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Clerk of Council

JUDITH A. GILLELAND
City Manager

LAWRENCE P. MULLIGAN, JR.
Mayor

and all other officers and employees
who assisted in the preparation of these Codified Ordinances
and periodic replacement pages.

DIRECTORY OF CITY OFFICIALS
CITY OF MIDDLETOWN, OHIO

(2008)

CITY COUNCIL

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Jim Armbruster, Vice Mayor
Bill Becker
Leslie Ford
Anita Scott Jones
Anthony "Tony" Marconi
David Schiavone
Betsy Parr, Clerk

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Greg Parsons, Data Processing Manager
Larry Mulligan, Utilities Supervisor

Department of Human Resources

Verlena Stewart, Director
Abby Ison, Recreation Administrator

Municipal Court

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Louis A. Rossi, Jr., Director of
Court Services, Clerk of Court

Department of Public Safety

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Greg Schwarber, Police Chief
Steve Botts, Fire Chief
Barbara Castells, Chief Building Official

Engineering Department

David Duritsch, Environmental Services Director

Department of Law

Leslie S. Landen, Director
Sara Mills, Assistant Director
Doug Adkins, Prosecutor

Board of Health and Environment

David Winfough, Commissioner

Department of Planning

Marty Kohler, Director

Department of Public Works and Utilities

David Duritsch, Director

Department of Community Revitalization

Ginger Smith, Director

**MIDDLETOWN, OHIO
VOLUME ONE
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Editor's note:

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CHARTER

PREAMBLE

We, the people of the City of Middletown, State of Ohio, in order to secure for ourselves the benefits of local self government under the Constitution of the State of Ohio, do order and establish this Charter for the government of said City of Middletown and its successors.

ARTICLE I GENERAL PROVISIONS

SECTION 1. NAME AND BOUNDARIES.

The municipal corporation now existing and known as “The City of Middletown” shall remain and 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 in the manner authorized by the general laws of Ohio. The City of Middletown shall be divided into four (4) wards for purposes of selection of certain elective officers of the City of Middletown. The boundaries of each such ward shall be determined by the legislative authority of the City of Middletown. However, such wards shall be comparable in population.

(Amended 11-3-1981; 11-6-1990)

SECTION 2. SAVING CLAUSE.

All general laws of the State of Ohio applicable to municipal corporations, now existing or hereafter enacted, not in conflict with the provisions of this Charter, or with the ordinances enacted thereunder, shall apply to the government of the City of Middletown.

All ordinances, by-laws, and resolutions now in force, or in force when this Charter takes effect, not inconsistent or in conflict with the provisions of this Charter, shall continue in full force and effect until repealed, altered or amended as provided by general laws and the provisions of this Charter. All vested rights of the City of Middletown, and all property, real and personal, of the City, shall continue to be vested or belong to the City and not affected by the adoption of this Charter; nor shall any right or liability, pending suit or prosecution, either on behalf of or against the City, be in any manner affected by the provisions hereof.

The enumeration of particular powers by this Charter shall not be held or deemed exclusive, but in addition to the powers enumerated herein, or implied thereby, appropriate to the exercise thereof, the City shall have and may exercise all other powers granted to municipal corporations, unless such grant of general powers by the State of Ohio is in conflict with the provisions hereof.

SECTION 3. OFFICERS; HOW ELECTED.

All officers provided to be elected “at large” in the Charter shall be elected upon one ballot, and without any party designation of any kind upon such ballot.

All officers provided to be elected “by ward” in this Charter shall be elected by one ballot in the ward to be represented by the officer to be elected. Nomination petitions required by Article I, Section 4, of the Charter for ward candidates shall be signed only by electors of the ward to be represented. The required number of signatures for such ward candidates shall

be fifty (50) of the electors of the ward to be represented. Only electors residing within the ward to be represented by such officer shall be permitted to vote for the officers to be elected by ward. No party designation of any kind shall appear upon such ballots.

The name of all candidates shall be placed under a proper heading designating the title of the office to be selected.
(Amended 11-6-1990; 11-7-2000)

SECTION 4. NOMINATIONS.

