

CHARTER
OF THE CITY OF
YOUNGSTOWN

TABLE OF CONTENTS

CHARTER

EDITOR'S NOTE: The Youngstown Charter was approved by the voters on May 15, 1923. Dates appearing in parentheses following sections indicate those sections were subsequently amended, added or repealed on the dates given.

PREAMBLE

- Section 1. (11-4-86)
- Section 2. (11-4-86)
- Section 3.

THE MAYOR

- Section 4. (11-4-03)

COUNCIL

- Section 5. (11-4-03)

PRESIDENT OF COUNCIL

- Section 6. (11-4-03)
- Section 6-1. (11-4-03)
- Section 6-1A. (11-7-33)

MEETING OF COUNCIL

- Section 7. (11-4-03)

COUNCIL CLERKS AND EMPLOYEES

- Section 8.

DEPARTMENTAL OFFICERS AND EMPLOYEES

- Section 9.

COMPENSATION OF OFFICERS AND EMPLOYEES

- Section 10.

EMERGENCY MEASURES

Section 11.
Section 12. (11-3-25)

MAYOR'S VETO

Section 13. (11-4-03)
Section 14.
Section 15.

ORDINANCES

Section 16.

MAYOR'S RIGHT IN COUNCIL; DEPARTMENTAL HEADS

Section 17.

SALARIES

Section 18. (11-4-03)
Section 19.

ADMINISTRATIVE DEPARTMENTS

Section 20. (11-5-57)
Section 21. (11-4-03)
Section 22. (11-5-57)

DEPARTMENT OF LAW

Section 23. (11-4-03)

DEPARTMENT OF FINANCE

Section 24. (11-4-03)

DIRECTOR OF FINANCE

Section 25. (11-4-03)
Section 26. (11-4-03)

DEPARTMENT OF PUBLIC WORKS

Section 27. (11-5-35)

DIVISION OF ENGINEERING, CONSTRUCTION, MAINTENANCE AND REPAIRS

Section 28. (11-4-03)
Section 29. (11-4-03)

DIVISION OF PUBLIC BUILDINGS AND GROUNDS

Section 30. (11-4-03)

PARK AND RECREATION COMMISSION

Section 31. (11-5-35)

Section 32. (11-4-86)
Section 33. (11-4-03)
Section 34. (11-5-35)
Section 35. (11-4-03)
Section 36. (11-5-35)
Section 36-a. (11-5-35)
Section 36-b.
Section 37. (11-5-57)
Section 38. (11-5-57)
Section 39. (11-5-57)
Section 40. (11-5-57)

HEALTH AND PUBLIC WELFARE

Section 40-1.
Section 40-2.
Section 40-3. (11-4-86)
Section 40-4. (11-4-03)
Section 40-5.
Section 40-6.
Section 40-7.

DIVISION OF CHARITABLE AND CORRECTIONAL INSTITUTIONS

Section 41. (11-4-86)

DIVISION OF EMPLOYMENT

Section 42. (11-4-86)

DEPARTMENT OF WATER AND OTHER PUBLIC UTILITIES

Section 43. (11-4-03)
Section 44.

COMMISSIONER OF WATER

Section 45. (11-4-03)
Section 46. (11-7-35)
Section 47. (11-7-35)

DEPARTMENT OF POLICE

Section 48.
Section 49.

DEPARTMENT OF FIRE

Section 50.

PENSIONS OF POLICEMEN AND FIREMEN

Section 51. (11-4-86)

CIVIL SERVICE

Section 52. (11-4-03)

Section 53. - Section 68. (11-7-33)

NOMINATIONS AND ELECTIONS

Section 69. (11-4-41)

Section 70. (11-4-41)

Section 71. (11-7-33)

Section 72. (11-7-33)

Section 73. (11-4-41)

THE RECALL

Section 74. (11-4-03)

Section 75. (11-4-03)

Section 76. (11-4-03)

Section 77.

Section 78.

Section 79. (11-4-03)

Section 80.

Section 81.

INITIATIVE AND REFERENDUM

Section 82.

DIVISION OF CITY INTO WARDS

Section 83.

BOARD OF SINKING FUND TRUSTEES

Section 84.

CITY PLANNING COMMISSION

Section 85. (11-5-35)

ADMINISTRATIVE COUNCIL

Section 86.

Section 87. (11-4-03)

NEW DEPARTMENTS OR DIVISIONS

Section 88.

BUDGET ESTIMATE

Section 89.

PUBLIC HEARINGS

Section 90.

Section 91.

APPROPRIATIONS

Section 92. (11-4-03)

Section 93.

Section 94.

SPECIAL ASSESSMENTS

Section 95.

Section 96.

Section 97.

Section 98.

Section 99.

Section 100.

Section 101.

Section 102. (11-4-03)

Section 103.

Section 104.

Section 105.

Section 106.

CONTRACTS PRIOR TO CHARTER

Section 106.

CERTIFICATION OF CONTRACTS AS TO FUNDS IN TREASURY

Section 107.

Section 108.

CONTRACTS-WHEN VOID

Section 109. (11-4-03)

Section 110.

CONTRACTS-HOW LET

Section 111. (11-2-93)

ALTERATIONS OR MODIFICATIONS IN CONTRACTS

Section 112.

INTEREST IN CONTRACTS OR SUPPLIES

Section 113. (11-4-03)

Section 114.

HOURS OF LABOR

Section 115. (11-4-03)

OFFICIAL TIME

Section 115-1. (5-6-58)

Section 116. (11-7-33)

GENERAL PROVISIONS

Section 117.

Section 118.

Section 119.

Section 120. (5-2-72)

CONSTITUTIONALITY

CHARTER

PREAMBLE

We, the people of the City of Youngstown, in order to secure and exercise the powers of local self-government under the Constitution of the State of Ohio, do enact and ordain this Charter.

Section 1. The inhabitants of the City of Youngstown, as its limits now are, or may hereafter be, shall continue to be a body politic and corporate, by name the City of Youngstown, and as such shall have perpetual succession.

It shall have all powers that now are, or hereafter may be granted to municipalities by the Constitution or laws of Ohio; and all such powers, whether expressed or implied, shall be exercised and enforced in the manner prescribed by this Charter, or when not prescribed herein, in such manner as shall be provided by ordinance or resolution of the Council. In the absence of such provisions as to any power, such power shall be exercised in the manner now or hereafter prescribed by the general laws of the State, applicable to municipalities.

The reference herein to a person as he or him shall also include she or her.
(Amended November 4, 1986.)

Section 2. The enumeration of particular powers by this Charter shall not be held or deemed to be exclusive, but in addition to the powers enumerated herein, implied thereby or appropriate to the exercise thereof, the City shall have, and may exercise all other powers which, under the Constitution and laws of Ohio, it would be competent for this Charter specifically to enumerate.

A Charter Review Committee will be convened by the Mayor every four (4) years to review and consider recommending amendments to the Charter. (Amended November 4, 1986.)

Section 3. The executive and administrative powers of the City shall be vested in the Mayor, heads of Departments and other officers provided for in this Charter.

