

CHARTER of the CITY OF CINCINNATI

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### HISTORICAL

Under the Constitution of the State of Ohio as it existed up to 1912, all legislation relating to cities was inclined to be "general legislation," that is, applied uniformly to all cities of the state. This was true of all cities which did not adopt a home rule charter.

However, on September 3, 1912, a constitutional amendment (Article 18, Section 3) was adopted, extending to municipalities the power to adopt charters with a greater amount of home rule provision than existed previous to that date. This authority, if taken advantage of and passed upon favorably by the citizens, would permit such cities as desired "to exercise all power of local self-government and to adopt and enforce within their limits such local police, sanitary and other similar regulations as would not conflict with general laws."

The history of the municipal government in Ohio has been a constant struggle between cities trying to obtain legislation suited to their respective needs, and the legislature trying to ward off the demand for special legislation which threatened to consume all its time.

Originally the legislature could enact special legislation for each separate city, but the demand for such legislation was so great that the constitution of 1851 provided that no such special laws should be further passed. The demand for special treatment for municipalities different from each other in every conceivable way was so insistent, however, that the constitutional provision was circumvented by classifying cities according to population so that each city was practically in a class by itself.

Again the legislature was overwhelmed by local legislation about which it was almost entirely ignorant. In 1902 the Supreme Court of Ohio declared this type of legislation to be unconstitutional and the legislature was obliged to frame a municipal code applying hard and fast rules to every city in the state. Finally the demand for treating cities according to their needs resulted in the passage of the 1912 amendment allowing each city to adopt a charter for itself.

The reader can see from this explanation that Cincinnati, or any other city under the old regulation, could only enact laws for its government through the state legislature. If the law were changed for Cincinnati, it would be changed for any other city, and in the case of a change by other municipalities, Cincinnati would be obliged to follow under the same new law.

Legislatures, chiefly composed of legislators from districts remote from municipalities who were not familiar with the various cities, would cause the passage of some of these regulations. Again the reader can see the fallacy of such procedure.

### FIRST CHARTER 1802

The act to incorporate the town of Cincinnati was passed at the first session of the Second General Assembly at Chillicothe and approved by Governor Arthur St. Clair, January 1, 1802.

#### CHARTER 1815

The first charter under Act of 1802 was repealed by an act of January 10, 1815. This act, effective April 1, 1815, reincorporated the territory covered by the first act. The officers of the town were mayor, recorder and trustee.

#### CHARTER 1819 (First City Charter)

Cincinnati's life as a city began with its first charter in 1819, when by an act of the General Assembly it was vested with the power of a council, composed of president, recorder and nine trustees. This act was passed February 5, 1819 and by virtue of an emergency act took effect March 1, the same year.

Several acts were passed during 1821 and 1824 wherein provisions for election of additional officers and division of cities were added to the charter.

#### CHARTER 1827

On January 26, 1827 the second act incorporating the city of Cincinnati as a city was passed repealing all other acts. This act took effect March 1, 1827. Some amendments were added to this chapter in 1829 to enlarge its scope.

#### CHARTER 1834

On March 1, 1834 there was passed "An Act to incorporate and establish the City of Cincinnati and for revising and repealing all laws and parts of laws heretofore enacted on that subject."

The act, superseding the charter of 1827, remained the fundamental law of the city until the adoption of the new state constitution in 1851.

#### STATE CONSTITUTION 1851

After the adoption of the state constitution in 1851, cities were governed by general laws which were modified by the state legislature almost every year.

#### CHARTER 1917

After the amendment to the state constitution of 1912, which provided ways and means of securing a charter for the various cities, an attempt was made to adopt a charter under these provisions in Cincinnati. This first attempt was unsuccessful, but on November 6, 1917 the voters of Cincinnati approved a new charter that was to provide home rule except in taxation matters.

#### 1924 AMENDMENTS

The 1917 charter was amended in 1924 by the voters of Cincinnati, establishing the city manager form of government and the small council nominated by petition and elected at large by the proportional representation method of voting.

#### CHARTER 1926

The committee that wrote the 1924 amendment realized that the charter would have to be further amended to make it conform to the city manager form of government and to give our city real home rule. They therefore provided that a charter commission be appointed by council in July, 1926. Accordingly, council appointed three Cincinnatians as follows:

Robert Taft, formerly floor leader of the House of Representatives at Columbus, Ohio.

Robert Gorman, who had been Solicitor in a number of communities of Hamilton County and who had experience in interpreting municipal law.

Henry Bentley, president of the City Charter Committee, who assisted in writing the amendment passed by the people in 1924 and under whose leadership the amendment was adopted.

Howard Bevis, Professor of Law of the University of Cincinnati, who was appointed secretary of the commission.

The charter was drafted and three public hearings were held in accordance with law. Some minor changes were made in the original draft which was finally presented to the voters in November, 1926, adopted, and is the charter of the city of Cincinnati and the fundamental law of our municipality.

#### 1947 AMENDMENT

The General Assembly of Ohio, on June 26, 1946, amended Section 4003-11 of the Ohio Municipal Code empowering city council to increase the amount of taxes assessed and levied for the support of the municipal university from .55 of a mill to 1 mill.

In a resolution adopted by the board of directors of the University of Cincinnati on July 29, 1947, the board not only requested a .55 of a mill levy for university purposes for the fiscal year of 1948, but also requested council to effectuate the amended state law by submitting to the electorate at the November 4, 1947 general election, a charter amendment to provide for the additional .46 of a mill levy for university purposes.

The amendment (Section 3a of Article VIII) was approved by the electorate.

#### 1949 AMENDMENTS

The city council in 1949 determined that the city charter should be reviewed and a study made, in order that consideration could be given by council to amendments or supplements which such a study might indicate were advisable and necessary, and to be submitted to the electorate at the November 8, 1949 general election.

To accomplish this purpose an ordinance was passed unanimously by council appointing a committee of three citizens of Cincinnati to make such a study. The members of this committee were:

B. Gates Dawes, Jr., insurance executive.

Robert P. Goldman, lawyer, associated with Paxton & Seasongood, Attorneys.

Stanley G. McKie, state senator of Ohio, and vice-president and secretary of Weil, Roth & Irving, municipal and corporation bond brokers.

The committee held appropriate hearings and submitted a report embodying a number of amendments. The report advised council that the committee had recommended only amendments which had the unanimous approval of its members.

After due consideration council determined to submit certain of the amendments and withhold submission of the balance.

The amendments were submitted at the November election and approved by the electorate:

Article II, Section 3 - Ordinances prescribing rates and charges by publicly-owned public utilities may not contain emergency clauses unless introduced at least three weeks before final vote is taken and public hearing held.

Article II, Sections 4 and 5 - Article III, Sections 1 and 2 - Beginning with the council elected at the November 6, 1950 election, the two-year term of office will commence on December 1st instead of January 1st.

Article IV, Section 6 - Article IV, Section 10 - The office of city auditor was replaced by a department of finance and the city manager authorized to appoint a director of finance, and other subordinates, including a city treasurer. Section 8 of Article IV was repealed which related to appointment of city auditor.

Article IX, Section 2 - Nominating petitions for council candidates may contain up to eight hundred signatures instead of seven hundred signatures, the minimum remaining at five hundred signatures.

Article IX, Section 10 - Amendment in subparagraph (i), pertaining to council candidates who have surplus votes, and providing a modified procedure for designating ballots taken for surplus.

#### 1950 AMENDMENTS

The electorate, at the November 7, 1950 general election approved amendments in Article V, creating supplemental Sections 5 and 6, which establish the ranks for members of the police force and fire force engaged in their respective fire protection and police services, and also pertain to eligibility for promotion, and promotional examination.

The electorate at the same election also approved amendment of Article V, Section 3 - Modification that "except as provided in this Charter," council shall have no power to modify state law relating to civil service and civil service commission.

These amendments were submitted pursuant to ordinance passed by the city council.

#### 1953 AMENDMENTS

Article II, Section 4 - This amendment provided for increasing the compensation of council members from \$5,000.00 to \$8,000.00 per annum.

Article II, Section 4a - A supplementary section requiring councilmen-elect to file with council, or with clerk, a successor designation certificate before taking office, certifying the names of one or more of his fellow members to select his successor in case of his office becoming vacant due to any cause whatever.

#### 1957 AMENDMENTS

Article IX, Section 5, Section 10 - Changed the method of electing members of city council by providing for the use of the 9 X system rather than the proportional representation system of voting.

Article VIII, Section 6a - A supplementary section providing that if council shall at any time levy a tax on earned income, such tax shall not exceed one percent without having obtained approval by the electors.

#### 1960 AMENDMENT

Article VI, Section 3 - This amendment provided that, notwithstanding the provisions of Article VI, Section 2, city council may, by ordinance approved by resolution adopted by the board of directors of the University of Cincinnati, provide for transfer, for fixed or indefinite period of time, of control and direction of administrative and executive work of General Hospital from the city manager to the board of directors of the university. (Ordinance No. 107-1961, passed by city council April 5, 1961 effectuated such transfer.)

#### 1962 AMENDMENT

Article VIII, Section 3b - This amendment authorized city council to levy an additional tax of one mill, over and above the amounts authorized by Sections 3 and 3a of Article VIII of the charter, for the purposes of the University of Cincinnati.

#### 1964 AMENDMENTS

Article V, Section 7 - This amendment was submitted to the electors at the general election on November 3, 1964, by Ordinance No. 326-1964, passed by Cincinnati city council August 5, 1964, pursuant to petitions filed with council July 21, 1964, signed by more than 10% of the electors of the city of Cincinnati as required by law. The amendment provides for equal rates of pay for corresponding ranks in the fire and police forces of the city of Cincinnati.

Article IX, Section 10 - This amendment was submitted to the electors at the general election on November 3, 1964, by Ordinance No. 317-1964, passed by Cincinnati city council on August 5, 1964. The amendment provides that in the event council provides for mechanical or other devices for marking and sorting of ballots and tabulating the results for election of council such election shall be conducted in accordance with existing laws of the state of Ohio or laws thereafter in force relating to voting and tabulating equipment.

#### 1967 AMENDMENT

Article VI, Section 6 - This amendment was submitted to the electors at the general election on November 7, 1967 by Ordinance No. 307-1967, passed by Cincinnati city council on August 2, 1967. The amendment provides for the appointment by the governor of the state of Ohio of not to exceed four of the

nine members of the board of directors of the University of Cincinnati so long as there continues in effect an agreement entered into pursuant to law between the board of directors and Ohio board of regents for establishment or continued operation by the board, of directors of one or more colleges, departments or other instructional units of the university, conditioned upon the continued provision of additional state financial aid to the University of Cincinnati.

#### 1970 AMENDMENT

Article VIII, Section 6a - This amendment was submitted to the electors at the primary election on May 5, 1970 by Ordinance No. 63-1970, passed by Cincinnati city council on March 4, 1970. The amendment authorized city council to levy an earnings tax of up to 1.7% of which .15% was designated for permanent improvement purposes. The amendment also authorized council to establish exemptions, deductions and a graduated tax rate when and as allowed by state law.

#### 1971 AMENDMENT

Article VII, Section 11 - This amendment was submitted to the electors at the general election on November 2, 1971 by Ordinance No. 292-1971, passed by Cincinnati city council on September 1, 1971. The amendment authorizes the city to reduce the term of office for members of the board of health from ten years to three years and increase the number of members of the board from five to nine members at such time as such change may be allowed by the state of Ohio.

#### 1972 AMENDMENT

Article VIII, Section 6a - This amendment was submitted to the electors at the general election on November 7, 1972 by Ordinance No. 364-1972 passed by Cincinnati city council on August 2, 1972. The amendment authorized city council to levy a tax on earned income at a rate not to exceed .3% for public transit purposes including capital and current operating expenses. This tax is in addition to the presently authorized 1.7% tax on earned income.

#### 1974 AMENDMENT

Article XI - This amendment was submitted to the electors at the May 7, 1974 special election by Ordinance No. 55-1974 passed by Cincinnati city council on February 6, 1974. The amendment provides for a supplementary section requiring that any ordinance enacted by the council providing for the fluoridation of water must first be submitted to the voters for approval.

#### 1976 AMENDMENTS

Article II, Section 4 - The voters approved an increase in the salaries of the members of council for the first time since 1953, from \$8,000 a year to an amount equal to three-fourths of the salary paid to the commissioners of Hamilton county as such salaries are established from time to time by the Ohio General Assembly.

