



CHARTER  
of the  
CITY OF  
AURORA, OHIO  
2014

UPDATED PER NOVEMBER 4, 2014 ELECTION

**MAYOR**

Ann Womer Benjamin

**AURORA CITY COUNCIL**

**COUNCIL PRESIDENT**

George Horvat  
**Ward Four**

**COUNCIL VICE PRESIDENT**

Dennis Kovach  
**Ward Two**

**COUNCIL AT LARGE**

John Kudley, Jr.  
Amy McDougald  
K. Scott Wolf

**WARD ONE**

James Vaca, Sr.

**WARD THREE**

Reva Barner

**WARD FIVE**

Kathi Grandillo

**WARD SIX**

Harold Hatridge

**2014 CHARTER REVIEW COMMISSION**

Dr. Larry Oswick, Chairman

Jane Adams  
William Keckan  
Charisse Louis  
Dale Moravec

Nancy Schnell  
Liz Sutter  
Mary Thomas  
Richard Vlasak

**2014 Aurora Charter  
Amended & Updated by**

Donna Hawks, CMC, Clerk of Council  
Dean DePiero, Law Director

# AURORA CHARTER

*Editor's Note: The Charter was originally adopted by the electors at a special election on June 26, 1959. Dates appearing in parentheses at the end of a section heading indicate those provisions were subsequently adopted or amended on the date given.*

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# CHARTER OF THE MUNICIPALITY OF AURORA, OHIO

## PREAMBLE

*We, the people of the City of Aurora, in the County of Portage, and State of Ohio, in order to secure for ourselves the benefit of municipal home rule and to exercise all of the powers of local self-government under the Constitution and the laws of the State of Ohio, do hereby adopt this Charter for our Municipality. (11-3-1992.)*

## ARTICLE I NAME AND BOUNDARIES

### SECTION 1.01 NAME

The Municipality now existing in the County of Portage, State of Ohio and known as the City of Aurora, shall continue to be a body politic and corporate. (11-3-1992.)

### SECTION 1.02 BOUNDARIES

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

## ARTICLE II MUNICIPAL POWERS

### SECTION 2.01 MUNICIPAL POWERS

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

All such powers shall be exercised in the manner prescribed in this Charter or, if not prescribed in this Charter, in such manner as Council may determine, or, unless a contrary intent appears in this Charter or in the enactments of the Council, in such manner as at the time be provided by Ohio laws. (Amended 5-3-2005.)

## **ARTICLE III THE COUNCIL**

### **SECTION 3.01 POWERS, NUMBER AND TERM**

All legislative powers of the Municipality under this Charter, together with all such powers conferred upon municipalities by the Constitution and laws of Ohio, shall be vested in a Council of nine (9) members.

Six (6) members shall be elected by the electors of each of the six (6) wards herein provided, one (1) from each ward, and three (3) members shall be elected at large by the electors of the Municipality.

The terms shall be staggered, shall be for a period of four (4) years, beginning on January 1st next following the member's election, and the member shall hold office until a successor is elected and qualified. *(11-3-1992.)*

### **SECTION 3.02 QUALIFICATIONS**

Each member of Council at the time of filing a petition for nomination for said office shall have been a bona fide resident, qualified elector and registered voter of this Municipality for one (1) year prior to that date, and shall so remain during such member's term of office. Each member of Council representing a Ward of the City at the time of filing a petition for nomination for said office shall also have been a bona fide resident of that Ward for one (1) year prior to that date, and shall so remain during such member's term of office.

No member of Council, while serving as a member of Council, shall hold any other elected public office, nor be otherwise employed by, nor hold any other office in, this Municipality. No member shall be interested in the profits or emoluments of any contract, job, work, or service for which monies of the Municipality are, or will be, expended. *(11-7-2000.)*

### **SECTION 3.03 VACANCIES**

Whenever the office of a member of Council becomes vacant for any reason it shall be filled by an appointment by the majority of the remaining members of Council. If the vacancy occurs before the expiration of two years of that Council member's term, a successor shall then be elected to complete the unexpired term, at the next regular municipal general election. The person appointed by Council may be a candidate for election.

Any vacancy in an office of a member representing a ward shall be filled from that ward.

If Council fails, within 30 days from the date of that vacancy, to fill that vacant office by appointment which it has the right to make under this section, the Mayor shall fill it by appointment. *(11-7-2000; 11-2-2004; 11-4-2014.)*

### **SECTION 3.04 REMOVAL**

The Council shall be the sole judge of the election and qualifications of its members. It may remove from office any member for gross misconduct, misfeasance, malfeasance or nonfeasance in or disqualification for office, or for the conviction while in office of a crime involving moral turpitude, or for the violation of the oath of office, or persistent failure to abide by the rules of Council, or absence without justifiable excuse, as determined by a majority of the other members of Council, from three consecutive regular meetings of Council, or three consecutive regular meetings of any one standing committee of Council to which the Council member is appointed. Such removal shall not take place without the concurrence of at least two-thirds of the other members of Council, nor until the individual shall have been notified in writing of the charge at least 15 days in advance of a public hearing upon such charge, and the individual or the individual's counsel has been given an opportunity to be heard, present evidence or examine any witness appearing in support of, or against such charge. No individual so removed shall be eligible for appointment to the vacancy created thereby. *(11-7-2000; 5-3-2005.)*

### **SECTION 3.05 WARDS**

The City is divided into six wards.

Council shall have the power by ordinance to change ward boundaries at any time and shall, by ordinance passed within 120 days after the official report of the results of each decennial federal census, either change the ward boundaries or affirm the then existing ward boundaries in each case so as to practically comply with the one person one vote requirement.

Council shall hold a public hearing on any ordinance that changes or affirms ward boundaries, and shall give 30 days public notice of the time and place of that hearing once in a newspaper of general circulation in the City and by posting at the same locations as required for ordinances. That ordinance shall be certified by the Clerk of Council to the Board of Elections of Portage County within 10 days after its effective date. *(5-3-2005.)*

### **SECTION 3.06 ORGANIZATION AND MEETINGS**

The Council organizational meeting is to be held in the Council Chambers before January 7 of each year following a regular municipal election.

