



TROTWOOD

CITY CHARTER

Revised Edition December 2017

Trotwood City Council & Charter Review Commission Amendments - Approved June 5, 2017

Montgomery County Election Ballot - Approved November 7, 2017

**TROTWOOD, OHIO
CHARTER TABLE OF CONTENTS**

PREAMBLE

Section

**ARTICLE ONE: NAME, BOUNDARIES AND FORM OF
GOVERNMENT**

- 1-1. Name and Boundaries.
- 1-2. Form of Government.

ARTICLE II: POWERS

- 2-1. Powers

ARTICLE THREE: COUNCIL

- 3-1. Powers.
- 3-2. Members and Terms.
- 3-3. Qualifications.
- 3-4. Removal and Vacancies.
- 3-5. Salaries.
- 3-6. The Mayor.
- 3-7. Vice-Mayor.
- 3-8. Meetings.
- 3-9. Annual Audit.
- 3-10. Clerk of Council. (New Section)

ARTICLE FOUR: LEGISLATION

- 4-1. Ordinances and Resolutions.
- 4-2. Majority Required.
- 4-3. Form.
- 4-4. Enactment of Ordinances.
- 4-5. Effective Date.
- 4-6. Emergency Ordinances.
- 4-7. Emergency Appropriations.

ARTICLE FIVE: THE MANAGER

- 5-1. Appointment and Contract.
- 5-2. Qualifications.
- 5-3. Powers and Duties.
- 5-4. Interference by Council.
- 5-5. Resignation.
- 5-6. Removal.
- 5-7. Absence or Disability of the Manager.
- 5-8. Appointment of An Acting City Manager.

Section

ARTICLE SIX: ADMINISTRATIVE DEPARTMENTS

- 6-1. Establishment of Departments.
- 6-2. Creation of New Departments.
- 6-3. Department of Law.
- 6-4. Department of Finance.
- 6-5. Department of Public Service.
- 6-6. Department of Public Safety.
- 6-7. Municipal Clerk. (Repealed to Sect. 3-10)
- 6-8. Department of Planning and Development
- 6-9. Department of Parks and Recreation.

ARTICLE SEVEN: COMMISSIONS AND BOARDS

- 7.1 Establishment of Boards and Commissions.
- 7-2. Appeals from Boards and Commissions.
- 7-3. Powers and Duties of Planning Commission.
- 7-4. Powers and Duties of Board of Zoning Appeals.
- 7-5. Powers and Duties of Civil Service Commission.
- 7-6. Classification of Service.
- 7-7. Powers and Duties of Parks and Recreation Board.

ARTICLE EIGHT: ELECTIONS

- 8-1. Date of Elections.
- 8-2. Ballots.
- 8-3. Nomination by Petition.
- 8-4. Procedure.
- 8-5. Requirements for Election.

ARTICLE NINE: INITIATIVE, REFERENDUM, AND RECALL

- 9-1. Initiative.
- 9-2. Referendum.
- 9-3. Recall.

ARTICLE TEN: GENERAL PROVISIONS

- 10-1. Ordinances in Effect.
- 10-2. Vested Rights.
- 10-3. Debt and Tax Limitations.
- 10-4. Succession of Powers.
- 10-5. Amendment of Charter.
- 10-6. Precedence.
- 10-7. Corrections of Misspellings and Grammar; Making the language Gender Neutral; and Renumbering upon Codification.
Section

ARTICLE ELEVEN: TEMPORARY PROVISIONS

- 11-1. Effective date.
- 11-2. Initial Appointments to Boards and Commissions.
- 11-3. Division into Districts.

**CHARTER
OF THE
MUNICIPALITY OF TROTWOOD, OHIO**

PREAMBLE

We, the people of the Municipality of Trotwood, Ohio, in order to secure the benefits of local self-government under the Constitution of Ohio, do adopt this Charter for the government of the Municipality of Trotwood. All Council positions are non-partisan. (Amended 11-08-2016).

**ARTICLE ONE
Name, Boundaries and Forms of Government**

SECTION 1-1. NAME AND BOUNDARIES.

(A) Trotwood begin in the early 1850's as a railroad stop, originally called Higgins Station. By 1866 our town had grown large enough for its own post office and Mr. Lewis Pfoutz applied for one as Higgins Station but was told that the name was too similar to another nearby post office, Higgins Mill. The story is that Pfoutz had read Charles Dickens' *David Copperfield* and he admired the character of Aunt Betsey Trotwood and so proposed the name Trotwood for the post office. The name was accepted and the village grew, incorporating as Trotwood in 1901, reaching the city status in 1971 then merging with the surrounding Madison Township on January 1, 1996. To our knowledge Trotwood is the only incorporated entity so named in the U.S., making us one of a kind. (Amended 11-08-2016).

(B) The present Municipality, known as the City of Trotwood, Ohio, shall continue to be a body politic and corporate under the name of the City of Trotwood, with the same boundaries, but with powers and authority to change its boundaries and annex other territory contiguous thereto in the manner authorized by the general laws of Ohio. No territory shall be detached from the Municipality without the consent of Council. The Municipality shall not be annexed to any other municipality without the consent of the voters. (Amended 11-08-2016).

SECTION 1-2. FORM OF GOVERNMENT.

The form of Government shall be Council - Manager. (Amended 8-4-92).

**ARTICLE TWO
Powers**

SECTION 2-1.

The City shall have all the Powers that may now or hereafter be possessed or exercised by municipal corporations under the Constitution and Laws of Ohio. Title to all real property shall be taken in the name of the City.

