CHARTER
OF
THE CITY OF KETTERING, OHIO

We, the people of the Municipality of Kettering, Ohio, in order to secure the benefits of local self-government under the Constitution of Ohio, do adopt this Charter for the government of the Municipality of Kettering.

ARTICLE I. NAME AND BOUNDARIES

SECTION 1-1. The present Municipality, known as the City of Kettering, Ohio, shall continue to be a body politic and corporate under the name of the City of Kettering, with the same boundaries, with powers and authority to change its boundaries and annex other territory contiguous thereto in the manner authorized by the general laws of Ohio. No territory shall be detached from the Municipality, nor shall the Municipality be annexed to any other municipality without the consent of Council.

ARTICLE II. POWERS

SECTION 2-1. GENERAL POWERS. This charter shall be construed and interpreted as expressing the intent of the citizens of the City of Kettering to govern themselves to the fullest extent authorized by the Constitution of the State of Ohio.

The City shall have all the powers of local self-government and benefits of municipal home rule as granted by the Constitution of the State of Ohio. In addition, the City shall have all powers that now or hereafter may be granted to municipalities by statutes of the State of Ohio.

Through this Charter the citizens expressly declare that all such powers of local self-government (and all power granted by state statutes, to the maximum extent possible) shall now and hereafter be exercised in the manner prescribed in this Charter or, if not prescribed herein, in such manner as shall be provided by ordinance or resolution of the City, even though different from the manner of exercise provided by state statutes. (Ord. 3720-96; passed 8/27/96.)

ARTICLE III. COUNCIL

SECTION 3-1. POWERS. The legislative power of the Municipality shall be vested in a Council of seven (7) electors of the Municipality, one of whose members shall be the Mayor.

SECTION 3-2. MEMBERS AND TERMS. Each member of Council, including the Mayor, shall be elected for a four (4) year term of office. Of the seven (7) members of Council, four (4) shall be elected from districts, one from each of the four (4) districts referred to in Section

11-2 of this Charter. The remaining three (3) members, including the Mayor, shall be elected from the City-at-large.

Members-at-large, including the Mayor, were elected at the general municipal election in November of 1993 and shall be elected every fourth year thereafter. District members were elected at the general municipal election in November of 1995 and shall be elected every fourth year thereafter.

The term of office of each member of Council, including the Mayor, shall begin on the first day of January next following his or her election. (Ord. 3720-96; passed 8/27/96.)

SECTION 3-3. QUALIFICATIONS. Each member of Council shall have been a qualified elector of the city for at least one year immediately prior to filing a petition of candidacy or immediately prior to appointment. One who ceases to be such an elector shall immediately forfeit his or her office. (Ord. 3720-96; passed 8/27/96.)

SECTION 3-4. REMOVAL AND VACANCIES. The Council shall be the judge of the election and qualifications of its own members. In case of persistent failure to abide by the rules of council or absence without justifiable excuse for three (3) consecutive meetings, the seat of such member may be declared vacant by resolution of Council, five members concurring.

Council shall declare vacant the seat of any of its members who shall cease to be qualified as a member of Council. Council members shall at all times be qualified electors of the City. No member of Council shall hold any other elected public office, hold any other City office or City employment. The following shall not be considered holding another City office or holding City employment: membership of a board, commission, committee or similar group by appointment of City Council; holding the office of Mayor or Vice-Mayor of the City. Holding the office of notary public, being a member of the Armed Forces of Ohio or the United States, or having the status of trustee or director without pay of a public institution shall not disqualify a member of Council. No member of Council shall hold the position of chief or lead executive officer of any political subdivision of Ohio, or be employed by another State of Ohio political subdivision in a position that is mandated by the State, appointed by the governing body of that other political subdivision and requires performing duties prescribed by State law.

If a vacancy occurs, the remaining members of Council shall act by majority vote to fill the vacancy on a temporary basis. That temporary appointee shall serve until commencement of the term of a successor who is elected as provided below. If a vacancy occurs, the election of a successor shall take place at the next general municipal election occurring more than one hundred twenty (120) days after the vacancy occurred. The elected successor shall take office immediately and shall serve for the balance of the unexpired term.

If, however, that term balance would be less than twelve (12) months, no such election shall be held and the temporary appointee shall continue to hold office for the remainder of the term.

Should a vacancy occur between election and taking office, the vacancy shall be filled by the newly elected council until the next general municipal election as provided by Section 3-2 of this Charter. Such newly elected Council member shall take office immediately. (Ord. 3720-96; passed 8/27/96.)

SECTION 3-5. COMPENSATION.

(a) Salary of the Council.

1. The salaries of Council members and the Mayor for the remainder of their current terms in office shall be equal to their actual salaries for the year 2012.