Article VI, Section 7 and Article V, Section 1 - The year 1976 also saw the completion of the conversion of the University of Cincinnati from a municipal university to a state university with the enactment of Article VI, Section 7 which transferred the educational functions of the University of Cincinnati to the state, terminated the 2 mill municipal tax support, and provided for the continuation of the university's administration of Cincinnati General Hospital. At the same time Article V, Section 1 was amended to provide that after the conversion of the University to state status the mayor of the city would appoint the member of the Civil Service Commission formerly appointed by the university.

#### 1977 AMENDMENT

Article V, Section 3 - In order to modify the state provisions for veterans' preference in the grading of civil service examinations Article V, Section 3 of the charter was amended to specifically provide that the city would grant a civil service examination credit of five points to veterans and ten points to disabled veterans competing in entry level examinations for the classified service of the city of Cincinnati.

#### 1979 AMENDMENT

Article VIII, Section 6a - This section of the charter was amended to repeal .3% of the current earned income tax levied for public transit purposes in the event that Hamilton County voters approved a 1%

sales and use tax levy at the November 6, 1979 election to provide general revenues for the Southwest Ohio Regional Transit Authority.

#### 1980 AMENDMENT

Article V, Section 7 - This section of the charter was repealed to eliminate police and fire wage parity provisions.

#### 1984 AMENDMENTS

Article IX - Sections 2, 3 and 4 - These sections of the charter were amended to conform councilmanic election procedures to state law by requiring nominating to be filed 75 days prior to the election; requiring candidates to be notified ten days after petitions are certified; and to permit electors to sign petitions for as many candidates as are to be elected.

#### 1985 AMENDMENTS

Article IX - Sections 1, 5, 6, 7, 8, 9, 10 and supplementary Section 11 - These sections of the charter were amended and adopted to conform councilmanic election procedures more closely to state law for the counting of ballots, rotation of candidate names on the ballot, conduct at the polling and counting places, write-in candidate procedures and specific counting procedures required by the board of elections.

Article III - Section 1 - This section of the charter was amended to require that the mayor serve a two-year term.

Article VII - Section 2 - This section of the charter was amended to authorize the city manager to select an alternate to serve on the city planning commission in place of the city manager.

#### 1986 AMENDMENT

Article V - Sections 5 and 6 - These sections of the charter were amended to provide for the selection of a police or fire chief from the highest three candidates certified from the promotional eligible list for the position.

#### 1987 AMENDMENT

Article III - Section 1, Article II - Section 4a, and Article IX, Section 8 were repealed and new Article III - Sections 1, 4 and 5, Article II - Section 4a, and new Article IX - Section 8 were adopted to provide that the member of Council receiving the highest number of votes in the regular municipal election be declared mayor and to establish a procedure to accomplish such declaration.

#### FOREWORD

The charter of the city of Cincinnati, state of Ohio, as adopted by vote of the people on November 2, 1926, is published herewith with amendments thereto as subsequently submitted to and approved by the electors of the city of Cincinnati on November 4, 1947; November 8, 1949; November 7, 1950; November 3, 1953; September 30, 1957; November 5, 1957; November 8, 1960; May 8, 1962; November 3, 1964; November 7, 1967; May 5, 1970; November 2, 1971; November 7, 1972; May 7, 1974; June 8, 1976; November 8, 1977; November 6, 1979; November 4, 1980; November 6, 1984; November 5, 1985; November 4, 1986; November 3, 1987; November 5, 1991; November 2, 1993; November 3, 1998; November 6, 2001.

The amendments to the charter adopted November 2, 1926 are listed below as to article, section and date of approval:

Article II	Section 3		November 8, 1949
Article II	Section 4		November 8, 1949

Article II	Section 4		November 3, 1953
Article II	Section 4		June 8, 1976
Article II	Section 4a		November 3, 1953
Article II	Section 5		November 8, 1949
Article II			November 3, 1987
Article III	Section 1		November 8, 1949
Article III	Section 1		November 5, 1985
Article III	Section 1		November 3, 1987
Article III	Section 2		November 8, 1949
Article III	Section 4		November 3, 1987
Article III	Section 5		November 3, 1987
Article IV	Section 6		November 8, 1949
Article IV	Section 8	Repealed	November 8, 1949
Article IV	Section 10		November 8, 1949
Article V	Section 1		June 8, 1976
Article V	Section 3		November 7, 1950
Article V	Section 3		November 8, 1977
Article V	Section 3		November 6, 2001
Article V	Section 5		November 7, 1950
Article V	Section 5		November 4, 1986

Article V	Section 5		November 6, 2001
Article V	Section 6		November 7, 1950
Article V	Section 6		November 6, 2001
Article V	Section 7		November 3, 1964
Article V	Section 7	Repealed	November 4, 1980
Article VI	Section 3		November 8, 1960
Article VI	Section 6		November 7, 1967
Article VI	Section 7		June 8, 1976
Article VII	Section 2		November 5, 1985
Article VII	Section 11		November 2, 1971
Article VII	Section 1		November 5, 1991
Article VIII	Section 3a		November 4, 1947
Article VIII	Section 3b		May 8, 1962
Article VIII	Section 4		November 6, 1979
Article VIII	Section 6a		November 5, 1957
Article VIII	Section 6a		May 5, 1970
Article VIII	Section 6a		November 7, 1972
Article VIII	Section 6a		November 6, 1979
Article VIII	Section 6a		November 3, 1998
Article VIII	Section 6b		November 3, 1998

Article VIII	Section 6c		November 3, 1998
Article IX	Section 1		November 5, 1985
Article IX	Section 2		November 8, 1949
Article IX	Section 2		November 6, 1984
Article IX	Section 3		November 6, 1984
Article IX	Section 4		November 6, 1984
Article IX	Section 5		September 30, 1957
Article IX	Section 5		November 5, 1985
Article IX	Section 6		November 5, 1985
Article IX	Section 7		November 5, 1985
Article IX	Section 8		November 5, 1985
Article IX	Section 8		November 3, 1987
Article IX	Section 9		November 5, 1985
Article IX	Section 10		November 8, 1949
Article IX	Section 10		September 30, 1957
Article IX	Section 10		November 3, 1964
Article IX	Section 10		November 5, 1985
Article IX	Section 11		November 5, 1985
Article IX	Section 2		November 5, 1991
Article IX	Section 12		November 5, 1991

Article X	Section 4		November 3, 1998
Article XI			May 7, 1974
Article XII			November 2, 1993
Article XIII	Section 1		November 6, 2001
Article XIII	Section 2		November 6, 2001
Article XIII	Section 3		November 6, 2001
Article XIII	Section 4		November 6, 2001
Article XIII	Section 5		November 6, 2001
Article XIII	Section 6		November 6, 2001
Article XIII	Section 7		November 6, 2001

We, the people of the city of Cincinnati, Ohio, in order to secure home rule, do adopt the following as the charter of our city:

Article I. - POWERS OF THE CITY

The city shall have all powers of local self-government and home rule and all other powers possible for a city to have under the constitution of the state of Ohio. The city shall have all powers that now are or hereafter may be granted to municipalities by the laws of the state of Ohio. All such powers shall be exercised in the manner prescribed in this charter, or if not prescribed herein, in such manner as shall be provided by ordinance of the council.

The mayor, members of the council and all officers and employees holding office at the time an amendment to the charter takes effect shall continue in office without further appointment subject to the provisions of the charter.

In the event that any provision of this charter is found by a court of competent jurisdiction in a final decision to be unconstitutional or impermissibly in conflict with state or federal law, the remainder of this charter will remain in full force and effect.

(Amended by Emer. Ord. No. 254-2014, eff. Nov. 4, 2014; election of Nov. 4, 2014)

Article II. - LEGISLATIVE POWER

#### Section 1.

All legislative powers of the city shall be vested, subject to the terms of this charter and of the constitution of the state of Ohio, in the council. The laws of the state of Ohio not inconsistent with this charter, except those declared inoperative by ordinance of the council, shall have the force and effect of ordinances of the city of Cincinnati; but in the event of conflict between any such law and any municipal ordinance or resolution the provisions of the ordinance or resolution shall prevail and control.

#### Section 2.

All ordinances and resolutions in force at the time this charter takes effect, not inconsistent with its provisions, shall continue in force until amended or repealed by the council.

#### Section 3.

The initiative and referendum powers are reserved to the people of the city on all questions which the council is authorized to control by legislative action; such powers shall be exercised in the manner provided by the laws of the state of Ohio. Emergency ordinances upon a ye and nay vote must receive the vote of a majority of the members elected to the council, and the declaration of an emergency and the reasons for the necessity of declaring said ordinances to be emergency measures shall be set forth in one section of the ordinance, which section shall be passed only upon a ye and nay vote of two-thirds of the members elected to the council upon a separate roll call thereon. If the emergency section fails of passage, the clerk shall strike it from the ordinance and the ordinance shall take effect at the earliest time allowed by law.

#### Section 4.

Subject to the terms of Article IX, Section 1 of this charter, a council of nine members shall be elected for a term of four years, commencing on the first day of December next after their election and shall serve until their successors are elected and qualified. Each member of council shall receive, subject to the provisions of Section 4a herein, annual compensation in an amount equal to three-fourths ( $\frac{3}{4}$ ) of the annual compensation payable to the county commissioners of Hamilton County, Ohio, as it existed on March 1, 2005. Such compensation shall be payable semi-monthly.

#### Section 4a.

Council shall not receive any increase in compensation, which is from time to time adopted by the Ohio General Assembly for the county commissioners of Hamilton County, Ohio, and of which percentage increase council receives an amount equal to three-fourths ( $\frac{3}{4}$ ) of the percentage increase, unless such increase is individually ratified by a two-thirds ( $\frac{2}{3}$ ) vote of the members of council. Any ratified pay increase shall become effective immediately after the investiture of the next duly-elected members of council, following the ratification of such increase by council, and may not be retroactive. Said increases shall not compound from year to

year. If an increase is not ratified, the compensation payable to members of council will remain at its then existing level until such a time that council decides to take up the issue.

#### Section 4b.

Before taking the oath of office each member-elect of council shall file with the council a successor designation certificate certifying the name of one or more fellow members of council to select a successor if his or her office as member of council becomes vacant for any reason.

Should a vacancy occur, the members of council certified by the former member are empowered to designate a successor within 60 days of the vacancy by a majority vote of their members or of those remaining thereof. The signed designation shall be filed with council within the 60-day period and shall be presented by council at its next regular meeting.

Should there be no valid and effective successor designation certificate for a vacant office, the council may fill the vacant office by a majority vote of the remaining members within 30 days of the vacancy. Should the certified members of council fail to designate a successor within 60 days of the vacancy, council may fill the vacant office by a majority vote of the remaining members within 30 days after the time allowed for the certified members' designation has expired. Should council fail to fill the vacancy within the time prescribed, the mayor shall appoint the successor without requiring the consent of council.

A person designated as a successor or named to fill the vacancy by action of council or the mayor shall, upon taking the oath of office, have the status of a member of council duly elected for the unexpired term.

Any member of council may amend his or her successor designation certificate at any regular meeting of the council. A member of council duly designated or named by council or the mayor to fill a vacancy shall file a successor designation certificate as in the case of originally elected members and his or her name may be certified by other members.

(Amended by Ord. No. 348-1987, eff. Oct. 1, 1987; election of Nov. 3, 1987; amended by Ord. No. 77-1999, eff. Dec. 1, 2001; election of May 4, 1999; amended by Ord. No. 100-2005, eff. March 16, 2005; election of Nov. 8, 2005; amended by Ord. No. 316-2005, eff. Aug. 3, 2005; election of Nov. 8, 2005; amended by Ord. No. 317-2005, eff. Aug. 3, 2005; election of Nov. 8, 2005; amended by Ord. No. 304-2012, eff. Aug. 1, 2012; election of Nov. 2, 2012)

#### Section 5.

A majority of the members elected to the council shall be a quorum to do business, but a less number may adjourn from time to time. A member of council appointed to council in accordance with the terms of this charter shall possess all rights, privileges and duties of a member elected to this council. All legislation enacted by the council shall be by ordinance except where otherwise required by the constitution or laws of the state of Ohio. The council shall keep a journal of its proceedings which shall be a public record. At the desire of any member the yeas and nays shall be entered upon the journal; and on the passage of legislation the vote shall be taken by yeas and nays and entered upon the journal; and no legislation shall be passed without the concurrence of a majority of the members elected to the council. The proceedings of the council shall be public.

