

**THE CHARTER  
OF THE  
CITY OF SPRINGFIELD, OHIO**

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EDITOR'S NOTE: The Springfield Charter was originally adopted on August 26, 1913, and was most recently adopted on November 2, 1965. Dates appearing in parentheses following a section heading indicate that those provisions were subsequently amended, enacted, or repealed on the date given.

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**CHARTER  
OF THE  
CITY OF SPRINGFIELD, OHIO**

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We, the people of the City of Springfield, Ohio, in order to obtain the benefits of local self-government, to incorporate more direct and businesslike methods in the transaction of our municipal affairs, and otherwise to promote our common welfare, do adopt the following Charter of our City.

**ARTICLE I - INCORPORATION; FORM OF  
GOVERNMENT; POWERS**

**SECTION 1. INCORPORATION.**

The inhabitants of the City of Springfield, Ohio, within the corporate limits as now established or as hereafter established in the manner provided by law, shall continue to be a body politic and corporate in perpetuity under the name of "The City of Springfield, Ohio."

**SECTION 2. FORM OF GOVERNMENT.**

The municipal government provided by this Charter shall be known as the "city commission-manager government." Pursuant to its provisions and subject only to the limitations imposed by the state constitution and by this Charter, all powers of the City shall be vested in an elective city commission, hereinafter referred to as "the city commission," which shall enact local legislation, adopt budgets, determine policies, and appoint the city manager, law director and finance director. The city manager shall execute the laws and administer the government of the city. The powers of this municipality shall be exercised in the manner prescribed in this Charter, or to the extent not prescribed herein, then in such manner as the commission may by ordinance determine, and when not prescribed in this Charter or determined by the Commission, such powers shall be exercised in such manner as may now or hereafter be provided by the general laws of the State of Ohio. No member of the city commission shall directly interfere with the conduct of any departments, except at the express direction of the commission.

**SECTION 3. POWERS OF THE CITY.**

The municipality 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 laws of the State of Ohio.

## **ARTICLE II - THE CITY COMMISSION**

### **SECTION 4. NUMBER; SELECTION; TERM.**

The city commission shall have five (5) members, one of whom shall be the Mayor, who shall be separately nominated and elected as Mayor, elected from the city at-large in the manner provided in Article IV of this Charter, for a term of four (4) years or until their successors have been elected and take office as provided in Section 14 herein.

(Amended 5-7-02, Ord. No. 02-120, Yeas 3,105; Nays 1,265.)

### **SECTION 5. QUALIFICATIONS.**

Each member of the city commission, for at least one year prior to his (her) election shall have been and during his (her) term of office shall continue to be a resident of the city. He (she) shall hold no other municipal employment or elective public office. If a member of the city commission shall cease to possess any of these qualifications or shall be convicted of a crime involving moral turpitude, his (her) office shall immediately become vacant.

(Amended 8-7-01, Ord. No. 01-203, Yeas 1,026; Nays 998.)

### **SECTION 6. SALARY; BOND; PENALTY FOR ABSENCE.**

The annual salary of members of the city commission shall be \$2,500.00 until changed by ordinance, but no such ordinance shall affect the salary of a member of the city commission during the term for which he was elected or appointed at the time of adoption of such ordinance.

Each member of the city commission shall give bond in the sum of \$10,000.00 with a bonding company regularly accredited to do business in the State of Ohio as surety thereon, to the approval of the finance director; and the premium of each such bond shall be paid by the city.

For each absence from a regular meeting of the commission, in excess of five (5) in any calendar year, there shall be deducted a sum equal to two percent (2%) of the annual salary of such member. Absence from five (5) consecutive regular meetings shall operate to vacate the seat of a member of the city commission unless the absence is excused by the commission by resolution setting forth such excuse and entered upon the journal.

### **SECTION 7. PRESIDING OFFICER; MAYOR.**

The mayor shall be the president of the city commission, shall preside at meetings of the city commission, shall have equal voting privileges as other members of the city commission, shall exercise ceremonial functions on behalf of the city, and shall be recognized as the head of the city government by the governor for purposes of military law. The mayor shall have no regular administrative duties. The mayor shall take command of the police, and govern the city by proclamation during times of public danger or emergency, and the mayor shall be the sole determiner of what constitutes public danger or emergency. The term of the mayor shall be four (4) years.

The city commission shall appoint one of its members, not including the mayor, to be assistant mayor. The mayor shall have a vote on this appointment. The assistant mayor shall act as mayor during the absence or disability of the mayor. Unless otherwise provided in this Charter, the term of office of the assistant mayor shall be two (2) years.

(Amended 5-7-02, Ord. No. 02-120, Yeas 3,105; Nays 1,265.)

**SECTION 8. POWERS.**

All powers of local self-government of the city and the determination of all matters of policy shall be vested in the city commission.

**SECTION 9. APPOINTMENT OF CITY MANAGER.**

The city commission shall appoint an officer of the city who shall have the title of city manager and shall have the powers and perform the duties in this Charter provided. He shall be chosen 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 herein 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.

**SECTION 10. REMOVAL OF CITY MANAGER.**

The city commission shall appoint the city manager for an indefinite term and may remove him by a majority vote of its members. If the city manager is removed by such vote, the city commission shall cause to be paid him forthwith any unpaid balance of his salary and his salary for the next thirty (30) days following such removal.

**SECTION 11. VACANCIES IN THE OFFICES OF MAYOR OR COMMISSION.**

Vacancies in the city commission shall be filled within thirty (30) days by vote of the majority of the remaining commission members. Such person so chosen shall serve until the next regular municipal election occurring not less than one hundred (100) days after his selection. At such election, a successor shall be elected to serve for the unexpired term, if any; if not, for a full term.

If more than three (3) vacancies occur at one time, the remaining commissioner, if there is one, and the members of the Civil Service Commission shall, within thirty (30) days of the creation of such vacancy, by majority vote, elect such number of persons as may be necessary to create a city commission of two (2) members. Thereafter, the remaining vacancies shall be filled as set forth in this section.

If such vacancies are not filled within the time specified, the vacancies shall be filled by lot as follows:

At the regular city commission meeting after the expiration of said thirty (30) day period, each remaining commissioner shall place in nomination the name of a person to fill the vacancy; thereupon the city law director shall draw from the said lot a name, and such person shall be the commissioner to fill the vacancy first created.

After the commissioner so selected has been duly qualified and sworn into office, the then commissioners shall fill the remaining vacancies, if any, within fifteen (15) days by vote of the majority of such commissioners.

If the remaining vacancies are not filled within said fifteen (15) day period, they shall be filled by lot as follows:

At the regular city commission meeting after the expiration of said fifteen (15) day period, each remaining commissioner shall place in nomination the name or names of persons equal to the number of existing vacancies; thereupon the city law director shall draw from said lot the name of such nominees equal in number to existing vacancies. The name first drawn shall be the commissioner for the vacancy first created; the second name for the remaining vacancy, if any.

All such selections shall be for the terms set forth in the first paragraph of this Section 11, and all such persons shall be qualified as set forth in Section 5 hereof.

In the event there is a vacancy in the office of mayor, the assistant mayor shall thereafter become the mayor and shall serve in that capacity for the unexpired term of the mayor. The vacancy in the city commission thus created would be filled as set forth previously in this section.

(Amended 5-7-02, Ord. No. 02-120, Yeas, 3,105; Nays 1,265.)

## **SECTION 12. CREATION OF NEW DEPARTMENTS; CHANGE OF DUTIES.**

The city commission by ordinance may create, change and abolish offices, departments or agencies, other than the offices, departments and agencies established by this Charter. The city commission by ordinance may assign additional functions or duties to offices, departments or agencies established by this Charter, but may not discontinue or assign to any other office, department or agency any function or duty assigned by this Charter to a particular office, department or agency.

