

§ 71 General Powers and Duties of Mayor

It shall be the duty of the Mayor to act as chief conservator of the peace within the City; to supervise the administration of the affairs of the City; to see that all ordinances of the City are enforced; to recommend to the Council for adoption such measures as he may deem necessary or expedient; to keep the Council advised of the financial condition and future needs of the City; to prepare and submit to the Council such reports as may be required by that body, and to exercise such powers and perform such duties as are conferred or required by this Charter or by the laws of the State.

(Effective November 9, 1931)

§ 72 Mayor's Right in Council

The Mayor and the directors of all departments established by the Charter, or that may hereafter be established by ordinance, shall be entitled to seats in the Council. Neither the Mayor nor the director of any department shall have a vote in the Council, but the Mayor shall have the right to introduce ordinances and to take part in the discussion of all matters coming before the Council; and the directors of departments shall be entitled to take part in all discussions in the Council relating to their respective departments. The Council by ordinance or resolution may authorize other City officials to have seats in Council.

(Effective November 9, 1931)

§ 73 Vacancy in Office of Mayor; Acting Mayor

If the office of Mayor is vacant by reason of non-election, death, resignation, removal from office in any way except by recall election, removal of residence from the City, or from any other cause whatsoever, and such vacancy occurs more than one year before the next regular municipal election to be held for the office of Mayor, such vacancy shall be filled by special municipal elections. The aforesaid special municipal elections shall be held on the first Tuesday after sixty days from the day on which the vacancy first occurs, at which time the nonpartisan primary election shall be held, and on the fifth Tuesday following the said nonpartisan primary election, at which time the final special municipal election shall be held, and all the provisions in this Charter contained as to nomination and election of candidates for Mayor at regular municipal elections shall apply to the said special municipal elections. The person so elected as Mayor at the said special municipal elections shall assume the office immediately upon his election and qualification and shall serve until his successor is elected and qualified. During the existence of such vacancy in the office of Mayor, pending the time the said vacancy is filled by special municipal elections, the duties of the office of Mayor shall be discharged by the head of one of the departments provided for in this Charter under the title of Acting Mayor; provided, however, that if the vacancy occurs at a time when special municipal elections are not authorized in this section, then the said head of one of the departments shall succeed to the office of the Mayor and be Mayor until his successor is elected and qualified. In either of the above cases the order of succession as Acting Mayor or as Mayor shall be as follows: Director of Law, Director of Finance and Director of Public Utilities.

If the Mayor, or the person performing the duties of Mayor under the title Acting Mayor be temporarily absent from the City, or becomes temporarily disabled from any cause, his duties shall be performed during such absence or disability by the head of one of the aforesaid departments in the above order, and under the title of Acting Mayor.

(Effective November 4, 1980)

§ 74 Residency Requirements; Officers and Employees

(a) Except as in this Charter otherwise provided or except as otherwise provided by a majority vote of the Council of the City of Cleveland, every temporary or regular officer or employee of the City of Cleveland, including members of all City boards and commissions established by the Charter or the ordinances of Cleveland, whether in the classified or unclassified service of the City of Cleveland, appointed after the effective date of this amendment, shall, at the time of his appointment, or within six months thereafter, be or become a bona fide resident of the City of Cleveland, and shall remain as such during his term of office or while employed by the City of Cleveland.

(b) No person shall, in any way, falsify or misstate verbally or in writing any application, paper, document or form, which relates to his employment with the City, that he is a resident of the City of Cleveland, when in fact he is not a bona fide resident of the City of Cleveland. Any officer or employee of the City of Cleveland who is found to have supplied or furnished such false or misleading information concerning his true residence or who fails to become a resident as herein required, or who, being a resident or having become a resident of the City, subsequently establishes a residence outside of the City, shall, after hearing, according to law, be discharged from service with the City.

