perform all other duties of a legal nature imposed upon him by any measure of Council or imposed upon the chief legal officers of municipalities by applicable general law. He shall serve for the term of the Council appointing him.

SECTION 6. APPOINTMENT AND REMOVAL OF OFFICIALS.

Council shall make all appointments provided for by this Charter by majority vote, to serve for the terms provided in this Charter.

Council may remove any official which it has appointed; but such removal shall be effected, unless the appointee in writing waives these provisions, only by a vote of five members of Council after a hearing at a regular meeting of Council, following the service upon the appointee of written notice of the hearing and of the reasons for his removal. The appointee shall be entitled to attend such hearing, to be heard himself, to present evidence in his behalf, and to examine witnesses appearing in support of any charge against him. The action of Council in any such matter shall be final, and subject to no appeal.

SECTION 7. CREATION AND ABOLISHMENT OF OFFICES.

Council shall not abolish any office or diminish or transfer any powers or duties prescribed in this Charter. Council may by ordinance establish, abolish, divide or combine, and may determine the functions, powers and duties of any office or department not prescribed in this Charter.

ARTICLE V. THE VILLAGE MANAGER**SECTION 1. APPOINTMENT.**

A manager shall be appointed by Council, by majority vote to serve for an indefinite term, subject to removal as provided by this Charter.

The Manager need not be a resident of the municipality at the time of his appointment or during his tenure of office.

SECTION 2. POWERS AND DUTIES OF THE MANAGER.

The Manager shall be the chief executive officer and the head of the administrative branch of the Municipal Government, and shall be responsible to the Council for the proper administration of all the affairs of the municipality and the enforcement of all the laws and ordinances, except as herein otherwise provided,

and to that end he shall have authority to make all appointments and removals of employees of the municipality in the departments and offices under his control.

He shall attend all meetings of the Council, with the right to participate in its discussions but without the right to vote; and he shall attend meetings of any committee of the Council when so required by such committee.

He shall prepare and submit to the Council the annual budget and be responsible for its administration after adoption.

He shall prepare and submit to the Council as of the end of the fiscal year, a complete report on the finances and administrative activities of the municipality for the preceding year.

He shall prepare and submit to the Council a monthly report showing the conditions of all appropriated funds.

He shall issue all licenses and permits pursuant to ordinances and perform all other duties prescribed for him in this Charter or imposed upon him by any measure of Council.

He may serve as head of any department or office except as treasurer or solicitor.

Council may designate some qualified person to exercise the rights and perform the duties of the Manager during his temporary absence or temporary disability or during a vacancy.

SECTION 3. INTERFERENCE BY COUNCIL WITH THE MANAGER.

Neither Council, nor its committees or members, shall direct or request the appointment of any person to, or his removal from, office or employment by the Manager, or in any manner take part in the appointment, discipline, or removal of subordinates and employees in the administrative service of the municipality Council, its committees, and its members shall deal with that portion of the service of the municipality for which the Manager is responsible

solely through the Manager, and neither Council, nor its committees or members, shall give any orders to any subordinate of the Manager. In case any member shall be found by Council to have violated this section, Council shall declare his seat vacant. Council may, however, inquire into the conduct of any office or department, the performance of any contract, or any of the affairs of the municipality, and may in the exercise of such power compel or authorize a committee to compel the attendance and testimony of witnesses and the production of books, papers, and other evidence under penalty of law.

SECTION 4. EXPENDITURES.

All expenditures of Village funds shall be upon warrants signed by the Treasurer and counter-signed by the Manager. Such expenditure shall be made only upon authorization of the Manager, which authorization shall include a certification that the expenditure is covered by an appropriation in the annual appropriation ordinance or some amendment thereto and that unexpended funds within such appropriation, sufficient to cover such expenditure are on hand and available for the payment thereof.

SECTION 5. CONTRACTS AND PURCHASES.