## **SECTION 13. CITY CLERK.**

The city commission shall elect an officer of the city who shall have the title of city clerk, shall give notice of its meetings, shall keep the journal of its proceedings, shall authenticate by his signature and record in full, in a book kept for the purpose, all ordinances and resolutions, and shall perform such other duties as shall be required by this Charter or by ordinance.

## **SECTION 14. MEETINGS OF THE CITY COMMISSION.**

At eight o'clock p.m. on the second day of January following a regular municipal election, or if such day be Sunday or Monday, on the day following, the city commission shall meet at the usual place for holding the meetings of the legislative body of the city, at which time the newly-elected commissioners shall assume the duties of their office. Thereafter, the city commission shall meet at such times as may be prescribed by its rules, but not less than forty-eight (48) times in any calendar year with no meeting more than two weeks following the immediately preceding meeting.

(Amended 11-8-77, Ord. No. 77-295, Yeas 7,343; Nays 5,951.)

## **SECTION 15. SPECIAL MEETINGS.**

The mayor, any two (2) members of the city commission, or the city manager, may call special meetings of the city commission upon at least twelve (12) hours written notice to each member, served personally or left at his usual place of residence.

**SECTION 16. RULES OF PROCEDURE; JOURNAL.**

The City Commission shall determine its own rules and order of business. All meetings of the City Commission, except executive sessions, are open to the public. The City Commission shall keep a journal open to the public of all meetings, except executive sessions, of the City Commission.

(Amended 5-8-90, Ord. No. 90-148, Yeas 7,468; Nays 2,969.)

**SECTION 17. ORDINANCES.**

In addition to such acts of the city commission as are required by statute or by this Charter to be by ordinance, every act of the city commission establishing a fine or other penalty or providing for the expenditure of funds or for the contracting of indebtedness shall be by ordinance. The enacting clause of all ordinances shall be: "Be it ordained by the city commission of The City of Springfield, Ohio."

**SECTION 18. ORDINANCE ENACTMENT.**

Each ordinance shall be introduced in written or printed form, and shall not contain more than one subject, which shall be clearly stated in the title; but general appropriation ordinances may contain the various subjects and acts for which moneys are to be appropriated.

Before passage, each ordinance shall be read by title only at two meetings of the commission not less than one week apart. Provided, however, that upon request by two commissioners such ordinance shall be read in its entirety. Emergency ordinances need only be read once before passage and such reading shall be by title only. Provided, however, that such an emergency ordinance, upon request by one commissioner, shall be read in its entirety once before passage. (Amended 11-8-77.)

**SECTION 19. EMERGENCY MEASURES.**

All ordinances and resolutions passed by the City Commission shall be in effect fourteen (14) days from and after the date of their passage, except the City Commission may, by an affirmative vote of four (4) of its members, pass emergency measures to take effect at the time indicated therein.

An emergency measure is an ordinance or resolution for the immediate preservation of the public peace, property, health or safety or providing for the usual daily operation of a municipal department, in which the emergency is set forth and defined in the preamble thereto.

Ordinances appropriating money may be passed as emergency measures, but no measure making a grant, renewal or extension of a franchise or other special privilege, or regulating the rate to be charged for its service by any public utility, except modification or establishment of bus or transit routes shall ever be so passed.

(Amended 11-8-77.)

**SECTION 20. RECORD AND PUBLICATION.**

After final passage, every ordinance and resolution shall be recorded in a book kept for that purpose, and shall be authenticated by the signatures of the presiding officer and the city clerk.

At least three correct copies of every ordinance of a general or permanent nature, in the form in which it has been passed shall be made available to public inspection in the office of the city clerk and a notice describing such ordinance in brief and general terms and stating that such ordinance is available for personal inspection at the office of the city clerk shall be published once in a newspaper of general circulation in the city within ten (10) days after the final passage of such ordinance.  
(Amended 11-8-77.)

## **ARTICLE III - THE CITY MANAGER**

### **SECTION 21. POWERS AND DUTIES.**

The city commission shall appoint a city manager, who shall be the administrative head of the municipal government under the direction and supervision of the city commission, and who shall hold office at the pleasure of the city commission, and 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 a department or office to appoint and remove subordinates in such department or office;
- (2) Prepare the budget annually and submit it to the commission and be responsible for its administration after adoption;
- (3) Prepare and submit to the commission 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 the commission 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 the commission, not inconsistent with this Charter.

### **SECTION 22. ABSENCE OF CITY MANAGER.**

During the temporary absence or disability, the City Manager's duties shall be assumed by an employee of the city designated by the City Manager in the City Manager's journal until such time as the City Commission by resolution otherwise provides.  
(Amended 11-8-77.)

### **SECTION 23. ADMINISTRATIVE DEPARTMENTS.**

There shall be a Department of Finance, Department of Law, and such other departments as may be established by ordinance. The work of each department may be distributed among such divisions thereof as may be established by ordinance upon the recommendation of the city manager. Pending the passage of an ordinance or ordinances distributing the work of departments under the supervision and control of the city manager among specific divisions, thereof, the city manager may establish temporary divisions.

## **ARTICLE IV - ELECTIONS**

### **SECTION 24. TIME OF HOLDING ELECTIONS.**

Regular municipal elections shall be held on the first Tuesday after the first Monday in November in the odd numbered years. Primary elections shall be held at the time provided by the general election laws of the state. Any matter which, by the terms of the Charter, may be submitted to the electors of the city at any special election may be submitted at a primary election or at a regular municipal election.

### **SECTION 25. BALLOTS.**

All elections and the voting devices used therefor as provided for in this Charter shall be without party marks or designations. The names of the candidates to be voted upon shall be rotated as to position on the voting devices in accordance with the general laws of the State of Ohio.

### **SECTION 26. PETITIONS FOR PLACES ON PRIMARY BALLOT.**

Candidates for the office of city commissioner and the office of mayor shall be nominated only by a non-partisan primary election. The name of any elector of the city shall be printed upon the primary ballot for the office of city commissioner or the office of mayor if there is filed with the election authorities a petition in accordance with the following provisions, to-wit:

- (a) Such petition shall state the name and place of residence of each person whose name is presented for a place upon the ballot and that such person is a candidate for the office of city commissioner for, or the office of mayor of, The City of Springfield, Ohio. No person may be a candidate for the office of city commissioner and the office of mayor in the same election.
- (b) Such petitions shall be signed by two hundred fifty (250) electors of the municipality.
- (c) Such petitions shall contain a provision that each signer thereto thereby pledges himself to support and vote for the candidate or candidates whose names are therein presented for a place upon the ballot, and each elector signing a petition shall add to his signature his place of residence, with street and number, and date of signing, and may subscribe to one nomination for each of the places to be filled and no more. All signatures shall be made with ink or indelible pencil.
- (d) The signatures of all the petitioners need not be appended to one paper, but to each separate paper there shall be attached an affidavit of the circulator thereof stating the number of signers thereto, that each person signed in his presence on the date mentioned, and that the signature is that of the person whose name it purports to be.
- (e) Such petitions shall not be signed by any elector more than one hundred ten (110) days prior to the day of such primary election and such petition shall be filed with the election authorities not less than ninety (90) days previous to the day of such election.
- (f) The number of signatures which may be filed by any one candidate shall not exceed five hundred (500) in number.

(Amended 5-7-02, Ord. No. 02-120, Yeas 3,105; Nays 1,265.)

### **SECTION 27. ACCEPTANCE.**

Any person whose name has been submitted for candidacy by any such petition shall file his acceptance of such candidacy with the election authorities not later than fifty-five (55) days previous to such election; otherwise, his name shall not appear upon the ballot.

### **SECTION 28. ELECTION.**

The candidates for nomination to the office of city commissioner who shall receive the greatest vote in such primary election shall be placed on the ballot at the next regular municipal election in number not to exceed twice the number of vacancies in the city commission to be filled. The candidates at the regular municipal election, equal in number to the places to be filled, who shall receive the highest number of votes at such regular municipal election, shall be declared elected. A tie between two or more candidates for the office of city commissioner shall be decided by lot under the direction of the election authorities, as provided by the general election laws of the state.

