

**CHARTER OF THE MUNICIPALITY
OF ORWELL, OHIO**

Effective as amended January 1, 2015

**CHARTER OF THE
VILLAGE OF ORWELL,
OHIO PREAMBLE**

We the people of the Village of Orwell, Ohio, in order to secure home rule and preserve the present character of the community, do adopt the following Charter for the government of the community.

**ARTICLE I
NAME AND BOUNDARIES**

SECTION 1.01 NAME

The present Village of Orwell shall continue to be a body politic and corporate, under the name of the Village of Orwell.

**SECTION 1.02
BOUNDARIES**

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

**ARTICLE II
MUNICIPAL POWERS**

SECTION 2.01 POWERS

The Village of Orwell shall have all the powers, general or special, governmental or proprietary, that may now or hereafter lawfully be possessed or exercised by municipal

corporations under the Constitution and general laws of the State of Ohio. The powers of the Village of Orwell shall be exercised in the manner prescribed in this Charter, or, to the extent that the manner is not prescribed herein, in such a manner as the Council may determine. The powers of the Village of Orwell may also be exercised, except as a contrary intent or implication appears in this Charter or in the enactments of the Council, in such manner as may now or hereafter be provided by the general laws of the State of Ohio.

**ARTICLE III
COUNCIL SECTION 3.01
LEGISLATIVE
AUTHORITY**

Except as otherwise provided in the Charter, all legislative powers of the Village of Orwell under this Charter, together with all such powers conferred upon municipalities by the Constitution and laws of Ohio, and shall be vested in the Council.

**SECTION 3.02
COMPOSITIONS AND
TERM**

Council shall be composed of five (5) members. All Council members shall be elected at large to serve for a term of four

(4) years. Elected Council persons serving Orwell Village at the inception of this Charter, or any amendment hereto, shall continue in office for the duration of their current terms.

**SECTION 3.02
CONTINUANCE OF
PRESENT OFFICIALS
ABOLISHMENT OF
OFFICES**

The persons holding the offices of members of Council shall exercise all of the powers and discharge all of the duties of said offices as established by the provision of this Charter during their terms of office, which terms shall be as follows:

2009 General Election: Four (4) council persons to be elected for four (4) year terms.

The council persons who were elected at the general election held on November 3, 2009, shall commence their term on January 1, 2010, and their term shall terminate on December 31, 2013.

2011 General Election: One (1) council person to be elected for a four (4) year term.

The council person who was elected at the general election held on November 8, 2011 shall commence their term on January 1, 2012 and their term shall terminate on December 31, 2015.

2013 General Election: Three (3) council persons to be elected for four (4) year terms; and one (1) council person to be elected for a two (2) year term.

The council persons who were elected at the general election held on November 5, 2013, for four (4) year terms shall commence their term on January 1, 2014 and their term shall terminate on December 31, 2017.

The council person who was elected at the general election held on November 5, 2013, for a two (2) year term shall commence their term on January 1, 2014, and their term shall terminate on December 31, 2015.

2015 General Election: Two (2) Council persons to be elected for four (4) year terms.

The council person who was elected at the general election held on November 3, 2015, shall commence their term on January 1, 2016, and their term shall terminate on December 31, 2019.

2017 General Election and each four (4) years thereafter: Three (3) council persons to be elected for four (4) year terms.

2019 General Election and each four (4) years thereafter: Two (2) Council persons to be elected for four (4) year terms.

SECTION 3.03

QUALIFICATIONS

Each Council person shall have been a resident of the Village of Orwell for at least two (2) years and a qualified elector prior to the date of his/her election or appointment and shall continue to be a resident and qualified elector of the Village of Orwell during his/her term of office.

The period of residence hereby required shall include the period of residence in any territory which has been annexed to the Village of Orwell.

A Council person shall hold no other elective public office.

He/she shall not be otherwise employed by the Village of Orwell nor shall he/she hold any other office in this Village of Orwell, except as provided in this charter.

SECTION 3.04 PRESIDENT AND VICE PRESIDENT OF COUNCIL

At 6:00 p.m. on the second (2nd) day of January of each year, (or if such date be a Saturday or Sunday, then the following Monday), Council shall meet in Council chambers for the purpose of organization. At such organization meeting, Council shall be a majority vote elect from its membership a President of council and a Vice

President of Council, each to serve a term of one (1) year.

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

The President and Vice President of Council, neither by virtue of holding such office nor in performing their duties as provided in this Charter shall be deprived of their powers and rights, or be relieved of any of their duties or obligations as members of Council.

SECTION 3.05 RULES AND JOURNAL OF COUNCIL

Council shall adopt its own rules, regulations or by-laws and shall keep a complete journal of all its proceedings which shall be open for public inspection at all reasonable times. The voting upon any ordinance or resolution or motion shall be by roll call, and the vote of each Council person shall be recorded upon the journal. A copy of the Minutes of Council shall be posted at Grand Valley Public Library.

SECTION 3.06 REGULAR MEETINGS

At a time approved and announced by Council on January 2 of each year, (or if such date be a Saturday or Sunday, then the following Monday) Council shall convene for the purpose of inducting each newly elected member thereof, and for the purpose of organizing the Council committees and of the election of the Council officers hereinbefore provided.

Thereafter, Council shall meet at such times as may be prescribed by its rules, regulations, by-laws, or by resolution or ordinance, except that it shall hold one (1) regular meeting each calendar month and one (1) work session each calendar month.

All regular meetings of Council shall be held at Council chambers and all meetings of Council shall be open to the public. Any resident of Orwell shall be entitled to speak at such meetings of the Council. Such right shall not be unreasonably abridged by any rules and regulations which Council may adopt laws. No official action may be taken in executive session.

SECTION 3.07 SPECIAL MEETINGS

Special meetings of Council may be called as provided by its rules, regulations, by-laws, or by resolution or ordinance. In the absence of any such provisions, special meetings may be called by the Clerk of council upon the written request of the President of Council, or any three (3) members of council, and written notice of any meeting shall be served personally upon each Council person or left at their usual place of residence at least twenty-four (24) hours prior to such meeting.

Service of notice of any special meeting shall be deemed conclusively to have been waived by any Council person who shall be present at such meeting. All special meetings of council shall be held at the Council chambers and shall be open to the public, except an executive session may be held to consider certain items as permitted by Ohio laws. No official action may be taken in executive session. Council shall adopt a resolution or ordinance providing for reasonable public notice of all special meetings, as required by law.

SECTION 3.08 QUORUM

A simple majority of Council shall constitute a quorum to transact business, but a lesser number may adjourn from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by resolution or ordinance. In the absence of a contrary statute, provision of this Charter, ordinance or rule of Council, the majority of a quorum has the power to act for the entire Council. However, the affirmative vote of a majority of all members elected to Council is required for the passage of an ordinance or resolution.