The first meeting of the council shall be held on the first day of December at 11:00 o'clock a.m. following an election of members of council. All subsequent meetings shall be held pursuant to

adjournment, or in accordance with a rule adopted by the council which may be amended at any time. Special meetings shall be held on the request of any two members or the mayor upon twenty-four hours notice to each member and the mayor and immediate notice to the news media that have requested notification.

(Amended by Ord. No. 77-1999, eff. Dec. 1, 2001; election of May 4, 1999; amended by Ord. No. 304-2012, eff. Aug. 1, 2012; election of Nov. 2, 2012; amended by Emer. Ord. No. 254-2014, eff. Nov. 4, 2014; election of Nov. 4, 2014)

#### Section 5a.

The council shall organize itself and conduct its business as it deems appropriate, including the formation of committees for the efficient conduct of the business of the council. At the first meeting in December following a regular municipal election for the choice of members of council, the council shall select from among its members a president pro tem who shall preside at council meetings when both the mayor and vice-mayor are absent or disabled and during any period during which there is a vacancy in both the office of mayor and vice-mayor. The president pro tem shall serve a term of four years. When presiding at council, the president pro tem shall vote on legislative matters coming before the council and perform the ministerial duties relating to legislation passed, but shall not exercise the mayor's power of veto, appointment or removal. Each member of council may appoint assistants in the unclassified legislative service according to ordinance. The council shall appoint a clerk of council and such other subordinate officers as may be required to perform the duties of the office. The clerk and others so appointed shall serve in the unclassified legislative service.

(Added by Ord. No. 77-1999, eff. Dec. 1, 2001; election of May 4, 1999; amended by Ord. No. 304-2012, eff. Aug. 1, 2012; election of Nov. 2, 2012)

#### Section 6.

Every ordinance shall be fully and distinctly read on three different days unless three-fourths of the members elected to the council dispense with the rule. No ordinance shall contain more than one subject which shall be clearly expressed in its title, and no ordinance shall be revived or amended unless the new ordinance contains the entire ordinance revived, or the section or sections amended, and the section or sections so amended shall be repealed. Council may adopt codification ordinances, codifying, revising and re-arranging the ordinances of the city or any portion thereof. The clerk of council shall make reasonable efforts to publish proposed legislation no less than twenty-four hours prior to its consideration by the council in a manner reasonably calculated to be widely accessible to the public and the media. The clerk of council shall also make available paper copies of such ordinances upon request.

Any legislation passed by the council shall be dated when passed. If the mayor approves the legislation, the mayor shall sign and date the legislation and it shall be effective according to its terms when signed by the mayor.

If the mayor does not approve the legislation, the mayor may veto the legislation and return it to the council within four days after passage with a notation of the veto on the legislation. The vetoed legislation shall be placed on the agenda of the council at its next regularly scheduled meeting. Legislation vetoed by the mayor and returned to the council may not be amended.

Upon motion passed by five members of the council, the council may reconsider the vetoed legislation. If six members of the council vote affirmatively to override the veto and enact the legislation, it becomes law notwithstanding the mayoral veto. It shall be effective according to its terms upon the affirmative vote and, if otherwise subject to referendum, the time for referendum on the legislation shall begin to run again from that date. Unless the council overrides the veto of the mayor at or before the second regularly scheduled meeting of the council following passage of the legislation, the legislation shall not take effect. Legislation enacted by the council over the veto of the mayor shall not be vetoed a second time. An ordinance placing on the ballot a charter amendment initiated by petition shall not be subject to a mayoral veto.

If the mayor neither approves nor vetoes the legislation, the legislation shall be effective according to its terms the fifth day following its passage. The effective date shall be noted on the original copy of the legislation by the clerk of council.

Legislation shall be made available to the public and the media by the clerk of council within three business days after its passage in a manner reasonably calculated to be widely accessible to the public and the media. The clerk of council shall also make available paper copies of such ordinances upon request. Publication of legislation relating to improvements or to assessments upon private property for such improvements shall be by newspaper publication. The advertisement shall contain simply a statement of the title, number and date of the ordinance and resolution, a concise description of the private property affected, a summary of the nature of the improvements, the rate of any assessment levied or to be levied, and a reference to a copy of the said legislation, which shall be on file in the office of the clerk of council.

(Amended by Ord. No. 77-1999, eff. Dec. 1, 2001; election of May 4, 1999; amended by Emer. Ord. No. 254-2014, eff. Nov. 4, 2014; election of Nov. 4, 2014)

#### Section 7.

The existing departments, divisions and boards of the city government are continued unless changed by the provisions of this charter or by ordinance of the council. The council shall maintain an administrative code providing for a complete plan of administrative organization of the city government. Thereafter, except as established by the provisions of this charter, the council may change, abolish, combine and re-arrange the departments, divisions and boards of the city government provided for in said administrative code, but an ordinance creating, combining, abolishing or decreasing the powers of any department, division or board, shall require a vote of three-fourths of the members elected to the council, except the ordinance adopting an administrative code.

(Amended by Emer. Ord. No. 254-2014, eff. Nov. 4, 2014; election of Nov. 4, 2014)

### Article III. - MAYOR

#### Section 1.

A mayor shall be elected for a term of four years, commencing on the first day of December next after his or her election. Upon taking the oath of office, the mayor shall serve until a successor is duly elected and qualified. The mayor shall receive annual compensation in an amount equal to

twice the compensation payable to a member of council as provided in Article II, Section 4. Such compensation shall be payable semi-monthly.

(Amended by Ord. No. 418-1985, eff. Sept. 5, 1985; election of Nov. 5, 1985; a. Ord. No. 348-1987, eff. Oct. 1, 1987; election of Nov. 3, 1987; amended by Ord. No. 77-1999, eff. Dec. 1, 2001; election of May 4, 1999)

## Section 2.

The mayor shall preside over all meetings of the council but shall not have a vote on the council. The mayor may call a special meeting of the council. The mayor shall exercise the veto power as provided in Article II. The mayor shall appoint and may remove the vice-mayor and the chair of all committees of the council without the advice and consent of the council. The mayor shall assign all legislative matters to the appropriate committee for consideration. The mayor may propose and introduce legislation for council consideration.

The mayor shall be recognized as the official head and representative of the city for all purposes, except as provided otherwise in this charter.

The mayor shall appoint the city manager upon an affirmative vote of five members of the council following the mayor's recommendation for appointment. Prior to the vote, the mayor shall seek the advice of council, to include the opportunity for council to interview the candidates considered by the mayor. Should the council not approve the recommendation of the mayor, the mayor may submit another recommendation or institute a new search. The mayor, with the advice of council, shall have the authority to initiate and recommend to the council the removal of the city manager, provided that such removal shall require an affirmative vote of five members of the council. A temporary appointment to the position of city manager that may be required by reason of a vacancy in the office shall be submitted by the mayor to the council for its approval prior to the appointment.

The mayor shall deliver an annual address to the council and citizens of the city reporting on the state of the city and making recommendations for the establishment and achievement of future city goals.

The mayor shall transmit to the council the annual budget estimate prepared by the city manager. The transmittal shall occur within 15 days after receipt from the city manager and may include a letter commenting on the proposed budget.

The mayor shall perform such other duties as may be prescribed by this charter or as may be imposed by council, consistent with the office. The mayor shall be recognized as the official head of the city for all ceremonial purposes, by the courts for the purpose of serving civil process, and by the governor for military purposes.

In time of public danger or emergency, the mayor may, with the consent of the council, take command of the police, maintain order and enforce the law.

The mayor shall appoint his or her assistants in the unclassified service and shall fix their salaries. Such assistants shall serve at the pleasure of the mayor and shall constitute the mayoral service. All other appointments to be made by the mayor shall be made with the advice and consent of the council except as otherwise provided in this charter.

(Amended by Ord. No. 77-1999, eff. Dec. 1, 2001; election of May 4, 1999)

## Section 3.

At the first meeting in December of the council after its election, the mayor shall select a vice-mayor from among the members of the council to serve for a term of four years, subject to removal by the mayor. The vice-mayor shall have the powers and perform the duties of the mayor during the mayor's absence or disability. When presiding at council, the vice-mayor shall vote on legislative matters coming before the council and perform the ministerial duties relating to legislation passed, but shall not exercise the mayor's power of veto, appointment or removal. No additional compensation shall attach to the office of vice-mayor.

In the event of the death, removal or resignation of the mayor, the vice-mayor shall succeed to the office of mayor in accordance with this section. The vice-mayor's vacancy on council shall be filled in accordance with Article II, Section 4b of this charter and a new vice-mayor shall be selected by the mayor from the members of the council.

Should the death, removal or resignation of the mayor occur prior to June 1 of the second calendar year following the regular municipal election for the choice of mayor, the vice-mayor shall hold the office of mayor until December 1 of that year and until a successor is elected and qualified to fill the unexpired term. An election to fill the unexpired term of mayor will be held on the date of the regular municipal election held during the second calendar year following the regular municipal election for mayor. Nominations and election of the mayor to the unexpired term shall be governed by the provisions of Article IX of the charter for the election of the mayor.

Should the death, removal or resignation of the mayor occur on or after June 1 of the second calendar year following the regular municipal election for the choice of mayor, the vice-mayor shall succeed to the office of mayor for the remainder of the unexpired term of the mayor.

(Amended by Ord. No. 77-1999, eff. Dec. 1, 2001; election of May 4, 1999; amended by Ord. No. 304-2012, eff. Aug. 1, 2012; election of Nov. 2, 2012)

Section 4.

Repealed.

(Added by Ord. No. 848-1987, eff. Oct. 1, 1987; election of Nov. 3, 1987; repealed by Ord. No. Emer. Ord. No. 254-2014, eff. Nov. 4, 2014; election of Nov. 4, 2014)

Section 5.

Repealed.

(Added by Ord. No. 348-1987, eff. Oct. 1, 1987; election of Nov. 3, 1987; repealed by Ord. No. Emer. Ord. No. 254-2014, eff. Nov. 4, 2014; election of Nov. 4, 2014)

Article IV. - EXECUTIVE AND ADMINISTRATIVE SERVICE

City Manager <sup>11</sup>

FOOTNOTE(S):

--- (1) ---

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#### Section 1.

The mayor, as provided in Article III of this charter, shall appoint a city manager who shall be the chief executive and administrative officer of the city. The city manager shall be appointed solely on the basis of his or her executive and administrative qualifications and need not, when appointed, be a resident of the city or state. Neither the mayor nor a member of council shall be appointed as city manager. The city manager shall be appointed for an indefinite term, as hereinafter provided. The city manager shall be removable at any time at the pleasure of the mayor and the council as provided in Article III. If removed at any time after the city manager has served six months, he or she may demand written charges and the right to be heard thereon at a public meeting of the council prior to the date on which his or her final removal shall take effect, but pending and during such hearing, the mayor, subject to the approval of council, may suspend him or her from office. The action of the mayor and the 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 any such suspension or removal in the mayor and the council.

The council may authorize the designation of some other officer of the city to perform the duties of the city manager during the city manager's absence or disability. The city manager shall receive such compensation and related benefits as are determined by the council.

(Amended by Ord. No. 77-1999, eff. Dec. 1, 2001; election of May 4, 1999)

#### Section 2.

The city manager shall report to the mayor and the council. Neither the mayor, the council nor any of its committees or members shall interfere in any way with the appointment or removal of any of the officers and employees in the administrative service. Except for the purpose of inquiry; the mayor, the council and its members shall deal with that part of the administrative service for which the city manager is responsible, solely through the city manager.

(Amended by Ord. No. 77-1999, eff. Dec. 1, 2001; election of May 4, 1999)

#### Section 3.

It shall be the duty of the city manager to act as chief conservator of the peace within the city; to supervise the administration of the affairs of the city, except as otherwise specifically provided in this charter; to see that the ordinances of the city and the laws of the state are enforced; to make all appointments and removals in the administrative and executive service except as otherwise provided in this charter; to make such recommendation to the mayor and to the council concerning the affairs of the city as may to him or her seem desirable; to keep the mayor and the council advised of the financial condition and future needs of the city; to prepare and submit to the mayor the annual budget estimate for the mayor's review and comment prior to its submission to the council; to prepare and submit to the mayor and to the council such reports as may be required by each and to perform such other duties as may be prescribed by this charter or required of him or her by ordinance or resolution of the council.

