

## CHARTER OF THE CITY OF BEDFORD, OHIO

EDITOR'S NOTE: Unless otherwise indicated by sectional histories, all sections of this Charter became effective January 1, 1932. Dates appearing in parentheses following a section heading indicate those provisions were subsequently enacted or amended on the date given.

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## **CHARTER OF THE CITY OF BEDFORD, OHIO**

EDITOR'S NOTE: Words in one gender include the other gender.  
(Art. XIII, Sec. 7)

### **PREAMBLE**

We, the people of the Village of Bedford in the County of Cuyahoga and State of Ohio, in order to secure for ourselves the benefits of local self-government under the Constitution of the State of Ohio, do ordain and establish this Charter for the government of the Village of Bedford.

### **ARTICLE I NAME AND POWERS**

#### **SECTION 1. GENERAL POWERS.**

The inhabitants of the Village of Bedford, as its limits now are or hereafter may be, shall be a body politic and corporate by name The Village of Bedford, and as such shall have perpetual succession. If and when the Village of Bedford shall, under the Constitution and general law, become a city, it shall be known as the City of Bedford, and wherever in this Charter the word "Village" appears, it shall then be construed to read "City", and the provisions of this Charter shall apply whether the Municipality is a Village or a City. It shall have all powers of local self-government which now are, or hereafter may be granted to municipalities by the Constitution or laws of the State of Ohio, either expressly or by implication, as fully as though every such power were expressly enumerated herein. The enumeration of or reference to particular powers by this Charter shall not be construed to be exclusive.

#### **SECTION 2. CHANGE OF BOUNDARIES AND ANNEXATION.**

The City of Bedford shall have the power and authority to change its boundaries and annex other territory contiguous to it in the manner authorized by the general laws of Ohio, but no corporate boundary of the City shall be changed, nor shall the City be annexed to any other municipality, without the consent of a majority of its electors voting on such question. Such question shall be submitted to the electors only at a regular election in such manner as Council shall by resolution or ordinance prescribe. (11-5-91)

## ARTICLE II COUNCIL

### SECTION 1 (a). POWERS, NUMBER AND TERM.

Except as otherwise provided in this Charter all powers of the Municipality shall be vested in a Council of seven (7) members.

Beginning with the general election to be held in November, 2001, and thereafter when Councilpersons are to be elected they shall be elected by wards, one from each, by the electors of the ward in which they reside, there being six wards, and one shall be elected at large, by the electors of the entire Municipality and he shall be the Mayor.

The terms of the members of Council and the Mayor shall begin on the first day of January next following their election, and, except as further provided in this section, they shall serve for a term of four years, or until their successors are chosen and qualified.

Notwithstanding the foregoing regarding members of Council and the Mayor serving a term of four years, each Councilperson elected from Wards 2, 4 and 6 in each case at the general election to be held in November, 2001 and in accordance with this Section 1(a) of Article II of this Charter shall serve for an initial term of two years, or until their successors are chosen and qualified, and thereafter each Councilperson elected from Wards 2, 4 and 6 shall serve for a term of four years, or until their successors are chosen and qualified. (11-7-00)

### SECTION 1 (b). WARDS.

The City of Bedford shall be divided into six (6) wards numbered 1, 2, 3, 4, 5 and 6. (11-2-82)

EDITOR'S NOTE: Council, under provisions of Section 1 (c) of this Charter, redistricted the six wards of the City in Resolution 1831-81, passed April 20, 1981.

### SECTION 1 (c). EQUALIZATION OF WARDS.

It shall be the duty of Council to review the voter strength of each ward, within six months (6 mos.) after each national presidential election beginning with that of November, 1964, using official Board of Election figures as the basis of the estimates, in the interest of equalizing voter strength in all wards, and Council shall have the power, by resolution, to make such boundary changes as they deem necessary or required with the provision that such resolution may not be passed in less than three (3) readings and may not shorten the term of any Councilperson. (5-2-61; 11-2-82)

## SECTION 2. QUALIFICATIONS.

Each member of Council, for at least six months (6 mos.) immediately prior to his election, shall have been a resident of the Municipality, and shall also have been a resident of his ward for at least six months (6 mos.) prior to his election or appointment. During such six month (6 mo.) period prior to such election or appointment and during his term in office he shall continue to be a resident of the ward from which he was elected or appointed, and shall have had and continue to have the qualifications of an elector thereof. He shall not hold any other public office except that of Notary Public or member of the State Militia.

(5-3-60; 11-2-82)

## SECTION 3. REMOVAL.

The Council shall be the judge of the qualifications of its own members as defined in Article II, Section 2. The Council shall also be the judge of the conduct of its own members. It may expel or remove any member for gross misconduct or malfeasance or nonfeasance or disqualification for office, or for conviction of a crime including moral turpitude while in office, or upon conviction for violation of the oath of office, or persistent failure to abide by the rules of Council, or absence without justifiable excuse from four (4) consecutive regular meetings of Council; provided, however, that such expulsion or removal shall be upon concurrence of five (5) or more members of Council and after public hearing upon the charge or charges brought; and provided, further that the accused member shall have been notified in writing of any charge or charges at least fifteen (15) days in advance of such public hearing, and provided, further, that the member of Council shall have been given an opportunity to be heard, present evidence, and examine witnesses appearing in support of such charge or charges. The decision of Council in expelling or removing a member of Council after compliance with this section shall be final and thereupon the office of any such removed or expelled member of Council shall be vacant.

(11-2-82)

## SECTION 4. VACANCIES.

In the event that Council shall determine that a vacancy exists in the office of any member of Council, other than the Mayor, the Council shall by a majority of its remaining members appoint a qualified interim successor to the office of the vacant member of the Council. If the vacancy is determined during the last year of the vacated officer's term, then the person appointed to fill the vacancy as the interim successor shall serve for the remainder of the unexpired term; otherwise, an election shall be held at the next regular municipal or general election to be held more than sixty days after the determination of the vacancy, at which election a qualified person shall be elected to fill the unexpired term of office, and the person elected at that election shall take office five days after the final certification of his or her election by the election authorities or as soon thereafter as may be practical. In the event that three or fewer persons continue as members of the Council, then those officers designated in Section 8 of this Article II shall serve as temporary members of the Council for the purpose of selecting the interim successors, and such officers shall cease to serve on the Council upon the qualification of the interim successors. Such officers serving as temporary members of the Council shall have all powers, duties and functions of a member of the Council during their temporary tenure on the Council. The provisions in the last paragraph of Section 8 of this Article II providing that such officers designated as temporary at large council members shall serve "until an election can be held as is otherwise set forth in this Charter" shall be inapplicable and considered to have been repealed on and after January 1, 1992. A vacancy in the office of Mayor shall be filled in the manner set forth in Section 8 of Article II of this Charter. (11-2-71; 11-2-82; 11-5-91)

**SECTION 5. SALARIES.**

The Mayor and members of Council shall receive such compensation as the Council shall establish by ordinance, provided that the salary of the Mayor and Council shall not be increased during their term in office. (11-7-72; 11-2-82)

**SECTION 6. QUORUM, ATTENDANCE, RULES.**

Four (4) members of Council shall constitute a quorum to do business, but a majority of the members present may adjourn from time to time to compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance. Should any member of Council be absent from as many as four (4) consecutive regular meetings, he shall thereby forfeit his seat in Council, unless such absence be authorized and excused by Council.

