

Sidney Code of Ordinances

**CHARTER  
OF THE  
CITY OF SIDNEY, OHIO**

EDITOR'S NOTE: The Charter of the City of Sidney, Ohio, was adopted by the voters of the City on November 2, 1954, and became effective on January 1, 1956, except for the purpose of nominating and electing elective officers of the City when it became effective upon its approval by the voters.

**ARTICLE I. POWERS OF CITY**

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**SECTION 1-1. ADOPTION.**

The people of the City of Sidney, in order to secure the right of self-government in all local matters in accordance with the provisions of the Constitution of the State of Ohio, do adopt and establish this City Charter.

**SECTION 1-2. INCORPORATION.**

The inhabitants of the City of Sidney, within the corporate limits as now established, or as hereafter established in the manner provided by law, shall continue to be a municipal body politic and corporate in perpetuity under the name of the "City of Sidney."

**SECTION 1-3. HOME RULE POWERS.**

The City shall have all powers of local self-government and home rule, and all powers possible for a city to have under the Constitution of the State of Ohio. The City shall have all powers that now 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 provided herein, in such manner as shall be provided by ordinance or resolution of the Council.

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### **SECTION 1-4. LAWS OF THE STATE.**

The laws of the State not inconsistent with this Charter, except those superseded by or declared inoperative by ordinance or resolution of the Council, shall have the force and effect of ordinances of the City.

### **SECTION 1-5. PRECEDENCE.**

In the event of conflict between any City ordinance or resolution and any law, other than a law enacted in conformity with the powers reserved to the General Assembly by the Constitution of the State of Ohio, the provisions of the ordinance or resolution shall prevail and control.

### **SECTION 1-6. GENERAL POWERS.**

The City shall have and may exercise any and all powers, either expressed or implied, which under the Constitution of the State it would be competent for this Charter to enumerate, as fully and completely as though such powers specifically were included herein.

## **ARTICLE II. THE CITY COUNCIL**

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### **SECTION 2-1. POWERS VESTED IN COUNCIL.**

The legislative powers of the City and the determination of all matters of policy shall be vested in the City Council subject to the terms of this Charter and the Constitution of the State of Ohio.

### **SECTION 2-2. COUNCIL MEMBERS.**

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The Council shall consist of seven members, one member of which shall be elected from each of four wards and three elected from the City at-large.

### **SECTION 2-3. TERM OF COUNCIL.**

The members of Council shall begin their terms the first day of December next following their election, and they shall serve for a term of four years or until their successors are chosen and qualified; except that for the election of November, 1975, the elected at-large candidates shall serve for a term of four years or until their successors are chosen and qualified and the elected ward candidates shall serve for a term of two years or until their successors are chosen and qualified.

(Amended 11-5-74)

### **SECTION 2-4. ORGANIZATIONAL MEETING.**

The organizational meeting of Council shall be held on the first Monday of December next following its elections.

### **SECTION 2-5. QUALIFICATION.**

Councilmen shall be qualified electors of the City, and, if elected by ward, of the ward from which elected.

### **SECTION 2-6. RESTRICTION.**

Councilmen shall hold no other public office, except that of Mayor, Notary, member of the armed forces or director without pay of a public institution.

### **SECTION 2-7. CONTROL IN COUNCIL.**

The Council shall be the judge of the election and qualifications of its own members, subject to review by the courts on questions of fact and law. Council may expel or remove any

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member for gross misconduct, or persistent failure to abide by the rules of the Council, provided two-thirds of Council shall concur.

### **SECTION 2-8. VACANCIES.**

If any member of the Council shall die, resign or be disqualified, the remaining members of the Council shall, by the concurrence of at least four votes, choose his successor who shall serve during the remainder of the unexpired term. Should such vacancy occur between election and taking office, the vacancy shall be filled by the newly elected Council.