(c) A person who is a bona fide resident of the City of Cleveland for at least one year and desires to take an entrance level civil service examination, as determined by the Civil Service Commission, at the time of filing his or her application for examination, shall, if a passing grade is attained, as determined by the civil service bulletin for such examination, have added to his or her raw score ten (10) points.

Notwithstanding anything in this Charter to the contrary, every veteran who has served in the United States Armed Forces for a period of 180 consecutive days, if he has received an honorable discharge or separation or a general discharge under honorable conditions, shall receive an additional five (5) points added to his raw score. The Civil Service Commission may grant additional veterans preference points for servicemen having a service-connected disability not to exceed ten (10) points.

(d) The provisions of this section shall not apply to any officer or employee on the payroll of the City of Cleveland on the effective date of this section.

(Effective November 29, 1982; division (c) amended by the electors November 2, 1999)

§ 74-1 Residency Preference Points for Promotional Examinations

A person who is a bona fide resident of the City of Cleveland for at least one year from the date of filing of an application for a promotional civil service examination, who receives a passing grade on that promotional examination, shall have added to his or her raw score five (5) points.

(Effective March 6, 2012)

§ 75 *City Record*

The City shall publish weekly a *City Record* which shall contain the transactions and proceedings of the Council, the legal advertising of the City and such other information relating to the affairs of the City as shall be determined by ordinance. The *City Record* shall be published, distributed and sold in such manner and on such terms as the Council may determine. No unofficial advertisements shall be published in the *City Record*.

(Effective November 9, 1931)

§ 76 City Planning Commission

There shall be a City Planning Commission composed of seven (7) members. One shall be a member of the Council of the City of Cleveland chosen by each Council to serve during the term of such Council, and six members shall be appointed by the Mayor, with the approval of Council, and may be removed by the Mayor. Two alternate members shall be appointed by the Mayor, with the approval of Council, and may be removed by the Mayor. The alternate members may serve in place of a non-Council member of the City Planning Commission who is unable to act or is self-disqualified because of personal interest, and shall then have all the powers of the member and shall receive compensation for services as determined by the Council. In the event of the absence of the one Council member of the City Planning Commission, the Council President may appoint another Council member to serve as a member pro tempore for purposes of that City Planning Commission meeting. The term of the members, other than Council members, shall be six (6) years, except that of the initial appointments of the non-alternate members, the terms of two members shall be two (2) years, and the terms of two members shall be four (4) years. Vacancies in the Commission shall be filled in the same manner for the unexpired term. The Chairman of the Commission shall be appointed annually by the Mayor from the members and may be removed as Chairman at the Mayor's pleasure.

(Effective November 3, 2009)

§ 76-1 Directors and Staff

There shall be a Planning Director who shall be nominated by the Commission and appointed by the Mayor at his discretion. He shall be ex-officio Secretary of the City Planning Commission and shall serve until removed by the Mayor with the concurrence of a majority of the Commission. Upon nomination of the Planning Director the Commission shall appoint as its staff such technical and office personnel and assistants as it may deem necessary within the appropriation made available for such purpose. All such appointments, except the Planning Director and his secretary, shall be made in conformity with the civil service provisions of this Charter. Under the direction of the Commission the Director shall supervise and control the planning staff.

(Effective November 3, 1942)

