

Mayfield Village

Charter



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Note: The Charter reflects changes per the election in November 2015

**CHARTER
OF
MAYFIELD VILLAGE, OHIO**

EDITOR'S NOTE: The Mayfield Village Charter was originally adopted by the voters at an election on May 7, 1974. Dates in parentheses following a section heading indicate that such section was amended or adopted on the date given.

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CHARTER
OF
MAYFIELD VILLAGE, OHIO

PREAMBLE

We, the people of Mayfield Village, in the County of Cuyahoga, State of Ohio, in order to secure for ourselves the fullest measure of home rule and local self-government under the Constitution and laws of the State of Ohio, do hereby adopt this Charter.

ARTICLE I

THE MUNICIPALITY

SECTION 1. NAME AND CHANGE OF NAME.

The Municipality now existing in the County of Cuyahoga, State of Ohio, and known as the Village of Mayfield shall continue to be a municipal corporation known as Mayfield Village, Ohio. If and when the Municipality of Mayfield Village shall, under the Constitution and general laws of the State of Ohio, become a city, then it shall be known as the City of Mayfield Village, and the provisions of this Charter shall apply whether this Municipality is a village or a city.

SECTION 2. BOUNDARIES.

The Municipality of Mayfield Village shall have the same boundaries as now exist, but with power and authority to change its boundaries in the manner authorized by the general laws of the State of Ohio and/or this Charter when not in conflict therewith, except that no territory shall be detached from the Municipality nor shall the Municipality be annexed or merged with any other body politic, nor shall the corporate existence of the Municipality be terminated, without the consent of the Council of the Municipality, and of two-thirds of the electors voting on such question at a general or special election.

ARTICLE II
FORM OF GOVERNMENT AND POWERS

SECTION 1. FORM.

The municipal government provided by this Charter shall be known as the "Mayor-Council" form of government.

SECTION 2. POWERS.

The Municipality shall have all of the powers, general or special, governmental or proprietary, expressed or implied, that may now or hereafter lawfully be possessed or exercised by municipal corporations under the Constitution and laws of the State of Ohio.

SECTION 3. MANNER OF EXERCISE.

The powers of this Municipality shall be exercised in the manner prescribed in this Charter, or if not prescribed herein, then in such manner as the Council may determine. When not prescribed in this Charter or determined by Council, such powers shall be exercised, except as a contrary intent appears in this Charter or in the enactments of Council, in such manner as may now or hereafter be provided by the general laws of the State of Ohio.

SECTION 4. INTERPRETATION.

The powers of the Municipality under this Charter shall be interpreted liberally in favor of the Municipality, and the specific mention of particular powers in this Charter shall not be interpreted as exclusive or as limiting in any way the general powers stated in this Article II.

ARTICLE III
THE COUNCIL

SECTION 1. COMPOSITION AND TERM.

The legislative powers of the Municipality, except as otherwise provided by the Charter and by the Constitution of the State of Ohio, shall be vested in a Council of seven (7) members, three (3) of whom shall be elected by the people-at-large and four (4) of whom shall be elected from wards, one (1) from each of the four (4) wards. The members of Council representing Wards One (1) and Three (3) and one (1) At-Large Council member shall be elected at the regular Municipal election in 1987 and every fourth year thereafter for a term of four (4) years commencing on the first day of January next after such election or until their successors are elected and qualified. Two (2) of the At-Large Council members shall be elected at the regular Municipal election in 1987 for a term of two (2) years commencing on the first day of January next after such election, or until their successors are elected and qualified, with such members of Council again being elected at the regular Municipal election in 1989 and every fourth year thereafter for a term of four (4) years commencing on the first day of January next after such election, or until their successors are elected and qualified. The members of Council representing Wards Two (2) and Four (4) shall be elected at the regular Municipal election in 1989 and every fourth year thereafter for a term of four (4) years commencing on the first day of January next after such election or until their successors are elected and qualified. (Amended 11-2-04.)

SECTION 2. ELECTION.

Candidates shall declare whether they are running for seats as members of Council from a ward, which is limited to the ward in which the candidate resides, or whether the candidate is running for membership in Council at large. A candidate from each ward polling the greatest number of votes shall be elected as a Council member from that ward. In years where two at large candidates are to be elected, the two candidates polling the greatest number of votes shall be elected. (Amended 11-7-00)

SECTION 3. QUALIFICATIONS.

Each member of Council shall have physically resided and been a qualified elector of the Municipality for at least two (2) continuous years immediately prior to the member's election or appointment, and shall continue to physically reside and be a qualified elector throughout the member's term of office. A member of Council shall not hold any other elected public office or other employment with Mayfield Village. Any member of Council who shall cease to possess any of the qualifications enumerated herein shall forfeit the member's office, but failure to maintain such qualifications shall not render void or ineffective any action of the Council in which such member has participated. In addition to the foregoing qualifications, no person shall be eligible to serve as a member of Council from a ward unless such person has, for at least one (1) continuous year immediately prior to either the member's election or appointment, physically resided in the ward to be represented and during such term of office shall continue to physically reside in that same ward. (Amended 11-7-00.)

SECTION 4. ORGANIZATION.

In January of each year, the Council shall meet in the Council Chambers of the Civic Center to organize. (Amended 11-3-15.)

SECTION 5. CLERK OF COUNCIL.

The Clerk of Council shall be appointed by and serve at the pleasure of Council. The Clerk shall give notice of the Council meetings, keep the journal of its proceedings, authenticated by the Clerk's signature and recorded in full, in a book kept for the purpose, all ordinances and resolutions of Council and perform such other duties as shall be required by this Charter or by ordinance or resolution of the Council. (Amended 11-8-05.)

SECTION 6. SALARIES, BONDS AND COMPENSATION.

(a) The Council shall have the power to fix all compensation paid by the Municipality and the salary of its own members except as otherwise provided in this Charter. Any person may be required by the Council, from time-to-time, to furnish a bond for the faithful performance of that person's duties and the Council shall provide that the premium for such bond be paid by the Municipality. Per the recommendations of the Charter Review Commission of 2015, and as approved by the Voters, the compensation beginning on January 1, 2016, shall be as follows: Mayor: \$26,000 per annum; Council President \$11,000 per annum; Council Members: \$10,000 per annum. The Council shall not increase the compensation for itself or the Mayor from and after the effective date of this amendment unless such increase in compensation has been enacted by ordinance and submitted to the electorate for approval by a majority vote thereof. Such compensation, when so fixed, shall become effective on the first day of January of the following year and shall remain in effect unless and until increased in accordance with this section. Council may decrease compensation for itself and the Mayor at its sole discretion. Each

member of Council shall be compensated equally, both newly elected members and those serving the balance of a term, except the President of Council who shall receive 10% more. (11-3-15).

(b) The Council shall, in accordance with this section, fix the salaries of all elected and appointed officials. The Council, or the Mayor with the concurrence of the Finance Director, may authorize the payment of reimbursement of expenses incurred by any official, employee or member of any board or commission of the Municipality for travel or otherwise in the interest of the Municipality, provided that any such expense approved by the Mayor with the concurrence of the Finance Director shall not exceed the Mayor's general spending limit. Any of the expenses set forth herein incurred by the Mayor shall be approved by Council. (Amended 11-8-05.)

SECTION 7. COUNCIL MEETINGS.

