

**CHARTER  
OF THE CITY OF  
STOW, OHIO**

EDITOR'S NOTE: The Stow Charter was approved by the voters on November 4, 1958. Dates appearing in parentheses following section headings indicate those sections were subsequently amended, added or repealed on the date given.

**PREAMBLE**

**ARTICLE I. NAME AND BOUNDARIES**

- 1.01 Name.
- 1.02 Boundaries.

**ARTICLE II. MUNICIPAL POWERS**

- 2.01 Municipal Powers.

**ARTICLE III. MAYOR**

- 3.01 Election and Term. (11-7-72)
- 3.02 Qualifications. (11-4-80)
- 3.03 Judicial Powers.
- 3.04 Executive and Administrative Powers. (11-4-80)
- 3.05 Veto Power.
- 3.06 Acting Mayor. (11-2-10)
- 3.07 Vacancy - Mayor. (11-5-68)

**ARTICLE IV. THE COUNCIL**

- 4.01 Legislative Authority.
- 4.02 Composition and Term. (11-6-90)
- 4.03 Qualifications.
- 4.04 President, and Vice President, of Council. (11-2-10)
- 4.05 Clerk of Council.
- 4.06 Rules and Journal of Council.
- 4.07 Opening Prayer at Meetings.
- 4.08 Regular Meetings. (11-6-90)
- 4.09 Special Meetings. (11-4-80)
- 4.10 Quorum.
- 4.11 Legislative Procedure. (11-4-80)
- 4.12 Public Notice. (11-7-72)
- 4.13 Effective Date of Resolutions and Ordinances.
- 4.14 Emergency Resolutions and Ordinances.

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**ARTICLE IV. THE COUNCIL (Cont.)**

- 4.15 Compensation and Bonds. (11-4-97)
- 4.16 Vacancies. (11-4-97)
- 4.17 Removal of Elective Officers.
- 4.18 Departments, Boards and Commissions.

**ARTICLE V. WARDS**

- 5.01 Division of Municipality into Wards.

**ARTICLE VI. DEPARTMENT OF FINANCE**

- 6.01 Election. (11-4-97)
- 6.02 Qualifications. (11-2-10)
- 6.03 Duties in General.
- 6.04 Accounting Procedures and Budgetary Control.
- 6.05 Custody of Funds.
- 6.06 Disbursements.
- 6.07 Vacancy. (11-4-97)

**ARTICLE VII. DEPARTMENT OF PUBLIC SERVICE**

- 7.01 Appointment.
- 7.02 Qualifications.
- 7.03 Duties in General.
- 7.04 Purchasing Function. (11-6-90)
- 7.05 Employees.

**ARTICLE VIII. DEPARTMENT OF PUBLIC SAFETY**

- 8.01 Appointment. (11-4-97)
- 8.02 Duties in General. (11-4-97)
- 8.03 Police Department. (11-2-65)
- 8.04 Fire Department.

**ARTICLE IX. DEPARTMENT OF LAW**

- 9.01 Election. (11-6-90)
- 9.02 Qualifications. (11-7-00)
- 9.03 Duties in General. (11-2-65)
- 9.04 Charter Change. (11-4-80)
- 9.05 Vacancy. (11-4-97)
- 9.06 Outside Legal Counsel. (11-2-10)

**ARTICLE X. PLANNING COMMISSION AND ZONING PROCEDURE**

- 10.01 Planning Commission - Composition and Term. (11-4-75)
- 10.02 Planning Commission - Organization.
- 10.03 Planning Commission - Powers and Duties.
- 10.04 Mandatory Referral to Planning Commission.
- 10.05 Public Hearings by Council.
- 10.06 Action by Council. (11-5-85)

**ARTICLE XI. BOARD OF ZONING AND BUILDING APPEALS**

- 11.01 Composition and Term. (11-4-97)
- 11.02 Organization.
- 11.03 Jurisdiction. (11-7-72)
- 11.04 Meetings and Procedure.
- 11.05 Appeals to the Board. (11-5-85)

**ARTICLE XII. CIVIL SERVICE COMMISSION**

- 12.01 Establishment. (11-4-75)
- 12.02 Powers and Duties - General. (11-7-00)

**ARTICLE XIII. PARKS AND RECREATION BOARD**

- 13.01 Appointment of Director of Parks and Recreation. (11-6-90)
- 13.02 Establishment and Organization of Parks and Recreation Board. (11-6-90)
- 13.03 Powers and Duties. (11-8-05)

**ARTICLE XIV. CEMETERY BOARD**

- 14.01 Composition and Term. (11-4-97)
- 14.02 Organization.
- 14.03 Powers and Duties. (11-4-97)

**ARTICLE XV. FINANCES**

- 15.01 Limitation of Rate of Taxation. (11-7-00)
- 15.02 Signature on Checks. (11-4-80)

**ARTICLE XVI. NOMINATIONS AND ELECTIONS**

- 16.01 Regular Municipal Elections. (11-4-75)
- 16.02 Nominations. (11-4-97)
- 16.03 Selection of Candidates. (11-4-97)
- 16.04 Ballots. (11-4-75)
- 16.05 Special Elections. (11-4-75)
- 16.06 The Laws of Ohio Applicable to Elections. (11-4-75)

**ARTICLE XVII. INITIATIVE, REFERENDUM AND RECALL**

- 17.01 Initiative. (11-3-98)
- 17.02 Referendum. (11-3-98)
- 17.03 Recall. (11-4-97)
- 17.04 Recall Petitions.

**ARTICLE XVIII. FRANCHISE**

- 18.01 Granting of Franchises.
- 18.02 Regulations.

**ARTICLE XIX. AMENDMENTS TO CHARTER**

- 19.01 Submission to the Electors. (11-3-98; Res. 2011-77)
- 19.02 Adoption.
- 19.03 Changes to Charter.

**ARTICLE XX. CHARTER REVIEW COMMISSION**

- 20.01 Composition and Term. (11-4-75)
- 20.02 Duties.
- 20.03 Submission to Electors. (11-7-00)

**ARTICLE XXI. GENERAL PROVISIONS**

- 21.01 Personal Interest.
- 21.02 Removal of Appointive Officers and Employees and Members of Boards and Commissions. (11-6-90)
- 21.03 Effective Date of Charter.
- 21.04 Effect of Partial Invalidity.
- 21.05 Effect of the Charter upon Existing Laws and Rights.
- 21.06 Interpretation of the Charter.
- 21.07 Residency of City Employees. (11-2-10)
- 21.08 Term Limits for Elected Officials. (11-2-10)

**CHARTER  
OF THE CITY OF  
STOW, OHIO**

**PREAMBLE**

We, the people of Stow, in the County of Summit and State of Ohio, in order to secure for ourselves the benefits of municipal home rule and to exercise all the powers of local self-government under the constitution and the laws of Ohio, do hereby adopt this Charter for our Municipality.

**ARTICLE I  
Name and Boundaries**

**SECTION 1.01 NAME.**

The present Municipality shall continue to be a body politic and corporate, under the name of the Village of Stow. When the Municipality shall, under the Constitution and the laws of Ohio, become a City, it shall be known as the City of Stow.

The provisions of this Charter shall apply whether this Municipality is a Village or a City.

**SECTION 1.02 BOUNDARIES.**

The Municipality shall have the same boundaries as now exist, with the power and authority to change its boundaries and annex other territory contiguous thereto in the manner authorized by the laws of Ohio.

**ARTICLE II  
Municipal Powers**

**SECTION 2.01 MUNICIPAL POWERS.**

The Municipality shall have all powers, general or special, governmental or proprietary, expressed or implied, which may be possessed or assumed by municipalities under the Constitution and laws of Ohio for local self-government. No enumeration of specific powers in this Charter shall be held to be exclusive.

