

The  
Charter  
of the  
City of Hamilton  
Ohio



Amended:  
November 6, 2018



The City of Hamilton began operating under the Charter on January 1, 1928.

Hamilton incorporated in 1810

**CHARTER**  
**of the**  
**CITY OF HAMILTON**

**PREAMBLE**

*In order that we may have the benefits of municipal home rule and exercise all of the powers of local self-government conferred under the Constitution and Statutes of the State of Ohio, We, the citizens of the City of Hamilton, Ohio, do hereby adopt this Revised Charter for our City.*

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## ARTICLE I

### NAME; BOUNDARIES; FORM OF GOVERNMENT

#### 1.01 Name and Boundary

The name of the municipality shall be the “City of Hamilton.” The City shall have the same boundaries that exist on the effective date of this Revised Charter, with power and authority to change its boundaries and annex territory in the manner authorized by the laws of Ohio.

#### 1.02 Form of Government

The municipal government provided for by this Charter shall be known as the “Council-Manager Plan.”

## ARTICLE II

### POWERS

#### 2.01 Powers Granted

The City shall have all the powers that may now or hereafter lawfully 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.

#### 2.02 Exercise of Powers

All powers shall be exercised in the manner prescribed in this Charter, or if not prescribed in this Charter, in the manner provided by ordinance or resolution of Council. When not prescribed in this Charter or by ordinance or resolution, then the powers shall be exercised in the manner provided by the laws of Ohio until Council provides a different manner of exercising the powers.

#### 2.03 Construction of Powers

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.

#### 2.04 Intergovernmental Cooperation

(A) In carrying out any lawful function or power of the City, the Council may, by a majority vote of its members, authorize the execution of contracts or in any other manner provide for cooperation or joint action, between the City and:

- (1) Political Subdivisions, special districts, instrumentalities, or other units of government of the State of Ohio or other States.
- (2) The State of Ohio, its officers, departments, divisions, instrumentalities or other units or agencies.

- (3) Other states, their officers, departments, divisions, instrumentalities, or other units or agencies.
  - (4) The federal government, its officers, departments, divisions, instrumentalities or other units or agencies.
  - (5) Councils of governments or other instrumentalities consisting or other political subdivisions, special districts, instrumentalities or other governmental units or agencies allowed under the laws of Ohio, other states or the federal government.
  - (6) Persons, corporations whether for profit or nonprofit, firms and other entities; unless such contracts, cooperation or joint actions are prohibited by the Constitution of the State of Ohio.
  - (7) The governments of sovereign nations on a global basis, their officers, instrumentalities, political subdivisions, other governmental units or districts, and private entities and individuals to the extent allowable under the laws and Constitution of the United States of America and the Constitution of Ohio.
- (B) The powers granted by this section shall be liberally construed to authorize intergovernmental cooperation, but shall not authorize the avoidance of the provisions of this Charter concerning taxation or initiative or referendum.

## ARTICLE III

### THE COUNCIL

#### 3.01 Powers of Council

- (A) All legislative power of the City shall be vested in the Council, except as otherwise provided by this Charter and the Constitution of the State of Ohio. Without limitation of the foregoing, the Council shall have and possess the following powers:
- (1) The power to levy taxes and assessments and incur debts subject to the limitations imposed thereon by this Charter.
  - (2) The power to adopt and to provide for the enforcement of local police, sanitary and other similar regulations as are not in conflict with the general laws.
  - (3) The power to provide for the exercise of all powers of local self-government granted to the City by the Constitution of the State of Ohio in a manner not inconsistent with this Charter or the Constitution of the State of Ohio.
  - (4) The power, by ordinance or resolution, to establish or authorize the number of officers and employees in the various offices, departments, divisions, bureaus, boards and commissions of the City and to establish or authorize the establishment of the rate of their compensation, hours of work, and to provide such other fringe benefits and conditions of employment as deemed proper by the Council or as determined by the law governing public sector collective bargaining.
  - (5) The power to require bonds as in the opinion of the Council are necessary for the faithful discharge of the duties of the officers and employees of the City. The premium for the bonds shall be paid by the City.

(6) The power to create, combine, change and abolish other offices, departments, divisions, bureaus, boards and commissions. The power expressed in this sub-section shall be exercised by ordinance or resolution. The Council shall not abolish any office, board, commission or committee created by this Charter nor shall the Council abolish, merge or combine the departments of police and fire into one administrative unit.

(7) The power to establish, by ordinance or resolution, the rates or charges made of consumers of all municipal utilities and services.

(8) The power to acquire and to sell or otherwise convey interests in real property; and to lease, as lessor or lessee, or otherwise grant or receive interests in real property in the manner determined by Council.

(9) The power to provide for an independent audit of the accounts and records of the City, which may be in addition to audits by state offices and agencies as may be required under the general laws of Ohio.

(10) To exercise all other powers that are legislative powers granted to the Council by this Charter or by the Constitution and laws of the State of Ohio.

### **3.02 Election, Term, Vacancies**

The Council shall consist of six members nominated and elected from the City at large, and the Mayor elected pursuant to Section 3.04 of this Charter. Commencing with the November 6, 2001 municipal election the three persons who receive the highest, second highest and third highest number of votes shall be elected to four year terms of office and the persons receiving the fourth, fifth and sixth highest number of votes shall be elected to two year terms of office. Thereafter all members of Council shall be elected to four year staggered terms of office. The terms of members of Council shall begin on the first Monday in January next following their election. If a vacancy occurs in the Council, except as the result of a recall election, some eligible person shall be chosen by a majority vote of the remaining members to fill the vacancy for the expired term. Members of the Council shall be qualified electors of the City and shall not hold any other public office except that of notary public or member of the state militia. Members of Council may hold other public employment, other than employment with the City and as otherwise prohibited by this Charter. Members of Council, including the Mayor, may become candidates for other elective office during their term as Council members. A member of the Council ceasing to possess any of the qualifications specified in this section, or convicted of a felony crime while in office, shall immediately forfeit the office. Where ever the words "Member of Council" or "Council Member" are used in this Charter the person holding the office of Mayor shall be included unless the context of the Charter's provisions require his or her exclusion from those words.

### **3.03 Meetings of Council**

The Clerk of the Council shall schedule an organizational meeting no later than the second Wednesday in January following each regular municipal election at which members of the Council are elected. Members of the Council and the Mayor may qualify to take office prior to that meeting by taking the oath of office and by taking all other actions necessary to qualify for office. Thereafter, the Council shall meet at such times as may be prescribed by ordinance or resolution, but not less frequently than once each month. Special meetings may be held upon

vote of the Council taken in any regular or special meeting and when called by the Clerk upon the written request of the Mayor, the City Manager or three members of the Council. Any vote or request for a special meeting shall state the subject to be considered at the special meeting and no other subject shall be considered at that meeting. All meetings of the Council and of committees thereof and all other boards, commissions, committees or other public bodies created under the Authority of the Charter, the ordinances and resolutions of the City, and the laws of the State of Ohio shall be open to the public in accordance with the Ohio Open Meeting (“Sunshine”) Law. The rules of the Council shall provide that citizens of the City shall have a reasonable opportunity to be heard at regular and special meetings in regard to any matter to be considered by the Council.

### **3.04 Mayor, Vice-Mayor**

(A) At the November 6, 2001 municipal election and at the regular municipal election each four years thereafter, the Mayor shall be elected to a four-year term of office. The Mayor shall be a member of the Council, shall preside at all meetings of the Council, and shall have all the powers, duties and functions and obligations of a member of the Council, including the right to vote on any matter. The Mayor shall perform such other duties consistent with his office as may be imposed by the Council. He shall be recognized as the official head of the City for all ceremonial purposes, by the courts for the purpose of serving civil process, and by the Governor for military purposes. In time of public danger or emergency, he may, with the consent of the Council, take command of the police, maintain order and enforce the law. The Mayor shall be an ex officio member of all committees of the council.

(B) The Vice-Mayor shall be the member of the Council (other than the person elected as the Mayor) that is elected, qualifies for office and receives the highest number of votes at the election where members of the Council are elected. He or she shall serve a two year term as the Vice-Mayor. In the event of a vacancy in the office of Mayor, other than the removal of the Mayor by Recall, the Vice-Mayor shall succeed to the office of Mayor. During the absence or disability of the Mayor, the Vice-Mayor shall become the Acting Mayor with the powers, duties, functions and obligations of the Mayor. In the event of a vacancy in the office of Vice-Mayor the Council shall elect a successor to serve the remainder of the Vice-Mayor’s term from among Council’s membership by a majority vote of the members of the Council, including the Mayor.

### **3.05 Compensation of Elected Officials**

The salary of a member of the Council shall be three hundred dollars (\$300.00) per year and shall be paid in equal monthly installments. The Council may by ordinance provide compensation for the Mayor in addition to that which he receives as a member of the Council.