### **SECTION 2-9. OATH OF OFFICE.**

Each member elected to the Council shall qualify by taking an oath or affirmation of office at the first meeting of the term for which he was elected. The oath shall be administered by the Clerk and shall be:

I solemnly swear (or affirm) that I will support the Constitution of the United States and of the State of Ohio, and that I will in all respects obey and comply with the provisions of the Charter and ordinances of the City of Sidney, and will faithfully discharge the duties of the office I am about to enter.

### **SECTION 2-10. ELECTION OF MAYOR.**

At the first meeting of the newly elected Council, the Council, by the concurrence of at least four votes, shall choose one of its members to be the Mayor during the term of such Council. A Vice-Mayor shall also be chosen to serve in the absence or disability of the Mayor and shall succeed to his office in case of any vacancy therein. While acting in the place of the Mayor, the Vice-Mayor shall have the same powers and duties as the Mayor.

### **SECTION 2-11. DUTIES OF MAYOR.**

The Mayor shall preside at meetings of the Council, shall be the official head of the City and shall perform the customary duties of a Mayor under the Council-Manager form of government. The Mayor shall retain his vote as a member of Council, but shall have no veto.

**SECTION 2-12. COMPENSATION.**

(a) A Compensation Commission is hereby created which shall determine the salaries of the Mayor and the members of Council. The Commission shall consist of five members who are registered electors of the City appointed by the Mayor subject to confirmation by Council. The terms of office shall be five years except that the members first appointed shall each be appointed for one, two, three, four and five years. All first members shall be appointed within thirty days after the effective date of this Charter amendment. Thereafter, members shall be appointed before October 1 of the year of appointment. Vacancies shall be filled for the remainder of the unexpired term. No member or employee of the legislative, judicial or executive branch of any level of government or members of the immediate family of such member or employee shall be eligible to be a member of the Commission.

(b) The Commission shall determine the annual salary of the Mayor and the members of Council which determination shall be the annual salaries, unless the legislative body, by resolution adopted by a majority of Council, rejects them. The determination of the Commission shall be binding thirty days following its filing with the Clerk of Council, unless rejected by Council. In the case of rejections, the existing salary shall prevail. All salaries shall go into effect on December 1 of the year in which they are filed.

(c) The Commission shall meet in 1975 and every odd numbered year thereafter and shall make their determination of such salaries prior to March 1 of said year. (Amended 11-5-74)

**SECTION 2-13. PROCEDURE.**

The Council shall determine its own rules and procedure and shall keep a journal which shall be open to public inspection in the office of the Clerk.

**SECTION 2-14. REGULAR MEETINGS.**

The Council shall determine the time and place for holding its regular meetings and shall meet at least once each month. Except as authorized by the Ohio Revised Code, all regular meetings shall be open to the public. (Amended 11-2-99)

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### **SECTION 2-15. SPECIAL MEETINGS.**

A special meeting of the Council shall be called at the request of the Mayor or any four members. Except in case of emergency, notice of a special meeting shall be served on each member personally or left at his usual place of residence at least twelve hours previous to the time of the meeting. The purpose of a special meeting shall be stated in the notice and no other business shall be transacted at such meeting.

### **SECTION 2-16. QUORUM.**

Four members of the Council shall constitute a quorum for the transaction of business, but a lesser number may adjourn from time to time.

### **SECTION 2-17. PERSONAL INTEREST.**

No member of the Council shall sell any goods to nor render any remunerated service for the City.

### **SECTION 2-18. ANNUAL AUDIT.**

During those years in which the State of Ohio shall make an audit of the affairs of the City, such audit shall be accepted as valid. In any other years Council may provide for an audit by a certified public accountant.

## **ARTICLE III. ORDINANCES**

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### **SECTION 3-1. COUNCIL TO ENACT.**

The Council shall have authority to enact ordinances and resolutions for the preservation

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of the public peace, health, safety, comfort and welfare of the inhabitants of the City or for the protection of persons and property.

### **SECTION 3-2. DEFINITION.**

An ordinance of Council shall be required for every act of Council the purpose of which is to levy any tax which lawfully may be levied, to make an appropriation, to authorize the borrowing of money, to grant a franchise, to sell or lease real property, to create, abolish or reorganize any offices or departments, to fix compensation or to establish a fine or other penalty.