All such powers shall be exercised in the manner prescribed in this Charter, or, if not prescribed herein, in such manner as Council may determine, or, unless a contrary intent appears in this Charter or in the enactments of Council, in such manner as may be provided by the laws of Ohio.

**ARTICLE III**  
**Mayor**

**SECTION 3.01 ELECTION AND TERM.**

The Mayor shall be elected for a term of 4 years, which term shall commence on January 2 next following the Mayor's election, and the Mayor shall hold office until a successor is elected and qualified.

(Amended 11-7-72)

**SECTION 3.02 QUALIFICATIONS.**

The Mayor shall have been for at least 2 years prior to the date of the Mayor's election, and during the Mayor's term of office shall be, a continuous resident and qualified elector of this Municipality, or territory annexed thereto.

The Mayor's office shall be in City Hall and the Mayor shall devote full time and effort during business hours, and such other times as are necessary, to properly conduct the business of this Municipality.

The Mayor shall hold no other elective public office. The Mayor shall not be otherwise employed by, nor shall hold any other office in, this Municipality except ex officio member of the Planning Commission, and, until Council provides otherwise, Director of Public Safety.

(Amended 11-4-80)

**SECTION 3.03 JUDICIAL POWERS.**

The Mayor shall have all the judicial powers which are conferred upon mayors by the laws of Ohio.

**SECTION 3.04 EXECUTIVE AND ADMINISTRATIVE POWERS.**

The Mayor shall be the chief executive officer of the Municipality. The Mayor shall supervise the administration of all the affairs of the Municipality and the conduct and administration of all departments except Council, Clerk of Council, Department of Finance and Department of Law. The Mayor shall be the chief conservator of the peace within the Municipality. The Mayor shall see that all laws, resolutions and ordinances are enforced therein.

The Mayor shall execute on behalf of the Municipality all authorized contracts, conveyances, evidences of indebtedness and all other instruments to which the Municipality is a party, and shall, where required, attached thereto the official seal of the Mayor's office.

The Mayor shall keep the Council advised of the condition and needs of the Municipality, and the Mayor shall recommend to Council such measures as the Mayor may deem necessary or expedient for the welfare of the Municipality. The Mayor, with the assistance of the Department of Finance, shall submit proposed operating and capital budgets for the consideration of Council each year.

The Mayor shall be the official and ceremonial head of the Municipality.

(Amended 11-4-80)

**SECTION 3.05 VETO POWER.**

Each resolution or ordinance adopted by Council shall be attested by the Clerk of Council who shall promptly present it to the Mayor for the Mayor's approval or disapproval.

The Mayor may approve or disapprove the whole, or any part of, any resolution or ordinance appropriating money, but otherwise the Mayor's approval or disapproval shall be addressed to the entire resolution or ordinance.

If the Mayor approves such legislation, the Mayor shall sign it and file it with the Clerk of Council. If the Mayor disapproves such legislation, or any item of such legislation appropriating money, the Mayor shall file it, together with the Mayor's objections, in writing, with the Clerk of Council. The Mayor's objections shall be entered in full on the journal of Council.

Unless the resolution or ordinance is filed with the Clerk of Council with the Mayor's written notice of disapproval within 7 days after presentation to the Mayor, it shall take effect as though the Mayor had signed it.

Upon the Mayor's disapproval, as provided herein, the Council may, but not later than its next regular meeting, reconsider the legislation, and if, upon such reconsideration, the legislation is approved by 5 or more members of Council it shall take effect notwithstanding the disapproval of the Mayor.

**SECTION 3.06 ACTING MAYOR.**

President of Council, or any member of Council designated by the majority vote of Council, in that order, shall become the Acting Mayor with all the powers of the Mayor in the event the Mayor, or one acting in that capacity for the Mayor, is temporarily: (a) Absent from the Municipality, (b) Inaccessible, (c) Unable for any cause or reason, to perform the duties of the Mayor, or (d) Until Council elects a Mayor in the event of the vacancy of said office as said procedures are set forth in Section 3.07 herein under. Any member of Council performing the duties of the Acting Mayor shall relinquish his/her Council voting power on any motion or legislation. (Amended 11-2-10)

**SECTION 3.07 VACANCY - MAYOR.**

In the event of the death, resignation, recall or removal of the Mayor, the members of City Council shall elect one of its members to serve as Mayor until a successor is elected at the next general or special election for such purpose. A majority vote of all members elected or appointed to Council shall be required to fill such vacancy. Said Mayor shall not forfeit said Mayor's Council office; however Council, by majority vote shall appoint an acting councilman to assume the Mayor's councilmanic duties and privileges while said Mayor serves in the office of Mayor. Provided, however, if a general election shall be further removed than one year from the date of such vacancy, a special election to fill the office of Mayor for the remaining unexpired term shall be held within 6 months from the date of such vacancy and the Mayor shall serve until such special election is held and an elected successor is qualified in office, which shall be by assuming office within 10 days after certification of election from the County Board of Elections. The Mayor may succeed himself/herself, if so elected by the electorate, for the remaining unexpired original term.

(Amended 11-5-68)

**ARTICLE IV**  
**The Council**

**SECTION 4.01 LEGISLATIVE AUTHORITY.**

All legislative power of the Municipality under this Charter, together with all such powers conferred upon municipalities by the Constitution and laws of Ohio, shall be vested in the Council.

**SECTION 4.02 COMPOSITION AND TERM.**

Council shall be composed of seven members. One member shall be elected by the electors of each of the four wards herein provided, and three members shall be elected by the electors of the Municipality at large.

Beginning with the regular municipal election in 1993, and continuing thereafter, each ward councilperson shall be elected for a term of two years, which term shall commence on January 2 next following his/her election, and he/she shall hold office until his/her successor is elected and qualified.

Beginning with the regular municipal election in 1991, and continuing thereafter, each at-large councilperson shall be elected for a term of two years, which shall commence on January 2 next following his/her election, and he/she shall hold office until his/her successor is elected and qualified.

(Amended 11-6-90)

**SECTION 4.03 QUALIFICATIONS.**

Each councilperson elected at large shall have been for at least 2 years prior to the date of his/her election, and during his/her term of office shall be, a continuous resident and qualified elector of the Municipality, or territory annexed thereto.

Each councilperson elected to represent a ward shall have been for at least 2 years prior to the date of his/her election, and during his/her term of office shall be, a continuous resident and qualified elector of the ward he/she represents, or territory annexed thereto.

A councilperson shall hold no other elective public office. He/she shall not be otherwise employed by, nor shall he/she hold any other office in, this Municipality.

**SECTION 4.04 PRESIDENT, AND VICE PRESIDENT, OF COUNCIL.**

At the first regular meeting of Council in January of each year as provided in Section 4.08 of this article, Council shall, by majority vote, elect from its membership a President of Council and a Vice President of Council, each to serve for a term of one year.

Any member of Council elected to the office of President of Council for 2 consecutive terms shall thereafter be ineligible for that office for the next succeeding year.

The President of Council, or, in his/her absence, the Vice President of Council, shall preside at all meetings of Council.

The President and Vice President of Council, when performing the duties of Acting Mayor, shall relinquish his/her Council voting power on any motion or legislation.

(Amended 11-2-10)



**SECTION 4.05 CLERK OF COUNCIL.**

A Clerk of Council shall be appointed by, and may be removed by, Council. The Clerk of Council shall keep an accurate and complete journal of all proceedings of Council, authenticate by his/her signature and have custody of all laws, ordinances and resolutions of Council, have custody of all official documents, reports, papers, communications and files of Council, and perform such other duties as Council shall require.

During the absence or disability of the Clerk of Council, Council shall appoint someone to perform all the duties of that office.

**SECTION 4.06 RULES AND JOURNAL OF COUNCIL.**

Council shall adopt its own rules, regulations or by-laws and shall keep a journal of all of its proceedings. The journal shall be open for public inspection at all reasonable times.