Council shall determine its own rules and order of business, provide for special meetings and keep a journal of its proceedings. (11-2-82)

**SECTION 7. MEETINGS.**

At 8:00 p.m., on the second day of January following a regular Municipal election, or if such day be Sunday, in the day following, Council shall meet at the usual place for holding such meetings for the purpose of organization. Thereafter, Council shall meet at such times as may be prescribed by ordinance or resolution, except that it shall hold regular at least twice during each calendar month, except June, July and August, when one (1) regular meeting only is required.

All regular meetings, work sessions and special meetings of the Council at which any legislative action is discussed or taken, shall be open to the public. Any resident of Bedford shall be entitled to speak at such meetings of the Council. Such right shall not be unreasonably abridged by any rules and regulations which Council may adopt. (11-2-71; 11-2-82; 11-2-10)

**SECTION 8. MAYOR AND VICE-MAYOR.**

Council shall, at the time of organizing and every two years (2 yrs.) thereafter, elect one (1) of its members who shall have the title of Vice-Mayor.

The Mayor shall preside at all meetings of Council and shall have a voice and a vote in its proceedings, but no veto. Except as the same are otherwise disposed of or provided for herein, he shall exercise all the powers and discharge all the duties imposed upon mayors of municipalities by the general laws of the State of Ohio, which are not inconsistent with the provisions of this Charter, but nothing herein provided shall be construed as conferring upon him any administrative functions herein conferred upon other officers. Upon the written request of the Mayor to a director or department head, said director or department head shall furnish such information requested, in writing, and a copy of such information shall be forwarded to the City Manager. The Mayor shall be an ex-officio member of all appointed or elected boards or commissions and shall serve on such boards and commissions in an advisory capacity without a vote.

The Mayor shall be recognized as the official head of the Municipality for all ceremonial purposes. In time of public danger or emergency he shall assist the City Manager-Safety Director in maintaining order and enforcing the law. In the case of the absence or incapacity of the Mayor, the Vice-Mayor shall have all the powers herein conferred upon the Mayor. In the absence or incapacity of the Mayor and the Vice-Mayor, a majority of Council may appoint an acting Mayor. In the event of the death or resignation of the Mayor, the Vice-Mayor shall become Mayor. If the Vice-Mayor declines to be Mayor, or is unable to serve, the Council may elect one (1) of its members Mayor. In the event the office of Vice-Mayor becomes vacant, Council shall elect one (1) of its members Vice-Mayor, no later than the next regular meeting for the unexpired term.

In the event that a catastrophic event occurs and three (3) or less Councilpersons are able to continue to serve on the Council then, in the following order, the Chairman of the Planning Commission, the Chairman of the Board of Zoning Appeals, the Chairman of the Civil Service Commission, the Chairman of the Board of Building Standards and Appeals, or in the absence of such a Chairman, a member of such board or commission nominated by the remaining members as acting chairman, shall become temporarily appointed as councilman-at-large until an election can be held as is otherwise set forth in this Charter. (11-2-71; 11-2-82)

#### SECTION 9. APPOINTEES.

Council shall appoint a City Manager, a Director of Finance, a Director of Law and a Clerk of Council. The Clerk of Council shall be responsible for all official records of the Municipality and such other duties as the Council shall determine.

Council may create and establish any other offices and positions which it may deem necessary in connection with the administration of the Municipal affairs, not otherwise provided for herein.

Neither Council nor any of its members or committees shall dictate the appointment of any person to office or employment by the Manager or by the Director of Law in the case of the appointment of the Assistant Director of Law, nor in any manner interfere with or prevent (i) the Manager from exercising his own judgment in the appointment of officers and employees in the administrative service or (ii) the Director of Law from exercising his own judgment in the appointment of the Assistant Director of Law in the administrative service within the Department of Law. Except for the purpose of inquiry Council shall deal with the administrative service, solely through the Manager. No member of Council shall give orders to the subordinates of the Manager or Council appointees.

The Council shall have the power to make all appointments to all City boards or commissions established by this Charter or by ordinance. Council shall have the power to make appointments for the unexpired term, if any vacancies occur, for any reason, on any appointive City board or commission. The Council will suspend any appointed member of any board or commission after four (4) consecutive absences "without justifiable excuse" or for other just cause. Such suspended member shall have the right, if he so requests, to have a public hearing before Council, within thirty (30) days after such suspension, and may be removed from office only after an affirmative vote of four (4) members of Council. (11-2-71; 11-2-82; Ord. 5-7-02.)

#### SECTION 10. GENERAL PROVISIONS.

Council may by general ordinance provide for legislative procedure; the form and method of enactment of ordinances; a simplified procedure for levying assessments; the method and manner of giving public notice of the passage of ordinances or resolutions of a general or permanent nature; the advertisement and sale of bonds and notes; and the advertisement and awarding of public contracts. Such general ordinances, when once adopted, shall not be repealed or amended except by vote of five (5) members of Council or by the people.

#### SECTION 11. CONFLICT OF INTEREST.

No member of Council, nor the City Manager, nor any other officer or employee, of the Municipality shall be directly or indirectly interested in any contract, job, work, or service with or for the Municipality; nor in the profits or emoluments thereof; nor in the expenditure of any money on the part of the Municipality; and any contract with the Municipality in which any officer or employee is or becomes interested may be declared void by Council. Nor shall the Mayor or members of Council, or directors of departments during their terms of office, nor any other employee of the Municipality, during his employment by the Municipality, practice law or give legal advice or be associated with another in the practice of law in any matter or controversy in

which the Municipality is or may become a party, except on behalf of the Municipality as an officer or employee. Any willful violation of this section shall constitute malfeasance in office, and any such officer or employee found guilty thereof under the terms of this Charter or under the provisions of the general law, shall forthwith forfeit his office, and the office shall be filled in accordance with the provisions of this Charter as to vacancies.

No elected or appointed officer or employee of the City, for one year (1 yr.) after termination thereof, may himself be the representative of any person, firm or corporation to the City of Bedford on any subject matter where he acted in his official capacity during his term of office or employment. But Council, for good and just cause, may waive any violations of this section after hearing. Council may provide a procedure for complaints, hearings and penalties. (11-2-71; 11-2-82)

#### SECTION 12. CONFLICT OF INTEREST (BOARDS, COMMISSIONS, COMMITTEES).

No member of any board, commission or committee created by Charter, ordinance or resolution shall have any financial interest, direct or indirect or by reason of ownership of stock in any corporation (except as permitted by the laws of Ohio) in any matter pending before the board, commission or committee of which he is a member. In the event that such a conflict arises, the affected member shall abstain from discussion and voting on the issue or matter in which he has such an interest. The affected member shall not be required to resign from the board, commission, or committee of which he is a member. Any willful violation of this section shall constitute malfeasance in office and any member of a board, commission or committee found guilty thereof shall thereby forfeit his office or position. (11-2-82)

### ARTICLE III CITY MANAGER

#### SECTION 1. APPOINTMENT.

A City Manager shall be appointed by Council to serve at the will of Council, a vote of the majority of all the members of Council being required for his appointment.