2. Effective with the term beginning on January 1, 2014, at-large Council members shall receive an annual salary of $8,000 and the Mayor shall receive an annual salary of $12,000. Effective with the term beginning on January 1, 2016, district Council members shall receive an annual salary of $8,000. These salaries shall remain in effect until changed in accordance with this Charter.

(b) Changes in Compensation.

1. The Council may increase or decrease the compensation of its members or the Mayor by an ordinance adopted in any odd numbered year no later than June first, provided that no increase in compensation shall be effective during the term of office of the Mayor or Council members in which such vote is taken. This section does not prohibit the payment of increased costs of continuing to provide the identical benefits provided to Council members or the Mayor at the commencement of such member's term of office.

2. Any ordinance increasing the compensation of Council members or the Mayor shall be limited to the single issue of Council compensation. Such ordinance shall not be passed as an expedited or emergency ordinance.

(c) Public Disclosure.

1. On or before March 15 of each year, the Clerk of Council shall compile lists of total actual compensation for Council positions and the Mayor for the prior calendar year, and shall post such lists prominently on the portions of the City's internet site that contain information about the Council and the Mayor, respectively. The lists shall be printed once per year in any general information publication issued by the City that is widely distributed by postal mail to residents of the City. This

requirement shall be waived in any year that no such publication is mailed.

2. The list of total actual compensation for Council positions and the Mayor shall include salary and all other employment costs, including, but not limited to, employer payments for retirement plans, Medicare, and worker's compensation.

(d) In the event that any provision of this Section 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 Section will remain in full force and effect.

(e) This Charter amendment shall become effective January 1, 2013. (Ord. 4202-12; passed 8/7/12)

SECTION 3-6. THE MAYOR. The Mayor shall have no veto.

The Mayor shall, in addition to his powers, rights and duties as a member of Council, preside at all meetings and shall be recognized as the official head of the Municipality for all ceremonial purposes, by the Governor for military purposes and by the courts for the purpose of service of civil process. The Mayor shall perform all other duties prescribed for him in this Charter and such other duties as may be imposed on him by any measure of Council. (Ord. 3720-96; passed 8/27/96.)

SECTION 3-7. THE VICE-MAYOR AND SUCCESSOR MAYORS. Council shall act by majority vote to choose one of its members as Vice-Mayor at the first regular meeting in January following a general municipal election.

In case of the temporary absence or temporary disability of the Mayor, the Vice-Mayor shall exercise all the powers and perform all the duties of the Mayor.

If a vacancy occurs in the office of the Mayor, the Vice-Mayor shall assume the title and office of Mayor until the vacancy is filled by the election of a successor Mayor.

If a vacancy occurs in the office of the Mayor, the election of a successor shall take place at the next primary or general election occurring ninety (90) or more days after the vacancy occurred. The successor Mayor shall take office immediately and shall serve for the balance of the unexpired term.

If, however, that term balance would be less than twelve (12) months, no such election shall be held and the former Vice-Mayor shall continue to hold office as the replacement Mayor for the remainder of the term.

If a Vice-Mayor assumes the title and office of Mayor, a successor Vice-Mayor shall be chosen by majority vote of the Council at its next regular meeting. The successor Vice-Mayor shall serve for the balance of the remaining term. (Ord. 3720-96; passed 8/27/96.)

SECTION 3-8. MEETINGS. Council shall meet regularly at such times as may be prescribed by its rules, but not less frequently than once each month. All meetings shall be open to the public except as otherwise provided by Ohio statute or City ordinance.

A regular organizational meeting shall be held during January in each year. A majority of the members on Council shall constitute a quorum to do business, but a lesser number may adjourn from time to time.

Special meetings may be called by the Mayor or any three members of Council on twelve hours notice served on each member personally or left at his usual place of residence. The purpose of a special meeting shall be stated in the notice. Other matters may be discussed, but no decision may be made nor legislation passed on such matters. (Ord. 3720-96; passed 8/27/96.)

SECTION 3-9. ANNUAL AUDIT. There shall be a financial audit of all the affairs and accounts of the city each calendar year. This audit shall be made by the State of Ohio or by an independent certified public accountant or accounting firm authorized by the State of Ohio to conduct required audits of cities. Council may, in addition, at any other time cause audits of specific funds to be made by a certified public accountant or accounting firm. (Ord. 3720-96; passed 8/27/96.)

SECTION 3-10. TERM LIMITATION.

(a) No person shall be elected to the office of district Council member, at-large Council member, Mayor, or a combination of the three offices, for more than two (2) consecutive terms of four (4) years each; provided that the term served in filling a vacancy or unexpired term shall not be considered as part of the two (2) consecutive terms of four (4) years each.

(b) Following the election to two (2) consecutive terms as district Council member, at-large Council member, Mayor, or a combination of the three offices, such person may not be elected to or appointed to the position of district Council member, at-large Council member, or Mayor for a period of one (1) four year term of the Council.