(In the event that this Revised Charter proposed at the November 7, 2000, general election by Emergency Ordinance No. EOR2000-8-93 is adopted and the Charter amendment proposed at the November 7, 2000, general election by Emergency Ordinance No. EOR2000-8-94 is also adopted by the electors, then the version of Section “3.05 Compensation of Elected Officials” as set forth in the Charter amendment proposed by Emergency Ordinance No. EOR2000-8-94 shall apply.)

**3.06 City Clerk**

The Council shall choose a City Clerk who shall keep the records of the Council and perform such other duties as required by this Charter or by the Council. The City Clerk shall serve at the pleasure of the Council and may be removed at any time by a majority vote of the Council. The number of assistants and other employees in the office of the City Clerk shall be fixed by ordinance or resolution, but all such assistants and employees shall be appointed, and may be removed, by the City Clerk.

**3.07 Rules of Council**

The Council shall be the judge of the election and qualification of its members and shall have power to subpoena witnesses and compel the production of all books, records, papers and other evidence; but the decision of the Council in any case shall be subject to review by the courts. The Council shall determine its own rules and order of business and keep a journal of its proceedings. It shall have power to compel the attendance of absent members, may punish its members for disorderly behavior and, by vote of not less than five members, may expel a member for disorderly conduct or the violation of its rules; but no member shall be expelled unless notified of the charge and given an opportunity to be heard in his or her own defense. Absence from three consecutive regular meetings shall operate to vacate the seat of a member unless the absence is authorized or excused by the Council.

**3.08 Quorum, Voting of Members**

A majority of the members elected to the Council shall constitute a quorum to do business, but a lesser number may adjourn from time to time and compel the attendance of absent members in the manner and under the penalties as may be prescribed by ordinance or resolution. The affirmative vote of a majority of the members elected to the Council shall be necessary to adopt any ordinance, resolution, order or vote; except that in the absence of a quorum, a vote to adjourn, or regarding the attendance of absent members, may be adopted by a majority of the members present. No member shall be excused from voting except on matters involving the consideration of his or her own official conduct, when his or her financial interests are involved, or when the laws of Ohio require the member to abstain.

**3.09 Legislative Procedure**

Ordinances and resolutions shall be introduced in the Council only in written or printed form. All ordinances except ordinances making appropriations and ordinances codifying, revising, or rearranging existing ordinances shall be germane to one subject, and the subject, or subjects, of all ordinances shall be clearly expressed in the title. Ordinances making appropriations shall be confined to the subject of appropriations. No ordinance shall be passed until it has been read by title only on two separate days, unless the requirement of reading it on two separate days shall be dispensed with by a vote of not less than six members of Council. The final reading of each ordinance shall be in full unless a written or printed copy thereof shall have been furnished to each member of the Council prior to the reading or unless the Council shall by a majority vote of its members authorize the reading by title only. The yeas and nays shall be taken upon the passage of all ordinances and entered upon the Journal of the proceedings of the Council. The enacting clause of ordinances or resolutions passed by the Council shall be, "Be it ordained or resolved by the Council of the City of Hamilton." The enacting clause of ordinances

or resolutions submitted by the initiative shall be, “Be it ordained or resolved by the people of the City of Hamilton.”

### **3.10 Amendments**

(A) A pending ordinance or resolution may be amended at any time prior to its passage by the Council by a majority vote of the members of the Council present and voting on the amendment, and such amendment shall not require additional readings of the ordinance or resolution.

(B) Any ordinance or resolution, or the codified ordinances or resolutions of the City, may be amended by the passage of subsequent ordinances or resolutions that: revise existing sections or parts thereof; enact new or supplemental sections or parts thereto; or repeal existing sections or parts thereof. This Division does not prevent repeals by implication. The sections or sub-sections of ordinances or resolutions that are amended need to be set forth in the amending ordinance or resolution in their amended form only.

### **3.11 When Ordinances and Resolutions Take Effect**

Appropriation ordinances and resolutions, ordinances and resolutions pertaining to local improvements and assessments, ordinances and resolutions providing for or directing any investigation of City affairs, ordinances or resolutions requesting information from administrative officers or directing administrative action, and emergency measures, shall be in effect from and after their passage by the Council unless some other time is specified therein. All other ordinances and resolutions passed by the Council shall be in effect from and after thirty days from the date of their passage except those in which a later date for taking effect is specified. Ordinances adopted by vote of the electors shall take effect at the time indicated therein or, if no time is specified, then thirty days after their adoption. An emergency measure is an ordinance or resolution to provide for the immediate preservation of the public peace, property, health or safety, in which the emergency claimed is set forth and defined in the ordinance or resolution. The affirmative vote of a least five members of Council shall be required to pass any ordinance or resolution as an emergency measure. No measure making or amending a grant, renewal or extension of a franchise or other special privilege shall be passed as an emergency measure.

### **3.12 Authentication and Publication of Ordinances and Resolutions**

After passage by the Council, each ordinance and resolution shall be authenticated by the signatures of the Mayor and City Clerk and recorded in a book kept for that purpose; however, failing to authenticate shall not invalidate the ordinance or resolution. Within ten days after passage, each ordinance and resolution, except ordinances and resolutions providing for or directing an investigation of City affairs and ordinances or resolutions requesting information from City officers or directing administrative action, shall be published in such manner as may be provided by ordinance or resolution, but if newspaper publication is specified then each such ordinance and resolution shall be published once in a newspaper of general circulation in the City. The publication in book form of any codification, revision or rearrangement of ordinances and resolutions passed by the Council, if such book contains the certificate of the Mayor and City Clerk of the correctness thereof, shall be deemed sufficient publication, and any book so published and certified shall be validly published and shall be received as evidence in any court for the purpose of proving the ordinances or resolutions therein contained.

## ARTICLE IV

### INITIATIVE AND REFERENDUM

#### 4.01 Initiative and Referendum

Ordinances and resolutions may be proposed by initiative petition and adopted by election, and ordinances and resolutions adopted by the Council shall be subject to referendum, as provided by the Constitution and laws of Ohio, provided ordinances and resolutions calling elections under this Charter and ordinances and resolutions which become effective immediately upon their passage by Council pursuant to Section 3.11 of this Charter shall not be subject to referendum.

#### 4.02 Petitions for Initiative and Referendum

Petitions for initiative and referendum shall be provided by the election authorities pursuant to general law; but if the election authorities shall fail or refuse to provide for the petitions, the City's Director of Law shall provide for the petitions.

## ARTICLE V

### ADMINISTRATIVE SERVICE

#### 5.01 The City Manager

The Council shall appoint a City Manager who shall be the chief executive officer of the City. The Manager shall be chosen by the Council solely on the basis of his or her executive and administrative qualifications and need not, when appointed, be a resident of the City or the State. No member of the Council shall, during the time for which elected, be chosen as City Manager. The Manager shall be appointed for an indefinite term, but shall be removable at the pleasure of the Council. Before the Manager may be removed, he or she shall, if he or she demand, be given a written statement of the reasons alleged for his or her removal and the right to be heard publicly thereon at a meeting of the Council prior to the final vote on the question of removal, but pending and during the hearing the Council may suspend the Manager from office. The action of the Council in suspending or removing the Manager shall be final, it being the intention of this Charter to vest all authority and fix all responsibility for the suspension or removal in the Council. In case of the absence or disability of the Manager or a vacancy in the office of Manager, the Council may designate some qualified person to perform the duties of the office during the absence or disability or until the vacancy is filled.

#### 5.02 Responsibility of Manager -- Powers of Appointment and Removal

The City Manager shall be responsible to Council for the proper administration of all affairs of the City placed in his or her charge and to that end, subject to the civil service provisions of this Charter and, except as otherwise provided herein, he or she shall have the power to appoint and remove all officers and employees in the service of the City; but the Manager may authorize the head of the department or office responsible to the Manager to appoint and remove subordinates in such department or office. Appointments made by, or under

the authority of, the City Manager shall be on the basis of executive and administrative ability and of the training and experience of the appointees in the work which they are to perform. All appointments shall be without definite term unless for temporary service not to exceed sixty days.

