

**CHARTER
OF THE
CITY OF CLEVELAND HEIGHTS, OHIO
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(EDITOR'S NOTE: The Charter was originally adopted by the voters at a special election on August 9, 1921. Dates appearing in parentheses following a section heading indicate that those provisions were subsequently amended or adopted on the date given.)

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**THE CHARTER OF THE CITY OF
CLEVELAND HEIGHTS
PREAMBLE**

We, the people of the City of Cleveland Heights, in the County of Cuyahoga and the State of Ohio, in order to secure for ourselves the benefits of local self-government under the Constitution of the State of Ohio, do ordain and establish this Charter for the government of the City of Cleveland Heights.

**ARTICLE I
NAME AND BOUNDARIES**

The municipal corporation now existing and known as the City of Cleveland Heights shall continue to be a body politic and corporate under the same name and with the same boundaries, with power and authority to change its boundaries and annex other territory contiguous thereto in the manner authorized by the general laws of Ohio; but no territory shall be detached therefrom nor shall the City be annexed to any other municipality, without the consent of the Council and of a majority of its electors voting on such question.

**ARTICLE II
POWERS**

The City of Cleveland Heights shall have all powers of local self-government now or hereafter granted to municipalities by the Constitution and laws of Ohio, and such further powers as may now or hereafter be granted by the laws of Ohio; and all such powers shall be exercised in the manner prescribed by this Charter or by ordinances of the Council created hereby.

**ARTICLE III
THE COUNCIL**

SECTION III-1. POWERS, NUMBER AND TERM.

The legislative power of the City, except as limited by this Charter, and such additional powers as may be expressly granted by this Charter, shall be vested in a Council of seven members elected at large. The terms of the members of the Council shall begin the first day of January next following their election, and they shall serve for a term of four years or until their successors are chosen and qualified, except that the three members elected at the first election by the lowest votes shall serve for two years only.

SECTION III-2. QUALIFICATIONS.

To serve as a member of the Council, a person shall be a resident and elector of the City of Cleveland Heights at the time for submitting his or her nominating petition to the election authorities as required under the terms of this Charter, and shall continue to reside therein during his or her term of office. No person shall be a member of Council who holds any employment with the City of Cleveland Heights, the Cleveland Heights/University Heights School District, or the East Cleveland School District, or who holds any elected public office other than that of precinct committee person or State central committee person.

(Amended 5-6-86.)

SECTION III-3. REMOVAL.

The Council shall be the judge of the election and qualifications of its own members. It may expel any member for gross misconduct, or malfeasance in or disqualification for office, or for conviction of a crime involving moral turpitude while in office, or violation of its charter, or

persistent failure to abide by the rules of the Council; provided, however, that such expulsion shall not take place without the concurrence of five members nor until the accused member shall have been given a written copy of the charges against him and an opportunity to be heard, with not less than ten days' notice of the time and place of hearing.
(Amended 11-7-72.)

SECTION III-4. VACANCIES.

Any vacancy in the Council, except as otherwise provided in this Charter, shall be filled by appointment by a majority of the remaining members of the Council. Such appointee shall hold office through December 31 following the next regular municipal election taking place more than sixty days after such vacancy occurs; provided, however, that the term of a member shall not be lengthened by his resignation and subsequent appointment. The term of the person chosen at such election to succeed such appointee for any unexpired term shall begin the first day of January next following his election and he shall serve the remainder of such unexpired term.
(Amended 11-7-72.)

SECTION III-5. SALARIES.

Council may, by ordinance passed biennially in odd numbered years, fix the salaries of the Mayor and all members of the Council for the two-year period commencing on January 1 of the second year following the year that this section shall become effective; provided that any such ordinance must be adopted at least sixty days prior to the filing date for the regular municipal election to be held in the year of adoption; and provided further that Council may, in the year in which this section shall become effective, pass an ordinance fixing, but not increasing, the salaries of the Mayor and all members of Council for the two-year period commencing on January 1 of the first year following the year in which this section shall become effective. This section shall become effective January 1, 1983.
(Amended 11-2-82.)

SECTION III-6. APPOINTEES.

The Council shall appoint a City Manager.

Unless otherwise provided by ordinance of the Council, the Director of Finance shall serve as ex officio Clerk of the Council, and shall have the duty of keeping Council's records and performing all other duties required by this Charter and by the Council. The Council may also appoint and employ such other officers and employees of its body as it deems necessary, all such officers and employees to hold office at the pleasure of the Council.

The Council may create and establish any other offices and positions which it may deem necessary in connection with the administration of the City affairs and which are not herein otherwise provided for.

Neither the Council nor any of its members or committees shall dictate the appointment of any person to office or employment by the City Manager, nor in any manner interfere with or prevent the City Manager from exercising his own judgment in the appointment of officers and employees in the administrative service. Except for the purpose of inquiry, the Council and its members shall deal with the administrative service solely through the City Manager and neither the Council nor any member thereof shall give orders to any of the subordinates of the City Manager.

In its employment practices, the City is and shall continue to be an equal opportunity employer. At least once each year, the City Manager shall submit a report to the Council for review concerning the carrying out of this policy. Council shall make this report public.

This section shall become effective January 1, 1983.
(Amended 11-2-82.)

SECTION III-7. MEETINGS.

The Council shall meet for the purpose of organization on the first Monday in January following each regular municipal election. In the event such first Monday is a legal holiday, Council shall meet the following day. Thereafter the Council shall meet at such times and at such public places within the City of Cleveland Heights as may be prescribed by ordinance or resolution. Four members shall constitute a quorum.