All Powers shall be exercised in the manner prescribed in this Charter, or if not so prescribed, in the manner provided by ordinance or resolution of Council. When not prescribed in this Charter or by ordinance or resolution, the powers shall be exercised in the manner provided by the Laws of Ohio.

The Powers of the City under this Charter shall be construed liberally in favor of the City and the specific mention of particular Powers in the Charter shall not be construed as limiting, in any way, the General Powers stated in this Article. No act of the City shall be invalid or limited by reason of failure to enumerate a particular Power in this Charter. The City shall have, and may exercise, any and all Powers, either expressed or implied, which would be competent for this Charter to enumerate, as fully and completely as though such powers were specifically included herein. (Amended 11-6-01).

**ARTICLE THREE
Council**

SECTION 3-1. POWERS.

The legislative power of the Municipality shall be vested in a Mayor and Council, all of whom are electors of the Municipality. (Amended 11-2-93).

SECTION 3-2. MEMBERS AND TERMS.

At the general municipal election in November 1997, and thereafter, one (1) member of Council shall be elected from each of the four (4) districts, into which the Municipality shall be divided, at the general municipal election in November 1995; two (2) members of Council shall be elected from the Municipality at large. Individual terms of office for all members of Council shall be four (4) years in length.

The members of Council shall begin their terms on the first business day of January following their election. (Amended 11-6-01).

SECTION 3-3. QUALIFICATIONS.

Council members shall be qualified electors of the Municipality, residents of the Municipality for one year, and, if elected by district, a resident at the time of filing the nominating petition of the district to be represented. Council members shall not hold any other elected public office or hold any employment with the City during the term for which said Council members were elected or appointed. Any member who ceases to possess any of the qualifications herein required immediately shall forfeit the office and the vacancy shall be filled as provided for herein. (Amended 11-07-2017).

SECTION 3-4. REMOVAL AND VACANCIES.

(A) **Vacancies.** The office of a Council Member or Council member-elect shall become vacant upon death, resignation, forfeiture, or removal from office in any manner authorized by this Charter.

(B) **Forfeiture of Office.** Council shall be the judge of the election and qualification of its members. Council may punish or expel any member for gross misconduct, or for malfeasance, misfeasance, or nonfeasance in office, or upon conviction of a felony or other crime involving moral turpitude while in office, or for disorderly conduct, or violation of its rules during the term of office. No expulsion shall take place without the concurrence of six members, nor until the member shall have been notified of the charge and been given a hearing in front of Council, unless the member waives the right to the hearing. Any vacancy created upon the expulsion of a member shall be filled as provided for in this Charter. In addition to these provisions, absence from three consecutive regular meetings of Council shall operate to vacate the seat of a Council Member unless the absence is excused. (Amended 11-07-2017).

(C) **Filling of Vacancies.**

Vacancies in the office of a Council Member shall be filled within sixty (60) days following the occurrence of the vacancy by the vote of the majority of the remaining members of Council. If the Council fails to fill any vacancy within sixty (60) days following the occurrence of the vacancy, the power of the Council to fill the vacancy shall lapse; and the Clerk of Council, by the authority of the Charter, shall request the Board Elections of Montgomery County to hold an election to fill the vacancy. Such election shall be held at the next general election or special election all ready scheduled, and such general or special election shall occur at least seventy-five (75) days after the date of the request to the Board of Elections by the Clerk of Council. The individual elected in such election shall take office immediately following the election certification by the Board of Elections and shall serve the balance of the unexpired term.

An appointee under this section shall qualify under the provisions of this Charter, and if more than two (2) years remain of the expired term at the time of appointment, the appointee shall serve until a successor for the term is certified at the next November municipal election whether in an odd or even year, which occurs at least one hundred (100) days after his or her appointment (so as to allow nominating petitions to be filed by the ninety (90) day deadline before such an election). That election shall be held to determine what person is elected to serve for the balance of the unexpired term. (Amended 11-6-2012). If at the time of appointment less than two (2) years remain of the unexpired term, the appointee shall serve the remaining term without election. (Amended 11-08-2016).

SECTION 3-5. SALARIES.

- (A) The council members first elected under this Charter shall receive a salary of \$250.00 annually. The first mayor to serve under this Charter shall receive a salary of \$1,000.00.
- (B) A Compensation Board is hereby created which shall determine the salaries of the Mayor and Council members. The Compensation Board shall consist of five members who are registered electors of the City appointed by the Mayor subject to confirmation by Council by resolution. Three of members of the Compensation Board shall serve for two years and two for three years, to take office within 30 days after the effective date of this Section. Thereafter, members of the Compensation Board shall be appointed to serve for three years and until their successors have been appointed and have qualified. One member of the Board shall represent organized labor, one shall be representative of business, two shall be members of the city's citizen participation organizations and one shall represent the community-at-large. The seat of a member of the Board shall be forfeited if such member fails to maintain the qualifications of an elector of the city, and a replacement shall be appointed in the manner

previously prescribed. No Council member or employee of the City or members of the immediate family of a Council member or employee shall be eligible to be a member of the Compensation Board.

- (C) The Compensation Board shall from time to time elect a chairperson from its membership. Within 45 days of its creation, and every odd numbered year thereafter, the Compensation Board shall meet to consider the salary and compensation of the Mayor and Council members.
- (D) No later than November 1 of each year that the Compensation Board meets, the Compensation Board shall prepare a report to Council setting forth its recommendations for the Mayor and Council members. Council shall, within 30 days of receiving the report, either approve it by ordinance or, in the event a majority of the Council is not in favor thereof, reject it. The recommendations may not be amended or modified. In the event a recommendation submitted by the Compensation Board is rejected, the Compensation Board may, but is not required to, reconvene and submit a revised report to Council. In the case of rejections, the existing salary shall prevail. In the case of approvals, the salaries shall go into effect on January 1 of the next year.
- (E) The Mayor and Council members, in addition, shall receive their actual and necessary expenses incurred in the performance of their official duties. (Amended 11-07-2017).