THE MAYOR

Section 4. The Mayor shall be the chief executive officer of the City. The Mayor shall be eligible to be elected for a maximum of two complete, consecutive terms of four years each. The Mayor will be eligible for election after an intervening term. The Mayor shall not hold any other public office, except that of notary public. The Mayor shall be an elector and resident of the City for the five years immediately preceding the Mayor's election, and not less than thirty years of age. The Mayor shall appoint and may remove the heads of all departments, except as otherwise provided in this Charter. The Mayor shall exercise such powers and perform such duties as are conferred or required by this Charter or the laws of the State insofar as they are consistent with this Charter. (Amended November 4, 2003)

COUNCIL

Section 5. The legislative power of the City, except as reserved to the people by this Charter, by means of the initiative and referendum, shall be vested in a council of seven members, elected by wards, one from each ward, and for a maximum of two (2) complete consecutive terms of four (4) years each. A Councilperson will be eligible for election after an intervening term. A Councilperson shall be an elector of the ward from which the Councilperson is elected and of not less than twenty-one years of age. (Amended November 4, 2003)

PRESIDENT OF COUNCIL

Section 6. The President of Council shall be elected by the people for a maximum of two (2) complete consecutive terms of four (4) years each. The President of Council will be eligible for election after an intervening term, commencing on the first day of January next after the President of Council's election, and shall serve until the President of Council's successor is elected and qualified. Qualifications for the President of Council shall be the same as those required for Mayor. (Amended November 4, 2003)

Section 6-1. When the Mayor is absent from the City, or is unable for any cause, to perform the Mayor's duties, the President of Council shall be the acting Mayor. While the President of City Council is acting as Mayor, the President of Council shall not serve as President of Council. (Amended November 4, 2003)

Section 6-1A. In case of the death, resignation or removal of the Mayor, the President of Council shall become the Mayor and serve for the unexpired term, and until the successor is elected and qualified. Thereupon the President pro tem of Council shall become President thereof, and shall have the same rights, duties and powers as the President whom the President pro tem succeeds. The vacancy thus created in Council shall be filled as other vacancies and Council shall elect another President pro tem. (Added November 7, 1933)

MEETINGS OF COUNCIL

Section 7. At eight o'clock P. M. on the first Monday in January, following a regular municipal election, the Council shall meet at the usual place for holding meetings,

at which time the newly elected Councilpersons shall assume the duties of their office. Thereafter the Council shall meet at such times as may be prescribed by ordinance or resolution. The Mayor, the President of the Council, or any three members thereof, may call special meetings of the Council upon at least twelve hours' written notice to each member of the Council, served personally on each member or left at the Councilperson's usual place of residence. Such notice shall state the subjects to be considered at the meeting and no other subjects shall be then considered unless all members of Council are present. All meetings of the Council or committees thereof shall be public unless an executive session is held for one of the reasons set forth in Ohio Revised Code 121.22(G) and any citizen shall have access to the minutes and records at all reasonable times. (Amended November 4, 2003)

COUNCIL CLERKS AND EMPLOYEES

Section 8. The Council shall appoint a clerk, who shall be known as the City Clerk, and such other officers and employees of Council as may be necessary. The City Clerk shall keep the records of the Council and perform such other duties as may be required by this Charter or by the Council. Such Clerk shall serve during the pleasure of the Council. Council shall exercise no power of appointment except as herein expressly provided.

DEPARTMENTAL OFFICERS AND EMPLOYEES

Section 9. Except as herein otherwise provided, Council shall by ordinance determine the number of officers and employees in each Department of the City Government.

COMPENSATION OF OFFICERS AND EMPLOYEES

Section 10. Subject to the provisions of this Charter, Council shall fix by ordinance, the salary or compensation of all officers and employees of the City government, and all fees pertaining to any office shall be paid into the City Treasury.

EMERGENCY MEASURES

Section 11. All ordinances and resolutions shall be in effect from and after thirty (30) days from the date of their passage by the Council except as otherwise provided in this Charter. The Council may, by a vote of six of its members, pass emergency measures to take effect at the time indicated therein. An emergency measure is an ordinance or resolution necessary for the immediate preservation of the public peace, property, health, or safety.

Section 12. Ordinances appropriating money may be passed as emergency measures, but no measure making a grant, renewal or extension of a franchise or other special privilege, or regulating the rate to be charged for its service by any public utility, shall ever be so passed; nor shall any ordinance, resolution or any other measure ever be

passed providing for the levying or assessing of an occupational tax, upon the various trades, professions, occupations, businesses or employments carried on and performed in the City of Youngstown, without having first submitted such ordinance, resolution, or other measure providing therefor, to a vote of the electors of the City of Youngstown, and having been approved by a majority of the electors voting thereon. (Amended November 3, 1925)

MAYOR'S VETO

Section 13. Any ordinance or resolution passed by the Council shall be signed by the President or President Pro Tempore, and be presented forthwith to the Mayor by the City Clerk. If the Mayor approves such ordinance or resolution, the Mayor shall sign it within ten days after its passage or adoption by the Council, but, if the Mayor does not approve it, the Mayor shall within ten days return it, together with the Mayor's objections, to the City Clerk, who shall transmit the same to the Council at the next regular meeting thereof, which objections the Council shall cause to be entered in full on its journal. The Mayor may approve or disapprove the whole or any item or part of an ordinance or resolution appropriating money. If the Mayor does not sign or disapprove an ordinance or resolution after its passage or adoption, within the time specified, it shall take effect in the same manner as if the Mayor had signed it. (Amended November 4, 2003)

Section 14. When the Mayor refuses to sign an ordinance or resolution, or part thereof, and returns it to Council with his objections, the Council shall, after the expiration of not less than one week, proceed to reconsider it; and, if upon reconsideration, the ordinance or resolution, or part or item thereof, disapproved by the Mayor, be approved by the Council by a two-thirds vote of all members thereof; it shall take effect without the signature of the Mayor; provided, however, that no ordinance or resolution providing for the expenditure of more than Five Thousand (\$5,000.00) Dollars, which has been disapproved by the Mayor, shall take effect after such reconsideration and approval by such two-thirds vote, unless it shall be submitted by Council to a referendum of the electors of the City at the next general election held throughout the City, more than sixty (60) days thereafter, and be approved by a majority of those voting thereon.

Section 15. Any ordinance or resolution providing for the expenditure of more than Five Thousand (\$5,000.00) Dollars, which has been passed by Council, disapproved by the Mayor, and reconsidered by Council, and approved by a two-thirds vote of all members thereof, as provided in the preceding Section, may by resolution of Council be submitted to a referendum of the electors of the City at the next general election held throughout the City, more than sixty (60) days thereafter; and, if approved by a majority of those voting thereon, shall take effect upon the official determination of the result of such election.

ORDINANCES

Section 16. Filing and Publication. Every ordinance or resolution, upon its final passage, shall be recorded in a book kept for that purpose, and shall be authenticated by the signature of the City Clerk. Every ordinance or resolution of a general nature, or providing for public improvements, or assessing property, shall, upon its final passage, be promptly published one time in a newspaper of general circulation throughout the City. In lieu of such publication the Council may provide for the publication of a City Bulletin in which such publication may be made and in which all other publications may be made which are required by this Charter or the Revised Code.

In the publication of an ordinance or resolution it shall be sufficient to state the title and the substance thereof, together with the fact that a complete copy thereof is on file and may be seen at the office of the City Clerk.

MAYOR'S RIGHT IN COUNCIL; DEPARTMENTAL HEADS

Section 17. The Mayor and Heads of Departments shall be entitled to seats in the Council, but shall have no vote therein. The Mayor shall have the right to introduce ordinances, and take part in the discussion of all matters coming before the Council; and the Heads of Department shall be entitled to take part in all discussions in Council relating to their respective Departments.