(c) This Charter amendment shall become effective from the time of its approval by the electors. In determining whether someone who currently serves may be elected in future elections, the terms of service to which one was elected prior to the enactment of this Section 3-10 shall not be considered.

(d) In the event that any provision of this Section 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 Section will remain in full force and effect.

(e) For clarification, election to each office (district Council member, at-large Council member, or Mayor) constitutes an "election" under sub-Section (a), above, even if such person only serves a partial term in such position. Thus, for example, if a person fails to serve a whole term in one position (e.g., district Council member) before election to a second position (e.g., Mayor), such person shall be term-limited {as provided in sub-Sections (a) and (b), above} after serving six years or fewer in elective office. (Ord. 4202-12; passed 8/7/12)

ARTICLE IV. LEGISLATION

SECTION 4-1. ORDINANCES, RESOLUTIONS AND MOTIONS. Council actions shall be by ordinance, resolution or motion. Ordinances shall prescribe permanent rules of conduct or government. Resolutions shall be orders of the council of a special or temporary nature. Administrative decisions may also be made by motion. (Ord. 3720-96; passed 8/27/96.)

SECTION 4-2. MAJORITY REQUIRED. The affirmative vote of a majority of all the members on Council shall be necessary for the enactment of any ordinance, except to the extent some other section of this charter provides for a different vote. (Ord. 3720-96; passed 8/27/96.)

Except to the extent another section of this Charter provides for a different vote, enactment of a resolution or the passage of a motion requires an affirmative vote of a majority of the members of Council who are present. (Ord. 3791-98; passed 8/11/98.)

SECTION 4-3. PROCEDURE OF PASSAGE OF ORDINANCES. Every ordinance shall be introduced in written form. After its approval on its first reading, a summary of the ordinance shall be published in a local newspaper with general circulation within the corporate limits of the Municipality. At least three (3) correct copies of the ordinance in the form in which it was approved on its first reading shall be made available to public inspection in the office of the Municipality.

The summary shall describe the ordinance in brief and general terms and state that the ordinance is available for public inspection in the office of the Municipality, together with a notation as to the time and place of its consideration for final adoption. The publication shall be at least five (5) days prior to the time advertised.

SECTION 4-4. SECOND READING. At the time and place so advertised, such ordinance shall be read by summary and title, unless a reading of the title alone provides an adequate summary or unless a member of Council who is present requests a reading in full. All persons present with new information shall be given an opportunity to be heard prior to the final vote. (Ord. 3720-96; passed 8/27/96.)

SECTION 4-5. FINAL ADOPTION. After such second reading, the Council may finally adopt such ordinance, except that if an amendment changes it as to a matter significant enough to have been included in the summary, Council shall not adopt the ordinance until it shall have caused a summary of the amended sections to be published at least once, together with a notice of the time and place, when and where such amended ordinance will further be considered. Such amended ordinance shall be read in full and a public hearing thereon shall be held. After such hearing, the Council may adopt such amended ordinance or again amend it subject to the same conditions. The adoption on second reading of any ordinance shall be final and no further action shall be required. (Ord. 3720-96; passed 8/27/96.)

SECTION 4-6. EXPEDITED ORDINANCES. The Council, by an affirmative vote of five (5) members, may dispense with a second reading and adopt the ordinance at the meeting in which it is introduced.

The summary of an ordinance adopted in this manner shall be published within two (2) weeks after its adoption. The effective date of such an ordinance shall not be earlier than two (2) weeks following its adoption (except for appropriation and street improvement ordinances, as referred to in Section 4-8 of this Charter.) (Ord. 3720-96; passed 8/27/96.)

SECTION 4-7. EMERGENCY ORDINANCES. The Council, by an affirmative vote of five (5) members, may pass emergency ordinances without a second reading and in the same meeting at which they were introduced in order to preserve the public interests or to provide for special emergencies in the operation of city services.

An emergency ordinance shall take effect immediately upon its passage or at such other time as stated in the ordinance. Each emergency ordinance shall set forth the basis of the emergency.

No legislation involving the granting, renewing or extending a franchise or regulating the rate to be charged for public utility services shall be passed as an emergency ordinance. In lieu of publication before adoption, the summary of an emergency ordinance shall be published within two (2) weeks after its adoption. (Ord. 3720-96; passed 8/27/96.)

SECTION 4-8. EFFECTIVE DATE. The effective date of any ordinance shall be not earlier than two (2) weeks following its adoption except as otherwise provided in the preceding section and in the second paragraph of this section. A resolution takes effect immediately upon its adoption.

Ordinances providing for appropriations for the current expenses of the Municipality, or for street improvements petitioned for by the owners of a majority of the front footage of the property benefited and to be assessed for the cost shall go into immediate effect.