SECTION 3-6. THE MAYOR.

Beginning with the general election in November, 1995, and thereafter, the Mayor shall be elected by a vote of the general public for a term of four (4) years, to commence on the first business day of January following his or her election. The elected Mayor thereafter shall retain his or her vote as a member of Council, but shall have no veto.

In addition to his or her powers, rights and duties as a member of Council, the Mayor shall preside at all meetings and shall be recognized as the official head of the Municipality for all ceremonial purposes, by the Governor for military purposes and by the courts for the purpose of serving civil process. The Mayor shall perform all other duties prescribed for him or her in this Charter, or by law.

The Mayor also shall have jurisdiction in civil and criminal cases as provided by the laws of Ohio, including all statutes now or hereafter enacted, until such jurisdiction is placed elsewhere by resolution of Council or by law. * (Amended 11-2-2004).

SECTION 3-7. VICE-MAYOR.

At the regular January, 1996 meeting following its election and every two (2) years thereafter, the Council shall choose one of its members as Vice-Mayor to exercise all the powers and perform all the duties of the Mayor in case of his or her temporary absence or disability. Should the office of Mayor become vacant, the Vice-Mayor shall serve as acting Mayor until the next regular Municipal election. For the purpose of Charter Section 3-4, the Vice-Mayor's position shall be deemed vacant for the sole purpose of allowing a temporary appointment per the terms of Section 3-4. Upon election of a Mayor, the temporary appointed Council member shall be without office unless elected to or appointed to an open office. (Amended 11-8-2016).

At such election, a Mayor shall be elected to serve for the unexpired term, if any; if not, for a full term. Upon the election of a Mayor, other than the Vice-Mayor then serving as Mayor, the Vice-Mayor may retain a position as Councilmember for the remainder of his or her unexpired term. (Amended 11-6-2012).

*Editor's Note: The Mayor's Court is currently not in use.

SECTION 3-8. MEETINGS.

Council shall meet regularly at such times as may be prescribed by its rules, but not less frequently than once each month. Pursuant to Revised Code 121.22 all meetings shall be open to the public except as otherwise provided by law. (Amended 11-6-12).

A regular organizational meeting shall be held during the first week in January in each year. A majority of the members elected to Council shall constitute a quorum to do business, but a lesser number may adjourn from time to time.

Special meetings may be called by the Mayor or any three members of Council on twenty-four hour notice served on each member electronically or personally at their residence. The purpose of a special meeting shall be stated in the notice and no other business shall be transacted at such meeting. (Amended 11-08-2016).

The Council shall not hold a special meeting unless it gives at least twenty-four hours advance notice to the news media that have requested notification, except in the event of an emergency, the member or members calling the meeting shall notify the news media that have requested notification immediately of the time, place and purpose of the meeting. (Amended 8-4-92).

All meetings of Council Members called for the purpose of official business and action shall be conducted in open and public meetings, unless the subject matter is specifically accepted hereinafter.

Exceptions to Public Meetings:

All meetings are public except as otherwise allowed by law. (Amended 11-6-2012).

SECTION 3-9. ANNUAL AUDIT.

During those years in which the State of Ohio shall make an audit of the affairs of the Municipality, such audit, in Council's discretion, may be accepted as valid. In such years and in other years Council may provide for an audit by a certified public accountant.

SECTION 3-10. CLERK OF COUNCIL

The Council shall appoint a Clerk of Council, also to be known as the Municipal Clerk, for an indefinite term, whose duty it shall be to keep the journal and other records of the Council and to perform such other duties as the Council may require. (Amended 11-6-12).

Council in its discretion may assign the duties of the Municipal Clerk to some other regular employee of the municipality.

The Council may remove the Clerk of Council by the affirmative vote of four (4) of its members. (Amended 11-6-2012).

(Amended 11-6-12, removing former Section 6-7 Municipal Clerk, and renumbering to Section 3-10).

Section

**ARTICLE FOUR
Legislation**

SECTION 4-1. ORDINANCES AND RESOLUTIONS.

Council actions shall be by ordinance or resolution. Ordinances shall prescribe permanent rules of conduct or government. Resolutions shall be orders of the Council of a special or temporary nature.

SECTION 4-2. MAJORITY REQUIRED.

The affirmative vote of four (4) members of the Council shall be necessary for the passage of any ordinance unless otherwise provided herein. A resolution may be enacted on a formal motion by a majority vote of the members of Council present.

SECTION 4-3. FORM.

No ordinance shall contain more than one subject, which shall be clearly expressed in its title. The enacting clause shall be,

"Be it ordained by the Council of the City of Trotwood, State of Ohio." Any ordinance which repeals an existing ordinance or ordinances in total need only refer to the title, adopting date and number of said ordinance or ordinances being repealed and any ordinance which amends an existing ordinance or ordinances or part of the Municipal Code, shall set out in full the sections or subsections to be amended, and shall indicate matter to be omitted by enclosing it in brackets or by strike-out type and shall indicate new matter by underscoring or by italics. (Amended in 1971 ~~11-7-67~~).

SECTION 4-4. ENACTMENT OF ORDINANCES.