SALARIES

Section 18. Each member of the Council except the President shall receive a salary of Six Hundred (\$600.00) Dollars a year, and the President shall receive a salary of Nine Hundred (\$900.00) Dollars a year, payable in equal monthly installments; provided, however, that for each absence of a Councilperson from a regular meeting of the Council there shall be deducted Twelve (\$12.00) Dollars from the Councilperson's salary.

The salary of Mayor shall be set by ordinance of Council; the Mayor must be the highest paid elected official, i.e., higher than the City's share of the Municipal Judges and Clerk of Courts salaries. The Mayor's salary shall be payable in equal bi-weekly installments. The salary for the other members of the Board of Control shall be eighty percent (80%) of the Mayor's salary. Such ordinance shall be passed prior to the beginning of the term of the Mayor to be affected thereby. (Amended November 4, 2003.)

Section 19. Except as otherwise provided in this Charter, the powers, duties and procedure of the Council shall be as provided by the Revised Code.

ADMINISTRATIVE DEPARTMENTS

Section 20. The following Administrative Departments are hereby created:

- (1) The Department of Law.
- (2) The Department of Finance.
- (3) The Department of Public Works.
- (4) The Department of Water and other Public Utilities.

- (5) The Department of Police.
 - (6) The Department of Fire.
- (Amended November 5, 1957.)

Section 21. The Mayor shall be ex-officio Director of the Department of Public Works, and the Department of Water and other Public Utilities.

The Mayor shall appoint a Director of Finance, Law Director, Chief of the Fire Department, Chief of the Police Department, the Commissioner of Water, Commissioner of Engineering and Commissioner of Public Buildings, each of whom shall serve until removed by the Mayor and until a successor is appointed and qualified.

The Director or Chief of each Department shall have the supervision and control of the Department, the disposition and performance of its business, and the custody and preservation of the books, records, papers and property of the Department.
(Amended November 4, 2003.)

Section 22. The work of the several departments shall be distributed among such divisions thereof as are established by this Charter. There shall be a Commissioner or head to each division, who shall be appointed and may be removed by the Director of the Department with the concurrence of the Mayor. The Commissioner or head of each Division with the approval of the Director of the Department, shall appoint and may remove all officers and employees therein. The number of employees in each department and division thereof, and the salary or wages paid to each shall be fixed by ordinance of Council upon the recommendation of the Mayor. Except Department Heads, Commissioners or Heads of Divisions, all employees shall be selected and employed pursuant to the Civil Service provisions of this Charter. Nothing herein contained shall apply to the Board of Health, or its employees, or the Health Commissioner.
(Amended November 5, 1957.)

DEPARTMENT OF LAW

Section 23. The City Law Director shall be the head of the Department of Law. The City Law Director shall be an Attorney at Law, and shall have been in actual practice in the State of Ohio, not less than five years. The City Law Director shall be the legal adviser of and attorney and counsel for the City, and for all officers thereof in matters relating to their official duties. Except as otherwise provided in this Charter, the City Law Director shall possess the powers and perform the duties prescribed by the Revised Code. The City Law Director's salary shall be payable in equal bi-weekly installments. Said salary may be changed by the Council, but not during the term of the City Law Director to be affected thereby.
(Amended November 4, 2003.)

DEPARTMENT OF FINANCE

Section 24. The Director of Finance shall be the head of the Department of Finance. The Director of Finance shall be appointed by the Mayor and shall be confirmed by Council or Council must show cause why the Director of Finance should

not be confirmed. The Finance Director shall serve at the pleasure of the Mayor. The Director of Finance shall serve until a successor is appointed and qualified. The Director of Finance shall give such bond for the faithful discharge of the duties as the Council may by ordinance require. The Director of Finance's duties shall include the keeping and supervision of all accounts, the collection and custody of all public money of the City, except funds and accounts of the Board of Education, and such other duties as may be provided by this Charter or by ordinance of Council.

All public money coming into the Director of Finance's hands shall be deposited each day in such bank or banks as the Council may designate by ordinance; and all disbursements of public money shall be by check, showing the name of the payee and the purpose for which the money is paid. The Director of Finance shall keep a record of all checks issued by the Director of Finance, the name of the payee, and the purpose for which the money was paid.

No check shall be issued for the payment of any claim, unless such claim be evidenced by a voucher approved and countersigned by the head of the Department for which the indebtedness was incurred.

The Finance Committee of Council shall make an examination of the books and accounts of the Director of Finance at least once each year, and Council may by resolution order an examination of such books and accounts by the Finance Committee at any time.

(Amended November 4, 2003.)

DIRECTOR OF FINANCE

Section 25. The Director of Finance shall devise, install and maintain an accounting system, adequate to report in detail all financial transactions of the City, and each of the Departments, and prescribe the method of accounting by all Departments.

The Director of Finance shall have power to investigate the financial transactions of any officer or Department at any time, and may administer oaths and compel the attendance of witnesses and the production of books and papers in such investigation.

(Amended November 4, 2003.)

Section 26. The Director of Finance shall be the Purchasing Agent of the City, and shall, in the manner provided by ordinance, make all purchases for the City, have charge of the storage and distribution of supplies, sell any property, real or personal, of the City, not needed for public use or that may have become unsuitable for use, or that may have been condemned as useless by a Director of a Department, except as otherwise provided in this Charter.

The salary of the Director of Finance shall be payable in equal bi-weekly installments. Said salary may be changed by the Council, but not during the term of the City Finance Director to be affected thereby. (Amended November 4, 2003.)

DEPARTMENT OF PUBLIC WORKS

Section 27. The Department of Public Works shall consist of the following Divisions:

- (1) Engineering, Construction, Maintenance and Repair.
- (2) Public Buildings and Grounds.
- (3) Building, Plumbing and Wiring Inspection.

(Amended November 5, 1935.)

DIVISION OF ENGINEERING, CONSTRUCTION, MAINTENANCE AND REPAIRS

Section 28. The Division of Engineering, Construction, Maintenance and Repairs, shall be in charge of a Commissioner of Engineering, who shall be the Chief Engineer of the City, and shall be the Deputy Director of Public Works. The Commissioner of Engineering shall manage and supervise all public improvements, works and undertakings of the City except as otherwise provided in this Charter. The Commissioner of Engineering shall have charge of the construction, improvement, repair and maintenance of streets, sidewalks, alleys, lanes, bridges, viaducts and other public highways; of drains, ditches, culverts, streams and water courses; the Commissioner of Engineering shall have charge of the collection and disposal of garbage; the Commissioner of Engineering shall manage and control municipal market houses, and public utilities supported in part or in whole by taxation; the Commissioner of Engineering shall enforce all the obligations of privately owned or operated public utilities enforceable by the City. The Commissioner of Engineering shall have charge of the making and preservation of surveys, maps, plans and drawings and estimates for all public work; the cleaning, flushing and lighting of streets and public places; the preservation of contracts, papers, plans, tools and appliances belonging to the City and pertaining to the functions of this Department.

(Amended November 4, 2003.)

Section 29. The Mayor shall have supervision of the Division of Building, Plumbing and Wiring Inspection, and the collection of Inspection fees; and the Mayor shall, in the manner provided in this Charter or by ordinance, appoint inspectors and provide rules and regulations for their administration. (Amended November 4, 2003.)

DIVISION OF PUBLIC BUILDINGS AND GROUNDS

Section 30. The Division of Public Buildings and Grounds shall be in charge of a Commissioner of Public Buildings, who shall have supervision of all buildings, and grounds in connection therewith, owned, controlled or leased by the City and used for public affairs, except as otherwise provided in this Charter. The Commissioner of Public Buildings shall provide the necessary labor and supplies for such buildings and grounds and shall have charge of the maintenance, improvement and repair of all such City owned, controlled or leased buildings, and shall make, with the approval of the Mayor, such rules and regulations as are necessary for their conduct and operation.