The voting upon any ordinance or resolution shall be roll call, and the vote of each councilperson shall be recorded upon the journal.

**SECTION 4.07 OPENING PRAYER AT MEETINGS.**

In recognition of our dependence upon Almighty God for guidance, each regular or special meeting shall be opened with prayer by a member of Council, the Clerk of Council, a guest, or by the observance of not less than one minute of silent prayer.

**SECTION 4.08 REGULAR MEETINGS.**

At 8:00 p.m. on the first regular working day of January of each year, Council shall convene and organize at the Council chambers of the Municipality. The Mayor, or one appointed by the Mayor, shall preside as temporary chairperson only until the President of Council is elected.

Thereafter, Council shall meet at such times as may be prescribed by its rules, regulations, by-laws, or by resolution or ordinance, except that it shall hold regular meetings at least once during each calendar month.

All regular meetings of Council shall be held at the Council Chambers, and all meetings of Council, except executive sessions held pursuant to Ohio Law, shall be open to the public. (Amended 11-6-90)

**SECTION 4.09 SPECIAL MEETINGS.**

Special meetings of Council may be called as provided by its rules, regulations, by-laws, or by resolution or ordinance. In the absence of any such provisions, special meetings may be called by a vote of Council taken at any regular or special meeting thereof, or shall be called by the Clerk of Council upon the written request of the Mayor, or the President of Council, or any 4 members of Council.

The following items shall not be subject to final legislative action, third and final reading, or suspension of the rules requiring three readings, in a special meeting.

- (a) Items which under the terms and provisions of either the Charter of the City of Stow or the Codified Ordinances of Stow are subject to referendum.
- (b) Items which under the terms and provisions of either the Charter of the City of Stow or the Codified Ordinances of Stow are subject to a mandatory public hearing.

- (c) Items which under the terms and provisions of either the Charter of the City of Stow or the Codified Ordinances of Stow are subject to a discretionary public hearing.
- (d) Legislation which, by virtue of Section 4.14, Charter, is not subject to emergency.
- (e) Compensation of any public official, appointed or elected, or any municipal employee.
- (f) Items pertaining to elections.
- (g) There shall be no more than 6 special meetings called in any one calendar year.

Notice, in writing, of each such special meeting called at the request of the Mayor, President of Council, or 4 members of Council, shall state the date and time, and subject or subjects to be considered, and no other subject or subjects shall be considered thereat. Such written notice shall be served by the Clerk of Council upon the Mayor, President of Council and each member of Council, either personally or at his or her usual place of residence, not less than 72 hours preceding the time for the meeting. In the event that a special meeting is called by a vote of Council taken at any regular or special meeting from which any member of Council is absent, written notice of such special meeting shall be given such absentee in the manner and form hereinbefore provided.

Service of such notice may be waived by an instrument in writing signed prior to the hour of such meeting, and the Mayor and any councilperson shall be deemed conclusively to have waived such notice by his/her attendance at any such meeting. All special meetings of Council shall be held at the Council chambers and shall be open to the public.  
(Amended 11-4-80)

#### **SECTION 4.10 QUORUM.**

Four members of Council shall constitute a quorum to transact business, but a lesser number may adjourn from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by resolution or ordinance.

#### **SECTION 4.11 LEGISLATIVE PROCEDURE.**

All legislative action of Council shall be by resolution or ordinance introduced in written or printed form, each of which shall contain no more than one subject, which subject shall be clearly expressed in its title.

An affirmative vote of at least 4 members of Council shall be required for the enactment of every resolution or ordinance, unless a larger number be required by the provisions of this Charter.

Every resolution or ordinance shall be read at 3 different Council meetings, unless Council votes to suspend the rule of requiring separate readings, which reading or readings shall be by title only unless otherwise directed by a majority vote of Council. Such suspension of the rule shall require the affirmative vote of at least 6 members of Council if all members are present, or the affirmative vote of at least 5 members if one or more members are absent.

(Amended 11-4-80)

**SECTION 4.12 PUBLIC NOTICE.**

Unless precluded by law from so doing, public notice, as required by law, or by this Charter, or by resolution or ordinance, shall be given resolutions, ordinances, statements, notices, measures, orders, proclamations and reports in the manner determined by Council, except that if public posting be selected as the medium, then not less than 6 public places in the Municipality shall be established for such public posting.

Council shall cause each resolution and ordinance to be given public notice commencing not later than 10 days after its first reading in the event that the rule requiring three readings is not suspended, and like public notice shall be given each resolution and ordinance after its adoption and approval by the Mayor, or upon the expiration of the time within which it may be vetoed by the Mayor, or upon its passage after veto by the Mayor, as the case may be. (Amended 11-7-72)

**SECTION 4.13 EFFECTIVE DATE OF RESOLUTIONS AND ORDINANCES.**

Each resolution and ordinance providing for the appropriation of money, or for an annual tax levy, or for improvements petitioned for by the owners of a majority of the front footage of property to be benefited and specially assessed therefor, and any emergency resolution or ordinance necessary for the immediate preservation of public peace, health or safety, shall take effect, unless a later date be specified therein, upon its approval by the Mayor, or upon the expiration of the time within which it may be vetoed by the Mayor, or upon its passage after veto by the Mayor, as the case may be.

No other resolution or ordinance shall become effective until 30 days after its approval by the Mayor, or upon the expiration of the time within which it may be vetoed by the Mayor, or upon its passage after veto by the Mayor, as the case may be.

**SECTION 4.14 EMERGENCY RESOLUTIONS AND ORDINANCES.**

Each emergency resolution and ordinance shall contain a statement of the necessity for such emergency action, and its enactment shall require the affirmative vote of at least 6 members of Council if all members are present, or the affirmative vote of at least 5 members if one or more members are absent.

No action of Council authorizing the surrender or joint exercise of any of its powers, or in granting any franchise, or in the enactment, amendment, or repeal of any zoning or building resolution or ordinance, or in the changing of any ward boundaries, or in authorizing any change in the boundaries of the Municipality, shall be enacted as an emergency measure.

**SECTION 4.15 COMPENSATION AND BONDS.**

Council shall establish the compensation of the Mayor, Finance Director, Law Director, members of Council and each officer and employee, or member of any board or commission, of the Municipality, whether elected or appointed, except as specifically provided otherwise in this Charter.

Not later than May 1 of the year in which the Mayor, Finance Director, Law Director and members of Council are to be elected, compensation of said offices shall be established by Council for the next term.

The compensation of the Mayor, Finance Director and Law Director may be increased, but not decreased, by Council within such term.

Not less than 120 days immediately preceding the date of the next municipal election, the compensation of each member of Council shall be established for the next term, and shall not thereafter be changed with respect to such term.

The compensation of every other employee, and member of any board or commission, of the Municipality, as established by Council, may at any time be changed by resolution or ordinance at the discretion of Council.

Council may authorize the payment or reimbursement of expenses, incurred by any officer or employee, or member of any board or commission, of the Municipality, for the authorized furtherance of the interests of the Municipality.

The Mayor, Director of Finance, Director of Public Service, and such other officials or employees, or members of boards or commissions as Council may by resolution or ordinance require, shall give bond in such amount and with such surety as may be approved by Council. The premium on such bonds shall be paid by the Municipality.

(Amended 11-4-97)

#### **SECTION 4.16 VACANCIES.**

Whenever the office of councilperson shall become vacant for any reason, the vacancy shall be filled by majority vote of all the remaining members of the Council. If the vacancy is in an office of councilperson representing a ward such vacancy must be filled from that ward. If the vacancy occurs in the office of a councilperson-at-large, such vacancy can be filled from any ward within the Municipality.

A vacancy in the office of the President of Council shall be filled by the Vice President becoming the President of Council, and the office of Vice President shall be filled by a councilperson elected by a majority vote of the remaining members of Council.