Ordinances shall be adopted in the following manner:

- (a) Upon adoption of a motion requesting the same at any Regular or special meeting, the Law Director shall draft the requested ordinance for submission at Council's next meeting.
- (b) The Municipal Clerk shall distribute a copy of the Law Director's draft to each council member and to the manager, and shall have copies on file in Clerk's office for public examination, shall post the same in such public places as Council may designate and shall publish a brief summary of the proposed ordinance in a newspaper of general circulation in the Municipality. Such publication shall state that copies of the proposed ordinances are available at the office of the Municipal Clerk during regular business hours, and further shall specify the time and place for a public hearing thereon. (Amended 11-08-2016).
- (c) Not less than one week following such publication a public hearing shall be held upon the proposed ordinance. The public hearing may be held separately from, or in connection with, a regular or special meeting of Council and may be adjourned from time to time. All persons interested shall be given an opportunity to be heard.
- (d) Thereupon, the Council may adopt or reject the proposed ordinance or the proposed ordinance as amended. If the proposed ordinance is amended and adopted, a brief summary of the adopted ordinance, as amended shall be published.
- (e) As soon as practical after the adoption of any ordinance, the Municipal Clerk shall have a copy or summary thereof, as directed by the Council, published in a newspaper of general circulation or public media forums allowed by law in the Municipality together with a notice of its adoption. (Amended 11-08-2016).
- (f) At no time shall a proposed ordinance be required to be

read aloud in its entirety; reference thereto by title alone shall suffice. (Amended 6-7-77).

SECTION 4-5. EFFECTIVE DATE.

Except as otherwise provided in this Charter, every ordinance shall become effective at the expiration of thirty days after adoption or at any later date specified therein.

A resolution takes effect as set forth in the resolution.

Ordinances providing for appropriations for the current expenses of the Municipality, or for sidewalks and street improvements petitioned for by the owners of a majority of the front footage of the property benefited and to be assessed for the cost shall go into immediate effect.

SECTION 4-6. EMERGENCY ORDINANCES.

To provide for the immediate preservation of the public peace, health, or safety, the Council may adopt emergency ordinances, but such ordinances may not levy taxes, grant, renew or extend a franchise, regulate the rate charged by any public utility for its services, or authorize the borrowing of money except as hereinafter provided under emergency appropriations. An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally except that the preliminary motion for preparation by the Law Director and public notice of a brief summary of the proposed ordinance in a newspaper or public media forum of general circulation in the Municipality shall not be necessary, and except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced, but the affirmative vote of at least five members shall be required for adoption. After its adoption, the ordinance shall be published and printed as prescribed for other adopted ordinances. It shall become effective upon adoption or at such later time as it may specify. An emergency ordinance may be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances. (Amended 11-08-2016).

SECTION 4-7. EMERGENCY APPROPRIATIONS.

To meet a public emergency affecting life, health, property or the public peace, the Council may make emergency appropriations. Such appropriations may be made by emergency ordinance in accordance with the provisions of the section on emergency ordinances. To the extent that there are no available unappropriated revenues to meet such appropriations, the Council may by such emergency ordinance authorize the issuance of emergency

notes, which may be renewed from time to time, but the emergency notes and renewals of any fiscal year shall be paid not later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made. (Amended 11-7-67).

ARTICLE FIVE
The Manager

SECTION 5-1. APPOINTMENT.

A Manager, shall be appointed by the Council to serve at the will of the Council, a majority of the members of Council being required for their appointment.

SECTION 5-2. QUALIFICATIONS.

The Manager shall be chosen solely on the basis of their executive and administrative qualifications with actual experience and training in the accepted practices and the duties of such office or in a comparable position. At the time of their appointment, they need not be a resident of the Municipality or State, but shall reside therein during their tenure of office. No councilman member shall receive such appointment during the term for which they shall have been elected.

SECTION 5-3. POWERS AND DUTIES.

The Manager shall be the chief executive officer of the Municipality and shall be responsible to the Council for the proper administration of the municipal government and their duties shall be:

- (a) To see that the laws and ordinances are enforced.
- (b) To appoint, promote and, when deemed necessary for the good of the service, suspend, remove or otherwise discipline all City employees and appointive administrative officers, except as otherwise provided for by or under this charter and subject to the provisions of this Charter pertaining to the Civil Service. This section 5-3(b) shall not be construed to grant status as a classified employee if the employee or administrative officer is in the unclassified service pursuant to this Charter.
- (c) To exercise control over all departments created by Council.
- (d) To recommend to Council such measures as deemed necessary or expedient.
- (e) To keep the Council fully advised of the financial condition and needs of the Municipality.

- (f) To prepare and submit to Council such reports as may be required by that body.
- (g) To subject to the Council at such time as the Council shall designate, a budget which shall include:
 - (1) An itemized estimate of the expense of conducting each department.
 - (2) Comparisons of such estimates with the corresponding items of expenditure for the last two complete years and with the expenses of the current fiscal year, plus an estimate of the expenditure necessary to complete the current fiscal year.
 - (3) Reasons for the proposed increases or decreases in such items of expenditures compared with the current fiscal year.
 - (4) A separate schedule of each department showing the things necessary for the department to do during the year, and the things desirable to do if funds permit.
 - (5) A statement of the amounts to be appropriated to pay the debts of the municipality.
 - (6) Such other information as may be required by the Council.
- (h) To 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.
- (i) To be in charge of all purchases of the Municipality.
- (j) To execute and deliver all contracts for the Municipality, except franchises for public utility services.
- (k) To attend all meetings of the Council with the right of discussion but without vote.
- (l) And to perform such other duties as may be prescribed by this Charter or required of him by resolution or ordinance of Council. (Amended 11-6-01).

SECTION 5-4. INTERFERENCE BY COUNCIL.