He may be removed from office by the vote of the majority of all the members of Council. At least thirty (30) days before such removal shall become effective, Council shall by a majority vote of its members adopt a preliminary resolution stating the reasons for his removal. The City Manager may reply in writing and may request a public hearing, which shall be held not earlier than twenty (20) days or later than thirty (30) days after the filing of such request, but pending and during such hearing Council may suspend him from office. After such public hearing, if one be requested, and after full consideration, Council may by majority vote of all its members adopt a final resolution of removal. The action of Council in suspending or removing the City Manager shall be final, it being the intention of this Charter to vest all authority and fix all responsibility for such suspension and removal in Council. Until the City Manager is chosen, or in the event of his disability or suspension, Council may designate someone to perform the duties of City Manager during such period. (5-2-61)

**SECTION 2. QUALIFICATIONS.**

The City Manager need not be a resident of the Municipality at the time of his appointment, but shall reside therein during his tenure of office. The City Manager shall be chosen by the Council solely on the basis of his executive and administrative qualifications as judged by the adequacy of his technical training and his successful experience in administration.  
(11-2-82)

**SECTION 3. POWERS AND DUTIES.**

The City Manager shall be the chief administrative officer of the Municipality, and shall be responsible to Council for the proper administration of all affairs of the Municipality and the enforcement of all the laws and ordinances, except as herein otherwise provided; and to that end he shall have authority to appoint and remove all other administrative officers and employees, except as otherwise provided herein. He shall attend all meetings of Council, with the right to participate in its discussions, but without the right of vote; and he shall attend meetings of any committee of Council when so required by such committee. He shall prepare and submit to Council the annual budget, after receiving estimates made by the directors of the several departments, and shall perform such other duties as may be prescribed by this Charter or by the ordinances or resolutions of Council.

Excepting the Department of Finance, the Department of Law, and excepting the Department of Public Health, if and when the Department of Public Health is created by Council as hereinafter provided, the City Manager shall be the Director of Public Safety and director of each and every department of the Government until otherwise provided by Council.

The Manager shall be the purchasing agent for the Municipality and as such purchasing agent shall make all purchases and contracts for the purchase of supplies, materials and equipment required by the Municipality and every department thereof. When an expenditure within any department, other than the compensation of persons employed therein, exceeds the amount set forth in Ohio Revised Code Section 731.14, or any successor statute thereto, such expenditures shall first be authorized and directed by ordinance of Council. When so authorized and directed, the Manager shall make a written contract with the lowest responsive and responsible bidder after advertisement in the manner provided by general law or ordinance.

(11-2-71; 11-2-82; 11-7-00)

**ARTICLE IV  
ADMINISTRATIVE OFFICERS AND DEPARTMENTS****SECTION 1. DEPARTMENTS.**

The following administrative departments are hereby established; Department of Law, Department of Finance, Department of Public Safety, Department of Public Service and Department of Parks and Recreation. Council shall determine and prescribe the functions and duties of each department, by ordinance provide for the organization thereof, and, by vote of five members may create new departments, combine or abolish existing departments, and establish temporary departments for special work. (11-7-00)

**SECTION 2. DIRECTORS.**

There shall be a director of each department, who shall have the supervision and control thereof and who, with the exception of the Director of Law and the Director of Finance, shall be appointed by and shall be immediately responsible to the City Manager for the administration of his department. The Director of Law and the Director of Finance shall be appointed by Council and shall be immediately responsible to Council for the discharge of their respective duties. The Director of Finance shall be responsible for the collection and custody of all the funds of the Municipality from whatever source derived.

The Director of Law shall be an attorney at law admitted to practice in the State of Ohio. He shall be the legal advisory of and attorney and counsel for the Municipality and for all officers and departments thereof in matters relating to their official duties. He shall prepare all contracts bonds and other instruments in writing in which the Municipality is concerned and shall endorse on each his approval of the form and correctness thereof. When required by resolution of Council, he shall prosecute or defend, for and in behalf of the Municipality, all complaints, suits and controversies in which the Municipality is a party, and such other suits, matters and controversies as he shall, by resolution or ordinance, be directed to prosecute or defend. He shall, when so requested, give his opinion or advice in writing to Council, the Manager, the Director of any department, or to any officer or commission not included within a department upon any question of law involving their respective powers or duties. He shall have the authority to appoint and remove the Assistant Director of Law who shall serve at his pleasure.

Upon being satisfied that funds of the Municipality or public moneys in the hands of the Director of Finance or belonging to the Municipality are about to be or have been misapplied, or that any public moneys have been illegally drawn or withheld from the treasury, or that a contract in contravention to law has been or is about to be entered into, or has been or is being executed, or that a contract was procured by fraud or corruption, or that any property, real or personal, belonging to the Municipality, is being illegally used or occupied, or is being used or occupied in violation of contract, or that the terms of a contract made by or on behalf of the Municipality are being or have been violated, or that money is due the Municipality, the Director of Law shall apply by civil action, in the name of the Municipality, to a court of competent jurisdiction to restrain such contemplated misapplication of funds, or the completion of such illegal contract not fully completed or to recover for the use of the Municipality all public moneys so misapplied or illegally drawn or withheld from the treasury, or to recover for the benefit of the Municipality damages resulting from the execution of such illegal contract, or to recover for the benefit of the Municipality such real or personal property so used or occupied, or to recover, for the benefit of the Municipality, damages arising from the nonperformance of the terms of such contract, or to otherwise enforce it, or to recover such money due the Municipality.

If the Director of Law fails, upon the written request of a taxpayer of the Municipality, to make the application or institute the civil action contemplated in the preceding paragraph, such taxpayer may make such application or institute such civil action in the name of the Municipality; or, in any case wherein the Director of Law is authorized to make such application, bring any suit or institute such proceedings against any Municipal officer or person holding or having held a Municipal office, for misconduct in office, neglect of duty prescribed by law, to recover money illegally drawn or illegally withheld from the treasury, to recover damages resulting from the execution of such illegal contract, and upon the written request of a taxpayer of the Municipality, to bring such suit or institute such proceedings, shall fail, neglect or refuse so to do, or where for any reason the Director of Law cannot bring such action, or where the Director of Law has

received and unlawfully withheld moneys belonging to the Municipality, or has received or drawn out of the treasury, public moneys which he is not lawfully entitled to demand and receive, a taxpayer, upon securing the costs, may bring such suit, or institute such proceedings, in the name of the Municipality, and such action shall be for the benefit of the Municipality as if brought by the Director of Law.

If the court hearing such case is satisfied that such taxpayer is entitled to the relief prayed for in his petition, and judgment is ordered in his favor, he shall be allowed his costs, including a reasonable compensation to his attorney.

If and when the Council shall, under the power herein granted that body, establish a Department of Public Health, the Director of Public Health shall be appointed by the City Manager and be responsible to him for the discharge of his duties. He shall be a physician who shall have been duly admitted to practice in the State of Ohio.

Nothing in this article contained shall be construed as preventing the same person from being director of more than one (1) department. (5-7-02)

### SECTION 3. SALARIES AND BONDS.

Council shall fix by ordinance the salary, rate or amount of compensation of all officers and employees of the Municipality, except as otherwise provided in this Charter. Council may require any officer or employee to give a bond for the faithful performance of his duties, in such an amount as it may determine, and it may provide that the premium therefor shall be paid by the Municipality.

### SECTION 4. APPOINTMENTS OF DIRECTORS OF LAW, FINANCE AND CLERK OF COUNCIL.

A Director of Law and a Director of Finance and a Clerk of Council shall be appointed by Council to serve at the will of Council, a vote of the majority of all the members of Council being required for their appointment.

They may be removed from office by the vote of the majority of all the members of Council. At least thirty (30) days before such removal shall become effective, Council shall, by a majority vote of its members adopt a preliminary resolution stating the reasons for the removal. The Director of Law or Director of Finance or the Clerk of Council may reply in writing and may request a public hearing, which shall be held not earlier than twenty (20) days or later than thirty (30) days after the filing of such request, but pending and during such hearing, Council may suspend such Director or Clerk from office. After such public hearing, if one is requested, and after full consideration, Council may by a majority vote of all its members, adopt a resolution of removal. The action of Council in suspending or removing the Director of Law or Director of Finance or the Clerk of Council shall be final, it being the intention of this Charter to vest all authority and fix all responsibility for such suspension and removal in Council. Until the Director of Law or Director of Finance or the Clerk of Council is chosen, or in the event of their disability or suspension, Council may designate an "acting director" to perform the duties of the Director of Law or Director of Finance or "acting clerk of council" during such period.