In the event Council should fail to fill a vacancy in the office of councilperson, or in the office of Vice President of Council, within 45 days from the date such vacancy occurs, then the power of Council to do so shall lapse and the Mayor shall fill it by appointment.

The person elected or appointed to fill a vacancy shall have the qualifications for the particular office specified in Section 4.03 of this Charter, and shall hold office for the unexpired term, and until his/her successor is elected and qualified.

(Amended 11-4-97)

#### **SECTION 4.17 REMOVAL OF ELECTIVE OFFICERS.**

The office of an elective officer of the Municipality shall be declared vacant by resolution of Council upon determination that the elective officer:

- (a) Does not possess, or has ceased to possess, the qualifications of office.
- (b) Has failed to take the required oath or to give any bond required of him/her within 20 days after notification of his/her appointment or election, or obligation to give a new or additional bond.
- (c) While in office has been convicted of felony or crime involving moral turpitude.
- (d) Has been adjudicated mentally incompetent.
- (e) Is guilty of personal interest, gross misconduct, gross neglect of duty, misfeasance, malfeasance, or nonfeasance in office.
- (f) Has violated his/her oath of office.

The Council shall be the sole judge of the election and qualifications of its own members.

In addition to the grounds for removal provided above, Council may remove any of its members for persistent failure to abide by the rules of Council, or for absence without justifiable excuse from 3 consecutive meetings.

The decision of Council to remove an elective officer shall be made only upon concurrence of 5 or more members of Council after public hearing upon the charge or charges brought; and, provided further, that the accused elective officer shall have been notified, in writing, of the charge or charges against him/her at least 15 days in advance of such public hearing; and, provided further, that he/she or his/her counsel shall have been given an opportunity to be heard, present evidence, and examine witnesses appearing in support of such charge or charges.

The decision of Council after compliance with this section shall be final.

The elective officer so removed shall not be eligible for appointment to the vacancy created thereby.

#### **SECTION 4.18 DEPARTMENTS, BOARDS AND COMMISSIONS.**

Council may establish additional departments, boards and commissions as the needs of the Municipality may require, and, except for those established herein, may abolish or combine in any manner as it deems necessary.

Where organization, powers, and duties of departments, boards and commissions are not expressly provided herein they shall be as provided by resolution or ordinance of Council.

### **ARTICLE V Wards**

#### **SECTION 5.01 DIVISION OF MUNICIPALITY INTO WARDS.**

Upon the adoption of this Charter by the electors of the Municipality, and at least 60 days prior to the late date fixed by this Charter for filing nominating petitions for terms of office beginning on January 2, 1960, Council shall enact an ordinance dividing the Municipality into 4 wards.

Council shall thereafter have the power to change the ward boundaries by ordinance, but shall not have the power to change the number of wards.

Wards shall be as nearly equal in population as is practicable, each ward to be composed of contiguous and compact territory bounded by natural boundaries or street lines.

### **ARTICLE VI Department of Finance**

#### **SECTION 6.01 ELECTION.**

The Director of Finance shall be the head of the Department of Finance. He/she shall be elected by the electors of the Municipality at large.

The Director of Finance shall be elected for a term of four years, which term shall commence on January 2 next following his/her election, and he/she shall hold office until his/her successor is elected and qualified.

(Amended 11-4-97)

#### **SECTION 6.02 QUALIFICATIONS.**

The Director of Finance shall have been a qualified elector and a resident of this City for at least one year immediately prior to the last date on which his/her declaration of candidacy or nominating petition may be filed and shall continue to be a qualified elector and resident therein during his/her term.

The Director of Finance shall have knowledge of municipal accounting, taxation, budgets and financial control, and shall hold a minimum of a Bachelor's Degree in accounting, finance, economics or public administration from an accredited college or university, and have had at least five years management experience in accounting or finance from any of the following: corporate, business, municipal, county or federal entity prior to his/her election.

The Director of Finance's office shall be in City Hall and the Director of Finance shall devote full time and effort during business hours, and other such times as are necessary, to properly conduct the business of this municipality.

The Director of Finance shall hold no other elected office while employed as an elected official of the City. (Amended 11-2-10)

#### **SECTION 6.03 DUTIES IN GENERAL.**

The Director of Finance shall have charge of the administration of the fiscal affairs of the Municipality and his/her jurisdiction in such matters shall extend over all departments, commissions, boards, and over all officers and employees of the Municipality. He/she shall have authority and responsibility to examine and audit the accounts of all officers, employees, boards and commissions of the Municipality. He/she shall serve as financial adviser to the Mayor and Council, assist Council in the preparation of its annual financial budget, report to Council monthly or more often as required by Council concerning the financial affairs of the Municipality, and perform such additional fiscal duties as Council may require.

#### **SECTION 6.04 ACCOUNTING PROCEDURES AND BUDGETARY CONTROL.**

The Director of Finance shall establish and maintain accounting procedures necessary for keeping complete financial records of assets and liabilities, receipts and disbursements, and property records of the Municipality, and of each of its offices, departments, boards and commissions. He/she shall keep separate accounts for the items of appropriation in the budget, each of which shall show the amount of the appropriation, and amounts paid therefrom, the unpaid obligations against it, and the unencumbered balance.

Such accounting procedures and financial records shall be adequate in form and in such detail as necessary for the making of all financial reports, and furnishing such other financial data and statements as may be required by this Charter, the Council, or by the Bureau of Inspection and Supervision of Public Offices.

**SECTION 6.05 CUSTODY OF FUNDS.**

The Director of Finance shall receive, and be accountable for, all funds belonging to the Municipality from whatever source derived, and deposit the same in the depository designated by Council. Money received for the Municipality by officers, employees, boards and commissions shall be reported and turned over to the Director of Finance daily or at such intervals as he may deem expedient.

**SECTION 6.06 DISBURSEMENTS.**

The Director of Finance shall disburse funds only as authorized by resolution or ordinance. No obligation shall be incurred and no expenditure shall be made unless approved by the Director of Finance and certified by him/her that there is an unencumbered balance of appropriated and available funds. No check for the payment of any claim shall be issued until such claim shall have been approved, in writing, by the head of the department or officer for whom the obligation or claim was incurred, and, in the case of purchases, with the further approval, in writing, of the Director of Public Service.

**SECTION 6.07 VACANCY.**

In the event of the death, resignation, recall or removal of the Director of Finance, the Mayor shall have emergency power to appoint a temporary replacement for up to 75 days with confirmation of Council required to continue beyond such time. Said appointee shall serve until a successor is elected at the next general election of City offices.

Where such vacancy occurs less than 31 days prior to filing petition deadlines for next City elections, said appointee shall serve the remainder of the term.

Such appointee shall be deemed qualified under the provisions set forth in the Charter except for residency which may be waived temporarily for the remainder of the term of said appointee. Such residency waiver shall only apply toward appointment for the remainder of term or until a successor who qualifies is elected.

The Assistant Director of the General Division shall have immediate acting power of the Director, regardless of residency, until a replacement Director of Finance is appointed. (Enacted 11-4-97)

**ARTICLE VII  
Department of Public Service****SECTION 7.01 APPOINTMENT.**

The Director of Public Service shall be the head of the Department of Public Service, and shall be appointed by the Mayor with confirmation by Council.

**SECTION 7.02 QUALIFICATIONS.**

The Director of Public Service shall be selected on the basis of his/her executive and administrative qualifications with special reference to his/her experience in, and knowledge of, accepted practices in respect to the duties of his/her office as hereinafter set forth, but he/she shall not be required to be an engineer.

**SECTION 7.03 DUTIES IN GENERAL.**

The Director of Public Service shall have the responsibility for construction, improvement, and maintenance of all public works, buildings, grounds, cemeteries, parks, roads, streets, and all other public places of the Municipality, and all collection and disposal of wastes. He/she shall have charge of, and shall supervise the maintenance of, all municipal property and equipment, and the storage of all materials and supplies. He/she shall be responsible for the issuance of all building and zoning permits, supervise the administration and enforcement of the Zoning and Building Ordinances, and perform such other duties as Council may require.

