

ARTICLE III
ORDINANCES AND RESOLUTIONS

SECTION 3.01. ACTION OF COUNCIL.

Action of Council shall be by ordinance or resolution. Every action of a general and permanent nature, or granting a franchise; or authorizing a development plan; or levying a tax; or appropriating money; or contracting an indebtedness, to be evidenced by the issuance of bonds or notes; or for the purchase, lease or transfer of public property; or establishing an offense and fixing the penalty therefor shall be taken by ordinance, in the manner hereinafter provided. All other action may be by resolution.

(Amended 11-5-91)

SECTION 3.02. INTRODUCTION OF ORDINANCES.

Each proposed ordinance shall be introduced in writing, by a member of the Council, and shall contain a title, an opening clause reading, "Be it ordained by the Council of Granville, Ohio," and a body in which there shall be set forth at length the action proposed to be taken. Each ordinance shall contain but one subject, which shall be clearly set forth in its title.

SECTION 3.03. PASSAGE OF ORDINANCES.

No ordinance shall be passed without the affirmative vote of four members of Council, except that emergency ordinances shall require concurrence of five members of Council. Upon introduction, each ordinance shall be read once at length before the Council by the Clerk of Council or a Council member, if there is any request to do so. It shall then lie over for at least fourteen days, or until the next regular meeting of the Council, unless an emergency is declared, as hereinafter provided. In this interval, and at least one week before the next meeting of the Council, the Clerk shall cause a summary of such ordinance to be published with a notice of the place where the text of the ordinance is available for reading by the public, which shall be in the office of the Manager, and of the time and place of the Council meeting at which it will be next considered, inviting interested persons to attend such meeting and to express their opinions thereon. At the time and place so advertised the Council shall convene. The ordinance shall be given a second reading and the persons present who desire to be heard for or against its adoption shall be heard, under such rules as the Council may provide. Written arguments and briefs for or against may also be filed at this hearing for consideration by the Council. The hearing may be continued from day to day until concluded.

(Amended 11-3-81)

SECTION 3.04. ADOPTION OF ORDINANCES.

After the hearing, or if the waiting period and hearing are omitted due to a declaration of an emergency, then the Council shall act not later than the next regular meeting of Council and shall vote by roll call on whether the ordinance shall be adopted, with or without amendment, or rejected. Final passage shall be certified by the signatures of the Mayor, Vice-Mayor, or other presiding officer, and the Clerk. The Clerk shall see that the new ordinance is published within one week after its passage.

SECTION 3.05. EMERGENCY ORDINANCES.

Any ordinance which must be made effective at once in order to meet an emergency in the operation of the municipal government, or which is necessary for the immediate preservation of the public peace, safety, health, morals or welfare, may be passed without the delay provided in Section 3.03, provided the Council shall, in a separate section thereof, declare that such an emergency exists, giving reasons therefor, and adopt such section by a vote of five members of Council. Summaries of emergency ordinances shall be published within one week after their passage. No ordinance granting a franchise or fixing a rate to be charged by a public utility corporation shall be passed as an emergency ordinance.

SECTION 3.06. PUBLICATION OF NOTICES AND ORDINANCES.

Whenever publication of any summary, notice or ordinance is required under this Charter, it may be accomplished either:

- (1) By publication in a news or advertising medium, which is distributed to all homes in the municipality at least once in two weeks.
- (2) By publication in a newspaper of general circulation in the municipality, which appears at least weekly.
- (3) By posting on a bulletin board at the municipal building and on similar boards in conspicuous places in the municipality. This method shall not be utilized as the sole method of publication unless neither of the above methods is available.
(Amended 11-5-91)

Publication of new matter in a code of revised ordinances shall be deemed sufficient public notice of its contents. Appropriation ordinances shall be reproduced and distributed to the members of Council, to department heads, to municipal boards and commissions and to such citizens as may apply for copies thereof at the office of Clerk of Council or at the office of the Manager. All ordinances and resolutions shall be recorded in the office of the Clerk of Council and shall be available for public examination during regular office hours upon application either to the Clerk of Council or to the Manager. When a code of revised or compiled ordinances is published, copies shall be deposited in all public offices, in local libraries and in such other public places as may be designated by Council.

SECTION 3.07. EFFECTIVE DATE OF ORDINANCES; EXCEPTIONS TO REFERENDUM.

Emergency ordinances, except an emergency ordinance for the acquisition of real property, not including roadways and/or utility easements, ordinances raising revenue, except an ordinance which directs the sale or delivery of the product of any public utility to anyone outside the Municipality, or for street improvements petitioned for by sixty percent or more of the owners or by the owners of a majority of the feet front property benefited and to be specially assessed for the cost thereof, and those making appropriations for current operating expenses of the Municipality, shall take effect upon passage, and shall not be subject to referendum. Whenever Council is required to pass more than one ordinance to complete a public improvement project, a referendum may be held on the first ordinance passed, but not on any subsequent ordinance in the series. All other ordinances shall take effect thirty days after passage in order to afford an opportunity for the filing of referendum petitions. (Amended 11-2-04)

SECTION 3.08. INITIATIVE AND REFERENDUM.