The candidates for nomination to the office of mayor who shall receive the two greatest number of votes shall be placed on the ballot at the next regular municipal election. The candidate who receives the greater number of votes at such regular municipal election shall be declared elected.

(Amended 5-7-02, Ord. No. 02-120, Yeas 3,105; Nays 1,265.)

### **SECTION 29. PRIMARY.**

Should there be filed with the proper election authorities petitions in accordance with Section 26, and acceptance filed by the persons whose names are submitted for candidacy by any such petitions in accordance with Section 27, in number not to exceed twice the number of vacancies in the commission to be filled in the case of the office of city commissioner or, in the case of the office mayor, only one or two of such petitions, thereupon the non-partisan primary election, provided for in Section 26, shall automatically be dispensed with and such candidates for nomination shall become the nominees and shall be placed on the ballot for the corresponding office at the next regular municipal election.

(Amended 5-7-02, Ord. No. 02-120, Yeas 3,105; Nays 1,265.)

## **ARTICLE V - TAXATION**

### **SECTION 30. TAXATION OF INCOME.**

The city may tax earned income at a rate of two and one-half (2.5) percent; during such time as earned income shall be taxed by the City at an aggregate rate of not less than two and one-half (2.5) percent, not less than twenty (20) percent of any and all revenues derived from a tax on income shall be used only to provide funds for the purpose of financing capital improvements, including debt service charges on notes and bonds issued for capital improvements, of The City of Springfield, Ohio.

Earned income shall mean: (1) Net profits from a business or profession, exclusive of income from intangible personal property, and (2) Payment for work done or services performed, including wages, salaries, commissions and other compensations.

Capital improvements shall mean any property or asset with an estimated useful life of five (5) years or more, including land and interests therein, and reconstructions, enlargements, and extensions thereof having an estimated life of five (5) years or more. (Amended 11-8-83, Ord. No. 83-395.)

### **SECTION 31. TAX LIMIT.**

The total tax rate which may be levied without a vote of the people for the current operating expenses of The City of Springfield upon the tax list and duplicate of property assessed and listed for taxation according to value for the tax year 1966 and each year thereafter shall not exceed 3.27 mills per dollar of assessed valuation, provided that said

3.27 mills shall be reduced in each year by that number of mills, including fractional parts thereof, which are levied in the respective year by the city within the ten mill limitation imposed by Article XII, Section 2, of the Ohio Constitution, for the purpose of paying interest on and principal of obligations issued without a vote of the people.

The limitation of this section of the Charter shall not operate as a limitation upon the power of the commission to levy taxes upon such other subjects and for such other purposes as may be lawful under the Constitution and laws of the State of Ohio, nor shall this section be deemed to be a limitation upon the power of the commission to incur indebtedness for all lawful purposes within applicable constitutional and statutory limitations.

## **ARTICLE VI - FINANCE**

### **SECTION 32. THE ESTIMATE.**

The fiscal year of the city shall begin on the first day of January. On or before the first day of November of each year, the city manager shall submit to the city commission an estimate of the expenditures and revenues of the city departments for the ensuing year. This estimate shall be compiled from detailed information obtained from the several departments on uniform blanks to be furnished by the city manager. The classification of the estimate of expenditures shall be as nearly uniform as possible for the main functional divisions of all departments, and shall give in parallel columns the following information:

- (a) A detailed estimate of the expense of conducting each department as submitted by the department.
- (b) Expenditures for corresponding items for the last two (2) fiscal years.
- (c) Expenditures for corresponding items for the current fiscal year, including adjustments due to transfers between appropriations plus an estimate of expenditures necessary to complete the current fiscal year.
- (d) Increase or decrease of requests compared with the corresponding appropriations for the current year.
- (e) Such other information as is required by the city commission or that the city manager may deem advisable to submit.
- (f) The recommendation of the city manager as to the amounts to be appropriated with reasons therefor in such detail as the city commission may direct.

Sufficient copies of such estimate shall be prepared and submitted that there may be copies on file in the office of the city clerk for inspection by the public.

### **SECTION 33. APPROPRIATION ORDINANCE.**

Upon receipt of such estimate the city commission shall prepare an appropriation ordinance, but before acting upon such ordinance the city commission shall fix a time and place for holding a public hearing upon the tentative appropriation, and shall publish a public notice of such hearing ten (10) days before the hearing date. During the ensuing year the appropriation ordinance may be revised, amended and additional appropriations made without the necessity of a public notice or hearing.

### **SECTION 34. TRANSFER OF FUNDS.**

Upon request of the city manager, the city commission may transfer any part of an unencumbered balance of an appropriation to a purpose or object for which the appropriation for the current year has proved insufficient, or may authorize a transfer to be made between items appropriated to the same office or department.

**SECTION 35. UNENCUMBERED BALANCES.**

At the close of each fiscal year the unencumbered balance of each appropriation shall revert to the respective fund from which it was appropriated and shall be subject to future appropriations. Any accruing revenue of the city not appropriated as hereinbefore provided and any balances at any time remaining after the purposes of the appropriation shall have been satisfied or abandoned, may from time to time be appropriated by the city commission to such uses as will not conflict with any uses for which specifically such revenues accrued. No money shall be drawn from the treasury of the city, nor shall any obligation for the expenditure of money be incurred, except pursuant to the appropriations made by the city commission, but nothing in this or the preceding section shall be construed to authorize the application of revenue derived from a public utility of the city to any other purpose than that of the utility from which the same was derived.

**SECTION 36. PAYMENT OF CLAIMS.**

No warrant for the payment of any claim shall be issued by the finance director until such claim shall have been approved by the finance director, the head of the department for which the indebtedness was incurred, the purchasing officer and the city manager, and such officers and their sureties shall be liable to the municipality for all loss or damage sustained by the municipality by reason of the unlawful approval of any such claim. Whenever any claim shall be presented to the finance director, he shall have power to require evidence that the amount claimed is justly due and is in conformity to law and ordinance, and for that purpose he may summon before him any officer, agent or employee, or any department of the municipality, or any other person, and examine him upon oath or affirmation relative thereto. The chief executive officer, whatever his title, and the purchasing agent, if any, for any administrative board or commission shall comply with this section.

**SECTION 37. CERTIFICATION OF FUNDS.**

No contract or agreement or other obligation involving the expenditure of money in excess of \$100.00 shall be entered into unless the finance director shall first certify to the city commission or to the proper officer, as the case may be, that the money required for such contract, agreement, obligation or expenditure is in the treasury to the credit of the fund from which it is to be drawn, and not appropriated for any other purpose, and a copy of such certificate shall be filed and immediately recorded by the finance director. The sum so certified shall not thereafter be considered unencumbered until the city is discharged from such contract, agreement or obligation. The provisions of this section shall not apply to contracts or proceedings relating to improvements any part of the cost of which is to be paid by special assessments.

(Amended 11-8-77, Ord. No. 77-295, Yeas 7,343; Nays 5,951.)

**SECTION 38. MONEY IN THE FUND.**

All monies actually in the treasury to the credit of the fund from which they are to be drawn, and all monies applicable to the payment of the obligation or appropriation involved that are anticipated to come into the treasury before the maturity of such contract, agreement or obligation from taxes, assessments, or license fees, or from sales of services, products or by-products of any city undertaking, and moneys to be derived from lawfully authorized bonds sold and in the process of delivery, and all moneys to be derived from grants or loans made by the United States government or the state of Ohio or any department, division, agency, authority or unit thereof to the city, for the purpose of such certificate shall be deemed in the treasury to the credit of the appropriate fund and shall be subject to such certification.

(Amended 11-8-77, Ord. No. 77-295, Yeas 7,343; Nays 5,951.)

