

ARTICLE V ORDINANCES AND RESOLUTIONS

Section 5.01. Action Requiring an Ordinance. In addition to other acts required by law or by specific provision of this Charter to be done by ordinance, those acts of the Council shall be done by ordinance which:

- (1) Adopt or amend an administrative code or establish, alter or abolish any Municipal department, office, agency, board or commission;
- (2) Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed;
- (3) Levy taxes, except as otherwise provided in Article VIII with respect to the property tax levied by adoption of the budget;
- (4) Grant, renew or extend a franchise;
- (5) Regulate the rate charged for its services by a public utility;
- (6) Authorize the borrowing of money;
- (7) Convey or lease or authorize the conveyance or lease of any lands of the Municipality;
- (8) Adopt with or without amendment ordinances proposed under the initiative power; and
- (9) Amend or repeal any ordinance previously adopted except as otherwise provided in Section 5.06 hereof with respect to repeal of ordinances reconsidered under the referendum power.

Acts other than those referred to in the preceding sentence may be done either by ordinance or resolution.

Section 5.02. Introduction of Ordinances. Every proposed ordinance shall be introduced in writing and in the form required for final adoption. No ordinance shall contain more than one subject which shall be clearly expressed in its title. The enacting clause shall be "The Municipality of West Carrollton, Ohio, Hereby Ordains..." Any ordinance which repeals or amends an existing ordinance or part of the municipal code shall set out in full the ordinance, section or sub-section to be repealed or amended, or shall have copies of such ordinance, section or sub-section attached to such proposed ordinance and if necessary for further clarification, shall indicate matter to be omitted by enclosing it in brackets or by strikeout type or shall indicate new matter by underscoring or by italics.

At least five (5) days prior to each regular meeting of Council, the Clerk of Council shall post in the five (5) most public places in the Municipality, as determined by Council, an agenda of the forthcoming Council meeting with a brief description of the ordinances to be considered at such meeting. All persons interested in such ordinances shall have the opportunity to be heard thereon.

Section 5.03. Passage of Ordinances. No ordinance shall be passed without the concurrence of a majority of all members of Council, except that emergency ordinances, as hereinafter provided, shall require concurrence of at least five (5) members of Council for passage. Every ordinance proposed for passage shall be available at the city offices for review by the general public on the day the ordinance is to be considered by Council. Such ordinance shall thereafter be read by title only on two different days, unless an emergency is declared as hereinafter provided, or unless by a vote of at least five (5) members of Council, a reading thereof by title only on two different days is dispensed with, in which case such ordinance may be read by title only one time and passed on the day of such reading. Final passage shall be certified by the signatures of the Mayor or Deputy-Mayor and Clerk of Council.

Section 5.04. Effective Date. Ordinances providing for appropriations for current expenses of the Municipality, or for public improvements petitioned for by the owners of a majority of the foot frontage of property benefited and to be specially assessed for the cost thereof, or for raising revenue, or ordinances wherein an emergency is declared to exist, shall become effective immediately upon passage or at such later date as may be provided therein, and such ordinances shall not be subject to referendum. All other ordinances shall take effect thirty (30) days after passage. An emergency ordinance as referred to herein is one which must be passed and made effective at once or in less than thirty (30) days to meet an emergency in the operation of the Municipal Government, or which is necessary for the immediate preservation of the public peace, health, safety, morals or welfare. An emergency ordinance must contain therein a separate section setting forth the reason for the emergency. No ordinance granting a franchise or fixing a rate to be charged by a public utility shall be passed as an emergency ordinance.

Section 5.05. Publication of Ordinances. Within ten (10) days after passage, ordinances of a general nature, or providing for public improvements shall be published one time, in summary form, in any English newspaper of general circulation in the Municipality or by posting copies thereof for at least fifteen (15) days in not less than five (5) of the most public places within the Municipality, as determined by Council. Such summary shall consist of a brief statement of the purpose and effect of the ordinance. Copies of all ordinances shall be made available by the Clerk of Council for public reference or for purchase at a reasonable price.

Section 5.06. Initiative and Referendum. Except as otherwise provided in this Charter, ordinances may be proposed and submitted to popular vote by initiative and referendum under the procedure set forth in Sections 731.28 to 731.40 of the Ohio Revised Code. Whenever the Council is required to pass more than one ordinance or resolution to complete the legislation necessary to complete and pay for any public improvement, the referendum shall apply only to the first ordinance or resolution to be passed and not to any subsequent ordinance or resolution in the series relating thereto.

Section 5.07. Adoption of Ordinances by Reference. The Council may adopt model or standard codes prepared and published by any public or private agency on such matters as fire prevention, building construction, electrical wiring, plumbing, heating, ventilating, air conditioning or other similar topics by reference to the date and source of the code without reproducing it at length in the ordinance. However, if Council desires to modify, add to, or eliminate from any such code any section or part thereof, such addition, modification or omission shall be clearly stated in the ordinance. In all such cases in which such code shall be adopted by reference, publication of the code at length, by the Municipality, shall not be required. However, at least one copy of all such codes, including all amendments thereto shall be kept at the office of the Clerk of Council for consultation by interested persons during regular office hours and additional copies shall always be available for sale, at cost, by the Clerk of Council.

Section 5.08. Resolutions. Action by Council which is not required by this Charter to be taken by ordinance, may be taken by resolution. Such a resolution shall be in writing and shall be introduced by a member of the Council, and may be adopted by a viva voce vote of a majority of a quorum. No waiting period, notice, hearing or publication shall be required and a resolution shall become effective upon its adoption. However, the Clerk of Council shall record resolutions in a separate book, which shall be a public record.