(a) The Council shall hold at least one regular meeting in each calendar month. A majority of the members of the Council shall constitute a quorum for the transaction of business at any meeting of the Council, but a lesser number may adjourn the meeting from time to time. At any meeting at which a quorum is present, any ordinance or resolution may be passed or adopted, or any other action may be taken, by the affirmative vote of a majority of members of the Council unless a larger number be required by the provisions of this Charter. The Clerk of Council shall keep a record of its proceedings in a journal in which the yea or nay vote of each Council member voting on every ordinance or resolution, and the action of Council on other measures, shall be recorded. The Council's journal shall be available for public inspection at all reasonable times. All meetings of the Council shall be open to the public unless an executive session is called pursuant to the Ohio Revised Code. (Amended 11-7-89.)

(b) The Mayor, the President of Council, or any three members of Council may call special meetings of the Council upon at least twelve hours' notice to each member, served personally or left at the member's usual place of residence.

SECTION 8. VACANCIES IN COUNCIL.

Whenever the office of a member of Council shall become vacant, the vacancy shall be filled for the remainder of the terms by a majority vote of all of the remaining members of the Council; and if the vacancy shall not be so filled by Council within thirty (30) days, the Mayor shall fill it by appointment. In filling any vacancy, the Council and Mayor shall consider the candidates for the vacated seat at the preceding election for same, but are not obligated to appoint any such candidate to the vacant seat. (Amended 11-2-10.)

SECTION 9. POWERS AND DUTIES.

All the legislative powers of the Municipality and all other powers as may be granted by this Charter, except as otherwise provided by the Constitution of the State of Ohio, together with all such powers as are now or may hereafter be granted by the Laws of Ohio to boards of control, municipal taxing commissions, boards of health, or any other municipal commission, board or body now or hereafter created, shall be vested in the Council, except as otherwise provided in this Charter.

The Council shall by ordinance make provision for:

A. The time and place of regular meetings of the Council;

- B. The method of giving public notice of the enactment of its ordinances and resolutions and of any other of its acts or proceedings which it deems proper to publish;

The Council may by ordinance make provision for:

- A. The form and method of enactment of its ordinances and resolutions, provided that no ordinance or resolution shall contain more than one subject which shall be clearly expressed in its title, and provided further that no ordinance or resolution of a general or permanent nature granting a franchise, creating a right, involving the expenditure of money or the levying of a tax (other than a resolution providing for an election on the question of issuing bonds or levying a tax) or for the purchase, lease, sale or transfer of property shall be passed unless it has been read in full or by title on three different days, unless the requirement for such three readings be dispensed with by the affirmative vote of two-thirds of the members of Council in accordance with Section 10 hereof; (Amended 5-8-84.)
- B. The procedure for making public improvements and levying assessments, including the procedure for combining two or more public improvements and the levying of assessments therefore in one proceeding, if the Council finds that it will be economical and practicable to undertake such improvements jointly;
- C. The procedure for the awarding of contracts, including contracts for the purchase, lease, improvement, repair, sale or transfer of real or personal property; and
- D. Such other general regulations as the Council may deem necessary.

SECTION 10. EFFECTIVE DATE OF ORDINANCES AND RESOLUTIONS.

Each ordinance or resolution providing for (a) the appropriation of money, (b) an annual tax levy, (c) improvements petitioned for by the owners of a majority of the foot frontage of the property benefited and to be specially assessed therefore, and (d) any emergency ordinance or resolution necessary for the immediate preservation of the public peace, health or safety, shall take effect, unless a later time be specified therein, upon its signature by the Mayor approving the same, or upon the expiration of the time within which it may be vetoed by the Mayor, or upon its passage after it has been vetoed by the Mayor, as the case may be. Except as otherwise provided in this Charter, all other ordinances and resolutions shall take effect and be operative in the manner provided by the general laws of the State of Ohio.

Each emergency measure shall contain a statement of the necessity for such emergency action, and shall require the affirmative vote of two-thirds of the members of Council for its enactment. No ordinance or resolution (a) relating to any change in the boundaries of the Municipality, (b) providing for the surrender or joint exercise of any of its powers, (c) enacting, amending or repealing any zoning ordinance or other matter described in Sections 11 and 12 of this Article III, (d) granting any franchise, (e) contracting for the supply to the Municipality or its inhabitants of the product or service of any utility, whether municipally owned or not or (f) granting a "Use" variance in any non-residential zoning district pursuant to Article V, 12(A), shall be enacted as an emergency measure. (Amended 11-3-15)

SECTION 11. MANDATORY REFERRAL OF ORDINANCES AND RESOLUTIONS.

No public building, street, boulevard, parkway, path, playground, bridge, tunnel, publicly or privately owned utility or part thereof shall be constructed or authorized to be constructed in

the Municipality, nor shall any street, avenue, parkway, boulevard or alley be opened for any purpose whatsoever, nor shall any street, avenue, parkway, boulevard or alley be widened, narrowed, relocated, vacated, or its use changed, nor shall any ordinance referring to zoning or other regulations controlling the use or development of land of changing the existing zoning or use of land, be adopted unless and until it shall have been submitted to the Planning and Zoning Commission for report and recommendation. Any matter so referred to the Planning and Zoning Commission shall be acted upon by it within ninety (90) days from the date of referral unless a different period of time is mutually agreed upon between Council and the Commission. If the Planning and Zoning Commission shall fail to act within the time allotted, it shall be deemed to have adopted such matter. Any resolution, ordinance or order disapproved by formal action of the Planning and Zoning Commission shall require a vote of two-thirds of the members of the Council to be authorized or adopted. (Amended 11-8-05.)

SECTION 12. PUBLIC NOTICE AND HEARING ON CERTAIN ORDINANCES.

Before any ordinance or resolution may be enacted by the Council amending or repealing any: (a) platting ordinance, (b) the zoning map of the Municipality, (c) zoning or use classification or district, (d) restrictions on height of buildings and other structures, (e) the size of parcels in any zoning or use classification, or (f) the percentage of lot occupancy of buildings and other structures; the Council shall (i) refer such ordinance or resolution to the Planning and Zoning Commission for report and recommendation as required by Section 11 of this Article III; (ii) read the same in full or by title at two successive Council meetings, (iii) thereafter hold a public hearing thereon (which public hearing shall be held at least thirty days after the second reading and prior to the third reading thereof), and (iv) shall give thirty days notice of the time and place of such public hearing in a newspaper of general circulation in the Municipality. No such ordinance or resolution shall be enacted or adopted unless passed or approved after the third reading thereof by not less than a majority of the members of Council, and, if such ordinance or resolution has been disapproved by the Planning and Zoning Commission, by not less than two-thirds of the members of Council. Thereafter, any such ordinance which has been approved by the Council shall be submitted to a vote of the electors of the Municipality, and shall become effective only upon approval thereof by such electors in accordance with the provisions of Section 13 of this Article III. However, the approval of a "Use" variance pursuant to Article V, Section 12(A) will not require approval of the Electors. (Amended 11-3-15).

SECTION 13. SUBMISSION TO ELECTORATE OF ZONING AND LAND USE CHANGES.

Upon approval by the Council and the Mayor, or upon the approval of the Council after a veto of the Mayor, of any ordinance or resolution amending or repealing any ordinance, resolution or map described in Section 12 of this Article III, the Council shall thereupon certify such ordinance or resolution to the Board of Elections to be submitted to the electors at the next general or regularly scheduled primary or special election to be held in the Municipality more than sixty (60) days after the approval of such ordinance or resolution by Council. No such ordinance or resolution shall become effective until approved at such an election by a majority vote of the qualified electors of the Municipality voting in such election, and the results of such election have been certified by the Board of Elections. Such election shall be provided for by ordinance of Council, which ordinance shall prescribe the manner in which the submission shall be made. All ordinances, resolutions, motions and orders, or portions thereof, inconsistent with the provisions of Sections 10, 11, 12 and 13 of this Article III are hereby repealed. The provisions of Sections 10, 11, 12 and 13 of this Article III shall be severable and, if any section, subsection, sentence, part, word or phrase, or the application thereof, is held invalid, illegal or unconstitutional for any reason, such holding shall not invalidate or affect the force and effect of any other section, subsection, sentence, part, word or phrase, or the application thereof. It is

hereby declared to be the intention of the electors that Sections 10, 11, 12 and 13 of Article III of this Charter would have been adopted had such invalid, illegal or unconstitutional section, subsection, sentence, part, word or phrase, or the application thereof, not been included herein.