**SECTION 7.04 PURCHASING FUNCTION.**

The Director of Public Service shall be responsible for the purchasing function for the Municipality, and, all purchases shall be made only in the manner provided for by this Charter and resolutions and ordinances of Council.

Formal competitive bidding shall be utilized in the contracting for work to be performed or for the purchase of supplies or materials over a minimum monetary amount established by Council by ordinance. Council shall also establish by ordinance the manner of bidding and advertising. Exceptions to the competitive bidding requirements established may arise only in the case of a real and present emergency confirmed by the Mayor and approved by Council vote of at least six members of Council if all are present, or the affirmative vote of at least five members if one or more are absent. When an emergency precludes formal public bidding, informal quotations with appropriate documentation shall be sought from at least three (3) competing sources, and the contract shall be awarded in accordance with the standards established by Council. (Amended 11-6-90)

**SECTION 7.05 EMPLOYEES.**

The Director of Public Service, subject to appropriations by Council, may employ such assistants and employees as may from time to time be necessary for the proper discharge of his/her duties.

**ARTICLE VIII  
Department of Public Safety****SECTION 8.01 APPOINTMENT.**

The Director of Public Safety shall be the head of the Department of Public Safety.

The Mayor, in addition to the Mayor's other duties, shall be, and shall perform the duties of, the Director of Public Safety, until such time that the Mayor determines it to be in the best interest of the Municipality to appoint some other person to that office. Upon making that determination the Mayor shall have the authority to appoint said position with confirmation of Council and consistent with the qualifications set forth in the Codified Ordinances. (Amended 11-4-97)

**SECTION 8.02 DUTIES IN GENERAL.**

The Director of Public Safety shall be the head of the Emergency Medical Service of the City and the Police and Fire Departments and dispatchers, and shall be responsible for the enforcement of all police, fire, health, safety, and sanitary regulations that may be prescribed by resolutions and ordinances of the Municipality, or laws of Ohio. (Amended 11-4-97)

**SECTION 8.03 POLICE DEPARTMENT.**

The Police Department shall consist of a Chief of Police and such other officers and personnel as Council shall deem advisable. The position of Chief of Police shall hereafter be subject to the civil service provisions of the Charter and the Director of Public Safety shall appoint a Police Chief in accordance with civil service law from those individuals eligible for such position either from within or outside the Police Department. This amendment shall modify Article XII, Section 12.01 entitled "Civil Service Commission" to the extent it is in conflict therewith. Other officers and personnel shall be appointed by the Director of Public Safety subject only to applicable civil service provisions of this Charter. (Amended 11-2-65)



**SECTION 8.04 FIRE DEPARTMENT.**

The Fire Department shall consist of a Fire Chief and such other officers and personnel as Council shall deem advisable. The position of Fire Chief shall hereafter be subject to the civil service provisions of this Charter, and the Director of Public Safety shall appoint a Fire Chief in accordance with civil service law from those individuals eligible for such position either from within or outside the Fire Department. Such person holding the position of Fire Chief at the time of this enactment shall be deemed qualified for such position under the civil service provisions of this Charter.

This amendment shall modify Article XII, 12.01 entitled "Civil Service Commission" to the extent it is in conflict therewith. Other officers and personnel shall be appointed by the Director of Public Safety subject only to applicable civil service provisions of this Charter.

**ARTICLE IX  
Department of Law****SECTION 9.01 ELECTION.**

The Law Director shall be the head of the Department of Law and shall be elected by the electors of the Municipality at large.

Beginning with the regular municipal election in 1991, and continuing thereafter, the Law Director shall be elected for a term of four years, which term shall commence on January 2 next following his/her election, and he/she shall hold office until his/her successor is elected and qualified.

(Amended 11-6-90)

**SECTION 9.02 QUALIFICATIONS.**

The Law Director shall have been a qualified elector and a resident of this City for at least one year immediately prior to the last date on which his/her declaration of candidacy or nominating petition may be filed, and shall continue to be a qualified elector and resident therein during his/her term. The Law Director shall be an attorney at law in good standing and admitted to practice in the courts of Ohio.

The Law Director's office shall be in City Hall and the Law Director shall devote full time and effort during business hours, and other such times as are necessary, to properly conduct the business of the municipality.

The Law Director shall hold no other elected office while employed as an elected official of the City. (Amended 11-7-00)

**SECTION 9.03 DUTIES IN GENERAL.**

The Law Director shall be the legal adviser and attorney for the Municipality and shall perform such duties as are consistent with his/her office as may be required by Council and the Mayor.

(Amended 11-2-65)

**SECTION 9.04 CHARTER CHANGE.**

The Law Director shall be authorized to make typographical corrections to or changes or deletions in, as well as changes in the form of, the Charter; however, the changes shall relate to matters of form only. Any such modification, change, or correction shall, in all cases, be approved by resolution of Council, prior to going into effect. In no event shall any such modification, change, or correction affect the construction, meaning, substance, or intent of the Charter as adopted and amended by the people.

The Law Director may correct obvious misspellings and typographical errors.

The Law Director may divide the text of any section or paragraph into shorter paragraphs or subparagraphs and letter or number the same to improve clarity and ease of reference.

The Law Director may renumber the sections and rearrange their order to provide:

- (a) More coherent grouping of sections related in subject matter; and
- (b) Continuous, consecutive numbering of sections.

Upon the adoption of any amendment that creates or abolishes an office or offices or changes the powers or duties of any officer or agency of the City, the Law Director shall make necessary correlative changes in existing sections that refer to such offices, officers, or agencies by deleting therefrom, as the case may be, the name of the office abolished or title of the officer or agency no longer having such powers or duties and inserting therein, as the case may be, the name of the office created or the title of the officer or agency then having such powers or duties. (Amended 11-4-80)

#### **SECTION 9.05 VACANCY.**

In the event of the death, resignation, recall or removal of the Law Director, the Mayor shall have emergency power to appoint a temporary replacement for up to 75 days with confirmation of Council required to continue beyond such time. Said appointee shall serve until a successor is elected at the next general election of City offices.

Where such vacancy occurs less than 31 days prior to filing petition deadlines for next City elections, said appointee shall serve the remainder of the term.

Such appointee shall be deemed qualified under the provisions set forth in the Charter except for residency which may be waived temporarily for the remainder of the term of said appointee. Such residency waiver shall only apply toward appointment for the remainder of term or until a successor who qualifies is elected.

The Deputy Director shall have immediate acting power of the Director, regardless of residency, until a replacement Law Director is appointed. (Enacted 11-4-97)

#### **SECTION 9.06 OUTSIDE LEGAL COUNSEL.**

Legal counsel that is other than the Law Director and his/her staff may only represent the City's interest in the circumstances stated below. This provision is applicable whether such legal counsel is to receive a fee for such representation or is to provide such services without fee:

1. The specific attorney or firm of attorneys must be approved by Council by resolution; and
2. Such representation shall be limited to one specific matter as defined by Council in such resolution; and
3. The maximum amount of money which may be expended for such legal services shall be stated in such resolution, if such service are to be provided for a fee.
4. The attorney or firm of attorneys shall present their findings to the Council and the Law Director.

Neither the Law Director, the Mayor, City Council nor any other agency or official of City Government may retain or hire legal counsel, whether or not for a fee, to provide legal services to the City, except in accordance with the provision of this Section 9.06.

In the event that an insurer provides, at its own expense, legal counsel to represent the City, then such legal counsel may be designated in the manner provided in the insurance contract between the City and the insurer and City Council's approval of such attorney, or firm of attorneys, shall not be required.