§ 76-2 Powers and Duties of Commission

It shall be the function and duty of the Planning Commission to make and adopt a general plan for the development and improvement of the City, and for any area outside of the City which in the judgment of the Commission bears relation to the planning of the City. No general plan or portions thereof or amendments thereto shall be adopted by the Commission until after a public hearing thereon. So much of the general plan as may be established or from time to time amended by ordinance of Council shall constitute the official map of the City of Cleveland. The Commission shall also make plans and proposals for specific improvements and projects which it deems desirable for the City and its surrounding area and recommend them to the appropriate authority. These plans and proposals shall not become a part of the general plan until adopted as such. The Commission shall have authority to call upon officers and employees of other departments and divisions of the City of Cleveland for assistance in City planning. On or before the 1st day of June in each year the Commission shall recommend to the Mayor a capital improvement budget for the following year and a comprehensive five-year capital improvement program. It shall be the duty of the Commission to take the initiative in planning for the City and surrounding area and it shall have full power to publish and distribute at public expense copies of plans or reports and to promote public interest in and understanding of general plans and of other recommendations or proposals. It shall have authority to make such investigations, maps and studies relating to the planning of the community as it may deem desirable. The Planning Commission may recommend to the appropriate public authorities or private agencies programs for the development and improvement of the community, for the enactment of legislation pertaining thereto, for the building of public structures and improvements and for the financing thereof. The

Commission may enter into agreement with other governmental or private agencies necessary or desirable for carrying forward any of its purposes subject to the approval of Council.

(Effective November 3, 1942)

§ 76-3 Mandatory Referral

All ordinances or resolutions of Council, or acts or orders of any administrative official or agency of the City of Cleveland which affect the City plan or concern the plan, design, character, extent, location or use of any public improvement or public property or change thereof, or concern zoning or other regulations affecting or controlling the use or development of land or otherwise come within the functions of the Planning Commission as set forth in Section 76-1, before adoption and before they shall become legal or binding upon the City, shall be submitted to the Planning Commission for report and recommendation. Any matter so referred to the Planning Commission shall be acted upon by the Planning Commission within thirty (30) days from the date of referral, unless a longer time be allowed by Council. If the Commission shall fail to act within the time aforesaid, it shall be deemed to have approved such matter. Any provision of any ordinance, resolution or order disapproved by formal action of the Planning Commission shall require a two-thirds vote of all the members of Council for adoption or authorization. If any plan, design, or other proposal concerns the character, extent, location or use of any public improvement or public property or change thereof within the territorial limits of the City of Cleveland but does not under the law or Charter provision governing the same fall within the province of the Council or other official agency of the City of Cleveland, then the submission to the Planning Commission shall be by the State, County, district, school, township or other official, board, commission or body having jurisdiction over such public improvement or property, in accordance with the provisions of the general law of the State of Ohio; and the City Planning Commission's disapproval may be overruled not earlier than one week after communicating to the Commission the reasons therefor, by such official, or by such board, commission or body by a vote of not less than two-thirds of its membership.

(Effective November 3, 1942)

§ 76-4 Co-ordinating Board and Advisory Committee

There shall be a Co-ordinating Board composed of the Mayor, the directors of the various City departments and representatives of such other public agencies as the Commission shall invite, and an Advisory Committee appointed by the Mayor on the recommendation of the Commission, which shall advise with the Commission on matters pertaining to the planning and development of the community.

(Effective November 3, 1942)

§ 76-5 Zoning Ordinances

The Council shall by ordinance provide regulations and restrictions governing the height, number of stories and size of buildings and other structures, the percentage of lot that may be occupied, the density of population, the size of yards, courts and open spaces, and the location and use of buildings, structures and land for trade, industry, residence and other purposes, and such other matters pertinent thereto as may be competent for this Charter to authorize.

(Effective November 3, 1942)

§ 76-6 Board of Zoning Appeals; Board of Building Standards and Building Appeals

Within 30 days after this section becomes effective, there shall be established a Board of Zoning Appeals which shall be constituted and shall have jurisdiction as hereinafter provided. The members of the then existing Board of Appeals shall remain in office as the Board of Zoning Appeals for the terms for which such members were appointed, subject to the terms and conditions as to tenure of office set forth in the Charter at the time of their appointment, and shall retain jurisdiction of and dispose of all matters then pending before the Board of Appeals.

Within 30 days after this section becomes effective, there shall be established a Board of Building Standards and Building Appeals which shall be constituted and shall have jurisdiction as hereinafter provided.