SECTION 14. PRESIDENT OF COUNCIL AND PRESIDENT PRO TEM.

In January of each year the Council shall, at its organizational meeting, choose one of its members as President of Council who shall serve for a term of one year. The President of Council shall have all the powers, duties, functions, obligations and rights of any other member of Council, including the right to vote; shall preside at all meetings of Council; and shall appoint the various committees of Council, co-coordinating the work of the various committees appointed by the President. At the same meeting each year, the Council shall choose one of its members as President Pro Tem, who shall preside at meetings of Council in the absence of the President of Council. In the event of a vacancy in the office of President of Council, the President Pro Tem shall automatically succeed to the office of President of Council and Council shall, as early as practicable thereafter, elect a new President Pro Tem. (Amended 11-3-81.)

SECTION 15. EMPLOYEES OF COUNCIL.

The Council may employ such persons as it deems necessary for the proper discharge of its legislative duties, which persons shall serve at the pleasure of Council, except as hereinafter set forth.

SECTION 16. REMOVAL.

The Council shall be the judge of the election and qualification of its own members. It may remove any member for gross misconduct, or malfeasance in or disqualification for office, or for the conviction while in office of a crime involving moral turpitude, or if adjudicated legally incompetent, or for a violation of the member's oath of office, or persistent failure to abide by the rules of the Council; provided, however, that such removal shall not take place without the affirmative vote of all other members of Council nor until the accused shall have been notified in writing of the charge against the accused at least fifteen days in advance of a public hearing upon such charge, and the accused or the accused's counsel has been given an opportunity at such hearing to be heard, present evidence and examine any witness appearing in support of the charge. The accused shall not vote on the question of the accused's removal.

SECTION 17. WAGES, TERMS AND CONDITIONS OF EMPLOYMENT.

In providing for wages, terms and conditions of employment for all employees in the Fire and Police Departments within the Village having full time employees, Council shall adhere to provisions set forth in Chapter 4117 of the Ohio Revised Code regarding collective bargaining.

This amendment shall become effective January 1, 2001, and any ordinances in effect at that time, relating to wages, terms and conditions of employment, shall be amended or repealed as determined by the results of the ORC 4117 process. (Amended 11-7-00.)

ARTICLE IV
THE MAYOR

SECTION 1. TERM.

The Mayor shall be elected for a term of four years commencing on the first day of January next following such election, and shall serve until the Mayor's successor is duly elected and qualified. (Amended 11-2-04.)

SECTION 2. QUALIFICATIONS.

The Mayor shall have physically resided and been a qualified elector of the Municipality for at least three (3) continuous years immediately preceding the Mayor's election and shall continue to physically reside in and be a qualified elector of the Municipality throughout the Mayor's term of office. The Mayor shall not hold any other elected public office or other employment, with Mayfield Village, but may be a notary public, a member of the State militia or reserve corp of the United States, unless otherwise prohibited by this Charter. (Amended 11-4-86.)

SECTION 3. JUDICIAL POWERS.

The Mayor shall have all the judicial powers granted to Mayors by the laws of Ohio.

SECTION 4. LEGISLATIVE POWERS.

The Mayor shall attend Council meetings, but shall have no vote therein except in case of a tie vote of the members of Council, and in the case of any such tie, the vote of the Mayor shall for all purposes be deemed equivalent to a vote of a member of Council. He shall have the right to recommend and introduce legislation, and to take part in the discussion of all matters coming before Council.

SECTION 5. EXECUTIVE POWERS.

(A) The Mayor shall be the chief executive officer of the Municipality. Except as may otherwise be provided in this Charter, the Mayor shall:

- (1) Supervise the administration of the Municipality's affairs;
- (2) Except for committees of Council, appoint such committees and their chairman as the Mayor deems necessary, subject to confirmation by a majority vote of the members of Council, and exercise control over all committees and departments of the Municipality, except Council and committees thereof;
- (3) Be the chief conservator of the peace within the Municipality and cause all laws and ordinances to be in force therein;
- (4) See that all terms and conditions imposed in favor of the Municipality or its inhabitants in any franchise or contract to which the Municipality is a party are faithfully kept and performed;
- (5) Recommend to Council such measures as the Mayor deems necessary or appropriate for the welfare of the Municipality and keep Council advised of the condition and future of the Municipality;
- (6) Act as the official and ceremonial head of the Municipal government;

- (7) Execute on behalf of the Municipality, along with the President of Council, all contracts, conveyances, evidences of indebtedness and all other instruments to which the Municipality is a party;
- (8) Have custody of the seal of the Municipality and affix it to all of the aforesaid documents, but the absence of the seal shall not affect the validity of any such instrument; and
- (9) Perform such other duties as are conferred or required by this Charter, by any ordinance or resolution of the Council or by the general laws of the State of Ohio not inconsistent therewith.

The Mayor shall be recognized as the official and ceremonial head of the municipal government by the Governor of Ohio for military purposes, and by the courts for the purpose of serving civil processes. (Amended 11-4-86.)

(B) Subject to the other provisions of this Charter and of the Laws of Ohio, the Mayor shall have the power to appoint, promote, transfer, reduce in rank or remove any officer or employee of the Municipality, except those required by this Charter to be elected.

(C) The Mayor shall prepare an annual "State of the Village" report which shall be delivered orally in Council at its regular first meeting of April of each year and shall cause full text copies to be distributed to every residence within the Village within 45 days following the oral presentation. The report, at the very minimum, shall advise Council and the citizens of the Village of the finances and administrative activities of the Village during the past year and what may be occurring in the next year. (Amended 11-8-05.)

SECTION 6. VETO POWERS.

Every ordinance or resolution adopted by Council shall, before it goes into effect, be presented promptly to the Mayor. If the Mayor approves such ordinance or resolution, the Mayor shall sign it indicating the Mayor's approval and return it to the Clerk within ten days after its adoption by Council. If the Mayor does not approve it, the Mayor shall return it to the Clerk within ten days with the Mayor's written objections, which shall be entered in full upon the journal of Council. If the Mayor does not sign or so return an ordinance or resolution within said ten-day period, it shall take effect in the same manner as if the Mayor had signed it. The Mayor may approve or veto the whole or any item of an ordinance or resolution appropriating money; but otherwise, the Mayor's approval or veto shall be addressed to the entire ordinance or resolution. When the Mayor has vetoed an ordinance or resolution, or a part or item thereof as herein provided, the Council shall, not later than its next regular meeting, proceed to reconsider it; and if upon reconsideration, the ordinance or resolution or part or item thereof vetoed by the Mayor be approved by the affirmative vote of at least two-thirds of the members of Council, it shall then take effect without the signature of the Mayor, in the same manner as if the Mayor had signed it. In all such cases, the votes shall be taken by roll call and entered upon the journal of Council. (Amended 5-8-84.)

SECTION 7. INABILITY TO PERFORM DUTIES.