ARTICLE V. THE MANAGER

SECTION 5-1. APPOINTMENT. A Manager shall be appointed by the Council to serve at the will of the Council, a majority of all the members of Council being required for his appointment.

SECTION 5-2. QUALIFICATIONS. The Manager shall be chosen solely on the basis of his executive and administrative qualifications with actual experience and training in the accepted practices and the duties of such office. At the time of his appointment he need not be a resident of the Municipality or State, but shall reside therein during his tenure of office unless otherwise provided by Council. No Councilman shall receive such appointment during the term for which he shall have been elected nor within one (1) year after the expiration of his term.

SECTION 5-3. POWERS AND DUTIES. The Manager shall be the chief executive officer of the Municipality and shall be responsible to the Council for the proper administration of the municipal government and his duties shall be:

(a) To see that the laws and ordinances are enforced.

(b) Except as herein provided, to appoint and remove all officers and employees of the Municipality, all such actions to be upon merit and fitness alone and subject to the civil service provisions.

(c) To exercise control over all departments created by Council.

(d) To recommend to Council such measures as he may deem necessary or expedient.

(e) To keep the Council fully advised of the financial condition and needs of the Municipality.

(f) To prepare and submit to Council such reports as may be required by that body.

(g) To submit to the Council at such date as the Council shall designate, a budget which shall include:

1. An itemized estimate of the expense of conducting each department.

2. Comparisons of such estimates with the corresponding items of expenditure for the last two complete years and with the expenses of the current fiscal year, plus an estimate of the expenditures necessary to complete the current fiscal year.

3. Reasons for the proposed increases or decreases in such items of expenditures compared with the current fiscal year.

4. A separate schedule of each department showing the things necessary for the department to do during the year, and the things desirable to do if funds permit.

5. A statement of the amounts to be appropriated to pay the debts of the Municipality.
6. Such other information as may be required by the Council.

(h) To prepare and submit to Council as of the end of the fiscal year a complete report on the finances and administrative activities of the Municipality for the preceding year.

(i) To be in charge of all purchases of the Municipality.

(j) To execute and deliver all contracts for the Municipality, except franchises for public utilities services.

(k) To attend all the meetings of the Council with the right of discussion but without a vote.

(l) And to perform such other duties as may be prescribed by this Charter or required of him by ordinance or resolution of Council.

SECTION 5-4. INTERFERENCE BY COUNCIL. Neither 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 Council and its members shall deal with that part of the administrative service for which the Manager is responsible, solely through the Manager. In case any member shall be found by Council to have violated this section, Council shall declare his seat vacant.

SECTION 5-5. RESIGNATION. The Manager shall have the right to resign his position at any time, subject to the requirement that he give a thirty-day notice of intention to resign. The requirement of notice may be waived by resolution of Council.

SECTION 5-6. REMOVAL. The Council may remove the Manager by the affirmative vote of five (5) of its members. At least thirty days before such removal shall become effective, the Council shall by an affirmative vote of five (5) of its members adopt a preliminary resolution stating the reasons for his removal. The Manager within one (1) week may reply in writing and request a public hearing, which shall be held not earlier than one (1) week nor later than two (2) weeks after the filing of such request. After such public hearing, if one is requested, and after full consideration, the Council, by an affirmative vote of five (5) of its members, may adopt a final resolution of removal. In any case of removal, the former Manager shall be paid

any unpaid balance of his salary and his salary for the next two months following the adoption of the preliminary resolution.

SECTION 5-7. ABSENCE OR DISABILITY OF THE MANAGER. To perform his duties during his temporary absence or disability, the Manager may designate by letter, filed with the Municipal Clerk, a qualified administrative officer of the Municipality. In the event of failure of the Manager to make such designation, the Council shall by resolution appoint an officer of the Municipality to perform the duties of the Manager until he shall return or his disability shall cease.

ARTICLE VI. ADMINISTRATIVE DEPARTMENTS

SECTION 6-1. CREATION AND CHANGE OF DEPARTMENTS. The Council by ordinance may create, change and abolish offices, departments, divisions, agencies and boards and commissions, other than those established by this Charter. Council by Ordinance may change the name of any board or commission that is established by this Charter, however, Council shall not change the function and duties of any such board or commission.

SECTION 6-2. DEPARTMENT DIRECTORS. The head of each department shall be a director who is to serve for an indefinite term. Heads of departments or of divisions are not required to be residents of the City of Kettering at the time of their appointment but are required to become residents of this city within such reasonable time after their appointment as may be determined by the City Manager.

Instead of appointing a director, the City Manager may serve as the head of one or more department. One individual may be appointed to head more than one department or division. (Ord. 3720-96; passed 8/27/96.)

SECTION 6-3. ADMINISTRATIVE CODE. The City Council shall by ordinance adopt an administrative code to provide for organization of the city government by creating various departments and divisions. (Ord. 3720-96; passed 8/27/96.)