(a) *Board of Zoning Appeals.* There shall be a Board of Zoning Appeals composed of five (5) members appointed by the Mayor. The members of the Board shall be appointed for a term of five years each. The Mayor may remove any member for cause and vacancies shall be filled in the same manner for the unexpired term. The Chairman of the Board shall be appointed annually by the Mayor. Members of the Board shall receive such compensation as is fixed by Council.

Separate provision shall be made in the budget for the expenditures of the Board and such expenditures shall not be included within the budget provided for the Planning Commission. The planning staff shall furnish the necessary technical advice and services required by the Board.

(b) *Jurisdiction of Board of Zoning Appeals.* It shall be the duty of the Board of Zoning Appeals to hear and decide appeals made for exceptions to and variations in the application of ordinances governing zoning in the City of Cleveland in conformity with the purpose and intent thereof, and to hear and decide all appeals made for exceptions to and variations in the application of ordinances, or orders or regulations of administrative officials or agencies; except such as are within the jurisdiction of the Board of Building Standards and Building Appeals.

(c) *Board of Building Standards and Building Appeals.* There shall be a Board of Building Standards and Building Appeals which shall consist of five (5) members to be appointed by the Mayor for original terms of one, two, three, four, and five years respectively, and thereafter for terms of five years each. One of the members shall be a registered architect who shall have had at least ten years' experience as an architect; one shall be a registered professional engineer who shall have had at least ten years' experience as an engineer engaged in the design of structural work in buildings; one shall be a registered professional engineer who shall have had at least ten years' experience as an engineer engaged in the design of mechanical equipment for buildings; one shall be a builder who shall have had at least ten years' experience in the construction, erection and alteration of buildings; and one shall be a member of organized labor representing the building trades who shall have had at least ten years' experience in the supervision of the construction, erection and alteration of buildings. Each year the Mayor shall designate one of the members of the Board as Chairman of the Board for the calendar year.

Vacancies shall be filled for an unexpired term in the manner in which the original appointments are required to be made.

Each member shall receive compensation for each day of services performed in the amount set by the Council and based upon the accepted rate prevailing at the time of appointment, which compensation per diem shall not be reduced or increased during the term of appointment. Members shall attend the hearings and executive sessions of the Board, and shall perform such other duties as may be required by the Chairman; provided that an alternate may serve in place of a member, as hereinafter set forth.

There shall be an alternate for each member of the Board appointed in the manner prescribed for members; such alternate may serve in place of the member of corresponding qualifications whenever such member is unable to act or is self-disqualified because of personal interest, and shall then have all the powers of such member and shall receive compensation for services in the same manner as provided for such member.

Separate provisions shall be made in the budget for the expenditures of the Board and such expenditures shall not be included in the budget for any other City department or agency.

The Board shall be provided with office space and all necessary office equipment, and a hearing room, and such technical, clerical or stenographic assistance as will be required for the proper performance of its duties.

Any member and any alternate may be removed by the Mayor on proof of official misconduct, or of negligence in official duties, or of conduct in any manner connected with his official duties which tends to discredit his office, or of mental or physical disability to perform his duties; but before removal he shall receive a copy of the charges, and shall be entitled to a hearing before the Mayor in person or by counsel, and the action of the Mayor shall be final.

(d) *Jurisdiction of the Board of Building Standards and Building Appeals.* The Board of Building Standards and Building Appeals shall have the power:

To approve or disapprove materials, types of construction, appliances, devices or appurtenances proposed for use pursuant to the Building Code of the City of Cleveland.

To make, amend, and repeal rules and regulations for carrying into effect all provisions of the Building Code other than those relating to zoning and to include in such rules and regulations provisions applying to specific conditions and prescribing means and methods of practice to effectuate such provisions.