### **SECTION 3-3. MAJORITY REQUIRED.**

The affirmative vote of four members of the Council shall be necessary for the passage of any ordinance, but a majority of a quorum may transact other business.

### **SECTION 3-4. INTRODUCTION IN WRITING.**

Every proposed ordinance shall be filed in writing with the City Clerk not later than the meeting at which it is introduced.

### **SECTION 3-5. PASSAGE AT LATER MEETING.**

No ordinance shall be passed by the Council at the meeting at which it is introduced, but shall be referred to a subsequent regular or special meeting for a vote thereon. Such final vote shall be taken not less than two weeks after the introduction of the ordinance.

### **SECTION 3-6. DISCUSSION.**

Council shall have the opportunity to discuss generally a proposed ordinance at the time it is introduced. Changes in the proposed ordinance may be agreed upon by the Council at such meeting without prejudice to the valid introduction of the ordinance at that time.

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### **SECTION 3-7. COPIES AVAILABLE.**

The City Clerk shall prepare at least three copies of proposed ordinance to be available for public inspection together with the time set for final consideration of such ordinance. The City Clerk shall furnish the Councilmen a copy of each proposed ordinance at least one week before final passage.

### **SECTION 3-8. PUBLIC HEARING.**

At the time of final consideration of a proposed ordinance all persons interested shall be given an opportunity to be heard.

### **SECTION 3-9. VOTE.**

The vote upon any ordinance shall be by roll call and entered on the record of proceedings.

### **SECTION 3-10. CERTIFICATION.**

The valid passage of ordinances shall be certified by the signatures of the Clerk and the Mayor.

### **SECTION 3-11. PUBLICATION.**

All ordinances, or a succinct summary of the ordinance, shall be published in a newspaper published and of general circulation in Sidney not later than one week following passage. If a summary of an ordinance is published, the publication shall contain the notice that the complete text of each such ordinance may be obtained or viewed at the office of the City Clerk or Amos Public Library. Resolutions need not be published. (Amended 3-19-96)

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**SECTION 3-12. EFFECTIVE DATE.**

The effective date of any ordinance shall be not earlier than two weeks following its passage by the Council. A resolution shall take effect immediately upon its adoption.

**SECTION 3-13. RULE SUSPENSION.**

The Council, by affirmative vote of five members, may suspend the rule preventing passage of an ordinance at the meeting at which it is introduced.

**SECTION 3-14. EMERGENCY ORDINANCE.**

In an emergency, the Council, by an affirmative vote of five members, may adopt an emergency ordinance which shall take effect upon passage. Such emergency ordinance shall set forth the specific facts necessitating the emergency legislation.

**ARTICLE IV. COUNCIL APPOINTMENTS**

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**SECTION 4-1. CITY CLERK.**

The Council shall appoint a City Clerk 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.

**SECTION 4-2. CITY DIRECTOR OF LAW.**

The Council shall appoint a City Director of Law for an indefinite term, subject to reappointment at the beginning of each term of Council. The City Director of Law shall be an attorney-at-law qualified to practice in Ohio and who shall have practiced for not less than two

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years prior to his appointment. The City Director of Law shall be a resident of the City at the time of appointment and during his term of office. (Amended 11-3-92)

### **SECTION 4-3. DUTIES OF CITY DIRECTOR OF LAW.**

The City Director of Law shall be attorney for the City and legal advisor of the Council and of all officers and departments. (Amended 11-3-92)

### **SECTION 4-4. FINANCE DEPARTMENT.**

There shall be a Finance Department, the head of which shall be the Finance Director who shall be appointed by the Council for an indefinite term. The Finance Department shall perform those functions customarily performed by the City Auditor and City Treasurer under the general law.

### **SECTION 4-5. DUTIES OF FINANCE DIRECTOR.**

The Finance Director shall be the chief fiscal and accounting officer of the City. He shall have the powers and duties relating to the functions and services of accounting, collection of taxes and assessments, and the control of disbursements.