The Commissioner of Public Buildings shall act as custodian of the City Building, the Central Police Station, and such other public buildings as may be hereafter acquired by the City.

(Amended November 4, 2003.)

PARK AND RECREATION COMMISSION

Section 31. That there be, and there is hereby created, a Park and Recreation Commission for the City of Youngstown, to be known as the "Park and Recreation Commission".

(Amended November 5, 1935.)

Section 32. Appointments, qualifications, tenure of office, compensation. The Park and Recreation Commission shall consist of five (5) members, one of whom shall be appointed by the Mayor of the City of Youngstown for a term of four years, one by the Council of the City of Youngstown for a term of two years, one by the Board of Education of the City of Youngstown for a term of three years, two by the Judges of the Court of Common Pleas of Mahoning County or by a majority of such Judges in joint session for terms of one and five years respectively. At least one of the two appointees of the Common Pleas Judges shall be a woman. The successors to the original members of the Park and Recreation Commission shall be appointed for terms of five years by the same appointing authorities. Upon the death or resignation of a commission member, the appointing authority of the member whose tenure of office has been so terminated shall appoint a successor to fill the unexpired term. If any of the appointing authorities fail to make necessary appointments within one month after a vacancy occurs, the Mayor shall, with the approval of Council, make the necessary appointments. No person holding office under the authority of the United States or any state, county, school or city government shall serve as a member of the Park and Recreation Commission, but this provision shall not extend to notaries public. Members of the Park and Recreation Commission shall serve without compensation. All appointees to boards and commissions authorized by the Charter shall serve no more than two (2) complete consecutive terms of office. They will be eligible for appointment after an intervening term. (Amended November 4, 1986.)

Section 33. Powers and Duties of Commission. The Park and Recreation Commission shall have control of all public parks, parkways, lakes, water parks, municipal squares, golf courses, improved and unimproved grounds surrounding public buildings (except school buildings), playgrounds, athletic fields, swimming centers, indoor recreation centers, municipal camps or recreation facilities on any public grounds or buildings, either within or without the City, now owned or hereafter acquired by the City for park and recreation purposes, and of the management, supervision and maintenance thereof; it shall have the power, with the consent of the School Board, to organize and conduct play and recreational activities on grounds and in buildings under control of the School Board and to aid in the beautification of school grounds, provided that nothing in this Section shall be construed to abridge the power of the School Board to refuse the use of any of its grounds or buildings; it shall have the power to take charge

of and use for park and recreation purposes any grounds, places, buildings or facilities which may be offered, either temporarily or permanently, by individuals or corporations or other persons whomsoever; it may in the name of the City take and hold by purchase, devise, bequest or otherwise such real and personal property as may be needful for carrying out the intents and purposes for which it is established; it shall recommend to the City Council the institution of condemnation proceedings whenever in its judgment private property should be taken in the name of the City for the purpose of the Park and Recreation Commission; it may with the approval of the City Council purchase, sell, convey or lease lands and buildings whenever required by the park and recreational interests of the City, and all proceeds from such sales or leases shall be deposited in the City Treasury to the credit of the Park and Recreation Fund; it shall have the power for and on behalf of the City to receive donations, legacies or bequests for the improvement or maintenance or operation of parks and other recreation areas and facilities, or for the acquirement of park and recreation areas, and all moneys that may be derived from such donations, legacies or bequests shall, unless otherwise provided by the terms of such donations, legacies or bequests, be deposited in the City Treasury to the credit of the Park and Recreation Fund. Funds shall not be withdrawn from the Park and Recreation Fund except upon the requisition of the Park and Recreation Commission to the Director of Finance.

The Park and Recreation Commission may make any contract, or purchase supplies or material, or provide labor for any work for the purpose of carrying out its powers or duties. In event any expenditure, other than the compensation of persons employed by the Park and Recreation Commission exceeds One Thousand Dollars (\$1,000.00) the Park and Recreation Commission shall be subject to the provisions of general law as to advertisement of contracts in excess of limitations fixed by law. Such contracts shall not be subject to the approval of the Board of Control, nor to the provisions of the Charter of the City of Youngstown as adopted May 15, 1923.

The Commission shall exercise supervision and control over the planting and care of all trees, plants and shrubs of any kind in the public parks, parkways and other recreation grounds under its jurisdiction, as well as on or in the streets, boulevards and sidewalks of the City. (Amended November 4, 2003.)

Section 34. Appointment of Employees; rules and regulations. The Park and Recreation Commission shall have authority to appoint superintendents, instructors, foresters, gardeners, foremen, laborers, and other officers and assistants; prescribe and fix their duties, authority, compensation and qualifications as to training, experience, residence or otherwise; it shall have power to establish rules and regulations for the conduct of its officers and employees and may require adequate bonds from any or all of them, ex-cept laborers, for the faithful performance of their duties in such amounts as may be fixed by it; such bonds shall be approved by the City Council and filed in the office of the City Clerk. It shall have the power to formulate and adopt rules and regulations for the government of parks, parkways, playgrounds, recreation centers and other recreation places and for activities conducted therein or thereon not inconsistent with the laws of the State of Ohio. It shall have the management and disposal of all funds legally apportioned or received from any source for carrying out the purpose hereof. The Park and Recreation Commission shall hold regular meetings at least once a month and

shall establish rules and regulations for its government and for the performance of its duties.

(Amended November 5, 1935.)

Section 35. Deposit of funds; charges for use. All moneys received by the City from taxation, or otherwise, for the purpose of acquiring, controlling, equipping, operating and maintaining all public parks, parkways, lakes, water parks, municipal squares, golf courses, improved and unimproved grounds surrounding public buildings (except school buildings), playgrounds, athletic fields, swimming centers, indoor recreation centers, municipal camps or recreation facilities on any public grounds or buildings, either within or without the City, now owned or hereafter acquired by the City for park and recreation purposes, shall be deposited in the City Treasury and transferred to the credit of the fund designated the "Park and Recreation Fund". In addition to any sum or sums of money received for use by the Park and Recreation Commission, as aforesaid, said Commission shall have the right to make reasonable charges for the use of any recreation area or facility under its control, and all receipts and revenues arising from such charges for the use of any recreational areas and facilities shall be deposited in the City Treasury to the credit of the Park and Recreation Fund. (Amended November 4, 2003.)

Section 36. Bond issue. When the Park and Recreation Commission deems it necessary to issue bonds or to levy a tax for the purpose of carrying into effect the powers herein conferred, the Park and Recreation Commission shall, in writing, declare such to be its judgment and state therein the amount of bonds to be issued or the tax to be levied for such purposes and transmit same to the City Council. (Amended November 5, 1935.)

Section 36-a. Annual report with Council. It shall be the duty of the Park and Recreation Commission, at the end of each year, to file with the Council a full and detailed report of the business and operations of the Commission for the year then ending, and to make such recommendations to the Council as it may deem advisable, looking toward the improvement and betterment of the Public Park and Recreation Services of the Commission. A copy of the annual report shall also be filed with the Director of Finance of the City of Youngstown.
(Added November 5, 1935.)

Section 36-b. Constitutionality. See last page.

Sections 37 to 40 inclusive. (Repealed November 5, 1957.)