### **SECTION 39. FINANCIAL REPORT.**

The city commission may provide by ordinance for monthly or annual financial reports by the city manager or finance director on forms prescribed by the city commission. At the end of each year the city commission shall print an annual report, giving a detailed statement of all receipts, expenditures and liabilities of the city; a detailed comparison of such receipts, expenditures and liabilities with those of the year preceding; and a summary of city commission and administrative operations for the previous twelve (12) months. A copy of this report shall be furnished to any citizens of the city who may apply therefor at the office of the clerk of the city commission.

### **SECTION 40. ASSESSMENTS.**

In levying special assessments to pay any part of the cost of any public work or improvement, the city commission shall not exceed any limitation as to the amount thereof which may be prescribed by the general laws of the state applicable to municipalities and in force at the time it is determined by the city commission that any such work shall be done or improvement made. The city commission may, however, by ordinance, provide different procedures for levying special assessments other than those established by the general laws of the state.

### **SECTION 41. IMPROVEMENTS BY DIRECT LABOR.**

Nothing in the preceding section shall be construed to prohibit the city commission from doing any public work or making any public improvement by the direct employment of the necessary labor and the purchase of the necessary supplies and materials, with separate accounting as to each improvement so made.

### **SECTION 42. EXPENDITURES REQUIRING CITY COMMISSION AUTHORIZATION.**

When an expenditure, other than the compensation of persons employed by the city, exceeds the threshold dollar amount requiring legislative authorization established in Section 735.05 of the Ohio Revised Code, as presently enacted and as it may be amended from time to time by the General Assembly, such expenditures shall first be authorized and directed by ordinance of the city commission, and no contract involving an expenditure in excess of such sum shall be made or awarded except upon the approval of the city commission.

(Amended 11-6-90, Ord. No. 90-429, Yeas 8,768; Nays 8,532.)

### **SECTION 43. TIME OF MAKING CONTRACTS.**

The city commission shall not enter into any contract which is not to go into effect during the term for which all the members of such city commission are elected.

### **SECTION 44. MODIFICATION OF CONTRACTS.**

When it becomes necessary, in the opinion of the city manager in the prosecution of any work or improvement under contract, to make alterations or modifications in such contract, such alterations or modifications, if made, shall be of no effect until the price to be paid for the work or material, or both, under the altered or modified contract, has been agreed upon in writing and signed by the contractor and by the city manager and approved by the city commission.

**SECTION 45. MANDATORY BIDDING.**

In no instance shall contracts be let for any project, improvement or purchase if bids are taken which exceed the estimate for the project, improvement or purchase contemplated by more than ten percent of the estimate. If bids for parts of the project, improvement or purchase are taken separately, contracts for those parts which do not exceed the estimate by more than ten percent may be let. The city's finance department shall advertise for and solicit formal bids for projects, improvements and purchases when required to do so by Sections 735.05, 735.051, 735.052 and 735.053 of the Ohio Revised Code, as presently enacted and as they may be amended from time to time by the General Assembly. (Amended 11-6-90, Ord. No. 90-429, Yeas 8,768; Nays 8,532.)

**SECTION 46. CONTRACTS; WHEN VOID.**

All contracts, agreements or other obligations entered into, and all ordinances passed, or resolutions and orders adopted, contrary to the provisions of the preceding sections shall be void.

**ARTICLE VII - CIVIL SERVICE**

**SECTION 47. CIVIL SERVICE COMMISSION.**

The city commission shall appoint five (5) electors of the city as civil service commissioners. Members of the civil service commission shall not hold any other public office except that of notary public. Members shall be appointed to serve for a term of three (3) years and until their successors have been appointed and qualified. Any vacancy shall be filled by the city commission for the unexpired term. The city commission may remove any member upon stating in writing the reasons for removal and allowing him an opportunity to be heard in his own defense. The members of the existing civil service commission shall continue in office for their appointed terms.

Except as otherwise provided herein, the civil service commission, and all matters pertaining to civil service of The City of Springfield, Ohio, shall be governed by the general laws of the state presently in effect, or hereafter enacted, which are applicable thereto. The positions of chief of police and fire chief in the city shall be in the unclassified service as that term is defined and with the same effect as is given such term in Section 124.11 of the Ohio Revised Code as presently enacted. The chief of police and fire chief shall be appointed and may be removed by the City Manager, subject to the concurrence by a majority vote of the city commission.

In the case of promotion of any person to a rank above the rank of patrolman in the police division of the city or to a rank above the rank of firefighter in the fire division of the city, other than a promotion or appointment to the position of chief of police or fire chief in the city, such promotion shall be made only after a person has passed a competitive promotional examination. Such examination shall include an evaluation of such factors as education, training, capacity, and knowledge. Examinations shall consist of one or more tests in any combination. Tests shall be written and oral and shall be designed to fairly test the relative capacity of the persons examined to discharge the particular duties of the position for which appointment is sought. Credit for efficiency and seniority in service shall be added to the examination grade.

The number, type and weight to be given such tests in the examination process and the relative weight to be given to efficiency and seniority in service shall be set forth by an ordinance duly adopted by the city commission.  
(Amended 11-8-83, Ord. No. 83-395.)

In the case of appointment of any person to the classified position of police officer in the Police Division of the City, the City Manager may appoint persons who have obtained and maintained Basic Ohio Peace Officer Certification and who are employed by another jurisdiction as a police officer, deputy sheriff, or state highway patrol officer to such position without first administering a competitive examination. In lieu of a competitive examination, the City Manager may assess the merit and fitness of any such applicant so qualified by review of his or her record while employed in a law enforcement officer. The selection procedures and selection criteria applicable to such persons appointed without taking a competitive examination shall be as set forth by an ordinance duly adopted by the City Commission.  
(Enacted 11-4-97, Ord. No. 97-307, Yeas 6,030; Nays 5,630.)

## **ARTICLE VIII - INITIATIVE**

### **SECTION 48. PROPOSAL PETITION.**

Any proposed ordinance including an ordinance for the repeal or amendment of an ordinance then in effect may be submitted to the city commission by petition signed by at least five percent (5%) of the total number of registered voters in the municipality at the last regular municipal election. All petitions circulated with respect to any proposed ordinance shall be uniform in character, shall contain the proposed ordinance in full, and shall have printed or written thereon the names and addresses of at least five (5) electors who shall be officially regarded as filing the petition and shall constitute a committee of the petitioners for the purpose hereinafter named.

Each signer of a petition shall sign his name, address and date. The signatures to any such petition need not all be appended to one paper, but to each such paper there shall be attached an affidavit by the circulator thereof, stating the number of signers to such part of the petition and that each signature appended to the paper is the genuine signature of the person whose name it purports to be, and that it was made in the presence of the affiant and on the date indicated.

Before any ordinance so proposed shall be submitted to the City Commission, it shall first be approved as to its form by the city law director, whose duty it shall be to draft such proposed ordinance in proper legal language, and to render such other service to persons desiring to propose such ordinance as shall be necessary to make the same proper for consideration by the City Commission.

### **SECTION 49. TIME OF FILING.**

All papers comprising a petition shall be assembled and filed with the clerk of the city commission as one instrument, within one hundred twenty days from the date of the first signature thereon, and when so filed the clerk shall submit the same to the city commission at its next regular meeting and provision shall be made for public hearings upon the proposed ordinance within ten (10) days from the time said petition was presented to the city commission.

#### **SECTION 50. PETITION FOR ELECTION.**

The city commission shall at once proceed to consider such petition and shall take final action thereon within thirty (30) days from the date of submission. If the city commission rejects the proposed ordinance, or passes it in a different form from that set forth in the petition, or fails to act finally upon it within the time stated, the committee of the petitioners by written demand filed with clerk of the city commission not later than twenty (20) days after final action or inaction by the city commission, may require that the proposed ordinance be submitted to a vote of the electors in its original form, if, with or prior to such demand, a petition for such election, signed after the final action for inaction of the city commission is filed with such clerk bearing additional signatures of five percent (5%) of the registered voters of the city at the last election, none of whom were signers of the first petition. Such clerk shall forthwith cause notice of the filing of such demand and petition to be published in some newspaper of general circulation in the City, and shall also within five (5) days certify to the officers having control of elections the proposed ordinances, stating whether or not a special election is demanded in the petitions, the percentage of registered voters at the last municipal election who signed the two petitions in the aggregate, and the date on which he published the notice last mentioned.