SECTION 3.09 LEGISLATIVE PROCEDURE

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

As a general rule, legislation which is of a temporary character shall be a resolution; legislation of general nature or legislation which establishes a permanent rule of government

requires enactment of an ordinance.

No resolution or ordinance shall be revised or amended unless the resolution or ordinance superseding it contains the entire resolution or ordinance so revised or amend, and having been revised or amended, the original resolution or ordinance, or section or sections, shall be considered to be repealed.

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

Every resolution or ordinance pertaining to (1) legislation of a general or permanent nature; (2) legislation granting a franchise; (3) legislation creating a right; (4) legislation involving the expenditure of money; (5) legislation levying a tax; (6) legislation for the purchase, lease, sale or transfer of property; shall be read by title only, provided the Council may require any reading to be full by a majority vote, and shall be read at three (3) different regular Council meetings, unless Council votes to suspend this rule. Such suspension of the rule shall require the affirmative vote of at least two-thirds (2/3)

of Council.

If this rule is suspended in accordance with the foregoing provision, then the resolution or ordinance shall be fully and distinctly read a least once before passage.

SECTION 3.10 PUBLIC NOTICE

Council, shall by ordinance, establish the method of giving public notice of the enactment of its ordinances and the adoption of its resolutions and public notice shall be given in the manner provided by the laws of Ohio.

SECTION 3.11 EFFECTIVE DATE OF RESOLUTIONS AND OR DATES

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

Council, or upon its passage after veto by the President of Council, as the case may be, but subject to the referendum as provided by Section 14.02 Referendum of this Charter. No other resolution or ordinance shall become effective until thirty (30) days after its approval by the President of Council, or upon the expiration of the time within which it may be vetoed by the President of Council, or upon its passage after veto by the President of Council, as the case may be. All resolutions and ordinances legally in effect, at the time of adoption of this Charter, shall remain in effect until such time as it is repealed or amended in the manner provided herein except when in conflict with this Charter. Council shall, at the earliest possible time, enact an up-to-date Code of Ordinances. Such Code of Ordinances shall be compiled and published, including an appropriate index, in book form for use by officials of the Village of Orwell and for others at a fee approximating the printing costs. A master book of ordinances and resolutions shall be maintained by the Clerk of Council/ Finance Director who shall be responsible for entering changes as they occur. Council shall provide revised editions of

the Code of Ordinances at regular intervals not to exceed ten (10) years.

Each emergency resolution and ordinance shall contain a statement of the necessity for such emergency action, and its enactment shall require the affirmative vote of majority of all members of Council.

Action of Council authorizing the surrender or joint exercise of any of its powers, or in granting any franchise, or in the enactment, amendment, or repeal of any zoning or building resolution or ordinance, shall be enacted as an emergency measure.

SECTION 3.12 COMPENSATION AND BONDS

Council will establish pay scales for each employee position. The Village Manager will have the discretion of setting wages for such employees within the pay ranges, as established by ordinance of Council.

Not less than seventy five (75) days immediately preceding the date of the next Municipal election, the compensation of each member of Council shall be fixed for the next term, and shall not thereafter be changed with respect to such term.

The compensation of every

other employee and member of any board or commission of the Village of Orwell, as fixed by Council, may at any time be changed by resolution or ordinance at the discretion of Council.

Council may authorize the payment or reimbursement of expenses, incurred by any officer or employee or member of any board or commission of the Village of Orwell, for traveling or other expenses incidental to the authorized furtherance of the interests of the Village of Orwell.

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

SECTION 3.13 VACANCIES

Whenever the office of a Council person shall become vacant for any reason, the vacancy shall be filled by majority vote of all the remaining members of Council.

A vacancy in the office of President of Council shall be

filled by the Vice President becoming President of Council, and the office of Vice President shall be filled by a Council person elected by a majority vote of the remaining members of council. In the event Council shall fail to fill a vacancy in the office of Council or in the office of Vice President of Council within thirty (30) days from the date such vacancy occurs, then the powers of council to do so shall lapse and the President of Council shall fill it by appointment.

The person elected or appointed to fill a vacancy shall have the qualifications for the particular office specified in Section 3.03 Qualifications of this charter, and shall hold office for the unexpired term and until his/her successor is elected and qualified.

SECTION 3.14 REMOVAL OF ELECTIVE OFFICERS

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

- A. Does not possess, or has ceased to possess, the qualifications of office; or
- B. Has failed to take the required oath or to give any bond required of him/her after inception of his/her term or

appointment of election or obligation to give a new or additional bond;

- C. While in office, has been convicted of felony or crime involving moral turpitude; or
- D. Is guilty of gross misconduct, gross neglect of duty, misfeasance, malfeasance or nonfeasance in office; or
- E. Has been adjudicated legally incompetent; or
- F. Has violated his oath of office.

Council shall be the sole judge of the election and qualifications of its own members. In addition to the grounds for removal provided above, Council may remove any of its members for persistent failure to abide by the rules of Council, or for absence without justifiable excuse from three (3) consecutive regular meetings.

The decision of Council to remove an elected officer, shall be made only upon the affirmative vote of three-fourths (3/4) of all the members of council entitled to vote on such question, after public hearing upon the charge or charges brought; and provided further, that the accused officer shall have been notified in writing of the charge or charges against him/her at least fifteen (15) days in advance of such public hearing; and provided further

that he/she or his/her counsel shall have been given an opportunity to be heard, present evidence, and examine witnesses appearing in support of such charge or charges. An accused member of council shall not vote on the question for his/her removal. The decision of Council after compliance with this Section shall be final. Upon the removal of such officer, the vacancy thereby occurring in such office shall be filled in the manner provided by this Charter, and the officer so removed shall not be eligible for appointment to fill such vacancy.

**SECTION 3.15
DEPARTMENTS, BOARDS
AND COMMISSIONS**

Council may establish additional departments, boards and commissions as the needs of the Village of Orwell may require and except for those established herein, may abolish or combine departments, boards and commissions in any manner as it deems necessary. Where organizations, powers and duties of departments, boards and commissions are not expressly provided herein, they shall be provided by resolution or ordinance of Council.

**SECTION 3.16 RIGHTS IN
COUNCIL OF EXECUTIVE
OFFICERS**

The Village Manager, executive officers and the Superintendents of all departments established by this Charter or that hereafter may be established by ordinance, shall be entitled to attend any Council meetings or work session. Neither the Village Manager, executive officers nor the superintendents of any department, shall have a vote in Council, but the Village Manager and executive officers shall have the right to recommend legislation and take part in the discussions of all matters coming before the Council. The superintendents of departments shall be entitled to take part only in those discussions in Council that relate to their respective departments.