(Amended 11-7-72.)

SECTION III-8. GENERAL PROVISIONS.

The Council shall determine its own rules and order of business, provide for special meetings and keep a journal of its proceedings. The Council may by general ordinance provide: for legislative procedure; the form and method of enactment of ordinances; a simplified procedure for levying assessments; the method and manner of giving public notice of passage of ordinances or resolutions of a general or permanent nature; the advertisement and sale of bonds and notes; and the advertisement and awarding of public contracts. Such general ordinances, when once adopted, shall not be repealed or amended except by vote of five members of the Council or by the people.

SECTION III-9. FRANCHISES.

No measure making a grant, renewal or extension of a franchise or other special privilege, or regulating a rate to be charged for its service by any public utility, shall ever be passed as an emergency measure.

SECTION III-10. INTEREST IN CONTRACTS.

No member of the Council, nor the City Manager, nor any other officer or employee of the City shall be directly or indirectly interested in any contract, job, work, or service with or for the City; nor in the profits or emoluments thereof; nor in the expenditure of any money on the part of the City; and any contract with the City in which any officer or employee is or becomes interested may be declared void by the Council.

SECTION III-11. MAYOR AND VICE MAYOR.

The Council shall, at the time of organizing, and every two years thereafter, elect one of its members as President, who shall also have the title of Mayor, and another as Vice President, who shall also have the title of Vice Mayor. In the event of a vacancy in either the office of Mayor or Vice Mayor, or in the event the Council shall determine by at least four of its members that either the Mayor or Vice Mayor is unable to fulfill the duties of his respective office, the Council shall immediately proceed to elect one of its members to serve in such office.

The President, and in his absence the Vice President, shall preside at all meetings of the Council and shall have a voice and vote in its proceedings, but no veto. Except as the same are otherwise disposed of or provided for herein, the Mayor, or in the event he is unavailable, the

Vice Mayor, shall exercise all powers and discharge all duties imposed upon Mayors of municipalities by the general laws of the State, which are not inconsistent with the provisions of this Charter; but nothing herein provided shall be construed as conferring upon him any administrative or executive functions herein conferred upon other officers.

(Amended 11-7-72.)

ARTICLE IV CITY MANAGER

SECTION IV-1. APPOINTMENT.

The City Manager shall be appointed by the Council to serve at the will of the Council, a majority of all the members of the Council being required for his appointment, suspension or removal.

(Amended 11-7-72.)

SECTION IV-2. RESIDENCE REQUIREMENTS.

The City Manager need not be a resident of the City at the time of his appointment, but shall reside therein during his tenure of office.

(Amended 11-7-72.)

SECTION IV-3. POWERS AND DUTIES.

The City Manager shall be the chief administrative officer of the City, and shall be responsible to the Council for the proper administration of all the affairs of the City and the enforcement of all the laws and ordinances, except as herein otherwise provided; and to that end he shall have authority to appoint and remove all other administrative officers and employees, except as otherwise provided herein. He shall attend all meetings of the Council, with the right to participate in its discussions, but without the right to vote; and he shall attend meetings of any committee of the Council when so required by such committee. He shall prepare and submit to the Council the annual budget, after receiving estimates made by the directors of the several departments, and shall perform such other duties as may be prescribed by this Charter or by the ordinances or resolutions of the Council.

SECTION IV-4. VICE MANAGER.

The City Manager shall appoint a qualified City administrative officer as Vice Manager to exercise the powers and perform the duties of the City Manager during his temporary absence or disability. The City Manager shall certify such appointment in writing to the Council.

(Amended 11-7-72.)

SECTION IV-5. ACTING CITY MANAGER.

If the Council suspends the City Manager or there is a vacancy in the office of the City Manager the Council may appoint an Acting City Manager to serve until such suspension ceases or until another City Manager is appointed and qualified. The Council may suspend or remove an Acting City Manager at any time.

(Amended 11-7-72.)

**ARTICLE V
ADMINISTRATIVE OFFICERS AND DEPARTMENTS**

SECTION V-1. DEPARTMENTS.

The following administrative departments are hereby established: (1) Department of Law; (2) Department of Finance; (3) Department of Planning; (4) Department of Public Safety; (5) Department of Public Service; and (6) Department of Public Health.

The Council shall determine and prescribe the functions and duties of each department, and, by vote of five of its members, may create new departments, combine or abolish existing departments and establish temporary departments for special work.
(Amended 11-7-72.)

SECTION V-2. DIRECTORS.

There shall be a director of each department who shall have the supervision and control thereof, and who shall be appointed by, and shall be immediately responsible to the City Manager for the administration of his department. The City Manager's appointment of the Director of Law, Director of Finance and Director of Planning shall be effective only upon the approval of a majority of the members of Council. The City Manager may remove the director of any department without the approval of Council.

The Director of Law shall be an attorney at law duly admitted to practice in the State of Ohio, and shall have been engaged in active practice of law continuously for a period of five years next preceding his appointment. The Director of Finance shall also have the title of City Auditor. Nothing herein shall be construed as preventing the same person from being director of more than one department.
(Amended 11-7-72.)

SECTION V-3. CITY MANAGER AS HEAD OF DEPARTMENTS.

Excepting the Departments of Law, Finance and Planning, the City Manager may be the director of each and every department of the City government unless otherwise provided by the Council.
(Amended 11-7-72.)