The Manager shall make all purchases, and shall deliver all contracts for the municipality except contracts granting franchises for public utility services. Council may, from time to time, establish by Resolution the amount of Village Funds that the Village Manager may expend for Village purchases without having obtained authorization from Council, except that such amount established by Council shall not be greater than \$15,000.00, and shall not apply to an expenditure for expert or professional services.

No purchase or contract involving an expenditure of a sum greater than the sum provided in [R.C § 731.14] Section 731.14 of the Ohio Revised Code, and as the same may be amended or re-codified from time to time, shall be made except after advertisement and the receipt of bids in writing; except in the case of emergency which will not admit of delay, in which case the Manager shall report the facts to Council at its next meeting and Council may waive all advertising

and bidding requirements if Council determines that there is an emergency which will not admit of delay. After receipt of bids or after waiver of bidding, Council may authorize the Manager to make a purchase from or enter into a contract with the party who, in its sole discretion, offers the best proposal for the Village, considering quality, service, adaptability to requirements of the Village and price; or Council may direct the rejection of all bids. No contract, except a contract granting a franchise for public utility services, shall be made for a term longer than five years. All contracts shall be approved as to form by the Solicitor before they are executed by the Manager. Purchases may be made simultaneously or in conjunction with purchases by other governmental bodies.

(Amendments adopted by electorate 11-3-70, 11-4-80, 11-4-97, 11-12-07)

SECTION 6. (RESERVED).

Editor's note: Res. C-427, adopted August 18, 1980 and approved by the electorate November 4, 1980, repealed Article V, Section 6 of the Charter, pertaining to the Manager's authority to contract for other services.

SECTION 7. (RESERVED).

Editor's note: Res. C-427, adopted August 18, 1980 and approved by the electorate November 4, 1980, repealed Article V, Section 7 of the Charter, pertaining to the Manager's authority to make purchases on behalf of the Village.

ARTICLE VI. THE PLANNING COMMISSION

SECTION 1. APPOINTMENT.

The Village Planning Commission shall consist of five members. One shall be a member of Council who shall be appointed by the Mayor with the approval of Council and shall serve until the expiration of the term

of Council during which he is elected. The other four shall be electors of the Village and shall be appointed by the Mayor with the approval of Council to serve for terms of four years. Nothing herein shall be construed to effect the terms of those presently serving on the Planning Commission. Two members shall be appointed to take office effective January 1, 1979: one shall serve for a period of one year, the other for a period of three years. Thereafter, all terms of appointment shall be four years in duration. Vacancies shall be filled in the manner in which the original appointments were made, to serve for the unexpired term.

(Amendment adopted by electorate 11-7-78)

SECTION 2. POWERS AND DUTIES.

The Planning Commission shall have all the powers granted to and shall perform all the duties imposed upon Planning Commissions and Platting Commissioners by the laws of Ohio, including all statutes now or hereafter enacted. It shall further have the powers and duties granted to and imposed upon it by this Charter, or by ordinance or resolution of Council.

SECTION 3. ACTION OF COUNCIL NECESSARY.

The Planning Commission may adopt and may from time to time amend or modify a general village plan. It shall further consider all petitions for amendment of the zoning plan referred to it by Council; and may, upon its own initiative, propose amendments to the zoning plan. No plan or amendment or modification thereof made or proposed by the Planning Commission shall become effective unless and until the same shall be reported to the Council and embodied in an ordinance.

Petitions for change in the zoning plan shall be filed with the Clerk of Council, accompanied by a proposed ordinance effecting the change desired and by such other information and data as the Planning Commission shall designate. Such petitions shall be reported by the Clerk to the Council which shall

forthwith refer them to the Planning Commission. The Planning Commission shall schedule such petitions for public hearing, with notice by mail to the last known address of all interested property owners as determined by the Planning Commission. Following such public hearing, the Planning Commission shall make its recommendation with reference to the change proposed and shall report it to Council. Following receipt of such report, Council shall schedule the question of such change for public hearing, following which it may adopt, reject, or modify and adopt the recommendation of the Planning Commission.