SECTION 6-4. MUNICIPAL CLERK. The Council shall appoint a Municipal Clerk, also to be known as the Clerk of Council, for an indefinite term whose duty it shall be to keep the journal and other records of the Council and to perform such other duties as the Council may require. (Ord. 3720-96; passed 8/27/96.)

ARTICLE VII. COMMISSIONS AND BOARDS

SECTION 7-1. PLANNING COMMISSION. The Planning Commission shall consist of five (5) electors appointed by Council to serve without compensation for nonconcurrent terms of five (5) years. Council, by a majority vote of its members, shall choose a successor to fill any vacancy. (Ord. 3720-96; passed 8/27/96.)

SECTION 7-2. POWERS AND DUTIES. It shall be the function and duty of the Planning Commission to act as the platting commissioners of the Municipality, and as such it shall have control of planning and shall provide regulations covering the platting of all lands within the Municipality.

It may adopt and recommend to the Council a comprehensive general plan for the physical development of the City, which shall include the location of public ways, property, bridges, utilities, buildings, parks, playgrounds and recreation areas. The comprehensive general plan shall show all existing school locations in the City and shall show the projected locations of new schools as determined by the Board of Education.

It shall prepare and recommend to Council, ordinances creating areas, zones and districts of permitted uses, including rules, regulations, restrictions and limitations governing the design, height, floor area, size of structures, area and size of lots, size of yards, courts, open spaces, use and occupancy of public and private buildings, structures, and land for trade, industry, off-street parking, residences, parks, playgrounds and other uses or purposes as will promote the general welfare of the Municipality and its inhabitants.

Before the Planning Commission shall recommend to Council the rezoning of any lands it shall hold a public hearing on the question. The Planning Commission shall cause a notice of the public hearing to be published in a newspaper of general circulation within the corporate limits of the City.

That notice shall be published in advance of the public hearing, with the length of time in advance to be set by the Zoning Code; it shall contain a summary of the question and state the time and place of the public hearing.

It may make a base map to be titled the "Official Map of the Municipality of Kettering". It shall have control over the platting and subdivision of lands and the improvement or development thereof.

In the performance of its function, the Planning Commission may enter upon any land and make examinations and surveys, and place and maintain necessary monuments and marks thereon. (Ord. 3720-96; passed 8/27/96.)

SECTION 7-3. APPEALS FROM THE PLANNING COMMISSION TO COUNCIL. Any person, firm or corporation, or any officer, department, board or agency of the Municipality, or any interested elector of the Municipality who has been aggrieved or affected by any decision of the Planning Commission may appeal from such decision to the City Council by filing a notice of intent to appeal and subsequently filing a petition setting forth the facts of the case within such reasonable time as may be set by the Zoning Code.

Council shall hold a public hearing on each appeal within such reasonable time as may be set by the Zoning Code. (Ord. 3720-96; passed 8/27/96.) Council by an affirmative vote of a majority of all members shall decide the matter and their decision shall be final.

SECTION 7-4. BOARD OF ZONING APPEALS. There shall be a Board of Zoning Appeals composed of five (5) electors, appointed by the Council to serve without compensation for nonconcurrent terms of five (5) years.

The Board of Zoning Appeals shall hear and determine applications for variances from the zoning code and for interpretations of that code, with decisions of the board to be made in harmony with the intent and purpose of that code.

The Board of Zoning Appeals shall also hear and determine appeals from any civil order, requirement or decision made by an administrative officer who applies the zoning code. (Ord. 3720-96; passed 8/27/96.)

SECTION 7-5. APPEALS FROM BOARD OF ZONING APPEALS TO COUNCIL. Any person, firm or corporation, or any officer, department, board or agency of the Municipality, or any interested elector of the Municipality who has been aggrieved or affected by any decision of the Board of Zoning Appeals may appeal from such decision to the City Council by filing a notice of intent to appeal and filing a petition setting forth the facts of the case within such reasonable times as may be set by the Zoning Code.

Council shall hold a public hearing on each appeal within such reasonable time as may be set by the Zoning Code. Council by an affirmative vote of a majority of its members shall decide the matter and its decision shall be final. (Ord. 3720-96; passed 8/27/96.)

SECTION 7-6. CIVIL SERVICE COMMISSION. The Civil Service Commission shall consist of three (3) electors, one (1) elector appointed by the Board of Education, one (1) elector appointed by the Council and one (1) elector appointed by the Manager for nonconcurrent terms of six (6) years. The members shall serve without compensation.

SECTION 7-7. DUTIES. The Civil Service Commission shall provide by rule for the determination of merit and fitness as the basis for appointment and promotion in the service of the Municipality as required by the Constitution of Ohio, and for appeals from the action of the Manager or other officer in any case of transfer, reduction or removal. The action of the Commission shall be final.