### **5.03 Removal of Officers and Employees**

Any officers or employees of the City, including assistants and employees in the office of the City Clerk, may be laid off, suspended or removed from office or employment by the officer, or successor officer, by whom appointed. Verbal or written notice of layoff, suspension or removal given directly to an officer or employee, or written notice left at or mailed to his usual place of residence shall be sufficient to put any layoff, suspension or removal into effect unless the person notified shall, within five days after the notice, demand a written statement of the reasons therefor and the right to be heard publicly before the officer by whom the notice was given. Upon that demand, the officer making the layoff, suspension or removal shall supply the person notified with a written statement of the reasons therefor and shall fix a time and place for the public hearing. Following the public hearing, the officer making the layoff, suspension or removal shall, by a decision in writing, make disposition of the case as, in his or her opinion, the good of the service may require, and the decision shall be final. A copy of the statement of reasons for any layoff, suspension or removal, a copy of any written reply thereby by the officer or employee involved, and a copy of the final decision of the officer by whom the layoff, suspension or removal was made, shall be filed as public records in the office of the Director of Civil Service.

(A) Appointments, layoffs, suspensions and removals from office or employment shall be made, and appeals and hearings from layoffs, suspensions and removals shall be allowed, conducted, and determined as provided in this Charter. The provisions of this Charter shall prevail over State laws in conflict or at variance therewith in every case within the competence of municipal corporations to control by pursuant to this Charter.

### **5.04 Council Not to Interfere in Appointments or Removals**

Neither the Council nor any of its committees or members shall direct or request the appointment of any person to, or his or her removal from, office by the City Manager of any of his or her subordinates, or in any manner take part in the appointment or removal of officers and employees in the administrative service of the City. Except for the purpose of inquiry, the Council and its members shall deal with that portion of the service of the City for which the Manager is responsible solely through the Manager, and neither the Council nor any member thereof shall give orders to any subordinate of the City Manager either publicly or privately. Any violation of the provisions of this section by a member of the Council shall be a misdemeanor, conviction of which shall immediately forfeit the office of the member so convicted.

### **5.05 Duties of the Manager**

It shall be the duty of the City Manager to act as chief conservator of the peace within the City; to supervise the administration of the affairs of the City; to see that the ordinances of the City and the laws of the State are enforced; to make recommendation to the Council concerning the affairs of the City as may seem to the City Manager to be desirable; to keep the Council advised of the financial condition and future needs of the City; to prepare and submit to the

Council the annual budget; to prepare and submit to the Council reports as may be required by that body; and to perform other duties as may be prescribed by this Chapter or required of the City Manager by ordinance or resolution of the Council.

#### **5.06 Right of Manager and Other Officers in Council**

The City Manager, the directors of all departments, and other officers of the City as may be designated by vote of the Council, shall be entitled to seats in the Council, but shall have no vote therein. The Manager shall have the right to take part in the discussion of all matters coming before the Council, and the directors and other officers shall be entitled to take part in all discussions of the Council relating to their respective departments and offices.

#### **5.07 Establishment and Discontinuance of Departments**

There shall be a Department of Law, a Department of Finance, a Department of Civil Service, and other departments and offices as established by ordinance or resolution. The Council may discontinue any department or office established by ordinance or resolution and may prescribe, combine, distribute or abolish the functions and duties of departments and offices; but no function or duty assigned by this Charter to a particular department or office shall be abolished or assigned to any other department or office. No department or office shall be established or discontinued until the recommendation of the City Manager shall have been heard by the Council. Departments and offices existing at the time of the adoption of this Revised Charter, and not specifically mentioned therein, shall continue until altered or discontinued by ordinance or resolution.

#### **5.08 One Person as Head of Two or More Offices**

The City Manager may appoint the same person as the head of more than one department or office, and the Manager may act as head of any department or office; but the Department of Law shall not be joined with any other department or office, and the City Manager shall not act as head of the Department of Finance or of any office therein other than that of purchasing agent.

#### **5.09 Number of Assistants and Subordinates; How Fixed**

The number of assistants and other subordinates to be employed in or by each department or office shall be fixed by the Council; unless the Council shall authorize the Manager to determine the number of assistants and subordinates in and for any department or office subject to the appropriations made therefor.

#### **5.10 Advisory Boards**

The Manager may appoint a board of citizens qualified to act in an advisory capacity to the head of any department or office. The members of any such board shall serve without compensation and it shall be their duty to consult and advise with the director or other officer, as the case may be, but not to direct the conduct of the department or office. Recommendations of any such board shall be in writing and shall become a part of the records of the department or office to which they relate. The head of the department or office for which an advisory board is appointed, or his/her designee, shall be chairman of all meetings thereof.

**5.11 Investigations by Council or Manager**

The Council, the Manager or any person or committee authorized by either of them, shall have power to inquire into the conduct of any department, office or officer of the City and to make investigations as to municipal affairs, and for that purpose may subpoena witnesses, administer oaths, and compel the production of books, papers and other evidence.

**ARTICLE VI****DEPARTMENT OF LAW****6.01 Qualifications and Duties of Law Director**

The director of Law shall be an attorney at law who shall have practiced in the State of Ohio for at least five years. He or she shall be the chief legal adviser of and attorney for the city and all departments and offices of the city in matters relating to their official powers and duties. It shall be the Law Director's duty, either personally or by assistants as he or she may designate, to perform all services incident to the Department of Law; to attend all meetings of the Council; to give advice in writing when requested, to the Council, the City Manager, the director of any department or the head of any office not connected with a department; to prosecute or defend, as the case may be, all suites or cases to which the City may be a party; to prosecute for all offenses against the ordinances or resolutions of the City and for offenses against the laws of the State as may be required of him or her by law; to prepare all contracts, bonds and other instruments in writing in which the City is concerned, and to endorse on each his or her approval of the form and correctness thereof; and to perform other duties of a legal nature as the Council may by ordinance or resolution require. In addition to the duties imposed upon the Director of Law by this Charter or required by ordinance or resolution, the Law Director shall perform any duties imposed upon the chief legal officers of municipalities by the general laws of the State other than the representation of the City's school districts and other non-municipal agencies.

**ARTICLE VII****DEPARTMENT OF FINANCE - FINANCIAL PROCEDURE****7.01 Duties of Director of Finance**

The Director of Finance shall have charge of the administration of the financial affairs of the City, including the keeping and supervision of all accounts; the custody and disbursement of City funds and moneys; the preparation and certification of special assessments and the collection of taxes and assessments as are payable directly to the City; the certification of unpaid assessments to the County Auditor for collection; the collection of license fees; the control over expenditures; the purchase, storage and distribution of supplies and materials needed by the City; and other duties as the Council may require by ordinance or resolution.

**7.02 Monthly Statement by Director of Finance**

The Director of Finance shall prepare for submission to the Council a monthly report on the financial condition of the City and each department and office of the City as of the end of the previous month.

**7.03 Special Audits**

Upon the death, resignation, removal or expiration of the term of any officer of the City, other than the Director of Finance, the Director of Finance shall cause an audit and investigation of the accounts of such officer to be made and shall report to the City Manager and the Council. Either the Council or the City Manager may at any time provide for an examination or audit of the accounts of any department, office or officer of the City. In case of the death, resignation or removal of the Director of Finance, the City Manager shall cause an audit to be made of his accounts. If, as a result of any audit, any officer shall be found indebted to the City, the director of Finance or other person making such audit shall immediately give notice thereof to the Council, the City Manager, and the Director of Law, and the Director of Law shall proceed to collect the indebtedness.

**7.04 Division of Treasury**

Within the Department of Finance there shall be a Division of the Treasury headed by the Director of Finance. The Director of Finance shall be the custodian to all public money of the City and all other public money coming into his or her possession or control as Director of Finance. All moneys received by any officer or employee of the City, for or in connection with the business of the City, shall be paid promptly into the City Treasury and shall be deposited with responsible banking institutions as furnish security as the Council may determine and shall agree to pay the highest rate of interest. All interest on money deposited shall accrue to the benefit of the City. The Council shall provide by ordinance or resolution for the prompt and regular payment and deposit of all City monies as required by this section. Public money, other than that of the City, coming into the possession or control of the Director of Finance shall be preserved and kept in the place or places provided by any applicable law.

**7.05 Division of Purchases and Supplies**

There shall be in the Department of Finance, a Division of Purchase and Supplies, the head of which shall be the City Purchasing Agent. The Purchasing Agent shall make all purchases of supplies, materials and equipment for the City in the manner provided by ordinance or resolution, sell all property, real and personal, of the City not needed for public use or that may have become unsuitable for use, or that may have been condemned as useless by the City Manager. The City Purchasing Agent shall have charge of such general storerooms and warehouses of the City as the Council may establish.

**7.06 Purchasing and Furnishing Supplies**

Before making any purchase or sale the city Purchasing Agent shall give opportunity for competition under rules and regulations as the Council may establish by ordinance or resolution. The Director of Finance shall promulgate regulations for the administration of the Division of Purchase.

## ARTICLE VIII

### FINANCE, TAXATION AND DEBT

#### 8.01 General

The laws of Ohio relating to budgets, appropriations, taxation, debts, bonds, assessments and other fiscal matters of the City shall be applicable to the City, except as modified by or necessarily inconsistent with the provisions of the Charter or ordinances or resolutions of the City, or when provision therefore is made in Constitution of Ohio.