No gathering of persons newly elected as members of Council, prior to the start of their term, shall be considered a meeting of Council.

The Council shall adopt its own written rules and/or bylaws by the first meeting in March following the organizational meeting.

Council shall hold a regular meeting at least once during each calendar month, provided that it may recess during the month of either July or August.

The agenda for any regular meeting of Council shall be posted at least 72 hours prior to the time of that meeting at City Hall, the Post Office and the Public Library if permitted, and in no less than two other publicly available places in the City as determined by Council.

All meetings of the Council shall be open to the public, except when Council adjourns to an executive session. Council may adjourn to executive session only for the purposes and in the manner provided by Ohio law. *(11-4-1997; 5-3-2005.)*

### **SECTION 3.07 SPECIAL MEETINGS**

Special meetings of Council may be called by a vote of a majority of members of Council taken at any regular or special meeting, or by the Clerk of Council upon the written request of the Mayor, or of the President of Council, or of any three members of Council. Any such vote or request shall state the time and the subject or subjects to be considered at the meeting and no other subject or subjects may be considered, except on the approval at that meeting by at least two-thirds of the members of Council. Unless an emergency exists requiring shorter notice, confirmed by at least two-thirds of the members of Council, twenty-four hours notice in writing of a special meeting shall be given to each member of Council and the Mayor, by personal service or by leaving it at their usual places of residence, except that the members of Council shall be held to have waived such notice by their attendance at the special meeting. *(11-4-1997; 11-2-2004.)*

### **SECTION 3.08 QUORUM**

A majority of the members of Council shall constitute a quorum to transact business, but a lesser number may adjourn from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by Council rules and regulations duly adopted. *(11-3-1992.)*

### **SECTION 3.09 COMPENSATION AND BONDS**

The Council shall have the power to fix the compensation of its own members, of each official and of members of any City board or commission. When appropriate, Council shall establish any required bond for the faithful discharge of the duties of each office, the premium on which shall be paid for by the City.

Council approval of the compensation of all City officials and employees is required in the following circumstances:

- A. All salary ranges recommended by the Mayor for any position;
- B. The salary recommended by the Mayor for any new hire or newly elected position;
- C. Any employee salary, including all increases, proposed in the annual budget and approved by Council as part of the appropriation for that year; and
- D. Any other employee increase not included in the annual budget proposed and approved for that year. *(11-4-1997; 5-3-2005.)*

**SECTION 3.10 CLERK OF COUNCIL**

Council shall appoint a Clerk of Council and may appoint such deputies or assistants as it shall determine from time to time, all of whom shall serve at the pleasure of the Council.

The Clerk of Council shall be the records administrator of the City, and shall keep an accurate and complete journal of all Council proceedings which shall be a public record, and shall perform such other duties as the Council may require from time to time.

In case of the temporary absence or disability of the Clerk of Council and any Deputy Clerk of Council, Council may appoint another person to perform temporarily all the duties of that office. *(11-5-1985; 5-3-2005.)*

**SECTION 3.11 LEGISLATIVE PROCEDURE**

All legislative action shall be by ordinance or resolution, except when otherwise required by Ohio laws, but departmental procedure and administrative matters may be transacted by motion.

On the passage of every ordinance, resolution, measure or other action, the votes shall be taken by yeas and nays and each Council member's vote shall be entered upon the journal. No ordinance, resolution, measure or other action shall be passed without the concurrence of at least a majority of the members of Council, unless a different number is required by this Charter or applicable Ohio law.

Every resolution and ordinance shall contain one subject only, which subject shall be clearly expressed in its title.

Every resolution and ordinance shall reflect, somewhere on its first page, who initially sponsored it for Council's consideration.

Every resolution and ordinance shall be fully and distinctly read by title only, on three different days, unless at least two-thirds of the members of Council vote to suspend this rule. If this rule is suspended, then the resolution or ordinance shall be so read by title at least once before passage.

All ordinances, resolutions, statements, orders, proclamations, notices and reports required by Ohio law or this Charter to be published, shall be posted at City Hall, the Public Library, the City Website and the Post Office if permitted, and in no less than two other of the most publicly available places in the City, as determined by Council, for a period of not less than 15 days prior to their taking effect, except as may otherwise be provided in this Charter or applicable Ohio law. If legislation was passed as an emergency, it shall be posted for 15 days after passage by City Council. *(11-4-1997; 5-3-2005; 11-4-2014.)*

### **SECTION 3.12 ANNUAL APPROPRIATIONS CONSIDERATIONS**

Upon receipt of the Mayor's proposed annual budget and appropriation ordinance, Council shall consider it for approval. Council may request such additional information as it deems necessary.

Until such time as Council adopts an appropriation ordinance for the current fiscal year, amounts appropriated for the preceding year shall be deemed adopted on a month-to-month basis, with all items in it prorated accordingly. However, Council may adopt a different temporary appropriation ordinance as permitted by Ohio law, and may adopt supplemental appropriation ordinances as it determines necessary.

No later than February 28 of each year, Council shall adopt an annual appropriation ordinance. *(11-4-1997; 5-3-2005; 11-4-2014.)*

### **SECTION 3.13 EMERGENCY ORDINANCES AND RESOLUTIONS**

An emergency ordinance or resolution necessary for the preservation of the public peace, health or safety, shall contain a statement of the necessity for such emergency action, and its enactment shall require the affirmative vote of at least two-thirds of the members of Council. The specific reason for any proposed emergency on any ordinance or resolution shall be set forth on the agenda for the meeting at which that legislation is considered.

No action of Council authorizing the surrender or joint exercise or any of its powers, or in granting any franchise, or in the enactment, amendment or repeal of any zoning ordinance, or in authorizing any change in the boundaries

of the City, or in authorizing the purchase or sale of real property at a price of \$100,000 or more, shall be enacted as an emergency measure. *(11-4-1997; 11-2-2004; 11-3-2009.)*

**SECTION 3.14 EFFECTIVE DATE OF ORDINANCES AND RESOLUTIONS**

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

Every other ordinance or resolution shall not become effective until thirty (30) days after its approval by the Mayor or until thirty (30) days after the expiration of the time within which it may be vetoed by the Mayor, or until thirty (30) days after its passage after veto by the Mayor, as the case may be. *(11-3-1992.)*

**SECTION 3.15 BOARDS AND COMMISSIONS**

The Council, together with the Mayor, may establish or approve the establishment of departments, divisions, boards and commissions as the needs of the City may require, and may abolish or combine them, except for those specifically established by this Charter, in any manner as they deem necessary.