No member of Council shall interfere in any way with the appointment or removal of any officer or employee in the administrative service except for department heads, as provided in Section 6-1.

Except for the purpose of inquiry, the Council and its members shall deal with that part of the administrative service for which the Manager is responsible, solely through the Manager. A violation of this section could result in sanctions up to forfeiture of office, as provided in Section 3-4(B). (Amended 11-07-2017).

SECTION 5-5. RESIGNATION.

The Manager shall have the right to resign their position at any time, subject to any notice requirements contained in any contractual agreement they may have with the City. In the event there is no agreement, they shall give a thirty (30) day notice of intention to resign. Requirement of notice may be waived by motion of Council. (Amended 11-08-2016).

SECTION 5-6. REMOVAL.

The Council may remove the Manager by the affirmative vote of four (4) of its members. In any case of removal, the former Manager shall be paid all sums due pursuant to any contractual agreement they may have with the City or, in the event there is no contract, the former Manager shall be paid any unpaid balance of their salary and benefits and in addition so much separation allowance as the Council may determine to be justified under the circumstances; provided, such separation allowance shall not be less than an amount equal to their salary and benefits for a two (2) month period. (Amended 11-08-2016).

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

To perform their duties during their temporary absence or disability, the Manager may designate by letter filed with the Municipal Clerk a qualified administrative officer of the Municipality. In the event of failure of the Manager to make such designation, the Council shall by motion appoint an officer of the Municipality to perform the duties of the Manager until they shall return or their disability shall cease. (Amended 11-08-2016).

SECTION 5-8. APPOINTMENT OF AN ACTING CITY MANAGER.

During the vacancy in the office of the Manager, the Council shall appoint a person to serve as "Acting Manager" by adoption of a motion of four (4) affirmative votes of its members. The "Acting Manager" shall have all the powers, duties and functions of the Manager during their tenure as "Acting Manager." The "Acting Manager" may hold another appointive office or position of employment within the Municipality, except that of Law Director or Finance Director and shall receive compensation as established by the council by the adoption of a motion of four (4) affirmative votes of its members. (Amended 11-6-01).

ARTICLE SIX
Administrative Departments

SECTION 6-1. ESTABLISHMENT OF DEPARTMENTS.

A Department of Law, a Department of Finance, a Department of Service, a Department of Safety, a Department of Planning and Development, and a Department of Parks and Recreation hereby are established by this Charter and the Council shall provide by ordinance for the organization thereof.

Each department shall be headed by a Director appointed by the Manager. Department heads shall serve for indefinite terms terminable by the Manager after consultation with the Council; however, nothing herein shall be construed as limiting the power of the Manager to appoint and remove department heads.

One individual may be appointed to head more than one department. The Manager, with the concurrence of the Council, may serve as the Director of one or more departments, except the Department of Law and the Department of Finance. (Amended 11-6-01).

SECTION 6-2. CREATION OF NEW DEPARTMENTS.

The Council by ordinance may create, change and abolish offices, departments and agencies, other than those established by this Charter. The Council may assign additional duties to the departments established by this Charter. The Council may not discontinue or assign to any other office, department or agency any function assigned by this Charter to a particular office, department or agency.

SECTION 6-3. DEPARTMENT OF LAW.

The Department of Law shall be headed by a Director of Law who shall be an attorney of law qualified to practice in the State of Ohio. They shall serve the Manager, Mayor, the Council, the Administrative Departments, and the officers, boards and commissions of the Municipality as legal counsel in connection with municipal affairs, and, subject to the direction of the Manager, shall represent the Municipality in all proceedings in court or before administrative boards. They shall prosecute all violations of municipal ordinances, shall perform all other duties now or hereafter imposed upon city solicitors by the laws of the State of Ohio unless otherwise provided by ordinance of the council and such other duties as the Council or the Manager may impose upon them consistent with this office. (Amended 11-08-2016).

SECTION 6-4. DEPARTMENT OF FINANCE.

The Department of Finance shall be headed by a Director of Finance who shall have had previous experience in public or

corporate financial affairs. Director of Finance shall perform the functions customarily assigned to the Auditor and Treasurer under general law in municipal accounting, collection of taxes, accounts and assessments and the control of disbursements. The provisions of Section 6-2 to the contrary notwithstanding, Council by ordinance may split the Department of Finance into two departments with one having the functions customarily assigned to the Auditor, and the other, the functions customarily assigned to the Treasurer. (Amended 11-08-2016).

SECTION 6-5. DEPARTMENT OF PUBLIC SERVICE.

The Department of Public Service shall be headed by a Director of Public Service who shall have had previous municipal or corporate experience in the duties assigned to this department. Director of Public Service shall have had all the powers and duties now or hereafter given to the Director of Public Service in municipalities by law and shall have charge of construction, operation and maintenance of all public works, properties and improvements designated as public parks and recreation areas by the city; such public parks and recreation areas to be under the responsibility, operation, and maintenance of the Director of Parks and Recreation of the City of Trotwood, Ohio. (Amended 11-08-2016).

SECTION 6-6. DEPARTMENT OF PUBLIC SAFETY.

The Department of Public Safety shall be headed by a Director of Public Safety who shall have had previous public or corporate experience in the duties assigned to this department. Director of Public Safety shall have the powers and duties now or hereafter given the Director of Public Safety in municipalities by law and shall have supervision over and responsibility for the efficient operation of the Police and Fire Departments and such other divisions or departments prescribed by ordinance not inconsistent with this Charter or general law. (Amended 11-08-2016).

SECTION 6-7. MUNICIPAL CLERK. (Amended 11-6-12 Repealed & replaced in new Section 3-10 Clerk of Council).