To hear and decide appeals from, and to review upon motion of any member of the Board, any order, requirement, decision or determination of the Commissioner of Building and Housing, or of any other administrative official or agency of the City, relating to the location, design, materials, construction, alteration, repair, equipment, use or occupancy, maintenance, removal or demolition, of any building or other structure, or any appurtenance connected or attached to such buildings or structures, regulated by the Building Code of the City of Cleveland, and any rule or regulation or amendment or repeals thereof made by said officials or agencies under the authority conferred upon them by the Building Code of the City of Cleveland, by reversing or affirming in whole or in part, or modifying such order, requirement, decision or determination, or rule, regulation, amendment or repeals thereof as in its opinion ought to be made in the premises, and to that end shall have the power of the officer or agency relative to whose ruling the action is taken; except that matters relating to zoning shall not come within the province or jurisdiction of this Board. In taking such action, the Board of Building Standards and Building Appeals may vary or modify the application of any provision of the Building Code except provisions relating to zoning, to any particular case when, in its opinion, the enforcement thereof would do manifest injustice, impose unnecessary hardship, or would be contrary to the intent and purpose of the Building Code, or public interest.

To review, upon the motion of any member of the Board, any rule, regulation or decision of the Board; but no such review shall prejudice the rights of any person who has in good faith acted thereon before it is reversed or modified.

To exercise with respect to buildings situated in the City of Cleveland the same powers as are exercised by the Board of Building Standards under the laws of the State of Ohio to the extent that it is competent for this Charter so to authorize the Board.

To formulate and submit to the City Council, changes in and amendments to the Building Code which the Board determines as desirable for the proper regulation of buildings and structures and the equipment thereof and appurtenances thereto in the City of Cleveland.

To establish rules and regulations for its own procedure not inconsistent with this section.

(Effective November 21, 1967)

§ 76-7 Port and Harbor Commission

The Council may create a Port and Harbor Commission with such powers, functions and duties with regard to the development and administration of a harbor of the City of Cleveland, and warehouse and transportation facilities in connection therewith, not inconsistent with the powers, functions and duties vested in the City Planning Commission, as the Council may from time to time, by ordinance prescribe.

(Effective November 3, 1942)

§ 76-8 Department of Port Control

The administration and control of the activities in and about the harbor and airplane landing fields of the City of Cleveland shall be vested in the Department of Port Control unless and to the extent that such facilities are conveyed to, or otherwise made available for use by, a port authority originally created jointly by the City and the County of Cuyahoga under authority of the laws of Ohio. No such facilities shall be conveyed to, or otherwise made available for use by, such a port authority except upon such terms and conditions as shall be approved by ordinance of the Council, including such consideration as the Council shall determine therein to be adequate. The Council shall have the authority to abolish the Department of Port Control and the office of the Director of Port Control as and when and for so long as all of the functions and duties of such Department and office are assumed and discharged by such port authority.

Subject to the foregoing provisions of this section, the Director of Port Control, through the appropriate divisions of the Department of Port Control, shall have charge of the administration and control of the harbor of the City of Cleveland and the docks, wharves, warehouse and transportation facilities in connection therewith, and of the management of the Municipally owned airport facilities of the City of Cleveland; and he shall perform such other duties consistent therewith as Council by ordinance may require.

(Effective June 3, 1968)

CHAPTER 13 – DEPARTMENTS AND DIVISIONS

§ 77 Establishment and Discontinuance of Departments and Offices

§ 78 Directors

§ 79 Departmental Divisions

§ 80 Board of Control

§ 81 Advisory Boards

§ 82 Reports

§ 77 Establishment and Discontinuance of Departments and Offices

There shall be a Department of Law, a Department of Finance, a Department of Public Utilities, and such other departments and offices as may be established by ordinance, with the concurrence of the Board of Control. The Council may by ordinance, with the concurrence of the Board of Control, discontinue any department or office established by ordinance, and may prescribe, combine, distribute or abolish the functions and duties of departments and offices; but, except as otherwise provided in this Charter, no function or duty assigned by this Charter to a particular department or office shall be abolished or assigned to any other department or office. Departments and offices existing at the time of the adoption of this

section, and not specifically mentioned therein, shall continue as though established thereby but subject to alteration or discontinuance by ordinance in the manner provided herein.