If the organization, powers and duties of departments, divisions, boards and commissions are not expressly provided in this Charter, they shall be as provided or approved by ordinance of Council. *(11-4-1997; 11-2-2004; 11-4-2014.)*

**SECTION 3.16 PRESIDENT OF COUNCIL**

The Council shall, at each organizational meeting or as soon as practical thereafter, select one of its members to serve as President of Council, and one to serve as Vice President of Council to act as Council President in case of temporary absence or disability of the Council President or of vacancy in that office.

The President of Council shall preside over all meetings of the Council, and shall have all the powers, duties, functions, obligations and rights of any other member of Council, including the right to vote.

During any period when the Mayor shall be temporarily unable to perform the Mayor's duties, the President of Council shall be the acting Mayor, and shall continue to perform duties as President of Council and as a member of Council

and shall continue to enjoy all of the powers as President of Council and as a member of Council, including the right to vote. The President of Council shall receive per diem compensation based upon the elected Mayor's established annual salary for each day served as Mayor or acting Mayor. (11-4-1997; 5-3-2005; 11-4-2014.)

## **ARTICLE IV MAYOR**

### **SECTION 4.01 TERM OF OFFICE**

For the term beginning in January, 1994, and thereafter, the Mayor shall be elected for a term of four (4) years, and assume office on the first day of January following each such election and serve until a successor is elected and qualified. (11-3-1992.)

### **SECTION 4.02 QUALIFICATIONS**

The Mayor, for one year prior to the time of the filing of a petition for nomination for that office, shall have been a resident and qualified elector of this City, and shall remain so during the term of office. The elected Mayor shall serve full-time, and hold no other elected public office, or public or private employment that would interfere or conflict with duties as Mayor. (11-4-1997; 11-7-2000; 11-2-2004.)

### **SECTION 4.03 JUDICIAL POWERS**

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

### **SECTION 4.04 LEGISLATIVE POWERS**

The Mayor shall attend all meetings of Council, and inform Council of the business of the City in the form of a Mayor's Report. The Mayor may introduce ordinances and resolutions with the endorsement of at least two members of Council, unless such requirement is waived by a majority of Council, and take part in the discussion of all matters coming before the Council, but shall have no vote. (11-4-1997; 11-4-2003.)

### **SECTION 4.05 EXECUTIVE POWERS**

The Mayor shall be the chief executive, operating, and administrative officer of the City. The Mayor shall administer all the affairs of the City and the conduct and administration of all City departments and divisions except Council. All department and division heads and assistants are to be appointed, promoted, transferred, terminated and otherwise disciplined upon the Mayor's determination, all subject to the requirements of this Charter.

The Mayor shall be the chief conservator of the peace within the City and shall see that all Ohio laws and City ordinances and resolutions are enforced.

The Mayor, shall execute on behalf of the City all contracts, conveyances, evidences of indebtedness, and any other instruments to which the City is a party, except as otherwise required or provided by this Charter or Ohio law.

The Mayor, with the assistance of the Finance Director and the Chairman of the Finance Committee, shall submit an ordinance containing the annual budget and appropriation (a preliminary financial plan for the next fiscal year) to Council for its consideration and approval, no later than the last regular Council meeting in December. The proposed ordinance shall include detailed income and expense statements and shall be accompanied by the Mayor's written comments and by a history of income and expenditures for the two prior years as well as the current year forecast, the proposed budget and a general forecast for the next succeeding four years. Significant changes in projected income and expenses shall be accompanied by written comment. Council may request additional information.

The Mayor shall recommend to Council for adoption such measures as the Mayor may deem necessary or expedient and shall keep the Council advised of the condition, both financial and otherwise, and needs of the City.

Subject to the other provisions of this Charter, the Mayor shall appoint, promote, discipline, transfer, remove, and reduce employees except those who are employees of Council. The Mayor shall also recommend to Council, for its consideration and approval, appropriate levels and subsequent adjustments of salary ranges and compensation of all City positions and employees, and shall implement all employee salaries approved by Council as part of the annual budget appropriation for that year or otherwise, and will notify Council when any approved salary increases are given. *(11-4-1997; 11-4-2003; 5-3-2005.)*

**SECTION 4.05A APPOINTMENT AND REMOVAL OF DEPARTMENT DIRECTORS AND DIVISION HEADS**

Unless otherwise provided in this Charter: each director of a department or head of the Police or Fire & EMS division shall be appointed by the Mayor; department directors shall be appointed to a term concurrent with the term for which the Mayor is elected; the Mayor's appointment shall become effective upon confirmation by a majority vote of the members of Council; a director or Police or Fire & EMS division head may be removed from office by the Mayor, which removal shall be preliminarily effective immediately and shall be permanently effective unless rejected by a vote by more than two-thirds of the members of Council. Pending confirmation vote by Council, persons appointed

as directors or Police or Fire & EMS division heads shall be considered to be acting directors or Police or Fire & EMS division heads. If the Council vote on confirmation of appointment or rejection or removal is not taken within 21 days after the appointment or removal is announced by the Mayor, the appointment or removal becomes effective without Council action. Notwithstanding the foregoing, the Mayor shall be empowered to appoint interim department directors or division heads for a period of up to 90 days without the requirement of Council confirmation.

The Mayor shall appoint all members of City boards and commissions except as may be otherwise provided in this Charter. *(11-2-2004; 11-4-2014.)*

#### **SECTION 4.06 VETO POWERS**

Each ordinance or resolution adopted by Council shall be attested by the Clerk of Council, who shall present it for approval or disapproval to the Mayor within 48 hours after passage by the Council.

If the Mayor approves such legislation, the Mayor shall sign it and file it with the Clerk of Council. If the Mayor disapproves such legislation, the Mayor shall return it with the objections in writing to the Clerk of Council within 10 days after it is presented to the Mayor by the Clerk, which objections shall be entered in full on the journal of Council.