SECTION V-4. SALARIES AND BONDS.

The Council shall fix by ordinance the salary, rate, or amount of compensation of all officers and employees of the City, except as otherwise provided in this Charter. The Council may require any officer or employee to give a bond for the faithful performance of his duties, in such an amount as it may determine, and it may provide that the premium therefor shall be paid by the City.

**ARTICLE VI
MUNICIPAL COURT**

SECTION VI-1. ESTABLISHMENT.

The Cleveland Heights Municipal Court has been created and is in existence pursuant to the laws of the State of Ohio.
(Amended 11-7-72.)

SECTION VI-2. NOMINATION AND ELECTION.

The provisions of Article **VII** of this Charter shall govern the nomination and election of the Judge of the Cleveland Heights Municipal Court.

(Amended 11-7-72.)

SECTION VI-3. GENERAL PROVISIONS.

Except as otherwise specifically provided herein the Cleveland Heights Municipal Court shall be governed by the laws, rules and regulations of the State of Ohio.

(Amended 11-7-72.)

**ARTICLE VII
NOMINATIONS AND ELECTIONS**

SECTION VII-1. TIME OF HOLDING ELECTIONS.

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

SECTION VII-2. BALLOTS.

The ballots used in all elections provided for in this Charter shall be paper ballots or mechanical or other devices for voting not inconsistent with the general election laws of the State of Ohio.

The ballots used in all elections provided for in this Charter shall be without party marks or designations. The names of all candidates for any office shall be placed upon the same ballot and the names shall be rotated in the manner provided by the laws of the State of Ohio.

The full names of all candidates shall be printed on the ballots. If two or more candidates for the same office have the same surname or surnames so similar as to be likely to cause confusion, their residence addresses shall be printed with their names on the ballot.

(Amended 11-7-72.)

SECTION VII-3. PETITION FOR PLACES ON BALLOTS.

The name of any elector of the City shall be printed upon the ballot if there is filed with the election authorities prescribed by general law a petition in accordance with the following requirements:

(a) Such petition shall state the name and place of residence of the person whose name is presented for a place upon the ballot and the name of the office for which he is a candidate. The nomination of each candidate shall be made by separate petition.

(b) Such petition shall be signed by electors of the Municipality equal in number to not less than two percent of the total number of voters voting at the last regular election of municipal officers.

(c) Each elector signing a petition shall add to his signature his place of residence, with street and number and date of signing. No elector shall sign more nominating petitions for different candidates for a particular office than there are positions to be filled for that office at the election for which the petition is signed. If he does so, his signatures on all petitions which postdate his signing the permissible number of petitions shall be invalid. All signatures shall be made with ink.

(d) The signature of all petitioners need not be appended to one paper, but to each separate paper there shall be attached a signed statement of the circulator thereof, made under penalty of election falsification, stating the number of signers thereto, that each person signed in the circulator's presence on the date mentioned, and that the signature is that of the person whose name it appears to be.

(e) Such petition shall not be signed by any electors more than one hundred eighty (180) days prior to the day of such election, and such petition shall be filed with the election authorities prescribed by general law not less than ninety (90) days previous to the day of such election. This section shall become effective January 1, 2017.

(Amended 11-8-16.)

SECTION VII-4. ACCEPTANCE.

Any person whose name has been submitted for candidacy by any such petition shall file an acceptance of such candidacy with the election authorities not later than eighty-five (85) days previous to said election; otherwise, the name of that person shall not appear on the ballot. The signature of a candidate upon a declaration of candidacy contained as part of petitions filed with the election authorities, in accordance with law, shall constitute compliance with the requirements of this section. This section shall become effective January 1, 2017.

(Amended 11-8-16.)

SECTION VII-5. WHO ELECTED.

The voter may write the name of any candidate who has properly filed a declaration as a write in candidate with the election authorities on or before the seventy-second (72nd) day before the election shall be counted. Such declaration shall state the name of the candidate, his or her place of residence, and the office for which he or she desires to run. A write in candidate shall be an elector of the City at the time his or her declaration as such a candidate is filed with the election authorities. This section shall become effective January 1, 2017.

(Amended 11-8-16.)

SECTION VII-6. CONDUCT OF ELECTIONS AND CANVASS OF VOTES.

All elections shall be conducted and the results canvassed and certified by the election authorities prescribed by general election laws, and all other matters relating to elections not herein or by ordinance of the Council specifically provided for shall be determined by the general election laws of the State.

SECTION VII-7. VOTING BY A MEMBER OF THE ARMED FORCES AND HIS FAMILY.

A member of the Armed Forces of the United States or a member of his family shall be entitled to vote in accordance with and pursuant to the procedures of the general election laws of the State of Ohio.

(Amended 11-7-72.)

**ARTICLE VIII
INITIATIVE, REFERENDUM AND RECALL**

SECTION VIII-1. INITIATIVE.

The people reserve unto themselves the right to propose, by initiative petition, any legislative measure, including the repeal of ordinances adopted by the Council, approved by referendum vote or initiated by the people. Such initiative petition must contain the signatures of not less than ten percent of the electors of the City.

When there shall have been filed a petition signed by the aforesaid required number of electors proposing an ordinance or other measure, the Clerk shall certify the same to the Council at the next regular meeting, and the Council shall at once read and refer the same to an appropriate committee which may be the committee of the whole; provision may be made for public hearings upon the proposed legislation before the committee to which it is referred; thereafter the committee shall report the proposed measure to the Council with its recommendations thereon not later than the second regular meeting of the Council following that at which the proposed measure was submitted to the Council.