The city manager shall have the powers conferred by law upon boards of control. Except as otherwise provided in this charter, all other executive and administrative powers conferred by the laws of the state upon any municipal official shall be exercised by the city manager or persons designated by him or her.

(Amended by Ord. No. 77-1999, eff. Dec. 1, 2001; election of May 4, 1999)

#### Section 4.

The city manager, and such other officers of the city as may be designated by vote of the council, shall be entitled to seats in the council. None of said officials shall have a vote in the council but the city manager shall have the right to discuss any matter coming before the council and the other officers shall be entitled to discuss any matter before the council relating to their respective departments and offices.

City Solicitor [\[2\]](#)

#### Section 5.

The city manager shall appoint a city solicitor. No person shall be eligible to the office who is not an attorney at law, duly admitted to practice in this state. The solicitor shall serve the mayor, council, officers and boards of the city as legal counsel and attorney, and shall represent the city in all proceedings in court. The solicitor shall act as prosecuting attorney in the municipal court. The solicitor shall perform all other duties now or hereafter imposed upon city solicitors by the laws of the state, unless otherwise provided by ordinance of the council, and such other duties as the council may impose upon the solicitor consistent with the office of city solicitor. The solicitor shall appoint his or her assistants and fix their salaries, but the maximum number of assistants and the total amounts of the assistants' salaries shall be fixed by council. The assistants shall hold their offices at the pleasure of the solicitor.

(Amended by Emer. Ord. No. 254-2014, eff. Nov. 4, 2014; election of Nov. 4, 2014)

Director of Finance <sup>[3]</sup>

Section 6.

The council shall have power by majority vote, to create a department of finance and to authorize the city manager to appoint a director of finance and such subordinates, including a city treasurer, from time to time, as the city manager sees fit. The council shall prescribe the qualifications and duties of the director of finance and may provide for the administrative organization of the department. The council may transfer to the director of finance or one or more of his or her subordinates any duties previously performed by the city treasurer or the city auditor, as well as any other powers that it may see fit. The council shall also have power to appoint, from time to time, an auditor or auditors to examine the records and accounts of the city or any of its officers, departments, boards or commissions and report the findings to the council. The director of finance shall be the chief fiscal officer of the city.

(Ordinance No. 301-1950, passed by the city council on September 6, 1950, abolished the existing offices of city auditor and city treasurer, established a department of finance, authorized appointment of a director of finance and subordinates.)

(Amended by Emer. Ord. No. 254-2014, eff. Nov. 4, 2014; election of Nov. 4, 2014)

Director of Public Utilities <sup>[4]</sup>

Section 7.

Repealed.

(Repealed by Ord. No. Emer. Ord. No. 254-2014, eff. Nov. 4, 2014; election of Nov. 4, 2014)

Superintendent of Water Works <sup>[5]</sup>

Section 9.

The city manager shall appoint the superintendent of water works, who shall have charge of the administration of the Cincinnati water works. A sufficient charge shall be made for the supply of water, or any other public utility service operated by the city, to pay the expenses of such water

works or other utility, the interest, sinking fund and retirement charges on bonds issued for such water works or other public utility, and for such improvements to said water works or other public utility as council may determine should be paid for without the issue of bonds. The city shall have the power to sell water outside of the city limits and outside of the state at such price as the council may determine. Revenue derived from the water works by the city shall be used for the purposes of said water works, and for no other purpose, and shall not be subject to transfer to any other fund.

#### Removal of Officials <sup>[6]</sup>

##### Section 10.

The city solicitor, director of finance, director of public utilities, and superintendent of the water works shall be subject to removal by the city manager.

#### Article V. - CIVIL SERVICE

##### FOOTNOTE(S):

--- (7) ---

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##### Section 1.

The civil service commission shall consist of three members of recognized character and ability who shall serve for a term of six years. Two members shall be appointed by the mayor, with the advice and consent of the council, and one member shall be appointed by the board of education of the Cincinnati school district. The members serving as of November 4, 2014 shall continue in office until the expiration of their terms. Upon the subsequent expiration of the term of any member appointed by the board of education of the Cincinnati school district, a successor for that member shall be named by the board of education of the Cincinnati school district. Upon the subsequent expiration of the term of any member appointed by the mayor, a successor for that member shall be named by the mayor, with the advice and consent of council. In the event of a vacancy the unexpired term shall be filled by appointment by the authority herein authorized to appoint the successor.

(Amended by Emer. Ord. No. 254-2014, eff. Nov. 4, 2014; election of Nov. 4, 2014)

## Section 2.

The city manager shall appoint the secretary of the civil service commission, who shall act as the personnel officer of the city government, and must be a person experienced in personnel work. He shall also act as chief examiner and superintend the examinations subject to the direction of the commission. He shall appoint all of his subordinates.

## Section 3.

Except as provided in this charter, the council shall have no power to modify the provisions of the laws of the state of Ohio now or hereafter in effect relating to the civil service and civil service commissions. The civil service commission shall award to any soldier, sailor, marine, coast guardsman, member of the auxiliary corps as established by congress, member of the army nurse corps or navy nurse corps, or red cross nurse who has served in the army, navy, or hospital service of the United States and such military service as is designated by congress, including World War I, World War II, or during the period beginning May 1, 1949, and lasting so long as the armed forces of the United States are engaged in armed conflict or occupation duty, or the selective service or similar conscriptive acts are in effect in the United States, whichever is the later date, who has been honorably discharged therefrom, or transferred to the reserve with evidence of satisfactory service, and is a resident of Ohio, an examination credit of five (5) points in entry level examinations for the classified service of the city of Cincinnati, provided that an examination credit of ten (10) points shall be awarded to disabled veterans. No fee or other assessment, however, shall be charged applicants for examinations for positions under the civil service.

The city civil service shall be divided into the classified service and the unclassified service. In addition to the positions that comprise the unclassified service under state civil service law, the unclassified service of the city shall include department and division heads, deputies or assistants to department heads, and professional housing and economic development positions. All other positions shall be in the classified service. A person who on the date of enactment of this section holds a position in the classified civil service which becomes unclassified under this section shall be deemed to hold a position in the classified civil service until he or she vacates the position, after which time the position shall be filled as an unclassified position.

(Amended by Ord. No. 238-2001, eff. Nov. 6, 2001; election of Nov. 6, 2001)

## Section 4.

No person in the administrative service shall directly or indirectly give, solicit or receive, or in any manner be concerned in giving, soliciting or receiving any assessment, subscription or contribution for any political party or for any candidate. Any violation of this section shall operate to forfeit the office or position held by the person violating the same and shall render any such person ineligible to any municipal office or position for a period of one year.

Police Force [\[7\]](#)

## Section 5.

The members of the police force engaged in police services shall consist of the following ranks:

1. Chief
2. Executive Assistant Police Chief
3. Assistant Chief
4. Captain
5. Lieutenant
6. Sergeant
7. Police Officer
8. Police Recruit

The positions of police chief, executive assistant police chief and assistant police chief shall be in the unclassified civil service of the city and exempt from all competitive examination requirements. The city manager shall appoint the police chief, executive assistant police chief and assistant police chiefs to serve in said unclassified positions. The police chief, executive assistant police chief and assistant police chiefs shall be appointed solely on the basis of their executive and administrative qualifications in the field of law enforcement and need not, at the time of appointment, be residents of the city or state. The police chief may be removed at any time by the city manager. After the police chief has served six months, he or she shall be subject to removal only for cause including incompetency, inefficiency, dishonesty, insubordination, unsatisfactory performance, any other failure of good behavior, any other acts of misfeasance, malfeasance, or nonfeasance in office, or conviction of any felony. If removed for cause the police chief may demand written charges and the right to be heard thereon before the city manager. Pending the completion of such hearing the city manager may suspend the police chief from office. The incumbent officers in the police chief and assistant police chief positions as of November 6, 2001 shall remain in the classified civil service until their position becomes vacant after which time their positions shall be filled according to the terms of this section.

Within the ranks below that of assistant police chief, the council shall establish such special positions having special duties with preferential pay as the council deems necessary; but the existence of such special positions shall not establish eligibility for promotion to the next higher rank. No special positions established by council within the ranks below that of assistant police chief shall be filled without promotional examinations.

(Amended by Ord. No. 304-1986, eff. Sept. 4, 1986; election of Nov. 4, 1986; amended by Ord. No. 238-2001, eff. Nov. 6, 2001; election of Nov. 6, 2001; amended by Emer. Ord. No. 254-2014, eff. Nov. 4, 2014; election of Nov. 4, 2014)

#### Fire Force <sup>[8]</sup>

Section 6.

The members of the fire force engaged in fire protection services shall consist of the following ranks:

1. Chief
2. Assistant Chief
3. District Chief
4. Captain
5. Lieutenant

6. Fire Specialist
7. Fire Apparatus Operator
8. Fire Fighter
9. Fire Recruit

The positions of fire chief and assistant fire chief shall be in the unclassified civil service of the city and exempt from all competitive examination requirements. The city manager shall appoint the fire chief and the assistant fire chiefs to serve in said unclassified positions. The fire chief and assistant fire chiefs shall be appointed solely on the basis of their executive and administrative qualifications in the field of fire prevention and suppression and need not, at the time of appointment, be residents of the city or state. The fire chief may be removed at any time by the city manager. After the fire chief has served six months, he or she shall be subject to removal only for cause including incompetency, inefficiency, dishonesty, insubordination, unsatisfactory performance, any other failure of good behavior, any other acts of misfeasance, malfeasance, or nonfeasance in office, or conviction of any felony. If removed for cause the fire chief may demand written charges and the right to be heard thereon before the city manager. Pending the completion of such hearing the city manager may suspend the fire chief from office. The incumbent officers in the fire chief and assistant fire chief positions as of November 6, 2001 shall remain in the classified civil service until their position becomes vacant after which time the positions shall be filled according to the terms of this section.

Within the ranks below that of assistant chief, the council shall establish such special positions having special duties with preferential pay as the council deems necessary, but the existence of such special positions shall not establish eligibility for promotion to the next higher rank. No special position established by council within the ranks below that of assistant chief shall be filled without promotional examination.

(Amended by Ord. No. 304-1986, eff. Sept. 4, 1986; election of Nov. 4, 1986; amended by Ord. No. 238-2001, eff. Nov. 6, 2001; election of Nov. 6, 2001; amended by Emer. Ord. No. 254-2014, eff. Nov. 4, 2014; election of Nov. 4, 2014)

Section 7.

Repealed.

(Repealed by Ord. No. 349-1980, eff. Sept. 4, 1980; election of Nov. 4, 1980)

Article VI. - INSTITUTIONS (REPEALED)

(Repealed by Emer. Ord. No. 254-2014, eff. Nov. 4, 2014; election of Nov. 4, 2014)

Article VII. - BOARDS AND COMMISSIONS

Board of Park Commissioners [\[9\]](#)

FOOTNOTE(S):

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#### Section 1.

The board of park commissioners shall consist of five members. The members now serving shall continue in office until the expiration of their terms. On January 15, 1992, the mayor shall appoint one member to serve for a term ending January 1, 1998, and one member to serve for a term ending January 1, 2000. Thereafter as the term of each member expires the mayor shall appoint one member to serve for a term of six years until a successor is appointed and qualified, and shall fill all vacancies in the board for unexpired terms. The board shall appoint its employees. The board shall have the control and management of the parks and parkways of the city and may adopt and enforce regulations as to the proper use and protection of park property, and provide penalties for the violation of such regulations. Such regulations shall not take effect until copies thereof are filed with the city solicitor and with the clerk of council. Property under the control of the board shall not be transferred, or used for any but park purposes except with the consent of the board. The board shall have all other powers conferred upon boards of park commissioners by general law but council may modify such laws and may designate boulevards, streets and highways in the parks and parkways as part of the public street and road system of the

city and give to the city manager supervision over the construction, repair and maintenance thereof. Such action shall be by ordinance which, unless it is approved by the board of park commissioners, shall require a vote of three-fourths of the members elected to the council.

(Amended by Ord. No. 322-1991, eff. Sept. 6, 1991, election of Nov. 5, 1991)

Planning Commission [10](#)

Section 2.

The city planning commission shall consist of seven members. One member shall be the city manager or a person duly designated by the city manager who may at any time serve as alternate member for the city manager; one shall be a member of council selected by it; and five shall be electors of the city of Cincinnati appointed by the mayor.