(Effective June 3, 1968)

§ 78 Directors

A director for each department shall be appointed by the Mayor and shall serve until removed by the Mayor or until his successor is appointed and has qualified. The director of each department shall have the supervision and control of the department. He shall have power to prescribe rules and regulations, not inconsistent with this Charter, for the conduct of the officers and employees of his department; for the distribution and performance of its business; and for the custody and preservation of the books, records, papers and property under its control.

(Effective November 9, 1931)

§ 79 Departmental Divisions

The work of the several departments shall be distributed among such divisions thereof as are established by this Charter or as may be established by the Council by ordinance, with the concurrence of the Board of Control. There shall be a commissioner or chief in charge of each division who shall be appointed, and may be removed by the director of the department in conformity with the civil service provisions of this Charter. Each commissioner shall, with the approval of the director of his department, appoint all officers and employees in his division and have supervision and control of its affairs.

(Effective November 9, 1931)

§ 80 Board of Control

The Mayor and the directors of the several departments, whether established by this Charter or by ordinance, shall constitute a Board of Control. The Mayor shall be ex-officio President of the Board. The vote of a majority of all members of the Board shall be necessary to the adoption of any question, motion or order. All votes shall be by “yeas” and “nays” and entered on the record. All meetings of the Board shall be public, a record of its proceedings shall be kept, and an abstract of its proceedings shall be printed in the *City Record*.

(Effective November 9, 1931)

§ 81 Advisory Boards

The director of a department, with the approval of the Mayor, may appoint a board composed of citizens qualified to act in an advisory capacity to the commission of any division under his supervision. The members of any such board shall serve without compensation and their duty shall be to consult and advise with the commissioner, but not to direct his conduct of the division. Any recommendations of such board shall be in writing and become a part of the records of the department. Stated public meetings of such board shall be called by the commissioner for the consideration of the affairs of the division. The commissioner of the division shall be chairman of such meetings.

(Effective November 9, 1931)

§ 82 Reports

The director of each department shall annually, on such date as may be fixed by the Council, render to the Mayor a full report of the transactions of his department for the year, and shall furnish to the Council or Mayor at any time, such information relating to his department as either may require.

(Effective November 9, 1931)

CHAPTER 15 – DEPARTMENT OF LAW

§ 83 Director of Law; Qualifications and Duties

§ 84 Director as Prosecuting Attorney

§ 85 Suits Affecting City

§ 86 Legal Opinions

§ 87 Application for Injunction

§ 88 City Contracts and Easements

§ 89 Mandamus

§ 90 Taxpayer's Suit

§ 91 Time Limitation to Bring Action

§ 92 Hearing, Judgment and Costs

§ 93 Director as City Solicitor

§ 83 Director of Law; Qualifications and Duties

The Director of Law shall be an attorney at law admitted to practice in the State of Ohio. He shall be the legal advisor of and attorney and counsel for the City, and for all officers and departments thereof in matters relating to their official duties. He shall prosecute or defend all suits for and in behalf of the City, and shall prepare all contracts, bonds and other instruments in writing in which the City is concerned and shall endorse on each his approval of the form and correctness thereof. No such bond, contract or instrument shall become effective without such endorsement by the Director of Law thereon.

(Effective November 9, 1931)

§ 84 Director as Prosecuting Attorney

The Director of Law shall be the Prosecuting Attorney of the Municipal Court. He may designate such number of assistant prosecutors as the Council by ordinance may authorize. He shall prosecute all cases brought before such Court and perform the same duties, so far as they are applicable thereto, as are required of the Prosecuting Attorney of the County.