#### **SECTION 51. TIME OF HOLDING ELECTION.**

If an election is to be held not more than ninety (90) days nor less than thirty (30) days after the publication of such notice by the clerk, such proposed ordinance shall be submitted to a vote of the electors at such election. If no election is to be held within the time aforesaid, the election officers shall provide for submitting the proposed ordinance to the electors at a special election to be held no later than sixty (60) days nor earlier than thirty (30) days after the publication of such notice, if the petition for such ordinance and the petition for such election so demand, and if the signers of the two petitions amount in the aggregate to at least twenty-five percent (25%) of the registered voters in the municipality at the last regular municipal election. At least ten (10) days before any such election the clerk of the city commission shall cause such proposed ordinance to be published.

#### **SECTION 52. ACCEPTED VOTING DEVICE.**

The voting devices approved by the general laws of the State of Ohio used when voting upon any such proposed ordinance shall clearly state the title of the ordinance to be voted on, and shall provide for a vote "For" and "Against" the ordinance. If a majority of the electors voting on any such proposed ordinance shall vote in favor thereof, it shall thereupon become an ordinance of the city.

#### **SECTION 53. AMENDMENTS AND REPEALS.**

No ordinance adopted by an electoral vote can be replaced or amended except by an electoral vote. But an ordinance to repeal or amend any such ordinance may, by resolution of the city commission, be submitted to an electoral vote at any regular election or at any special municipal election called for some other purpose, provided notice of the intention so to do be published by the city commission not more than sixty (60) nor less than thirty (30) days prior to such election, in the manner required for the publication of ordinances. If an amendment is so proposed, such notice shall contain the proposed amendment in full. Such submission shall be in the same manner, and the vote shall have the same effect, as in cases of ordinances submitted to an election by popular petition. Such ordinance to be voted upon shall be published in the manner provided by Section 20 hereof.

## **ARTICLE IX - REFERENDUM**

### **SECTION 54. PETITION FOR REFERENDUM.**

No ordinance passed by the city commission, unless it be an emergency measure or the annual appropriation ordinance, shall go into effect until fourteen (14) days after its final passage. If, at any time within said fourteen (14) days, a petition signed by ten percent (10%) of the total number of registered voters in the municipality at the last regular municipal election be filed with the clerk of the city commission, requesting that any such ordinance be repealed or amended as stated in the petition, it shall not become operative until the steps indicated herein have been taken. Such petition shall have stated therein the names and addresses of at least five (5) electors as a committee to represent the petitioners.

Referendum petitions need not contain the text of the ordinance or ordinances the repeal of which is sought, but shall contain the proposed amendment, if an amendment is demanded, and shall be subject in all other respects to the requirements for petitions submitting proposed ordinances to the City Commission. Voting devices used in referendum elections shall conform in all respects to those provided for in Section 52 of this Charter.

(Amended 11-8-77, Ord. No. 77-295, Yeas 7,343; Nays 5,951.)

### **SECTION 55. PROCEEDINGS THEREUNDER.**

The clerk of the city commission shall, at its next meeting, present the petition to the city commission, which shall proceed to reconsider the ordinance. If, within thirty (30) days after the filing of such petition, the ordinance be not repealed or amended as requested, the city commission shall provide for submitting the proposed repeal or amendment to a vote of the electors provided a majority of the committee named in the petition to represent the petitioners shall, by writing filed with the clerk of the city commission within twenty (20) days after the expiration of the said thirty (30) days, so require. In so doing the city commission shall be governed by the provisions of Section 50 hereof respecting the time of submission and the manner of voting on ordinances proposed to the city commission by petition; excepting that the question of calling a special election for such purpose shall be determined by the demand and number of signers of the petition requesting the repeal or amendment of such ordinance, which number shall be twenty-five percent (25%) of the registered voters in the municipality at the last regular municipal election; and excepting further that the city commission may call, and fix the time for, a special election for such purpose, if in its judgment the public interest will be prejudiced by delay.

If, when submitted to a vote of the electors, such repeal or amendment be approved by a majority of those voting thereon, it shall thereupon go into effect as an ordinance of the city; but, if any such amendment is clearly separable from the remainder of the ordinance and does not materially affect the other provisions of such ordinance, all sections of the ordinance except that sought to be amended and those dependent thereon shall take effect as though no referendum of any portion of the ordinance had been demanded.

### **SECTION 56. REFERENDUM ON INITIATED ORDINANCES; CONFLICT.**

Ordinances submitted to the city commission by initiative petition and passed by the city commission without change, or passed in an amended form and not required to be submitted to a vote of the electors by the committee of the petitioners, shall be subject to the referendum in the same manner as other ordinances. If the provisions of two or more ordinances adopted or approved at the same election conflict, the ordinance receiving the highest affirmative vote shall prevail.

**SECTION 57. EMERGENCY MEASURES.**

Ordinances passed as emergency measures shall be subject to referendum in like manner as other ordinances, except that they shall go into effect at the time indicated in such ordinances. 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 so repealed shall be deemed sufficient authority for payment in accordance with the ordinance of any expense incurred previous to the referendum vote thereon.

**SECTION 58. PRELIMINARY ACTION.**

In case a petition be filed requiring that a measure passed by the city commission providing for an expenditure of money, a bond issue, or a public improvement be submitted to a vote of the electors, all steps preliminary to such actual issuance of bonds, or actual execution of a contract for such improvement, may be taken prior to the election.

**ARTICLE X - RECALL**

**SECTION 59. RECALL PETITION.**

Any or all members of the city commission may be removed from office by the electors by the following procedure:

A petition for the recall of the commissioner or commissioners designated, signed by at least five hundred (500) of the electors of the city, and containing a statement in not more than two hundred (200) words of the grounds of the recall, shall be filed with the clerk of the city commission, who shall forthwith notify the commissioner or commissioners sought to be removed, and he or they, within five (5) days after such notice, may file with such clerk of the city commission a defensive statement in not exceeding two hundred (200) words. The clerk of the city commission shall at once, upon expiration of said five (5) days, cause sufficient printed or typewritten copies of such petition, without the signatures, to be made, and to each of them he shall attach a printed or typewritten copy of such defensive statement, if one is furnished him within the time provided. The clerk of the city commission shall cause one copy of such petition to be placed on file in the said clerk's office, and provide facilities for the public signing the same, and shall also cause one copy to be placed in each of the several fire engine houses of the City, where the same shall be in the custody of the officer in charge of the house, who shall provide facilities for the public signing the same. The clerk of the city commission shall immediately cause notice to be published in some newspaper of general circulation in the city of the placing of such copies of such petition.

Such copies of such petition shall remain on file in the several places designated for the period of thirty (30) days, during which time any of them may be signed by any registered voter in the municipality, but not by agent or attorney.

**SECTION 60. NOTICE.**

At the expiration of said period of thirty (30) days, the clerk of the city commission shall assemble all of said copies in his office as one instrument and shall examine the same and ascertain and certify thereon whether the signatures thereto amount to at least fifteen percent (15%) of the registered voters in the municipality at the last regular municipal election of the city. If such signatures do amount to such percent, he shall at once serve notice of that fact upon the commissioner or commissioners designated in the petition, and also deliver to the election authorities a copy of the original petition with his certificate as to the percentage of registered voters who signed the same, and a certificate as to the date of his last mentioned notice to the commissioner or commissioners designated in the petition.