As the term of each appointed member expires, the mayor shall appoint a successor for a term of five years. All vacancies in the commission for unexpired terms of appointed members shall be filled by the mayor.

Each member of the commission shall serve for the term of appointment and until a successor is appointed and qualified. All members of the commission shall serve as such without compensation.

(Amended by Ord. No. 419-1985, eff. Sept. 5, 1985; election of Nov. 5, 1985; amended by Emer. Ord. No. 254-2014, eff. Nov. 4, 2014; election of Nov. 4, 2014)

Section 3.

The powers and duties of the commission shall be to make plans and maps of the whole or any portion of the city and of any land outside the city which, in the opinion of the commission, bears a relation to the planning of the city, and to make changes in additions to and extensions of such plans or maps when it deems same advisable. Such maps and plans shall show the commission's recommendations for the location and extent of streets, alleys, ways, viaducts, bridges, subways, parkways, parks, playgrounds and other public grounds and public improvements, of public buildings and other public properties, and of public utilities whether publicly or privately owned, for water, light, sanitation, transportation, communication, power and other purposes; and for the removal, relocation, widening, extension, narrowing, vacation, abandonment or change of use of any of the foregoing public places, works, buildings, or utilities. Such maps and plans may also include the division of the city into zones or districts, in accordance with the commission's recommendations for the limitation and regulation of the height, bulk (including percentage of lot occupancy and set-back building lines) and use of buildings and other structures and premises in such zones or districts.

Section 4.

The commission shall have the power to control the marking of historical landmarks; to control, in the manner provided by ordinance of the council, the location of statuary and other works of art which are or may become the property of the city, and the removal or relocation of any such works belonging to the city.

#### Section 5.

Whenever the commission shall have made a plan of the city or any portion thereof, no public building, street, boulevard, parkway, park, playground, canal, river front, harbor, dock, wharf, bridge, viaduct, tunnel and publicly or privately owned public utility, or part thereof, shall be constructed or authorized to be constructed in the city or said planned portion of the city until and unless the location thereof shall be approved by the commission; nor shall any street, avenue, parkway, boulevard or alley be opened for any purposes whatsoever without the approval of the commission; provided that in case of its failure to approve, the commission shall communicate its reason for failure to approve to the council, and the council by a vote of not less than two-thirds of its members shall have the power to overrule such failure to approve, and thereupon the council or the proper board, officer or person, as the case may be, shall have the power to act without such approval. The widening, narrowing, relocation, vacation, or change in the use of streets and other public ways, grounds and places, except change of grade, shall be subject to similar approval, and failure to approve may be similarly overruled by the council.

#### Section 6.

No amendment of the zoning ordinance of the city or of the zone map shall be made, passed or enacted by the council until and unless such amendment shall be approved by the commission; provided that in case of its failure to approve, the commission shall communicate its reason for failure to approve to the council, and the council, by a vote of not less than two-thirds of its members, shall have the power to overrule such failure to approve and to make, adopt or enact the proposed amendment.

#### Section 7.

The city planning commission shall be the platting commission of the city, and, as such, shall have the control of platting and shall provide regulations governing the platting of all lands within the city or within three miles thereof, so as to secure a harmonious development and to provide for the coordination of streets with other streets and with the official city plan and to provide for open spaces for traffic, utilities, access of fire-fighting apparatus, recreation, light and air, and for the avoidance of congestion of population. Such regulations may include requirements as to the extent to which and the manner in which streets and other public ways shall be graded and improved, and to which water and sewer and other utility mains, piping or other facilities shall be installed, as a condition precedent to the approval of the plat. In lieu of the completion of such work previous to the approval of the plat, the commission may accept a contract secured by a bond in an amount and with surety satisfactory to the city manager, providing and securing to the municipality the actual construction and installation of such improvements and utilities within a period specified by the city manager and expressed in the contract and bond. The city solicitor is hereby granted the power to enforce such bonds by all appropriate, legal and equitable remedies. All such regulations shall be published as provided by law for the publication of ordinances, and before adoption a public hearing shall be held thereon, and before the same becomes effective a copy thereof shall be filed with the clerk of council. In addition to the powers expressly specified in this charter, the commission shall have all powers

of control over plats and subdivision granted to city planning commissions by the statutes of Ohio.

Section 8.

All plats of the subdivision of lands within the corporate limits of the city or within three miles thereof, and all instruments of dedication of lands for public use, shall be submitted to the commission and approved thereon in writing by it before they may be offered for record or accepted by the city. The approval of the commission shall not be deemed the city's acceptance of the dedication of any street, alley, way or other public ground shown on the plat or set forth in the instrument.

No street, alley, way, or other public ground shall be accepted by the city as a public street, way or ground, unless the plat and location thereof shall have been submitted to and approved by the commission; provided, however, that council may submit to the commission any ordinance proposing to accept the dedication of any such unapproved street, alley, way, or ground, and if approved by the commission, council shall have the power to accept the dedication thereof by a majority vote, or, if disapproved, by a vote of not less than two-thirds of its members.

Section 9.

In addition to the powers herein enumerated, the commission shall have advisory powers upon all matters relating to the planning of the city and its development.

Section 10.

No consent of the owner of property abutting on any public way or public grounds shall be required for the construction, extension, maintenance or operation of any street railway, provided the city planning commission approves the same.

Board of Health [\[11\]](#)

Section 11.

The board of health shall consist of nine members, who shall serve for a term of three years each. Not more than four of these members shall be professional providers of health services. The remaining members shall represent consumers of health services and citizens at large. No person shall be appointed as a member of the board for more than two consecutive full terms. For purposes of this provision, service for more than eighteen months shall be considered a full term. The members now serving shall continue in office until the appointment and qualification of a new board under the provisions of this section, at which time their present terms shall cease and determine.

Subsequent to the effective date of this section, the mayor shall appoint three of the members now serving to new terms of one year each, and the other two members to two-year terms. The mayor shall also appoint one additional person to a two-year term, and three additional persons to three-year terms. Thereafter, as the term of each member expires, the mayor shall appoint one person to serve for a term of three years and until his successor is appointed and qualified, and shall fill all vacancies on the board for unexpired terms.

The board of health shall appoint its employees. The board of health may adopt in the manner provided by state law orders, and regulations intended for the public health, the prevention or restriction of disease, the prevention, abatement and suppression of nuisances and the sanitary condition of all public markets and provide penalties for the violation thereof, but no such order or resolution shall take effect until copies thereof are filed with the city solicitor and with the clerk of council. The board of health shall have all other powers conferred upon boards of health by general laws, but the council may modify such laws by ordinance. Such ordinance, unless it is approved by the board of health, shall require a vote of three-fourths of the members elected to the council.

(This amendment became effective December 23, 1971 upon the amendment of Section 3709.05 of the Ohio Revised Code to permit municipalities to determine the composition and terms of office of boards of health.)

Board of Trustees of Sinking Fund [\[12\]](#)

Section 12.

Repealed.

(Repealed by Ord. No. Emer. Ord. No. 254-2014, eff. Nov. 4, 2014; election of Nov. 4, 2014)

Board of Rapid Transit Commissioners [\[13\]](#)

Section 13.

Repealed.

(Repealed by Ord. No. Emer. Ord. No. 254-2014, eff. Nov. 4, 2014; election of Nov. 4, 2014)

Public Recreation Commission [\[14\]](#)

Section 14.

There shall be a public recreation commission consisting with one member of the board of education appointed by said board, one member of the board of park commissioners appointed by said board, and three citizens appointed by the mayor, to serve without compensation. The term of office of said members and the powers and duties of said commission shall be fixed by ordinance of the council, but all funds obtained from levies for recreational purposes, appropriated by other public bodies, or donated for such purposes to the city of Cincinnati or the public recreation commission, shall be expended by said commission.

Article VIII. - TAXATION AND FINANCE

FOOTNOTE(S):

--- (15) ---

This heading does not constitute part of the text of the charter of the city of Cincinnati. It was added solely for convenience in identifying subject matter in the January, 1969 republication of the charter by the clerk of council.

Section 1.

The city shall have all powers of municipal home rule and taxation granted by Sections 5649-10, 5649-10a, 5649-10b of the General Code [Note], and all other provisions of law and of the constitution of Ohio now or hereafter in force.

#### Section 2.

A complete budget system of municipal receipts and expenditures is hereby established in accord with Sections 1, 3, 4, 5, 6, 7, 8, 9 and 10 of the act passed April 17, 1925, 111 Ohio Laws 371. Council may make changes, amendments or modifications in said budget system to make it conform to amendments hereafter made in said budget law, and such other changes, amendments or modifications therein, not affecting the substance or completeness of said system as council shall have power to make under the laws and constitution of the state.

#### Section 3.

The council shall annually levy a tax for current operating expenses on the real and personal property in the city for the purposes of the city of Cincinnati, its boards, departments and institutions. The rate of such tax shall not exceed six and sixty-five hundredths (6.65) mills on the dollar of assessed valuation. Out of said total maximum levy fifty-five hundredths (.55) of a mill may be levied only for the purposes of the University of Cincinnati, and at the request of the board of directors of the said university all or any part of said rate shall be levied. Out of said total maximum levy one-tenth (1/10) of a mill may be levied only for recreational purposes and at the request of the public recreation commission all or any part of said rate shall be levied.

#### Section 3a.

In conformity with the law of the state of Ohio, beginning with the levy for the purposes of the year 1948, the council shall also have authority to levy annually an additional tax of forty-five hundredths (.45) of a mill upon the real and personal property of the city of Cincinnati over and above the amount authorized by Section 3 of Article VIII of the charter, for the purposes of the University of Cincinnati, and at the request of the board of directors of the said university all or any part of said rate shall be levied.

#### Section 3b.

Beginning with the levy for the purposes of the year 1963, the council shall also have authority to levy annually an additional tax of one (1) mill upon the real and personal property of the city of Cincinnati, over and above the amounts authorized by Sections 3 and 3a of Article VIII of the charter, for the purposes of the University of Cincinnati, and at the request of the board of directors of said university all or any part of said rate shall be levied.

#### Section 4.

The council shall annually levy outside of the limitations provided in this charter a sufficient sum to pay the interest, sinking fund and retirement charges on all bonds and notes of the city of Cincinnati, lawfully issued, rents due on perpetual leaseholds of the corporation not payable

from a special fund, and the expenses incident to the management of the sinking fund, which entire levy shall be placed before and in preference to all other levies. Amounts certified under the laws of the state as necessary for such purposes shall not be subject to change by the council.

(Amended by Ord. No. 361-1979, eff. Sept. 6, 1979; election of Nov. 6, 1979)

Section 5.

On or before the 15th day of September in any year the council may, by resolution adopted by vote of two-thirds of all the members elected thereto, declare that the amount of money that may be raised by taxation under Section 3 hereof for the ensuing year together with all other funds available during the year will be insufficient to provide an adequate amount for the necessary requirements of the city, and that it is necessary to levy taxes in excess of said limitations (1) for the purpose of meeting the current expenses of the city, its boards, departments, and institutions, and (2) for any specified improvement or improvements having a life of five years or more, and may require the submission of the question of levying such additional tax to the electors of the city at the next November election. Such resolution shall specify the additional sum which it is necessary to levy, the purpose thereof and the number of years during which such increased rate may be levied which shall not exceed two years. Such resolution shall take effect upon its adoption and shall be certified within five days thereafter to the election authorities who shall place said question upon the ballot in the following form:

For the approval of an additional levy of taxes by the city of Cincinnati in the sum of \$ \_\_\_\_\_ to be used for the purpose of \_\_\_\_\_ and effective during the tax year \_\_\_\_\_.

Against the approval of an additional levy of taxes by the city of Cincinnati in the sum of \$ \_\_\_\_\_ to be used for the purpose of \_\_\_\_\_ and effective during the tax year \_\_\_\_\_.

The question covered by such resolution shall be submitted as a separate proposition, but may be printed on the same ballot with any other proposition other than the election of officers submitted at the same election. If a majority of those voting thereon vote for the approval of such additional levy, council shall immediately make such levy or such part thereof as it finds necessary, pursuant to such approval, and certify the same to the county auditor to be placed on the tax list and collected as other taxes.

Section 6a.

The council shall have the power to levy such other taxes as may be lawful in accordance with the provisions of the constitution and laws of the state of Ohio.

(Amended by Ord. No. 302-1998, eff. Nov. 3, 1998; election of Nov. 3, 1998)

Section 6b.