Upon receiving the proposed measure from the committee, the Council shall at once proceed to consider the same and shall take final action thereon within thirty days from the date of such committee's report. If the Council rejects the proposed measure, or passes it in a form different from that set forth in the petition, the committee of the petitioners may require that it be submitted to a vote of the electors in its original form, or that it be submitted to a vote of the electors with any proposed change, addition or amendment which was presented in writing, either at a public hearing before the committee to which such proposed measure was referred, or during the consideration thereof by the Council, and shall certify such fact to the Clerk within ten days after the final action on such proposed measure by the Council, who shall forthwith certify the same to the Council, which shall call an election.

No measure initiated by the people and adopted by popular vote shall be repealed by the Council, or so amended by it as to destroy the effectiveness thereof, within two years after it takes effect.

SECTION VIII-2. REFERENDUM.

Any ordinance or other measure passed by the Council shall be subject to referendum, except as hereinafter provided. No ordinance or other measure shall go into effect until thirty days after it shall have been passed by the Council, except as hereinafter provided; but nothing herein contained shall prevent the City, after the passage of any ordinance or other measure, from proceeding at once to give any notice or make any tender or publication required by such a measure, by this Charter, by general law or by general ordinance.

When there shall have been filed a petition signed by not less than fifteen percent of the electors of the City within thirty days after any ordinance or other measure shall have been passed by the Council, ordering that such ordinance or other measure be submitted to the electors of the City for their approval or rejection, the Clerk shall, at the next regular meeting of the Council, certify such petition to the Council. The Council shall thereupon proceed to reconsider such ordinance or other measure. If upon such reconsideration the ordinance or other measure be not entirely repealed, the Council shall provide for submitting it to a vote of the electors as herein elsewhere provided. No such ordinance or measure shall go into effect until approved by a majority of those voting on the same.

Whenever the Council is by law or provisions of general ordinances required to pass more than one ordinance or other measure to complete the legislation necessary to make and pay for any public improvement, the provisions of this section shall apply only to the first ordinance or other measure required to be passed and not to any subsequent ordinances or other measures relating thereto.

Whenever the electors shall have authorized the issuance of bonds, subsequent ordinances or other measures relating to the issuance of such bonds shall not be subject to the provisions of this section.

Ordinances or other measures providing for appropriations for the current expenses of the City, or for street improvements petitioned for by the owners of a majority of the feet front of the property benefited and to be specially assessed for the cost thereof, as provided by general law or general ordinance, and emergency ordinances or measures necessary for the immediate preservation of the public peace, health or safety of the City, shall go into immediate effect and shall not be subject to the provisions of this section.

Such emergency ordinances or measures must upon an aye or nay vote receive the vote of five members of the Council, and the reasons for such necessity shall be set forth in one section of the ordinance or other measure.

SECTION VIII-3. RECALL.

(a) The people reserve unto themselves the right to recall and remove from office any member of the Council. The procedure to effect such recall or removal shall be as follows:

A petition demanding that the question of removal of such officer be submitted to the electors shall contain a concise statement setting forth the basis for the recall and shall be signed by at least twenty-five percent of the electors of the City. No petition may relate to the recall of more than one officer.

When there shall have been filed a question signed by the aforesaid required number of electors, the Clerk shall certify the same to the Council at the next regular meeting and shall furnish a copy thereof to the member of the Council whose removal is so sought, and the Council shall call an election upon the question of such removal as herein elsewhere provided, unless within five days after such certification the member of the Council shall have tendered his written resignation to the Clerk.

(b) If a majority of the votes cast at such election on the question of removal of any member of Council are affirmative, the person whose removal is sought shall thereupon be deemed removed from office upon the certification of the official canvass of that election to the Council, and a vacancy caused by such recall shall be filled by the remainder of the Council according to the provisions of Article III of this Charter.

If, however, an election is held for the recall of more than three members of the Council, candidates to succeed them for their unexpired terms shall be voted upon at the same election and shall be nominated by petitions dated and verified in the manner required for petitions presenting names of candidates for regular municipal elections and similar in form to such petitions and filed with the election authorities at least ninety (90) days prior to such recall election, but no such nominating petition shall be signed or circulated until such recall petition has been certified to the Council, and any signatures ante-dating such time shall not be counted.

If a majority of the votes cast on the question of removal of any member of the Council are in the negative, the person whose removal is sought shall be allowed by the Council his reasonable expenses incident to such election. This section shall become effective January 1, 2017. (Amended 11-8-16.)

SECTION VIII-4. GENERAL PROVISIONS.

Any initiative or referendum petition, or one for a recall, may be presented in separate parts. Each part of any initiative petition shall contain a full and correct copy of the title and text of the proposed ordinance or other measure, and each part of any referendum petition shall contain the number and the full and correct copy of the title of the ordinance or other measure sought to be referred, but need not contain the full text of such ordinance or other measure.

Each signer of a petition shall be a registered voter of the City and shall sign his name in ink and shall place on the petition his name and place of residence by street and number. Each part of any such petition shall contain the affidavit of the person soliciting the signatures to the same, which affidavit shall contain a statement of the number of signers of such part of such petition and shall state that to the best of the affiant's knowledge and belief each of the signatures contained on such part is the genuine signature of the person whose name it purports to be, and that he believes such persons are registered electors of the City, and that they signed such petition with the knowledge of the contents thereof. Each part of such petition shall also have printed thereon the names and addresses of at least five registered electors, who shall be officially regarded as filing the petition and shall constitute a committee of the petitioners for the purpose herein elsewhere named.