If any ordinance or resolution is not returned by the Mayor within 10 days after it was presented to the Mayor, it shall become effective in the same manner as if the Mayor had signed it.

The Mayor may approve or disapprove the whole of any resolution or ordinance.

Upon the Mayor's disapproval of any ordinance or resolution, the Council may, no later than at its next regular meeting, reconsider it, and if upon such reconsideration the ordinance, resolution or item is approved by at least two-thirds of the members of Council, it shall take effect notwithstanding the disapproval of the Mayor. *(11-3-1992; 11-2-2004.)*

#### **SECTION 4.07 VACANCIES**

If the office of Mayor shall become vacant for any reason, the President of Council shall thereupon become Mayor and that person's position as Council member shall become vacant and shall be filled by Council as soon as possible, as provided in Section 3.03. If the vacancy occurs with more than two years remaining in the Mayor's term, a successor shall then be elected to complete the unexpired term, at the next regular municipal general election. The

individual who as President of Council became Mayor in the interim may be a candidate for the office of Mayor at that election. (11-4-1997; 11-2-2004; 11-4-2014.)

**SECTION 4.08 MAYOR ELECT**

There is hereby created the position of Mayor Elect, defined as that person elected at the November general election to assume the office of Mayor on the first day of January following such election.

During the period between certification of the Mayoral election by the Board of Elections and the first day of January following such election, the Mayor Elect shall be empowered, subject to other applicable provisions of this Charter and the Codified Ordinances of the City, to appoint department and/or division heads and assistants whose terms are effective upon the Mayor taking office and to notify current department and/or division heads and assistants that their appointments will not be renewed and that their employment by the City of Aurora will terminate at the end of the last day of December following the November election. (11-4-2003; 11-4-2014.)

**ARTICLE V  
ADMINISTRATIVE OFFICES, DEPARTMENTS, BOARDS AND  
COMMISSIONS**

**SECTION 5.01 GENERAL PROVISIONS**

All departments and all department directors shall report to the Mayor. All divisions and division heads shall, as provided in this Charter or in the ordinances creating the divisions, report to the Mayor or to the applicable department director. With the approval of Council, the Mayor may establish new departments or divisions, and, with the exception of the departments established by this Charter and except as may otherwise be provided in this Charter, may combine or abolish departments and divisions. The Mayor may authorize one individual to head two or more departments or divisions. (11-4-1997; 11-2-2004.)

**ARTICLE VI  
DEPARTMENT OF FINANCE**

**SECTION 6.01 DIRECTOR DUTIES**

The Director of Finance shall be the head of the Department of Finance and the chief fiscal officer of the City.

The Director of Finance shall keep full, complete and accurate records of all financial transactions of the City, collect, deposit and safely keep all moneys of the City and disburse the same, and perform other duties of the office as required by Ohio law or City ordinances.

The Director shall not allow the amount set aside for any appropriation to be overdrawn, or to be drawn for any purpose not authorized. The Director shall carefully examine all payrolls, bills and other claims against the City and shall issue no warrant, check or voucher in payment thereof, unless the Director shall find the same to be in proper form, correctly computed, duly approved, and properly payable and that an appropriation has been made therefor. *(11-2-1971; 11-4-1975; 11-4-1997; 11-7-2000; 3-2-2004; 11-2-2004.)*

**SECTION 6.02 CONTRACTS AND PURCHASING**

If and to the extent provided or authorized by Council, a City Purchasing Director or department director or division head may make purchases and enter into contracts on behalf of the City involving expenditures of not more than \$10,000.00.

No purchase or contract involving an expenditure of more than \$10,000.00, except a contract for professional services, may be made except from or with the lowest or best responsive and responsible bidder as determined by Council after advertising for bids once a week for at least two weeks in a newspaper of general circulation within the City. However, Council may authorize purchases or contracts involving an expenditure of more than that amount without advertising for bids if it determines and declares by the affirmative vote of at least two-thirds of the members of Council that it is in the best interests of the City, or that an emergency exists affecting the public health, safety or welfare, specifying the nature thereof in its minutes. *(11-4-1997; 11-7-2000; 11-2-2004.)*

**SECTION 6.03 LIMITATION ON RATE OF TAXATION**

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

**SECTION 6.04 INCOME TAX CREDIT**

Effective April 1, 2003, the Income Tax Credit against the City of Aurora municipal income tax on the income of City residents subject to a municipal income tax in another municipality on the same income taxable by the City of Aurora, is set equal to 100% to a maximum rate of 2%.

Any future adjustment in the Income Tax Credit must be approved by the voters of the City at a general election to be held in the City on that question. (5-4-2003.)

**SECTION 6.05 COUNCILMANIC BONDS**

Council’s right to issue bonds, or notes in anticipation of such issuance, shall be subject to the limitations now or hereafter provided by the Constitution and the Laws of Ohio and the further requirement that the Finance Director establish, set aside, and maintain a cash reserve in an amount equal to 20% of the outstanding principle balance, at any time, of the bonds or notes issued. (5-4-2010.)

**ARTICLE VII  
DEPARTMENT OF LAW**

**SECTION 7.01 DIRECTOR DUTIES**

The Law Director shall be the head of the Department of Law.

The Law Director shall be, and during term remain, an attorney at law in good standing, admitted to the practice of law in Ohio, and shall have been engaged in the active practice of law in Ohio for a period of not less than five years immediately prior to appointment.

The Law Director shall be the legal advisor and attorney for the City and for the Mayor and Council and all officers, boards and commissions of the City in their official capacities, and shall perform such other duties as are consistent with the office of Law Director and as may be required by the Mayor or Council. (11-4-1997; 11-2-2004; 11-4-2014.)

**ARTICLE VIII  
DEPARTMENT OF PUBLIC SAFETY**

**SECTION 8.01 DIRECTOR DUTIES**

The Mayor shall be the Director of Public Safety and shall be the head of the Department of Public Safety, consisting of the Division of Police, Division of Fire & EMS, and such other divisions in the Department responsible for other public safety functions as, and to the extent created or authorized by Council, including building, engineering, and inspection, health and other public safety matters, and shall make or approve and publish written rules and regulations for the government of this Department and its divisions, and shall be responsible for enforcing all police, health, safety and sanitary regulations that

may be prescribed by the ordinances and rules of the City or Ohio laws. (11-4-1997; 3-2-2004; 11-2-2004.)