**ARTICLE V  
NOMINATIONS AND ELECTIONS**

**SECTION 1. TIME OF HOLDING ELECTIONS.**

The regular Municipal election shall be held on the first Tuesday after the first Monday in November in the odd-numbered years. Any matter which by the terms of this Charter may be submitted to the electors of the Municipality at any special election, may be submitted at the time of the general election.

**SECTION 2. BALLOTS.**

The ballots used in all elections provided for in this Charter, shall be without party marks or designation and shall contain a complete list of the offices to be filled. The names of the candidates upon said ballot shall be rotated as provided by law, and one space shall be left below the names of the candidates for each office to be voted for, wherein the voter may write the name of any person for whom he may wish to vote.

**SECTION 3. PETITIONS FOR PLACES ON BALLOT.**

Candidates for any elective office shall be nominated only by petition. The name of any elector of the Municipality shall be printed upon the ballot if there is filed with the election authorities prescribed by general law, a petition in accordance with the following requirement, to-wit:

- (a) Such petitions shall state the name and place of residence of each person whose name is presented for a place upon the ballot, the name of the office for which he is a candidate and that he has resided in the Municipality for a period of at least six months (6 mos.) prior to the date of the election for which said petition is circulated, and if he is a candidate for member of Council, other than the Mayor, that he has also resided in his ward for at least six months (6 mos.). (5-2-61)
- (b) Such petitions for the office of Mayor shall be signed by electors of the Municipality equal in number to four per centum (4%) of the total number of voters voting at the last regular election of Municipal officers, but in any event, two hundred (200) qualified signatures shall be sufficient. Petitions nominating a candidate for the office of Councilperson shall be signed only by the electors of the ward in which he resides, equal in number to ten per centum (10%) of the total number of voters voting in the ward at the last regular election of Municipal officers, but in any event, one hundred (100) qualified signatures shall be sufficient. (5-2-61)
- (c) Each elector signing the petition shall add to his signature his place of residence, with street and number, the precinct in which he votes, and date of signing, and may subscribe to as many petitions as there are places to be filled at such election, and no more. All signatures shall be made with ink or indelible pencil.
- (d) The signatures of all petitioners need not be appended to the same paper, but to each separate paper there shall be attached an affidavit by the circulator thereof stating the number of signatures thereof, that each person signed in his presence on the day mentioned, and that the signature is that of the person whose name it appears to be. (11-2-54)

- (e) Such petition shall be signed by electors only within the time period, if any, provided therefor by the laws of the State of Ohio and shall be filed with the election authorities prescribed by the laws of the State of Ohio not later than the filing date prescribed by the laws of the State of Ohio. (11-7-00)
- (f) No nominating petition shall be filed by one individual for more than one office at the same election. (5-2-61)

**SECTION 4. TIME OF FILING. (REPEALED)**

(EDITOR'S NOTE: Former Section 4 was repealed by the voters on May 7, 2002.)

**SECTION 5. ELECTION.**

The candidates for any elective office equal in number to the places to be filled, who shall receive the highest number of votes at such election shall be declared elected.

**SECTION 6. GENERAL ELECTION LAWS, VOTING MACHINES AND ABSENTEE VOTING.**

Any and all provisions regarding the general election laws and the use or non-use of voting machines and the requirements of absentee voting shall be determined by the laws of the State of Ohio and the United States. (11-2-82)

**SECTION 7. VOTING MACHINES. (REPEALED 11-2-82)**

**SECTION 8. VOTING BY MEMBERS OF ARMED FORCES. (REPEALED 11-2-82)**

**SECTION 9. JUDICIAL CANDIDATES.**

The names of all judicial candidates for Bedford Municipal Court judgeship shall appear on a non-partisan judicial ballot in the regular municipal election. There shall not be a primary election in regard to judicial candidates. (11-2-10)

**ARTICLE VI  
INITIATIVE, REFERENDUM AND RECALL**

**SECTION 1. INITIATIVE.**

The people reserve unto themselves the right to propose, by initiative petition, any legislative measure, including the repeal of ordinances adopted by Council, approved by referendum vote or initiated by the people. Such initiative petition must contain the signatures of not less than fifteen per centum (15%) of the registered electors of the Municipality.

When there shall have been filed a petition signed by the aforesaid required number of electors proposing an ordinance or other measure, the Clerk shall certify the same to Council at the next regular meeting, and Council shall at once read and refer the same to an appropriate committee which may be the committee of the whole; provision may be made by such committee of Council for public hearings upon the proposed legislation before the committee to which it is referred, thereafter the committee shall report the proposed measure to Council with the recommendations thereon not later than the second regular meeting of Council following that at which the proposed measure was submitted to Council.

Upon receiving the proposed measure from the committee, Council shall at once proceed to consider the same and shall take final action thereon within thirty (30) days from the date of such committee's report. If Council rejects the proposed measure, or passes it in a form different from that set forth in the petition, the committee of the petitioners may require that it be submitted to a vote of the electors in its original form or that it be submitted to a vote of the electors with any proposed change, addition or amendment which was presented in writing, either at a public hearing before the committee to which such proposed measure was referred, or during the consideration thereof by council, and shall certify such fact to the Clerk within ten (10) days after the final action on such proposed measure by Council, who shall forthwith certify the same to Council, which shall call an election.

No measure initiated by the people and adopted by popular vote shall be repealed by Council, or so amended by it as to destroy the effectiveness thereof, within two years (2 yrs.) after it takes effect.

## SECTION 2. REFERENDUM.

Any ordinance or other measure passed by Council shall be subject to referendum, except as hereinafter provided. No ordinance or other measure shall go into effect until thirty (30) days after it shall have been passed by Council, except as hereinafter provided; but nothing herein contained shall prevent the Municipality, after the passage of any ordinance or other measure, from proceeding at once to give any notice or make any tender or publication required by such a measure, by this Charter, by general law or by general ordinance.

When there shall have been filed a petition signed by not less than fifteen per centum (15%) of the electors of the Municipality within thirty (30) days after any ordinance or other measure shall have been passed by Council, ordering that such ordinance or other measure be submitted to the electors of the Municipality for their approval or rejection, the Clerk shall, at the next regular meeting of Council, certify such petition to Council. Council shall thereupon proceed to reconsider such ordinance or other measure. If upon such reconsideration the ordinance or other measure be not entirely repealed, Council shall provide for submitting it to a vote of the electors as herein elsewhere provided. No such ordinance or measure shall go into effect until approved by a majority of those voting on the same.

Whenever Council is by law or provisions of general ordinance required to pass more than one ordinance or other measure to complete the legislation necessary to make and pay for any public improvement, the provisions of this section shall apply only to the first ordinance or other measure required to be passed and not to any subsequent ordinances or other measures relating thereto.

Whenever the electors shall have authorized the issuance of bonds, subsequent ordinances or other measures relating to the issuance of such bonds shall not be subject to the provisions of this section.

Ordinances or other measures providing for appropriations for current expenses, and emergency ordinances or measures necessary for the immediate preservation of the public peace, health or safety, shall go into immediate effect and shall not be subject to the provisions of this section.

Such emergency ordinances or measures must upon an aye and nay vote receive the vote of five (5) members of Council and the reasons for such necessity shall be set forth in one section of the ordinance or other measure.