**SECTION 3.17
ADMINISTRATIVE
SERVICE**

The Council and its members shall deal solely through the Village Manager in respect to any part of the administrative service for which the Village Manager is responsible.

**ARTICLE IV
VILLAGE MANAGER**

**SECTION 4.01
APPOINTMENT AND
REMOVAL OF VILLAGE
MANAGER**

The Council shall appoint an officer who shall have the title of Village Manager by the affirmative vote of a majority of all its members. The Village Manager shall be appointed to an indefinite term or by a written contract. Said contract shall not take precedence over any ordinances or resolutions, but will have precedence over the Employee Handbook when there is a conflict between same; however when there is silence within the contract, then the Employee Handbook shall apply. He/She shall serve at the pleasure of the Council. The Council may remove the Village Manager at any time with or without cause, and with or without notice, upon the passage of a resolution of removal adopted by an affirmative vote of a majority of its members. In lieu of immediate removal, the Resolution of removal may suspend the Village Manager from duty for up to thirty (30) days, and remove him/her at the end of the period of suspension; in which event, the Village Manager shall receive his/her

salary during such period of suspension. The Council may suspend a Village Manager from his/her duties without compensation for a period of time not to exceed thirty (30) days, with or without cause, and with or without notice, upon the passage of a motion concurred in by a majority of all of its members. The decision of the Council to remove and or suspend the Village Manager shall be in the sole discretion of the Council, and shall not be subject to review by any court.

**SECTION 4.02
QUALIFICATIONS**

The Village Manager shall be appointed solely on the basis of his/her executive and administrative qualifications.

**SECTION 4.03 JUDICIAL
POWERS**

The Village Manager may designate, by letter filed with the Clerk of council, any qualified administrative officer of the Village of Orwell to perform his/her powers, duties and functions during his/her temporary absence from the Village of Orwell or during his/her disability. Such designation shall not be effective until Council has approved it by a majority vote of all the members of the

Council and Council may revoke such designation at any time by a majority vote of all the members thereof. If such designation has not been made and the Village Manager is absent from the Village of Orwell or unable to perform his/her duties or to make such designation, the Council may, by motion, appoint any qualified administrative officer of the Village of Orwell to perform the powers, duties and functions of the Village Manager until he/she shall return to the Village of Orwell or the disability ceases. The acting Village Manager so designated shall exercise all powers, duties and functions of the Village Manager during the temporary absence from the Village of Orwell or disability of the Village Manager or until the Council revokes such designation.

In the event of a vacancy in the office of Village Manager, the Council may designate a person as acting Village Manager, who shall exercise all powers, duties, and functions of the Village Manager until a Village Manager is appointed, or the Council revokes such designation as acting Village Manager.

SECTION 4.04 POWERS AND DUTIES OF THE VILLAGE MANAGER

The Village Manager shall be the chief executive and administrative officer of the Village of Orwell. He/she shall be responsible to the Council for the administration of all municipal affairs placed in his/her charge by or under this Charter, the ordinances of the Village of Orwell and Ohio Revised Code. He/she shall have the following powers and duties:

- a. He/she shall have the discretion of setting wages for employees within the pay ranges as established by ordinance of council;
- b. He/she shall appoint and when he/she deems it necessary for the good of the service, suspend or remove or otherwise discipline all municipal employees and appointive administrative officers, except as provided for, by, or under this Charter, in the manner provided by the rules adopted by the Council pursuant to this Charter, He/she may authorize any administrative officer who is subject to his/her direction and supervision to exercise these powers with respect to subordinates in that officer's department, office, or agency.

He/she shall not have the power or authority to appoint or remove, suspend or discipline the Solicitor or any member of any board or commission established under this Charter;

c. He/she shall direct and supervise the administration of all departments, offices and agencies of the Village of Orwell, except as otherwise provided by this Charter;

d. He/she shall attend all Council meetings and shall have the right to take part in discussion but may not vote;

e. He/she shall see that all laws, provisions of this Charter and ordinances and resolutions of the Council, subject to enforcement by he /she or by officers subject to his/her direction and supervision, are faithfully executed;

f. He/she shall make such other reports as the council may require concerning the operations of municipal departments, offices, boards, commissions and agencies subject to his/her direction and supervision;

g. He/she shall keep the Council fully advised as to the operating condition and future operating and capital needs of the Village of Orwell and make such recommendations to the Council concerning the affairs of the

Village of Orwell as he/she deems desirable;

h. The Village Manager manages any public utilities and collects any rents for them. The Village Manager supervises the maintenance of public places, streets, and sidewalks. The Village Manager may appoint those employees authorized by village council. The Village Manager is also responsible for all Village purchases of equipment, maintenance of all equipment and replacement of equipment including, but not limited to, vehicles, computer and computer software, and construction equipment necessary in the operation of Village of Orwell. The Village Manager will also prepare a yearly report to Council on all Village owned equipment. The Village Manager has all powers of the previous board of public affairs and street Commissioner; in addition to other powers and duties set by ordinance of Village Council as of January 1, 2012. However, the Village Manager cannot establish utility rates. Utility rates are determined by Village Council. The Village Manager is under the general supervision and control of the Village Council.

**SECTION 4.05 COUNCIL
ADMINISTRATION
RELATIONS**

Neither the council nor any of its members, shall in any manner, dictate the appointment or removal of any administrative officers or employees whom the Village Manager or any of his/her subordinates are empowered to appoint, unless otherwise provided by this Charter; but the Council may express its views and fully and freely discuss with the Village Manager anything pertaining to the appointment and removal of such officers and employees. Except for the purpose of official inquiries and investigations, the Council or its members shall deal with officers and employee who are subject to the direction and supervision of the Village Manager solely through the Village Manager; and neither the Council nor its members shall give orders to any such officer or employee, either publicly or privately; except that the Council may require of the Solicitor and Clerk of Council/Director of Finance such reports, information, and opinions as Council shall determine. This Section shall not be construed as limiting the powers of Council to remove or suspend the

Village Manager because of his /her practices in connection with the appointment, promotion discipline or removal of officers and employees of the Village of Orwell.

**SECTION 4.06 VILLAGE
MANAGER MAY ACT AS
DEPARTMENT HEAD**

The Village Manager shall serve as the head of the Departments of Public Service and Public Safety. The Village Manager may designate one person to serve as head of one or more departments or divisions, except that the Solicitor shall not serve or act as head of any other department or division.