(Amended 11-2-10)

**ARTICLE X**  
**Planning Commission and Zoning Procedure**

**SECTION 10.01 PLANNING COMMISSION - COMPOSITION AND TERM.**

The Planning Commission shall consist of one member of the Park Board and 4 electors of the Municipality not holding other municipal office, all of whom shall serve without compensation. The Mayor, the Director of Public Service and the City Engineer shall serve as ex officio members without the right to vote.

The Park Board, by majority vote, shall each January, elect its representative to the Planning Commission for the year. The 4 electors, one from each of the 4 wards shall be appointed by the Mayor with confirmation by Council.

Each regular appointment of an elector to the Planning Commission shall be for a term of 4 years without affecting previously established terms. A vacancy occurring during the term of any member of the Planning Commission shall be filled for the unexpired term in the manner authorized for an original appointment.  
(Amended 11-4-75)

**SECTION 10.02 PLANNING COMMISSION - ORGANIZATION.**

The Mayor shall establish the date, time and place for the first meeting each year, at which the Planning Commission shall organize under a chairman and vice chairman elected from among the 4 electors for a term of one year.

The Planning Commission shall establish its own rules of operation, except that meetings must be held at least once a month, shall be open to the public, and a record of its resolutions, findings and determinations shall be maintained.

**SECTION 10.03 PLANNING COMMISSION - POWERS AND DUTIES.**

The Planning Commission shall have such powers and duties as are conferred upon it by the laws of Ohio concerning: the preparation of plans and maps for the future physical development and harmonious improvement of the Municipality; the plan, design, location, removal, relocation and alteration of any public building or structure and public property; the location, widening, extension, and vacation of streets, alleys, public ways, parks, playgrounds, recreation areas and other public places; the approval of plats for the subdivision of lands; the regulation and restriction of the location of buildings and other structures and of premises to be used for trade, industry, residence, or other specified uses; the regulation and limitation of height of buildings and other structures to be erected or altered; regulation of bulk and location of buildings and other structures to be erected or altered, including the percentage of lot occupancy, setback building lines, and the area of yards, courts and other open spaces; and such other powers and duties as may be conferred upon it by the laws of Ohio and by resolution or ordinance of Council.

**SECTION 10.04 MANDATORY REFERRAL TO PLANNING COMMISSION.**

No resolution, ordinance, regulation, measure or order of Council concerning a matter as to which the Planning Commission has powers and duties, as provided in Section 10.03, shall become effective unless Council shall first have submitted the same to the Planning Commission for report and recommendation.

Any matter so referred to the Planning Commission shall be considered and acted upon by it within 60 days from the date of referral unless a longer time be authorized by Council.

If the Planning Commission shall fail to act within the time allotted, Council may act thereon as if it had received a recommendation of approval in such matters.

**SECTION 10.05 PUBLIC HEARINGS BY COUNCIL.**

Council shall hold a public hearing on each resolution or ordinance enacting, amending, or repealing zoning or building regulations, and shall give 30 days' public notice of the time and place thereof in the manner established under Section 4.12 of the Charter.

Except as provided below, written notice of the hearing shall also be mailed by the Clerk of Council, by first class mail, at least 20 days before the date of the public hearing, to the owners of the property within and contiguous to the area which is the subject of the proposed resolution or ordinance. Such written notices shall be mailed to the addresses of such owners appearing on the current tax duplicate of the County.

Where the subject of such public hearing involves 300 or more of the property owners of the Municipality, then written notice to owners of the hearing, as provided in the preceding paragraph, shall not be required.

**SECTION 10.06 ACTION BY COUNCIL.**

When the Planning Commission makes a recommendation to Council, Council shall study each such recommendation and take action within 60 days by placing on its first reading an ordinance properly covering such recommendation. Final action by Council on such ordinance shall be taken by placing said ordinance on its third and final reading no later than 90 days after its first reading.

Notwithstanding Section 4.11 Charter, no resolution, ordinance, regulation, measure or order of Council which violates, differs from, or departs from the plan or recommendation submitted by the Planning Commission, shall take effect unless enacted or approved by not less than 5 members of Council.

(Amended 11-5-85)

**ARTICLE XI****Board of Zoning and Building Appeals****SECTION 11.01 COMPOSITION AND TERM.**

The Board of Zoning and Building Appeals shall consist of 5 electors of the Municipality not holding other municipal office. The 5 electors, one from each of the 4 wards and one at large, shall be appointed by the Mayor with confirmation by Council, and shall serve without compensation.

Thereafter each regular appointment shall be for a term of 5 years, staggered.

A vacancy occurring during the term of any member of the Board of Zoning and Building Appeals shall be filled for the unexpired term in the manner authorized for an original appointment.

(Amended 11-4-97)

**SECTION 11.02 ORGANIZATION.**

The Mayor shall establish the date, time and place for the first meeting each year, at which the Board of Zoning and Building Appeals shall organize under a chairman and vice chairman elected from among its members for a term of one year.

**SECTION 11.03 JURISDICTION.**

The Board of Zoning and Building Appeals shall have the power to hear and decide appeals for exceptions to, and variances in, the application of resolutions, ordinances, regulations, measures and orders of administrative officials or agencies governing zoning and building in the Municipality, as may be required to afford justice and avoid unreasonable hardship, subject to such reasonable standards as shall be prescribed by Council, and such other powers as may be granted to it by Council. The Board of Zoning and Building Appeals shall not have the authority to grant conditional zoning certificates nor to grant variances to land uses established by the Zoning Code except as has been or shall be provided by the enactments of City Council.

(Amended 11-7-72)

**SECTION 11.04 MEETINGS AND PROCEDURE.**

Meetings shall be held at the call of the chairman and at such other times as the Board may determine. Meetings shall be open to the public and a record shall be kept showing the vote of each member on each question. Procedure before the Board of Zoning and Building Appeals shall be in accordance with ordinance of Council or rules or regulations established by the Board not inconsistent therewith.

**SECTION 11.05 APPEALS TO THE BOARD.**

A written appeal may be submitted to the Board of Zoning and Building Appeals, within 20 days after refusal of the issuing authority to issue a zoning or building permit.

The Board of Zoning and Building Appeals shall hold a public hearing on each appeal, and shall give 10 days' public notice of the time and place thereof in the manner established under Section 4.12 of this Charter. Written notice of the hearing shall also be sent by the Board, by first class mail, at least 10 days before the date of the public hearing, to the owners of property within or contiguous to the area which is the subject of the appeal. Such written notices shall be mailed to the addresses of such owners appearing on the current tax duplicate of the County.

Each appeal received by the Board of Zoning and Building Appeals shall be acted upon by it within 60 days.

(Amended 11-5-85)

**ARTICLE XII**  
**Civil Service Commission**

**SECTION 12.01 ESTABLISHMENT.**

The Council shall, by ordinance establish a Civil Service Commission and shall provide which employees of the City shall be within the classified service and which shall be within the unclassified service. Such enactment shall also prescribe specific powers, duties and procedures of said Commission. (Amended 11-4-75)

**SECTION 12.02 POWERS AND DUTIES - GENERAL.**

Except as otherwise provided in collective bargaining agreements with the City, which agreements shall govern in event of conflict with the municipal Civil Service Commission rules and regulations, the municipal Civil Service Commission shall prescribe, amend and enforce rules and regulations for the classification of positions, removals, transfers, layoffs, suspensions, reductions and reinstatements, and for standardizing efficiency in the Civil Service of the City of Stow. The Municipal Civil Service Commission shall provide for examinations and resignations and for appointments, and promotions within the classified civil service. The Civil Service Commission may adopt rules and regulations that establish standards, examination rules and credits, and procedures for appointments and promotions within the classified civil service that differ from those established by the Ohio Revised Code so long as such rules and regulations are reviewed and approved by City Council. (Amended 11-7-00.)