### SECTION 3. RECALL.

(a) The people reserve unto themselves the right to recall and remove from office any member of Council or the Mayor, after he shall have served six months (6 mos.) of his term. The process to effect such recall or removal shall be as follows:

A petition demanding that the question of removal of such officer or officers be submitted to the electors, shall clearly state in the petition in not more than two hundred (200) words, the reasons or grounds for such removal. A petition for the recall of the Mayor shall contain the signatures of twenty-five per centum (25%) of the voters voting at the last regular general election of Municipal officers. A petition for the recall of a Councilperson in a ward shall contain the signatures of twenty-five per centum (25%) of the voters voting in that ward in the last regular general election of Municipal officers.

When there shall have been filed a petition signed by the aforesated required number of electors, the Clerk shall certify the same to Council at the next regular meeting and shall furnish a copy thereof to the member or members of Council or the Mayor whose removal is so sought, and the Council shall call an election upon the question of such removal as herein elsewhere provided, unless within five (5) days after such certification the member or members of Council, or the Mayor, tender his or their written resignation to the Clerk.

(b) If a majority of the votes cast at such election on the question of removal of any member of Council or the Mayor is affirmative, the person whose removal is so sought shall thereupon be deemed removed from office upon the certification of the official canvass of that election to Council, and a vacancy caused by such recall shall be filled by the remainder of the Council according to the provisions of Article II of this Charter.

If however, an election is held for the recall of more than three (3) members of Council, candidates to succeed them for their unexpired terms shall be voted upon at the same election and shall be nominated by petitions dated and verified in the manner required for petitions presenting names of candidates for regular Municipal elections and similar in form to such petitions and filed with the election authorities at least forty (40) days prior to such recall election, but no such nominating petition shall be signed or circulated until such recall petition has been certified to Council, and any signatures antedating such time shall not be counted. (5-2-61)

### SECTION 4. GENERAL PROVISIONS.

Any initiative or referendum petition, or one for a recall, may be presented in separate parts. Each part of any initiative petition shall contain a full and correct copy of the title and text of the proposed ordinance or other measure, and each part of any referendum petition shall contain the number and a full and correct copy of the title of the ordinance or other measure sought to be referred, but need not contain the full text of such ordinance or other measure.

Each signer of a petition shall be a registered voter of the City and shall sign his name in ink or indelible pencil and shall place on the petition his name and place of residence by street and number, the date of the signing, and his voting precinct. Each part of any such petition shall contain the affidavit of the person soliciting the signatures to the same, which affidavit shall contain a statement of the number of signers of such part of such petition and shall state that to the best of the affiant's knowledge and belief each of the signatures contained on such part is the genuine signature of the person whose name it purports to be, and that he believes such persons are registered electors of the City and that they signed such petition with knowledge of the contents thereof. Each part of such petition also shall have printed thereon the names and addresses of at least three registered electors who shall be officially regarded as filing the petition and shall constitute a committee of the petitioners for the purpose herein elsewhere named.

All such petitions shall be filed with the Clerk of Council not later than ninety (90) days from the date of the first signature affixed to such petition and all parts of any such petition shall be assembled by the Clerk as one instrument.

Within ten (10) days after the filing of a petition the Clerk shall ascertain whether the same is signed by the required number of qualified electors, and whether all signatures were affixed within the period of ninety (90) days prior to the filing thereof. Upon the completion of his examination the Clerk shall endorse upon the petition a certificate of the result thereof. Any signer of such petition may withdraw his support to the same, and his signature shall not be counted or considered if he gives written notice to the Clerk of his desire for such withdrawal at any time before final certification.

If the Clerk's certificate shows that the petition is insufficient he shall at once notify each member of the committee of the petitioners herein elsewhere provided for, and the petition may be amended at any time within fifteen (15) days from the date of the Clerk's certificate of examination by filing with the Clerk an additional petition in one or more parts in the same manner as provided for the original petition. In the event that it shall be determined by judicial proceedings that the certificate of the Clerk as to the sufficiency of the petition is erroneous, a similar period of time shall be granted for additional petitions after the final determination of such question.

Upon the filing of any such additional petitions, the Clerk shall within ten (10) days thereafter examine the petition as thus amended and attach thereto his certificate of the result, and the petition shall thereafter be treated in the same manner as it would have been treated after the original certification. The final determination of the insufficiency of a petition shall not prevent the filing of a new petition for the same purpose.

The sufficiency of the number of signers to any initiative, referendum or recall petition, shall be determined on the basis of the number of registered voters at the last general election for Municipal officers.

The filing of an initiative, referendum or recall petition by the Clerk of Council within the times herein elsewhere provided shall be computed from the date of the attaching of the final certificate of the Clerk to such petition.

Whenever it becomes the duty of Council to call an election by reason of the filing of an initiative or referendum petition, or one for recall, Council shall call an election for the submission of such question, or recall, at the next regular primary or general election occurring not less than forty (40) days nor more than ninety (90) days thereafter. If no such regular primary or general election is to be held within such time, Council shall provide for calling a special election not less than forty (40) days nor more than ninety (90) days thereafter. In either event, Council shall certify its action to the Board of Elections. Provided, however, that if the recall of more than three (3) members of Council is sought by such petition, the period of forty (40) days hereinbefore provided shall be changed to sixty (60) days.

(11-2-71; 11-5-91)

#### SECTION 5. OFFICIAL PUBLICITY.

The Clerk of Council shall prepare and publish the official publicity required by the Charter amendment, initiated or referred ordinance or recall of an elected official by publication in newspapers in general circulation in the City in accordance with Article XVIII, Sections 8 and 9 and State law. Council may publish such additional information as may be necessary to inform the public prior to such election. (11-2-71)

## ARTICLE VII FINANCES

### SECTION 1. BUDGET.

The finances of the Municipality shall always be conducted upon the budget system. The City Manager, with the assistance of the Director of Finance, shall furnish to Council at such time prior to the fifteenth (15th) day of June of each year (or at such other date at least thirty days prior to such date as may from time to time be fixed by general law for the certifying of the budget of the Municipality to the Budget Commissioners of the County or other similar officials having charge of taxation matters), as may be required by Council, an annual budget setting forth in itemized form an estimate stating the amount of money needed for the various departments in the Municipality, and for each month thereof. Such annual budget shall set forth specifically such items as may be required by general law or by ordinance of Council, and Council shall thereupon and within such time as may be prescribed by general law approve or revise such budget and submit the same to the County Budget Commissioners or similar officials. On or before the first (1st) day of February the City Manager shall submit to the Council an estimate of the expenditures and revenues of the Municipal departments for the year. This estimate shall be compiled from the detailed information obtained from the several departments, on uniform blanks to be furnished by the City Manager and approved by Council and the Director of Finance shall assist the City Manager in the preparation of such information. Such information shall be furnished in detail for each department, and in such form as Council may from time to time require; and shall contain the recommendations of the City Manager as to the amounts to be appropriated, with the reasons therefor, in such detail as Council may require. (11-2-71)

### SECTION 2. APPROPRIATION ORDINANCE.

Council shall prepare and adopt an appropriation ordinance, in such manner and at such time as may be provided by general law, using the City Manager's estimate as a basis, and such appropriations shall not exceed the estimated revenues of the Municipality.

### SECTION 3. TRANSFER OF FUNDS.

Upon request of the City Manager, Council 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 of money to be made between items appropriated to the same office or department.