**ARTICLE V
CLERK OF
COUNCIL/FINANCE
DIRECTOR**

**SECTION 5.01
ESTABLISHMENT OF
POSITION OF CLERK OF
COUNCIL /FINANCE
DIRECTOR**

Clerk of Council/Finance Director shall be appointed by the Council President, and approved by a minimum of three (3) votes by Council. The term of the Clerk of Council/Finance Director will be four (4) years. The first

Clerk of Council/Finance Director appointed under this Charter will be on January 1, 2012. The present Clerk of Council/Finance Director of the Village of Orwell shall continue in office as Clerk of Council/Finance Director for the term to which appointed.

In the event of a vacancy, the President of Council shall advertise for applicant for said position for two (2) consecutive weeks with the local news media of general circulation. After review of applications by the President of Council and Council, the appointment and approval shall be made within sixty (60) days of the vacancy. The performance of the Clerk of Council/ Finance Director shall be evaluated by the council on an annual basis, or more frequently if deemed necessary.

SECTION 5.02 CLERK OF COUNCIL/FINANCE DIRECTOR

The Clerk of Council/Finance Director shall attend all meetings of Council. The Clerk of Council/Finance Director shall keep an accurate and complete journal of all proceedings of Council, authenticated by his/her signature, have custody of all laws, ordinances and resolutions

of Council, have custody of all official documents, reports, papers, communications and files of Council and perform such other duties as Council may require.

During the absence or disability of the Clerk of Council/Finance Director, the council shall appoint a Clerk of Council/Finance Director Pro tempore to perform all of the duties of the office.

The Clerk of Council/Finance Director shall assist the Village Manager in the preparation of estimates, budgets and appropriations and report to the Council monthly or more often as required by Council concerning the financial affairs of the Village of Orwell.

He/She shall perform such other duties as the Village Manager or Council may impose, consistent with the office of Clerk of Council/Finance Director.

SECTION 5.03 QUALIFICATIONS OF CLERK OF COUNCIL/FINANCE DIRECTOR

The Clerk of Council/Finance Director shall have knowledge of municipal accounting, taxation, budgets and financial control. Within four (4) years of appointment, shall obtain Certificate from the

International Institute of Municipal Clerks as a Certified Municipal Clerk. The time-frame to obtain certification may be adjusted by a majority vote of Council if significant progress has been made. The Clerk of Council/ Finance Director need not be a resident of the Village of Orwell.

**SECTION 5.04
ACCOUNTING
PROCEDURES AND
BUDGETARY CONTROL**

The Clerk of Council/Finance Director shall establish and maintain accounting procedures necessary for keeping complete financial records of assets and liabilities, receipts and disbursements, property records, and records of taxation of the Village of Orwell and each of its offices, departments, boards and commissions. The Clerk of Council/ Finance Director shall serve as the Municipality tax administrator and shall also keep separate accounts for the items of appropriation in the budget, each of which shall show the amount of the appropriation, and amounts paid there from the unpaid obligations against it, and the unencumbered balance. Such accounting procedures and financial records shall be

adequate in form and in such detail as necessary for making such statements as may be required by this Charter, by Council, or by the Auditor of the State of Ohio.

**SECTION 5.05 CUSTODY
OF FUNDS**

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

**SECTION 5.06
DISBURSEMENTS**

The Clerk of Council/ Finance Director shall disburse funds only as authorized by resolution or ordinance. No obligation shall be incurred and no expenditure shall be made unless approved by the Clerk of Council/ Finance Director and certified by the Clerk of Council/Finance Director or that there is an unencumbered balance appropriated and

available funds. No check for the payment of any claim shall be issued until such claims shall have been approved, in writing by the head of the department or office for whom the obligation or claim was incurred. All checks issued by the Clerk of Council/Finance Director shall be countersigned by the Village Manager or in his/her absence, the President of Council.

SECTION 5.07 REMOVAL OF CLERK OF COUNCIL/ FINANCE DIRECTOR

The office of Clerk of Council/Finance Director of the Village of Orwell shall be declared vacant by resolution of Council upon determination that the appointed officer:

- A. Does not possess, or has ceased to possess, the qualifications of office; or
- B. Has failed to give any bond required of him/her after inception of this term, or obligation to give a new or additional bond; or
- C. While in office has been convicted of felony or crime involving moral turpitude; or
- D. Is guilty of gross misconduct, gross neglect of duty, misfeasance, malfeasance or nonfeasance in office; or
- E. Has been adjudicated legally incompetent; or

F. Has violated his/her oath of office.

The President of Council shall initiate the removal of the Clerk of Council/Finance Director. The Council may determine the cause for the removal of the Clerk of Council/Finance Director and notify the President of Council to initiate the removal procedure. If the President of Council fails to take action within sixty (60) days of such notification, Council may initiate the removal procedure. The decision of Council to remove the Clerk of Council/Finance Director shall be made only upon the affirmative vote of three-fourths (3/4) of ALL the members of Council entitled to vote on such question after public hearing upon the charge or charges brought; and provided further, that his or her counsel shall have been given an opportunity to be heard, present evidence, and examine witnesses appearing in support of such charge or charges. The decision of Council after compliance with this Section shall be final. Upon the removal of such officer, the vacancy thereby occurring in such office shall be filled in the manner provided by this Charter, and the officer so removed shall not be eligible for appointment to fill such

vacancy.

The person appointed to fill a vacancy shall have the qualifications for the particular office specified in Section 5.03 Qualifications, of this Charter, and shall hold office for the unexpired term and until his/her successor is appointed and qualified.

ARTICLE VI PLANNING, ZONING AND BUILDING COMMISSION

SECTION 6.01 COMPOSITION AND TERM

The Planning, Zoning and Building Commission shall consist of one (1) member of the Parks and Recreation Board and four (4) electors of the Village of Orwell not holding other public offices, all of whom shall serve without compensation.

The Village Manager shall serve as Ex Official member without the right to vote.

The Parks and Recreation Board, by majority vote, shall each January elect its representative to the Planning, Zoning and Building Commission for the year. The four (4) electors shall be appointed by the Village Manager with confirmation by a majority of Council. The term of the members of the present

Planning, Zoning and Building Commission shall terminate on the effective date of this Charter.

Of the four (4) electors to be appointed for a term beginning one (1) day after the effective date of this Charter, one (1) shall be appointed for a term of one (1) year, one (1) for a term of two (2) years, and one (1) for a term of three (3) years, and one (1) for a term of four (4) years. Thereafter, each regular appointment of an elector to the Planning, Zoning and Building Commission shall be for a term of four (4) years.

A vacancy occurring during the term of any member of the Planning, Zoning and Building commission shall be filled for the unexpired term in the manner authorized for the original appointment.