(A) Except as otherwise provided in this Charter, ordinances may be proposed or submitted to popular vote by initiative and referendum petition. Petitions are subject to the procedures of this section and not Sections 731.28 to 731.35 of the Ohio Revised Code. However, petitions are subject to Sections 731.36, 731.38, 731.40, 731.99, and 3501.38 of the Ohio Revised Code and to other sections of the Ohio Revised Code generally applicable to municipal elections and electors. Petitions and the signatures on petitions are presumed, *prima facie*, to be sufficient. No petition shall be declared invalid in its entirety when one or more signatures are found to be invalid, except when the total number of valid signatures is found to be less than fifteen percent of the number of municipal electors who voted for the office of Governor at the last gubernatorial election. After the Board of Elections certifies the results of an election held under this section, the election shall not be set aside, and no ordinance submitted to and approved by the electors under this section shall be held ineffective or void, on account of insufficiency or defect of the petition by which the submission of the ordinance was procured.

(B) To initiate an ordinance or submit an ordinance to referendum, before collecting signatures:

- (1) Initiative petitioners must file a written notice with the Clerk of Council or other person designated to receive notices on behalf of Council, or if there is no Clerk or designee, with the Village Manager. The notice must state intent to file an initiative petition and identify by name, address and telephone number a designated representative of the petitioners. The petitioners must also attach a copy of the proposed ordinance to be initiated to the notice. A proposed ordinance must contain a title and body and contain only one subject clearly set forth in the title, as ordinances proposed by members of Council under Section 3.02 of this Charter. The ordinance may contain an opening clause reading, "*Be it ordained by the people of Granville, Ohio,*" or words of similar meaning, but this is not required.
- (2) Referendum petitioners must file a written notice of intent to circulate a referendum petition with the Clerk, designee, or Manager stating the number and title of the ordinance. The Clerk, designee, or Manager shall immediately obtain a copy of the ordinance identified in the notice from the village files and attach it to the notice.
- (3) The Clerk, designee, or Manager shall stamp or mark either type of notice of intent and attached ordinance or proposed ordinance with the date and time it is received, make a copy of the notice and ordinance, stamp or mark the copy with the same date and time as the original, give the copy to the person who files the notice, and publish a notice under Section 3.06 of this Charter that the notice and ordinance have been filed and are available for public inspection at the municipal office.
- (4) Petitioners may change designation of a representative at any time by filing a notice of change with the Clerk, designee, or Manager, stating the name, address, and telephone number of the new designated representative.

(C) After the date and time of the filing of the notice of intent, petitioners may collect signatures of qualified municipal electors on the petition. A petition may be circulated in parts, but each part must contain the title of the ordinance or resolution to be initiated or referred. When they are finished collecting signatures, petitioners must file all parts of the petition together with the Clerk, designee, or Manager, who shall immediately publish notice under section 3.06 of this Charter that the petition is now available for public inspection at the municipal office.

(D) Except as provided in division (H) of this section, a referendum petition must be filed within thirty days after Council approves the ordinance to be referred. If a referendum petition is filed, the ordinance challenged does not take effect until:

- (1) if the thirty-day period is extended under division (H) of this section for the collection of additional signatures but the petitioners file no additional signatures, the day after the date to which the time for collection of additional signatures was extended under division (H);
- (2) when an insufficient number of additional signatures are obtained under division (H) of this section, five days after the Board of Elections certifies that the number of signatures is insufficient to place the issue on the ballot;
- (3) thirty days after the petition is rejected by the municipality and the petitioners fail to bring a legal action to reinstate it under division (K) of this section;
- (4) thirty days after the Board of Elections or a court rejects or rules against the referendum petition in an action brought under division (F) or (K) of

- this section, or any other action to defeat the petition, and no appeal or other legal action has been filed to contest the decision; or
- (5) five days after the results of the election are certified, as provided in division (J) of this section.

(E) The petition and notice of intent and the attached ordinance or proposed ordinance filed under division (B) of this section shall be kept together in the municipal office for public inspection for ten days after the first publication of notice under Section 3.06 (1) or 3.06 (2) of this Charter or the first posting of notice under section 3.06 (3) if no medium for publication is available under Section 3.06 (1) or (2). The municipality may make additional copies available for public inspection if demand requires and shall take care to preserve the security and integrity of all documents.

(F) The municipality may reject an initiative or referendum petition only for failure to file a notice under division (B) (1) of this section or to attach an ordinance with a title and body to that notice, for failure to file a notice of referendum under division (B) (2) of this section, or because the petition does not contain on its face signatures equaling or exceeding fifteen percent of the number of municipal electors who voted for the office of Governor at the last gubernatorial election. To reject a petition for any other reason, the municipality must apply to the Board of Elections in a case where it has jurisdiction to review the petition, or to a court of competent jurisdiction where the board lacks jurisdiction. If the municipality takes such an action, the petitioners have standing as a party to the action.