The mode of nominations of all elective municipal officers shall be by petition. Before any name shall be placed upon the ballot, a petition signed by at least fifty (50) of the electors of the City shall be filed with the Board of Elections of Butler County, Ohio, at least seventy-five days prior to such election. All candidates, nominated as aforesaid, shall be placed upon the ballot without any party designation thereof.
(Amended 11-6-1990; 11-7-2000)

SECTION 5. CHARTER REVIEW COMMITTEE.

At least once every ten (10) years after January 1, 1973, City Council shall appoint a committee of electors of the City as the Charter Review Committee. Such committee shall appoint its Chairman and may name other electors to assist in such review.

Such Committee shall review and recommend to City Council any alterations, revisions, and amendments to this Charter as in its judgment seem advisable. City Council, at its discretion, may submit to the electors any such proposed alterations, revisions or amendments to the Charter.

The members shall serve without compensation unless otherwise provided by ordinance. This section shall not be deemed to prohibit the electors of the City from initiating Charter amendments at any time as otherwise provided by law.
(Amended 11-7-1972; 11-7-2000)

**ARTICLE II
CITY COUNCIL**

SECTION 1. ABOLITION OF EXISTING OFFICES.

All existing elective officers, including the City Council and members thereof, and all commissions and boards in conflict with the provisions of this Charter are hereby abolished; provided that all officials of the City, both elective and appointive, now in office, shall continue to discharge and perform the respective duties thereof until the election, qualification and organization of the first City Commission under this Charter.

SECTION 2. CITY COUNCIL.

Effective January 1, 1994, there is hereby created a City Commission, which, effective January 1, 2001, shall be named City Council, consisting of seven (7) electors, residents of the City of Middletown, who shall be nominated and elected as provided in the Charter, and shall exercise all powers, authority and rights, legislative, executive and administrative, now vested in and exercised by the City of Middletown and its several officers. All powers, authority and rights vested in or granted to the City of Middletown, its prior legislative authorities and members thereof, shall, subject to the provisions of the Constitution of the State of Ohio and of this Charter, be vested in, possessed and exercised by said City Council and the several members thereof, or under their direction. Two (2) of the City Council members and the Mayor of the City of Middletown shall be elected "at large" (by all qualified electors of the City of Middletown) and the remaining four (4) City Council members shall be elected "by ward", (by only the qualified electors of one ward of the City of Middletown), one from

each of the four wards. Prior to January 1, 1994, the City Commission was composed of five (5) members in accordance with previous Charter provisions.

(Amended 11-6-1990; 11-7-2000; 11-8-2005)

SECTION 3. ELECTION.

In the general election to be held in 2007, and every four (4) years thereafter, two (2) City Council members and the Mayor shall be chosen "at large". The mayoral seat shall be elected separately from the two (2) at large seats, and a candidate for Mayor must file and run as a candidate for Mayor. In the general election to be held in 1993, and every four years thereafter, four (4) City Council members shall be chosen "by ward". City Council members chosen "by ward" shall be electors residing in the ward from which they are chosen. All City Council members shall be chosen for a term of four (4) years, except as provided in the next paragraph of this section.

Vacancies in the City Council, other than the Mayor, shall be filled by the City Council for the remainder of the unexpired term. If the term of such City Council member whose place becomes vacant does not expire on the first day of January following the next regular municipal election, then such person chosen by the City Council shall serve only until such regular election, at which time a City Council member shall be elected to fill the remainder of the unexpired term. All vacancies in the position of City Council members chosen "by ward" shall be filled by the remaining City Council members with an elector who would be qualified to be chosen as a City Council member from the ward represented by the vacated seat.

When the office of Mayor becomes vacant, the Vice-Mayor shall become the Mayor and hold such office until his successor is elected, unless the Vice-Mayor declines to accept such position. If the Vice-Mayor declines to become Mayor, another City Council member would be appointed to become Mayor upon the concurrence of that member and three other members of City Council. If no City Council member is willing or able to be appointed as Mayor, City Council shall select a qualified elector of the City to fill the unexpired term of the Mayor. If the term of the vacant mayoral seat does not expire on the first day of January following the next regular municipal election, then the person filling the vacant mayoral seat, whether it be the Vice-Mayor, a member of City Council, or a qualified elector appointed by City Council, shall serve only until such next regular municipal election, at which time a qualified elector shall be elected to fill the remainder of the expired term.