All such petitions shall be filed with the Clerk of the Council and all parts of any such petition shall be assembled by the Clerk as one instrument.

Within ten days after the filing of a petition the Clerk shall ascertain whether the same is signed by the required number of qualified electors. Upon the completion of his examination the Clerk shall endorse upon the petition a certificate of the result thereof.

If the Clerk's certificate shows that the petition is insufficient he shall at once notify each member of the committee of the petitioners herein elsewhere provided for, and the petition may be amended at any time within fifteen days from the date of the Clerk's certificate of examination by filing with the Clerk an additional petition in one or more parts in the same manner as provided for the original petition. In the event that it shall be determined by judicial proceedings that the certificate of the Clerk to the effect that the petition is sufficient is erroneous, a similar period of time shall be granted for additional petitions after the final determination of such question.

Upon the filing of any such additional petitions, the Clerk shall within ten days thereafter examine the petition as thus amended and attach thereto his certificate of the result, and the petition shall thereafter be treated in the same manner as it would have been treated after the original certification. The final determination of the insufficiency of a petition shall not prevent the filing of a new petition for the same purpose.

The sufficiency of the number of signers to any initiative, referendum or recall petition, shall be determined on the basis of the number of registered voters at the last general election for municipal officers.

The filing of an initiative, referendum or recall petition by the Clerk with the Council within the times herein elsewhere provided shall be computed from the date of the attaching of the final certificate of the Clerk to such petition.

Whenever it becomes the duty of the Council to call an election by reason of the filing of an initiative or referendum petition or one for recall, the Council shall call an election for the submission of such question, or recall, at the next regular primary or general election occurring not less than sixty (60) days nor more than one hundred twenty (120) days thereafter. If no such regular primary or general election is to be held within such time, the Council shall provide for calling a special election not less than sixty (60) days nor more than one hundred twenty (120) days thereafter. In either event, the Council shall certify its action to the Director of Elections. Provided, however, that if the recall of more than three (3) members of the Council is sought by petition, the period of sixty (60) days hereinbefore provided shall be changed to one hundred twenty (120) days.

When any legislative measure resulting from any initiative or referendum petition is approved by a majority of the electors voting thereon, such legislative measure shall become effective at the time fixed therein and if no time is fixed therein, then such legislative measure shall become effective upon its approval by the electors; provided, however, that in the event that two or more inconsistent legislative measures on the same subject are submitted at the same election, only the one receiving the largest affirmative vote, not less than a majority, shall become effective. This section shall become effective January 1, 2017.

(Amended 11-8-16.)

SECTION VIII-5. OFFICIAL PUBLICITY.

Not less than thirty (30) days prior to the election at which any Charter amendment, initiated or referred legislative measure, or recall of any elective official is to be submitted to the electors, the Clerk of Council shall either:

- (a) Print and mail to each registered elector an official publicity pamphlet, or
- (b) Publicize official publicity in a newspaper published and generally circulated in the City, or if no such newspaper is published in the City, then in a newspaper of general circulation within the City. Such publication shall be made once a week for not less than two consecutive weeks with the first publication being at least thirty (30) days prior to such election.

Such publicity pamphlet or publication shall contain a full text of the Charter amendment, initiated or referred ordinance, or recall petition, with their respective ballot titles, together with any explanation or argument for or against such measure or recall which may have been filed with the Clerk of Council, as hereinafter provided. The validity of any Charter amendment, initiated or referred legislative measure, approved by the electors, and the result of any recall election, shall not be questioned because of technical or non-consequential errors or irregularities in such mailing, distribution or publication.

Not less than fifty (50) days before any such election, the committee designated in the petition, as a result of which said election is called, may submit to the Clerk of Council an explanation or argument supporting the position taken by the signers of such petition. If a Charter amendment is proposed by the Council a committee of three of the Council to be appointed by the Mayor shall prepare such explanation or argument. In the event of an initiated ordinance, which Council has failed to pass, or of a referred ordinance, the Mayor shall appoint a committee of three of the Council to prepare an answer to the explanation or argument submitted by the committee of the petitioners. In the case of recall elections, the official whose recall is sought may prepare an answer to the argument of the committee of the petitioners. Where a Charter amendment is proposed, any civic body or committee of citizens may prepare and submit an answer to the explanation or argument in favor of such amendment. Any such answer shall be

prepared and filed with the Clerk not less than forty (40) days prior to any such election. All explanations or arguments for or against any measure or recall shall be signed by the persons authorized to submit the same. No such explanation or argument shall exceed three hundred (300) words in length unless the person or persons submitting the same shall at the same time deposit with the Clerk of Council a sum of money sufficient to cover the proportionate cost of printing such excess. Arguments in favor of or against any measure or election, filed with the Clerk, shall at all times be open to the inspection of anyone interested therein. (Amended 11-7-72.)

ARTICLE IX FINANCES

SECTION IX-1. BUDGET.

