

ORDINANCE NO.: 49-2009
INTRODUCED BY: Mayor and All of Council

AN ORDINANCE TO SUBMIT TO THE ELECTORS OF THE CITY OF RICHMOND HEIGHTS THE QUESTION OF AMENDING THE CHARTER AT ARTICLE VI, SECTIONS 1, 2, AND 4, REGARDING THE TITLES OF THE DIVISIONS OF THE PUBLIC SAFETY DEPARTMENT, THE DIRECTOR OF LAW, AND THE COMMISSIONER OF BUILDING, ZONING AND HOUSING AND THE CITY CODES APPLICABLE TO SAID COMMISSIONER; AND DECLARING AN EMERGENCY.

WHEREAS, the Charter Review Committee has recommended to place the issue of amending the Charter before the electorate in order to correct the titles of the Divisions of the Public Safety Department, to change the term "solicitors" to "directors of law" to comport with current state law, to correct a typographical error in the title of Commissioner of Building, Zoning and Housing, and to refer to City Codes in general when referring to the duties of said Commissioner; and

WHEREAS, pursuant to Charter, Article XIV, Council shall submit these proposed amendments to the electorate; and

WHEREAS, the Ohio Constitution provides that the Council shall submit the amendments to the electors at the next regular municipal election that occurs not less than 60 nor more than 120 days from the passage of such ordinance.

NOW, THEREFORE, Be It Ordained by the Council of the City of Richmond Heights, Cuyahoga County, State of Ohio, that:

Section 1: There shall be submitted to a vote of the qualified electors of the City, at the general election to be held on Tuesday, the 3rd day of November, 2009, at the regular places of voting in the City during the regular hours of voting on such date as prescribed by general law, the question of the amendment of the Charter of the City of Richmond Heights, at Article VI, Section 1, 2 and 4, so that, as amended, it shall read in pertinent part as follows:

**ARTICLE VI
ADMINISTRATIVE DEPARTMENTS, BOARDS, AND COMMISSIONS**

SECTION 1. SPECIFIC PROVISIONS.

The City shall have a Law Department, a Finance Department, a Public Safety Department, a Public Service and Properties Department, an Engineering and Construction Department, a Division of Police Department, a Division of Fire Department and a Division Department of Building, Zoning and Housing. The City shall also have a Civil Service Commission, a Planning Commission, a Zoning Board of Appeals, and a Recreation Board.

SECTION 2. DIRECTOR-OF-LAW.

* * *

(b) Duties. The Director of Law shall serve the Mayor, the various administrative departments, boards, and officers of the Municipality in all proceedings in court or before any administrative body. He, or such assistants as Council may provide, may act as prosecuting attorney before the Mayor's or other courts or upon appeals from the decision of the Mayor. He shall perform all other duties now or hereafter imposed by law upon ~~solicitors~~ directors of law of municipalities unless otherwise provided by ordinance of Council, and shall perform such other duties as the Council or Mayor may require consistent with his the Director's office.

* * *

SECTION 4. DEPARTMENT OF PUBLIC SAFETY

* * *

(e) The Division of Building, Zoning and Housing shall consist of a Commissioner of Building, Zoning and Housing and such other personnel as the Council shall deem necessary and advisable. The Commissioner of Building, Zoning and Housing shall be appointed by the Mayor, subject to the approval of Council.

The Commissioner of Building, Zoning and Housing shall perform ~~all~~ the duties of said Commissioner as set forth in the City's ~~Zoning Code and Building~~ Codes, now in effect or hereafter adopted, and shall be the administrative head of the Division of Building, Zoning and Housing and shall have the authority and responsibility for the operation of the Division. The Commissioner of Building, Zoning and Housing shall be responsible to and fully accountable to the Mayor for all activities, effectiveness and efficiency of the Division.

Wherever the terms Building Inspector or Building Official are used in ~~the Zoning Code or other adopted Building Codes~~, such terms shall be construed and deemed to read as Commissioner of Building, Zoning and Housing.

Section 2: The Board of Elections of Cuyahoga County be, and it is hereby, directed to provide for the voting upon said Amendment and the ballots for said election shall, at the top thereof, be entitled "Proposed Charter Amendment City of Richmond Heights", and the question to be submitted on said ballot shall be substantially in the following words:

"Shall Sections 1, 2 and 4 of Article VI of the Richmond Heights Charter relating to its Administrative Departments be amended to correct the titles of the Divisions of the Public Safety Department, to change the term "solicitors" to "directors of law", to correct a typographical error in the title of Commissioner of Building, Zoning and Housing, and to refer to City Codes in general when referring to the duties of said Commissioner?"

Section 3: The Clerk of Council is directed to give notice of the above proposed Charter Amendment to the electors of the City in accordance with general law,

and to certify a copy of the Ordinance to the Board of Elections of Cuyahoga County, Ohio, as provided by law.

Section 4: The Director of Finance is authorized and directed to appropriate from the general fund a sum sufficient to pay the cost of publishing said notice referred to in Section 3.

Section 5: It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 6: This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of the City of Richmond Heights for the reason that it is necessary to timely submit the proposed Charter Amendment to the Board of Elections for placement upon the ballot for the general election to be held on November 3, 2009, in compliance with the Ohio Constitution and the City Charter, and, therefore, shall take effect and be in force immediately upon its passage and approval by the Mayor.

PASSED:_____

Daniel J. Ursu, Mayor

APPROVED:_____

ATTEST:_____

Betsy Traben
Clerk of Council

David H. Roche
President of Council