SECTION 6-8 DEPARTMENT OF PLANNING AND DEVELOPMENT.

The Department of Planning and Development shall be headed by a Director of Planning and Development who shall have had previous Municipal or corporate experience in the duties assigned to his department. Director of Planning and Development shall have all the powers and duties now or hereafter given to the Director of Planning and Development in Municipalities by law and shall have responsibility for developing and implementing economic development programs, managing the function of planning and zoning, and shall perform such other functions and duties as may be prescribed by legislation or by order of the City Manager. (Amended 11-08-2016).

SECTION 6-9 DEPARTMENT OF PARKS AND RECREATION.

The Department of Parks and Recreation shall be headed by a Director of Parks and Recreation who shall have had previous experience in the duties assigned to this department. Director of Parks and Recreation shall have all the powers and duties now or hereafter given to the Director of Parks and Recreation in municipalities by law, ordinance or resolution and shall have responsibility for developing and implementing a Parks and Recreation Program for the City, managing and administering the Parks and Recreation Program and shall perform such other functions and duties as may be prescribed by legislation or by order of the City Manager. The Director of Parks and Recreation shall be the Advisor to the Parks and Recreation Board and shall reasonably assist the Board in carrying out its responsibilities. (Amended 11-08-2016).

**ARTICLE SEVEN
Commissions and Boards**

SECTION 7-1. ESTABLISHMENT OF BOARDS AND COMMISSIONS.

A Planning Commission, a Board of Zoning Appeals, a Civil Service Commission and a Parks and Recreation Board hereby are created. Each shall consist of five (5) electors of the Municipality appointed by Council for staggered terms of five years. Council shall have the right to remove any commission or board member for cause and to fill vacancies by majority vote.

In addition to the Boards and Commissions, as established by the Charter, the Council may, by ordinance, create additional boards and commissions and provide for their duties and powers, as it deems necessary for the efficient operation of the Municipality.

All Boards and Commissions of the Municipality, whether established by Charter or ordinance, shall have all the power and authority to adopt their own rules of procedure, not inconsistent with the Charter, ordinances of the Municipality and general law. Council shall authorize funds as are appropriate for the operation of the Boards and Commissions established by ordinance. (Amended 11-6-01).

SECTION 7-2. APPEALS FROM BOARDS AND COMMISSIONS.

Any person, firm or corporation, or any officer, department, board or agency of the Municipality, or any interested elector of the Municipality who has been aggrieved or affected by any decision of any board or commission may appeal such decision to the Council. The appeal shall be perfected by filing notice of intent to appeal with the chairman of the board or commission within ten (10) days after journalization of the decision and by filing a petition of appeal with the Clerk of Council within ten days thereafter. The petition of appeal shall include a summary of the decision being appealed and the grounds of such appeal. A decision shall be

deemed journalized when the minutes of the board or commission incorporating such decision have been approved at its next meeting.

Council shall hold a public hearing on such appeal not later than thirty (30) days after such appeal petition has been filed and by majority vote shall affirm, reverse or modify the decision of the board or commission. This Appeal process excludes appeals from the Civil Services Commission as the provisions of Chapter 2506, of the Ohio Revised Code apply. Such decision shall be final, subject, however, to the provisions of Chapter 2506, Ohio Revised Code. (Amended 11-6-12).

SECTION 7-3. POWERS AND DUTIES OF PLANNING COMMISSION.

The Planning Commission shall act as the platting commission of the Municipality, and, as such, shall administer such subdivision ordinances as Council may enact.

It shall adopt and recommend to the Council a comprehensive general plan for the physical development of the Municipality, which shall include the location of public ways, property, bridges, utilities, buildings, parks, playgrounds and recreation areas. The comprehensive general plan shall show all existing school locations in the Municipality and shall show the projected locations of new schools as determined by the Board of Education. It shall prepare and recommend to Council, ordinances creating areas, zones and districts of permitted and excluded uses, including rules, regulations, restrictions and limitations governing the design, height, floor area and size of structures, area and size of lots, size of yards, courts, open spaces, use and occupancy of public and private buildings, structures and land for trade, industry, off-street parking, residences, parks, playgrounds, and other uses or purposes as will promote the general welfare of the Municipality and its inhabitants. Any such restrictions which are designed primarily for population control shall be reasonable in scope and shall not affect unduly the marketability of any land.

The Planning Commission may recommend the rezoning of land on its own motion or on application by any interested party. Before the Planning Commission shall recommend to Council the rezoning of any lands, it shall hold a public hearing on the question. The Planning Commission shall cause to be published in a newspaper of general circulation within the corporate limits of the Municipality, a notice of the public hearing. Such notice shall be published in one or more newspapers or other printed publication regularly distributed and of general circulation in the City or public media forums allowed by law at least ten (10) days prior to the public hearing and shall contain a summary of the question and the time and place of the public hearing. (Amended 11-08-2016).

It shall make a base map to be titled the "Official Map of the Municipality of Trotwood."

In the performance of its function, the Planning Commission may enter upon any land and make examination and surveys, and place and maintain necessary monuments and marks thereon.

SECTION 7-4. POWERS AND DUTIES OF BOARD OF ZONING APPEALS.

The Board of Zoning Appeals shall have such jurisdiction, as the Council may provide from time to time by ordinance, to grant exceptions to, and variations in, the application of the zoning ordinances and to hear and determine appeals from the orders of any administrative official or agency.

SECTION 7-5. POWERS AND DUTIES OF CIVIL SERVICE COMMISSION.