When the Mayor for any reason is unable to perform the duties of Mayor, the President of Council shall become the acting Mayor, and while so acting shall have and exercise all of the powers of the Mayor, but the President of Council shall not thereby cease to be the President of Council. When both the Mayor and the President of Council are unable to perform the duties as Mayor, the President Pro Tem of the Council shall become the acting Mayor, and while so acting shall have and exercise all of the powers of the Mayor, but the President Pro Tem shall not thereby cease to be the President Pro Tem of the Council. A majority of the members elected to

Council shall determine when the inability to perform duties of the officials named herein requires the implementation of the provisions of this section. (Amended 11-2-10)

SECTION 8. VACANCY.

In case the office of Mayor shall become vacant, the President of Council shall thereupon become Mayor and the President's office of Council member shall become vacant, and the President of Council shall serve as Mayor for the unexpired term of his or her predecessor or until the beginning of the term of a successor duly elected as hereinafter provided. On or before its next meeting, after such vacancy occurs, the Council shall elect a new President of Council for the unexpired term of the predecessor President of Council.

In case the office of Mayor shall become vacant, a successor for the unexpired term shall be elected as Mayor at the next regular municipal election, provided (a) such election shall occur more than two years prior to the expiration of the unexpired term, and (b) the vacancy shall have occurred more than one hundred twenty days (120) prior to such election. A President of Council who has become Mayor pursuant to this Section 8 may be a candidate to succeed himself or herself as Mayor.

SECTION 9. REMOVAL.

The Council may remove the Mayor for gross misconduct, or malfeasance in or disqualification for office, or for the conviction while in office of a crime involving moral turpitude, or if adjudicated legally incompetent, or for a violation of the Mayor's oath of office; provided, however, that such removal shall not take place without the affirmative vote of two-thirds (2/3) of the members elected to Council nor until the Mayor shall have been notified in writing of the charge against the Mayor at least fifteen (15) days in advance of a public hearing upon such charge, and the Mayor or the Mayor's counsel has been given an opportunity at such hearing to be heard, present evidence and examine any witness appearing in support of the charge. (Amended 11-4-86.)

ARTICLE V

ADMINISTRATIVE DEPARTMENTS, BOARDS AND COMMISSIONS

SECTION 1. GENERAL PROVISIONS.

The Municipality shall have an Architectural Review Board, a Department of Parks and Recreation, a Parks and Recreation Board, a Law Department, a Finance Department, a Civil Service Commission, a Department of Public Service, a Police Department, a Fire Department, a Building Department, a Planning and Zoning Commission, a Board of Appeals and a Commission on Aging. The Council shall provide by ordinance for the organization and duties thereof not provided by this Charter. The Council may establish by ordinance new administrative offices, departments, boards and commissions or divisions thereof and, with the exception of the offices, departments, boards and commissions established by this Charter, may combine or abolish such offices, departments, boards and commissions or divisions thereof as it may deem to be necessary or desirable. The Council may authorize one person to be the head of two (2) or more departments, boards or commissions or divisions thereof. All heads of the departments indicated above or otherwise created by Council shall create and maintain a job description for each full-time position within their Department. (Amended 11-7-00.)

SECTION 2. ARCHITECTURAL REVIEW BOARD.

The Council shall provide by ordinance for an Architectural Review Board consisting of at least three members and not more than five members, as the Council shall determine. All members thereof shall be appointed by the Mayor, subject to confirmation by a majority vote of the members of Council. All members shall be residents of the Village of Mayfield. Members may not hold any other elected position within the Village. The Board shall have such powers and duties as may be prescribed from time to time by ordinances of Council. (Amended 11-7-95.)

SECTION 3. DEPARTMENT OF PARKS AND RECREATION; PARKS AND RECREATION BOARD.

(A) There shall be a Department of Parks and Recreation which shall include the Director and such other employees as Council shall provide. Such employees shall work under the general supervision of the Director and shall be appointed by the Mayor, with confirmation by the majority of the members elected to Council. The Director of Parks & Recreation shall be the head of the Parks & Recreation Department, and shall serve under the general supervision of the Mayor, on the advice of the Parks & Recreation Board, and subject to confirmation of the majority of the members elected to Council. The Director of Parks & Recreation shall have knowledge of municipal park and recreation operations, budgetary and supervision skills. The Director of Parks & Recreation shall serve until removal by the Mayor, and concurrence by a majority of the members elected to Council by a vote at a regularly or specially scheduled meeting of Council. The Director of Parks & Recreation shall, under supervision of the Mayor, supervise the Parks & Recreation Department and shall manage, conduct, and supervise all operations of municipal parks and recreation areas and facilities.

(B) The Council shall provide by ordinance for a Parks and Recreation Board. The members of such Board shall consist only of residents of the Municipality willing to devote their time and efforts to the Recreation Board. No elected official of the Municipality shall serve as a member of the Board, except that the Council President shall appoint one member of the Council as a Council representative to such Board, who shall have a vote equal to any other member. All other members of the Board shall be appointed in such manner and for such terms, and the Board shall have such powers and duties, as may be prescribed from time to time by ordinances of Council. The Parks & Recreation Board shall serve in an advisory capacity for the development of facilities and programs. The Board shall advise the Director in the operation of the Parks & Recreation Department. (Amended 11-7-00.)

SECTION 4. LAW DEPARTMENT.

The Law Director shall be the chief legal officer of the Municipality. The Law Director shall be provided with such assistants as the Council may, from time-to-time, deem necessary and desirable. The Law Director and such assistants shall be appointed or removed by the Mayor subject to the confirmation by vote of the majority of the members elected to Council. Every second year, commencing in the year 1988, at the first meeting of Council immediately after the preceding general election, the Mayor shall either reappoint the Law Director or make a new appointment, each of which shall be subject to confirmation by a majority vote of the members of Council. The Mayor may appoint special counsel to augment the services of the Law Director, and the Law Director's assistants, or substitute for them. Such appointment shall only be made after the Law Director has certified to the Mayor and Council, in writing, that the Law Director is unable, or incapable, of representing the Municipality in a specific matter. Such appointment of special counsel shall be subject to confirmation by a majority vote of Council.

The Law Director will receive no compensation for any services relating to a matter for which special counsel has been appointed. The Law Director shall be an attorney-at-law in good standing admitted to the practice of law in the State of Ohio for a period of at least five (5) years, but need not be a resident of the Municipality. No person shall serve as Law Director of the Municipality while serving in the same, or substantially similar, position with an adjacent community, sharing a common border with Mayfield Village. The Law Director shall be the principal legal advisor and attorney for the Municipality and its officers, departments, boards and commissions in their official capacities, and shall perform such other duties, consistent with this office, as may be assigned from time-to-time by the Mayor and Council. (Amended 11-4-86.)

SECTION 5. FINANCE DIRECTOR.

The Director of Finance shall be the head of the Finance Department and fiscal officer of the Municipality and shall be provided such assistants as the Council may from time-to-time deem necessary and desirable. The Director of Finance and any such assistants shall be appointed or removed by the Mayor, subject to the confirmation by a majority of the members elected to Council. Every second year, commencing in the year 1988, the Mayor shall either reappoint the Director of Finance or make a new appointment, each of which shall be subject to confirmation by a majority vote of the members of Council. The Director of Finance shall serve the Mayor and the Council as financial advisor in connection with municipal affairs. The Director of Finance shall keep the financial records of the Municipality, exhibiting accurate statements of all monies received and expended, of all property owned by the Municipality, and of all taxes and assessments. The Director of Finance shall be custodian of all public money of the Municipality, shall keep and preserve such money in the place or places authorized by ordinance, and shall disburse the same as may be required by law or ordinance. The Director of Finance shall not allow the amount set aside for any appropriation to be overdrawn or drawn for any other purpose. The Director of Finance may examine and audit the accounts of all officers, employees, and departments of the Municipality. He may require evidence that the amount of any claim presented to the Director of Finance is due. Every two (2) years the Director of Finance will cause to be compiled, for Council, a physical inventory of municipal owned property. The Director of Finance shall perform such other duties consistent with the office as the Mayor or the Council may direct. No person shall act as Director of Finance unless duly registered with the State of Ohio as a public accountant or certified public accountant. (Amended 11-4-86.)