HEALTH AND PUBLIC WELFARE

Section 40-1. The City of Youngstown shall be constituted as a City Health District as that term is defined by the Revised Code of Ohio, which Health District shall be subject to the supervision and control of the City District Board of Health as that term is defined by the Revised Code of Ohio, and said Board of Health shall have all the powers and perform all the duties which are conferred by the Revised Code of Ohio upon

City District Boards of Health and such other powers and duties as may be conferred upon it by ordinances of Council.

Section 40-2. The Provisions of the Revised Code of Ohio as to City Health Districts and City District Boards of Health shall be and are hereby adopted as a part of this Charter and shall be in full force and effect for the City of Youngstown except as otherwise provided herein.

Section 40-3. There shall be, and there is hereby created, a City District Board of Health for the City of Youngstown and such City District Board shall consist of five (5) members who shall be electors of the City of Youngstown and serve without compensation. The members of the Board shall be appointed and confirmed as provided in Section 3709.05 of the Revised Code of Ohio. A majority of such members shall constitute a quorum. The Mayor shall be the President of the Board as provided therein. The term of office of each member of the Board of Health shall be five (5) years from the first day of April of the year in which his term begins, except that the members of the first Board of Health appointed hereunder shall be appointed for terms of 1, 2, 3, 4, and 5 years respectively and thereafter one shall be appointed each year for a five (5) year term. All members so appointed shall hold office until their respective successors are duly appointed and qualified. All appointees to boards and commissions authorized by the Charter shall serve no more than two (2) complete consecutive terms of office. They will be eligible for appointment after an intervening term. (Amended November 4, 1986.)

Section 40-4. The Board of Health shall appoint a full time Health Commissioner and shall fix the Health Commissioner's compensation. The Commissioner so appointed shall hold a Master's or Doctor's Degree in Public Health at time of the Health Commissioner's appointment. (Amended November 4, 2003.)

Section 40-5. Adoption of this Amendment shall not be construed as abolishing positions which have heretofore existed in the Department of Health in the City of Youngstown, and all such positions in existence on the date when this Amendment becomes effective shall be construed to be positions in the City Health District in the City of Youngstown under the jurisdiction of said Board of Health. Present employees in such positions, except the present Health Commissioner who shall be replaced by a Health Commissioner appointed in accordance with the provisions of this Amendment, shall continue to hold the same unless or until removed in accordance with the applicable Civil Service laws, rules and regulations. Nothing however in this Amendment shall be deemed to limit or restrict the power of the Board of Health to create or abolish offices or positions under its jurisdiction.

Section 40-6. All Sections of the Charter, in whole or in part, which are in conflict with these proposed Amendments shall be, and the same are hereby, repealed.

Section 40-7. See last page.

DIVISION OF CHARITABLE AND CORRECTIONAL INSTITUTIONS

Section 41. (EDITOR'S NOTE: This section was repealed by the voters on November 4, 1986.)

DIVISION OF EMPLOYMENT

Section 42. (EDITOR'S NOTE: This section was repealed by the voters on November 4, 1986.)

DEPARTMENT OF WATER AND OTHER PUBLIC UTILITIES

Section 43. The Director of Water and Other Public Utilities shall control and supervise all non-tax supported public utility undertakings of the City, including all water, lighting or other utility enterprises now owned or hereafter acquired by the City.

The Commissioner of Water shall be the Deputy Director of Water and other Public Utilities.

In the event the City hereafter acquires any public utility, Council may by ordinance authorize the appointment of a Commissioner or Manager thereof, and prescribe the duties thereof.

No obligation of the Department of Water and Other Public Utilities may be created unless authorized by the head of the Division affected, and approved by the Mayor.

(Amended November 4, 2003.)

Section 44. The accounts of all Public Utilities owned and operated by the City and dependent for their revenue upon the sale of their products or services shall be kept separate and distinct from all other accounts of the City.

Such utilities may exercise the functions of a purchasing department, so far as it pertains to the purchase or sale of their own material or property and the distribution thereof to the various divisions and subdivisions thereof; subject to the provisions of Section 111 of this Charter.

(Amended November 4, 2003.)

COMMISSIONER OF WATER

Section 45. The Division of Water shall be in charge of a Commissioner of Water. The Commissioner of Water shall adopt and enforce, with the approval of the Mayor, all rules and regulations governing the Division of Water, and fix the rates and conditions for the supplying of water. The Commissioner of Water shall adopt such regulations as to the security for water rents as shall be deemed necessary or advisable. Such rates shall be classified and uniform to all consumers within the city. Special rates, based on the cost of operation, may be provided for charitable and semi-charitable institutions within the City.

(Amended November 4, 2003.)

Sections 46 and 47. (Repealed November 7, 1935.)

DEPARTMENT OF POLICE

Section 48. The Chief of Police shall be the head of the Department of Police and shall have exclusive control of the stationing and transfer of all patrolmen and other officers and employees constituting the police force.

The Police Force shall be composed of a Chief, and such officers, patrolmen and other employees as may be provided by ordinance of the Council. In case of riot or other emergency, the Chief of Police may appoint additional patrolmen and officers for temporary service, who need not be in the classified list of such Division, but who shall have been citizens and residents of the City of Youngstown for not less than three years.

Section 49. No person shall act as special policeman, special detective or other special officer for any purpose whatsoever, except upon written authority from the Chief of Police. Such authority shall be exercised only under the direction and control of the Chief of Police and for a specified time, not to exceed six months.

DEPARTMENT OF FIRE

Section 50. The Chief of the Department of Fire shall be the head of that Department and shall have exclusive control of the stationing and transfer of all firemen and other officers and employees constituting the fire force.

The Fire Force shall be composed of a Chief, and such other officers, firemen and employees as may be provided by ordinance of the Council. In case of riot, conflagration, or like emergency, the Chief may appoint additional firemen and officers for temporary service, who need not be in the classified service.

PENSIONS OF POLICEMEN AND FIREMEN

Section 51. (EDITOR'S NOTE: This section was repealed by the voters on November 4, 1986.)

CIVIL SERVICE

Section 52. All of the provisions of the Revised Code of the State of Ohio relating to Municipal Civil Service are hereby adopted and made a part of this Charter, excepting that all positions in the public service of the City of Youngstown shall be classified as follows:

A. The unclassified service shall include:

- (1) All officers elected by the people.
- (2) Chief of Police.
- (3) Chief of Fire Department.
- (4) Commissioner of Water.
- (5) Members of Board of Health.
- (6) Members of the Park and Recreation Commission.

- (7) Commissioner of Engineering.
- (8) Commissioner of Public Buildings.
- (9) Director of Law and Assistants.
- (10) Director of Finance.
- (11) Clerk of Council.
- (12) One Secretary for Head of a Department.
- (13) Unskilled Labor.
- (14) Architects, Civil Engineers and other professionals not in the

regular employment of the City may be engaged for special work requiring experience and knowledge by the officers and boards in charge of the several departments, provided that the approval of the Mayor and of Council must first be secured in all cases, except in the case of the employees of the Park and Recreation Commission, in which instance the approval of the Mayor and Council shall not be required.

B. The classified service shall comprise all positions not specifically included in the Charter in the unclassified service.

C. All employees, elected officials and all appointees to commissions or boards shall be residents and domiciled in the City of Youngstown.

D. All appointees to boards and commissions authorized by the Charter shall serve no more than two (2) complete consecutive terms of office. They will be eligible for appointment after an intervening term.

(Amended November 4, 2003.)

Sections 53 to 68. (Repealed November 7, 1933.)