#### **SECTION 8.02 DIVISION OF POLICE**

There shall be a Police Chief who shall be the head of the Division of Police.

The Police Chief shall possess such qualifications for the position as established by the Safety Director consistent with applicable Ohio laws.

The Police Chief shall be responsible for the enforcement of all criminal and traffic City ordinances and Ohio laws, shall supervise the activities of all police personnel, and shall be responsible for the maintenance of all specialized equipment, other than building maintenance equipment, utilized by the Division of Police. (11-4-1975; 11-2-2004.)

#### **SECTION 8.03 DIVISION OF FIRE & EMS**

There shall be a Fire Chief who shall be the head of the Division of Fire & EMS.

The Fire Chief shall possess such qualifications for the position as established by the Safety Director consistent with applicable Ohio Law.

The Fire Chief shall be responsible for the enforcement of all ordinances and Ohio laws that deal with fire prevention in the City, for the extinguishment and control of fires within the City and providing proper and efficient rescue service in the City, shall supervise the activities of all Fire & EMS Division personnel, and shall be responsible for the maintenance of all specialized equipment, other than building maintenance equipment, utilized by the Fire & EMS Division. (11-2-2004.)

## **ARTICLE IX DEPARTMENT OF PUBLIC SERVICES**

#### **SECTION 9.01 DIRECTOR DUTIES**

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

The Department of Public Services shall be responsible for construction, improvement and maintenance of all public works, buildings, cemeteries, roads, streets, and all other public facilities, properties and ways of the City, and for the collection and disposal of solid wastes. The Department of Public Services shall also be responsible for such other public service functions including operations as and to the extent as may be directed or authorized by

and not otherwise provided for by Council, including utilities such as water supply and distribution, sewage collection and disposal, and surface water drainage and disposition, and City public service programs. The Department shall have charge of and shall supervise the maintenance of all City property and equipment and the storage of all materials and supplies, except that the Police Chief and Fire Chief shall be responsible for the maintenance of all specialized equipment, other than building maintenance equipment, utilized by their divisions. *(11-4-1997; 11-7-2000; 3-2-2004; 11-2-2004.)*

**ARTICLE X  
PARKS AND RECREATION**

**SECTION 10.01 PARKS AND RECREATION**

The City shall provide for parks and recreation, sports, senior and community education, and special public events for City residents. *(11-7-2000; 3-2-2004.)*

**ARTICLE XI  
DIVISION OF PLANNING, ZONING AND BUILDING**

**SECTION 11.01 DIRECTOR DUTIES**

The Director shall be the head of the Division of Planning, Zoning and Building.

**SECTION 11.02 ORGANIZATION**

The Division, through the Director and such other employees as may be authorized by ordinances of Council, shall have the authority to enforce the Zoning Code and implement the requirements and directives of the Mayor, Planning Commission, Council and the laws of the State. The Division shall be responsible for all phases of planning, zoning, building and development activities in the City, including building code enforcement, Geographic Information System (GIS) and zoning enforcement functions. The Division is responsible for compliance with applicable ordinances of the City and State.

The Division shall be responsible for the coordination of comprehensive planning activities within the City by the Planning Commission and other City departments, as well as outside consultants involved in such planning activities. *(11-4-2014.)*

## **ARTICLE XIII PLANNING COMMISSION AND ZONING PROCEDURE**

### **SECTION 13.01 PLANNING COMMISSION - COMPOSITION AND TERM**

The Planning Commission shall consist of one (1) member of Council and four (4) electors of the Municipality not holding other municipal office nor employed by the City in any capacity except as provided below, all of whom shall serve without compensation. The Mayor shall serve as ex officio member without the right to vote. The Director of the Department of Planning and Zoning shall also serve as ex officio member without the right to vote. The Council, by majority vote, shall, each January, elect its representative to the Planning Commission for that calendar year. The four (4) electors shall be appointed by the Mayor with confirmation by Council. Each regular appointment of an elector to the Planning Commission shall be for a term of four (4) years. The four (4) electors serving as Planning Commission members shall each live in different wards of the City at the time of their appointment, and throughout their term.

The terms of the four (4) electors serving as Planning Commission members shall end on December 31st of the fourth (4th) year of their appointment, and shall be staggered so that one (1) position shall become open at the beginning of each year. No elector serving as a member of the Planning Commission shall serve more than two (2) consecutive full, four (4) year terms.

The present members of the Planning Commission shall continue to serve until the expiration of their respective terms.

A vacancy occurring during the term of any member of the Planning Commission shall be filled for the unexpired term in the manner authorized for an original appointment. *(11-4-1997.)*

### **SECTION 13.02 ORGANIZATION**

The Mayor shall establish the date, time and place for the first meeting each year at which the Planning Commission shall organize under a Chairman and Vice Chairman elected for a term of one (1) year.

The Planning Commission shall establish its own rules of procedure, except that meetings must be held at least once a month, shall be open to the public, and a record of its resolutions, findings, determinations and recommendations shall be maintained by the Clerk of the Planning Commission, who shall be appointed by the Mayor. Approval shall require a minimum of three

affirmative votes for its resolutions, findings, determinations and recommendations. (5-8-2001; 11-4-2014.)

**SECTION 13.03 POWERS AND DUTIES**

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

The purpose of the Planning Commission, in addition to that set forth above and conferred upon it by the laws of Ohio, is to promote and protect the public health, safety, convenience, comfort, prosperity and general welfare of the City. (5-8-2001.)

**SECTION 13.04 MANDATORY REFERRAL TO PLANNING COMMISSION;  
ELECTORATE APPROVAL**

No resolution, ordinance, regulation, measure or order of Council concerning a power or duty of the Planning Commission under Section 13.03, shall become effective unless Council shall have first submitted the same to the Planning Commission for a report and recommendation.