SECTION 6. CIVIL SERVICE COMMISSION.

(A) Composition, Term and Removal.

As of the effective date of this Charter, there is hereby created a Civil Service Commission which shall consist of three (3) electors of the Municipality, not holding other municipal office or appointment, to be appointed by the Mayor within sixty days after the effective date of this Charter, with the concurrence of a majority of the members of Council, for terms of six (6) years each, except that of the three initially appointed for the term beginning January 1, 1975, one shall be appointed for a term of two years, one for a term of four years, and one for a term of six years. The Mayor may at any time remove any member of the Commission for inefficiency, neglect of duty, malfeasance, misfeasance or nonfeasance in office, incapacity or incompetency, provided, however, that such removal from office shall become final only after being confirmed by the affirmative vote of a majority of the members of Council. A vacancy occurring during the term of any member of the Commission shall be filled for the unexpired term in the manner

authorized for an original appointment. The Commission shall designate one of its members as Chairman, and may appoint a Secretary who need not be a member of the Commission and may hold other municipal office or appointment. (Amended 5-8-84.)

(B) Classification of Service.

The Civil Service of the Municipality is hereby divided into the unclassified and the classified service. The Civil Service Commission shall determine which employees of the Municipality shall be within the classified service and which shall be within the unclassified service, subject to the following provisions.

- (1) All regular full-time members of the Police Department, including the Chief of Police but excluding those not having statutory misdemeanor arrest powers shall be in the classified section. (Amended 11-3-81.)
- (2) All regular full-time members of the Fire Department including the Fire Chief shall be in the classified service. (Amended 11-8-05.)
- (3) The Clerk of Council, all department heads and Commissioners except as set forth in Section (B)(1) and (2) above, secretaries to department heads and elected officials and administrative assistants to department heads and elected officials, whether they be full-time or part-time employees, shall be in the unclassified service. (Amended 11-3-15.)
- (4) Except as otherwise provided in this Charter or the general laws of Ohio, all other regular full-time employees of the Municipality, other than those serving a probationary period of employment, shall be in the classified service.
- (5) Except as otherwise provided in this Charter, all regular full-time employees of the Municipality, other than those serving a probationary period of employment, who have been continuously employed in the service of the Municipality in the same or similar position, for at least eight months prior to the date such position is placed in the classified service, shall be retained in the same or similar position in the classified service without examination until discharged, reduced, disciplined, promoted or transferred in accordance with this Charter or the rules and regulations of the Commission. (Amended 11-8-05.)
- (6) All temporary or part-time employees of the Municipality, as such positions shall be defined by the rules and regulations established by the Commission, shall be in the unclassified service. (Amended 11-8-05.)

(C) Duties of Civil Service Commission.

The Commission shall provide by rule for the ascertainment of merit and fitness as the basis for appointment and promotion in the classified service, in the manner provided by the Constitution of the State of Ohio, and for appeals from the action of the Mayor or from the action of any department head in any case of transfer, reduction in rank or discharge from employment in the classified service, except as otherwise provided in this Charter, and the action of the Commission on any such appeal shall be final, except as provided by law. The Commission shall keep a record of its proceedings and examinations, which shall be open to public inspection under reasonable regulations of the Commission, and, in all matters not in conflict with this Charter, shall conduct its affairs in accordance with the provisions of the general law.

(D) Probationary Employees.

All original and promotional appointments of all employees of the Municipality shall be for a probationary period of one year, and no appointment or promotion of an employee is final until such employee has satisfactorily served the employee's probationary period. If the service of a probationary employee is unsatisfactory, the employee may be removed or reduced at any time during such probationary period by the appointing authority.

(E) Promotions.

The position of Chief of Police and Chief of Fire, when a vacancy occurs, shall be filled by promotion from among persons holding positions in the rank below, providing that there are two or more persons in such next lower rank who are willing to take the examination and are qualified pursuant to standards as determined by the Civil Service Commission. In the event there are not two persons willing to compete for such examination from the next lower supervisory rank, then the Commission has the authority to permit competition for such appointment from the next lower rank, as well as to include competition from qualified individuals outside the Department as determined by the Civil Service Commission. The intent being to provide promotions from supervisory ranks, and to provide flexibility to go outside the department once supervisory ranks are no longer capable of providing 2 qualified and willing candidates.

No positions except the Chiefs of each Department, above the rank of patrol officer in the Police Department or firefighter in the Fire Department shall be filled by original appointment. Vacancies in positions above the rank of patrol officer or firefighter shall be filled by promotion from among persons holding positions in a rank lower than the position to be filled in the respective department. Promotion shall be by successive ranks so far as practicable. No person in either the Police Department or the Fire Department shall be eligible to take an examination for promotion to a position in a higher rank unless the person has served at least twenty-four (24) months in the next lower rank, provided in those cases where there are less than two persons in such next lower rank who have served twenty-four (24) months, therein and are willing to take the examination, the twenty-four (24) month service requirement shall not apply. If the non-application of the twenty-four (24) month service requirement to persons in the next lower rank does not produce two (2) persons eligible and willing to compete, then the same method shall be followed by going to successively lower ranks until two (2) or more persons are eligible and willing to compete in an examination for the vacancy. In the event two (2) persons are unwilling to compete for such examination, then the one (1) person who is willing to compete shall be appointed to fill the vacancy after passing a qualifying examination. (11-3-15).

Except as otherwise provided in this paragraph (E) of Article V, Section 6, of this Charter, all promotions of employees within the classified service shall be made in accordance with the general laws. (Amended 11-3-15)

(F) Power to Appoint.

The Mayor, in making any original appointments to a position within the classified service shall be provided by the Civil Service Commission with a list of ten (10) candidates scoring highest on the qualifying examination who have achieved passing grades and the Mayor shall make the appointment from among those candidates. If there would be less than ten (10) candidates who have achieved a passing grade, the Mayor may appoint from the list provided to the Mayor or may request a new list.

(G) Power to Promote.

The Mayor, in making any promotions to a position in the classified service shall be provided by the Civil Service Commission with a list of three (3) candidates scoring highest on the qualifying examination who have achieved passing grades and the Mayor shall make the promotion from among those candidates. If there would be less than three (3) candidates who have achieved a passing grade, the Mayor may appoint from the list provided to the Mayor or may request a new list. (Amended 11-3-98.)

SECTION 7. DEPARTMENT OF PUBLIC SERVICE.

The Department of Public Service shall:

- (A) Be responsible for the repair and maintenance of all public roads, streets and alleys, public buildings, drains, ditches, storm sewer facilities, parks, playgrounds and public places.
- (B) Supervise the lighting, sprinkling, cleaning, plowing, spreading of traction material, and other winter care of public streets and places.
- (C) Have such other powers and duties as may be prescribed by ordinance of Council.

SECTION 8. POLICE DEPARTMENT.

The police department of the municipality shall preserve the peace, protect persons and property, and obey and enforce all ordinances of the Council, and all criminal laws of the state and the United States, and shall perform such other duties as are provided by ordinance of Council. All part-time patrol officers are to be considered as employees at will. (Amended 11-8-05.)