#### 8.02 Debt Retirement Fund Commission

Pursuant to the general laws of Ohio, when applicable, and under any regulations promulgated by ordinances or resolution, the Director of Finance shall provide for the payment of principal and interest on all debt obligations of the City and generally administer the provisions of bond and note legislation of the City to retire outstanding debt of the City. The Director of Finance shall report any and all actions taken and made pursuant to this section to the Council not less than two (2) times per year.

## ARTICLE IX

### IMPROVEMENT CONTRACTS

#### 9.01 Contracts

Any Public work or improvement may be executed either by contract or by the employment of the necessary labor and the purchase of the necessary supplies and materials directly by the City. Any public work or improvement executed directly by the City shall be authorized by the Council only after detailed estimates have been submitted by the department or office authorized to execute the work or improvement, and there shall be separate accounting as to each work or improvement executed. All the contracts for public work or improvements exceeding an amount established by ordinance or resolution shall be awarded to the lowest and best bidder, after public advertisement and competition as may be prescribed by ordinance or resolution, but the City Manager shall have the power to reject all bids and advertise again. All advertisements as to such contracts shall contain a reservation of the right to reject bids. Contracts entered into by the City shall be signed by the Manager or by such other officer, or officers, of the City as the Council may provide by ordinance or resolution.

#### 9.02 Alteration in Contracts.

Whenever, in the prosecution of any work or improvement under contract, it becomes necessary in the opinion of the City Manager to make alterations in the contract, the alterations may be made only when authorized by the Council upon the written recommendation of the Manager. No alterations shall be valid unless the new price to be paid for any supplies, material or work under the altered contract shall have been agreed upon in writing and signed by the contractor and the Manager prior to such authorization

## ARTICLE X

### DEPARTMENT OF CIVIL SERVICE

#### 10.01 Civil Service Commission

There shall be a department of Civil Service governed by a Civil Service Commission of three members. The City Council shall appoint two Commissioners by a vote of at least five members of the Council. Such appointments shall be made to commence on January 1, 2011. One of such members shall serve for a term of three years and one shall serve for a term of two years. Thereafter members that are appointed by the Council shall serve for three year terms. The Board of Education of the City School District shall appoint one member to serve for a term of one year. Thereafter the Board of Education's appointment shall be for a term of three years. If the Board of Education shall fail to make any such appointment within thirty days after the happening of a vacancy, the City Council shall fill the vacancy by appointment. Civil Service Commissioners shall serve without pay.

(A) No person shall be appointed as a Civil Service Commissioner who is not a resident of the City or who holds any public office or public employment other than a member of the organized militia or a teacher in the public schools or in an institution of higher education and learning. The Council shall not appoint any person as a Civil Service Commissioner who is a member of or affiliated with the same political party as another person appointed by the Council, to such Commission and then serving, not counting persons appointed by reason of the failure of the Board of Education to appoint.

(B) Any member of the Civil Service Commission shall be deemed to have resigned who at any time ceases to possess the qualifications to hold office, or who is absent continuously from the City, or from meetings of the Civil Service Commission for as long as six months. The body having to appoint the successor of any Civil Service Commissioner may by a vote of the members thereof at any time vacate the appointment of such member and may fill the vacancy by appointing a successor.

(C) The Civil Service Commission shall meet at least five times each year, at times and places appointed by it, and not more than ninety days shall elapse between any two meetings. Two members shall be a quorum to do business. The Commission shall choose its own chairman and vice-chairman, but no Commissioner shall hold either such office for more than three years in any period of five consecutive years. Every action of the Commission, except adjournment in the absence of a quorum, shall require the concurrence of two members, and shall be entered in an official record. The Civil Service Commission shall adopt rules of order for its own meetings as it may deem necessary.

(D) The Civil Service Commission shall appoint and may remove the Director of Civil Service, who shall be the administrative officer of the Department of Civil Service and the personnel officer of the City. Before his or her appointment, his or her qualification shall be ascertained by an examination conducted by a special examining committee, which examination shall relate to personnel selection and administration, and may be either competitive, or

noncompetitive, as the Commission shall determine. The Commission may by unanimous vote appoint or retain as Director of Civil Service a person residing in the City of Hamilton, Ohio. The Director of Civil Service shall not hold any other office or employment in the service of the City. He or she shall appoint and may lay off, suspend, or remove such examiners, clerks, and other employees as may be necessary in the work of the Department, except that the Commission shall appoint examiners for the Director of Civil Service.

(E) In accordance with this Charter, the Director of Law shall be the legal adviser and attorney for the Civil Service Commission and the Director of Civil Service and Personnel. However, if the Director of Law informs the Civil Service Commission that, in connection with any matter or proceeding before the Commission, he or she simultaneously has the conflicting duties of being both an advisor to and advocate before the Commission, then the Commission may retain the services of special legal counsel to advise it regarding that matter or during that proceeding.

### **10.02 Classification**

The administrative service of the City is hereby divided into the classified and unclassified service as follows:

(A) The unclassified service shall include all officers elected by the people; the City Manager; the members of the Civil Service Commission; all directors of departments other than the Director of Civil Service; members of advisory boards appointed by the City Manager; a secretary to the Mayor, a secretary to the City Manager, one secretary to each director of a department; and the City Clerk.

(B) The classified service shall comprise all positions not specifically included by this Charter in the unclassified service and shall be divided into a competitive class and a noncompetitive class.

(1) The competitive class shall include all positions and employments for which it is practicable to determine the merit and fitness of applicants by competitive tests.

(2) The noncompetitive class shall consist of all positions requiring peculiar and exceptional qualifications of a scientific, managerial, professional, or educational character.

### **10.03 Civil Service Rules**

The Civil Service Commission shall adopt and may amend, revise, or revoke rules upon the matter specified in this section, and other rules not inconsistent with this Charter, for promoting efficiency in the classified service of the City, for enforcing the merit system in the appointment, promotion, transfer, lay off, reinstatement, and suspension of City officers and employees in such service, and regulating the procedures of the department of Civil Service. The rules, among other things, shall provide:

(A) For the standardization and classification of all positions and employments in the classified service of the City. Such classification into groups and subdivisions shall be made on the basis of duties and responsibilities and so arranged as to promote the filling of the higher grades, so far as practicable through promotion.

(B) For open competitive tests to ascertain the relative fitness of all applicants for appointments in the competitive class.

(C) For public notice of the time and place of all competitive tests, at least ten days in advance thereof, by publication in the manner provided for the publication of ordinances and by posting a notice in a conspicuous place in the City Hall.

(D) For the creation of eligible lists upon which shall be entered the names of successful applicants in the order of their standing in the competitive tests and without reference to the time of the test.

(E) For the rejection of applicants or eligibles who do not satisfy requirements established by the Civil Service Commission as to job related skills, education, physical abilities or other bona fide occupational qualifications or who have attempted deception or fraud in connection with any test or their application therefor.

(F) For the certification to the appointing authority, from the appropriate eligible list, for filling a vacancy in the competitive class.

(G) (1) For temporary employment in the competitive class without a test because there is no eligibility list, but such temporary employment shall not continue for longer than sixty days nor shall it continue after administration of a competitive examination and the adoption of a suitable eligibility list;

(2) For temporary employment in the noncompetitive class without a test because there is no eligibility list, but such temporary employment shall not continue for longer than one hundred eighty (180) days or nor more than thirty (30) days after the adoption of a suitable eligibility list.

(H) For temporary employment without test for transitory or seasonal work, but such employment shall require the consent of the Civil Service Commission in each case, and shall not continue for more than one thousand forty (1,040) work hours in any twelve (12) consecutive month period unless renewed by the Civil Service Commission.

(I) For noncompetitive tests for appointments to positions designated by the Manager or the Civil Service Commission as requiring peculiar and exceptional qualifications of scientific, managerial, professional or educational character.

(J) For promotion based on competitive tests and upon records of efficiency, character, conduct and seniority.

(K) For transfer from a position to a similar position in the same class and grade.

(L) For immediate reinstatement at the head of the eligible list of persons who, without fault or delinquency on their part, are separated from the service or reduced in rank.

(M) For suspension for purpose of discipline, with or without pay, for not longer than ninety days, and for leave of absence with or without pay.

(N) For the appointment of unskilled laborers in the order of priority of application, and with such tests of physical fitness as the Civil Service Commission may prescribe.

(O) For investigating and keeping a record of the efficiency of officers and employees in the classified service, and for requiring markings and reports relative thereto from appointing authorities.

(P) For appeals and hearings before the Civil Service Commission, in accordance with general law, in cases of employees within the classified service entitled thereto under the provisions of Section 5.03(A) of this Charter.