### SECTION 4. UNENCUMBERED BALANCES.

At the close of each fiscal year, the unencumbered balance of each appropriation shall revert to the fund from which it was appropriated, and shall be subject to future appropriation. Any accumulated revenue 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 Council to such uses as will not conflict with any uses for which such revenues specifically accrue. No money shall be drawn from the treasury nor shall any obligation for the expenditure of money be incurred, except pursuant to appropriations made by Council.

**SECTION 5. PAYMENT OF CLAIMS.**

No warrant for the payment of any claim shall be issued by the Director of Finance until such claim shall have been approved by the director of the department for which indebtedness was incurred and by the City Manager. Such officers and their sureties shall be liable to the Municipality for any loss or damage sustained by the Municipality by reason of the corrupt approval of any such claim against the Municipality. Whenever any claim shall be presented to the Director of Finance, he shall have power to require evidence that the amount of the claim is justly due; and for that purpose he may summon before him any officer, agent or employee of any department of the Municipality, or any other person, and examine him upon oath or affirmation relative thereto. (11-2-82; 11-2-10)

**SECTION 6. CERTIFICATION OF FUNDS.**

No contract, agreement or other obligation involving the expenditure of money, shall be entered into, nor shall any ordinance, resolution or order for the expenditure of money be passed or issued by the Council or be authorized by any officer of the Municipality unless the Director of Finance shall have first certified in writing to Council, 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, which certificate shall be filed and immediately recorded. The sum so certified shall not thereafter be considered unappropriated until the Municipality is discharged from the contract, agreement or obligation; but the provisions of this section shall not be construed as prohibiting the making of contracts for the furnishing of services or of public utilities for a period extending beyond a single fiscal year when such contracts are otherwise authorized by this Charter or by general law.

**SECTION 7. MONEY IN THE FUNDS.**

All moneys actually in the treasury to the credit of the fund from which they are to be drawn, and all moneys 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 service, products or by-products of any Municipal undertaking, and moneys to be derived from lawfully authorized bonds, sold and in process of delivery, shall, for the purpose of such certificate, be deemed to be in the treasury to the credit of the appropriate fund, and shall be subject to such certification.

**SECTION 8. BOND ISSUES.**

No bonds or notes of the Municipality shall at any time be issued for current operating expenses or for acquisition of any property, asset or improvement of an estimated life or usefulness of less than five years (5 yrs.) but this prohibition shall not be construed as applying to money borrowed in anticipation of the collection of special assessments, or for defraying the expenses of an extraordinary epidemic of disease, or emergency expenses made necessary by sudden casualty which could not reasonably have been foreseen or for paying final judgments upon non-contractual obligations.

**SECTION 9. MATURITIES OF BONDS.**

The maturities of all bonds shall not extend beyond the estimated life of the property, asset or improvement, as certified to Council by the Director of Finance, which certificate shall be on file with Council prior to the passage of any bond ordinance. (11-5-91)

**SECTION 10. TEMPORARY LOANS.**

In anticipation of the collection of current revenues in any fiscal year, the Municipality may borrow money and issue certificates of indebtedness therefor, signed as municipal bonds are signed, but no such loans shall be made to exceed the amount estimated to be actually received from taxes or other current revenues, for such fiscal year, after deducting all advances, nor shall any such loan be made in anticipation of the February tax settlement before January 1 of the year of such tax settlement. The sum so anticipated shall be deemed appropriated for the payment of such certificates at maturity. The certificates shall not run for a longer period than six months (6 mos.) nor bear a greater rate of interest than prevailing interest rates and current market conditions dictate, and shall not be sold for less than the par value thereof with accrued interest.  
(11-2-82)

EDITOR'S NOTE: Article VII, Section 11, Sinking Fund, was repealed November 2, 1971.

**SECTION 11. MONTHLY STATEMENT BY DIRECTOR OF FINANCE.**

The Director of Finance shall prepare for submission to Council, not later than the tenth (10th) day of each month, a summary statement of revenues and expenses for the preceding month, detailed as to appropriations and funds in such manner as to show the exact financial condition of the Municipality and of each department and office thereof as of the last day of the previous month.

**SECTION 12. LIMITATION OF THE RATE OF TAXATION.**

The aggregate amount of taxes that may be levied by the taxing authority of the Municipality without a vote of the people, on any taxable property assessed and listed for taxation according to value, for all the purposes of the Municipality, shall not in any one year (1 yr.) exceed ten (10) mills for each one dollar (\$1.00) of assessed valuation. Of said total maximum levy, an amount shall annually be levied sufficient to pay the interest and retirement charges on all notes and bonds of the Municipality heretofore or hereafter authorized to be issued without the authority of the electors, which levy shall be placed before and in preference to all other levies and for the full amount thereof. Of the remaining portion of said total maximum levy, an amount shall annually be levied sufficient to provide the amounts required by law for police pension and the firemen's indemnity fund; and the balance thereof may annually be levied for the purpose of paying the current operating expenses of the Municipality.  
(5-2-61; 11-2-82)

**SECTION 13. OTHER TAXES.**

The limitation of Section 12 of this Article upon the power of Council to levy taxes shall not operate as a limitation upon the power of Council 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, except that Council shall not raise the income tax in excess of one percent (1%) without a majority vote of the electors.  
(11-2-71)

**SECTION 14. ADDITIONAL LEVIES.**

The authority of Council to submit additional levies to a vote of the people under the authority of the Constitution or laws of the State of Ohio shall not be deemed impaired or abridged by reason of any provision of this Charter.  
(5-4-54)

**SECTION 15. TAX LEVY FOR FIRE DEPARTMENT.**

In addition to the power of Council to levy taxes pursuant to the provisions of Section 12 of Article VII, the Council may also levy annually, without a vote of the people, outside of the constitutional and statutory ten-mill limitation and outside any limitations provided by this Charter, a tax upon all real and personal property listed and assessed for taxation upon the tax lists and duplicates beginning with the year 1994 and each year thereafter a tax not to exceed 2.8 mills for the purpose of paying the costs of capital improvements and current expenses of the Municipality's fire department and providing ambulance, paramedic or other emergency medical services.  
(11-8-94)

**SECTION 16. SAFETY FORCE LEVY.**

In addition to the power of Council to levy taxes pursuant to the provisions of Section 12 of this Article VII of the Bedford City Charter, the Council may also levy, annually, without a vote of the people, outside of the constitutional and statutory ten-mill limitation and outside any limitations provided by this Charter, a tax upon all real and personal property listed and assessed for taxation upon the tax lists and duplicates beginning with tax year 2009, first collected in 2010 and each year thereafter a tax not to exceed 8.9 mills for each dollar of assessed valuation for the purpose of paying the costs and expenses of operating the City's Safety Forces.  
(11-3-09)

**ARTICLE VIII  
FRANCHISES****SECTION 1. GRANTS.**

Council may, by ordinance, grant permission to any individual, company or corporation, to construct and operate a public utility in the streets and public grounds of the Municipality. It may prescribe in the ordinance, the kind and quality of the service or the product to be furnished, the rate or rates to be charged therefor, and any terms and conditions conducive to the public interest, and also the manner in which the streets and public grounds shall be used and occupied. No such grant shall be made for a longer period than twenty-five years (25 yrs.). No measure making a grant, renewal or extension of a franchise or other special privilege, or regulating a rate to be charged for its service by any public utility, shall ever be passed as an emergency measure.

**SECTION 2. RENEWALS.**

Council may, by ordinance, renew any grant, subject, however, to the restrictions in Section 1, for the construction or operation of any utility, at its expiration, upon such terms as may be conducive to the public interest. No such grant shall be renewed earlier than two years (2 yrs.) prior to its expiration unless Council shall, by a vote of at least five (5) of its members, first declare by ordinance its intention of considering a renewal thereof, which ordinance shall be passed at least sixty (60) days prior to the passage of the ordinance granting such renewal.