(G) On the eleventh day after the publication of notice required by division (B) of this section, the Clerk, designee, or Manager shall transmit the petition to the Board of Elections for validation of signatures. The Board of Elections shall examine the signatures on the petition, determine the number that are valid, notify the Clerk, designee, or Manager in writing of that number and whether it equals or exceeds fifteen percent of the number of municipal electors who voted for Governor at the last gubernatorial election, and return the petition to the Clerk, designee, or Manager as soon as possible.

(H) If the Clerk, designee, or Manager receives written notice from the Board of Elections that a petition does not have sufficient, valid signatures to submit it to the electors, or if the municipality rejects the petition for that reason, the Clerk shall immediately notify the representative of the petitioners identified in the notice filed under division (B) of this section by telephone, if possible, and by written notice mailed with return receipt requested. Petitioners shall have ten days after the representative receives the written notice to file additional signatures on additional part-petitions. The additional part-petitions are subject to division (C) of this section. This additional ten-day period applies to a referendum petition even if it extends the time for filing the final petition beyond the thirty-day time limit of division (D) of this section. The Clerk, designee, or Manager shall publish notice, as under division (C) of this section, that additional signatures are now available for public inspection at the municipal office. On the tenth day after the first publication of this notice, the Clerk, designee, or Manager shall transmit the entire petition to the Board of Elections for validation of the additional signatures. The board shall examine and return the entire petition, as under division (G) of this section.

(I) If the Board of Elections determines that a petition contains valid signatures equaling or exceeding fifteen percent of the number who voted for Governor at the last gubernatorial election, it shall submit the ordinance to the electorate at the next primary or general election occurring more than ninety days after the board declares the number of signatures sufficient, unless within ten days after the date the Board notifies the Clerk, designee, or manager that the petition contains sufficient signatures, the municipality rejects the petition or takes legal action to reject it , as provided in division (F) of this section.

(J) Initiated ordinances approved and ordinances submitted to referendum and sustained by a majority of those voting take effect on the fifth day after the day on which the Board of Elections certifies the official vote on such question.

(K) Failure of the municipality or any of its officers, employees, divisions, departments, or agencies, or of the Board of Elections to comply exactly with the requirements of this section does not invalidate a petition. If the municipality or any of its officers, employees, divisions, departments, or agents, or the Board of Elections, fails or refuses to comply with a requirement of this section, he, she, or it may be compelled to do so by writ of mandamus. If the municipality wrongfully rejects a petition, it may be compelled to reinstate it by writ of mandamus.

(L) As used in this section:

- (1) "general election," and "primary election" have the same meanings as in section 3501.01 of the Ohio Revised Code;
 - (2) "valid signature" means the signature of a qualified elector that meets the requirements of this section and general election law; and
 - (3) "qualified elector" means a person who meets the requirements of Section 1 of Article V of the Constitution of Ohio and Section 3503.01 of the Ohio Revised Code.
- (Amended 11-6-01)

SECTION 3.09. ADOPTION OF ORDINANCES BY REFERENCE.

The Council may adopt model or standard codes prepared and published by public or private agencies on such matters as fire prevention, building construction, electrical wiring, plumbing, heating, ventilating, air conditioning and other similar topics by reference to the date and source of the code without reproducing it at length in the ordinance. However, if the Council desires to modify, add to or eliminate from any such code any section or part thereof, such addition, modification or omission shall be clearly stated in the ordinance. In all cases in which such a code is adopted by reference, publication of the code, at length, by the municipality shall not be required. However, at least six copies of all such codes so adopted shall be kept in the office of the Clerk of Council for consultation by interested persons, during regular office hours, and additional copies shall always be available for sale, at cost, by the Clerk of Council.

SECTION 3.10. RESOLUTIONS.

Action by Council which is not required by this Charter to be taken by ordinance, or which is not of general public application or interest, may be taken by resolution. Such a resolution shall be introduced by a member of Council and may be adopted by a voice vote of a majority of the members present. If adopted it shall be assigned a resolution number and reduced to writing. No waiting period, notice, hearing or publication shall be required, and a resolution shall become effective upon its adoption. The Clerk of Council shall record resolutions by number, at length, in a separate book, which shall be a public record.

(Amended 11-3-81)

SECTION 3.11. ADMINISTRATIVE CODE.

Subject to this Charter, and after consultation with the Manager, Council shall adopt an Administrative Code that provides in detail the organization of the municipal government, defines the powers and duties of each organizational unit, and determines the administrative procedures to be followed. Council may delegate to the Manager, and he or she to the heads of departments, power to make rules and regulations to govern management practices, consistent with the Administrative Code. All such rules and regulations shall be filed with the Manager and shall be a public record. They shall be given such publication as Council considers necessary. Amendments to and revisions of the Administrative Code shall be made only after consultation between Council and the Manager.

(Amended 11-6-01)

SECTION 3.12. CODIFICATION.

Within three years after the adoption of this Charter, and at least every ten years thereafter, the Council shall provide for the preparation of a general codification of all municipal ordinances of permanent value and effect. This codification shall be adopted by Council, after due consideration and amendment if necessary, and published in bound or loose-leaf form, together with the Charter and any amendments thereto adopted by the voters. Copies shall be made available to public officers and to citizens for consultation and purchase at a price fixed by Council.