SECTION 7-8. CLASSIFICATION OF SERVICE. The Civil Service of the Municipality is hereby divided into classified and unclassified service.

SECTION 7-9. THE CLASSIFIED SERVICE. It shall include only the following full-time employees of the Municipality:

(a) Members, including officers, of the Police and Fire Departments, other than the chiefs and assistant chiefs thereof.

(b) Employees of any utility operated by the Municipality requiring an operator's license, except a chauffeur's license, in the performance of their duties.

(c) Inspectors, such as plumbing, heating, electrical, health, sanitary, sewer or other inspectors required in municipal operations.

(d) Office help, mechanics and all positions not specifically included by this Charter in the unclassified service.

SECTION 7-10. UNCLASSIFIED SERVICE. The Unclassified Service shall include:

(a) All officers elected by the people.

(b) All directors of departments and divisions and other such professional and supervising positions as may be identified by a resolution or ordinance passed by the City Council.

(c) The City Manager and any Assistant City Manager.

(d) Members of boards and commissions.

(e) Clerk of Council.

(f) Secretary to the Mayor, secretary to the Manager, and secretary to each department and division head, and secretary of each board and commission.

(g) Unskilled labor as defined and authorized by a resolution or ordinance passed by City Council.

(h) Persons appointed to fill vacancies in elective offices.

(i) All officers and employees appointed by the Council.

(j) Provisional employees whose employment shall not exceed one hundred and twenty (120) days.

(k) Any office or position requiring peculiar or exceptional qualifications, to the extent such positions are identified by a resolution or ordinance passed by the City Council.

(l) Employees working less than full-time or who are seasonal or temporary employees as defined and authorized by a resolution or ordinance passed by the City Council.

(Ord. 3720-96; passed 8/27/96)

SECTION 7-11. CIVIL SERVICE FOR CLASSIFIED EMPLOYEES. The general laws of this state relating to civil service shall apply to City except to the extent this Charter or the ordinances or resolutions of this City set forth contrary provisions. This specific reference to the City's powers of local self-government shall not be deemed to supersede or override the express declarations in Section 2-1 of this Charter as to the intent of the citizens of this City to govern themselves and as to the exercise of the powers of local self-government. (Ord. 3720-96; passed 8/27/96)

SECTION 7-12. RIGHT OF APPEAL FOR UNCLASSIFIED EMPLOYEES. Council shall appoint three electors to serve as a Personnel Board of Appeals. The board shall hear appeals on the part of employees of the unclassified service who have been dismissed from employment, excluding elected officials, persons appointed to fill vacancies in elective office, the city manager and members of boards and commissions. (Ord. 3720-96; passed 8/27/96)

SECTION 7-13. PARKS AND RECREATION BOARD. There shall be a Parks and Recreation Board composed of five (5) electors, appointed by the Council to serve without compensation for nonconcurrent terms of five (5) years.

It shall be the duty of the Parks and Recreation Board to advise the Director of Parks and Recreation and City Manager on matters relating to parks, recreation and cultural programs, services and facilities.

SECTION 7-14. REMOVAL OF MEMBERS OF COMMISSIONS AND BOARDS. Council may, by an affirmative vote of a majority of all members, remove a member of a Commission or Board for just cause.

The decision of Council in removing a member of such commission or board pursuant to this section shall be final.

SECTION 7-15. MEETINGS OF BOARDS AND COMMISSIONS. All meetings of boards, commissions and committees of the City shall be open to the public except as otherwise provided by Ohio statute or City ordinance. (Ord. 3720-96; passed 8/27/96.)

ARTICLE VIII. ELECTIONS

SECTION 8-1. ELECTIONS HELD. The regular election shall be held on the first Tuesday after the first Monday in November in the odd-numbered years. Any matter which, by the terms of this Charter, may be submitted to the electors of the Municipality at any special election, may be submitted at the time of a primary or of a general election.

SECTION 8-2. BALLOTS. The ballots used in all elections provided for in this Charter shall be without party marks or designations. The names of all candidates for any municipal office shall be placed upon the same ballot and shall be rotated in the manner provided by the laws of Ohio.

SECTION 8-3. NOMINATION BY PETITION. No primary election shall be held for the nomination of candidates for Council. The candidates shall be nominated by petition only. A petition signed by not less than two hundred (200) electors of the community shall be required to nominate for the position of Councilman-at-large. A petition signed by not less than one hundred (100) electors of a given district shall be required to nominate for the position of Councilman for that district. A petition signed by not less than two hundred (200) electors of the community shall be required to nominate for the position of Mayor. (Amended 11-7-72)

SECTION 8-4. PROCEDURE. An elector may sign not more than one (1) petition for a candidate from his district and not more than two (2) petitions for candidates-at-large and not more than one (1) petition for Mayor. Petitions must be filed not later than 4 p.m. of the seventy-fifth (75) day before the election to the board of elections. The circulator of a given petition shall certify that the signatures on such petitions are genuine. (Amended 6-8-82)

SECTION 8-5. ELECTION. The candidate receiving the highest number of votes in a given district shall be declared elected. The two (2) candidates-at-large receiving the highest number of votes shall be declared elected. The candidate receiving the highest number of votes for Mayor shall be declared elected. (Amended 11-7-72)

ARTICLE IX. INITIATIVE, REFERENDUM AND RECALL

SECTION 9-1. INITIATIVE. Ordinances and other measures may be proposed by initiative petition and adopted by election, to the extent and in the manner now or hereafter provided by the Constitution or the laws of Ohio.