If the Vice-Mayor or a member of City Council accepts appointment to the vacant mayoral seat, that council member would relinquish their seat as a council member, and their vacant seat would be filled in accordance with the terms of this Article II, Section 3.

When a vacancy occurs as the result of a recall election, such vacancy shall be filled in the manner provided for such cases.

(Amended 11-6-1990; 11-7-2000; 11-8-2005)

SECTION 4. DEFINITION.

In all cases where the words "City Council" or "Council" are used in this Charter, the same shall mean and shall be synonymous with the word "governing body," "legislative body", "administrative body," "authority," "taxing authority," or any other synonymous term as the same may now be used or hereafter used in the Constitution of the State of Ohio, the laws of the United States of America or the laws of the State of Ohio referring to legislative or governing bodies of cities or municipalities, unless expressly provided otherwise. All references to "City Commission" or "Commission" in this Charter shall mean City Council, except where expressly stated otherwise.

(Amended 11-8-1949; 11-7-2000)

SECTION 5. MEETINGS OF CITY COUNCIL.

Within the first seven (7) days of January next following a regular municipal election City Council shall meet at the regular place for holding its meetings, at which time the newly elected members shall assume the duties of their office. Thereafter City Council shall meet in regular session at least twice each month at such time as City Council may prescribe.

newly elected City Council members shall take the oath or affirmation of office and shall otherwise qualify for office during December next following their election and their term of office shall commence on the first day of January next following such election.

(Amended 11-7-1972; 11-7-2000)

SECTION 6. SPECIAL MEETINGS.

Upon written request of the Mayor or any two (2) members, special meetings of City Council shall be called by the Clerk of Council. Such request shall state the subjects to be considered at such special meeting and no other business shall be there transacted.

(Amended 11-7-1972; 11-7-2000)

SECTION 7. MEETINGS OPEN TO THE PUBLIC.

All regular and special meetings of City Council shall be open to the public at all times except as provided by the general laws of the State of Ohio and all records of City Council shall be open to the inspection of all persons at all reasonable times.

(Amended 11-7-1972; 11-6-1990; 11-7-2000)

SECTION 8. RIGHT OF PETITION.

The right to petition the City Council is reserved to the people at all times, and any petition presented by any electors shall be properly filed, considered and duly recorded.

(Amended 11-8-1949; 11-7-2000)

SECTION 9. POWER OF CITY COUNCIL.

The powers conferred upon municipal corporations by the Constitution of the State of Ohio, the General Assembly of the State of Ohio, or any other body conferring powers to municipal corporations, and such other additional powers which may have been or may be hereafter conferred upon municipal corporations pursuant to law, shall be exercised by City Council, or under its direction, unless the exercise of such powers shall have been expressly conferred upon some other authority or reserved to the people.

(Amended 11-8-1949; 11-7-2000)

SECTION 10. INVESTIGATIONS BY CITY COUNCIL.

City Council or any other committee thereof, authorized by it so to do, shall have power to compel the attendance of witnesses and the production of books, papers and other evidence at any meeting of City Council, or any committee thereof; and for that purpose may issue subpoenas or attachments. Such subpoenas or attachments shall be signed by the presiding officer of City Council or the Chairman of any committee, as the case may be, and shall be served and executed by any police or other officer of the City. If any witness shall refuse to testify to any facts within his knowledge, produce any books or papers in his possession or under his control, relating to the matter then under inquiry, City Council shall have power to commit the witness to prison for contempt. No witness shall be excused from testifying touching his knowledge of the matter under investigation, but such testimony shall not be used against him in any criminal prosecution except prosecution for perjury.

(Amended 11-8-1949; 11-7-2000)

SECTION 11. REPORTS OF CITY COUNCIL.

At the end of each year City Council shall have printed an annual report in pamphlet form giving a classified statement of all receipts and expenditures, assets and liabilities of the City; a detailed comparison of such receipts and expenditures with those of the preceding year; a summary of City Council's proceedings and operation of the administrative departments for the

previous year. Copies of such report shall be furnished to the City library and to any citizen of the City who may apply therefor at the office of the Clerk of Council.