SECTION 6.02 ORGANIZATION OF THE COMMISSION

At 6:00 p.m. on the second (2nd) day of January of each year (or if such date be a Saturday or Sunday, then the following Monday) the Planning, Zoning and Building Commission shall organize under a Chairman and Vice Chairman elected from among the four (4) electors for a term

of one (1) year. The Planning, Zoning and Building Commission shall appoint a Secretary who need not be a member of the Commission. The Village Manager shall preside until a Chairperson is elected, as the first order of business.

The Planning, Zoning and Building Commission shall establish its own rules of operation, except that meetings must be held at least once each quarter or when needed; shall be open to the public, and a record of its resolutions, findings, and determinations shall be maintained at the Village Administration Building.

SECTION 6.03 POWERS AND DUTIES OF THE COMMISSIONS

The Planning, Zoning and Building 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 Village of Orwell; 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; title regulation and restriction of the location 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, court and other open spaces; and such other powers and duties as may be conferred upon it by the laws of Ohio and by resolution or ordinance of Council.

SECTION 6.04 MANDATORY REFERRAL TO PLANNING, ZONING AND BUILDING COMMISSION

No resolution, ordinance, regulation, measure, or order of Council concerning a matter over which the Planning, Zoning and Building Commission has powers and duties, as provided by Section 6.03, shall become effective unless Council shall first have submitted the same to the Planning, Zoning and Building Commission for report and recommendation. Any matter so referred to the Planning, Zoning and Building

Commission shall be considered and acted upon by it within sixty (60) days from the date of referral, unless a longer time is authorized by Council.

SECTION 6.05 PUBLIC HEARING BY COUNCIL

Before any ordinance, measure, regulation or amendments thereto, referring to zoning or other regulations controlling the use or development of land may be passed, the Council shall hold a public hearing thereon, and shall give at least thirty (30) days' notice of the time and place thereof in a newspaper of general circulation in the Village of Orwell and will be on the Village Web Site. If the ordinance, measure or resolution intends to rezone or redistrict ten or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Clerk of Council/Finance Director by certified mail, at least twenty (20) days before the date of the public hearing to the owners of property within and contiguous to and directly across the street from such parcel or parcels, to the addresses of such owners appearing on the County Auditor's current tax list or lists that may be specified by Council. The failure of delivery

of such notice shall not invalidate any such ordinance, measure or regulation.

SECTION 6.06 ACTION BY COUNCIL

When the Planning, Zoning and Building Commission makes a recommendation to Council for a change in or addition to, any zoning ordinance or building code, Council shall study each such recommendation and take action within sixty (60) days by placing on its first reading an ordinance properly covering such recommendations. Final action by Council on such ordinance shall be taken by placing said ordinance on its third and final reading no later than sixty (60) days after its first reading.

No resolution, ordinance, regulation, measure or order of Council which violates, differs from or departs from the plan or recommendation submitted by the Planning, Zoning and Building commission shall take effect unless enacted or approved by at least two-thirds (2/3) of Council.

**ARTICLE VII
BOARD OF ZONING AND
BUILDING APPEALS**

**SECTION 7.01
COMPOSITION AND TERM**

The Board of Zoning and Building Appeals shall consist of five (5) electors of the Village of Orwell not holding other public office. The five (5) electors shall be appointed by the Village Manager with confirmation by a majority of Council, and shall serve without compensation.

The term of the members of the present Board of Zoning and Building Appeals shall terminate on the effective date of this Charter.

Of the five (5) electors to be appointed for the term, on one (1) day after the effective date of this Charter, one (1) shall be appointed for a term of one (1) year, one (1) for a term of two (2) years, one (1) for a term of three (3) years, and one (1) for a term of four (4) years and one (1) for a term of five (5) years. Thereafter, each regular appointment shall be for a term of five (5) years.

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

appointment.

**SECTION 7.02
ORGANIZATION**

The Village Manager shall establish the date, time and place for the first meeting of each year, at which the Board of Zoning and Building Appeals shall organize under a Chairman and Vice Chairman elected from among its members for a term of one (1) year. The Village Manager shall preside until a Chairman is elected as the first order of business. The Board shall appoint a Secretary who need not be a member of the Board.

**SECTION 7.03
JURISDICTION**

The Board of Zoning and Building Appeals shall have the power to hear and decide appeals for exceptions to, and variances in the application of resolutions, ordinances, regulations, measures, and orders of administrative officials or agencies governing zoning and building in the Village of Orwell, as may be required to afford justice and avoid unreasonable hardship, subject to such reasonable standards and such other powers as may be granted to it by Council.

SECTION 7.04 MEETINGS AND PROCEDURE

Meetings shall be held at the call of the Chairman and at such other times as the Board may determine. Meetings shall be open to the public and a record shall be kept at the Village Administrative Offices showing the vote of each member on each questions.

Procedure before the Board of Zoning and Building Appeals shall be in accordance with ordinances of Council or rules and regulations established by the Board not inconsistent therewith.

A written appeal may be submitted to the Board of Zoning and Building Appeals within twenty (20) days by any person adversely affected or aggrieved by a decision of the Planning, Zoning and Building commission or its agents. The Board of Zoning and Building Appeals shall, not later than thirty (30) days after the filing of such notice of appeal, hold a public hearing thereon, and shall give ten (10) days' notice of the time and place thereof in a newspaper of general circulation in the Village of Orwell. Written notice of the hearing shall also be sent by the Board, by certified mail, at least ten (10)

days before the date of the public hearing, to the owners of property within or contiguous to or directly across the street from the area which is the subject of the appeal. Such written notices shall be mailed to the addresses of such owners appearing on the current tax duplicate of the County. The failure of delivery of such notice shall not invalidate the action of the Board of Zoning and Building Appeals.

ARTICLE VIII DEPARTMENT OF PUBLIC SERVICE

SECTION 8.01 ESTABLISHMENT OF DEPARTMENT OF PUBLIC SERVICE

The Department of Public Service shall consist of the following divisions, and will be under the direction of the Village Manager who will serve as the Director of Public Service:

- I. Division of Water and Sewage: Operate and maintain all water and wastewater mainline infrastructure.
- II. Division of Streets: The Street Division shall have the care, supervision, and control of public highways, streets, avenues, alleys, sidewalks,

public grounds, bridges, aqueducts, and viaducts within the Municipal Corporation, and shall cause them to be kept open, in repair and free from nuisance. They will operate in accordance with the applicable Sections of the Ohio Revised Code III. Division of Lands & Buildings.

The Division of Lands & Buildings shall consist of all buildings and property owned by the Village (inside and outside of the Village limits), and shall cause them to be kept open and in repair, maintenance and free from nuisance, including but not limited to structures inside and outside, grass, wells, etc.