Notwithstanding the provisions of Section 6a, above, the council shall not impose a tax on the amounts paid for admissions, including, without limitation, a tax, whether stated as a percentage or otherwise, based upon any fee:

1. charged or paid for the right or privilege to enter into a place, or for the use of any facilities or grounds, whether publicly or privately owned; or

2. charged or paid as annual membership dues to any club or organization; or
3. charged or paid for admission by season ticket or subscription; or
4. charged or paid for tickets or admission to any sporting event or entertainment performance; or
5. charged or paid as a greens fee by golf courses, either under club or private ownership,

at a rate in excess of three percent (3%) of the amount of such charge without a vote of the electorate first amending this provision in the manner provided in Article XVIII, Sections 8, 9, and 14 of the constitution of the state of Ohio. For purposes of this Section 6b, the term "amounts paid for admission" shall not include any payment made for the use or possession, or the right to the use or possession, of a room or group of rooms to be used for dwelling, lodging or sleeping purposes. Any ordinance, regulation, rule or policy enacted prior to the adoption of this amendment that violates or is otherwise inconsistent with the prohibition set forth in this Section 6b shall be null and void and of no force or effect.

(Amended by Ord. No. 302-1998, eff. Nov. 3, 1998; election of Nov. 3, 1998)

Income Tax [\[15\]](#)

Section 6c.

If the council shall at any time levy a tax on earned income, such tax may be at a uniform rate or at a graduated rate, with exemptions, and deductions to the extent such may be allowed by the constitution of the state of Ohio and laws enacted pursuant thereto. Such earned income tax shall not be at a rate in excess of one and fifty-five one-hundredths percent (1.55%) for current operating expenses and permanent improvement purposes plus fifteen-hundredths of one percent (.15%) for permanent improvement purposes only and three-tenths of one percent (.3%) for public transit purposes generally and without limitation and including both capital and current operating expenses for the remainder of the calendar year 1972 and thereafter without having obtained the approval of any tax in excess of that stated herein by the electors voting on the question at a general election or at a special or primary election. Council shall file with the board of elections at least sixty (60) days before the day of the election a copy of the ordinance together with a resolution specifying the date such election is to be held and directing the board of elections to conduct the election. The ballot shall be in the following form:

"Shall the ordinance providing for percent levy on income for (Brief description of the purpose of the proposed levy) be passed?"

	FOR THE INCOME TAX
	AGAINST THE INCOME TAX"

In the event of an affirmative vote, the proceeds of such levy may be used only for the specified purpose.

The provisions of this section shall constitute the approval by the electors of the levying of a tax on earned income at a rate in excess of one percent (1%) as required by law, and the council shall be and hereby is authorized to levy the tax on earned incomes at such rates as it deems proper from time to time

up to the limit stated herein without additional approval by the electors of the ordinance levying such a tax.

Council shall expend for permanent improvements or pledge revenues from the tax on earned income in excess of one and fifty-five one-hundredths percent (1.55%) in an amount up to fifteen-hundredths of one percent (.15%) for the payment of principal and interest on bonds and notes issued to finance permanent improvements.

All taxes on earned incomes shall be levied and collected in accordance with the constitution of the state of Ohio and laws enacted pursuant thereto as now or hereinafter in effect, except as otherwise limited by the terms of this charter.

In the event that at the general election on November 6, 1979, the electors of the county of Hamilton, state of Ohio approve the levy of a 1% sales and use tax to provide general revenues for the Southwest Ohio Regional Transit Authority, so long as such levy or successor levies to it remain in effect the three-tenths of one percent (.3%) earned income tax levied for public transit purposes generally shall not be levied. If the sales and use tax levy is approved, the levy of the .3% earnings tax shall be discontinued as of the first day following the certification of the election result by the Hamilton County Board of Elections.

(Amended by Ord. No. 361-1979, eff. Sept. 6, 1979; election of Nov. 6, 1979; amended by Ord. No. 302-1998, eff. Nov. 3, 1998; election of Nov. 3, 1998)

#### Section 7.

Within the limitations prescribed by law the council shall have power to issue bonds to pay for the construction of any improvement having a life of five years or more which the council under this charter or the constitution or laws of the state of Ohio has power to construct.

#### Section 8.

No board, officer or department of the city shall borrow money or issue bonds or notes or submit to the electors any proposal therefor, under the provisions of any state law, city ordinance or otherwise, unless such action is approved by ordinance of the council, which shall have full discretion to approve or disapprove.

### Article IX. - NOMINATIONS AND ELECTIONS

#### Section 1.

All elections provided for by this charter, whether for the choice of officers or the submission of questions to the voters, shall be conducted by the election authorities prescribed by general laws; and the provisions of the general election laws of the state shall apply to all such elections except as provision is otherwise made by this charter. The provisions of the laws of the state pertaining to campaign financing, campaign contributions and campaign expenditures shall apply to all such elections except as provision is otherwise made by ordinance of the council.

Commencing in November 2013, a regular municipal election for the choice of members of council shall be held every four years on the first Tuesday after the first Monday in November.

Commencing in November 2001, a regular municipal election for the choice of mayor shall be held every four years on the first Tuesday after the first Monday in November. A regular municipal election for the choice of mayor shall be held on the date of the regular municipal election held during the second calendar year following the mayor's election when necessary to fulfill the provisions of Article III, Section 3 of this charter.

(Amended by Ord. No. 400-1985, eff. Aug. 7, 1985; election of Nov. 5, 1985; amended by Ord. No. 71-1994, eff. April 1, 1994; election of May 5, 1994; amended by Ord. No. 77-1999, eff. June 1, 2001; election of May 4, 1999; amended by Ord. No. 304-2012, eff. Aug. 1, 2012; election of Nov. 2, 2012)

#### Section 1a.

Commencing with the election of November, 2001, candidates for mayor shall be determined at a nonpartisan primary election to be held on the first Tuesday after the second Monday in September prior to the election. The candidates for the office of mayor shall be the two candidates from the primary election who receive the highest number of votes. In the event that no more than two persons file petitions for the office of mayor, then those persons shall be the candidates at the November election, and the primary election for the office of mayor shall not be held. A nonpartisan primary election will be held in the same manner if necessary to fulfill the provisions of Article III, Section 3 of this charter.

(Added by Ord. No. 77-1999, eff. June 1, 2001; election of May 4, 1999)

#### Section 2.

Any person eligible to the office of member of the council or the office of mayor may be placed in nomination therefor only by a petition filed in such person's behalf with the election authorities and signed by not less than 500 nor more than 1000 electors. Signatures to nominating petitions need not be appended to one paper but to each separate paper there shall be attached an affidavit of the circulator thereof stating that each signature thereto was made in the circulator's presence and is the genuine signature of the person whose name it purports to be. Each signer of a petition shall sign his or her name, address and date of signing in ink or indelible pencil.

An elector may sign petitions for no more than one candidate for mayor and for no more council candidates than the number to be elected at any election. If an elector signs petitions for more than one candidate for mayor or for more than the number of other candidates to be elected, the elector's signature shall be declared valid on petitions in the order of filing.

An eligible person who has accepted a nomination for mayor as provided in Article IX, Section 4 shall not be eligible for election to the office of member of council that year.

(Amended by Ord. No. 377-1984, eff. Sept. 6, 1984; election of Nov. 6, 1984; amended by Ord. No. 332-1991, eff. Oct. 4, 1991; election of Nov. 5, 1991; amended by Ord. No. 77-1999, eff. June 1, 2001; election of May 4, 1999)

#### Section 2a.

Notwithstanding any provision contained in Article II or in any other section of Article IX, no person shall hold the office of member of council for a period longer than two successive four-year terms of the council, except that a member of council who was elected to council in November 2011 may be elected to no more than two consecutive four-year terms commencing on December 1, 2013 unless such election would permit the member of council to serve on council for a period longer than ten consecutive years. After conclusion of any period of service commencing on December 1, 2011, any such person who was elected to council in November 2011 may not be appointed to or seek office for a subsequent council term unless that term is separated by four or more years from the member's immediately prior service. Terms shall be considered successive unless separated by a period of four or more years from the member's immediately prior service.

For the purposes of this term limit provision, any period of service during a term by a member of council elected to that council term shall constitute service for that entire council term, except that any period of service during a term in which the member was elected to fill a council term which was vacated in the midst of a four-year term shall not constitute service for that council term. For the purposes of this term limit provision, any period of service by a non-elected member of council during a council term shall not constitute service for that council term.

(Added by Ord. No. 77-1999, eff. June 1, 2001; election of May 4, 1999; amended by Ord. No. 304-2012, eff. Aug. 1, 2012; election of Nov. 2, 2012)

#### Section 2b.

No person shall hold the office of mayor for a period of longer than two successive terms of four years. Terms shall be considered successive unless separated by a period of four or more years. Only terms beginning on or after December 1, 2001, shall be considered in determining a person's eligibility to hold the office of mayor under this provision.

For the purposes of this term limit provision, any period of service during a term by a mayor elected for that full, four-year term shall constitute service for a four-year term. Any period of service during a term, by a mayor elected for less than that full, four-year term shall not constitute service for a four-year term. Any period of service by a non-elected mayor during a four-year term shall not constitute service for a four-year term.

Should the death, removal or resignation of a member of council occur prior to June 1 of the second calendar year following the regular municipal election at which that member of council was elected to a four-year term, the person or persons designated on that member of council's successor designation certificate shall select a successor to hold office until December 1 of the second calendar year after the calendar year in which the member was elected and until a successor is elected and qualified to fill the unexpired term. An election to fill the unexpired term of that member of council will be held on the date of the regular municipal election held during the second calendar year following that member's election to council. Nomination and election of the successor member of council to the unexpired term shall be governed by the provisions of Article IX.

Should the death, removal or resignation of a member of council occur on or after June 1 of the second calendar year following the regular municipal election at which that member of council was elected, the person or persons designated on that member of council's successor designation certificate shall select a successor to hold office for the remainder of the unexpired term of that member of council.

(Added by Ord. No. 77-1999, eff. June 1, 2001; election of May 4, 1999; amended by Ord. No. 304-2012, eff. Aug. 1, 2012; election of Nov. 2, 2012)

Section 3.

The form of the nominating petition papers shall be substantially as follows for candidates for member of the council:

Candidate for Member of the Council  
Petition of Candidate

We, the undersigned, here present \_\_\_\_\_ whose residence is \_\_\_\_\_ Cincinnati Ohio, as a candidate for the council to be voted for at the election to be held on the \_\_\_\_\_ day of November, \_\_\_\_\_; and we individually certify that we are qualified to vote for candidates for the council, and that we have signed no more than nine petitions nominating persons for members of the council.

Name	Street and Number	Date
_____	_____	_____
_____	_____	_____

Statement of Circulator

I, \_\_\_\_\_ [name of circulator of petition], declare under penalty of the election falsification laws of the state of Ohio that I am a qualified elector of the city of Cincinnati; that I reside at the address appearing below my signature; that this petition paper contains \_\_\_\_\_ (number) signatures; that I witnessed the affixing of every signature; and that every signature is to the best of my knowledge and belief the signature of the person whose signature it purports to be.

Signed: \_\_\_\_\_

Address: \_\_\_\_\_

Date: \_\_\_\_\_

(Amended by Ord. No. 377-1984, eff. Sept. 6, 1984; election of Nov. 6, 1984; amended by Ord. No. 77-1999, eff. June 1, 2001; election of May 4, 1999)

Section 3a.

The form of the nominating petition papers shall be substantially as follows for candidates for mayor:

Candidate for Mayor  
 Petition of Candidate

We, the undersigned, here present \_\_\_\_\_ whose residence is \_\_\_\_\_, Cincinnati, Ohio, as a candidate for mayor to be voted for at the nonpartisan primary election to be held on the \_\_\_\_\_ day of September, \_\_\_\_\_, and at the election to be held on the \_\_\_\_\_ day of November, \_\_\_\_\_, and we individually certify that we are qualified to vote for candidates for mayor and that we have signed no other nominating petition for mayor.

Name	Street and Number	Date
_____	_____	_____

Statement of Circulator

I, \_\_\_\_\_ [name of circulator of petition], declare under penalty of the election falsification laws of the state of Ohio that I am a qualified elector of the city of Cincinnati; that I reside at the address appearing below my signature; that this petition paper contains \_\_\_\_\_ (number) signatures; that I witnessed the affixing of every signature; and that every signature is to the best of my knowledge and belief the signature of the person whose signature it purports to be:

Signed: \_\_\_\_\_

Address: \_\_\_\_\_

Date: \_\_\_\_\_

(Added by Ord. No. 77-1999, eff. June 1, 2001; election of May 4, 1999)

Section 4.