(Amended 11-8-1949; 11-7-2000)

SECTION 12. COMPENSATION.

The compensation of the members of City Council, except the Mayor, shall be \$5,000.00 per year. The compensation of the Mayor shall be \$9000.00 per year.

For each unexcused absence from a regular meeting of City Council in excess of five (5) in any calendar year, there shall be deducted a sum equal to four (4) per cent of the annual salary of such member. Absence from five (5) consecutive regular meetings shall operate to vacate the seat of a member of City Council unless the absence is excused by City Council by resolution setting forth such excuse and entered upon the journal.

(Amended 11-7-1972; 11-6-1990; 11-7-2000; 11-8-2005)

SECTION 13. MAYOR AND VICE MAYOR.

The Mayor shall possess the same powers and duties as other City Council members, and shall be a voting member of City Council. The Mayor shall preside at all meetings of City Council; authenticate all ordinances and resolutions adopted by City Council; make all proclamations in the name of the City necessary or required either by general law or by ordinance or resolution of City Council; shall deliver an annual state of the City address; shall consult with the City Manager regarding agendas for City Council meetings; and shall be recognized as the official head of the City for all ceremonial purposes, by the courts for purposes of serving civil process, and by the Governor for military purposes. The Mayor shall have no regular administrative duties, and serves only as the elected leader of the City.

At the first meeting in January, at which newly elected or re-elected members of City Council assume the duties of their office, City Council shall choose one of its members as Vice-Mayor of City Council. The term of the Vice-Mayor shall be for an indefinite period and shall be at the pleasure of City Council. In the absence of the Mayor or in case of his disability, the Vice Mayor shall perform all the duties of the Mayor.

In the event City Council fails to choose one of its members as Vice Mayor at the time herein provided, and until such choice is made, the ranking member in time of service shall be Vice Mayor. If two (2) or more members rank equally in time of service the number of votes received by each at the election in which they were elected to office shall determine which shall act as Vice Mayor.

(Amended 11-7-1972; 11-7-2000; 11-8-2005)

SECTION 14. CLERK OF CITY COUNCIL.

City Council shall appoint a Clerk and such deputies as may be established by ordinance or resolution. The Clerk shall keep the record of City Council and perform such other duties as may be required by City Council.

(Amended 11-8-1949; 11-7-2000)

**ARTICLE III
ADMINISTRATION**

SECTION 1. APPOINTMENT OF CITY MANAGER.

City Council shall appoint an officer of the City who shall have the title City Manager and shall have the powers and perform the duties in this Charter provided. No member of City Council shall receive such appointment during the term for which he shall have been elected, nor within one year after the expiration of his term. The City Manager shall receive such compensation as may be fixed by City Council.

(Amended 11-8-1949; 11-7-2000)

SECTION 2. QUALIFICATIONS OF CITY MANAGER.

The City Manager shall be chosen by City Council solely on the basis of his executive and administrative qualifications with special reference to his actual experience in, or his knowledge of, accepted practice in respect to the duties of his office as hereinafter set forth. At the time of his appointment, he need not be a resident of the City or State, but during his tenure of office he shall reside within the City.

(Amended 11-8-1949; 11-7-2000)

SECTION 3. POWER AND DUTIES OF CITY MANAGER.

The City Manager shall be the chief administrative officer and the head of the administrative branch of the City government. He shall be responsible to City Council for the proper administration of all affairs of the City and to that end he shall have power and shall be required to:

(1) Appoint and, when necessary for the good of the service, remove all officers and employees of the City except as otherwise provided by this Charter and except as he may authorize the head of the department or office to appoint and remove subordinates in such department or office; such appointments and removals shall be subject to the advice and consent of City Council;

(2) Prepare the budget annually and submit it to City Council and be responsible for its administration after adoption;

(3) Prepare and submit to City Council as of the end of the fiscal year a complete report on the finances and administrative activities of the City for the preceding year;

(4) Keep City Council advised of the financial condition and future needs of the City and make such recommendations as may seem to him desirable;

(5) Perform such other duties as may be prescribed by this Charter or required of him by City Council not inconsistent with this Charter.