The finances of the City shall always be conducted upon the budget system. The City Manager, with the assistance of the Director of Finance, shall furnish to the Council at such time prior to the first Monday in June of each year (or such other date as may from time to time be fixed by general law for the certifying of the budget of the Municipality, to the Budget Commissioners of the County or other similar officials having charge of taxation matters), as may be required by Council, an annual budget setting forth in itemized form an estimate stating the amount of money needed for the various departments in the Municipality for the succeeding calendar year, which shall be the fiscal year of the Municipality, and for each month thereof. Such annual budget shall set forth specifically such items as may be required by general law or by ordinance of the Council and the Council shall thereupon and within such time as may be prescribed by general law approve or revise such budget and submit the same to the County Budget Commissioners or similar officials. On or before the fifteenth day of November of each year, the City Manager shall submit to the Council an estimate of the expenditures and revenues of the City departments for the ensuing year. This estimate shall be compiled from the detailed information obtained from the several departments, on uniform blanks to be furnished by the City Manager and approved by the Council; and the Director of Finance shall assist the City Manager in the preparation of such information. Such information shall be furnished in detail for each department, and in such form as the City Council may from time to time require; and shall contain the recommendations of the City Manager as to the amounts to be appropriated, with the reasons therefor, in such detail as the Council may require.

SECTION IX-2. APPROPRIATION ORDINANCE.

Upon receipt of such estimate, the Council shall at once prepare an appropriation ordinance, in such manner as may be provided by general ordinance or resolution, using the City Manager's estimate as a basis, and such appropriations shall not exceed the estimated revenues of the Municipality.

SECTION IX-3. TRANSFER OF FUNDS.

Upon request of the City Manager, the Council may transfer any part of an unencumbered balance of an appropriation to a purpose or object for which the appropriation for the current year as proved insufficient, or may authorize a transfer of money to be made between items appropriated to the same office or department.

SECTION IX-4. UNENCUMBERED BALANCES.

At the close of each fiscal year, the unencumbered balance of each appropriation shall revert to the fund from which it was appropriated, and shall be subject to future appropriation. Any accumulated revenue not appropriated as hereinbefore provided, and any balances at any time remaining after the purposes of the appropriation shall have been satisfied or abandoned, may from time to time be appropriated by the Council to such uses as will not conflict with any uses for which such revenues specifically accrue. No money shall be drawn from the treasury of the City nor shall any obligation for the expenditure of money be incurred, except pursuant to appropriations made by the Council.

SECTION IX-5. PAYMENT OF CLAIMS.

No warrant for the payment of any claim shall be issued by the Director of Finance until such claim shall have been approved by the director for the department for which the indebtedness was incurred, and by the City Manager. Such officers and their sureties shall be liable to the Municipality for any loss or damage sustained by the Municipality by reason of the corrupt approval of any such claim against the Municipality. Whenever any claim shall be presented to the Director of Finance, he shall have power to require evidence that the amount of the claim is justly due and is in conformity to law and ordinance; and for that purpose he may summon before him any officer, agent or employee of any department of the Municipality, or any other person, and examine him upon oath or affirmation relative thereto.

SECTION IX-6. CERTIFICATION OF FUNDS.

No contract, agreement, or other obligation involving the expenditure of money, shall be entered into, nor shall any ordinance, resolution or order for the expenditure of money be issued by the Council or be authorized by any officer of the City unless the Director of Finance shall have first certified in writing to the Council, or to the proper officer, as the case may be, that the money required for such contract, agreement, obligation, or expenditure, is in the treasury to the credit of the fund from which it is to be drawn, and not appropriated for any other purpose, which certificate shall be filed and immediately recorded. The sum so certified shall not thereafter be considered unappropriated until the City is discharged from the contract, agreement, or obligation; but the provisions of this section shall not be construed as prohibiting the making of contracts for the furnishing of services or public utilities for a period extending beyond a single fiscal year when such contracts are otherwise authorized by this Charter or by general law.

SECTION IX-7. MONEY IN THE FUNDS.

All moneys actually in the treasury to the credit of the fund from which they are to be drawn, and all moneys applicable to the payment of the obligation or appropriation involved, that are anticipated to come into the treasury before the maturity of such contract, agreement, or obligation, from taxes, assessments, or license fees, or from sales of services, products, or by-products of any City undertaking, and moneys to be derived from lawfully authorized bonds, sold and in process of delivery, shall, for the purpose of such certificate, be deemed to be in the treasury to the credit of the appropriate fund, and shall be subject to such certification.

SECTION IX-8. BOND ISSUES.

Except as may be authorized specifically by the laws of the State of Ohio, no bonds or notes of the City shall at any time be issued for current operating expenses or for acquisition of any

property, asset or improvement of the estimated life or usefulness of less than five years, but this prohibition shall not be construed as applying to money borrowed in anticipation of the collection of special assessments, or for defraying the expenses of an extraordinary epidemic of disease, or emergency expenses made necessary by sudden casualty which could not reasonably have been foreseen, or for paying final judgments upon non-contractual obligations. (Amended 11-7-72.)

SECTION IX-9. MATURITIES OF BONDS.

All bonds shall be serial bonds; and the maturities thereof shall not extend beyond the estimated life of the property, asset, or improvement, as certified to the Council by the Director of Finance, which certificate shall be on file with the Council prior to the passage of any bond ordinance.

SECTION IX-10. TEMPORARY LOANS.

In anticipation of the collections of current revenues in any fiscal year, the City may borrow money and issue certificates of indebtedness therefor, signed as municipal bonds are signed, but no such loans shall be made to exceed the amount estimated to be actually received from taxes or other current revenues, for such fiscal year, after deducting all advances. The sum so anticipated shall be deemed appropriated for the payment of such certificates at maturity. The certificates shall not run for a longer period than six months nor bear a greater rate of interest than is permitted under the laws of the State of Ohio, and shall not be sold for less than the par value thereof with accrued interest. (Amended 11-7-72.)