## **ARTICLE V. THE CITY MANAGER**

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### **SECTION 5-1. APPOINTMENT OF MANAGER.**

A City Manager shall be appointed by the Council to serve at the pleasure of the Council. The vote of four members concurring shall be required for appointment or removal.

### **SECTION 5-2. QUALIFICATIONS.**

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The City Manager shall be chosen on the basis of his qualifications as an administrator. It is recommended that he be either an engineer or a person trained in the field of finance. No Councilman shall receive such appointment during the term for which he was elected nor within one year after the expiration of his term.

### **SECTION 5-3. RESIDENTIAL REQUIREMENT.**

The Manager need not be a resident of the City when appointed, but shall reside in the City during his continuance as City Manager.

### **SECTION 5-4. RESPONSIBILITY.**

The Manager shall be the chief administrative officer of the City and shall be responsible to the Council for the administration and management of all offices and departments except as otherwise provided by this Charter.

### **SECTION 5-5. DUTIES.**

It shall be the duty of Manager:

- (a) To be at all times vigilant and active in causing the ordinances of the City to be executed and enforced.
- (b) To recommend to Council such measures as he may deem necessary or expedient.
- (c) To keep the Council fully advised of the financial condition and needs of the City.
- (d) To make a monthly report to Council which shall include a statement of disbursements and receipts pursuant to the budget and annual appropriation ordinance.
- (e) To prepare and submit to Council such reports as may be requested.
- (f) To prepare and submit to Council for approval an annual expenditures budget, an annual capital improvements budget and an annual appropriations ordinance.
- (g) 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 City for the preceding year.

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- (h) To attend all meetings of Council with right of discussion, but no vote.
- (i) To perform such other duties as may be required of him by ordinance or resolution of Council.

### **SECTION 5-6. ADMINISTRATION.**

The City Manager, subject to the civil service provisions of the general law, shall have power to appoint, suspend and remove all officers and employees in the service of the City for whose appointment this Charter makes no other provision. All appointments shall be upon the basis of merit and fitness alone.

### **SECTION 5-7. ADDITIONAL POSITIONS.**

The City Manager, upon the appointment of Council, may serve as the Director of Finance or Director of Service and Safety.

### **SECTION 5-8. PURCHASES.**

The City Council shall, by ordinance, establish a procedure to be followed covering all purchases of the City of Sidney. (Amended 11-5-74)

### **SECTION 5-9. CONTRACTS.**

The City Manager shall execute and deliver all contracts for the City, except contracts for annual audits and franchises for public utility services.

### **SECTION 5-10. RESIGNATION.**

The City 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 5-11. REMOVAL.**

The Council may remove the City Manager by four concurring votes of its members. At least thirty days before such removal shall become effective, the Council shall by a majority vote of its members adopt a preliminary resolution stating the reasons for his removal. The Council may suspend the City Manager from duty by such resolution. Within one week after receiving notice of such preliminary resolution, the City Manager may request a public hearing which shall be held within one week after such request. Within one week after such public hearing, if one is requested, and after full consideration, the Council by a majority vote of its members shall announce its final decision.

**SECTION 5-12. SEVERANCE ALLOWANCE.**

In any case of removal the City Manager shall be paid any unpaid balance of his salary plus a severance allowance from the time of his suspension from duty equal to thirty days' salary.

**ARTICLE VI. ADMINISTRATIVE DEPARTMENTS**

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**SECTION 6-1. POWERS OF COUNCIL.**

Council shall have power to provide by ordinance for the organization, conduct and operation of the several departments and agencies of the City as established by this Charter, for the creation of additional divisions, bureaus, offices and agencies, and their alteration or abolition, for their assignment and reassignment to departments, and for the number, titles, qualifications, powers, duties and compensation of all officers and employees.

**SECTION 6-2. DEPARTMENT OF SERVICE AND SAFETY. (REPEALED)**

(EDITOR'S NOTE: Section 6-2 was repealed by the voters on November 3, 1992.)