(Amended 11-8-1949; 11-7-2000)

SECTION 4. REMOVAL OF CITY MANAGER.

City Council shall appoint the City Manager for an indefinite term and may remove him by a majority vote of its members. At least thirty days before such removal shall become effective, City Council shall by a majority vote of its members adopt a preliminary resolution stating the reasons for his removal. The Manager may reply in writing and may request a public hearing, which shall be held not earlier than twenty days nor later than thirty days after the filing of such request. After such public hearing, if one is requested, and after full consideration, City Council by a majority vote of its members may adopt a final resolution of removal. By the preliminary resolution City Council may suspend the Manager from duty, but shall in any case cause to be paid him forthwith any unpaid balance of his salary and his salary for the next three calendar months following adoption of the preliminary resolution.

(Amended 11-8-1949; 11-7-2000)

SECTION 5. CITY COUNCIL NOT TO INTERFERE IN ADMINISTRATIVE DEPARTMENTS.

Except for the purpose of inquiry, City Council and its members shall deal with that part of the administrative service for which the City Manager is responsible solely through the City Manager.

(Amended 11-8-1949; 11-7-2000)

SECTION 6. ATTENDANCE AT CITY COUNCIL MEETINGS.

The City Manager shall be entitled to a seat in City Council, and shall have a right to discuss any matter that shall come before City Council, but he shall have no vote therein. Such other officers of the City as may be requested by City Council shall attend meetings of City Council and shall be entitled to discuss any matter before City Council relating to their respective departments or offices, but shall have no vote therein.

(Amended 11-8-1949; 11-7-2000)

SECTION 7. CREATION OF NEW OFFICES; CHANGE OF DUTIES.

City Council by ordinance may create, change and abolish offices, departments or agencies, other than the offices, departments or agencies established by this Charter. City Council by ordinance may assign additional functions or duties to offices, departments, or agencies established by this Charter.

(Amended 11-7-1972; 11-7-2000)

SECTION 8. ADMINISTRATION.

City Council shall adopt by ordinance an administrative code which shall set forth the organizational structure and assignment of responsibilities of the various departments and divisions in the City service. The organization thus established shall be administered by the City Manager. No provision of the administrative code or action by the City Manager may contravene any provision of this Charter. The organizations of Police and Fire, including their members and Chiefs thereof, shall be classified positions under civil service.

(Amended 11-7-1972; 11-7-2000)

SECTION 9. COMBINING OFFICES. (Repealed 11-7-1972)

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SECTION 10. COMPENSATION.

City Council shall by ordinance or resolution prescribe, limit or change the compensation of any officer or employee of the City of Middletown.

(Amended 11-8-1949; 11-7-2000)

SECTION 11. BONDS.

City Council shall determine by ordinance the amount of bonds to be given for the faithful performance of the duties of every officer or employee of the City. Surety on such bond shall be some indemnity or surety company authorized to do business in the State of Ohio and the premium of the same shall be payable out of the City Treasury.

(Amended 11-8-1949; 11-7-2000)

SECTION 12. OATH OF OFFICE.

Every officer and employee of the City of Middletown holding a position upon an annual salary, shall, before entering the duties of his office or employment, take and subscribe to an oath or affirmation to be signed and kept in the office of the Clerk of the City Council, that he will support the laws and the Constitution of the United States of America and the State of Ohio, and the Charter and the ordinances of the City of Middletown; that he will not be influenced by any consideration except that of merit and fitness in the appointment or discharge of employees; that he will not make or authorize the expenditure of public money other than for adequate consideration and efficient service, and that he will in all other respects faithfully discharge the duties of his employment or office.

(Amended 11-8-1949; 11-7-2000)

SECTION 13. DIRECTOR OF LAW. (Repealed 11-7-1972)**SECTION 14. DEPARTMENT OF FINANCE. (Repealed 11-7-1972)****SECTION 15. DEPARTMENT OF PUBLIC SERVICES. (Repealed 11-7-1972)****SECTION 16. DEPARTMENT OF PUBLIC SAFETY. (Repealed 11-7-1972)****SECTION 17. DEPARTMENT OF PUBLIC UTILITIES. (Repealed 11-7-1972)****SECTION 18. NO OFFICER TO BE INTERESTED IN CONTRACTS.**

No member of City Council or any other officer or employee of the City shall be interested in the profits or emoluments of any contract, job, work or service for the City. Any member who is, or may become interested in any contract, job, work or service for the City, shall forthwith forfeit his office. Any contract in which any member of City Council is or may become interested in any way whatsoever, may be declared void by City Council.