It shall be the duty of the Civil Service Commission to provide by rule for the determination of merit and fitness as the basis for appointment and promotion in the service of the Municipality as required by the Constitution of Ohio. It shall provide by rule for, and hear, appeals from the action of the Manager or other officer in any case of transfer, reduction or removal.

SECTION 7-6. CLASSIFICATION OF SERVICE.

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

The classified service shall include the following full time employees of the Municipality:

- (a) Members, including officers, of the Police and Fire Departments, other than the chiefs and assistant chiefs thereof.
- (b) Employees of any utility operated by the Municipality requiring an operator's license, except a chauffeur's license, in the performance of their duties.
- (c) Inspectors, such as plumbing, heating, electrical, health, sanitary, sewer or other inspectors required in municipal operations.
- (d) Office help, Public Works Union and all positions not specifically included by this Charter in the unclassified service.

The unclassified service shall include the following:

- (a) All officers elected by the people.
- (b) All directors of departments and their assistants and the chiefs and the assistant chiefs of the Police and Fire

Departments.

- (c) The Manager.
- (d) Members of boards and commissions.
- (e) Clerk of Council.
- (f) Administrative Assistant to the Mayor, Administrative Assistant to the Manager, and Administrative Assistant to each department head, and Administrative Assistant of each board and commission.
- (g) Unskilled labor.
- (h) Persons appointed to fill vacancies in elective offices.
- (i) All officers and employees appointed by the Council.
- (j) Provisional employees whose employment shall not exceed one hundred and twenty (120) days.
- (k) Any office or position requiring peculiar or exceptional qualifications.

The general law applying to civil service shall remain in full force and effect unless otherwise provided. (Amended 11-08-2016).

SECTION 7-7. POWERS AND DUTIES OF PARKS AND RECREATION BOARD.

It shall be the duty of the Parks and Recreation Board to recommend, each fiscal year, a program to the City Manager for the conduct of public Parks and recreation facilities and programs. The recommended program shall include a recommended budget for the operation and facilities to cover the next fiscal year. The recommendations shall be in writing and shall be delivered to the City Manager on a date set by the City Manager each year. The City Manager shall be responsible to provide reasonable information and clerical assistance to the Parks and Recreation Board so as to allow them to accomplish this duty. (Amended 11-6-01).

**ARTICLE EIGHT
Elections**

SECTION 8-1. DATE OF ELECTIONS.

The regular election shall be held on the first Tuesday after the first Monday in November in the odd-numbered years or on such other date as may be established for municipal elections by general law.

SECTION 8-2. BALLOTS.

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

SECTION 8-3. NOMINATION BY PETITION.

No primary election shall be held for the nomination of candidates for the office of Mayor, councilmember or councilmember-at-large. All candidates shall be nominated by petition only. A petition signed by not less than fifty (50) electors of the Municipality shall be required to nominate candidates for the position of Councilmember-at-large. A petition signed by not less than fifty (50) electors of a given district shall be required to nominate for the position of Councilmember for that district. A petition signed by not less than fifty (50) electors of the Municipality shall be required to nominate for the position of Mayor. (Amended 11-3-98).

SECTION 8-4. PROCEDURE.

Petitions shall be standard forms provided by the election authorities under the general laws for the nomination of individual non-partisan candidates for the municipal offices. Petitions shall be filed with the Board of Elections in the time and manner prescribed by the general laws of Ohio. (Amended 11-4-86).

SECTION 8-5. REQUIREMENTS FOR ELECTION.

The candidate receiving the highest number of votes in a given district shall be declared elected. The two (2) candidates-at-large receiving the highest number of votes shall be declared elected. The candidate for Mayor receiving the highest number of votes shall be declared elected. (Amended 11-7-2006).

**ARTICLE NINE
Initiative, Referendum and Recall**

SECTION 9-1. INITIATIVE.

Ordinances and other measures may be proposed by initiative petition and adopted by election, to the extent and in the manner now or hereafter provided by the Constitution, the Ohio Revised Code, or the laws of Ohio. (Amended 11-08-2016).

SECTION 9-2. REFERENDUM.

Ordinances and other measures adopted by Council shall be

subject to referendum, to the extent and in the manner now or hereafter provided by the Constitution, the Ohio Revised Code, or the laws of Ohio. Referendum petitions must be filed within thirty days following the passage of the ordinance or other measure in question. (Amended 11-08-2016).

SECTION 9-3. RECALL.

The electors shall have the power to remove from office, by a recall election, any elected officer of the Municipality who has served for not less than six (6) months of the officer's term. (Amended 11-6-12).

If an elector intends to file a petition demanding the officer's removal the petition must be compliant with Section 5705.92 of the Ohio Revised Code. The elector must sign an Affidavit before the Clerk of Council, and the Affidavit must then be filed with the Clerk of Council. The Affidavit shall identify the elected officer the elector desires to have removed along with the name and addresses of the elector. The elector shall have sixty (60) days from the filing of the affidavit to obtain signatures for the petition. Once signatures are obtained, the elector shall have an additional five (5) working days in which to file the petition with the Clerk of Council. The Clerk shall only file the petition if it is being filed within the time period allowed after the filing of the Affidavit. The right to file the petition is forfeited if the elector attempts to file it after the five (5) day time period allowed for filing. The Clerk shall note thereon the name and address of the person filing the petition and the date of such filing. Such petition may be circulated in separate parts, but the separate parts shall be bound together and filed as one instrument. Within ten (10) days after the day on which such petition is filed, the Clerk of Council shall determine whether or not it meets the requirements herein. (Amended 11-08-2016).