SECTION 9-2. REFERENDUM. Ordinances and other measures adopted by Council shall be subject to referendum, to the extent and in the manner now or hereafter provided by the Constitution or the laws of Ohio. Referendum petitions must be filed within two weeks following the passage of the ordinance or other measure in question.

SECTION 9-3. RECALL. The electors shall have the power to remove from office by a recall election any elected officer of the Municipality.

If an elected officer shall have served for six (6) months of his term, a petition demanding his removal may be filed with the Clerk of Council who shall note thereon the name and address of the person filing the petition and the date of such filing. Such petition may be circulated in separate parts, but the separate parts shall be bound together and filed as one instrument.

Each part shall contain the name and office of the person whose removal is sought and a statement in not more than two hundred (200) words of the grounds for the removal. Such petition shall be signed by the number of electors which equal twenty-five (25) percent of the total number of electors voting for the candidates-at-large in the case of the proposed removal of a Councilman-at-large, or the number of electors which equals twenty-five (25) percent of the total number of electors voting for the candidates for a particular district in the case of the

proposed removal of a Councilman from a district. The form sufficiency and regularity of such a petition shall be determined as provided in the general election laws of this state. (Ord. 3720-96; passed 8/27/96)

If the petition is sufficient and if such officer shall not resign within five (5) days after the sufficiency of the petition has been determined and that determination has been communicated to the officer, the Council shall fix a day for holding a recall election, not less than sixty (60) nor more than seventy-five (75) days after expiration of the time allowed for resignation.

At such recall election this question shall be placed on the ballot: "Shall (naming the officer) be allowed to continue as (naming the office)?" with provision on the ballot for voting affirmatively or negatively on such question. Only the qualified electors from a particular district shall be entitled to vote upon the recall of an officer elected solely from that district. If a majority of the votes cast at such election shall be voted affirmatively, such officer shall remain in office. If a majority of the votes cast shall be voted negatively, such officer shall be considered as removed, his office shall be deemed vacant, and such vacancy shall be filled as provided in this Charter. The officer removed by such recall election shall not be eligible for appointment to the vacancy thereby. (Ord. 3720-96; passed 8/27/96)

ARTICLE X. GENERAL PROVISIONS

SECTION 10-1. ORDINANCES IN EFFECT. All existing ordinances, resolutions and other acts of the Municipality which are not inconsistent with this Charter, shall remain in effect until amended or repealed by the Council.

SECTION 10-2. VESTED RIGHTS. The adoption of this Charter shall not impair any right vested in the Municipality nor discharge any liability incurred by the Municipality at the time of its adoption.

SECTION 10-3. DEBT AND TAX LIMITATIONS. The limitation on debt and tax rates without vote of the electors shall be continued as provided in the Ohio Constitution and general law.

The Council by a majority vote may enact an ordinance levying an income tax not to exceed two and one-quarter percent (2.25%) to provide funds for the general Municipal operations and for permanent improvements.

SECTION 10-4. SUCCESSION OF POWERS. Any department or office of the Municipality to which are assigned the powers, duties, or functions of a previously existing department or office shall be deemed to constitute a continuation thereof as to matters within its jurisdiction for the purpose of succession to its powers, duties, rights and obligations.

SECTION 10-5. AMENDMENT. This Charter may be amended at any time in the manner provided by the Constitution of Ohio.

SECTION 10-6. GENERAL POWERS. The Municipality shall have and may exercise, any or all powers, either expressed or implied, which under the Constitution of Ohio, it would be competent for this Charter to enumerate, as fully and completely as though such powers specifically were included herein.

SECTION 10-7. PRECEDENCE. In the event of conflict between any ordinance or resolution of this Municipality and any law, other than a law enacted in conformity with the powers reserved to the General Assembly by the Constitution of Ohio, the provisions of the ordinance or resolution shall prevail and control.