SECTION IX-11. LIMITATION ON RATE OF TAXATION FOR CURRENT OPERATING EXPENSES.

The power of the Council without a vote of the people to levy taxes on property assessed and listed for taxation according to value for the purpose of paying the current operating expenses including the purpose of police and fire pensions, which is required to be, or may lawfully be, included in the general levy for the general fund of the City, shall not exceed 8 mills per one dollar (\$1.00) of assessed valuation. (Amended 11-7-72.)

SECTION IX-11(A). LIMITATION ON RATE OF TAXATION FOR IMPROVEMENT AND MAINTENANCE OF CITY OWNED PARKS, RECREATION AND CULTURAL FACILITIES.

Notwithstanding the 8 mill limitation on current operating expenses contained in Section 11 of this article, and in addition thereto, Council may levy annually, commencing with a levy on the 2004 tax duplicate for collection in calendar year 2005, a tax not to exceed seven-tenths (.7) of one mill per dollar of all property in the City assessed and listed for taxation for the acquisition, construction, reconstruction, rehabilitation, renovation, improvement, equipping and maintenance of land, facilities, buildings and structures belonging to or operated by the City and used for parks, playgrounds, play fields, rights of way, swimming pools, indoor recreation and community centers, municipal amphitheaters and cultural facilities, and the equipment therefor, and for the debt charges on general obligation bonds and bond anticipation notes issued to pay the cost of the improvements and/or maintenance specified herein. (Added 11-2-04.)

SECTION IX-12. AUDITING FINANCES.

Council may engage the services of a private independent public accounting firm for the purpose of auditing the City's finances. Said contractual arrangements shall be for a period deemed proper by Council. This section shall become effective January 1, 1983.
(Adopted 11-2-82.)

**ARTICLE X
FRANCHISES**

SECTION X-1. GRANTS LIMITED.

No grant, or renewal thereof, to construct or operate a public utility on, under, or above the streets of the City shall be made by the Council to any person, persons, association, or corporation in violation of any limitation contained in this Charter.

SECTION X-2. PERIOD OF GRANTS.

No such grant shall be made for a longer period than twenty-five years. No such grant shall be renewed earlier than two years prior to its expiration, unless the Council shall, by a vote of at least five of its members, first declare by ordinance its intention of considering a renewal thereof, which ordinance shall be passed at least thirty days prior to the passage of the ordinance granting such renewal.

SECTION X-3. CONSENTS.

No consent of the owner of property abutting on any highway or public ground shall be required for the construction, extension, maintenance or operation of any public utility by original grant or renewal, unless such public utility is of such a character that its construction or operation is an additional burden upon the rights of the property owners in such highways or public grounds.

SECTION X-4. REGULATIONS.

The Council shall at all times direct the distribution of space in, over, under, or across all streets or public grounds occupied by public utility fixtures. All rights granted for the construction and operation of public utilities shall be subject to the continuing right of the Council to pass reasonable regulations for the operation of such utilities, including the right to require such reconstruction, relocation, or discontinuance of the appliances used by the utilities, in the streets or public grounds, as shall, in the opinion of the Council, be necessary in the public interest.

SECTION X-5. GRANTS NOT INCLUDED.

Revocable permits for laying temporary tracks across or along streets or other public grounds, to connect railroad or railway tracks with any property, shall not be regarded as a grant within the meaning of this Charter, but may be permitted in accordance with such terms or conditions as the Council may by ordinance prescribe.

**ARTICLE XI
CITY PLANNING COMMISSION**

SECTION XI-1. ESTABLISHMENT.

The Council shall establish a City Planning Commission of seven voting members, all of whom shall be residents of the City of Cleveland Heights appointed by the Council and not employed by the City of Cleveland Heights. A vacancy occurring during the term of any voting member of the Commission shall be filled for the unexpired term in the manner authorized for an original appointment. There shall be the following nonvoting members of the Commission: The Chairman of the City Planning and Development Committee of the Council; the City Manager; the Director of the Department of Planning and Development, who shall serve as ex officio secretary of the Commission; and such other persons as the Council shall from time to time appoint by ordinance. The voting members shall serve for a term of six years except that, of the members first appointed, two shall be appointed for a term of two years, and two shall be appointed for a term of four years, and two shall be appointed for a term of six years, beginning January 1, 1955. On or after the effective date of this section, the Council shall appoint a replacement for the position on the Commission previously occupied by the City Manager. The person so appointed shall serve for the remainder of an unexpired six-year term that shall commence on January 1, 1983. This section shall become effective January 1, 1983. (Amended 11-2-82.)

SECTION XI-2. POWERS.

The City Planning Commission may make recommendations to the Council and City Manager on all matters affecting the physical development of the City. In addition the Commission shall perform all other duties and responsibilities provided by ordinance. (Amended 11-7-72.)

**ARTICLE XII
CIVIL SERVICE COMMISSION**

SECTION XII-1. ESTABLISHMENT.

The Civil Service Commission shall consist of three electors of the City not holding other municipal office or employment, to be appointed by the City Manager, which appointment shall be confirmed by the Council. Each Civil Service Commissioner shall serve for a term of six years and until his successor shall have been appointed and qualified. Any vacancies occurring during the term of any member shall be filled for the unexpired term in the manner authorized for an original appointment. (Amended 11-7-72.)