**SECTION 6-3. DIRECTOR OF SERVICE AND SAFETY. (REPEALED)**

(EDITOR'S NOTE: Section 6-3 was repealed by the voters on November 3, 1992.)

**SECTION 6-4. CIVIL SERVICE.**

The City Manager shall be the appointing authority of the Civil Service Commission. The general law applying to Civil Service shall remain in full force and effect, with the following exceptions:

(a) Council may, by a regular ordinance passed by the affirmative vote of five members of Council, establish a maximum retirement age which shall be not less than sixty-two years of age.

(b) Appointments to the position of Fire Chief or Police Chief shall be filled by appointment pursuant to this provision of the Charter and shall not be governed by the general civil service law regarding promotions. Applicants who are not current employees of the City are eligible candidates.

(1) All candidates for appointment to the position of Fire Chief or Police Chief shall possess the following qualifications:

A. Fifteen continuous years of local government service in the fire and emergency medical field (Fire Chief) or the law enforcement field (Police Chief);

B. Five years of management level experience as an operations supervisor;

C. Effective July 1, 1999, an Associate Degree in fire science (Fire Chief) or law enforcement (Police Chief) or an equivalent curriculum;

D. Current certification by a state or national association recognized by the State of Ohio for performance of the Chief's responsibilities.

(2) The Civil Service Commission shall, within ninety days of a vacancy in the position of Fire Chief or Police Chief, hold a competitive examination of all eligible candidates.

(3) The Civil Service Commission shall certify to the appointing authority the names and addresses of the three candidates standing highest on the eligibility list for the position of Fire Chief and Police Chief, provided that the Commission may certify fewer than three names

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if fewer than three candidates passed the examination. The appointing authority shall fill the position of Fire Chief or Police Chief by appointment of any one of the three persons certified to the appointing authority.

(4) Except for the original appointment process, the general civil service law shall apply to the position of Fire Chief or Police Chief.

(Amended 11-2-71; 3-19-96)

### **SECTION 6-5. RIGHT OF APPEAL.**

Council shall appoint three electors to serve as a Board of Appeals. The Board shall hear appeals on the part of employees of the unclassified service who have been dismissed from employment. The Board shall be authorized to make findings and issue recommendations to the removing officers.

### **SECTION 6-6. RESIDENCE REQUIREMENT.**

All persons appointed to the City service shall reside in Shelby County or establish a residence in Shelby County within twelve months after their appointment. If special circumstances exist, and upon the recommendation of the City Manager, Council may waive this residence requirement. The City Manager per Section 5-3, and the Law Director per Section 4-2, shall reside in the City. (Added 11-2-99)

## **ARTICLE VII. CITY PLANNING COMMISSION**

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### **SECTION 7-1. COMPOSITION.**

The City Planning Commission shall consist of five citizens appointed by the Council, and a member of the Council who shall have no vote. The appointed members shall serve for terms of six (6) years, such terms being staggered in the manner provided by general law. (Amended 11-2-71)

**SECTION 7-2. FUNCTION.**

The principal function of the Planning Commission shall be to prepare and revise from time to time a City plan providing for orderly and suitable expansion and development of the City. The City plan so submitted shall be considered by the Council in framing legislation regarding City development. The Planning Commission may be given other functions of recommendation and review, but shall have no direct legislative or administrative functions. The members shall serve without compensation.

The following voting requirement shall apply to recommendations from the Planning Commission:

(a) An affirmative vote of at least 4 Council members shall be necessary to adopt a zoning ordinance as to which the Planning Commission has recommended approval or has made no recommendation.

(b) An affirmative vote of at least 5 Council members shall be necessary to adopt a zoning ordinance as to which the Planning Commission has recommended against approval.

(Amended 11-2-71; 11-5-02)

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**ARTICLE VIII. ELECTIONS**

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**SECTION 8-1. ELECTIONS HELD.**

The regular municipal election shall be held on the first Tuesday after the first Monday in November in the odd-numbered years.

**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 City office shall be placed upon the same ballot and shall be rotated in the manner provided by the laws of Ohio.