No recommendation of the Planning Commission with reference to changes in the zoning plan, changes in the village plan or any dedication or gift of property shall be amended by Council nor adopted contrary to the recommendation of the Planning Commission except upon a vote of five members of Council. Recommendations of the Planning Commission may be adopted by Council by a majority vote.

SECTION 4. ZONING APPEALS.

The Council shall by ordinance create a Board of Zoning Appeals of five members which may, in Council's discretion, consist of the members of the Planning Commission. Such Board shall have authority to grant relief from undue hardship which would result from the strict application of the zoning ordinance to particular cases. Action of the Zoning Board of Appeals shall be by vote of not less than three members.

ARTICLE VII. FINANCES

SECTION 1. TAXES.

The Council, by resolution adopted by vote of five members, may if necessary levy a tax for current expenses on real and personal property in the Village. The rate of such tax shall not exceed 7 mills on a dollar of assessed valuation.

SECTION 2. EXTRA LEVY.

On or before the 15th day of August in any year the Council may, by resolution adopted by vote of not less than five of the members, declare that the amount of money that may be raised by taxation under the preceding section, together with all other funds available during the year, will be insufficient to provide an adequate amount for the necessary requirements of the Village and that it is necessary to levy taxes in excess of said limitations for the purpose of meeting the current expenses of the Village, and may require the submission of the question of levying such additional tax to the electors of the Village at the next November election. Such resolution shall specify the additional rate of levy required and the number of years during which such increased rate may be levied, which shall not exceed two years. Such resolution shall take effect upon its adoption and shall be certified by the Clerk forthwith to the election authorities who shall place said question upon the ballot in the following form:

For the approval of an additional levy of taxes by Amberley Village at the rate of ____ mills to be used for the purpose of meeting current expenses and to be effective during the tax year ____.

Against the approval of an additional levy of taxes by Amberley Village at the rate of ____ mills to be used for the purpose of meeting current expenses and to be effective during the tax year _____.

The question covered by such resolution shall be submitted as a separate proposition, but may be printed on the same ballot with any other proposition submitted at the same election. If a majority of those voting thereon vote for the approval of such additional levy, Council shall immediately make such levy, or such part thereof as it finds necessary, pursuant to such approval, and certify the same to the County Auditor to be placed on the tax list and collected as other taxes.

(Amendment adopted by electorate 11-3-64)

SECTION 3. THE BUDGET.

Within the time required by general law, the Village Manager shall prepare and submit to Council a budget covering an estimate of available funds and required expenditures for the ensuing calendar year. Council shall by ordinance specify the form of and information to be included in the budget. Such budget may be amended by Council; shall be approved by Council as presented or amended; and shall be the basis of any levy of taxes by Council or any request for an extra tax levy.

SECTION 4. APPROPRIATION ORDINANCE.

On or before the 1st day of December in each year the Village Manager shall prepare and submit to Council an appropriation ordinance, containing a financial plan for conducting the affairs of the Village for the ensuing year. Council shall by ordinance specify the form of and the information to be included in the appropriation ordinance. Council shall not act upon such ordinance prior to its regular December meeting. Council may provide for a public hearing upon such ordinance; and may amend such ordinance in accordance with its judgment and discretion. The appropriation ordinance may be passed upon a single reading and shall become effective forthwith on its adoption.

SECTION 5. ANNUAL AUDITS.

Except in those years for which an audit has been made or is about to be made by a representative of the State Auditor of Ohio, Council shall each year cause an annual audit of all the financial affairs of the municipality during the preceding year to be made by a certified public accountant not in the employ of the municipality, or financially interested in any transaction to be audited. Council may, in addition, cause other audits for any purpose to be made at any other time.

SECTION 6. CAPITAL IMPROVEMENT RESERVE FUND.