**ARTICLE XIII**  
**Parks and Recreation Board**

**SECTION 13.01 APPOINTMENT OF DIRECTOR OF PARKS AND RECREATION.**

The Director of Parks and Recreation shall be the head of the Department of Parks and Recreation and shall be appointed by the Mayor, with confirmation by Council. In the event of the death, resignation, recall or removal of the Director, the Mayor shall appoint, and Council shall confirm, a successor within one (1) year.

(Amended 11-6-90)

**SECTION 13.02 ESTABLISHMENT AND ORGANIZATION OF PARKS AND RECREATION BOARD.**

The Parks and Recreation Board shall consist of 5 members who are electors of the City. The Board shall include at least one (1) representative from each of the four (4) wards of the Municipality who shall be appointed by the Mayor, with the concurrence of Council, to serve without compensation for the term of 5 years and until their successors are appointed and qualified.

The remaining member of the Parks and Recreation Board shall be appointed by the Board of Education, with the concurrence of Council, to serve without compensation for the term of 5 years and until a successor is appointed and qualified.

The Parks and Recreation Board shall elect one of its own members as chairman to serve a term of 2 years, or until a successor is elected and qualified. Vacancies on the Parks and Recreation Board shall be filled in the same manner as original appointments were made.

(Amended 11-6-90)

**SECTION 13.03 POWERS AND DUTIES.**

Except as otherwise limited herein, the Parks and Recreation Board shall recommend general policy to Council and the Mayor for the control, equipment and management of playgrounds, playfields, gymnasiums, swimming pools, indoor recreation centers, and any lands or buildings owned by the City for park and recreation purposes. The Parks and Recreation Board shall also advise Council and the Mayor concerning the administration and maintenance of all municipal parks.

The Parks and Recreation Board shall be subject to the purchasing, and financial appropriations and other regulatory ordinances or resolutions of City Council. Rules, regulations and policies recommended by the Parks and Recreation Board shall be subject to approval by Council. Labor and equipment to perform maintenance work shall be supplied by, and be subject to, the administration control of the Mayor and the supervision of the Director of Parks and Recreation.

(Amended 11-8-05)

**ARTICLE XIV**  
**Cemetery Board**

**SECTION 14.01 COMPOSITION AND TERM.**

The Cemetery Board shall consist of 3 electors of the Municipality not holding other municipal office. They shall be appointed by the Mayor with confirmation by Council, and shall serve without compensation.

Each regular appointment shall be for a term of 3 years, staggered.

A vacancy occurring during the term of any member of the Cemetery Board shall be filled for the unexpired term in the manner authorized for an original appointment.  
(Amended 11-4-97)

**SECTION 14.02 ORGANIZATION.**

The Mayor shall establish the date, time and place for the first meeting each year, at which the Cemetery Board shall organize under a chairman elected from among its members for a term of one year.

**SECTION 14.03 POWERS AND DUTIES.**

The Cemetery Board shall have general policy making, planning and administrative power, subject to the provisions of Section 7.03 and 10.03 of this Charter, over all municipal cemeteries, determination of work to be performed, and items of equipment and supplies needed, subject to the appropriations of Council, and such other powers and duties as may be conferred upon it by Council not inconsistent herewith.

Labor and equipment to perform the work shall be supplied by, and shall be under the supervision of, the Director of Public Service, who shall also be responsible for the purchasing function.

Rules, regulations and policies adopted by the Cemetery Board shall be subject to approval by Council to be effective.  
(Amended 11-4-97)

**ARTICLE XV**  
**Finances**

**SECTION 15.01 LIMITATION OF RATE OF TAXATION.**

The power of Council to levy taxes shall be subject to the limitations, requirements and allowances provided by the Constitution and laws of Ohio but shall include the right to levy taxes for all purposes of the City without a vote of the people which shall not exceed or accumulate beyond a maximum of 7.2 mills in any one year and an additional maximum of 2.3 mills in any one year, which such additional amount of 2.3 mills shall be for the purposes of paying staffing, operating, vehicle, equipment, facilities and other costs associated with the provision of emergency medical services, including transportation, and fire protection, and shall include the right to levy taxes upon such other subjects and for such other purposes that are lawful under the Constitution and laws of the State of Ohio. (Amended 11-7-00)

**SECTION 15.02 SIGNATURE ON CHECKS.**

All checks issued shall be signed by the Director of Finance and countersigned by the Mayor, or in his/her absence, the President of Council. (Amended 11-4-80)

**ARTICLE XVI**  
**Nominations and Elections**

**SECTION 16.01 REGULAR MUNICIPAL ELECTIONS.**

The regular municipal election for the choice of elective officers provided for in this Charter shall be held on the first Tuesday after the first Monday in November of odd numbered years. (Amended 11-4-75)

**SECTION 16.02 NOMINATIONS.**

Beginning in 1981, qualified candidates for all offices to be voted for at any regular municipal election under the provisions of this Charter, shall be nominated at a non-partisan primary election to be held on the eighth Tuesday prior to the November regular municipal election. The laws of Ohio with respect to the procedure for nomination by petition of non-partisan candidates shall govern, except as otherwise provided herein.

Each candidate shall file a separate nominating petition with the Summit County Board of Elections on or before the ninetieth day prior to the date of the municipal primary election established herein; group petitions shall not be used.

At the primary election an elector shall vote for not more than one candidate for Mayor, not more than one candidate for Finance Director, not more than one candidate for Law Director, nor more than one candidate for ward councilperson, and no more candidates for at-large councilperson than the number of at-large councilpersons to be elected at the next following regular election. The offices of Law Director and Finance Director are elective positions under this Charter, an elector shall vote for not more than one candidate for each office. (Amended 11-4-97)

**SECTION 16.03 SELECTION OF CANDIDATES.**

The number of candidates nominated for Mayor, Finance Director, Law Director, or for each ward councilperson for election at the regular municipal election shall be the 2 candidates of the primary election receiving the highest number of votes for each of these offices at the primary election where the electorate shall not cast more than 1 vote for each office.

The number of nominated candidates for office of at-large councilperson for election at the regular municipal election shall be the 6 candidates at the primary election receiving the highest number of votes for at-large councilperson at the primary election where the electorate shall not vote for more than 3 candidates.

The nominating and primary election procedures of Sections 16.02 and 16.03 Charter shall apply to the elected positions of Law Director and Finance Director. In the event that there are more than 2 candidates for Law Director and Finance Director, a primary election shall be held and the 2 candidates on the primary election receiving the highest number of votes for each of these offices shall have their names printed on the official ballot at the regular municipal election. In the event that no more than 2 persons have filed nominating petitions for the offices of Law Director and Finance Director, then said persons shall be candidates at the regular municipal election and a primary shall not be held.

In the event that no more than 2 persons have filed nominating petitions as provided for in this Charter for the office of Mayor or the office of ward councilperson, then said persons shall be candidates at the regular municipal election, and the primary for the particular office shall not be held.

In the event no more than 6 persons shall have filed nominating petitions as provided for in this Charter for office of at-large councilperson, then said persons shall be the candidates at the regular municipal election and the primary for at-large councilperson shall not be held.

Only candidates selected as set forth in this section shall have their names printed on the official ballot at the regular municipal election, and the names of no other candidates shall be printed thereon.

Except as modified in this article the laws of Ohio shall govern with respect to the election of candidates at the primary election. (Amended 11-4-97)



**SECTION 16.04 BALLOTS.**

All ballots used in elections held under authority of this Charter shall be without party marks or designations.  
(Amended 11-4-75)

**SECTION 16.05 SPECIAL ELECTIONS.**

Council may, by resolution, order a special election to be held at any time, the purpose and date of which shall be set forth in the resolution, to be conducted in the manner provided by law.  
(Amended 11-4-75)

**SECTION 16.06 THE LAWS OF OHIO APPLICABLE TO ELECTIONS.**

Except as otherwise provided in this Charter, the laws of Ohio applicable to elections shall govern.  
(Amended 11-4-75)

**ARTICLE XVII  
Initiative, Referendum and Recall**

**SECTION 17.01 INITIATIVE.**

The electors of this Municipality shall have the power to propose by initiative petition, ordinances or other measures by submission of petitions, signed by not less than 10% of the ballots cast in the last general gubernatorial election.  
(Amended 11-3-98.)