All such grants and renewals thereof may reserve to the Municipality the right to purchase all the property of the utility in the streets and highways and elsewhere, used in or useful for the purpose of the utility, at a price either fixed in the ordinance or to be fixed in the manner provided by the ordinance making the grant or renewal of the grant. Nothing in such ordinance shall prevent the Municipality from acquiring the property of any such utility by condemnation proceedings or in any other mode, but all such methods of acquisition shall be alternative to the power to purchase reserved in the grant or renewal as hereinbefore provided.

No ordinance making such purchase shall be valid unless it shall expressly provide therein that the price to be paid by the Municipality for the property that may be acquired by it from such utility by purchase, condemnation or otherwise, shall exclude all value of such grant or renewal.

Upon the acquisition by the Municipality of the property of any utility by purchase, condemnation or otherwise, all grants or renewals shall at once terminate.

**SECTION 3. EXTENSION.**

Council may, by ordinance grant to any individual, company or corporation operating a public utility, the right to extend the appliances and service of such utility. All such extensions shall become a part of the aggregate property of the utility and shall be subject to all of the obligations and reserved rights applicable to the property of the utility by virtue of the ordinance providing for its construction and operation.

The right to use and maintain any such extension shall expire with the original grant of the utility to which the extension was made or any renewal thereof.

**SECTION 4. CONSENTS.**

No consent of the owner of property abutting on any highway or public ground shall be required for the construction, extension, maintenance or operation of any public utility by original grant or renewal, unless such public utility is of such a character that its construction or operation is an additional burden upon the rights of the property owners in such highways or public grounds.

**SECTION 5. REGULATIONS.**

All rights granted for the construction and operation of public utilities in the Municipality shall be subject to the continuing right of Council to require such reconstruction, relocation, change or discontinuance of the appliances used by the utility in the streets, alleys, avenues and public grounds of the Municipality as shall, in the opinion of Council, be necessary in the public interest.

In ordering any such reconstruction, relocation, change or discontinuance, Council shall, by ordinance, provide for such alterations in the rates for service and in the terms upon which purchase is authorized to be made by the Municipality as shall be necessary or equitable to protect the owner of the utility against loss of property value.

**ARTICLE IX  
PLANNING COMMISSION AND BOARD OF ZONING APPEALS**

**SECTION 1. ESTABLISHMENT.**

Council shall, within ninety days following January 1, 1932, establish by ordinance a Planning Commission of five members consisting of four electors of the Municipality, to be appointed by Council. Said four members shall be appointed to a term of four years, except that the members first appointed shall be appointed one for a term of one year, one for a term of two years, one for a term of three years, and one for a term of four years. Council may, by ordinance, provide for the compensation of said four members. The person holding the office of Manager shall be the fifth member of said Commission but shall not be eligible to hold the position of Chairperson. The Planning Commission shall designate one of its members as Chairperson on annual basis. (5-7-02; 11-2-10)

**SECTION 2. POWERS.**

The Planning Commission shall have such powers of recommendation and control as may be determined by ordinance of Council, concerning building, design, location, removal, relocation and alteration of any building or structures belonging to the Municipality or located in or on public streets or public property; the location, widening, extension and vacation of streets, parks, park places, playgrounds and other public places, the approval of plats for the subdivision of land, location of railroads and street railways, the zoning of the Municipality for the purpose of regulating the location of trades, industries, apartment houses, dwellings or other uses of property, the height and design of buildings, the percentage of the area of lots which may be occupied by buildings, the area of a lot per family of occupation, the provision of yard space, the fixing of building lines and the preparation of plans for the future physical development and improvement of the Municipality and such other powers as are now or hereafter may be conferred by the general law or by ordinance, provided, however, that existing zoning ordinances shall be continued in full force and effect until repealed or modified by ordinance of Council.

Such Planning Commission may recommend to Council the amending, changing or modifying of said ordinances, including the placing of additional restrictions upon any property or the reducing or abrogating of any present restrictions now imposed thereon by the existing zoning ordinances as duly enacted and amended by Council; provided, further, that any public hearings provided for in said zoning ordinances shall be held before the Planning Commission instead of Council, and all provisions provided by ordinance governing the filing of petitions, consents, notices, protests and proceedings shall apply to said hearings before the Planning Commission.

**SECTION 3. BOARD OF ZONING APPEALS.**

Effective January 1, 1962, all appointments to the Board of Zoning Appeals, which shall be made up of five (5) members, shall be made by a majority vote of Council. All members shall be electors of the Municipality. The terms of office shall be established by ordinance of Council with the provision that present members shall serve until the expiration of their terms; that no member shall hold other public office. The Board of Zoning Appeals shall designate one of its members as Chairperson on an annual basis. (5-2-61; 11-2-10)

**SECTION 4. POWERS AND DUTIES.**

It shall be the duty of the Board of Zoning Appeals:

1. To hear and decide appeals from any regulation, order, decision, requirement or determination made by administrative officials or agents in the application of ordinances governing zoning in the City.
2. To hear and decide applications for special exceptions for any of the uses which, by ordinance, require approval of the Board of Zoning Appeals. In the granting of a special exception, the Board of Zoning Appeals may prescribe such conditions and safeguards as it deems necessary, desirable or appropriate.
3. To hear and decide all appeals made for variances in the application of ordinances governing zoning in the City. No variances in the strict application of the zoning ordinances of the City shall be granted by the Board of Zoning Appeals unless it finds:
  - (a) That there exists practical difficulty or unnecessary hardship, fully described in the findings of the Board, that would deprive the owner of the reasonable use of the land or building involved;

- (b) That there are special circumstances or conditions fully described in the findings of the Board, applying to such land or buildings and not applying generally to land or buildings in the neighborhood, and that said circumstances or conditions are such that strict application of the provisions of the ordinances of the City would deprive the applicant of the reasonable use of such land or building.
  - (c) That, for reasons fully set forth in the findings of the Board, the granting of the variance is necessary for the reasonable use of the land or building and that the variance granted by the Board is the minimum variance that will accomplish this purpose.
  - (d) That the granting of the variance will be in harmony with the general purpose and intent of the ordinances of the City and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
4. To do and perform such other duties and functions as may be imposed upon it by this Charter or the ordinances or resolutions of Council. (5-2-61; 11-2-82)

#### SECTION 5. DECISIONS OF THE BOARD OF ZONING APPEALS.

Decisions of the Board of Zoning Appeals will take effect only after two (2) meetings of Council. Any decision may be appealed to Council within thirty (30) days. (11-2-82)

#### SECTION 6. BOARD OF BUILDING STANDARDS AND APPEALS.

The Council shall establish a separate Board of Building Standards and Appeals of such membership and for such terms as it may determine. All members shall be electors of the Municipality. The Board of Building Standards and Appeals shall designate one of its members as Chairperson on an annual basis. (11-2-82; 11-2-10)

### ARTICLE X CIVIL SERVICE COMMISSION

#### SECTION 1. COMPOSITION.

The Civil Service Commission shall consist of five (5) electors of the Municipality, not holding other public office, to be appointed by Council, the vote of a majority of all members of Council being required. (11-2-73)

#### SECTION 2. TERM.

The members of said Civil Service Commission shall serve for a term of three years. Council may, by ordinance, provide for the compensation of such members. Members of the existing Civil Service Commission shall continue in office as though appointed in accordance with the provisions of this Section and as their terms expire their places shall be filled by Council for a three year term. Any vacancy shall be filled by Council for the remainder of the unexpired term of such Commissioner. The Commission shall designate one of its members as Chairperson and the Director of Finance shall serve as secretary. (5-7-02; 11-2-10)

**SECTION 3. CLASSIFICATION.**

The civil service is hereby divided into the "unclassified" and the "classified" service.