Council shall create and maintain a capital improvement reserve fund, and may from time to time transfer or appropriate thereto all monies accruing to any other fund of the Village not needed for the purposes of such fund and available for transfer under the general laws of the State and also the unencumbered balance remaining in the general fund of the Village at the end of any fiscal year. Monies in the capital improvement reserve fund shall not be expended for any purpose except to purchase equipment, apparatus, or other property, or to construct buildings, structures, roads, and other public improvements, needed for the use of the Village, or to pay obligations of the Village by means of transfer to the Sinking Fund of the Village.

SECTION 7. SINKING FUND.

Council shall create and maintain a sinking fund, from which shall be paid all bonded obligations of the Village, including both interest and the retirement of principal. Council shall appropriate to that fund all tax monies received for the payment of bond obligations, the proceeds of all special assessments collected by the County Auditor and remitted to the Village, and such other funds as may be necessary to retire all obligations of the Village as they become due, plus such additional funds as Council may deem appropriate.

Such sinking fund shall be used only for the retirement of Village obligations or for the purchase of all or any part of any bonds being offered by the Village for sale, all of which bonds shall be first offered to the sinking fund trustees before they are advertised for public sale.

Whenever the balance in the sinking fund exceeds the outstanding bonded indebtedness of the Village, the sinking fund trustees may, in their discretion, transfer any such excess back to the general fund, for reappropriation by Council as it deems proper.

The sinking fund trustees may, in their discretion, sell any of the bonds of the Village in their possession to the trustees of the police pension fund at face value plus accrued interest.

SECTION 8. SINKING FUND TRUSTEES.

The Board of Sinking Fund Trustees shall consist of the Village Manager, the Treasurer, and the Solicitor. The Clerk shall serve as Secretary of the Board.

ARTICLE VIII. POLICE AND FIRE PROTECTION

The Council shall provide for police and fire protection adequate to the needs of the municipality, to be administered by ordinance. The rights of any member of the department or departments created hereunder relative to dismissal, as established by the general laws of this state, shall be preserved and shall not be altered by Council.

(Amendment adopted by electorate 11-3-64)

ARTICLE IX. ORDINANCES AND RESOLUTIONS

SECTION 1. TIME OF TAKING EFFECT.

Measures passed by Council shall, unless a later date be specified therein, take effect as follows:

1. Measures to which the referendum is not applicable, immediately upon certification by the Clerk of publication.

2. Emergency measures, to which Council has by a vote of not less than five members added a section declaring the necessity to put such measure into immediate force and effect in order to preserve the public peace, order, safety, health, or welfare of the municipality, or to provide for the usual daily operation of a department or office of the

municipality; and also stating specifically the reason and nature of such necessity, immediately upon certification by the Clerk of publication; but no public utility franchise or rate ordinance shall be passed as an emergency measure.

3. All other measures shall take effect and be in force 45 days after the certification by the Clerk of their publication under the requirements of this Charter, unless suspended by the filing of a valid referendum petition.

SECTION 2. PUBLICATION.

The Council shall provide by ordinance for the publication of all ordinances and resolutions having the force or effect of law. Such publication shall be by printing in a newspaper of general circulation in the municipality, by posting in such places of public notice as Council shall by resolution direct or by circularization to the residences within the municipality.

Council shall provide by ordinance for the normal method of publication; but may by resolution provide for one of the other methods of publication as to any particular measure. The Clerk shall certify to the Mayor and Council the fact and manner of publication of any measure; and its time for taking effect, and for the filing of any referendum petition, shall date from the time of the filing of such certificate.

ARTICLE X. INITIATIVE AND REFERENDUM

SECTION 1. ESTABLISHMENT.

The initiative and referendum are reserved by this Charter to the people of Amberley Village to be exercised as prescribed in this Charter. Electors qualified by registration and otherwise to vote in Amberley Village and equal in number to not less than one-fifth (1/5) of the number of those who voted in the preceding general election, may by an initiative petition propose to Council the passage of an ordinance set forth therein, or by a referendum

petition propose the repeal of any measure passed within 45 days by Council, except as otherwise prescribed in this Charter.