**SECTION 61. RECALL ELECTION.**

If the commissioner or commissioners, or any of them, designated in the petition file with the clerk of the city commission within five (5) days after the last mentioned notice from the said clerk of the city commission his or their written resignation, the clerk of the city commission shall at once notify the election authorities of that fact; and such resignation shall be irrevocable, and the city commission shall proceed to fill the vacancy. In the absence of any such resignation, the election authorities shall forthwith order and fix a day for holding a recall election for the removal of those not resigning. Any such election shall be held not less than thirty (30) nor more than sixty (60) days after the expiration of the period of five (5) days last mentioned, and at the same time as any other general or special election held within such period; but if no such election be held within such period, the election authorities shall call a special recall election to be held within the period aforesaid.

**SECTION 62. VOTING DEVICES.**

The voting devices used at such recall election shall conform to the following requirements. With respect to each person whose removal is sought, the question shall be submitted: "Shall (name of person) be removed from the office of city commission by recall?" Adjacent to each such question, there shall be clearly indicated a place for those voting in favor of the recall of the person in question and there shall also be clearly indicated a place for those voting against the recall of the person in question.

**SECTION 63. FILLING OF VACANCIES.**

In any such election, if a majority of the votes cast on the question of removal of any commissioner are affirmative, the person whose removal is sought shall thereupon be deemed removed from office upon the announcement of the official canvass of that election, and the vacancy caused by such recall shall be filled by the remainder of the city commission according to the provisions of Section 11 of this Charter.

If, however, an election is held for the recall of more than two (2) commissioners, candidates to succeed them for their unexpired terms shall be voted upon at the same election, and shall be nominated without primary election, by petitions signed, dated and verified in the manner required for petitions presenting names of candidates for nomination at a primary election, and similar in form to such petitions, but signed by electors equal in number to at least five percent (5%) of the registered voters in the municipality at the last regular municipal election of the city, and filed with the election authorities at least thirty (30) days prior to such recall election. But no such nominating petition shall be signed or circulated until after the time has expired for signing the copies of the petition for the recall, and any signatures thereon antedating such time shall not be counted.

#### **SECTION 64. COUNTING THE VOTE.**

Candidates shall not be nominated to succeed any particular commissioner; but if only one commissioner is removed at such election, the candidate at such election receiving the highest number of votes shall be declared elected to fill the vacancy; and if more than one commissioner is removed at such election, such candidates equal in number to the number of commissioners removed shall be declared elected to fill the vacancies; and among the successful candidates, those receiving the greater number of votes shall be declared elected for the longer terms. Cases of ties, and all other matters not herein specially provided for, shall be determined by the rules governing elections generally.

#### **SECTION 65. EFFECT OF RESIGNATIONS.**

No proceedings for the recall of all of the members of the city commission at the same election shall be defeated in whole or in part by the resignation of any or all of them, but upon the resignation of any of them the city commission shall have power to fill the vacancy until a successor is elected, and the proceedings for the recall and the election of successors shall continue and have the same effect as though there had been no resignation.

#### **SECTION 66. MISCELLANEOUS PROVISIONS.**

Except as herein otherwise provided, no petition to recall any commissioner shall be filed within six (6) months after he takes office. No person removed by recall shall be eligible to be elected or appointed to the city commission for a period of two (2) years after the date of such recall. The clerk of the city commission shall preserve in his office all papers comprising or connected with a petition for a recall for a period of one (1) year after the same were filed. The method of removal herein provided is in addition to such other methods as are or may be provided by general law.

### **SECTION 67. OFFENSES RELATING TO PETITIONS.**

No person shall falsely impersonate another, or purposely write his name or residence falsely, in the signing of any petition for initiative, referendum, or recall, or forge any name thereto, or sign any such paper with knowledge that he is not a qualified elector of the municipality. No person shall sign, or knowingly permit to be signed, any petition for recall at any place other than one of the places hereinbefore designated for the signing of such petitions. Nor shall any person employ or pay another, or accept employment or payment, for circulating any initiative or referendum petition upon the basis of the number of signatures procured thereto. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor and shall, upon conviction, be fined in a sum not to exceed one hundred dollars and the costs of prosecution. The foregoing provisions shall not be held to be exclusive of, but in addition to, all laws of the State prescribing penalties for the same offenses or for other offenses relating to the same matter.

## **ARTICLE XI - FRANCHISES**

### **SECTION 68. GRANTS LIMITED.**

No grant, or renewal thereof, to construct and operate a public utility in the streets and public grounds of the city shall be made by the city commission to any individual, company or corporation in violation of any of the limitations contained in this Charter.

### **SECTION 69. PERIOD OF GRANTS.**

No such grant shall be exclusive, nor shall it be made for a longer period than twenty (20) years. No such grant shall be renewed earlier than two (2) years prior to its expiration unless the city commission shall by vote of at least four (4) of its members first declare by ordinance its intention of considering a renewal thereof. All grants of the right to make extensions of any public utility shall be subject as far as practicable to the terms of the original grant and shall expire therewith.

### **SECTION 70. ASSIGNMENT.**

No such grant shall be leased, assigned or otherwise alienated except with the express consent of the city commission.

### **SECTION 71. RIGHT OF PURCHASE.**

All such grants shall reserve to the city the right to purchase or lease all the property of the utility used in or useful for the operation of the utility, at a price either fixed in the ordinance making the grant, or to be fixed in the manner provided by such ordinance, which price shall in no event include any value for the grant. Nothing, in such ordinance, shall prevent the city from acquiring such property by condemnation proceedings or in any other lawful mode, which rights shall be in addition to those reserved in such ordinance. Upon the acquisition of such property by purchase, condemnation or otherwise, all grants shall at once terminate.

### **SECTION 72. EXTENSION BY ANNEXATION.**

It shall be provided in every such grant that upon the annexation of any territory to the city the portion of any such utility that may be located within such annexed territory and upon the streets, alleys or public grounds thereof, shall thereafter be subject to all the terms of the grant as though it were an extension made thereunder.

### **SECTION 73. RIGHT OF REGULATION.**

All grants shall be subject to the right of the city, whether in terms reserved or not, to control at all times the distribution of space in, over, under or across all streets, alleys or public grounds occupied by public utility fixtures, and, when in the opinion of the city commission the public interest so requires, such fixtures may be caused to be reconstructed, relocated, altered or discontinued; and said city shall at all times have the power to pass all regulatory ordinances affecting such utilities which in the opinion of the city commission are required in the interest of the public health, safety or accommodation.

### **SECTION 74. FORFEITURES.**

If any action shall be instituted or prosecuted directly or indirectly by the grantee of any such grant, or by its stockholders or creditors, to set aside or have declared void any of the terms of any such grant, the whole of such grant may be thereupon forfeited and annulled at the option of the city commission to be expressed by ordinance. All such grants shall make provision for the declaration of a forfeiture by the city commission for the violation by the grantee of any of the terms thereof.

### **SECTION 75. ACCOUNTS AND REPORTS.**

Every person or corporation operating a public utility within the city limits, whether under a grant heretofore or hereafter obtained, shall keep and maintain at some place within the city suitable and complete books of account, showing in detail the assets, financial obligation, gross revenue, net profits and all the operations of such utility which are usually shown by a complete system of bookkeeping.

Each such person or corporation, within sixty (60) days after the end of each of its fiscal years, unless the city commission shall extend the time, shall file with the city commission a report for the preceding fiscal year showing the gross revenue, the net profits, expenses or repairs, betterments and additions, amount paid for salaries, amount paid for interest and discount, other expenses or operation, and such other information, if any, as the city commission from time to time may prescribe. If the city commission shall prescribe the form for such reports, then such reports shall be made in the form from time to time prescribed by such commission.

It shall be the duty of each such person or corporation to furnish the city commission such supplementary or special information about its affairs as the commission may demand; and the commission, or its authorized representative, shall at any and all reasonable times have access to all books, records and papers of each and every such person or corporation, with privilege of taking copies of same or any part thereof.

The duties herein prescribed may be specifically enforced by appropriate legal proceedings; and in addition, each such person or corporation, for failure to comply with the provisions of this section, shall be liable to The city of Springfield, Ohio, in the sum of two hundred fifty dollars per day for each day of such failure, to be recovered in a civil action in the name of the city.