(Q) For the administration by the Civil Service Commission and the Department of Civil Service of the general civil service laws of the state in respect of officers and employees of other governmental units, in cases so provided by general law.

(1) No civil service rule, nor any amendment, revision or revocation thereof shall be adopted:

(a) Unless the proposed text thereof shall have been printed in full and made available for public examination at least ten days prior to the public hearings provided for by this section;

(b) Unless such text shall have been reported to the City Council at a regular meeting thereof at least ten days prior to such hearing;

(c) Until after a public hearing thereon has been held by the Civil Service Commission, of which hearing ten days public notice shall have been given, and at which the City Manager, any director of a department, or any citizen shall be heard upon request;

(d) Until the written recommendation of the Director of Civil Service thereon shall have been received; and such recommendation shall be publicly read in the hearing herein provided for.

(2) The civil service rules of the City of Hamilton at the time of the adoption of this section shall continue in effect, but shall be subject to amendment, revision, and revocation as provided for in paragraphs A and B of this section. Not later than fourteen months after the adoption of this section, the Civil Service Commission shall cause the civil service rules of the City to be published in book or pamphlet form, and shall cause corrected copies thereof to be kept available for public inspection.

(3) Neither the City Council nor the Civil Service Commission or any person in the administrative service shall have the power to modify or change in any manner the provisions of the laws of the State of Ohio now or hereafter in effect relating to the civil service and the Civil Service Commission insofar as such laws of the State of Ohio are applicable to members of the fire service. No fee or other assessment, however, shall be charged to applicants for examinations other than medical examinations for positions in the fire service.

(4) Neither the City Council nor the Civil Service Commission or any person in the administrative service shall have the power to modify or change in any manner the provisions of the laws of the State of Ohio now or hereafter in effect relating to the civil service and the Civil Service Commission insofar as such laws of the State of Ohio are applicable to members of the Division of Police. No fee or other assessment, however, shall be charged to applicants for examinations other than medical examinations for positions in the Division of Police.

(5) The rules of the Commission shall not be construed as prohibiting City participation in Federal or State programs the purpose and funding of which is intended to provide temporary and gainful occupation designed specifically for beneficiaries who are unemployed, underemployed or otherwise considered to be eligible. Participants in Federal or State programs referred to herein who are assigned to City work sites to qualify for benefits shall not be considered as being in the service of the City. The provisions of the rules of the Commission shall not apply to such participants, except as otherwise required by controlling Federal and State laws or guidelines.

**10.04 Application Register**

There shall be kept in the Department of Civil Service an application register in which shall be entered the names and addresses and the order and date of application of all applicants for civil service test and the offices or employment which they seek. All applications shall be upon forms prescribed by the Department of Civil Service.

**10.05 Civil Service Tests**

Tests required by the Department of Civil Service shall be practical, shall relate to matters which fairly measure the relative fitness of applicants to discharge the duties of the position which they seek, and shall take account of character, training and experience. No question in any test shall relate to political or religious opinions, affiliations or service, and no appointment, transfer, lay off, promotion, reduction, suspension or removal shall be affected or influenced by such opinions, affiliations or service. Notice of the time, place and scope of each test shall be given by publication and posting as specified in Section 10.03 of this Charter, and by mail or electronic communication at least ten days in advance, to each applicant upon the appropriate lists of the applicant register.

**10.06 Eligible Lists -- Register of Eligibles**

The lists of applicants eligible to appointment by reason of civil service tests, with their grades, shall be known as the register of eligibles and shall be open to the public inspection. The names of such eligibles shall be arranged in their respective lists in the order of their standing on test. The name of no person shall remain on the register of eligibles for more than one year without a new application and, if the civil service rules so require, a new test. Eligibles shall provide written notice to the Department of Civil Service of his/her continued interest in appointment and updated contact information not less than every six (6) months within that one year period.

**10.07 Appointments**

When any position in the classified service is to be filled, the appointing authority shall notify the Director of Civil Service, who shall promptly certify to such appointing authority a list of eligibles for the class or grade to which such position belongs. The appointing authority shall appoint to such position one of the persons whose name is so certified.

When an entry-level position is to be filled from an eligible list which is established through the administration of an open, competitive civil service examination, the Director of Civil Service shall first identify, without rounding, the top ten names on the eligible list or the top twenty-five per cent of the eligible list, whichever is greater and then certify to the appointing authority the names and addresses of those persons.. In the event that fewer than ten names are on the eligible list, the appointing authority may select any of the listed candidates, but is not so obligated. In the event multiple entry-level positions are to be filled, the next top five names or five percent, whichever is greater, of the eligible list shall be added to each subsequent and concurrent selection.

When no eligible list for a position exists, or when the eligible list has become exhausted and until a new list can be created, a name may be certified from the eligible list most nearly appropriate to the position to be filled.

A person on an entry-level eligibility list, who has previously been certified three or more times to the same appointing authority for the same or similar position(s), may be omitted from future certifications to such appointing authority upon the request of such appointing authority and the concurrence of the Civil Service Commission. However, any certification of a person on an entry-level eligibility list for the purpose of making a temporary appointment shall not be counted as one of the three certifications.

#### **10.08 Limitations on Transfers**

No person shall be transferred to, or be permanently assigned to perform the duties of, a position subject to competitive test, except it to be to a position of the same class, grade, subdivision, or groups as the position from which such person is transferred or assigned, nor otherwise unless the Civil Service Commission first approve such transfer or assignment and unless such person was appointed to the position from which the transfer is made as a result of an open competitive test equivalent to that required for the position to be filled, or shall have served with fidelity under the City government for at least two years immediately preceding in a position similar to that to be filled.

#### **10.09 Promotions**

Whenever practicable, vacancies in the classified service shall be filled by promotion, and the Civil Service Rules shall indicate the lines of promotion from each lower to higher grade whenever experience derived in the lower grade tends to qualify for the higher grade. Eligible lists from which promotions are to be made shall be created as provided by the Civil Service Rules, and the appointment of eligibles therefrom shall be made from a certification which contains only the names and addresses of the three highest ranking persons on the eligible list. Appointments to higher positions shall, in such cases as the City Manager shall request, be made after open competitive tests in which persons not in the service of the City may compete as well as applicants for such positions from the lower grades of the service or from other branches thereof. In such cases, appointments shall be made from the three highest eligibles.

#### **10.10 Service Register**

There shall be maintained in the Department of Civil Service a list of all persons holding appointive offices or positions under the City government, showing in connection with each name the position held, the salary or wages paid, the date and character of appointment and every subsequent change in status. Such list shall be known as the service register and every appointing officer or authority shall promptly transmit to the Department of Civil Service all information requested for the establishment and maintenance of such register.

#### **10.11 Certification of Payrolls**

The Treasurer shall not pay, nor shall the Director of Finance issue a voucher for the payment of, any salary or compensation to any person holding, or claiming to hold, an appointive office or a position in the service of the City unless the payroll or account of such salary or compensation shall bear the certificate of the Director of Civil Service that the persons named therein have been appointed or employed and are performing service in accordance with the provisions of this Charter and the civil service rules established thereunder, that their names appear upon the service register for the time for which such salary or compensation is claimed and that the salary or compensation is at the rate indicated on such register. If the Director of

Finance shall willingly or negligently approve any payment or issue any warrant in violation of this section, he and the sureties on his bond shall be liable to the City for the amount thereof and action may be brought therefor by any taxpayer for the use of the City without making previous request to the City to sue.

#### **10.12 Investigations**

The Council, the City Manager, the Civil Service Commission, or any person designated by any of them, may make investigations concerning the facts in respect of the operation and enforcement of the civil service provisions of this Charter and of the rules established thereunder, and concerning the condition of the civil service of the City or any branch thereof. Any person, or persons, making an investigation authorized or required by this section shall have power to subpoena and to require the attendance of witnesses, to require the production of books and papers pertinent to the investigation, and to administer oaths to such witnesses.

#### **10.13 Compensation Established by Council**

The Council shall by ordinance establish a schedule of compensation for officers and employees in the classified service which shall provide uniform compensation for like service. Such schedule of compensation may establish a minimum and maximum for any grade, and an increase in compensation, within the limits provided for any grade, may be granted at any time by the City Manager or other appointing authority upon the basis of efficiency and seniority.

#### **10.14 False Statement by Applicant**

Any applicant for any office or employment in the classified service who shall knowingly make any false statement in connection with his or her application for test, or in connection with any test, shall thereby forfeit his right to be entered upon the eligible register, and in case he or she has been appointed to an office or employment, he or she shall forfeit it and shall not within three years thereafter be eligible to appointment to any office or employment in the service of the City, nor shall he during that time be entitled to take any civil service test.