SECTION 2. THE PETITION.

The form, content, verification of and other requirements for initiative and referendum petitions, except as otherwise prescribed in this Charter, shall be those prescribed by the general laws of Ohio in existence as of the time of the filing of the petition. In addition to the requirements of the statute each petition shall by its terms appoint a committee of three to represent the proponents of the petition in any further proceedings before Council. Such a committee shall have the power to fill vacancies in its rank by action of the surviving members. The petition shall be filed with the Clerk, who shall forthwith notify the Mayor of such filing. The Mayor shall thereupon and within five days of the time of filing appoint a committee of two, at least one of whom shall be a member of the committee to support the petition and this committee, together with the Clerk of the Village, and with the help of the Board of Elections of Hamilton County, if the committee so desires, determine within ten days of its appointment whether the petition is valid and sufficient according to law. If the committee determines the petition to be valid and sufficient, the Clerk shall present the petition, with a certificate as to the committee's determination to Council at its next regular meeting. If the petition is determined to be invalid or insufficient, no further action shall be had.

SECTION 3. THE INITIATIVE.

Each ordinance initiated by a petition certified to be valid and sufficient shall upon presentation be referred by Council to a committee to hold a public hearing thereon and to report its recommendations at the next regular meeting of Council. Council shall, not later than the second regular meeting following such reference, either pass the ordinance in its original form or in a form agreed to by a majority of the committee appointed by said petition; or take appropriate action to submit the ordinance to a vote of the electors at the next primary or general election to be held not less than sixty days after the filing of

appropriate notice with the Board of Elections. If an initiated ordinance is approved by a majority of the electors voting thereon it shall be an ordinance of the Village, effective as of the date of the official certification of the result of such election, or at such other date as may be provided in the ordinance.

SECTION 4. THE REFERENDUM.

The referendum shall not be applicable to: (1) Ordinances making or transferring annual appropriations, or amendments thereto; (2) measures providing for the discharge of any obligation legally due from the Village; (3) measures submitting any measure to a vote of the electors; (4) measures directing the performance of any official duty or providing for investigations or reports; (5) resolutions not having the force or effect of law; (6) repealing measures passed by Council pursuant to referendum petitions; (7) measures relating to any public improvement subsequent to the ordinance determining to proceed; or (8) emergency measures, passed in compliance with provisions of this Charter.

The taking effect of any measure subject to referendum shall be postponed by the filing of a referendum petition within 45 days after the passage thereof, unless the committee herein provided shall certify that the petition is invalid or insufficient, in which event such ordinance shall take effect in accordance with the other provisions of this Charter.

Each referendum petition certified to be valid and sufficient shall upon presentation be referred by Council to a committee to hold a public hearing thereon and to report its recommendations at the next regular meeting of Council. Council shall, not later than the second regular meeting following such reference, either pass the repealing measure or take appropriate action to submit it to a vote of the electors at the next regular or primary election to be held not less than sixty days after the filing of appropriate notice with the Board of Elections. If the repealing measure is approved by a majority of the electors voting thereon, the ordinance shall not take effect. Otherwise, the measure shall take effect immediately upon official certification of the result of such election.

**ARTICLE XI. NOMINATIONS AND
ELECTIONS**

SECTION 1. TIME OF HOLDING ELECTIONS.

A regular municipal election shall be held on the first Tuesday after the first Monday in November in the odd numbered years. Any matter which, by the terms of this Charter, may be submitted to the electors of the municipality at any special election, may be submitted at the time of a primary election or of a general election.

SECTION 2. NOMINATIONS.

Candidates for Council shall be nominated only by petition. The name of any elector of the municipality who shall have resided in the municipality for one year at the time of the election at which he is candidate shall be printed upon the ballot if there is filed with the election authorities of Hamilton County a petition in accordance with the following requirements, to-wit:

(a) Such petition shall state the name and place of residence of each nominee and shall state whether he is a candidate for election at large or for election from a designated district, of which he must be resident.