NOMINATIONS AND ELECTIONS

Section 69. Regular municipal elections for all elective offices provided for in this Charter shall be held at the times and in the manner required by the general laws of the State.

Primary elections shall be held in the manner and at the times provided in the general laws of the State to nominate party candidates for the offices to be filled at the regular municipal elections.

Nothing in this section shall be construed to affect the provisions of this Charter with respect to the creation, term or tenure of office of municipal officials.

(Amended November 4, 1941.)

Section 70. (Repealed November 4, 1941.)

Section 71. (Repealed November 7, 1933.)

Section 72. (Repealed November 7, 1933.)

Section 73. (Repealed November 4, 1941.)

THE RECALL

Section 74. The Mayor may be removed from office by the electors of the City, and members of the Council may be removed from office by the electors of their respective wards, by the following procedure:

Petitions for the recall of the Mayor shall be signed by at least five thousand registered electors of the City, and petitions for the recall of a member of Council shall be signed by at least seven hundred registered electors of the Council member's ward. Such petitions shall be signed and verified in the manner provided in this Charter for petitions for the nomination of candidates.

The petitions shall state that the signers thereof demand the recall of the official sought to be recalled, and shall contain the names and addresses of a committee of three electors who shall be the agents of the petitioners in all matters relating to the petitions.

Such petitions shall be filed with the City Clerk, who shall examine them, and if regular in form and having sufficient number of signatures, shall be certified by him to the election authorities of the City, who shall forthwith examine the signatures to such petitions and determine whether they are properly signed by the required number of registered electors; and if the petitions be found sufficient, they shall forthwith order a recall election as asked for in such petitions, to be held at the same time as the next general or primary election to be held throughout the City, not less than sixty (60) days thereafter, and they shall forthwith certify their finding and the time fixed for such recall election to the City Clerk and the official or officials whose recall has been so petitioned. (Amended November 4, 2003.)

Section 75. If any official whose recall has been petitioned shall file a written resignation with the City Clerk at any time before the time fixed for such recall election, such resignation shall take effect at once and shall be irrevocable, and no further proceedings for the official's recall shall be had. (Amended November 4, 2003.)

Section 76. If such recall petitions shall be found insufficient by the election authorities, they shall forthwith return the petitions with their finding to the City Clerk. If the City Clerk shall find such recall petitions insufficient as to form and number of signatures, or if such petitions shall be returned to the City Clerk as insufficient by the election authorities, the City Clerk shall forthwith so notify the committee named in such petitions, who may within thirty (30) days thereafter file new or additional petitions, on which the procedure shall be the same as on the original petitions. Provided, however, if the election authorities shall a second time find such petitions insufficient, they shall retain the petitions and certify their finding and the reasons therefor to the City Clerk, and no recall petition against the official named in such rejected petitions shall be filed within six months from date of such finding. (Amended November 4, 2003.)

Section 77. The ballots at such recall election shall conform to the following requirements. With respect to each person whose removal is sought, the question shall be submitted: "Shall (name of person) be removed from the office of (title of office) by recall?" Immediately following each such question there shall be printed on the ballots the two propositions in the order here set forth:

"For the recall of (Name of person)."

"Against the recall of (Name of person)."

Immediately to the right of each of the propositions shall be placed a square in which the voters, by making a cross mark (X), may vote for either of such propositions.

Section 78. In any such election, if a majority of the votes cast on the question of removal of any officer are affirmative, the person whose removal is sought shall thereupon be deemed removed from office upon the announcement of the official canvass of that election, and the vacancy caused by such recall shall be filled in the manner provided in this Charter for filling vacancies caused by death or resignation.

Section 79. No petition to recall any officer shall be filed within six months after the officer takes office. (Amended November 4, 2003.)

Section 80. No person shall pay another or receive or accept payment for circulating or securing signatures to any recall petition, and any petition circulated or taken charge of by any person paid therefor shall be void.

Section 81. No person removed from office by recall shall be eligible to be elected or appointed to any City office within two years thereafter.

INITIATIVE AND REFERENDUM

Section 82. The provisions of the Revised Code as to the Initiative and Referendum shall remain in full force and effect, except that the number of electors necessary for an initiative petition shall be three per cent, and for a referendum petition six percent, and such petition shall be filed with the City Clerk.

Council shall provide proper forms of petitions for the Initiative, Referendum and Recall, which shall be kept in the custody of the City Clerk from whom any citizen may obtain them under such reasonable rules and regulations as Council may by ordinance prescribe.

DIVISION OF CITY INTO WARDS

Section 83. Before September 1, 1923, the present Council shall divide the City into seven wards. All wards shall be composed of contiguous and compact territory, as nearly equal in population as possible, and bounded by natural boundaries or street lines. If the Council fails to make such sub-division into wards within said time, the Director of Law shall make such sub-division within thirty (30) days thereafter. Upon annexation of new territory to the City, Council shall apportion the same to an existing ward or wards. Following each Federal Census, Council may re-district the City so as to maintain a reasonable equality of population among the seven wards.

BOARD OF SINKING FUND TRUSTEES

Section 84. The Board of Sinking Fund Trustees shall consist of the Mayor, the Director of Law and the Director of Finance; the Mayor shall be the President, and the Director of Finance the Secretary of the Board. They shall make their own rules, and shall be governed by the provisions of the Revised Code relating to Sinking Fund Trustee for Cities.

CITY PLANNING COMMISSION

Section 85. There is hereby created a City Planning Commission composed of Seven (7) members, consisting of the Mayor, Director of Law, Commissioner of Engineering, one member of the Park and Recreation Commission who shall be appointed by the Mayor, and three citizens at least one of whom shall be a woman, to be appointed by the Mayor for terms of four years each.

The Mayor shall be Chairman of the Commission, and the Commissioner of Engineering shall be the Chief Engineer and Secretary thereof.

The Commission shall possess the powers and perform the duties prescribed for Planning Commissions by the Revised Code. (Amended November 5, 1935.)

ADMINISTRATIVE COUNCIL

Section 86. The Mayor and the heads of Departments and Divisions provided for in this Charter shall constitute a Council of Administration, which shall meet at least once each month for the discussion of matters relating to the administration of City affairs and the improvement of methods of procedure in the various Departments. The Mayor shall be the Chairman of the Council of Administration.

Section 87. The Council of Administration shall prepare and submit to the City Council for adoption an administrative code of ordinances, which shall organize, and define and distribute the functions of the several Departments, Divisions and offices of the City government in conformity to the provisions of this Charter, and which shall provide in detail a method of procedure for the exercise of the powers and duties of said Departments, Divisions and offices. Such administrative code shall require that the head of each Department or Division shall personally perform such of the duties of the Department or Division as the head of each Department or Division may be able to do, and shall also provide for such necessary assistance as Council may deem proper. (Amended November 4, 2003.)

NEW DEPARTMENTS OR DIVISIONS

Section 88. Council shall have power to consolidate Departments, Divisions or offices, provided for by this Charter, and prescribe by ordinance additional duties for any Department, Division or office, but any ordinance creating any new Department, Division or office, shall not become effective until approved by the electors of the City at a referendum election, as provided by this Charter. Council may, by a resolution adopted

by a two-thirds vote of all its members, submit such ordinance to a referendum vote at the next general election throughout the City, more than sixty (60) days thereafter.