**SECTION 17.02 REFERENDUM.**

The electors of this Municipality shall have the power to approve or reject at the polls any ordinance or other measure enacted by Council except as otherwise provided herein. The exercise of said power of referendum shall be by signed petitions not less than 10% of the ballots cast in the last general gubernatorial election. (Amended 11-3-98.)

**SECTION 17.03 RECALL.**

The electors shall have the power to remove from office by a recall election any elected officer of this Municipality. If an elected officer shall have served for 6 months of his/her term, a petition demanding his/her removal may be filed with the Clerk of Council who shall note thereon the name and address of the person filing the petition and the date of such filing.

Such petition shall be signed by qualified electors equal in number to at least 25% of the total votes cast at the last municipal general election for that office, except that in the case of a councilperson elected from a ward, such petition shall be signed by qualified electors equal in number to at least 25% of the electors voting at the last municipal general election in that ward.

Within 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, he/she shall promptly certify the particulars to the person who filed the petition with him/her, and make a record of such delivery. Such person shall be allowed a period of 20 days after the date on which such delivery was made in which to make the petition sufficient. If the Clerk shall find the petition sufficient, he/she shall promptly 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 5 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 60 days after the date of such delivery. Said recall election shall be set on a regular voting day-- general, primary, or if a special election has been set. At such recall election this question shall be placed on the ballot: "Shall (naming the officer) be allowed to continue as (name of office)?" with provision on the ballot for voting affirmatively or negatively on such question. If a majority of the votes cast shall be voted negatively, such officer shall be considered as removed, his/her office shall be deemed vacant, and such vacancy shall be filled as provided in this Charter.

The officer removed by such recall election shall not be eligible for appointment to the vacancy created thereby.

(Amended 11-4-97)

#### **SECTION 17.04 RECALL PETITIONS.**

A 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 the name and office of the person whose removal is sought and a statement in not more than 200 words of the grounds for the removal.

The manner of signing, the method of circulating, the form and requirements as to the affidavit, and the other requirements of the law regulating initiative and referendum petitions, shall apply to recall petitions in this municipality except as otherwise provided in this Charter.

### **ARTICLE XVIII Franchise**

#### **SECTION 18.01 GRANTING OF FRANCHISES.**

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

#### **SECTION 18.02 REGULATIONS.**

All such grants, amendments and renewals shall be made subject to the continuing right of 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 real estate as shall, in the opinion of the Council, be conducive to the public interest.

**ARTICLE XIX**  
**Amendments to Charter**

**SECTION 19.01 SUBMISSION TO THE ELECTORS.**

Council may, by affirmative vote of five or more of its members, submit to the electors any amendment to this Charter; or, upon petitions signed by the electors numbering 10 percent of the total vote cast in the last preceding general municipal election.  
(Amended 11-3-98; Res. 2011-77. Passed 7-14-11.)

**SECTION 19.02 ADOPTION.**

If any such amendment is approved by a majority of the electors voting thereon, it shall become a part of this Charter; except if two or more inconsistent proposed amendments on the same subject be 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 the Charter.

**SECTION 19.03 CHANGES TO CHARTER**

The Law Director may amend the Charter without ballot approval, for the purpose of striking provisions that are unconstitutional. The Law Director shall make such an amendment only upon: unanimous resolution of the City Council, written approval by the Mayor and written concurrence by at least one outside legal counsel. (Enacted 11-2-10)

**ARTICLE XX**  
**Charter Review Commission**

**SECTION 20.01 COMPOSITION AND TERM.**

In January, 1980, and each 5 years thereafter, the Mayor shall, with confirmation by Council, appoint a commission of 7 qualified electors of the Municipality holding no other office or appointment in this Municipality, as members of a Charter Review Commission to serve until their duties as provided in Section 20.02 are completed. The members shall serve without compensation.

Special Charter Review Commissions may be established by Council when necessary, with appointments to be made by the Mayor and confirmed by Council.  
(Amended 11-4-75)

**SECTION 20.02 DUTIES.**

The Charter Review Commission shall, in meetings open to the public, review the municipal Charter, and, no later than August 1 of the same year, recommend to Council such amendments, if any, to this Charter as in its judgment are conducive to the public interest.

**SECTION 20.03 SUBMISSION TO ELECTORS.**

Council shall submit to the electors all such proposed amendments to this Charter in accordance, in each instance, with the provisions of the Constitution of Ohio.  
(Amended 11-7-00)

**ARTICLE XXI**  
**General Provisions**

**SECTION 21.01 PERSONAL INTEREST.**

No officer or employee of this Municipality shall directly or indirectly, solicit, contract for, receive, or be interested in, any gift, profit or emolument, from or on account of, any contract, job, work, or service with, or for the Municipality, other than his/her compensation and expenses as fixed by Council.

**SECTION 21.02 REMOVAL OF APPOINTIVE OFFICERS AND EMPLOYEES AND MEMBERS OF BOARDS AND COMMISSIONS.**

The power to make appointments to boards and commissions, as well as to make appointments of officers and employees, carries with it the power to transfer, demote, discipline, remove or discharge, subject only to applicable civil service or other provisions of this Charter.

The exercise of the power of removal of appointees by the Stow-Munroe Falls School Board, shall require a 2/3 majority vote of the Stow-Munroe Falls School Board.

The exercise of the power of removal by Council of officers or employees appointed by Council shall not require approval of the Mayor. The removal of all other Council appointments shall require approval of the Mayor.

The exercise of the power of removal of officers or employees by the Mayor shall not require approval of Council. The removal of all other mayoral appointments shall require approval by a 2/3 majority vote of Council.

**SECTION 21.03 EFFECTIVE DATE OF CHARTER.**

For all purposes this Charter shall be in effect on and after January 2, 1960.

**SECTION 21.04 EFFECT OF PARTIAL INVALIDITY.**

The determination by a court of competent jurisdiction 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 21.05 EFFECT OF THE CHARTER UPON EXISTING LAWS AND RIGHTS.**

The taking effect of this Charter shall not affect any pre-existing rights of the Municipality, or any right or liability or pending suit or prosecution, either on behalf of or against the Municipality or any officer thereof, nor any contract entered into by the Municipality or for its benefit, nor any franchise granted by the Municipality, nor pending proceedings for the authorization of public improvements or the levy of assessments thereof.

Except as a contrary intent appears herein, all acts of the Council of the Municipality in effect on January 1, 1960, shall continue in effect until lawfully amended or repealed.

**SECTION 21.06 INTERPRETATION OF THE 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 21.07 RESIDENCY OF CITY EMPLOYEES.**

City Council is authorized to create residency requirements for public employees in a manner as set forth in the Ohio Revised Code. (Amended 11-2-10)

**SECTION 21.08 TERM LIMITS FOR ELECTED OFFICIALS.**

Commencing with the term of January 2, 1996, no elected official, except the Council of the City of Stow and the Finance Director, shall serve more than eight consecutive years in the same elected office. Commencing with the term of January 2, 2012, no elected official shall serve more than eight consecutive years in the same elected office. Any elected person disqualified from holding public office due to the aforementioned term limitation shall become eligible to hold the same public office upon the expiration of two years.

Commencing with the term beginning Jan. 2, 1996 and up to the term beginning Jan. 2, 2010, the Law Director and Mayor shall serve no more than 8 consecutive years in the same elected office.  
(Amended 11-5-02; 11-2-10)