(b) Such petition shall be signed by electors of the municipality equal in number to 4% of the total number of voters voting at the last regular municipal election.

(c) Each elector signing a petition shall add to his signature his place of residence with street and number or other designation and may subscribe to one nomination for each of the places to be filled and no more. All signatures shall be made with ink or indelible pencil.

(d) A single petition may be filed for the nomination of all members of Council. The signatures of all petitioners need not be appended to one paper,

but to each separate paper there shall be attached an affidavit of the circulator thereof stating the number of signers thereto, that each person signed in his presence, and that the signature is that of the person whose name it appears to be.

(e) No petition for nomination shall be effective unless it is accompanied by the written acceptance of the nominee. Such petition, with such acceptance, shall be filed with the election authorities prescribed by general law not later than August 15th next previous to the date of the election.

SECTION 3. BALLOTS.

Ballots for the election of councilmen shall be printed in single column form without party marks or designations. The ballots shall list the candidates under six separate headings, one for each of the five districts and one at large. The ballot shall carry at the top under its title the instruction "Vote for one candidate from each of the five Districts, irrespective of your residence. Also vote for not more than two candidates at large." Under the heading for each district the ballot shall bear the instruction "Vote for not more than one." Under the heading for councilmen at large, the ballot shall bear the instruction "Vote for not more than two."

One space shall be left below the printed names for each district and two below the names for candidates at large, to permit voters to write in the names of those for whom they wish to vote.

**SECTION 4. CONDUCT OF ELECTION AND
CANVASS OF VOTES.**

All elections shall be conducted and the results canvassed and certified by the election authorities prescribed by the 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.

SECTION 5. WHO ELECTED.

All qualified electors in the municipality may vote for all seven places in Council, without reference to the residence of the elector. The candidate from each district who receives the highest number of votes shall be declared elected as the representative of such district and the two candidates at large who receive the highest number of votes shall be declared elected as councilmen at large.

ARTICLE XII. EFFECTIVE DATE AND EFFECTS OF ADOPTION**SECTION 1. EFFECTIVE DATE.**

This Charter shall take effect and be in force from and after the certification of its adoption by the election authorities of Hamilton County.

SECTION 2. EFFECT ON PRESENT OFFICES.

The offices of members of Council, Mayor, Clerk, and Treasurer, are hereby abolished by this Charter from and after its adoption. The six members of Council and the Mayor elected by the electors of Amberley Village at the last Village election preceding its adoption shall, upon adoption by the electors of this Charter, have and exercise all the duties of members of Council as prescribed in this Charter and shall serve until their successors are elected in the next Village election following the adoption of the Charter. The Mayor shall, in addition to his duties as member of Council, have all the powers and perform all the duties of the Mayor as prescribed in this Charter. The Clerk and Treasurer of Amberley Village elected at the last Village election shall respectively have the powers and perform the duties of the Clerk and Treasurer as prescribed in this Charter and shall be entitled to serve during the remainder of the term for which they were originally elected.

SECTION 3. EFFECT ON PRESENT ORDINANCES.

All ordinances of the Village not inconsistent with this Charter and in force when it takes effect shall continue in force until amended or repealed by Council.

SECTION 4. EFFECT ON PRESENT CONTRACTS.

All contracts entered into and obligations incurred by the Village or for its benefit prior to the taking effect of this Charter, shall continue in full force and effect.

SECTION 5. EFFECT ON PLANNING COMMISSION.

The existing Village Planning Commission of Village of Amberley shall be deemed abolished by this Charter, after the first day of January following the adoption of the Charter, as of which date the new Planning Commission under this Charter shall take office. All rules and regulations of the Planning Commission of Village of Amberley effective as of the date of the adoption hereof and not inconsistent with this Charter shall continue in force until amended or repealed by action of the Planning Commission and Council.