The provisions of this section do not apply to any utility extending in its operations to other communities not properly suburban to The city of Springfield, Ohio; but the city commission by ordinance may make the same, or any part thereof, applicable to the portion of any such utility operated within the limits of the city.

**SECTION 76. GRANTS NOT INCLUDED.**

Revocable permits for laying spur tracks across or along streets, alleys or public grounds, to connect a railroad with any property in need of switching facilities, shall not be regarded as a grant within the meaning of this Charter, but may be permitted in accordance with such terms and conditions as the city commission may by ordinance prescribe. Such revocable permits shall be in writing and filed with the clerk of the city commission.

**SECTION 77. GENERAL PROVISIONS.**

Nothing in this Charter contained shall be operated in any way, except as herein specifically stated, to limit the city commission in the exercise of any of its lawful powers respecting public utilities, or to prohibit the city commission from imposing in any such grant such further restrictions and provisions as it may deem to be in the public interest, provided only that the same are not inconsistent with the provisions of this Charter or the constitution of the state.

**ARTICLE XII - GENERAL PROVISIONS**

**SECTION 78. ORDINANCES CONTINUED IN FORCE.**

All ordinances and resolutions in force at the time of the taking effect of this Charter, not inconsistent with its provisions, shall continue in full force and effect until amended or repealed.

**SECTION 79. CONTINUANCE OF PRESENT OFFICERS.**

All persons holding office at the time this Charter is adopted, shall continue in office and in the performance of their duties until provision shall have been otherwise made in accordance with this Charter for the performance or discontinuance of the duties of any such office. When such provision shall have been made the term of any such officer shall expire and the office be deemed abolished. The powers which are conferred and the duties which are imposed upon any officer, board or department of the city under the laws of the state, or under any city ordinance or contract in force at the time of the taking effect of this act shall, if such office or department is abolished by this Charter, be thereafter exercised and discharged by the commission, officer, board or department upon whom are imposed corresponding functions, powers and duties by this Charter or by any ordinance or resolution of the city thereafter enacted.

**SECTION 80. CONTINUANCE OF CONTRACTS AND VESTED RIGHTS.**

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

### **SECTION 81. INVESTIGATION.**

The city commission, or any committee thereof, the city manager and any advisory board appointed by the commission for such purpose, shall have power at any time to cause the affairs of any department or the conduct of any officer or employee to be investigated; and for such purpose shall have power to compel the attendance of witnesses and the production of books, papers and other evidence; and for that purpose may issue subpoenas or attachments which shall be signed by the president or chairman of the body or by the officer making the investigation, and shall be served by any officer authorized by law to serve such process. The authority making such investigation shall also have power to cause the testimony to be given under oath to be administered by some officer authorized by general law to administer oaths; and shall also have power to punish as for contempt any person refusing to testify to any fact within his knowledge, or to produce any books or papers under his control, relating to the matter under investigation.

### **SECTION 82. OATH OF OFFICE.**

All officers before taking office shall take the oath of office prescribed by law; but the oath of office of city commissioner shall be in writing and be filed with the clerk of the city commission and shall contain the assertion that in his candidacy for nomination and election he has not violated any provisions of Section 5 of this Charter.

### **SECTION 83. AMENDMENT OF CHARTER.**

Amendments to this Charter may be submitted to the electors of the city by a two-thirds vote of the city commission, and shall be submitted to such electorate when a petition is filed by ten percent (10%) of the registered voters in the municipality at the last regular municipal election of the city, setting forth any such approved amendments as received by the city commission. The ordinance providing for the submission of any such amendment shall require that it be submitted to the electors of the city at the next regular municipal election if one shall occur not less than sixty (60) nor more than one hundred twenty (120) days after its passage; otherwise, it shall provide for the submission of the amendment at a special election to be called and held within the time aforesaid. Not less than thirty (30) days prior to such election the clerk of the City Commission shall mail a copy of the proposed amendment to each elector whose name appears upon the poll or registration books at the last regular municipal or general election. If such proposed amendment is approved by a majority of the electors voting thereon, it shall become a part of the Charter at the time fixed therein.

### **SECTION 84. SAVING CLAUSE.**

If any section or part of a section of this Charter proves to be invalid or unconstitutional, the same shall not be held to invalidate or impair the validity, force, or effect of any other section or part of a section of this Charter, unless it clearly appears that such other section or part of a section is wholly or necessarily dependent for its operation upon the section or part of a section so held unconstitutional or invalid.

**SECTION 85. WHEN CHARTER TAKES EFFECT.**

For the purpose of nominating and electing officers and all purposes connected therewith and for the purpose of exercising the powers of the city as provided herein, this Charter shall take effect from the time of its approval by the registered voters in the municipality at the last election of the city. For the purpose of establishing departments, divisions, and officers and distributing the functions thereof, and for all other purposes, it shall take effect on the first day of January, 1966.

**SECTION 86. GENERAL DISQUALIFICATIONS.**

No member of the city commission, the city manager or any other officer or employee of the city, shall directly or indirectly be interested in any contract, job, work or service with or for the city; nor in the profits or emoluments thereof, nor in the expenditure of any money on the part of the city other than his fixed compensation; and any contract with the city in which any such officer or employee is, or becomes, interested may be declared void by the city commission.

No member of the city commission, the city manager or other officer or employee of the city shall knowingly accept any gift, frank, free ticket, pass, reduced price or reduced rate of service from any person, firm or corporation operating a public utility or engaged in business of a public nature within the city, or from any person known to him to have or to be endeavoring to secure a contract with the city. But the provisions of this section shall not apply to the transportation of policemen or firemen in uniform or wearing their official badges, when the same is, or may be, provided by ordinance.

**SECTION 87. POLITICAL ACTIVITY.**

Neither the city manager nor any other person in the employ of the city, except elected officials, shall take any active part in securing, or contribute any money toward, the nomination or election of any candidate or candidates for the office of city commissioner or mayor, except to answer such questions as may be put to them and as they may desire to answer.

(Amended 5-7-02, Ord. No. 02-120, Yeas 3,105; Nays 1,265.)

**SECTION 88. PENALTIES.**

The provisions of the last two preceding sections shall not be considered exclusive, but as an addition to any other provision of the general laws of the state applicable to the case; and a violation of any provisions of either of such sections shall subject the offender to removal from his office or employment, and to punishment by a fine of not exceeding one hundred dollars.

**SECTION 89. MEETINGS.**

All meetings, except executive sessions, of the City Commission and other boards, commissions, and committees of the City are open to the public. The City Commission and other boards, commissions, and committees of the City shall comply with Ohio Revised Code Section 121.22 as presently in effect, or hereafter enacted.

(Amended 5-8-90, Ord. No. 90-148, Yeas 7,468; Nays 2,969.)

**SECTION 90. RESTRICTION OF CITY COMMISSION'S URBAN RENEWAL POWERS.**

(EDITOR'S NOTE: This section was repealed by the voters May 4, 1971.)

**SECTION 91. RESTRICTION OF CITY COMMISSION'S FAIR HOUSING POWERS.**

The city commission of The city of Springfield shall not enact any ordinance regulating the sale, renting, leasing, subleasing, listing, advertisement, transfer, assignment or financing of real property (other than the furnishing of facilities and lodging in establishments of public accommodation) referable to consideration of race, color, religion, national origin or ancestry unless such measure first shall have been submitted to and approved by the electors of The City of Springfield, Ohio. The procedure for the submission of such plan to the electorate shall be the same as those provided in Sections 50, 51 and 52 of the Charter of The City of Springfield for the submission to the electorate of an initiated ordinance. Any such ordinance in effect at the time of adoption of this section automatically shall cease to be effective until approved by the electors as provided above. (Enacted 11-7-67.)