(Amended 11-8-1949; 11-7-2000)

SECTION 19. FEE AND COSTS TO BE PAID INTO CITY TREASURY.

All fees and prerequisites authorized by law or ordinance appertaining to any officer or office in the City government shall be paid into the City Treasury to the credit of such fund as may be directed by City Council and no officer or employee shall receive other than as the representative of the City, and for the purpose of paying the same into the City Treasury, any fee, present, gift, emolument, or share therein, for official services, other than his regular salary or compensation, and any officer violating this provision shall thereby forfeit his office. No member of the City government or any officer, or employee, shall receive compensation for services rendered in any other department of the City government nor shall they, or any officer, clerk or employee of the City, act as agent or attorney for any person, company or corporation in relation to any matter to

be affected by action of the legislative or any other department of the City, or by action of any officer of the City. The violation of this provision shall be cause for removal.

(Amended 11-8-1949; 11-7-2000)

ARTICLE IV LEGISLATION

SECTION 1. LEGISLATIVE PROCEDURE.

A majority of the members of City Council shall constitute a quorum to do business, but a smaller number may adjourn from day to day and compel the attendance of absent members. The affirmative vote of a majority of the members of City Council shall be necessary to adopt any motion, ordinance or resolution, and on the passage of every ordinance or resolution the vote shall be taken by “yeas” and “nays” and recorded upon the journal.

(Amended 11-8-1949; 11-7-2000)

SECTION 2. FORM OF LEGISLATION.

Each ordinance or resolution shall be in written or printed form, and shall not contain more than one subject, which shall be clearly stated in the title, provided, however, that a general appropriation ordinance may contain the various subjects and accounts for which money is appropriated.

(Amended 11-8-1949)

SECTION 3. PASSAGE OF LEGISLATION.

No ordinance or resolution, unless it be passed as an emergency measure, shall be passed until it shall have been read on two (2) separate days. The readings of ordinances and resolutions shall be by title only if a copy thereof is placed on the desk of each member of City Council at the time of reading, provided that ordinances and resolutions shall be read in full when requested by at least two (2) members of City Council.

However, the first ordinance or resolution in a series of measures involving special assessments for street improvements and ordinances or resolutions pertaining to franchises, rates or the Civil Service of the City shall not be passed as emergency measure unless, prior to the enactment thereof, a public hearing is held for which at least seven (7) days advance notice has been given by publication in a newspaper of general circulation in the City.

Emergency ordinances and resolutions necessary for the preservation of the public peace, health, safety or property may be passed after one (1) reading upon the affirmative vote of three-fourths of the members of City Council. The reason for such emergency shall be stated in such ordinance or resolution.

Before the second reading of an ordinance or resolution which is not passed as an emergency measure, the title of such ordinance or resolution, together with a statement that such matter is pending before City Council, shall be published once in a newspaper having a general circulation in the City.

(Amended 11-3-1981; 11-7-2000)

SECTION 4. EFFECTIVE DATE OF LEGISLATION.

Emergency ordinances and resolutions shall go into effect immediately upon their passage. All other ordinances and resolutions shall go into effect on the thirty-first day after the date of their passage.

(Amended 11-7-1972)

SECTION 5. AUTHENTICATION; LEGAL PUBLICATION; PUBLICATION IN BOOK FORM.

Upon passage by City Council, each ordinance or resolution shall be authenticated by the signatures of the Mayor and the Clerk of Council and recorded in a book kept for that purpose. Except as otherwise provided herein, all ordinances or resolutions of a general and permanent nature, or providing for public improvement or assessing property, shall, upon passage, be promptly published one (1) time in not more than two (2) newspapers, printed and of general circulation in the City. Publication shall be by title only unless City Council directs the Clerk of Council to publish the entire text. The publication in book form of any codification, revision or rearrangement of ordinances or resolutions passed by City Council, if such book contains the certificate of the Mayor and the Clerk of Council of the correctness thereof, shall be deemed sufficient publication of the ordinance or resolution or the several ordinances and resolutions evident in any court for the purpose of proving the contents thereof. The Clerk of Council shall make the full text of all legislation adopted by City Council available to the public.