Each part shall contain the name and office of the officer whose removal is sought and a statement in not more than two hundred (200) words of the grounds for such removal. Such petition shall be signed by the number of electors which equals twenty-five (25%) percent of the total number of electors voting for the candidates-at-large at the preceding election in the case of the proposed removal of a councilmember-at-large or the Mayor; or twenty-five (25%) percent of the number of electors, voting for the candidates for a particular district, at the preceding election, in the case of the proposed removal of a councilmember from a district. (Amended 11-6-12).

If the Clerk shall find the petition insufficient, the Clerk shall immediately certify the particulars in which the petition is defective, deliver a copy of his certificate to the person who filed the petition with the Clerk, and make a record of such delivery. If the Clerk shall find the petition sufficient, the Clerk shall promptly so certify to the Council, shall deliver a copy of such certificate to the officer whose recall is sought, and

shall make a record of such delivery. If such officer shall not resign in five (5) business days after the day on which such delivery shall have been made, the council shall thereupon fix a day for holding a recall election, not less than one hundred (100) days after the date of delivery. (amended, 11-08-2016).

At such recall election, this question shall be placed on the ballot: "Shall (naming the officer) be allowed to continue as (naming the office)?" with provision on the ballot for marking "yes" or "no" on such question. If a majority of the votes cast at such election shall be "yes", such officer shall remain in office. If a majority of the votes cast shall be "no", such officer shall be considered removed, his office shall be declared 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 thereby created. (Amended 11-28-12).

ARTICLE 10-1. ORDINANCES IN EFFECT.

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

ARTICLE 10-2. VESTED RIGHTS.

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

SECTION 10-3. DEBT AND TAX LIMITATIONS.

A limitation on debt and tax rates without vote of the electors shall be continued as provided in the Ohio Constitution and the general law. (Amended 11-08-2016).

SECTION 10-4. SUCCESSION OF POWERS.

Any department or office of the Municipality to which are assigned the powers, duties, or functions of a previously existing department or office shall be deemed to constitute a continuation thereof as to matters within its jurisdiction for the purpose of succession to its powers, duties, rights, and obligations and with reference to any pending proceedings.

SECTION 10-5. AMENDMENT OF CHARTER.

This Charter may be amended as provided in the Constitution of the State of Ohio, viz., by action of the voters of the Municipality, the proposed amendments to be submitted to the voters either by (1) concurrence of two-thirds of the members of Council, or (2) petition of ten percent of the electors of the Municipality.

At the first meeting of the Council in January of 1971, and every five years thereafter, Council shall appoint a Charter Review Commission of not less than five (5) members, nor more than nine (9) members, all of whom shall be qualified electors defined as being individuals who are over the age of eighteen (18), registered to vote and qualified to vote. This commission shall review the entire Charter and shall recommend to the Council any alterations, revisions, and amendments to this Charter as in the Charter Review Commission's judgment seems advisable. The Council may submit to the electors any such proposed alterations, revisions, or amendments to this Charter at the next regular election in accordance with Article XVIII, Section IX, the Constitution of the State of Ohio. Each Charter Review Commission shall cease to function the day following the election of which its proposal is submitted to the electors or earlier as Council may direct. Members shall serve without compensation. A quorum of such Charter Review Commission shall be considered a majority of those members appointed. (Amended 11-08-2016).

SECTION 10-6. PRECEDENCE.

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

SECTION 10-7. CORRECTIONS OF MISSPELLINGS AND GRAMMAR; MAKING THE LANGUAGE GENDER NEUTRAL; AND RENUMBERING UPON CODIFICATION.

(A) **Misspellings and Error in Grammar.** Any misspellings and errors of grammar or construction may be corrected upon reprinting of this Charter, provided that no substantive changes to the Charter language are made.

(B) **Making Language Gender Neutral.** Upon reprinting of this Charter, any gender specific terms shall become gender neutral, provided that no substantive changes to the Charter language are made.

(C) **Renumbering upon Codification.** Any changes in the numbering of the provisions of this Charter or the cross referencing of provisions of this Charter by the addition or deletion of Articles, Sections, or Subsections may be made upon reprinting of this Charter, provided that no substantive changes to the Charter language are made. (Amended 11-7-2006).

**ARTICLE ELEVEN
Temporary Provisions**

SECTION 11-1. EFFECTIVE DATE.

For the purpose of nominating and electing the elective officers of the Municipality of Trotwood, this Charter shall be in effect from and after the time of its approval by the electors. For all other purposes, this Charter shall be in effect on and after the first day of January, 1966.

SECTION 11-2. INITIAL APPOINTMENTS TO BOARDS AND COMMISSIONS.

The initial appointments to the boards and commissions established by Article Seven shall be made for terms of one, two, three, four, and five years to the end that thereafter a staggered system of terms shall prevail. (Amended November 7, 2006, removing former Section 11-2, and renumbering).

SECTION 11-3. DIVISION INTO DISTRICTS.

The present Council of the Municipality of Trotwood, prior to May 1, 1965, shall divide the Municipality into four (4) districts. The districts shall be as equal as practicable in population and shall be as compact as practicable in shape. Thereafter, within one year following the publication of each decennial federal census, Council shall make such realignment of the district boundaries as may be required to achieve substantial equality in population with due regard to compactness and contiguity, except that such alteration shall not be made between the date of filing nomination petitions for office and the date of the following election, nor shall any redistricting become effective until the next regular municipal election, following such redistricting. Any elector shall have a right to enforce such realignment by mandamus action in the Court of Common Pleas.

Council may realign the district boundaries more frequently than required above, but only for the purpose of population equalization and subject to the same conditions. (Amended November 7, 2006, removing former Section 11-3, and renumbering).