Other divisions or bureaus may be authorized by Council by ordinance. One person may serve as the head of any number of divisions within the Department of Public Service.

ARTICLE IX PUBLIC SAFETY

SECTION 9.01 ESTABLISHMENT OF DEPARTMENT OF PUBLIC SAFETY

The Department of Public Safety shall consist of the Divisions of Police and Fire Protection. The Department of Public Safety will be under the

direction of the Village Manager.

SECTION 9.02 DIVISION OF POLICE PROTECTION

The Division of Police Protection shall consist of a Chief of Police and such other officers, patrolmen and auxiliary patrolmen as Council shall deem necessary. Appointments of personnel will result from the efforts of the Village Manager with approval of Council.

SECTION 9.03 DEPARTMENT OF PUBLIC SAFETY

The Village Manager shall serve as the head of the Department of Public Safety unless and until the Council shall, by a majority vote of all of its members create the separate position of Safety Director. If such position is created, the Safety Director shall be appointed by and serve at the pleasure of the Village Manager. The Safety Director may hold any other administrative office or position of employment with the Village of Orwell, except he/she shall not act as the Solicitor. Once created, such separate position may be abolished by a majority vote of all of the members of the Council, in which event the Village Manager shall become the Safety Director until such

time as the Council shall again create such a separate position in the manner herein before provided. The Safety Director, or the Village Manager, if the separate position of Safety Director has not been created, shall direct and supervise the work, administration and services provided for all divisions, offices, bureaus or agencies within the Department of Public Safety.

The Department of Public Safety shall include the Divisions of Police and Fire.

SECTION 9.04 RULES OF GOVERNMENT OF POLICE DIVISION

The Chief of Police shall be the Head of the Police Division. The Chief is to administer the Police Division according to ordinances and resolutions of the Village of Orwell and the laws of the State of Ohio. The officers, patrolmen, auxiliary patrolmen and police clerical staff are to be responsible to the Chief of Police.

SECTION 9.05 SUSPENSIONS, REDUCTION IN GRADE, AND DISMISSAL OF POLICE DIVISION PERSONNEL

The suspension, reduction in

grade or dismissal of any personnel of the Police Division, other than the Chief of Police, will be according to Personnel Policy Manual, The Village of Orwell.

SECTION 9.06 SUSPENSION OR DISMISSAL, OF CHIEF OF POLICE

When the Village Manager of the Village of Orwell has reason to believe a duly appointed Chief of Police of the Village has been guilty of incompetence, inefficiency, dishonesty, drunkenness, immoral conduct, insubordination, discourteousness, misfeasance, malfeasance, or nonfeasance in the performance of his/her official duty, the Village Manager shall file with the Council of the Village of Orwell written charges against such person setting forth in detail the reason therefore and immediately serve a true copy thereof upon the person against whom they are made.

Charges filed under this Section shall be heard at the next regular meeting of the Council occurring not less than five (5) days after the date such charges have been served on the person against whom they are made. The person against whom such

charges are filed may appear in person and by counsel at such hearings, examine all witnesses and answer all charges against him/her.

At the conclusion of the hearing, the Council may dismiss charges, suspend the accused from appointment for not more than sixty (60) days or remove the accused from his/her appointment.

Action of the Council removing or suspending the accused from appointment requires the affirmative vote of two-thirds (2/3) of ALL members of Council.

In the case of removal from appointment, the Chief of Police so removed may appeal on question of law and fact the decision of the Council to the Court of Common Pleas of Ashtabula County. Such appeal shall be taken within ten (10) days from the date of the finding of the Council.

SECTION 9.07 ROLE OF VILLAGE MANAGER IN THE SUSPENSION OR DISMISSAL OF THE CHIEF OF POLICE

If the Village Manager fails to initiate the suspension or dismissal procedures of Section 9.06 sixty (60) days after recommendation by the President of Council to do so,

the President of Council, may file charges. Procedure concerning charges will be in accordance with Section 9.06.

SECTION 9.08 DIVISION OF FIRE PROTECTION

The Division of Fire Protection shall consist of the Orwell Volunteer Fire Department and will serve as a Division of the Department of Public Safety.

SECTION 9.09 RULES FOR THE GOVERNMENT OF THE DIVISION OF FIRE PROTECTION

The organization and administration of the Orwell Volunteer Fire Department shall be in accordance with the laws of the State of Ohio. The Fire Chief of The Orwell Volunteer Fire Department shall be elected by the Department Membership and his/her name shall be recommended to the Village Manager who shall make the appointment with the majority vote of council. The minimum requirements shall be 240 course hours in Fire Fighter training and National Incident Management Systems and two years of service time.

**SECTION 9.10
SUSPENSION OR
DISMISSAL OF FIRE
CHIEF**

When the Village Manager of the Village of Orwell has reason to believe a duly appointed Fire Chief of the Village has been guilty of incompetence, inefficiency, dishonesty, drunkenness, immoral conduct, insubordination, discourteousness, misfeasance, malfeasance, or nonfeasance in the performance of his/her official duty, the Village Manager shall file with the Council of the Village of Orwell written charges against such person setting forth in detail the reason therefore and immediately serve a true copy thereof upon the person against whom they are made.

Charges filed under this Section shall be heard at the next regular meeting of the Council occurring not less than five (5) days after the date such charges have been served on the person against whom they are made.

The person against whom such charges are filed may appear in person and by counsel at such hearings, examine all witnesses and answer all charges against him/her.

At the conclusion of the hearing, the Council may dismiss

charges, suspend the accused from appointment for not more than sixty (60) days or remove the accused from his/her appointment.

Action of the Council removing or suspending the accused from appointment requires the affirmative vote of two-thirds (2/3) of ALL members of council

In the case of removal from appointment, the Fire Chief so removed may appeal on question of law and fact the decision of council to the Court of Common Pleas of Ashtabula County. Such appeal shall be taken within ten (10) days from the date of the finding of the Council.

**SECTION 9.11 ROLE OF
THE VILLAGE MANAGER
IN THE SUSPENSION OR
DISMISSAL OF THE FIRE
CHIEF**

If the Village Manager fails to initiate the suspension or dismissal procedures of 9.10 after sixty (60) days, after recommendation by the President of Council to do so, the President of Council may file charges. Procedure concerning charges will be in accordance with Section 9.10.

SECTION 9.12 HEALTH AND SAFETY REGULATIONS

The Village Manager shall, after due process, initiate necessary action through resolution or ordinance to protect the welfare of Village residents.

**ARTICLE X
VILLAGE SOLICITOR**

**SECTION 10.01
APPOINTMENT OF THE SOLICITOR**

Legal work for Orwell Village will be done by a Solicitor hired by contract with Council on a year to year basis. Terms of the contract, including salary, will be arranged by agreement with Council.