#### **10.15 Gifts or Payments by Applicants Forbidden**

No applicant for civil service test or for appointment to the classified service shall, either directly or indirectly, give, render or pay or promise to give, render or pay any money, service or thing to any person for or on account of, or in connection with, his or her test, appointment or proposed appointment, nor shall he or she ask for or receive any recommendation or assistance from any person in the service of the City other than a statement regarding any previous service to the City as a subordinate under such office or employee.

#### **10.16 Fraud on Civil Service Provision**

No person shall willfully or corruptly make any false statement, certificate, mark, grading or report in regard to any test or appointment held or made under the civil service provisions of this Charter, or in any manner commit or attempt to commit any fraud on the impartial execution of any such provision or of the civil service rules.

#### **10.17 Political Assessments Prohibited**

No person holding an appointive office or place in the service of the City shall directly or indirectly give, solicit, or receive, or be in any manner concerned in giving, soliciting or

receiving, any assessment, subscription or contribution for any political party or purpose whatever. No person shall orally or by letter solicit, or be in any manner concerned in soliciting, any assessment, subscription or contribution for any political party or purpose from any person holding a position in the administrative service. No person shall use or promise to use his or her influence or official authority to secure any appointment or prospective appointment, to any position in the service of the City as a reward or return for personal or partisan political service.

#### **10.18 Certain Political Practice Forbidden**

No person about to be appointed to any position in the service of the City shall sign or execute a resignation, dated or undated, in advance of such appointment. No person in the service of the City shall discharge, suspend, lay off, reduce in grade or in any manner change the official rank or compensation of any person in such service, or promise or threaten to do so, for withholding or neglecting to make any contribution of money or service or any valuable thing for any political purpose. No person in the administrative service of the City shall use his or her official authority to influence or coerce the political action of any person or body, or to interfere with any nomination or election to public office.

#### **10.19 Political Activity Prohibited**

No person holding an appointive office or place in the City Government shall act as an officer of a political organization, take part in a political campaign, serve as a member of a committee of any such organization, or circulate, or seek signatures to any petition provided for by primary or election laws, act as a worker in favor of or in opposition to any candidate for public office, or become a candidate for elected office.

#### **10.20 Violations and Penalties**

It shall be the duty of the Civil Service Commission to supervise the execution of, and of the Director of Civil Service to administer, the foregoing civil service provisions of this Charter and the rules made thereunder, and it shall be the duty of all persons in the service of the City to comply with such rules and to aid in their enforcement. Any person who, by himself or herself or with others, willfully or corruptly deceives or obstructs any person in respect to his right to take part in any test for admission to the classified service of the City; or willfully or corruptly marks, grades or reports upon the test or proper standing of any person tested for appointment in the classified service, or aids in so doing; or willfully or corruptly makes any false representation as to the results of such tests or concerning persons so tested; or furnishes special or secret information for the purpose of either improving or injuring the prospects or chances of a person tested or to be tested, or to be appointed, employed, or promoted; or impersonates any person or permits or aids in any impersonation in connection with any test application, registration, or appointment, or request to be tested or registered; or who makes known or assists in making known to any applicant for test, in advance thereof, any question to be asked on such test; or willfully or through culpable negligence violates any of the civil service provisions of this Charter or any of the rules made in pursuance thereof, shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by fine or not less than fifty dollars nor more than one thousand dollars or by imprisonment for a term not to exceed six months. If any such person be an applicant for competitive test, he or she shall be excluded therefrom; if he or she be an eligible, his or her name shall be removed from the register of eligibles; and if he or she be an

officer or employee of the City, he or she shall immediately forfeit his or her office or employment.

#### **10.21 Present Employees Continued**

All persons who, at the time this Revised Charter takes effect, are holding positions in the service of the City pursuant to appointment from eligible lists, or who have been continuously in the service of the City in the same position for the preceding five years, shall be deemed to hold such positions as though appointed in accordance with the provisions of this Charter. Employees of any public utility acquired by the City, who are in the service of such utility at the time of its acquisition, shall be deemed to hold their positions as though appointed under the civil service provisions of this Charter; but vacancies thereafter occurring in such service shall be filled from eligible lists in the manner herein provided.

#### **10.22 Elected Officials Not to Receive Appointment**

No person elected to the Council, including the Mayor, shall, during the time for which elected, be appointed to any office or position in the service of the City.

## **ARTICLE XI**

### **PUBLIC HEALTH**

#### **11.01 Control of Public Health by City**

The City shall, through officers as may be provided for by ordinance or resolution, enforce all laws and ordinances relating to health, and such officers shall perform all the duties and may exercise all the powers relative to the public health provided by general laws to be performed and exercised in municipalities by health officers. All regulations for the protection or promotion of the public health, additional to those established by general law and for the violation of which penalties are imposed, shall be made by ordinance or resolution and enforced as provided in this section.

## **ARTICLE XII**

### **POLICE AND FIRE SERVICE**

#### **12.01 Police Force**

The City shall maintain a police force consisting of an officer directly in charge thereof and of such number of other officers, patrol officers and employees, as may be fixed in accordance with the provisions of Section 5.09 of this Charter. In case of riot or like emergency, the City Manager, or the Mayor if he or she shall have been authorized by the Council to take charge of the police force, may appoint additional patrol officers and officers for temporary service who need not be in the classified service of the City. The officer directly in charge of the police force shall have control of the stationing and other disposition of all members of the force under rules and regulations as he may establish with the approval of the City Manager.

**12.02 Special Police**

No person shall act as special police, special detective, or other special police officer for any purpose whatsoever, except on the written authority of the officer directly in charge of the police force or the City Manager. Such authority shall be exercised only under the direction and control of the officer directly in charge of the police force and shall be issued for a specified time, not to exceed six months.

**12.03 Fire Force**

The City shall maintain a fire force consisting of an officer in charge thereof and of such number of other officers, firefighters and employees as may be fixed in accordance with the provisions of Section 5.09 of this Charter. In case of riot, conflagration, or like emergency, the City Manager may appoint additional officers and firefighters for temporary service who need not be in the classified service of the City. The officer directly in charge of the fire force shall have control of the stationing and other disposition of the force under rules and regulations as he or she may establish with the approval of the City Manager.

(A) On and after January 1, 1954, the Chief of the Fire Division of the City of Hamilton, Ohio, shall divide the uniform force of said fire force into not less than two platoons. The Chief shall keep a platoon of the uniform force on duty twenty-four consecutive hours, after which the platoon serving twenty-four hours shall be allowed to remain off duty at least twenty-four consecutive hours. Each individual member of the platoons, in addition to receiving a minimum of twenty-four hours off duty in each period of forty-eight hours, shall receive an additional period of twenty-four consecutive hours off duty in each period of six days so that no individual member shall be on duty more than a total of ninety-six hours in each consecutive period of twelve days each.

In the discretion of the Chief of the Fire Division, the fire force may be divided into a three platoon system, wherein the members work twenty-four consecutive hours immediately followed by forty-eight consecutive hours off duty, and in order to carry out the terms of this section, the Council of the City of Hamilton, Ohio, shall levy an additional tax outside of any legal limitations for Fire Division purposes at a rate of one mill (\$.001) for each one dollar (\$1.00) of valuation, which amounts to ten cents (\$0.10) for each one hundred dollars (\$100.00) of valuation.

**ARTICLE XIII****IMPROVEMENTS AND ASSESSMENTS****13.01 Local Improvements**

The Council shall have power by ordinance or resolution to provide for the construction, reconstruction, repair and maintenance of all things in the nature of local improvements to provide for services, and to provide for the payment of any part of the cost thereof by levying and collecting special assessments upon abutting, adjacent and contiguous or other specifically benefited property. The amount assessed against the property specifically benefited to pay for any such local improvement shall not exceed the amount of benefits accruing to such property. The manner and procedures for levying assessments shall be those provided by the general laws of Ohio, except as otherwise provided pursuant to this Charter or the City's ordinances or resolutions.

**13.02 Platting; Streets**

The Council shall determine, by ordinance or resolution, the manner of administration of the platting of subdivisions and streets, as well as the dedication, alteration and vacating of streets and other public ways. To the extent applicable, the general laws of Ohio shall be followed with respect to platting and dedication, alteration and vacating streets and other public ways.

**ARTICLE XIV****APPROPRIATION OF PROPERTY****14.01 Appropriation of Property**

The City may appropriate private property in fee simple or any lesser estate, easement or use, whether located within or outside the corporate limits of the City for any public or municipal purpose, subject only to the limitations imposed by the Constitution of Ohio in the manner provided by the general laws of Ohio; provided that Council shall determine whether the general laws of Ohio providing for the payment of expenses and costs of relocating any person, business or other entity displaced by a program or project undertaken by or on behalf of the City shall apply. Where the City is a recipient of a state or federal grant or assistance in connection with a program or project of the City and the Ohio or federal laws require the payment of expenses and costs of relocating displaced persons, the City shall conform to the Ohio or federal laws and any and all grant or other conditions imposed pursuant to the Ohio or federal laws, which ever are applicable, with respect to the payment of expenses and costs of locating displaced persons, including businesses or other entities.