(Effective November 9, 1931)

§ 85 Suits Affecting City

When required to do so by resolution of the Council, the Director of Law shall prosecute or defend for and in behalf of the City, all complaints, suits and controversies in which the City is a party, and such other suits, matters and controversies as he shall, by resolution or ordinance, be directed to prosecute or defend.

(Effective November 9, 1931)

§ 86 Legal Opinions

The Council, the director of any department, or any officer or commission not included within a department, may require the opinion of the Director of Law upon any question of law involving their respective powers or duties.

(Effective November 9, 1931)

§ 87 Application for Injunction

The Director of Law shall apply, in the name of the City, to a court of competent jurisdiction for an order of injunction to restrain the misapplication of funds of the City, or the abuse of its corporate powers, or the execution or performance of any contract made in behalf of the City in contravention of law, or which was procured by fraud or corruption.

(Effective November 9, 1931)

§ 88 City Contracts and Easements

When an obligation or contract made on behalf of the City, granting a right or easement, or creating a public duty, is being evaded or violated, the Director of Law shall likewise apply for the forfeiture or the specific performance thereof as the nature of the case requires.

(Effective November 9, 1931)

§ 89 Mandamus

In case any officer or commission fails to perform any duty required by law, the Director of Law shall apply to a court of competent jurisdiction for a writ of mandamus to compel the performance of such duty.

(Effective November 9, 1931)

§ 90 Taxpayer's Suit

In case the Director of Law, upon written request of any taxpayer of the City, fails to make any application provided for in the preceding three sections, such taxpayer may institute suit or proceedings for such purpose in his own name on behalf of the City. No such suit or proceeding shall be entertained by any court until such request to the Director of Law shall first have been made, nor until the taxpayer shall have given security for the costs of the proceedings.

(Effective November 9, 1931)

§ 91 Time Limitation to Bring Action

No such action to enjoin the performance of a contract entered into, or the payment of any bonds or notes issued by the City, shall be brought or maintained unless commenced within one year from the date of such contract, bonds or notes.

(Effective November 9, 1931)

§ 92 Hearing, Judgment and Costs

If the court hearing any such action be satisfied that the taxpayer had good cause to believe his allegations were well founded, or that they are sufficient in law, it shall make such order as the equity and justice of the case demand. In such case the taxpayer shall be allowed his costs, and if judgment be finally entered in his favor, he may be allowed as part of the costs a reasonable compensation for his attorney.

(Effective November 9, 1931)

§ 93 Director as City Solicitor

In addition to the duties imposed upon the Director of Law by this Charter or required of him by ordinance, he shall perform the duties which are imposed upon City solicitors by the general law of the State, beyond the competence of this Charter to alter or require.

(Effective November 9, 1931)

CHAPTER 17 – DEPARTMENT OF FINANCE

- § 94 Director of Finance
- § 95 Accounting Procedure
- § 96 Monthly Financial Statement
- § 97 Commissioner of Accounts
- § 98 Special Audits
- § 99 Division of Treasury
- § 100 Duties
- § 101 Division of Purchases and Supplies
- § 102 Governing Regulations
- § 103 Division of Assessments and Licenses
- § 104 Accounts of Appropriations
- § 105 Payment of Claims
- § 106 Contracts Certified
- § 107 Earmarked Funds

§ 108 Authorization of Contracts

§ 109 When Contracts Void

§ 110 Sinking Fund

§ 110-1 Civil Defense Expenditures

§ 94 Director of Finance

The Director of Finance shall have charge of the Department of Finance and the administration of the financial affairs of the City, including the keeping and supervision of all accounts; the custody and disbursement of City funds and moneys; the making and collection of special assessments; the issuance of licenses; the collection of license fees; the control over expenditures; the purchase, storage and distribution of supplies needed by the City; and such other duties as the Council may by ordinance require.