**SECTION 10.02
QUALIFICATIONS FOR SOLICITOR**

The Solicitor shall be an attorney-at-law in good standing, admitted to the practice of law in Ohio and shall have been engaged in active law practice in Ohio for a period of five (5) years immediately prior to his/her appointment. Neither the Solicitor nor his/her assistants, nor any special counsel, shall be required to reside within the Village of Orwell.

SECTION 10.03 GENERAL DUTIES OF SOLICITOR

The Solicitor shall prepare all contracts, bonds and other instruments in writing in which the Village of Orwell is concerned. He/she shall represent the Village of Orwell in all legal proceedings. Further, it shall be his/her duty to perform all services incident to this office as may be required by statute, by this Charter or by ordinance.

**ARTICLE XI
LIMITATION ON RATE OF TAXATION**

**SECTION 11.01
LIMITATION ON RATE OF TAXATION**

The Power of Council to levy taxes shall be subject to the limitations provided by the Constitution and laws of Ohio. Nothing contained in this Charter shall be construed to authorize the levying of any tax in excess of said limitations, nor shall any additional tax on income become effective until approved by favorable vote of the people.

**ARTICLE XII
PARKS AND RECREATION**

**SECTION 12.01
COMPOSITION AND TERM**

The Parks and Recreation Board shall consist of five (5) electors of the Village of Orwell not holding other public office.

They shall be appointed by the Village Manager, with confirmation by a majority of Council, to serve without compensation.

Of the five (5) to be appointed, the first appointments made hereunder shall be for terms of one (1), two (2), three (3), four (4) and five (5) years, and thereafter, successors shall be appointed for a term of five (5) years.

A vacancy during the term of any member of the Parks and Recreation Board, shall be filled for the unexpired term in the manner authorized for an original appointment.

**SECTION 12.02
ORGANIZATION**

The Village Manager shall establish the date, time and place for the first meeting each year, at which the Parks and Recreation Board shall organize under a chairman elected from among its members for the term of one (1) year. The Board shall

appoint a Secretary who need not be a member of the Board.

**SECTION 12.03 POWERS
AND DUTIES**

The Parks and Recreation Board shall have general policy making, planning and administrative power over all parks, playgrounds, play fields, gymnasiums, swimming pools, indoor recreation centers and any other lands or buildings owned by the Village of Orwell for supplies needed, subject to the appropriations of Council, and such other powers and duties as may be conferred upon it by Council not inconsistent herewith.

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

**ARTICLE XIII
NOMINATIONS AND
ELECTIONS**

**SECTION 13.01
NOMINATIONS**

Nominations for elective offices of the Village of Orwell shall be made by petition only, signed by not less than twenty (20) registered voters, on the

standard forms for the nomination of nonpartisan candidates for such office, filed with the Board of Elections at least ninety (90) days before the day of election. There shall be no primary election for Municipal officers.

SECTION 13.02 ELECTIONS

The regular Municipal election shall be held on the first Tuesday after the first Monday in November of odd numbered years. The Council may by resolution, order a special election at any time, the purpose of which shall be set forth in the resolution.

SECTION 13.03 OTHER PROVISIONS

The provisions of the election laws of the State of Ohio shall be followed in all matters not expressly provided otherwise in this Charter.

**ARTICLE XIV
INITIATIVE,
REFERENDUM AND
RECALL**

SECTION 14.01 INITIATIVE

The electors of the Village of Orwell shall have the power to propose any ordinance or resolution, except an ordinance of the appropriation of money or an ordinance making a tax levy,

and to adopt or reject the same at the polls, such power being known as the initiative. An initiated ordinance or resolution may be submitted to the Clerk of Council/Finance Director by petition signed by at least ten percent (10%) of the electors voting in the last general election, in which petition the petitioners shall designate a committee of the petitioners to act on their behalf. When so submitted, the Clerk of Council/Finance Director shall forthwith determine the sufficiency of the petition and if found sufficient, the Council shall at once have the proposed ordinance or resolution read and referred to an appropriate committee, which may be a committee of the whole. A public hearing, to be conducted in such manner, and preceded by such notice as the Council may prescribe, shall be held on the proposed ordinance or resolution not later than thirty (30) days after the date on which such ordinance or resolution was submitted to the Clerk of Council/Finance Director. The Council shall, within forty (40) days after such ordinance or resolution is submitted, take final action thereon by enacting the proposed ordinance or resolution in the form submitted

or in an amended form or by failing or refusing to pass the same. If the Council fails or refuses to pass such proposed ordinance or resolution, the committee of petitioners may, at their option, require that it be submitted to a vote of the electors provided that there is filed with the Clerk, a supplemental petition signed by the number of additional electors which, when taken together with those who signed the original petition, will total at least twenty percent (20%) of the electors voting in the last general election. If the Council passes the proposed ordinance or resolution in an amended form, the committee of the petitioners may, at their option, require that it be submitted to a vote of the electors provided that there is filed with the Clerk of Council/Finance Director a new petition, which may contain signatures from signers of the initial petition, signed by at least twenty percent (20%) of the electors voting in the last general election. Such additional petitions shall be filed within ten (10) days after the passage by the Council of the amended resolution or its repassage over the President of Council veto, whichever is the initial ordinance or petition, but

not less than sixty (60) days from the time of filing such supplemental petition and Council shall provide for submitting such ordinance or resolution to the vote of the electors at the date so fixed, or, if not so fixed, at the next general election in any year occurring more than sixty (60) days from the filing of such supplemental petition, an initiated ordinance or resolution, receiving an affirmative majority of the votes cast thereon, shall become effective on the fifth (5th) day after the day on which the Board of Elections certifies the official vote thereof.