**ARTICLE XV****FRANCHISES AND PUBLIC UTILITIES****15.01 Franchise Defined**

The term “franchise” as used this Charter shall mean, a grant by the city to any individual, company or corporation, for purposed of profit of any special privilege, except as specified in Section 15.03 hereof, in, over, upon or under any street, alley, public way, place or grounds of the city whether such privilege has heretofore been , or may hereafter be, granted; and no such special privilege may be claimed, nor shall it be held or exercised, except under a authority of a franchise from the City.

**15.02 Grants, Amendments and Renewals of Franchises**

No franchise shall be granted, amended or renewed except by ordinance. No measure making or amending a grant, renewal or extension of a franchise or other special privilege shall be passed as an emergency measure. Any such ordinance shall clearly specify the streets, alleys, public ways, places, and grounds of the City, in, over, upon or under which the privilege is granted and may prescribe the manner in which such streets, alleys, ways, places and grounds shall be used and occupied and any other terms and conditions upon which the franchise is to be

exercised. The Council may, by ordinance, renew any franchise at its expiration upon such terms as it may deem conducive to the public interest.

### **15.03 Revocable Permits Not Franchises**

Permits unconditionally revocable at the will of the Council for minor temporary privileges in the streets, alleys, public ways, places and grounds of the City may be granted and revoked by ordinance, and such permits shall not be deemed franchises as the term is used in this Charter.

### **15.04 Passage of Franchise Ordinances**

No ordinance granting, amending or renewing a franchise shall be adopted by the Council until a public written report containing recommendations thereon shall have been made to the Council by, or under the direction of, the City Manager; until adequate public hearings shall have been held on such ordinance by the Council as a whole, or a committee thereof; and until at least one week after its publication in final form in the manner required for the publication of other ordinances following their passage.

### **15.05 Public Utility Rates; Reserved Rights of City**

The rates to be charged for the products or services of any public utility as fixed in, or determined in the manner provided by, any franchise or any amendment or renewal thereof, shall be sufficient only to provide a reasonable return upon the fair value of the property of such utility used, useful and reasonably necessary in furnishing the product or service for the furnishing of which the franchise, amendment or renewal is, or may have been granted; and whether it be so specified in the ordinance or not, all franchises, and all amendments and renewals thereof, shall be subject to the rights of the City:

(A) To repeal the same for misuse, non-use or failure to begin construction within the time prescribed, or otherwise to comply with the terms proscribed;

(B) To require extensions of plant, equipment and service, and to establish standards of service and quality of products, subject only to the right to a reasonable return upon the fair value of the property as in this section hereinbefore defined;

(C) To require the maintenance of plant, equipment and fixtures at the highest practicable standard of efficiency;

(D) To examine and audit the accounts and other records of the utility at any time;

(E) To terminate the franchise at any time and acquire by purchase, condemnation, or otherwise, all property of the utility within the City or elsewhere used in or useful for the operation of the utility with the City;

(F) To impose such other reasonable regulations as may be conducive to the safety, welfare and accommodation of the public.

### **15.06 Value of Grant Excluded**

No ordinance granting or renewing a public utility franchise shall be valid unless it expressly provides that the price to be paid for the property of the utility, in case of acquisition by the City, shall exclude all value of such franchise or renewal; and in determining the fair value of the property of a public utility, for the purpose of permitting a reasonable return thereon, no allowance shall be made for the value of any franchise.

**15.07 Extensions**

The Council may by amendment of an existing franchise ordinance grant to the individual, company or corporation operating a public utility thereunder the right to extend the appliances, fixtures and services of such utility in the streets, alleys, public ways, places and grounds of the City. Any such extension of a public utility shall become a part of the aggregate property thereof, shall be operated as such, and shall be subject to all the obligations and reserved rights in favor of the City contained in this Charter and in the original franchise under which such utility is being operated. The right to use and maintain any such extension shall terminate with the original franchise and shall be terminable as provided in Section 15.05 of this Charter.

**15.08 Certified Copies of Grants, Etc.**

Within six months after the original Charter took effect, every public utility, and every owner of a public utility franchise, shall file with the City certified copies of all such franchises owned or claimed, or under which any such utility is operated within the City. Certified copies of all public utility franchises, and of all amendments, renewals and extensions thereof, made subsequent to the taking effect of the original Charter shall be filed with the City by the grantee within ten days after acceptance thereof. No franchise to construct or operate a public utility shall be transferable except with the approval of the Council expressed by ordinance; and certified copies of all transfers, mortgages and other documents affecting the title or use of public utilities shall be filed with the City within ten days after their execution. The certified copies of franchises and other documents required by this section to be filed with the City shall be filed and preserved as a public record in an office of the City as the Council may by ordinance designate.

**15.09 No Exclusive Grant**

No right to construct, maintain, or operate any public utility in the City of Hamilton shall be exclusive.

**15.10 Consent of Property Owners**

No consent of any owner of property abutting on any street, alley, public way, place or ground shall be required for the construction, maintenance or operation of any public utility therein either under the original franchise or any renewal thereof; but any owner of such property shall be entitled to recover from the owner of a public utility the amount of actual damage to such property occasioned by the utility, less any benefits accruing thereto from the utility, provided that suit is commenced within one year after damage is begun.

**15.11 Public Utility Fixtures and Appliances**

The Council shall at all times control the distribution of space occupied by public utility appliances and fixtures in, over, upon or under the streets, alleys, public ways, places and grounds of the City; and all rights granted for the construction and operation of any public utility shall be subject to the continuing right of the Council to require such reconstruction, relocation, change or discontinuance of the appliances and fixtures so used by the utility as, in the opinion of the Council, shall be necessary to the public interest.

## ARTICLE XVI

### NOMINATIONS AND ELECTIONS

#### 16.01 General Laws to Apply

All elections provided for by this Charter, whether for the choice of officers or the submission of questions to the voters, shall be conducted by the election authorities prescribed by general law; and the provisions of the general election laws of the State shall apply to all such elections except as provision is otherwise made by this Charter. A regular City election for the choice of members of the Council and the Mayor shall be held on the first Tuesday after the first Monday in November in the odd numbered years at which members of Council and the Mayor are to be elected.

#### 16.02 Nomination by Petition

Any person eligible for election to the Council or Mayor may be nominated by petition in the form hereinafter set forth, filed on his or her behalf with the election authorities. The petition shall be signed by not less than one hundred (100), nor more than two hundred (200), qualified electors of the City, and shall be filed not later than four o'clock p.m. on the ninetieth (90th) day before the day of the regular City election at which members of Council and the Mayor are to be elected. At any such election no person shall file for the office of Mayor and another Council seat. Only one petition may be filed, either for Mayor or for another Council seat.

#### 16.03 Nominating Petition Papers

Nominating petitions shall be substantially in the form prescribed by the laws of the State of Ohio. If any elector signs petitions for more than the number of members of Council or the Mayor to be elected, his or her signature shall be invalid except as to the petitions first filed not to exceed the number of members of Council to be elected. The name of every such person so nominated shall be printed on the ballot, unless he or she shall file a written withdrawal as a candidate with the election authorities before the printing of the ballot.

#### 16.04 Filing and Verification of Petitions

All separate papers comprising a nominating petition shall be assembled and filed with the election authorities as one (1) instrument at the time provided in Section 16.02 of this Charter. Within ten (10) days after the filing of a nominating petition, the election authorities shall notify the person named therein as a candidate whether the petition is in compliance with this Charter. Any eligible person nominated as hereinbefore provided shall have his or her name printed on the ballots unless he or she shall thereafter withdraw his or her name as a candidate, in which case the election authorities shall remove the name of such withdrawn candidate from the ballots to the extent practicable in the time remaining before the election.

#### 16.05 Non-Partisan Ballot

The names of candidates for election to the Council shall be submitted to the electors on a non-partisan ballot without any party or other designation except to indicate the electors are voting for the office of member of the City Council or the Mayor and the number of members of Council, other than the Mayor, to be elected. The election authorities shall provide a method to allow the electors to vote for other persons by writing in their names. The candidates equal to

the number to be elected having the largest number of votes shall be declared elected. In case it cannot be determined which of two or more candidates shall be declared elected by reason of the fact that they received the same number of votes, the election authorities shall determine by lot which of the candidates shall be declared elected.