All separate papers comprising a nominating petition for member of council or for mayor shall be assembled and filed with the election authorities as one instrument at least 75 days prior to any election at which candidates are to be determined or elected. Within ten days after the certification of a nominating petition the election authorities shall notify the person named therein as a candidate whether the petition is found to satisfy all the prescribed conditions. Any eligible person placed in nomination as herein provided shall have his or her name printed on the ballot if, within five days after such notification, such person files with the election authorities a written acceptance of the nomination.

(Amended by Ord. No. 377-1984, eff. Sept. 6, 1984; election of Nov. 6, 1984; amended by Ord. No. 77-1999, eff. June 1, 2001; election of May 4, 1999)

Section 5.

Ballots used in electing members of the council and the mayor shall be without party mark or designation, and shall be marked by electors according to the instructions printed thereon under the heading "Directions to Voters," as specified in this section. Each elector shall be entitled to vote for one candidate for mayor and for as many candidates for the council, other than mayor, as are to be elected.

Section 5a.

Except for the names of the candidates and date of the election, the ballots for election for the members of the council shall be in form substantially as follows:

Regular Municipal Election  
Election For Members of the Council  
November \_\_\_\_\_, \_\_\_\_\_  
Direction to Voters

To vote for a candidate, place X in the rectangular space at the left of the name of such candidate.

Vote for NOT MORE THAN NINE candidates for the council. If you attempt to vote for more than nine candidates for member of the council your entire ballot will be invalid.

If you spoil this ballot, return it to the election officer in charge of ballots and obtain another ballot.

CANDIDATES FOR MEMBER OF THE COUNCIL

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Amended by Ord. No. 400-1985, eff. Aug. 7, 1985; election of Nov. 5, 1985; amended by Ord. No. 77-1999, eff. June 1, 2001; election of May 4, 1999)

Section 5b.

Except for the names of the candidates and date of the election, the ballots for election for mayor shall be in form substantially as follows:

Primary or Regular Municipal Election  
Mayoral Election  
Direction to Voters

To vote for a candidate, place X in the rectangular space at the left of the name of such candidate.

Vote for ONE candidate for mayor. If you attempt to vote for more than one candidate for mayor, your entire ballot will be invalid.

If you spoil this ballot, return it to the election officer in charge of ballots and obtain another ballot.

CANDIDATES FOR MAYOR

\_\_\_\_\_  
\_\_\_\_\_

(Added by Ord. No. 77-1999, eff. June 1, 2001; election of May 4, 1999)

Section 6.

For all elections at which members of the council are to be elected, the names of all candidates for the council shall be arranged on the ballot in a group under the title of the office. For all elections at which candidates for mayor appear on the ballot, the names of all candidates for mayor shall be arranged on the ballot in a group under the title of the office. The names of all candidates in each group shall be rotated in the manner provided by general election law to give each candidate's name reasonably equal position to the extent practical and appropriate to the voting procedure used.

(Amended by Ord. No. 400-1985, eff. Aug. 7, 1985; election of Nov. 5, 1985; amended by Ord. No. 77-1999, eff. June 1, 2001; election of May 4, 1999)

Section 7.

Ballots cast for election of members of the council and mayor shall be counted and the results determined and certified by the election authorities in the manner provided by general election law for non-partisan ballots for municipalities.

(Amended by Ord. No. 400-1985, eff. Aug. 7, 1985; election of Nov. 5, 1985; amended by Ord. No. 77-1999, eff. June 21, 2001; election of May 4, 1999)

Section 8.

The valid ballots cast shall be counted to determine the total number of votes cast for each candidate for member of council. Votes shall be counted for write-in candidates for members of the council who have complied with the general election law. The nine candidates receiving the highest number of votes cast shall be declared elected to the council.

Commencing with the September, 2001, non-partisan primary election, the valid ballots cast for candidates for mayor shall be counted to determine the total number of votes cast in said primary election. The two candidates receiving the highest number of votes shall be declared eligible for the regular municipal election for mayor in November and shall have their names printed on the ballot for mayor.

Commencing with the November, 2001, regular municipal election for mayor, the valid ballots cast shall be counted to determine the total number of votes cast for mayor. The candidate or eligible person receiving the highest number of votes cast for mayor shall be declared elected mayor.

If any two or more persons receive an equal and highest number of votes one of them shall be chosen as mayor according to the method prescribed by the general election laws of the state of Ohio for deciding tie votes.

Votes shall be counted for write-in candidates for mayor at the primary or regular municipal election who have complied with the general election law.

(Amended by Ord. No. 400-1985, eff. Aug. 7, 1985; election of Nov. 5, 1985; a. Ord. No. 348-1987, eff. Oct. 1, 1987; election of Nov. 3, 1987; amended by Ord. No. 77-1999, eff. June 1, 2001; election of May 4, 1999)

#### Section 9.

All ballots, including those determined to be invalid under the election laws of Ohio, shall be set aside and preserved until 60 days after the election. Upon request of any candidate, the ballots will be preserved thereafter until any controversy arising thereon shall have been terminated.

(Amended by Ord. No. 400-1985, eff. Aug. 7, 1985; election of Nov. 5, 1985)

#### Section 10.

At each municipal election any group of five or more candidates for election to the council may file a written application with the board of elections in the manner provided in the general election law for political parties, and be entitled to exercise as provided thereunder all rights and power relating to witnesses, challengers and inspectors of election at the polling places and at the central counting place granted under the general election law.

(Amended by Ord. No. 400-1985, eff. Aug. 7, 1985; election of Nov. 5, 1985)

#### Section 11.

The council shall have power to provide for the use of mechanical, electronic or other devices for marking and sorting the ballots and tabulating the results and to modify the form of the ballot, the directions to voters, and the details in respect to the method of counting, invalidating, and preserving ballots accordingly.

In the event that council does provide in any election for the use of mechanical, electronic or other devices for marking and sorting the ballots and tabulating the results, then such election shall be conducted in accordance with the laws of the state of Ohio, now or hereafter in force, relating to voting and tabulating equipment.

(Added by Ord. No. 400-1985, eff. Aug. 7, 1985; election of Nov. 5, 1985)

Section 12.

If any provision of Article IX, Section 2, is amended, is held unconstitutional or in violation of state law, this shall not affect the validity, force or effect of any other provision of Article IX, Section 2.

(Added by Ord. No. 332-1991, eff. Oct. 4, 1991; election of Nov. 5, 1991)

Article X. - MISCELLANEOUS (REPEALED)

(Amended by Ord. No. 302-1998, eff. Nov. 3, 1998; election of Nov. 3, 1998; amended by Ord. 77-1999, eff. May 4, 1999; election of May 4, 1999; repealed by Emer. Ord. No. 254-2014, eff. Nov. 4, 2014; election of Nov. 4, 2014)

Article XI. - FLUORIDATION OF WATER

Any ordinance enacted by the Council of the City of Cincinnati which provides for the fluoridation of water processed and distributed by the Cincinnati Water Works must first be approved by a majority of the electors voting on the question at a special or general election before said ordinance shall become effective, and any ordinance to fluoridate the water distributed by the Cincinnati Water Works that may have been enacted before this amendment is adopted shall cease to be effective until approved by a majority of the electors voting on the question at a special or general election.

FOOTNOTE(S):

--- (16) ---

This heading does not constitute part of the text of the charter of the city of Cincinnati. It was added solely for convenience in identifying subject matter in the January, 1969 republication of the charter by the clerk of council.

Article XII. - NO SPECIAL CLASS STATUS MAY BE GRANTED BASED UPON SEXUAL ORIENTATION, CONDUCT OR RELATIONSHIPS (REPEALED)

(Added by Ord. No. 314-1993, effective August 25, 1993; election of November 2, 1993; repealed by Ord. No. 271-2004, eff. 8-4-2004; election of November 2, 2004)

Article XIII. - CAMPAIGN FINANCE

Section 1.

Limits on Contributions

- a. In the period between successive elections of members of council, a person may contribute not more than \$1,100 to any one candidate for council, except that a political action committee may contribute

not more than \$2,700, and a political party or legislative campaign fund may contribute not more than \$10,500. Such amounts shall be subject to periodic adjustment pursuant to Section (4)(f)(2) herein.

- b. In the period from an election of a mayor through the next primary for the selection of candidates for mayor, a person may contribute not more than \$1,100 to any one candidate for mayor, except that a political action committee may contribute not more than \$2,700, and a political party or legislative campaign fund may contribute not more than \$10,500. Such amounts shall be subject to periodic adjustment pursuant to Section (4)(f)(2) herein.
- c. In the period from the day after the primary for the selection of candidates for mayor through November 30 of that year, identical limitations as in subsection b apply to contributions to any one candidate for mayor in the regular or special election for mayor.
- d. A candidate in a council or mayoral election may not solicit or accept a contribution proscribed by this section.
- e.
  - 1) The limit set forth in this section on contributions by a political action committee applies to the combined contributions of all the political action committees established, financed, maintained, or controlled by the same corporation, organization, labor union, continuing association, or other person, including a subsidiary, division, or department thereof.
  - 2) A limit on contributions by a political party applies to the combined contributions of national, state, and local organizations of the same party.
- f. The limitations in this section do not apply to:
  - 1) (Repealed)
  - 2) an unexpended permissible contribution raised in one period and carried over to the next, or
  - 3) the personal contributions of a candidate or the candidate's spouse.

(Amended by Ord. No. 304-2012, eff. Aug. 1, 2012; election of Nov. 2, 2012; amended by Emer. Ord. No. 254-2014, eff. Nov. 4, 2014; election of Nov. 4, 2014)

## Section 2.

### Reporting of Contributions and Expenditures.

- a. A candidate, political action committee, legislative campaign fund, or political party that made or received a contribution or expenditure supporting a candidate for city council or mayor shall file with the commission and the Hamilton County Board of Elections a full, true, and itemized report of the contribution or expenditure in the manner and form required by the commission by not later than 4:00 p.m. on the following dates:
  - 1) The last business day of July of the election year to reflect the contributions received and expenditures made from the close of business on the last day reflected in the last previously filed statement, if any, to the close of business on the last day of June of that year; and
  - 2) The thirty-eighth day after the municipal general election to reflect the contributions received and expenditures made from the close of business on the last day reflected in the last previously filed statement, if any, to the close of business on the seventh day before the filing of the statement.

In addition to the two reports listed above, in the event a mayoral primary election is held, the two successful mayoral primary candidates shall file a full, true, and itemized report of contributions and/or expenditures in the manner and form required by the commission by not later than 4:00 p.m. on the seventh day after the mayoral primary election. This report shall reflect the contributions received and

expenditures made from the close of business on the last day reflected in the last previously filed statement, if any, to the close of business on the date of the mayoral primary election.

- b. A person required by state law or this section to file a report concerning a mayoral or council election shall also:
  - 1) Simultaneously file a copy of the report with the commission and the Hamilton County Board of Elections; and
  - 2) Include with the report the name, residence address and employer or, if self-employed, the occupation of a person contributing more than \$100 in the reporting period.
- c. Reporting of independent expenditures:
  - 1) Within 10 days of making independent expenditures totaling more than \$1,000 in a period specified in section 1a, b, or c, the person making the expenditures shall file a report of the expenditures with the commission and the Hamilton County Board of Elections in the manner and form required by the commission. If a portion of the expenditures is made within 30 days of the election, the person shall file the report within 48 hours, and if made within 7 days of the election the person shall file the report within 24 hours.
  - 2) If a person makes independent expenditures totaling more than \$3,000 and accepts a contribution to the expenditures over \$100, the person shall include in the report of the expenditures the name, residence address and employer or, if self-employed, the occupation of the contributor.
- d. Penalties.
  - 1) Contribution. The penalty for making, soliciting, or accepting a contribution that exceeds the maximum permitted by this section is a civil fine equal to three times the excess contribution.
  - 2) Reporting. The penalty for failure to file a report required by this section is a civil fine for each day of violation a) in a council election, \$100, and b) in a mayoral election, \$200.
  - 3) A penalty under subsection (2) does not apply if an addendum supplying the required information is filed within the time established in section 4d.