- (1) The unclassified service shall include:
  - (a) All officers elected by the people or persons appointed to fill vacancies in such elective office.
  - (b) All directors of departments established under this Charter or created by ordinance of Council as permitted hereunder, other than their functional equivalents in the Department of Public Safety, and the assistant director to each of said directors, and any secretary to each of said directors and assistant directors.
  - (c) The members of all boards or commissions, appointed by the Manager, the Mayor or City Council.
  - (d) The Clerk of Council, the Secretary of the Civil Service Commission, and any employee of the Municipal Court.
  - (e) Unskilled labor.
- (2) The classified service shall comprise all positions not specifically included in this Charter in the unclassified service. (11-7-00)

**SECTION 4. RULES.**

The Commission shall prescribe and enforce rules for the classified service, keep a record of its proceedings and examinations which shall be open to the public inspection and shall, in all matters not in conflict with this Charter, conduct its affairs in accordance with the provisions of the general law. (5-2-61; 11-2-82)

**SECTION 5. APPROPRIATION.**

A sufficient sum shall be appropriated each year by Council to carry out the civil service provisions of this Charter.

EDITOR'S NOTE: Article X, Section 6, Suspension, was repealed November 2, 1971.

## **ARTICLE XI APPROPRIATION OF PROPERTY**

**SECTION 1. POWERS.**

Property within the corporate limits of the Municipality may be appropriated for any public or Municipal purpose and subject only to the limitations thereon imposed by the Constitution of the State. Said appropriation shall be made in the manner herein provided. By such appropriation the Municipality may acquire a fee simple title or any less estate, easement, or use. The Municipality also may acquire more property than is necessary for the particular public or Municipal purpose, and may later sell the unused portion of said property if such sale is deemed advisable.

Appropriation of property located outside of the corporate limits of the Municipality shall be made in the manner provided by general law.

**SECTION 2. RESOLUTION OF COUNCIL.**

When it is deemed necessary to appropriate property, Council shall adopt a resolution by a vote of five (5) of the members, declaring such intent, defining the purpose of the appropriation, setting forth a pertinent description of the property and the estate or interest therein desired to be appropriated.

**SECTION 3. NOTICE.**

Immediately upon the adoption of such resolution, for which but one (1) reading shall be necessary, the Clerk of Council shall cause written notice thereof to be given to each owner, person in possession thereof or having an interest or record in every piece of land sought to be appropriated, or to his authorized agent, and such notice shall be served by a person designated for the purpose, and return made in the manner provided by law for the service and return of summons in civil actions. If such owner, person or agent cannot be found within Cuyahoga County, notice shall be given by publication once a week, for three (3) consecutive weeks, in a newspaper of general circulation in the Municipality, and Council may thereupon pass an ordinance by an affirmative vote of five (5) of its members, directing such appropriation to proceed.

**SECTION 4. APPLICATION TO COURT.**

Upon the passage of said ordinance the Director of Law shall make application to a court of competent jurisdiction or a judge thereof in vacation, which application shall describe the land or other property to be appropriated, the interest or estate therein to be taken, the object for which the land is desired, and the name of the owner of each lot or parcel thereof, and all the subsequent proceedings with regard thereto shall be in the manner provided by general law for the appropriation of property by municipal corporations in this State.

**ARTICLE XII  
BEDFORD MUNICIPAL HOSPITAL**

EDITOR'S NOTE: Former Article XII was repealed by voters on November 7, 2000.

### ARTICLE XIII MISCELLANEOUS PROVISIONS

#### SECTION 1. CONTINUANCE OF PRESENT OFFICERS.

All persons who are officers, appointees or employees of the Municipality at the time this Charter goes into effect 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, appointee or employee shall expire.

The powers which are conferred and the duties which are imposed upon any officer, appointee, employee, commission, board or department of the Municipality under the laws of the State shall, if such office or department is abolished by this Charter, be thereafter exercised and discharged by the officers, board or department upon whom are imposed corresponding functions, powers and duties hereunder.

#### SECTION 2. OATH OF OFFICE.

Every officer of the City shall, before assuming the duties of office, take and subscribe to an oath or affirmation to support the Charter, Codified Ordinances and Resolutions of the City and faithfully, honestly and impartially discharge the duties of the office. This oath shall be filed in the office of the Clerk of Council. (11-5-91)

#### SECTION 3. CONTINUANCE OF CONTRACTS.

All contracts entered into by the Municipality prior to the taking effect of this Charter are continued in full force and effect. All public work begun prior to the taking effect of this Charter, shall be continued and perfected hereunder. All public improvements for which legislative steps have been taken under law, in force at the time of the adoption hereof, may be carried to completion in accordance with the provisions of such laws. All ordinances and resolutions in force at the time of the taking effect of this Charter, not inconsistent with its provisions, shall continue in force until amended or repealed.

#### SECTION 4. AMENDMENTS.

Amendments to this Charter may be submitted to the electors of the Municipality by a vote of two-thirds (2/3) of the members of Council, or upon petitions signed by ten per centum (10%) of the electors of the Municipality, setting forth any such proposed amendment, shall be submitted by Council. The submission of a proposed amendment to the electors shall be governed by the requirements of Article 18, Sections 8 and 9, of the Constitution of the State of Ohio, as to the submission of the question of choosing the Charter Commission and copies of the proposed amendment shall be published in accordance with the Constitution and laws of the State of Ohio for proposed Charters.

If any such amendment is approved by a majority of the electors voting thereon, it shall become a part of the Charter of the Municipality.

A copy of said Charter or any amendment thereto, shall be certified to the Secretary of State, within thirty (30) days after adoption.

Council from time to time may re-number any article or section of this Charter to provide for ease of understanding or logical sequence. Such re-numbering shall not amend or change in any manner the terms of this Charter. (11-2-71; 11-2-82)

**SECTION 5. WHEN CHARTER SHALL TAKE EFFECT.**

For the purpose of establishing the departments, divisions and offices, and distributing the functions thereof, and for all other purposes including the exercising of the powers of the Municipality as provided herein, this Charter shall become effective the first (1st) day of January, 1932.

If any section or part of a section of this Charter shall be held to be invalid or unconstitutional by a Court of competent jurisdiction, 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 6. CHARTER REVIEW COMMISSION.**

Commencing with the month of January, 1982, and at least every ten years (10 yrs.) thereafter, Council shall appoint a commission of eleven (11) qualified electors of the Municipality to constitute a Charter Review Commission. The Commission shall review the Charter and propose for adoption not less than one hundred and twenty (120) days prior to the next November election, any alterations, revisions or amendments which the Commission deems advisable. Each proposal shall be submitted to the electorate unless rejected by a vote of five (5) or more members of Council. Such proposals shall be filed with the Board of Elections by Council and shall appear on the next November ballot. Each such Charter Review Commission shall cease to function on the day of the next November election following its appointment. Council may also appoint such Commission from time to time as they deem advisable. The members of the Commission shall serve without compensation, but Council shall provide for the payment of reasonable expenses.  
(11-2-82)

**SECTION 7. SINGULAR AND PLURAL; GENDER; AND TENSE.**

Unless otherwise provided by this Charter or unless the context otherwise requires: the singular includes the plural, and the plural includes the singular; words of one gender include the other genders; and words in the present tense include the future.  
(11-5-91)