**SECTION 92. POLICE AND FIRE DIVISIONS.**

The city commission shall have the sole duty and right to classify, reorganize and abolish positions, by ordinance, in the Police and Fire Divisions and such duty and right shall not be delegated to any City official or department. On the date of enactment of this section, all positions and ranks in the Police and Fire Divisions shall be as classified on January 1, 1970, and any change therein shall be made only as set forth in this section. In providing for the classification of the personnel of the Police and Fire Divisions, the City Commission shall not abolish any position until a vacancy shall have occurred therein. (Enacted 11-3-70, Ord .No. 70-117, Yeas 9,709; Nays 8,526.)

**SECTION 93. FIRE DIVISION; FIRE PROTECTION AND EMERGENCY SERVICES MANPOWER.**

There is established within the government of The City of Springfield a Fire Division. The Fire Division shall protect the lives and property of the people in case of fire and shall perform emergency medical and/or rescue services in The City of Springfield, and shall be the sole and exclusive, publicly-funded enterprise providing these services.

The said Fire Division shall consist of:

1. No fewer than 127 firemedics and/or firemedics/paramedics, including a Fire Chief of the Fire Division;
2. In addition to the above described 127 firemedics and/or firemedics/paramedics, such additional officers and employees as are established by ordinance and law.

Each firemedic and/or firemedic/paramedic in the Fire Division shall be a paid, full-time employee of the city of Springfield who is assigned to that position for no fewer than forty (40) hours per week who is pursuing or who has successfully completed a firefighter training program approved and established pursuant to Ohio law.

The City Manager shall fill firemedic and/or firemedic/paramedic vacancies no later than twenty-one (21) days after a vacancy in said position occurs.

The foregoing provision shall become effective and a part of the Charter of The City of Springfield on the thirtieth (30th) day after approval by a majority of the electors voting thereon.

(Amended 11-6-90, Ord. No. 90-473, Yeas 11,810; Nays 6,108.)



**SECTION 94. FEES AND ASSESSMENTS.**

No fees or assessments can be made by the City Commission for the operation, collection or disposal of residential refuse. No fees or assessments can be made by the City Commission for the operation or maintenance of street lights.

All fees and assessments related to residential refuse or street lights must be presented by the City Commission to the electorate in a general election. (Enacted 5-5-87, Ord. No. 87-118.)

**SECTION 95. POLICE DIVISION; SPECIAL ASSESSMENT FOR ADDITIONAL PERSONNEL.**

There shall be levied an additional tax for the benefit of The City of Springfield, Ohio, at a rate of three (3) mills for each one dollar (\$1.00) of valuation, which amounts to thirty cents (\$0.30) for each one hundred dollars (\$100.00) of valuation, which shall be for the specific purpose of hiring, training, maintaining and supporting twenty-four (24) additional sworn, full-time police officers within the Springfield Police Division.

The Levy shall remain in effect for a period of five (5) years upon the approval by a majority of the electors voting thereon and shall be renewable in five (5) year increments by a majority of the electors voting thereon, and shall commence in tax year 1990, first half.

The City shall have accomplished the hiring of these additional police officers specified herein no later than December 31st, 1992. After December 31st, 1992, and for the duration of this assessment, the Springfield Police Division shall consist of no fewer than one hundred and twenty-four (124) full-time sworn police officers, and a minimum of six (6) such officers shall be assigned to the narcotics unit. Only a person who is pursuing, or who has successfully completed, an appropriate police officer training program approved and established pursuant to state law, shall hold one of the one hundred and twenty-four (124) police officer positions stated herein.

All monies generated by this assessment and received by the city of Springfield shall be placed in a separate interest-bearing fund, and any and all interest accrued remain in such fund. Any monies withdrawn from this fund by The City of Springfield shall be used only for the specific purposes stated herein, namely: hiring, training, maintaining, and supporting twenty-four (24) additional sworn full-time police officers within the Springfield Police Division.

The foregoing provision shall become effective and a part of the Charter of The City of Springfield on the thirtieth (30th) day after approval by a majority of the electors voting thereon.

(Enacted 5-8-90, Ord. No. 90-131, Yeas 6,264; Nays 4,791.)

**SECTION 96. POLICE DIVISION; SPECIAL ASSESSMENT FOR ADDITIONAL PERSONNEL.**

There shall be levied a renewal tax for the benefit of The City of Springfield, Ohio, at a rate of three (3) mills for each one dollar (\$1.00) of valuation, which amounts to thirty cents (\$0.30) for each one hundred dollars (\$100.00) of valuation, which shall be for the specific purpose of hiring, training, maintaining, and supporting at least twenty-four (24) sworn, full-time police officers within the Springfield Police Division.

The levy shall remain in effect for a period of six (6) years upon the approval by a majority of the electors voting thereon, and shall be renewable in six-year increments by a majority of the electors voting thereon, and shall commence in tax year 1995, first half.

For the duration of this assessment, the Springfield Police Division shall consist of no fewer than one hundred and twenty-four (124) full-time sworn police officers, and a minimum of six (6) such officers shall be assigned to the Narcotics Unit. Only a person who is pursuing, or has successfully completed, an appropriate police officer training program approved and established pursuant to State law, shall hold one of the one hundred and twenty-four (124) police officer positions stated herein.

All monies generated by this assessment and received by The City of Springfield shall be placed in a separate interest-bearing fund, and any and all interest accrued remain in such fund. Any monies withdrawn from this fund by The City of Springfield shall be used only for the specific purposes stated herein, namely: hiring, training, maintaining, and supporting twenty-four (24) sworn, full-time police officers within the Springfield Police Division. No moneys withdrawn from this fund by The City of Springfield may be used to pay for the salaries or benefits of the first one-hundred (100) sworn, full-time police officers within the Springfield Police Division, unless such position has become necessary to support officers hired pursuant to the May, 1990, police levy, or this levy.

The foregoing provision shall become effective and a part of the Charter of The City of Springfield, Ohio, on the thirtieth (30th) day after approval by a majority of the electors voting thereon.

(Enacted 5-2-95, Ord. No. 95-70, Yeas 4,605; Nays 1,708.)

#### **SECTION 97. POLICE DIVISION; SPECIAL ASSESSMENT FOR ADDITIONAL PERSONNEL.**

There shall be levied a renewal tax for the benefit of The City of Springfield, Ohio, at a rate of three (3) mills for each one dollar (\$1.00) of valuation, which amounts to thirty cents (\$0.30) for each one hundred dollars (\$100.00) of valuation, which shall be for the specific purpose of hiring, training, maintaining, and supporting at least twenty-four (24) sworn, full-time police officers within the Springfield Police Division.

The levy shall remain in effect until such time as it is amended or repealed pursuant to Section 83 of the Charter upon the approval of a majority of the electors voting thereon, and shall commence in tax year 2001, first half.

For the duration of this assessment, the Springfield Police Division shall consist of no fewer than one hundred and twenty-four (124) full-time sworn police officers, and a minimum of six (6) such officers shall be assigned to the Narcotics Unit. Only a person who is pursuing, or has successfully completed, an appropriate police officer training program approved and established pursuant to State law, shall hold one of the one hundred and twenty-four (124) police officer positions stated herein.

All monies generated by this assessment and received by The City of Springfield shall be placed in a separate interest-bearing fund, and any and all interest accrued remain in such fund. Any monies withdrawn from this fund by The City of Springfield shall be used only for the specific purposes stated herein, namely: hiring, training, maintaining, and supporting twenty-four (24) sworn, full-time police officers within the Springfield Police Division. No moneys withdrawn from this fund by The City of Springfield may be used to pay for the salaries or benefits of the first one-hundred (100) sworn, full-time police officers within the Springfield Police Division, unless such position has become necessary to support officers hired pursuant to the May 1990 police levy, the May 1995 police levy, or this levy.

The foregoing provision shall become effective and a part of the Charter of The City of Springfield, Ohio, on the thirtieth (30th) day after approval by a majority of the electors voting thereon.

(Enacted 5-8-01, Ord. No. 01-50, Yeas 2,851; Nays 1,204.)