(Amended 11-8-1949; 11-6-1990; 11-7-2000)

SECTION 6. ADOPTION BY REFERENCE.

City Council may adopt any provision of the State law or any detailed technical regulations as a City ordinance or code by citation of such provision of State law or by reference to any recognized standard code, official or unofficial, provided that any such provision of the State law or recognized official or unofficial standard code shall be clearly identified in the ordinance adopting the same as an ordinance of the City. Where provisions of the State law, a recognized official or unofficial code is also adopted, the adopting ordinance and the adopted code may be published by providing or maintaining available to the public, copies of the same in book or booklet form to be furnished on request at a reasonable charge. Any amendments or revisions of said adopted code or detailed technical ordinance may be published in the same manner.

(Amended 11-8-1949; 11-7-2000)

**ARTICLE V
BOARDS AND COUNCILS**

SECTION 1. BOARD OF HEALTH.

The Board of Health shall be composed of seven (7) members, to be appointed by City Council, each to serve without compensation for a term of five (5) years from the date of appointment. A majority of such members shall be a quorum.

Such Board of Health shall exercise all the powers now or hereafter conferred by general law upon boards of health or by ordinance of the City of Middletown.

The present members of the Board of Health shall continue in office until their terms expire and the two (2) new members shall be appointed for terms commencing January 1, 1973.

(Amended 11-7-1972; 11-7-2000)

SECTION 2. BOARD OF LIBRARY TRUSTEES.

The Board of Library Trustees shall be composed of seven (7) members to be appointed by City Council. The Board of Library Trustees now in office shall continue in office until their respective terms shall expire; and City Council is hereby authorized to fill such terms upon the expiration thereof, and said Board of Library Trustees shall exercise the powers, duties, and obligations as provided for by ordinance or the general laws, or which may be hereafter provided by the General Assembly of the State of Ohio; and such Board shall serve without compensation.

(Amended 11-8-1949; 11-7-2000)

SECTION 3. PARK BOARD.

The Park Board shall be composed of five (5) members to be appointed by City Council, each to serve without compensation for a term of five (5) years or until successors are appointed and qualified by City Council and subject at all times to the authority granted by the Charter of said City to City Council. The qualifications and duties of the members shall be determined by ordinance of City Council.

(Amended 11-7-1972; 11-7-2000)

SECTION 4. CIVIL SERVICE COMMISSION.

(a) **Membership.** Within ten (10) days after the election and qualification of City Council, it shall appoint three (3) electors, who shall constitute the Civil Service Commission, one (1) for two (2) years, one (1) for four (4) years, and one (1) for six (6) years, who shall serve until their successors are appointed and have qualified. Any vacancy in the Civil Service Commission shall be filled by the City Council for the unexpired term. City Council may at any time remove any of said Civil Service Commission members for misconduct, neglect of duty, or malfeasance in office, first having given said Commission member an opportunity of being publicly heard in person or by counsel in his own defense.

(b) **Powers and Duties.** The Civil Service Commission shall serve without compensation, and its duties shall be to enforce the provisions of the Civil Service Law with respect to all offices and places of employment in the City. It shall make such rules for the proper performance of its duties as it shall find necessary and expedient, and as are not inconsistent with the Civil Service Law.

(c) **Secretary of Civil Service Commission.** The Civil Service Commission may appoint a Secretary who shall keep minutes of its proceedings and records of its examinations, make investigations concerning enforcement of Civil Service Laws and perform such other duties as may be prescribed by the Civil Service Commission.

(Amended 11-7-2000)

**ARTICLE VI
INITIATIVE, REFERENDUM AND RECALL**

SECTION 1. INITIATIVE AND REFERENDUM.

The initiative and referendum powers are reserved to the people of the City on all questions which City Council is authorized to control by legislative action. Such powers shall be exercised in the manner provided by the laws of the State of Ohio.