SECTION 14.02 REFERENDUM

The electors of the Village of Orwell shall have the power to approve or reject at the polls any ordinance or resolution passed by Council, except as hereafter provided. Within thirty (30) days after the passage by Council of such ordinance or resolution, a petition signed by at least ten percent (10%) of the electors voting in the last general election may be filed with the Clerk of Council/Finance Director, requesting that such ordinance or resolution be either repealed

or submitted to a vote of the electors. If said petition is signed by twenty percent (20%) or more of the electors voting in the last general election, the date of the election may be fixed therein, not less than ninety (90) days from the time of filing thereof. When such petition is filed, the Clerk of Council/Finance Director shall first ascertain the sufficiency of the petition, and if found sufficient, the Council shall thereupon, within thirty (30) days of the filing of such petition, reconsider such ordinance or resolution. If upon such reconsideration the ordinance or resolution is not repealed, the Council shall provide for submitting it to a vote of the electors on the date so fixed, or, if not so fixed, at the first general election in any year occurring more than ninety (90) days from the filing of such petition. No such ordinance or resolution shall go into effect until approved by a majority of those voting thereon, in which event such ordinance or resolution shall go in effect on the fifth (5th) day after the day on which the Board of Elections certified the official vote thereon. When the Council, by general law or under provisions of general ordinance is required to pass more than one (1)

ordinance or resolution necessary to make and pay for any improvement, the referendum provision shall apply only to the first (1st) ordinance or resolution required to be passed and not to any subsequent ordinance or resolution relating thereto, including, in the case of improvements to be financed in whole or in part by special assessments, any ordinance providing for the issuance of notes or bonds, and in the case of any award of notes or bonds after public advertising for bids, the ordinance or resolution providing for the award of such notes or bonds. In addition, ordinances providing for an annual tax levy or for improvements petitioned for by the owners of a majority of the foot frontage of the property benefited and to be specially assessed therefore, and appropriation ordinances limited to the subject to appropriations shall not be subject to referendum, but except as herein provided, all other ordinances and resolutions necessary for the immediate preservation of the public peace, health, or safety, including emergency ordinances and resolutions shall go into effect at the time indicated therein. If when submitted to a vote of the electors, an

emergency measure be not approved by a majority of those voting thereon, it shall be considered repealed as regards any further action thereunder; but, such measure shall be deemed sufficient authority for payment, in accordance therewith, of any expense incurred previous to the referendum vote thereon.

Ordinances or resolutions submitted to Council by initiative petition and passed by Council either with or without change, but not submitted to a vote of the electors, shall be subject to referendum in the same manner as other ordinances or resolutions.

SECTION 14.03 RECALL

The electors of the Village of Orwell shall have the power to remove from office by a recall election, any elected officer of the Village of Orwell. If an elected officer shall have served six (6) months of his term, a petition demanding his/her removal and signed by at least twenty percent (20%) of the electors of the Village of Orwell, voting in the last general election, may be filed with the Clerk of Council/Finance Director, who shall note thereon the name and address of the person filing the petition and

date of such filing, and deliver to such person a receipt and attach a copy thereof to said petition. Such 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 written statement of the grounds for the removal. Within ten (10) days after the day on which such petition has been filed, the Clerk of Council/Finance Director shall determine whether or not it meets the requirements thereof. If the Clerk of Council/Finance Director shall find the petition insufficient, he/she shall promptly certify the particulars in which the petition is defective, deliver a copy of this certificate to the person who filed the petition, and make a record of such delivery. Such person shall be allowed a period of twenty (20) days after the day on which such delivery was made in which to make the petition sufficient. If the Clerk of Council/Finance Director shall find the petition sufficient, he/she shall promptly so certify to the Council, shall deliver a copy of such certificate to the

officer whose removal is sought and shall make a record of such delivery. If such officer shall not resign within five (5) days after the day on which such delivery shall have been made, the Council shall thereupon fix a day for holding a recall election, not less than sixty (60) days nor more than seventy-five (75) days after the date of such delivery. At such recall election, this question shall be placed upon the ballot: "Shall (naming the officer) be allowed to continue as (naming the office)?" with the provision on the ballot for voting affirmatively or negatively, and in the event a majority of the vote is negative, such officer shall be considered as removed, his/her office shall be deemed vacant and such vacancy shall be filled as provided in this Charter. The officer removed by such recall election shall not be eligible for appointment to the vacancy created thereby.

ARTICLE XV AMENDMENTS TO CHARTER

SECTION 15.01 SUBMISSION TO ELECTORS

The Council may, by affirmative vote of three (3) or more of its members, submit to the electors

any proposed amendment or amendments to this Charter; or upon petition signed by not less than ten percent (10%) of the electors of the Village of Orwell setting forth any proposed amendment or amendments to this Charter, the Council shall forthwith submit such proposed amendment or amendments to the electors in accordance, in each instance, with the provisions of the Constitution of the State of Ohio.

SECTION 15.02 ADOPTION

If any such amendment is approved by a majority of the electors voting thereon, it shall become a part of this Charter, except if two or more inconsistent proposed amendments, on the same subject be submitted at the same election, only the one of such amendments receiving the largest affirmative vote, not less than a majority, shall become a part of this Charter.

SECTION 15.03 CHARTER REVIEW COMMISSION

In January 2014, and each five (5) years thereafter, the President of Council shall, with confirmation by a majority of Council, appoint a commission of seven (7) qualified electors of the Village of Orwell, as members of a Charter Review

Commission, (to serve without compensation until their duties as provided herein are completed). Members of the Charter Review Commission shall not hold a current, elected or senior management position with the Village of Orwell. A Village Officer or staff member may be called upon to be present at a Charter Review Commission meeting.

SECTION 15.04 DUTIES

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

SECTION 15.05 REQUIRED CONSIDERATION BY COUNCIL

Council shall, not later than September first (1st) of the same year, act upon any such proposed amendments to this Charter in accordance, in each instance, with the provisions of the Constitution of the State of Ohio.

ARTICLE XVI GENERAL PROVISIONS

SECTION 16.01 SUBMISSION TO THE ELECTORATE

This Charter shall be submitted to the electorate of the Village of Orwell at the general election. The Village shall fund all costs associated with the printing, mailing and media postings and other such means of the charter as required by the laws of the state of Ohio.

SECTION 16.02 EFFECTIVE DATE OF CHARTER

This Charter shall be in effect, if approved by the electors, on and after January 1 of the following year.

SECTION 16.03 EFFECT OF PARTIAL INVALIDITY

The determination that any part of this Charter is invalid shall not invalidate or impair the force or effect of any other part hereof, except to the extent that such other part is wholly dependent for its operation upon the part declared invalid.

SECTION 16.04 EFFECT OF THE CHARTER UPON EXISTING LAWS AND RIGHTS

The adoption of this Charter

shall not affect any preexisting rights of the Village of Orwell, nor any rights or liability or pending suit or prosecution, either on behalf of or against the Village of Orwell, nor pending proceedings for the authorization of public improvements or the levy of assessments therefore. Except as a contrary intent appears herein, all acts of the Council of the Village of Orwell shall continue in effect until lawfully amended or repealed.

SECTION 16.05 INTERPRETATION OF THE CHARTER

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

Except as otherwise expressly provided in this Charter, or as the context otherwise requires, the masculine term or pronoun includes the feminine, the singular term includes the plural and the plural term includes the singular.

The time within or by which any act or thing is required by any of the provisions of this Charter to be done shall be computed by excluding the first and including the last day, except that when

the last day falls on Sunday or a legal holiday, then the act or thing may be done on the next succeeding day which is not a Sunday or a legal holiday.