BUDGET ESTIMATE

Section 89. The fiscal year of the City shall begin on the first day of January. On or before the first day of July in each year the Director of Finance shall prepare an estimate of the expenses of conducting the affairs of the City for the following year. This estimate shall be compiled from detailed information obtained from the various Division heads on uniform blanks prepared by the Director of Finance and shall set forth:

- (a) An itemized estimate of the expense of conducting each division.
- (b) Comparisons of such estimates with the corresponding items of expenditures for the last two (2) complete fiscal years, and an estimate of expenditures necessary to complete the current fiscal year.
- (c) Reasons for increases or decreases in such items of expenditures.
- (d) A separate schedule for each Division showing the things necessary for the Division to do during the year, and which of these things is the most desirable to be done.
- (e) All items of payroll increases, either as additional pay to present employees, or pay for more employees.
- (f) A statement from the Director of Finance of the total probable income of the City from taxes for the period covered by the budget.
- (g) A statement from the head of each Division of all anticipated revenues from sources other than the tax levy.
- (h) The amount of the bonded indebtedness and the sum necessary for interest and Sinking Fund purposes for the year.
- (i) Such other information as may be required by the Mayor.

PUBLIC HEARINGS

Section 90. The Director of Finance shall submit the estimate thus prepared to the Mayor, and shall have copies of a condensed statement of the same printed for distribution to citizens who may call for them and shall furnish copies of said printed statement to the newspapers of the City.

The Mayor and Director of Finance shall immediately make provision for holding hearings on the estimate, and ample provision shall be given for citizens to be present at and participate in such public hearing.

PREPARATION OF BUDGET

Section 91. When the estimate shall have been found to be in a form satisfactory to the Mayor and the Director of Finance it shall immediately be submitted to Council, and when approved by Council the same shall be so certified to the Director of Finance.

APPROPRIATIONS

Section 92. On or before the first day of June and December in each year, the head of each Division shall prepare an estimate of the expenses of conducting the respective Division during the ensuing fiscal half year, classified under appropriate heads as prescribed by the Director of Finance. Each estimate shall include an itemized list of the number of employees, rates of wages paid, quantity of supplies desired and price per unit, together with such other information as may be required, which estimates are to be presented to the Director of Finance on uniform blanks prepared by the Director of Finance. (Amended November 4, 2003.)

Section 93. Said estimates shall be prepared in triplicate by the Division Heads who shall retain one copy, file one with the Mayor and one with the Director of Finance. The Mayor and Director of Finance shall examine the estimates as presented and when satisfactory shall be reduced to ordinance form by the Director of Finance and presented to Council, together with a statement of the revenues estimated to come into the Treasury from taxes and all other sources during the ensuing fiscal half year, together with balances on hand at the beginning of the period. When Council shall find the ordinance to be satisfactory and it is adopted in accordance with law, it shall constitute an appropriation from which all expenditures within the following six months shall be made, and within which such appropriations and balances thereof, all expenditures for the period must be confined.

Section 94. Unexpended appropriations or balances of appropriations remaining over at the end of the year, and balances remaining over at any time after a fixed charge shall have been terminated by reason of the object of the appropriations having been satisfied, shall revert to the funds from which they were taken and shall be subject to such further authorized use as the Council may determine.

SPECIAL ASSESSMENTS

Section 95. Council shall have power to provide for the construction, repair and maintenance of all things in the nature of street improvements, either by contract, or directly by the employment of labor and purchase of material; and shall provide for the payment of the cost of the same by levying and collecting special assessments, upon abutting, adjacent or specifically benefited property, the amount necessary to pay for such improvement.

Section 96. Special assessments upon property benefited shall be by any one of the following methods:

- (a) By percentage of the tax value of the property assessed.
- (b) In proportion to the benefits resulting from the improvement.
- (c) By the foot frontage of property abutting upon the improvement.

Section 97. No resolution to proceed with any improvement, the cost of which is to be paid by special assessment, shall be introduced in Council, unless a petition shall have been filed with the Commissioner of Engineering asking for such improvement, except as hereinafter provided.

Such petition shall state accurately the nature and location of the proposed improvement, and waive the rights of the signers thereof to any and all exemptions against assessments that may be made to pay for such improvements.

Such petition shall be signed by the owners of two-thirds of the foot frontage of the property abutting on the street or portion of the street so to be improved.

In case of an extraordinary emergency or public necessity, Council may, by three-fourths vote of all its members, proceed with any street improvement, without a petition being previously filed.

Section 98. On or before the first day of January in each year, or as often thereafter as may be deemed advisable, the Commissioner of Engineering shall prepare and present to Council a budget setting forth all proposed improvements for the ensuing calendar year, which are to be paid for in whole or in part by special assessments.

Said budget shall contain the following information:

- (1) Location and general description of proposed improvements.
- (2) Estimated cost of the same.
- (3) Method of financing.
- (4) Method of assessments, mode of payment, number of annual payments, and estimated rate of assessment, and any additional information regarding such proposed improvements as Council may require.
- (5) A statement showing what proposed improvements are most necessary.

Section 99. Upon receipt of said budget, Council shall forthwith proceed to hold public hearings on the same, after notice of such hearings shall have been given as provided in this Charter.

After such hearing a resolution shall be introduced in Council to proceed with the improvements determined upon, which resolution shall set forth the nature of the proposed improvement, the method of assessment, the manner of payment, the number of annual installments, and other necessary information.

It shall declare the intention of Council to make such improvements, and shall approve proper plans, profiles and specifications, which shall have been prepared by the Commissioner of Engineering.

The resolution shall be passed only by a two-thirds vote of all members of Council.

All street improvements shall be financed as provided in this Charter.

If, previous to the passage of any resolution providing for any improvement of any street or part thereof, a petition, signed by the owners of two-thirds of the foot frontage of property abutting upon such street or part thereof, shall be filed with the City Clerk, objecting to such proposed improvement, Council shall thereupon drop such proposed improvement from said resolution, except in case of extraordinary emergency or public necessity.

Section 100. At the time of the passage of said resolution, there shall be on file, in the office of the Commissioner of Engineering, plans, specifications, profiles, and

estimates of the cost of such proposed improvement, which shall be open to the inspection of the public.

Section 101. Immediately upon the passage of the ordinance to proceed with the improvement of any street determined upon, the Director of Finance shall submit to Council an ordinance providing for the sale of bonds in an amount equal to three-fourths of the estimated cost of such improvement, in anticipation of the collection of special assessments for the payment of said bonds.

Upon the passage of such ordinance, Council shall by motion instruct the Commissioner of Engineering to proceed with the proposed improvements.

Section 102. The method of legislation for and sale of special assessment bonds shall be in accordance with the provisions of this Charter; and the money realized from the sale of such bonds shall be deposited to the account of the General Assessment Fund. Immediately upon the passage of the ordinance providing for the sale of bonds, provided for in this Section, the City Clerk shall cause to be mailed to each person assessed, a statement setting forth the amount per foot of the estimated assessment, and the date of the sale of bonds, before which time the owner of property assessed may pay the estimated assessment.

(Amended November 4, 2003.)

Section 103. After the completion of any improvement the Commissioner of Engineering shall immediately proceed to make a correct assessment, report the same to Council; and, upon the filing of the same, the City Clerk shall cause a notice to be served by mail upon all the owners of property assessed for such improvement, and all persons, who cannot be so notified, shall be given notice as provided in this Charter.

Such notice shall state the character of the improvement, the total cost of the same, the amount of the assessment against the owner of property so notified, the fact that the assessment report has been filed with Council, and name a time and place when and where hearing will be held by the Special Assessment Board, which time shall not be earlier than ten (10) days after giving said notice.