The Planning Commission shall act upon such a referral within 60 days of the date the referral is made, unless a longer time is authorized by Council. If the Planning Commission fails to act within the time allotted, Council may act upon the matter as if it had received a recommendation of approval from the Planning Commission.

No ordinance, measure or regulation which differs from the report or recommendation made by the Planning Commission, whether such report or recommendation is in response to a referral from Council or is submitted to Council under another applicable section of the Charter or applicable provision

of City ordinances, shall take effect unless passed or approved by a two-thirds vote of the number of members of Council.

Any ordinance approved by Council that would amend the City's zoning map by changing the zoning classification of one district classification, or part of one district classification to another, or that would amend the City's Zoning Code regulations by changing any density regulations, shall be placed on the ballot at a general or special election, as determined by Council, to be voted upon by the electorate. No such ordinance shall become effective unless approved by a majority of the electorate voting on the question. *(11-3-1992; 11-7-2000; 11-2-2004; 11-4-2014.)*

**SECTION 13.05 PUBLIC HEARINGS BY COUNCIL**

Council shall hold a public hearing on each resolution or ordinance enacting, amending, or repealing zoning, subdivision, or building regulations, and shall give 30 days public notice of the time and place thereof once in a newspaper of general circulation in the City. *(5-3-2005.)*

**ARTICLE XIV  
MASTER PLAN REVIEW COMMISSION**

**SECTION 14.01 COMPOSITION AND TERMS**

On or before January, 2002, the Mayor shall, with confirmation by a majority vote of Council, appoint a Commission of nine (9) qualified electors of the Municipality, holding no other office or appointment in this Municipality, as members of a Master Plan Review Commission to serve until their duties as outlined in Section 14.02 hereof are completed. A subsequent Commission shall be appointed not more than five (5) years after the preceding Commission. In the years in which the Commission is convened, the appointment of members shall be made by the Mayor in January of that year, and such members shall serve without compensation. Council shall appropriate sufficient funds to permit the Master Plan Review Commission to complete its duties under this Article, including the hiring of any consultant services deemed necessary. *(11-4-1997.)*

**SECTION 14.02 DUTIES**

It shall be the function and duty of the Master Plan Review Commission to prepare a Master Plan for the City, and/or to review the current Master Plan for the City and recommend revisions to that Master Plan. In performing their function, the Master Plan Review Commission shall solicit input from the Planning Commission, the Mayor and the Administration, City Council and its various committees, and the public, including residents of, and businesses

located in, Aurora. The Master Plan, or any revision of the Master Plan, shall contain the Commission's recommendations for appropriate land use classifications for every parcel of land within the City. Following the completion of its activities, and within eight (8) months of the appointment of the Master Plan Review Commission, the Master Plan Review Commission shall submit its recommendations for adoption of, or for revision to, the City's Master Plan, to the Planning Commission for their consideration. *(11-4-1997.)*

**SECTION 14.03. MASTER PLAN CONTENTS**

The Master Plan or revisions to it, as recommended by the Master Plan Review Commission shall examine and define land use for the next twenty (20) years and address existing and projected problems with City development and provide suggested solutions for resolving such problems. The Master Plan shall contain the following:

- A. Formal recommendations for appropriate land use classifications for every parcel of land within the City, preserving the current character of the City, and ensuring that Residential, Commercial and Industrial growth shall be attractive, productive, and in the best interests of the health, safety and welfare of the City;
- B. Measures to preserve, protect, enhance and expand upon, open space areas and other natural resources such as watercourses, wetlands, and mature forests;
- C. Measures to promote connectivity including sidewalks, crosswalks, trails and bike lanes.
- D. Measures to preserve the Historic and Landmark areas of the City, including any and all designated Historic and Landmark District(s);
- E. Plans for the development and management of safe and efficient traffic flow and transportation facilities throughout the community;
- F. Plans for the continuing upgrade of the City's infrastructure, including but not limited to the management of water and sewer systems, whether storm or septic, roads, utilities, schools, police, fire and recreation; and
- G. An identification of adequate funding options to implement all recommendations contained in the Master Plan. *(11-4-1997; 11-4-2014.)*

**SECTION 14.04 MASTER PLAN REVIEW BY PLANNING COMMISSION**

Within four (4) months of their receipt of any Master Plan report and recommendations, Planning Commission shall review such recommendations, recommend adoption of a recommended Master Plan, recommend adoption of revisions to any existing Master Plan, or recommend adoption of some variation to it (hereinafter the Master Plan Recommendations), and forward those recommendations on to City Council for their consideration and action. *(11-4-1997.)*

**SECTION 14.05 MASTER PLAN REVIEW BY CITY COUNCIL**

Within four months of its receipt of the Master Plan Review Commission's recommendations, Council shall review and consider those recommendations, and either approve and adopt the Master Plan Recommendations as submitted, or approve them with revisions from the Planning Commission. After the Master Plan has been approved by Council, but subject to amendments of the plan by Council from time to time, the Planning Commission and Council shall, in performing their duties and exercising their powers, consider the Master Plan Recommendations as a comprehensive guideline upon which land use recommendations and other regulations should be based. *(11-4-1997; 11-2-2004; 11-3-2009; 11-4-2014.)*

**ARTICLE XV  
CIVIL SERVICE COMMISSION**

**SECTION 15.01 ESTABLISHMENT**

The Civil Service Commission shall consist of three electors of the City not holding other City office or employment, who shall be appointed by the Mayor and confirmed by Council. The terms of these individuals shall be for six years. Terms shall be staggered, so that one term commences at the beginning of each odd-numbered year. No member of the Civil Service Commission shall serve more than two consecutive full six year terms. A vacancy occurring during the term of any member shall be filled for the unexpired term in the manner authorized for an original appointment.

Appointment, confirmation and removal of Commission members shall be in accordance with Section 4.05(A) of this Charter, as if directors under that section.

The duties of the Civil Service Commission shall include the provision by rule for the ascertainment of merit and fitness as the basis for appointment and promotions in the City as required by the Ohio Constitution and other applicable laws; hearing appeals and the implementation, supervision and

enforcement of the rules of the Civil Service Commission, as adopted by City Council, and for appeals from the action of the Mayor in any case of transfer, reduction, suspension, or removal. The action of the Civil Service Commission on such appeal shall be final, except as otherwise provided by Ohio laws. Payroll review shall be handled by the Director of Finance.