SECTION 9. FIRE DEPARTMENT.

The fire department of the municipality shall protect the lives and property of the people in case of fire, and shall perform emergency medical services and such other duties as are provided by ordinance of the Council. All part-time members of the fire department are to be considered employees at will. (Amended 11-8-05.)

SECTION 9.1. REGIONALIZED DISTRICTS.

In the event the Council determines that it is in the best interests of the Municipality to join or participate in a regionalized public service, other than police or fire district then the Council shall have the authority to do so and in so doing may abolish or consolidate those positions or departmental functions it deems necessary to effect such transition. Any proposal of Council to join or participate in a regionalized police or fire district shall be submitted to the electors at the next general election or any regularly scheduled primary election in the municipality. The proposal shall become effective only upon approval by a majority of the electors of the municipality voting. (Amended 11-4-86.)

SECTION 10. BUILDING DEPARTMENT.

The Building Department shall be responsible for issuing building permits and for enforcing the applicable building and zoning codes in the Municipality, and shall perform such other duties as are provided by ordinance of Council. (Amended 11-8-05.)

SECTION 11. PLANNING AND ZONING COMMISSION.**(A) Composition, Term and Removal.**

There is hereby created a Planning and Zoning Commission which shall consist of the Mayor, one member of Council selected by the Council annually, and five (5) electors of the Municipality, not holding other municipal office or appointment in this Municipality (except as provided in paragraph (B) of Section 12 hereinafter), to be appointed for terms of five years by the Mayor, subject to confirmation by a vote of a majority of the members of Council; except that, of the five elector members initially appointed for the terms beginning January 1, 1975, one shall be appointed for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years, and one for a term of five years. A vacancy occurring during the term of any member shall be filled for the unexpired term in the manner authorized for an original appointment. The Mayor may at any time remove any member of the Commission for inefficiency, neglect of duty, malfeasance, misfeasance, or nonfeasance in office, incapacity or incompetency, provided, however, that such removal from office shall become final only after being confirmed by the affirmative vote of a majority of the members of Council. The term of office of the present members of the Planning and Zoning Commission heretofore established by ordinance of Council shall terminate upon the election, appointment and qualification of the members of the Commission provided for in this Charter. (Amended 5-8-84.)

(B) Officers, Rules, Quorum and Compensation.

The Commission shall elect a Chairman of the Commission from among the five appointed elector members of the Commission. The Commission shall appoint a Secretary to the Commission, who need not be a member of the Commission and who may hold other municipal office or appointment. The Commission may appoint such other officers as it shall deem necessary, shall make its own rules and regulations and shall keep a journal of its proceedings. The officers of the Commission shall be elected by the Commission at or prior to its first meeting each year. The Commission shall meet upon call of the Chairman or any three members. A majority of the members of the Commission shall constitute a quorum for the transaction of business and the affirmative vote of

four members of the Commission shall be necessary for any official action. Members of the Commission shall serve without compensation unless otherwise provided by ordinance of Council.

(C) Powers and Duties.

The Commission shall have such powers and duties as may be prescribed by ordinances of Council or the general laws of the State of Ohio not inconsistent therewith.

SECTION 12. BOARD OF APPEALS.

(A) Creation, Powers and Duties.

The Council shall provide by ordinance for a Board of Appeals to hear appeals for exceptions to, and variances in, the application of resolutions, ordinances, regulations, building codes, measures and orders of administrative officials or agencies governing zoning and building in the Municipality. Such Board shall have such other powers and duties, and shall follow such procedures as may be prescribed by ordinances of Council; provided, however, that the Board of Appeals shall have no power or authority to grant any change of or variance in any residential district from the existing zoning ordinances or the zoning map of the Municipality, or to permit any land use to become nonconforming therewith. The BZA shall have the authority to grant "Use" variances in non-residential districts, providing that same is approved by Council pursuant to Article III, Sections 10, 11, and 12 of this Charter. All decisions of the Board of Appeals shall be appealable by any interested person or entity to the Village Council. Council may review the minutes or records, or have a rehearing, at its discretion, and may affirm, modify, or reverse any decision of the Board of Appeals by a two-thirds vote of all members elected. (Amended 11-7-95.)

(B) Composition and Terms.

The Board of Appeals shall consist of five (5) electors of the Municipality. Four of such members shall be appointed for terms of four years by the Mayor, subject to confirmation by a vote of a majority of the members of Council; except that, of the four members initially appointed for terms beginning January 1, 1975, one shall be appointed for a term of one year, one for a term of two years, one for a term of three years, and one for a term of four years. The fifth member of the Board of Appeals shall be one of the five appointed elector members of the Planning and Zoning Commission, who shall be elected annually to the Board of Appeals by vote of at least four members of the Planning and Zoning Commission, prior to or at such Commission's first meeting each year. Such fifth member of the Board of Appeals shall serve for a term of one year, and shall be so elected by the Planning and Zoning Commission each year. No elected official of the Municipality or other member of the Planning and Zoning Commission shall be appointed to the Board of Appeals, but other appointed officials of the Municipality shall not be disqualified from serving as members thereof. The term of office of the present members of the Zoning Board of Appeals and the present members of the Board of Building Code Appeals, heretofore established by ordinance of Council, shall terminate upon the appointment and qualification of the members of the Board of Appeals created by this Charter. (Amended 5-8-84.)

(C) Vacancies and Removal.

A vacancy occurring during the term of any member of the Board shall be filled for the unexpired term in the manner authorized for an original appointment. The Mayor may at any time remove any member of the Board for inefficiency, neglect of duty, malfeasance, misfeasance, or nonfeasance in office, incapacity or incompetency, provided, however, that such removal from office shall become final only after being confirmed by the affirmative vote of a majority of the members of Council. (Amended 5-8-84.)

(D) Officers, Rules, Quorum and Compensation.

The Board shall elect a Chairman of the Board from among the four appointed electors members of the Board. The Board shall appoint a Secretary to the Board, who need not be a member of the Board and who may hold other municipal office or appointment. The Board may appoint such other officers as it shall deem necessary, shall make its own rules and regulations and shall keep a journal of its proceedings. The officers of the Board shall be elected by the Board at or prior to its first meeting each year. The Board shall meet upon call of the Chairman or any two members. A majority of the members of the Board shall constitute a quorum for the transaction of business, and the affirmative vote of three members of the Board shall be necessary for any official action. No variance shall be considered by the Board until notice of the request has been sent to all property owners within 300 feet and all adjoining and facing property owners. Lack of service on any random property will not nullify any variance granted hereunder.(Amended 11-7-95.)

SECTION 12.1. COUNCIL ZONING POWERS.

(EDITOR'S NOTE: Charter Article V Section 12.1 was repealed by the voters November 7, 1995.)

ARTICLE VI

NOMINATIONS AND ELECTIONS

Nominations for elective offices of the Municipality shall be made only by petition, signed by registered electors of the Municipality, not less in number than two percent (2%) of the number voting in the Municipality at the last preceding general election, and shall be accompanied by the written acceptance of the nominee. The nomination of each candidate shall be made by a separate petition, but such petition may be circulated in separate parts, which shall be filed, however, as one instrument. No primary election shall be held for the selection of any candidate for any elective office of the Municipality; and no nomination for any such office shall be of any effect unless made as required by this Article. The ballot used in the election of officers of the Municipality shall be without party mark or designation. The names of all candidates for any municipal office shall be placed upon the same ballot and shall be rotated in the manner provided by the Laws of Ohio. Except as otherwise provided in this Charter, the Laws of Ohio shall govern the nomination and election of the elective officers of the Municipality. Any matter which, by the terms of this Charter, may be submitted to the electors at a special election, may be submitted at the time of a primary or general election.