Section 104. The Special Assessment Board shall consist of the Director of Law, the Director of Finance, and the Commissioner of Engineering.

The Commissioner of Engineering shall be the President of said Board; and the Director of Finance the Secretary. Said Board shall meet as required by its rules and regulations, or as provided by ordinance of Council; and hear and determine all matters pertaining to special assessments for improvements of all kinds.

Section 105. When the Special Assessment Board shall have made its final report to Council as to any improvement, Council shall proceed to pass a proper ordinance levying the assessments as reported by said Board.

In such ordinance, it shall be sufficient to describe the lots and lands abutting upon the improvement, and to be assessed therefor, by giving the proper City Lot or Out-Lot number thereof.

CONTRACTS PRIOR TO CHARTER

Section 106. All contracts entered into by the City or for its benefit prior to the taking effect of this Charter, shall continue in full effect. All public work begun prior to the taking effect of this Charter may be continued and perfected hereunder. Public improvements for which legislative steps shall have been taken under laws in force at the time this Charter takes effect may be carried to completion in accordance with the provisions of such laws.

CERTIFICATION OF CONTRACTS AS TO FUNDS IN TREASURY

Section 107. 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 by the Council, or be authorized by any officer of the City, unless the Director of Finance first certify to the 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 City is discharged from the contract, agreement or obligation.

Section 108. 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 or assessments or from sale of services, products, or by-products or from any City undertakings, fees, charges, accounts and bills receivable or other credits in process of collection and all moneys applicable to the payment of such obligation or appropriation, which are to be paid into the Treasury prior to the maturity thereof, arising from the sale or lease of lands or other property, and moneys to be derived from lawfully authorized bonds sold and in process of delivery shall, for the purposes of such certificate, be deemed in the Treasury and subject to such certification.

CONTRACTS-WHEN VOID

Section 109. All contracts, agreements, or other obligations and all ordinances, resolutions and orders entered into or passed contrary to the provisions of the preceding sections, shall be void, and no person whatsoever shall have any claim or demand against the City thereunder, nor shall the Council, or any officer of the City, waive or qualify the limits fixed by any ordinance, resolution or order, as provided in Section 107 and 108, or fasten upon the City any liability whatever, in excess of such limits, or release any party from an exact compliance with the contract under such ordinance, resolution or order.
(Amended November 4, 2003.)

Section 110. For the purpose of executing contracts and agreements on behalf of the City, there is hereby created a Board of Control, consisting of the Mayor, the Director

of Law and Director of Finance, of which the Mayor shall be Chairman and the Director of Finance the Secretary. It shall be the duty of the Board of Control to keep a Journal of all its proceedings as well as a copy of all contracts authorized by it.

Section 111. When any expenditure in any department other than the compensation of persons employed therein, exceeds monetary limits prescribed by the Ohio Revised Code, it shall first be authorized and directed by ordinance of the Council. When so authorized and directed, the Board of Control shall make a written contract with the lowest and best bidder who is responsible after advertisement once a week for at least two weeks in a newspaper of general circulation within the City.

The bids shall be opened at 12:00 o'clock noon, on the last day for filing the same by the Mayor in the presence of the Director of Finance and publicly read. Each bid shall contain the full name of every person or company interested in the same, and shall be accompanied by a sufficient bond or certified check on a solvent bank of the City, as required by the specifications for the improvement, that if the bid is accepted a contract will be entered into and an acceptable bond in the sum of not less than fifty percent of the contract price given to properly secure the performance of the same within the contract time. If the work bid for embraces both labor and material, they shall be separately stated with the price therefor. If the bids so received are in excess of the Commissioner of Engineering's estimate of the cost, it shall be optional with the City, either to elect to furnish the material and do the work under the Commissioner of Engineering's Supervision or readvertise for new proposals. The Board of Control may reject any or all bids, but shall indorse on the bid or bids rejected the reason for so doing.

(Amended 11-2-93)

ALTERATIONS OR MODIFICATIONS IN CONTRACTS

Section 112. When it becomes necessary, in the opinion of the Director or Head of the appropriate Department, in the prosecution of any work, or improvement under contract, to make alterations or modifications, such changes shall be made only upon the order of such Director or Head in writing and upon the approval of the Board of Control. No such order shall be effective until the price to be paid for the work or material, or both, under the altered or modified contract, shall have been agreed upon in writing and signed by the Contractor and the Director or Head of the Department in behalf of the City.

INTEREST IN CONTRACTS OR SUPPLIES

Section 113. No officer or employee of the City shall have a personal interest, direct or indirect, in the profits of any contract or job with the City or be personally interested directly or indirectly in the sale to the City of any supplies, material, service or land, except on behalf of the City as an officer or employee. Any violation of this Section shall constitute malfeasance in office, and any officer or employee found guilty thereof shall forfeit that office.

(Amended November 4, 2003.)

Section 114. Public improvements of all kinds may be made by the appropriate Department, by direct employment of the necessary labor and the purchase of necessary supplies and materials, with separate accounting for each improvement so made, and Council may by ordinance require any specific improvement to be so made.

HOURS OF LABOR

Section 115. Eight hours shall constitute a day's work and not to exceed forty-eight hours a week's work, for workers engaged on any public work done by the City. In any case of extraordinary emergency, the Council may by resolution suspend the operation of this Section as to any particular job, contract or operation.

(Amended November 4, 2003.)

OFFICIAL TIME

Section 115-1. From 2 o'clock A.M. of the last Sunday in October to 2 o'clock A.M. of the last Sunday in April a standard of time, based on the mean astronomical time of the 75th meridian of longitude west from Greenwich, and from 2 o'clock A.M. of the last Sunday in April to 2 o'clock A.M. of the last Sunday in October, a standard of time one hour faster than that of the 75th meridian of longitude west of Greenwich shall be the official time in the City of Youngstown, for the handling of municipal affairs and for governmental purposes. In all official use by officers and employees of the City of Youngstown, official time of the City shall be designated as "Eastern Standard Time" during the period between the last Sunday in October and the last Sunday in April, and as "Daylight Savings Time" during the period between the last Sunday in April and the last Sunday in October. (Amended May 6, 1958.)

Section 116. (Repealed November 7, 1933.)

GENERAL PROVISIONS

Section 117. Prior Ordinances. 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 118. Notice of Claims. The Council shall prescribe by ordinance the periods within which notices of injuries to person or property claimed to have been sustained by reason of alleged negligence of the City must be presented as a condition precedent to the right of action against the City or as a condition precedent to the liability of the City.

Section 119. When Charter takes effect. For the purpose of nominating and electing officers, exercising the powers of the City as provided herein, and sub-dividing the City into seven wards, this Charter shall take effect from the time of its approval by the electors of the City. For the purpose of establishing Departments, Divisions and

offices, and distributing the functions thereof, and for all other purposes, it shall take effect on the first day of January, 1924.

Section 120. Amendments. Amendments to this Charter shall be submitted to the Electors of the City of Youngstown in the manner provided by the Constitution and laws of the State of Ohio. (Amended May 2, 1972.)

NOTE: Sections 36-B and 40-7.

CONSTITUTIONALITY- That if any part or provision of Sections 20, 21, 22, 27, 31 to 36A inclusive, Sections 40-1 to 40-7 inclusive, Section 52 and Section 85 be declared unconstitutional or inoperative by the courts, this shall only affect part or provision, the remainder of these amended Sections continuing in full force and effect.

See Ordinance No. 39191 - Nov. 5, 1935

Ordinance No. 62844 - Nov. 5, 1957