(Amended 11-8-1949; 11-7-2000)

SECTION 2. RECALL.

(a) Any elective officer of the City may be removed from office by the qualified electors of the City. The procedure for such removal shall be as now provided by Section 3515-71 of the General Code of the State of Ohio (now Ohio R.C. 705.92).

(b) Any person removed from office by a recall election shall not be appointed or employed by the City in any department of the City for a period of at least two (2) years from and after the date of such removal.

(c) Each officer whose recall is sought by petition as herein provided shall have the right to present a statement in not more than two hundred (200) words defending his position and such statement shall be mailed by the Clerk of the Council to each registered voter of the City at least fifteen (15) days prior to such election.

(Amended 11-8-1949; 11-7-2000)

**ARTICLE VII
SAVING CLAUSE**

SECTION 1. EXISTING OFFICERS RETAINED.

All officers, boards or commissions and all employees of the City are hereby continued in office at the discretion of City Council until City Council shall have organized the City in such departments as it may deem proper, and by resolution or ordinance shall have created the office or employment of such persons who shall have charge of such departments.

Such officers of the City shall continue in office at the same salary as such officers now receive, which shall continue until their successors are appointed as above stated and have qualified as required by the ordinance or resolution creating such office.

(Amended 11-7-2000)

**ARTICLE VIII
FINANCES**

SECTION 1. TAXATION.

The City of Middletown shall have all powers of municipal home rule and taxation granted by the laws of the State of Ohio and the Constitution of Ohio, now or hereafter in force.

(Amended 11-8-1949)

SECTION 2. BUDGETS.

A complete budget system of municipal receipts and expenditures is hereby established in accordance with the laws of the State of Ohio. City Council may make changes, amendments and modifications in said budget system to make it conform to amendments hereafter made to said budget law and such other changes, amendments or modifications therein not affecting the substance or completeness of said system, as City Council shall have power to make under the laws and the Constitution of the State of Ohio.

(Amended 11-8-1949; 11-7-2000)

SECTION 3. INDEBTEDNESS.

Within the limitations prescribed by law, City Council shall have power to issue bonds, notes and other certificates of indebtedness. Such bonds, notes or certificates of indebtedness shall be authenticated by the signature of the Mayor and attested by the fiscal officer of the City and the seal of the City impressed thereon.

(Amended 11-8-1949; 11-7-2000)

SECTION 4. SINKING FUND.

City Council shall exercise all the powers and perform all the duties exercised by Sinking Fund Council members of Sinking Fund Trustees under the laws of the State of Ohio applicable to municipalities.

(Amended 11-8-1949; 11-7-2000)

SECTION 5. LIMITATION ON RATE OF TAXATION FOR CURRENT EXPENSES.

The rate of the tax for current expenses and for the purposes of any other expense, including police and fire pensions and for the acquisition of construction of permanent improvements, which may lawfully be included within the general levy for the general fund of the City levied upon the duplicates of property in the City of Middletown, listed and assessed for

taxation according to value, shall not exceed five and seventy-five hundredths (5.75) mills per dollar of assessed valuation. The proceeds of any levy in excess of four and seventy-five hundredths (4.75) mills per dollar of assessed valuation shall be credited to a separate fund and expended solely for the acquisition or construction of permanent improvements.
(Amended 11-6-1951)

SECTION 6. LEVIES FOR DEBT SERVICE.

City Council shall annually levy a sum sufficient to pay the interest, bond retirement fund, and retirement charges on all bonds and notes of the City of Middletown, heretofore or hereafter authorized to be issued, and the expenses incident thereto. This entire levy shall be outside of limitations provided in this Charter, but subject to limitations imposed by general law and placed before and in preference to all other levies. Amounts certified under the laws of Ohio as necessary for such purpose shall not be subject to change by City Council.
(Amended 11-6-1951; 11-7-2000)

**ARTICLE IX
ELECTION AND TIME OF TAKING EFFECT**

SECTION 1. TIME OF ELECTION OF OFFICERS.

The first City Commission and the Judge of the Municipal Court shall be elected at the regular municipal election to be held in the month of November, 1913.

This Charter shall take effect from and after its adoption by the electors of the City of Middletown.