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### **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 one hundred electors of the community shall be required to nominate for the position of Councilman-at-Large. A petition signed by not less than fifty electors of a given ward shall be required to nominate for the position of Councilman for that ward.

### **SECTION 8-4. PROCEDURE.**

Petitions shall be circulated after May first and shall be filed not later than the date set by State statute for the filing for non-partisan nominating petitions (for example: Township trustees and School Board members). The circulator of a given petition shall certify that the signatures on such petition are genuine. (Amended 11-3-92)

### **SECTION 8-5. ELECTION.**

The candidate receiving the highest number of votes in a given ward shall be declared elected. The three candidates-at-large receiving the highest number of votes shall be declared elected.

## **ARTICLE IX. GENERAL PROVISIONS**

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### **SECTION 9-1. ORDINANCES IN EFFECT.**

All existing ordinances, resolutions and other acts of the City which are not inconsistent with this Charter shall remain in effect until amended or repealed by the Council.

**SECTION 9-2. VESTED RIGHTS.**

The adoption of this Charter shall not impair any right vested in the City nor discharge any liability incurred by the City at the time of its adoption.

**SECTION 9-3. INITIATIVE AND REFERENDUM.**

The rights of initiative and referendum shall be maintained as provided in the general law of Ohio with the exception that referendum petitions must be filed within two weeks following the passage of the ordinance called in question.

**SECTION 9-4. DEBT AND TAX LIMITATIONS.**

The limitation on debt and tax rates without vote of the people shall be continued as provided in the Ohio Constitution and the general law.

**SECTION 9-5. SUCCESSION OF POWERS.**

Any department or office of the City 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 9-6. AMENDMENT.**

This Charter may be amended at any time in the manner provided by the Constitution of Ohio.

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**ARTICLE X. TEMPORARY PROVISIONS**

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### **SECTION 10-1. EFFECTIVE DATE.**

For the purpose of nominating and electing the elective officers of the City, this Charter shall be in effect from and after its approval by the electors. For all other purposes, this Charter shall be in effect on and after the first day of January, 1956.

### **SECTION 10-2. ELECTIVE OFFICERS.**

The elective officers of the City of Sidney who were elected in November, 1953, and presently are holding office, shall continue in their respective offices until the thirty-first day of December, 1955. On the first day of January, 1956, all such offices shall be superseded by the offices provided for in this Charter.

### **SECTION 10-3. CONTINUANCE IN OFFICE.**

All other officers, employees and commissions of the City of Sidney, who shall be in employment or office on the thirty-first day of December, 1955, shall continue in their respective offices and employments, with the same duties and status as before.

### **SECTION 10-4. TERM OF OFFICE.**

The elective officers of the City of Sidney who will be elected in November, 1955, shall take office on the first day of January, 1956, and shall continue in their respective offices until the first day of December, 1957.

### **SECTION 10-5. FIRST MEETING OF COUNCIL.**

The first meeting of the Council elected under this Charter shall be held on Monday, the second of January, 1956, at 7:30 P.M. in the Council chambers of the City. A temporary chairman shall be chosen to preside at such first meeting of the Council under this Charter.

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**CERTIFICATE**

We, the undersigned members of the Charter Commission of the City of Sidney have prepared and hereby propose the foregoing as the home rule Charter of the City of Sidney. Done in the City of Sidney, Ohio, this twenty- eighth of August, 1954. IN WITNESS WHEREOF, we have hereunto subscribed our names to duplicate copies hereof:

- /s/ Margaret B. Amos
- /s/ Kenneth S. Bogart
- /s/ Urban H. Doorley
- /s/ George F. Ehrhardt
- /s/ Ruth B. Emmons
- /s/ Harry K. Forsyth
- /s/ Forest J. Friend
- /s/ W. G. Fultz
- /s/ James P. Humphrey
- /s/ Robert F. Kaser
- /s/ H. T. Knoop
- /s/ Virginia Oldham
- /s/ Olive R. Owens
- /s/ Edwin F. Seving
- /s/ Arthur Tremain