ARTICLE VII**INITIATIVE, REFERENDUM AND RECALL****SECTION 1. INITIATIVE.**

The electors shall have the power to propose any ordinance or resolution, except an ordinance appropriating money or authorizing the levy of taxes, and to adopt or reject the same at the polls, such power being known as the initiative. An initiated ordinance or resolution shall be submitted to Council by a petition signed in ink by qualified electors equal in number to at least ten percent (10%) of the total vote cast at the last regular municipal election, which petition shall be filed with the Clerk of Council. Within twenty (20) days after any such petition has been filed, the Clerk of Council shall determine the sufficiency of the petition, and if found sufficient, shall certify the same to the Council. Thereafter, the Council shall take final action, either enacting, amending, or rejecting the proposed ordinance or resolution, within forty (40) days after it has been certified sufficient by the Clerk of Council. If, within such forty (40) days, Council fails to pass such proposed ordinance or resolution or passes it in some form different from that set forth in the petition therefore, the petitioners, through the Committee named on such petition may, at the next regular meeting of Council, request in writing that it be submitted to a vote of the electors. Thereupon, Council shall provide for submitting the petitioned ordinance or resolution to the electors at the next general or regular scheduled primary or special municipal election occurring more than seventy-five (75) days after the certification of such petition by the Clerk; but if such petition is signed in ink by qualified electors equal in number to at least twenty percent (20%) of the total votes cast at the last regular municipal election, the date of the election may be fixed therein, which may be a special election to be held at any time more than seventy-five (75) days after the certification of such petition by the Clerk and within eight (8) months after such certification. If the Clerk of Council shall find any such petition insufficient, the Clerk of Council shall, within twenty (20) days after the filing thereof, certify the particulars in which the petition is defective, deliver a copy of the Clerk's certificate to the Committee named on such petition, return the entire petition to such Committee, and make a record of such delivery. Such Committee may thereafter take steps to make such petition sufficient, and may refile the same, as an originally filed petition, with the Clerk of Council at any time within one year after the date of the first filing thereof. (Amended 11-3-94.)

SECTION 2. REFERENDUM.

Within thirty (30) days after the enactment by Council, of any ordinance or resolution which is subject to a referendum under the laws of the State of Ohio, unless modified by this Charter, a petition signed in ink by qualified electors equal in number to no less than ten percent (10%) of the total votes cast at the last regular municipal election, may be filed with the Council, by filing the same with the Clerk of Council, requesting the ordinance or resolution be repealed, or submitted to a vote of the electors. Within ten (10) days after said petition is filed, the Clerk of Council shall determine the sufficiency of the petition, and if found sufficient, shall certify the same to the Council. Thereafter, the Council shall, within thirty (30) days after the certification of such petition by the Clerk of Council, reconsider such ordinance or resolution. If Council fails to repeal said ordinance or resolution within such thirty (30) days the Council shall provide for submitting it to a vote of the electors at the next general or regularly scheduled primary or special municipal election occurring more than seventy-five (75) days after the certification of such petition by the Clerk; but if such petition is signed by qualified electors equal in number to at least twenty percent (20%) of the total votes cast at the last regular municipal election, the date of the election may be fixed therein, which may be a special election to be held at any time more than seventy-five (75) days after the certification of such petition by the Clerk and within seven (7) months after such certification. If the Clerk of Council shall find any such petition insufficient, the Clerk of Council shall, within ten (10)

days after the filing thereof, certify the particulars in which the petition is defective, deliver a copy of the Clerk's certificate to the Committee named on such petition, return the entire petition to such Committee, and make a record of such delivery. Such Committee shall be allowed a period of ten (10) days after the date on which such delivery is made to take steps to make such petition sufficient, and may refile the same, as an originally filed petition with the Clerk of Council, within such ten (10) day period. (Amended 11-3-94.)

SECTION 3. PETITION PROCEDURE.

A nominating, initiative, referendum or recall petition may be circulated in separate parts, but the separate parts shall be bound together and filed as one instrument. Each part shall contain in the case of the initiative or referendum, a full and correct copy of the title and text of the proposed or objectionable ordinance or resolution, and in the case of the recall, the name and office of the person whose removal is sought and a statement in not more than two hundred (200) words of the grounds for the removal.

Each separate part of said petition shall be either printed or typewritten and shall bear the names of at least five (5) registered electors who shall be officially regarded as filing the petition and shall constitute the Petitioners' Committee for the purpose named therein.

Each separate part of such petition shall bear an affidavit sworn to by the circulator thereof stating the number of signers to such part of the petition, and that each signature thereon is the genuine signature of the person whose name it purports to be and was submitted in the presence of the affiant.

Each signer of a petition referred to shall sign the person's name in ink or indelible pencil and shall place on the petition paper after the signer's name, the signer's place of residence by street and number.

SECTION 4. SUSPENSION.

No ordinance or resolution upon which a referendum is requested shall go into effect, unless it be an emergency ordinance or resolution, until the referendum action thereon fails or is abandoned or until approved by a majority of those voting thereon.

SECTION 5. MEASURES SUBJECT TO REFERENDUM.

When the Council, by law or under provisions of general ordinances, is required to pass more than one ordinance or resolution necessary to make and pay for any public improvements, the referendum provision shall apply only to the first ordinance or resolution required to be passed and not to any subsequent ordinances or resolutions relating thereto.

Ordinances and resolutions providing for the annual tax levy or for improvements petitioned for by the owners of a majority of the feet front or a majority of the owners in interest of the property benefited and to be specially assessed therefore, and appropriation ordinances limited to the subject of appropriations, shall not be subject to referendum; but all other ordinances and resolutions, including emergency ordinances shall be subject to referendum.

Ordinances or resolutions submitted to the Council by initiative petition and passed by the Council either with or without change, but not required to be submitted to a vote of the electors, shall be subject to referendum in the same manner as other ordinances or resolutions.

SECTION 6. EFFECT OF REFERENDUM ON EMERGENCY MEASURES.

Emergency ordinances and resolutions shall go into effect at the time indicated therein, notwithstanding that a referendum may be filed against them.

If, when submitted to a vote of the electors, an emergency measure be not approved by a majority of those voting thereon, it shall be considered repealed as of the date of the certification of the vote thereon, but such measure shall be deemed sufficient authority for payment, in accordance with the measure, of any expense incurred previous to the referendum vote thereon.

SECTION 7. RECALL.

The electors shall have the power to remove from office by a recall election any elected officer of the Municipality. If an elected officer shall have served for six months of the officer's term, a petition demanding the officer's removal may be filed with the Clerk of Council who shall note thereon the name and address of the persons constituting the Petitioners' Committee filing the petition and the date of such filing. Such petition shall be signed by at least that number of qualified electors which equals twenty percent (20%) of the total electors voting at the last preceding regular municipal election. Within ten (10) days after the day on which such petition shall have been filed, the Clerk shall determine whether or not it meets the requirements hereof. If the Clerk shall find the petition insufficient, the Clerk shall within ten (10) days after the date of filing thereof, certify the particulars in which the petition is defective, deliver a copy of the Clerk's certificate to the Committee who filed the petition with the Clerk, and make a record of such delivery. Such Committee shall be allowed a period of ten (10) days after the date on which such delivery was made to take steps to make such petition sufficient, and may refile the same, as an originally filed petition with the Clerk of Council within such ten (10) day period. If the Clerk shall find the petition sufficient, the Clerk shall within ten (10) days after the date of filing thereof, so certify to the Council, shall deliver a copy of such certificate to the officer whose removal is sought, and shall make a record of such delivery. If such officer shall not resign within five (5) days after the day on which such delivery shall have been made, the Council shall thereupon fix a day for holding a special recall election, not less than thirty (30) nor more than forty-five (45) days after the date of such delivery. At such recall election this question shall be placed on the ballot: "Shall (naming the officer) be removed from office as (naming the office) of Mayfield Village?" with provision on the ballot for voting affirmatively or negatively on such question. If a majority of the votes cast at such election shall be voted negatively, such officer shall remain in office. If a majority of the votes cast shall be voted affirmatively, such officer shall be considered as removed, the office shall be deemed vacant, and such vacancy shall be filled as provided in this Charter. The officer removed by such election shall not be eligible for appointment to the vacancy created thereby.