SECTION XII-2. OFFICERS AND EMPLOYEES.

The Civil Service Commission shall elect one of its members as President. The City Manager shall appoint a City employee to serve as secretary of such Commission. (Amended 11-7-72.)

SECTION XII-3. POWERS AND PROCEDURES.

The Council shall provide by ordinance the powers, duties and jurisdiction of the Civil Service Commission, the determination of the positions of employment which shall comprise the

classified and unclassified service of the City, the method and procedure for determining merit and fitness for employment and promotion in the classified service, and such other matters relating to classified employment service as may be necessary and proper.

(Amended 11-7-72.)

**ARTICLE XIII
AMENDMENTS**

Amendments to this Charter may be submitted to the electors of the City by a vote of five members of the Council, and shall be submitted by the Council when a petition signed by not less than ten percent of the total number of electors as shown by those registered at the last general or municipal election, setting forth any such proposed amendment shall have been filed in the manner and form prescribed herein for the submission of ordinances by initiative petition. The amendment shall be submitted to the electors at the next regular primary or general election, if one shall occur not less than sixty (60) days, nor more than one hundred twenty (120) days after its passage or filing; otherwise the Council shall provide for the submission of the amendment at a special election to be called and held within the time aforesaid.

If any such proposed amendment be approved by a majority of the electors voting thereon, it shall become a part of this Charter at the time fixed in the amendment; and if no time is fixed therein, then such amendment shall become a part of this Charter upon its approval by the electors; provided, however, that in the event that two or more inconsistent amendments on the same subject are submitted at the same election, only the one of such amendments receiving the largest affirmative vote, not less than a majority, shall become a part of this Charter.

(Amended 11-7-72.)

**ARTICLE XIV
SAVING CLAUSES**

SECTION XIV-1. LAWS CONTINUED IN FORCE.

All general laws of the State which are not in conflict with the provisions of this Charter or with any ordinance enacted thereunder shall apply to the government of the City of Cleveland Heights; and all ordinances, by-laws, and resolutions in force at the time of the taking effect of this Charter, not inconsistent with its provisions, shall continue in full force and effect until amended or repealed.

SECTION XIV-2. PARTIAL INVALIDITY.

The determination by a court of competent jurisdiction that any section or part of a section of this Charter is invalid shall not invalidate, nor impair the force or effect, of any other section or part of a section, except to the extent that such other section or part of a section is dependent for its operation upon the section or part of a section so declared invalid.

SECTION XIV-3. CONTINUANCE OF PRESENT OFFICIALS.

All persons holding office at the time this Charter takes effect shall continue in office, and in the performance of their duties until provision shall have been otherwise made in accordance with this Charter for the performance or discontinuance of the duties of any such office. When such provision shall have been made, the term of any such officer shall expire and the office be deemed abolished. The powers which are conferred and the duties which are imposed upon any officer, commission, board, or department of the City under the laws of the State, or under any City ordinance or contract in force at the time of the taking effect of this Charter shall, if such

office, commission, board, or department is abolished by this Charter, be thereafter exercised and discharged by the officer, commission, board, or department upon whom are imposed corresponding functions, powers, and duties by this Charter or by any ordinance or resolution of the Council thereafter enacted.

SECTION XIV-4. CONTINUANCE OF CONTRACTS AND VESTED RIGHTS.

All vested rights of the City shall continue to be vested in the City and shall not in any manner be affected by the adoption of this Charter; nor shall any right or liability, or pending suit or prosecution, either in behalf of or against the City, be in any manner affected by the adoption of this Charter, unless herein otherwise expressly provided to the contrary. All contracts entered into by this City or for its benefit prior to the taking effect of this Charter shall continue in full force and effect. All public work begun prior to the taking effect of this Charter shall be continued and perfected thereunder. Public improvements for which legislative stops shall have been taken under laws in force at the time this Charter takes effect may be carried to completion in accordance with the provisions of such laws.

**ARTICLE XV
CHARTER REVIEW**

Council shall, at least once during each ten-year period, by ordinance or resolution, determine whether to appoint a Charter Review Commission to review the entire Charter. The first ten-year period shall end December 31, 1982. Thereafter each successive ten-year period shall commence on the date of Council's ordinance or resolution making such determination. (Amended 11-7-72.)

**ARTICLE XVI
WHEN CHARTER TAKES EFFECT**

For the purpose of electing officers and holding and conducting municipal elections, this Charter shall take effect from the time of its approval by the electors of the City; and for all other purposes it shall take effect on the first day of January in the year nineteen hundred and twenty-two.

We, the undersigned members of the Charter Commission of the City of Cleveland Heights, Ohio, elected at the general election held on the second day of November in the year nineteen hundred and twenty, have framed and hereby propose for adoption, at a special election hereby called and to be held on the ninth day of August, nineteen hundred and twenty-one, the foregoing as a Charter for the City of Cleveland Heights, Ohio.

Done in the City of Cleveland Heights, Ohio, this fifteenth day of June, in the year nineteen hundred and twenty-one.

THE CHARTER COMMISSION.

- Frank C. Cain, Chairman
- Charles E. Adams
- Clarence L. Berkey
- Alva Bradley
- Robert F. Denison
- G. H. Gardner
- Samuel Gross
- G. E. Hartshorn
- Mertice G. Laffer (Mrs. W. B.)
- Charles A. Niman

John L. Severance
George W. Staiger
Walter G. Stephan
A. H. Throckmorton, Secretary
(Amended 11-7-72.)