SECTION 10-8. REVIEW. On January 1, 1976, and at least once every ten (10) years thereafter, the Mayor shall appoint a committee of qualified electors of the Municipality to be known as a Charter Review Committee. Such Committee shall review and recommend to Council not less than ninety (90) days prior to the next November election, any alterations, revisions, and amendments to this Charter as in its judgment seem advisable. The Council may submit to the electors any such proposed alterations, revisions, or amendments to the Charter at the next regular November Election. Each said Charter Review Committee shall cease to function on the day of the next November election following its appointment. The members shall serve without compensation unless otherwise provided by ordinance. (Adopted 11-8-66)

SECTION 10-9. CONSTRUCTION. As used in this Charter, unless the context otherwise requires, words in the masculine gender include the feminine and neuter genders.

SECTION 10-10. CODIFICATION, ADOPTION BY REFERENCE. Council shall provide for codification and publication of all or such part of the ordinances of the city as it deems appropriate.

Council may adopt and amend by reference model or standard codes or regulations and the codification of ordinances, including but not limited to fire, plumbing, electrical and building codes.

Publication of the adopting ordinance shall be made in the same general manner as provided above in this Article IV for other ordinances. The summary as well as the ordinance itself shall identify the material adopted by the title, date, source and purpose, shall state if revisions or additions are included, and shall declare that a copy of the material so adopted will be available for review in the administrative offices of the city and that additional copies will be available for purchase. (Ord. 3720-96; passed 8/27/96)

SECTION 10-11. IMPROVEMENTS As a matter of local self-government, the council may enact ordinances that differ from state statutes as to the making of improvements and the levying of assessments.

This specific reference to the City's powers of local self-government shall not be deemed to supersede or override the express declarations in Section 2-1 of this Charter as to the intent of

the citizens of this City to govern themselves and as to the exercise of the powers of local self-government. (Ord. 3720-96; passed 8/27/96)

ARTICLE XI. INITIAL PROVISIONS

SECTION 11-1. EFFECTIVE DATE. For all purposes this Charter is in effect as of the first day of January, 1956.

SECTION 11-2. DIVISION INTO DISTRICTS. The City of Kettering shall be divided into four districts as equal as practicable in geographic area, compactness, population and contiguousness. Council shall have the authority to alter the district boundaries, except that such alteration shall not be made between the date of filing nomination petitions for office and the date of the following election, nor shall any redistricting become effective until the next regular municipal election following such redistricting.

ARTICLE XII. LIMITATIONS ON THE TOTAL TAX RATE WHICH MAY BE LEVIED FOR ALL PURPOSES OF THE MUNICIPALITY

SECTION 12-1. The City Council is hereby granted authority to levy annually a tax upon the tax lists or duplicates of property assessed and listed for taxation according to value, for all the purposes of the City of Kettering. The rate of such tax shall not exceed 2.5 mills plus 3.5 mills for a maximum total of 6 mills on each dollar of assessed valuation on the tax list or duplicate for each year such a tax is levied.

SECTION 12-2. Out of the tax authorized by this Article, an amount shall be levied annually that is sufficient to pay the interest, sinking fund and retirement charges on all notes and bonds of the City of Kettering heretofore and hereafter issued without a vote of the electors, which levy shall be placed before and in preference to all other levies and for the full amount thereof.

SECTION 12-3. Unless authorized and approved by a vote of the electors conformably with the general laws of this state, the Council shall levy no such tax outside of the limitations set forth in this Article XII. Provided, however, that the council shall levy annually, to the extent necessary, outside the limitations provided in this charter and by general laws of the state, a sum sufficient to pay the interest, sinking fund and retirement charges on all notes and bonds of the City heretofore or hereafter lawfully issued, the tax for which by general law or by this charter has been or shall be authorized to be levied outside of tax limitations.

SECTION 12-4. No other provision or provisions of the Charter shall impair or limit the authority granted by this article. This article shall take precedence over the tax limitation clause set forth in section 10-3 of this Charter and any other provision or provisions of the charter which would impair or limit the authority granted by this article. (Ord. 3590-93 passed 2/2/93)

SECTION 12-5. This Article XII shall take effect and be in force as of the date of the certification to the Secretary of State by the Board of Elections for the purpose of fixing the tax rate upon the tax list or duplicate for 1993 and subsequent years.

Legislative history: Ord. 79-54 passed 1/12/54; Ord. 224-54 passed 12/14/54; Ord. 1536-66; passed 7/26/66; Ord. 1537-66 passed 7/26/66; Ord. 2416-72 passed 7/25/72; Ord 2617-75 passed 3/18/75; Ord. 2708-76 passed 8/24/76; Ord. 2929-81 Passed 1/20/81; Ord. 3229-86 passed 11/4/86; Ord. 3320-88 passed 5/3/88; Ord. 3590-93 passed 2/2/93. Ord. 3720-96 passed 8/27/96, effective 12/4/96; Ord. 3791-98 passed 8/11/98, effective 11/20/98; Ord. 4034-06 passed 1/24/06, effective 6/12/06; Ord. 4049-06, passed 8/8/06; Ord. 4202-12 passed 8/7/12.