ARTICLE VIII
FRANCHISES

The Council may by ordinance grant a franchise to any person, firm or corporation to construct or operate a public utility on, across, under, over or above any public street or real estate within the Municipality, for a period not in excess of twenty-five (25) years; and it may prescribe in the ordinance the kind or quality of service or product to be furnished, the rate to be charged therefore, and such other terms as Council shall deem conducive to the public interest. Such franchise may be amended or renewed in the manner and subject to the provisions established by this Charter for original grants. No consent of the owner of property abutting on any public street or real estate shall be necessary to the effectiveness of any such grant, amendment or renewal. All such grants, amendments and renewals shall be made subject to the continuing right of the Council to

provide reasonable regulations for the operation of such utilities with reference to such streets and public real estate, including the right to require such reconstruction, relocation, alteration or removal of structures and equipment used in such streets or public realty as shall, in the opinion of Council, be necessary in the public interest.

ARTICLE IX FINANCES AND TAXATION

SECTION 1. GENERAL.

The laws of the State of Ohio relating generally to budgets, appropriations, deposits, expenditures, debts, bonds, and other fiscal matters of the Municipality shall be applicable to the Municipality, except as modified by or necessarily inconsistent with the provisions of this Charter or the provisions of the Constitution of the State of Ohio.

SECTION 2. LIMITATIONS ON RATE OF TAXATION.

The power of Council to levy taxes shall be subject to the limitations now or hereafter provided by the Constitution and the general laws of the State of Ohio and nothing contained in this Charter shall be construed as authorizing the levy of any taxes in excess of such limitation without a vote of the people.

ARTICLE X AMENDMENTS TO CHARTER

The Council may, by vote of at least two-thirds of its members, submit to the electors of the Municipality of Mayfield Village amendments to this Charter, or upon a petition, in the form as provided in Section 3 of Article VII, signed by ten percent (10%) of the registered electors of this Municipality setting forth any proposed amendment, such proposed amendment shall be so submitted to the electors by the Council.

The submission of any proposed amendment to the electors shall be governed by the requirements of the Constitution of the State of Ohio, and, to such extent as said Constitution shall fail to provide therefore, the Council shall determine the manner for such submission. Any proposed amendment to this Charter shall be submitted to the electors at the next general election or any regularly scheduled primary election in the Municipality.

If any such amendment is approved by a majority of the electors voting thereon, it shall become a part of this Charter; except that if two or more inconsistent amendments on the same subject are submitted at the same election, only the one of such amendments receiving the largest affirmative vote, not less than a majority shall become a part of this Charter. (Amended 5-8-84.)

ARTICLE XI CHARTER REVIEW COMMISSION

In January, 2005, and each five years thereafter, the Mayor and each member of Council shall appoint one elector each (for a total of 8), who shall be electors of the Municipality holding no other elective office, in the government of the Municipality, as members of the Charter Review Commission. Such commission shall review the Charter, and within five calendar months after such appointment, shall have a review session with the Mayor and Council and then recommend to the voters such amendments, if any, to this Charter, as in its judgment are desirable. The Council shall submit to the electors not later than the next succeeding general election any such proposed

amendments. The members appointed to said Commission shall serve without compensation. Meetings of the Charter Review Commission shall be open to the public. (Amended 11-8-05.)

A complete text of all proposed amendments submitted to the electors shall be delivered to the residents of the Village. However, random failure of such delivery will not cause invalidation of any amendment by the voters.

Should a majority of the Commissioners appointed determine that the services of a professional consultant are required for their review of the Charter, they may retain such services and the reasonable costs thereof shall be paid by the Village. (Amended 11-7-00.)

ARTICLE XII **MISCELLANEOUS PROVISIONS**

SECTION 1. EFFECTIVE DATE OF CHARTER.

This Charter shall be in effect on and after the 1st day of January, 1975, unless otherwise provided herein, and shall continue in effect regardless of any change of the classification by law of this Municipality.

SECTION 2. MUNICIPAL GOVERNMENT EDUCATION FOR MAYOR AND COUNCIL.

Council may require first time and newly elected members of Council and Mayors to attend courses or seminars relating to municipal government at the Village's cost. Council shall choose the course or seminars to be attended. (Amended 11-8-05.)

SECTION 3. EFFECT OF CHARTER ON EXISTING LAWS AND RIGHTS.

The adoption of this Charter shall not affect any pre-existing rights of the Municipality, nor any right or liability, pending suit or prosecution, either on behalf of or against the Municipality or any officer thereof, nor any franchise granted by the Municipality, nor pending proceedings for the authorization of public improvements or the levy of assessments therefore, if any. Except as a contrary intent appears herein, all ordinances, resolutions and acts of the Council of the Municipality shall continue in effect until lawfully amended or repealed.

SECTION 4. OATH OF OFFICE.

Every elected official or officer of the Municipality shall, before entering upon the duties of that person's office, take an oath, or affirm that the official or officer will in all respects faithfully discharge the duties of the office, that the official or officer will profess loyalty to the Constitution of the United States of America, to the Constitution of the State of Ohio, and that the official or officer will uphold this Charter and all of the laws of this Municipality.

SECTION 5. INTERPRETATION OF CHARTER.

The Article and Section headings herein have been inserted for convenient reference and are not intended to define or limit the scope of, or otherwise affect, any provision of this Charter.

SECTION 6. SAVING CLAUSE.

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

SECTION 7. CONFLICT OF INTEREST.

To the extent provided by the general laws of the State of Ohio all elected officials and employees of the Municipality shall be subject to and governed by such general laws with regards to conflict of interest, disclosure statements, financial interest in contracts or services with or for the Municipality, speculation and dereliction.

SECTION 8. WARD BOUNDARIES.

The Council of Mayfield Village shall adjust ward boundaries within one year after receipt of certification of the results of the decennial census and may, from time-to-time, adjust ward boundaries if population shifts merit the change, but all such changes shall be made in such fashion as to provide substantially equal population in each of the wards. All wards shall be bounded, as far as practicable, by county lines, streets, alleys, lot lines, avenues, public grounds, canals, water courses, municipal corporation lines, and center lines of platted streets and shall be composed of adjacent and compact territory delineated by straight lines and right angles. (Amended 11-3-81.)

SECTION 9. DISTRIBUTION OF REVISED CHARTER COPIES.

Whenever the Charter of the Municipality is amended pursuant to recommendations made and submitted to the electorate by a duly elected Charter Review Commission, the Mayor and Council shall cause revised copies of the Charter to be printed and copies of the revised Charter shall be kept at the Civic Center and be made available upon request of any resident. If the Charter is amended by the Council or by initiative petition then the Mayor and Council shall have printed and kept on file at the Civic Center copies of such amendments to be made available to any resident upon request. (Amended 11-3-15.)