## **ARTICLE XVII**

### **THE RECALL**

#### **17.01 Recall Petition Papers**

A member of the Council or the Mayor may be removed from office by the electors of the City. The procedure for effecting such a removal shall be as set forth in this XVII Article of the Charter:

A. Any elector of the City may make and file with the City Clerk an affidavit stating the name of the person whose removal is sought. The Clerk shall thereupon deliver to the elector making the affidavit copies of petition papers for demanding such a removal, printed copies of which he or she shall keep on file for distribution as herein provided. In issuing any such petition paper, the Clerk shall enter in a record to be kept in the Clerk's office the name of the elector to whom issued, the date of issuance, the number of papers issued, and shall certify upon each paper the name of the elector to whom issued and the date of issuance. No petition paper shall be accepted as part of a petition unless it bears such certificate of the Clerk and unless filed as hereinafter provided in this Article XVII of the Charter.

#### **17.02 Filing Recall Petition**

A petition demanding the removal of a member of the Council or the Mayor shall be known as a recall petition. A recall petition to be effective must be returned and filed with the City Clerk within thirty days after the filing of the affidavit as provided in the next preceding section, and to be sufficient must bear the signatures of electors of the City equal in number to at least fifteen percent (15%) of those persons who voted at the last preceding regular municipal election for the office of Mayor if the Mayor is sought to be removed; or at least fifteen percent (15%) of those persons who voted at the last preceding regular municipal election for the office of Council Member whose removal is sought. A recall petition, if insufficient as originally filed, may be amended as provided in this Charter.

#### **17.03 Recall Election Ordered**

If a recall petition, or amended petition, shall be certified by the City Clerk to be sufficient, he or she shall at once submit it to the Council with his or her certificate to that effect and shall notify the person whose removal is sought of such action. If the person whose removal is sought does not resign within five days after such notice, the Council shall thereupon order and fix a day for holding a recall election. Any such election shall be held not less than forty nor more than sixty days after the petition has been represented to the Council and at the same time

as any other general or special election held within such period; but, if no such election is to be held within such period, the Council shall call a special recall election to be held within the time aforesaid.

#### **17.04 Conduct of Recall Elections**

(A) The question of recalling any number of members of the Council or the Mayor may be submitted at the same election. The election authorities shall conduct the election in a manner assuring that the question of the recall of each person sought to be recalled shall be voted on separately. With respect to each person whose removal by recall is sought, the question shall be submitted, "Shall (name of person) be removed from the Council (or Mayor, as applicable) by recall?" The election authorities shall provide for a ballot that will allow electors voting on the issue to vote either for recall or against the recall of each person sought to be recalled.

(B) Candidates to succeed any person whose removal is sought shall be placed in nomination by petition, signed, filed and verified as provided for nominating petitions for a regular municipal election; except that each petition paper shall specify that the candidate named therein is a candidate to succeed a particular person whose removal is sought. The election authorities shall provide for the conduct of the election to determine which candidates shall succeed each person who is sought to be recalled, if the person is removed by recall or resigns under the circumstances set forth in division (D) of this section. The name of the person whose removal is sought shall not appear on the ballot as a candidate to succeed himself.

(C) If a majority of the votes cast on the question of recalling a member of the Council or the Mayor shall be against his or her recall, he or she shall continue in office for the remainder of the unexpired term, but subject to recall as before. If a majority of such votes be for the recall of the person indicated on the ballots, he or she shall, regardless of any defect in the recall petition, be deemed removed from office. When a person is removed from office by recall, the candidate to succeed such person declared elected shall succeed the person so removed for the unexpired term.

(D) If a person in regard to whom a sufficient recall petition is submitted to the Council shall resign within five days after notice thereof, a successor shall be nominated and elected as provided in division (B) of this section.

(E) No recall petition shall be filed against a member of the Council or the Mayor within three months after he takes office, nor in case of a person subjected to a recall election and not removed thereby, until at least six months after that election.

## **ARTICLE XVIII**

### **MISCELLANEOUS PROVISIONS**

#### **18.01 Oath of Office**

Every officer of the City shall, before entering upon the duties of his or her office, take and subscribe to the following oath or affirmation, to be filed and kept in the office of the City Clerk:

"I solemnly swear (or affirm) that I will obey the Constitution and laws of the United States and of the State of Ohio, that I will in all respects observe the provisions of the Charter and ordinances and resolutions of the City of Hamilton and faithfully discharge the duties of the office of \_\_\_\_\_."

**18.02 Financial Interest in Contracts, Etc.**

No officer or employee of the City shall have a financial interest, direct or indirect, in any contract with the City, or be financially interested, directly or indirectly, in the sale to the City of any land, materials, supplies, or services except on behalf of the City as an officer or employee. Any willful violation of this section shall constitute malfeasance in office, and any officer or employee found guilty thereof shall thereby forfeit his or her office or position. Any violation of this section with the knowledge, expressed or implied, of the person or corporation contracting with the City shall render the contract involved voidable by the City Manager or the Council.

**18.03 Continuance of Present Officers**

Any person holding administrative office or position of employment under the City government at the time this Revised Charter takes effect shall continue in office or position of employment and in the performance of his or her duties until provision shall have been made for the performance of such duties or the discontinuance of such office or position of employment. The powers conferred and the duties imposed upon any officer, commission, board or department of the City by the Original Charter or the laws of the State shall, if such office, commission, board or department be abolished by this Revised Charter, be thereafter exercised and discharged by the office or position of employment or department designated by Council unless otherwise provided in this Revised Charter.

**18.04 Continuance of Contracts**

All contracts entered into by the City, or for its benefit, prior to the taking effect of this Revised Charter shall be continued. Public improvements for which legislative steps shall have been taken under laws existing at the time this Revised Charter takes effect may be carried to completion in accordance with the provisions of such laws. All ordinances and resolutions in force at the time this Revised Charter takes effect, and not inconsistent therewith, shall continue in force until amended or repealed.

**18.05 Hours of Labor**

The hours of labor for City employees shall be governed by the laws of Ohio and the federal laws of the United States of America, including Ohio and federal case law.

**18.06 Amendments**

This Charter may be amended as provided for by the Constitution of Ohio.

**18.07 When Provisions Take Effect**

For the purpose of nominating and electing members of the Council and the Mayor, this Revised Charter shall be in effect from and after its approval by the electors of the City. For all other purposes, this Revised Charter shall be in effect from and after January 1, 2001.

**18.08 Relation of this Charter to State Law**

It is hereby declared to be the intention of the electors of the City of Hamilton that the civil service provisions and all other provisions of this Revised Charter shall prevail over State laws in conflict or inconsistent therewith, except in matters in which, and to the extent that, the powers granted to municipal corporations by the Constitution of Ohio are subordinated by the terms of that Constitution to State law and no farther, and no State law shall derogate from or

prevail over this Revised Charter or any provisions thereof, or over any ordinance or resolution of the City of Hamilton farther than is indispensably necessary in order to give effect to the Constitution of Ohio.

#### **18.09 City Planning Commission: Organization**

The City Planning Commission shall consist of seven members; the Mayor, the City Manager, as an ex-officio voting member, one member of the Hamilton Board of Education who shall be a resident of the City of Hamilton appointed by the City Manager and shall serve a two year term; and four citizens of the City of Hamilton appointed by the City Manager for terms of four years each.

#### **18.10 Equal Employment Opportunity; Prohibiting Discrimination; Gender**

(A) The City of Hamilton shall provide equal opportunity in City employment for all persons.

(B) Discrimination in City employment is prohibited because of race, color, religion, sex, national origin, handicap, ancestry, or age, except that age limitations may be required for original appointments to the positions of police officer and firefighter to the extent permitted by law.

(C) Whenever this Charter uses words of one gender, such words shall be construed to include the other genders. Such use is for convenience purposes only and shall not be construed to be discriminatory based upon sex.

#### **18.11 Charter Review Commission**

On or before February 28, 2005, and every five years thereafter, the Council shall appoint by written motion a Charter Review Commission consisting of not less than nine nor more than fifteen electors of the City to review the City's Charter and to make recommendations, if any, for revisions to the City's Charter to the Council. The Council may also appoint by written motion Special Charter Review Commissions at any time to study and report recommendations to the Council with respect to specific matters. Special Charter Review Commissions shall be composed of not less than five nor more than nine members. The Council may accept or reject the recommendations of regular Charter Review Commissions and Special Charter Review Commissions, and may submit amendments recommended by regular Charter Review Commissions or Special Charter Review Commissions to the electors in their original or a revised form.

### **CERTIFICATE**

I hereby certify that the foregoing is a true and correct copy of the Charter of the City of Hamilton, Ohio, as Amended to November 6, 2018.



Nicholas Garuckas  
City Clerk  
City of Hamilton, Ohio