The Civil Service Commission shall report its activities to Council semi-annually. General Ohio laws shall apply in all areas of City civil service and Civil Service Commission actions, unless and to the extent lawfully superseded by contrary or conflicting provisions of this Charter, City ordinances, or Civil Service Commission rules. *(11-4-1997; 11-7-2000; 11-2-2004.)*

**SECTION 15.02 EMPLOYMENT TESTING**

The Civil Service Commission shall oversee all employment testing for Police and Fire Departments, whether for an initial or promotional appointment, which may include both written and oral (including oral assessment) competitive evaluations.

However, examination shall not be required for appointment of members of boards or commissions, heads of departments, assistants to the head of the Law Department or to the Director of Finance, secretaries to the Mayor or to the head of any department, or any other office or position requiring peculiar or exceptional qualifications. Any person who shall have served this City with fidelity for at least one (1) year next preceding the taking effect of this Charter may be retained in the same or similar position without examination. Except as herein provided, the Civil Service Commission shall determine the practicability of competitive examination for any non-elective office or employment in the service of the City. *(11-4-1997; 11-7-2000.)*

**ARTICLE XVI  
NOMINATIONS AND ELECTIONS**

**SECTION 16.01 NOMINATIONS**

There shall be no primary election for the selection of candidates for any office of this City.

Nominations for each elective City office shall be made by petition only, on forms provided by the Board of Elections for the nomination of non-partisan candidates, filed with such Board at least 75 days before the date of election, or, in the case of an election to fill a vacancy, such shorter period as Council may provide. Each petition for the nomination of a candidate for an office filled by election at large shall be signed by not less than 25 qualified electors of the

City, and for an office filled by election from a ward shall be signed by not less than 25 qualified electors of that ward.

Each candidate shall file a separate petition; group petitions shall not be used. *(11-8-1985; 11-7-2000; 11-2-2004.)*

### **SECTION 16.02 ELECTIONS**

The regular municipal election shall be held on the first Tuesday after the first Monday in November in odd numbered years.

A special election provided for in this Charter shall be held on the date and for the purpose stated in a resolution or ordinance of Council.

Except as otherwise provided in this Charter, Ohio laws applicable to elections shall govern. *(11-3-1992; 11-2-2004.)*

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

### **SECTION 17.01 INITIATIVE**

The electors of this Municipality shall have the power to propose ordinances and other measures by initiative petition in accordance with the provisions of the Constitution and laws of Ohio now or hereafter in effect.

### **SECTION 17.02 REFERENDUM**

The electors of this City may, by referendum, approve or reject at the polls any ordinance or resolution enacted by Council, except as otherwise provided in this Charter, and in accordance with the referendum provisions of the Ohio laws at the time in effect.

The Ordinance or Resolution that is the subject of a referendum petition shall be submitted to the electors at the next scheduled general or special election occurring not less than 75 days, nor more than 180 days after the petition is certified by the Clerk of Council. If no such election is scheduled to be held within such time, then Council shall provide for calling a special election not more than 180 days thereafter. *(11-3-2009.)*

### **SECTION 17.03 RECALL**

The electors may remove from office by a recall election any elected officer of the City who has served at least six months of that officer's term. A form of petition demanding such officer's removal may be filed with the Clerk of Council, who shall note thereon the name and address of the person filing the

petition and the date of that filing, and deliver to such person a receipt therefor and attach a copy thereof to said petition. That petition may be circulated in separate parts, but the separate parts shall be bound together and filed as one instrument. Each part shall contain the name and office of the person whose removal is sought and a statement in not more than 200 words of the grounds for the removal. Except as otherwise provided herein, that petition shall be signed by at least that number of qualified electors that equals at least 25 percent of the number of electors voting at the last preceding regular municipal election; provided however, that in the case of a Council member elected from a ward, signatures must be obtained from that ward and shall be signed by at least that number of qualified electors that equals at least 25 percent of the number of electors voting in that ward in the last preceding regular municipal election.

Within 10 days after that petition is filed, the Clerk of Council shall determine whether or not it meets the requirements of this section. If the Clerk finds the petition insufficient, the Clerk shall promptly certify the particulars in which the petition is defective and deliver a copy of such certificate to the person who filed the petition with the Clerk. Such person shall be allowed a period of 20 days after the date on which such delivery by the Clerk was made in which to make the petition sufficient.

If the Clerk finds the petition sufficient, the Clerk shall promptly so certify to Council, and shall deliver a copy of that certificate to the officer whose removal is sought. If that officer does not resign within five days after the day on which such delivery by the Clerk is made, the Council shall thereupon fix a day for holding a special recall election not less than 75 days after the date of such delivery.

At that recall election the question shall be placed upon the ballot: "Shall (naming the officer) be allowed to continue as (naming the office)" with provision being made on the ballot for voting affirmatively or negatively on that question. If a majority of the votes cast at the election be voted affirmatively, that officer shall remain in office. If a majority of the votes cast shall be voted negatively, that officer shall be considered as removed upon official certification of the election results, the office shall thereupon be declared vacant, and that vacancy shall be filled as provided in this Charter. The officer so removed shall not be eligible for appointment or election to the vacancy created thereby.

The manner of signing, the method of circulating, the form and requirements as to the affidavit, and the other requirements of Ohio laws pertaining to initiative and referendum petitions, shall also apply to recall petitions, except

as may be otherwise provided in this Charter. (11-4-1975; 11-2-2004; 11-4-2014.)

## **ARTICLE XVIII FRANCHISES**

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

The Council may by ordinance grant a non-exclusive franchise to any person, firm or corporation, to construct, maintain or operate a public utility on, across, under or above any public street or public real estate within the Municipality for a period not in excess of twenty-five (25) years; and it may prescribe in the ordinance the kind or quality of service or product to be furnished, the rate or rates to be charged therefor, and such other terms as it shall deem conducive to the public interest.

Such franchise may be amended or renewed in the manner and subject to the provisions established herein for original grants.

No consent of the owner of property abutting on any public street or public real estate shall be necessary to the effectiveness of any such grant, amendment or renewal.