(Amended by Ord. No. 252-2011, effective Nov. 8, 2011, election of Nov. 8, 2011)

### Section 3.

#### Prohibition on Public Financing of Campaigns

Notwithstanding anything in this Charter to the contrary, no monies of the City of Cincinnati or any of its Boards or Commissions, from any source whatsoever, or funds of any other entity disbursed by the City or any of its Boards or Commissions, may be disbursed to any candidate for any public office, campaign committee of any candidate for any public office, political action committee, or political party, or may be expended for the purpose of advocating the election or defeat of any candidate for any public office, or for the passage or defeat of any ballot issue.

(Amended by Ord. No. 284-2002, effective 12-5-02; election of November 5, 2002; amended by Emer. Ord. No. 254-2014, eff. Nov. 4, 2014; election of Nov. 4, 2014)

### Section 4.

#### Cincinnati Elections Commission

- a. The commission shall administer and enforce this Article.
- b. Membership.
  - 1) Number. The commission consists of at least five members to include a) one member affiliated with each political party with which one or more council members or the mayor is affiliated, and b) the minimum number of members not affiliated with a political party necessary to have five members or an uneven number, but not fewer than one.
  - 2) Nomination and appointment.
    - a) Party affiliated member: Within 30 days of the occurrence of a vacancy in a party affiliated position on the commission, the local executive committee of the same political party with which the former commission member was affiliated shall submit to the mayor the names of three individuals affiliated with that party. Within 15 days of receiving the names, the mayor shall appoint one of the nominees. If the party committee fails to submit three names within the required time, the mayor shall appoint an individual affiliated with that party.
    - b) Non-party affiliated member: Within 15 days of the occurrence of a vacancy in a non-party affiliated position on the commission, the mayor shall appoint a person not affiliated with a political party to fill the vacancy.
  - 3) Terms. A commission member:
    - a) serves a four year term;
    - b) if appointed to fill an unexpired term, serves until the expiration of the predecessor's term;
    - c) may not serve more than two consecutive terms but any period in which the member filled an unexpired term shall not count toward the prohibition against serving two consecutive terms.
  - 4) Qualifications and prohibitions. A commission member must be a resident registered to vote in the city of Cincinnati but may not:
    - a) hold or be a candidate for political office;
    - b) be an officer of a political party;
    - c) be a legislative agent or lobbyist as defined in the Cincinnati Municipal Code;
    - d) be in the unclassified service under Ohio civil service law or an individual or employee described in Ohio Revised Code section 4117.01(C)(1) through (12); and
    - e) as to a Cincinnati municipal election,
      - i) make or solicit a contribution supporting or opposing a candidate or ballot question or issue; or
      - ii) serve on a committee of a political party, political action committee, or contributing entity.
  - 5) Organization and staff.
    - a) The commission shall:
      - i) elect from its members a chairperson and a vice-chairperson, both of whom may not be affiliated with the same political party, to serve a one-year term. The chairperson may not have served more than one previous term as chairperson and may not be affiliated with the same political party as the immediately preceding chairperson;
      - ii) adopt rules of procedure;
      - iii) meet on the call of the chairperson or the written request of a majority of members;
      - iv) act only with the concurrence of a majority of members; and

- v) appoint staff necessary to carry out its duties in accordance with city civil service rules.
  - b) The commission may request the city solicitor to employ counsel to assist it in carrying out its duties.
- c. Duties of the commission. The commission shall adopt rules to administer and enforce this article including provisions for:
  - 1) the filing of reports by electronic means, and other means it considers appropriate;
  - 2) review and investigation of a) a report filed with it for compliance with this Article, and b) a sworn complaint based on personal knowledge alleging a violation of this Article;
  - 3) making a preliminary determination that a report filed with it is complete and accurate;
  - 4) immediate notice to a person alleged to have violated this Article;
  - 5) holding a hearing that meets due process requirements within 30 days of receipt of the notice of the alleged violation; and
  - 6) sending to the alleged violator and the complainant within 30 days of the end of the hearing written decision on the alleged violation.
- d. Addendum to the report.
  - 1) If the commission makes a preliminary determination that a report filed with it is incomplete or inaccurate, it shall conditionally accept the report and by certified mail notify the filer of the deficiency.
  - 2) Within 7 days of receipt of the notice, the filer may submit an addendum to correct the deficiency. The commission may grant an extension to file the addendum. If the filer fails to submit an acceptable addendum, the commission shall conduct further proceedings in accordance with subsection c.
- e. Finding a violation. After finding a violation of this Article, the commission may impose a civil fine or other penalty authorized by this Article. The commission shall refer to the appropriate city agency collection of a civil fine the commission imposes, recovery of excess payments to a candidate, or enforcement of another penalty the commission imposes.
- f. Additional powers and duties of the commission.
  - 1) The commission may:
    - a) apply to council to issue and compel compliance with a subpoena ordering attendance of a witness or production of a document, and to administer oaths; or
    - b) render an advisory opinion. A person who reasonably relies on a commission advisory opinion is not liable for a violation of this Article.
  - 2) Every four years, the commission shall adjust the contribution limits in section 1 and the matchable contribution limit in section 3 by the same percentage as the periodic adjustments to the salaries of the mayor and a council member, rounded up to the nearest one hundred dollars.
  - 3) Periodically, the commission shall file timely reports on the operation of this Article, including one comprehensive report each election cycle within five months of an election.

(Amended by Ord. No. 304-2012, eff. Aug. 1, 2012; election of Nov. 2, 2012; amended by Emer. Ord. No. 254-2014, eff. Nov. 4, 2014; election of Nov. 4, 2014)

Section 5.

Repealed

(Repealed by Emer. Ord. No. 254-2014, eff. Nov. 4, 2014; election of Nov. 4, 2014)

Section 6.

### Council and Article IX of the Charter of the City of Cincinnati

The council may not exercise a power under Article IX, Section 1, inconsistent with this Article.

Section 7.

### Definitions

a. In this Article

- 1) "commission" means the Cincinnati elections commission;
- 2) "candidate" includes a candidate's campaign committee;
- 3) "report" includes a statement or other document;
- 4) "mayoral election" includes a primary election for the selection of candidates for mayor;
- 5) "political party" means an organization (a) whose candidate received a number of votes equal to at least five percent of the number of persons voting for candidates for council in the last election for that office, or (b) is recognized as a political party for any purpose by a federal court;
- 6) "person" as used in this Article means the same as the definition of "person" in Section 3517.01(B)(17)(a) of the Ohio Revised Code;
- 7) "special election" means an election to fill the unexpired term of mayor which is held on the date of the regular municipal election as indicated in Article III, Section 3.

b. Unless otherwise defined in this Article, a word used in this Article has the same meaning as in Section 3517.01 of the Ohio Revised Code.

### SCHEDULE

1. To implement Section 4 b(1) so that in so far as possible the terms of one third of the members of the commission expire each year, the mayor in appointing the initial members of the commission shall designate one third of the appointees to serve initial terms of one year, one third two years, and one third or the remaining appointees three years, plus whatever additional period is necessary for the terms of subsequent appointees to begin on December 1 of the year in which appointed. Thereafter each appointee serves a three-year term as provided in Section 4 of the Article.
2. The nomination and appointment time periods in Section 4 b(2) begin to run 30 days after the approval of the Article by the voters.
3. This Article applies to the first council and mayoral elections held after the approval of the Article by the voters except that:
  - a) the limitations on contributions in the Article do not apply to contributions made prior to the approval of the Article; and
  - b) a contribution made prior to the approval of the Article counts toward meeting the eligibility requirements of section 3 b(1) and (2) and 3 c(1), (2), and (3) if it complies with the requirements of the Article.

(Added by Ord. 258-2001, effective September 6, 2001; election of November 6, 2001; amended by Ord. No. 304-2012, eff. Aug. 1, 2012; election of Nov. 2, 2012)

Article XIV. - LIMITATIONS ON USE OF PHOTO-MONITORING DEVICES TO DETECT CERTAIN TRAFFIC LAW VIOLATIONS

Section 1.

The city, including its various boards, agencies, and departments, shall not use any traffic law photo-monitoring device for the enforcement of a qualified traffic law violation, unless a law enforcement officer is present at the location of the device and personally issues the ticket to the alleged violator at the time and location of the violation.

(Added by Ord. No. 276-2008, § 1, effective November 4, 2008; election of November 4, 2008)

Section 2.

Definitions.

As used in this Article XIV:

Section 2a.

"Law enforcement officer" means any law enforcement officer employed by the city or any other political jurisdiction in Ohio, including the state. The city may from time to time and in its discretion, by ordinance or resolution, designate which city employees are "law enforcement officers" for purposes of this Article XIV.

Section 2b.

"Qualified law traffic violation" means a violation of any of the following: (1) any state or local law relating to complying with a traffic control signal or a railroad crossing sign or signal; or (2) any state or local law limiting the speed of a motor vehicle.

Section 2c.

"Ticket" means any traffic ticket, citation, summons, or other notice of liability (whether civil or criminal) issued in response to an alleged qualified traffic law violation detected by a traffic law photo-monitoring device.

Section 2d.

"Traffic law photo-monitoring device" means an electronic system consisting of a photographic, video, or electronic camera and a means of sensing the presence of a motor vehicle that automatically produces photographs, videotape, or digital images of the vehicle, its license plate, or its operator.

(Added by Ord. No. 276-2008, § 1, effective November 4, 2008; election of November 4, 2008)

Section 3.

Any ordinance enacted prior to the passage of this Article XIV that contravenes any of the foregoing is void. After the enactment of this Article XIV, the city shall not enact or enforce any ordinance that contravenes any of the foregoing. In the event that any provision of this Article XIV is found to be unconstitutional or impermissibly in conflict with state or federal law, only such provision found to be unconstitutional or impermissible will be stricken, and the remainder of this Article XIV will remain in full force and effect.

(Added by Ord. No. 276-2008, § 1, effective November 4, 2008; election of November 4, 2008)

Article XV. - PREVENTION OF THE TRANSFER OR SALE OF ANY ASSETS OF THE CITY OF CINCINNATI, OR ANY OF ITS BOARDS OR COMMISSIONS, TO ANY REGIONAL WATER DISTRICT, OR ANY REGIONAL WATER AND SEWER DISTRICT, FORMED PURSUANT TO OHIO REVISED CODE CHAPTER 6119

The city of Cincinnati, and its various boards and commissions, may not transfer or sell any assets of the City of Cincinnati, or any of its boards or commissions, to any regional water district, or any regional water and sewer district, formed pursuant to Ohio Revised Code Chapter 6119 without first submitting the question of the approval of such transfer or sale of assets to a vote of the electorate of the city and receiving a majority affirmative vote for the same.

(Added by Ord. No. 238-2009, § 1, effective November 3, 2009; election of November 3, 2009)

Article XVI. - AGAINST A TAX OR ASSESSMENT ON TRASH COLLECTION

Section 1.

The City, including its various Boards, agencies, and departments, shall not assess, levy, or collect any tax or general assessment on real properties, or against the owners or occupants thereof, for the collection, transportation or disposal of trash, garbage, waste, rubbish or refuse.

(Added by Emer. Ord. No. 283-2011, § 1, effective November 8, 2011; election of November 8, 2011)

Section 2.

Nothing in this Article shall prevent the City, including its various Boards, agencies, departments and commissions, from doing any of the following: (i) collecting other taxes and otherwise permissible funds in the general fund and using those revenues, in part, for providing a service of the collection of trash, garbage, waste, rubbish, and refuse, (ii) imposing assessments on specific properties that have properly been determined to be a nuisance for the removal of trash, garbage, waste, rubbish, or refuse, (iii) imposing criminal or civil sanctions for littering, or (iv) renting

dumpsters and other trash collection devices to commercial property owners and charging fees for such rental.

(Added by Emer. Ord. No. 283-2011, § 1, effective November 8, 2011; election of November 8, 2011)

Section 3.

Any ordinance enacted prior to the passage of this Amendment that contravenes the foregoing is void. After the enactment of this Amendment, the City shall not enact or enforce any ordinance that contravenes the foregoing. In the event that any provision of this Article is found to be unconstitutional or impermissibly in conflict with state or federal law, only such provision found to be unconstitutional or impermissible will be stricken, and the remainder of this Article will remain in full force and effect.

(Added by Emer. Ord. No. 283-2011, § 1, effective November 8, 2011; election of November 8, 2011)