### **SECTION 18.02 REGULATIONS**

All such grants, amendments and renewals shall be made subject to the continuing right of the Council to provide reasonable regulations for the maintenance and operation of such utilities with reference to such streets and public real estate, including the right to require the reconstruction, relocation, alteration or removal of structures and equipment used in such streets or public real estate as shall in opinion of the Council be conducive to the public interest.

## **ARTICLE XIX AMENDMENTS TO CHARTER**

### **SECTION 19.01 INCONSISTENT AMENDMENTS**

If two or more inconsistent proposed amendments on the same subject shall be submitted at the same election, only the one of such amendments receiving the highest number of affirmative votes, not less than a majority, shall become a part of this Charter.

## **ARTICLE XX CHARTER REVIEW COMMISSION**

### **SECTION 20.01 COMPOSITION AND TERMS**

The Mayor shall, with confirmation by a majority vote of Council, appoint a Commission of nine (9) qualified electors and registered voters of the Municipality, holding no other office or appointment in this Municipality, as members of a Charter Review Commission to serve until their duties as outlined in Section 20.02 hereof are completed. A subsequent Commission shall be appointed not more than five (5) years after the preceding Commission. Members shall serve without compensation. *(11-4-1997; 11-7-2000.)*

### **SECTION 20.02 DUTIES**

The Charter Review Commission shall, in its meetings open to the public, review the Municipal Charter, and, no later than August 1<sup>st</sup> of the same year, present to Council such alterations, revisions and amendments, if any, to this Charter as in its judgment are in furtherance of public interests. *(11-3-1992.)*

## **ARTICLE XXI GENERAL PROVISIONS**

### **SECTION 21.01 EFFECTIVE DATE OF CHARTER**

For the purpose of nominating and electing officers of this Municipality and fixing the compensation of those to be elected in 1959, this Charter shall be in effect from and after the date of its approval by the electors, and for all other purposes the Charter shall be in effect on and after the first day of January A. D., 1960.

### **SECTION 21.02 EFFECT OF PARTIAL INVALIDITY**

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

### **SECTION 21.03 EFFECT OF CHARTER UPON EXISTING LAWS AND RIGHTS**

The adoption of this Charter and any amendment to it shall not affect any then pre-existing rights of the City, or right or liability or pending suit or prosecution, either on behalf of or against the City or City official, or contract entered into by the City or for its benefit, or franchise granted by the City, or then pending proceedings for the authorization of public improvements or the levy of

assessments for them. Except as a contrary intent appears herein, all actions of Council in effect on the effective date of this Charter and of any amendments to it, shall continue in effect until lawfully amended, superseded, or repealed. (5-3-2005.)

**SECTION 21.04 INTERPRETATION OF THE CHARTER**

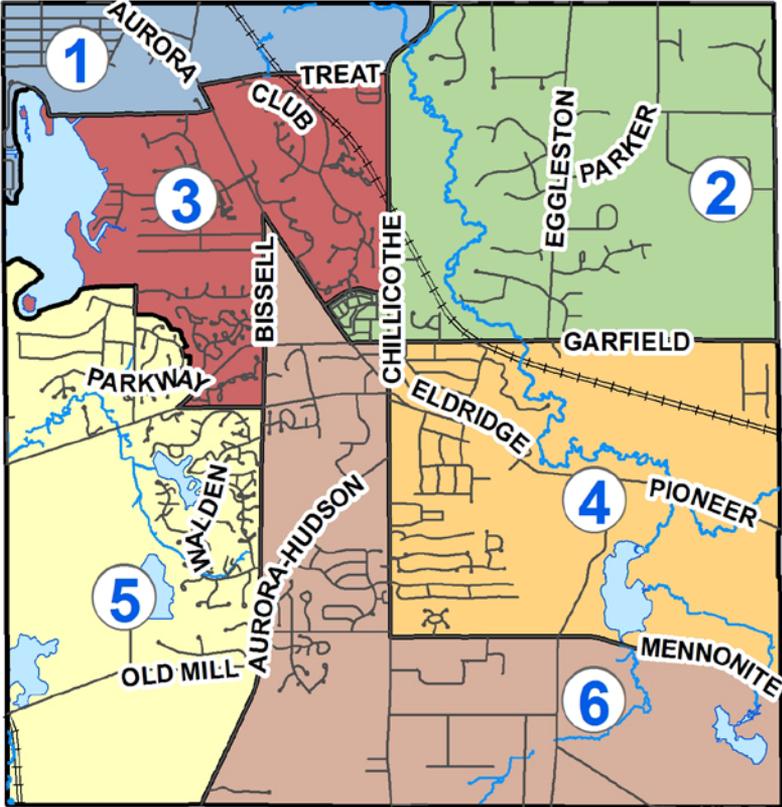
The Article and Section headings herein are inserted for convenient reference only and are not intended to define, extend or limit the scope, or otherwise affect, any provision of this Charter.

**SECTION 21.05 REARRANGEMENT AND REPRINTING OF CHARTER**

Following any election at which any amendment to this Charter is adopted, the Clerk of Council, with the approval of Council and the Director of Law, may, prior to any reprinting of this Charter, make such changes therein, including the numbers, titles and arrangements of articles and sections hereof, as may be necessary or desirable to maintain or assure the logical and consistent ordering thereof, but no such change shall, in any way, affect the substance or meaning of this Charter or any part thereof or amendment thereto. (11-4-1975.)

**SECTION 21.06 CONFLICT OF INTEREST PROHIBITION**

No officer, official or employee of the City, whether elected or appointed, shall directly or indirectly solicit, contract for, receive or be interested in any profit or emoluments with respect to any contract, job, work or service with or for the City of Aurora, other than fixed compensation related to such position. No member, appointed or volunteer, of any board, commission or committee, shall directly or indirectly profit from any action taken by that board, commission or committee. Each officer, official and employee of the City, as well as members of a City board, commission or committee, shall in January of each year, sign an ethics disclosure statement as approved by the Law Director and maintained by the Human Resources Department. (11-3-1992; 11-7-2000; 11-3-2009.)



**AURORA WARD MAP**

(Effective December 19, 2011)