(Effective November 9, 1931)

§ 95 Accounting Procedure

Accounts shall be kept by the Department of Finance showing the financial transactions of all departments and offices of the City. The form of all such accounts and the financial reports rendered to or by the Department of Finance, shall be described by the Director of Finance. The accounts and the accounting procedure of the City shall be adequate to record all cash receipts and disbursements, all revenues accrued and liabilities incurred, and all transactions affecting the acquisition, custody and disposition of values and for making such reports of the financial transactions and conditions of the City as may be required by law or ordinance.

(Effective November 9, 1931)

§ 96 Monthly Financial Statement

The Director of Finance shall prepare for submission to the Council at its second meeting in each month a summary statement of revenues and expenses for the preceding month, detailed as to appropriations and funds in such manner as to show the exact financial condition of the City and of each department, division and office thereof as of the last day of such month. Financial reports shall also be prepared for each quarter and fiscal year and for such other periods as may be required by the Council.

(Effective November 9, 1931)

§ 97 Commissioner of Accounts

There shall be in the Department of Finance a Division of Accounts at the head of which there shall be a Commissioner of Accounts. The Commissioner of Accounts shall be the chief accounting officer of the City. He shall, under the supervision of the Director of Finance, install and maintain accounting procedures in conformity with Section 95 of this Charter. He shall appoint all bookkeepers and other employees charged with keeping books of financial account in all departments and offices of the City; and, whenever practicable, such books and accounts shall be kept in his office. He shall require that daily report be made to him by each department and office showing the receipt of all moneys and the disposition thereof.

(Effective November 9, 1931)

§ 98 Special Audits

Upon the death, resignation, removal or expiration of the term of any officer of the City, the Commissioner of Accounts shall cause an audit and investigation of the accounts of such officer to be made and shall report to the Mayor. In case of death, resignation or removal of the Commissioner of Accounts, the Mayor shall cause an audit to be made of his accounts. If, as a result of any such audit, an officer be found indebted to the City, the Commissioner of Accounts, or other person making such audit, shall immediately give notice thereof to the Mayor and the Director of Law and the latter shall forthwith proceed to collect such indebtedness.

(Effective November 9, 1931)

§ 99 Division of Treasury

There shall be in the Department of Finance a Division of the Treasury which shall be in charge of the City Treasurer, who shall be the custodian of all public money of the city and all other public money coming into his hands as City Treasurer. The City Treasurer shall keep and preserve such moneys in the place or places determined by ordinance or by the provisions of any law applicable thereto.

(Effective November 9, 1931)

§ 100 Duties

Except as otherwise provided in this Charter, the City Treasurer shall, under the supervision of the Director of Finance, collect, receive and disburse all public money of the City upon warrant issued by the Commissioner of Accounts; and he shall also receive and disburse all other public money, coming into his hands as City Treasurer, in pursuance of such regulations as may be prescribed by the authorities having lawful control over such funds.

(Effective November 9, 1931)

§ 101 Division of Purchases and Supplies

There shall be in the Department of Finance a Division of Purchases and Supplies. The Commissioner of Purchases and Supplies shall make all purchases for the City in the manner provided by ordinance, and shall, under such regulations as may be provided by ordinance and by direction of the Board of Control, sell all property, real and personal, of the City not needed for public use or that may have become unsuitable for use or that may have been condemned as useless by the director of a department. He shall have charge of such store rooms and warehouses of the City as the Council may by ordinance provide.

(Effective November 9, 1931)

§ 102 Governing Regulations

The Commissioner of Purchases and Supplies shall sell any City-owned property under such rules and regulations as the Council shall establish; provided, however, that before making any purchase, said Commissioner shall give opportunity for competition under such rules and regulations as the Council shall establish. Supplies required by any department may be furnished upon requisition from the stores under the control of the Commissioner of Purchases and Supplies, and whenever so furnished shall be paid for by the department furnished therewith by warrant made payable to the credit of the store's account of the Division of Purchases and Supplies. The Commissioner of Purchases and Supplies shall not furnish any supplies to

any department unless there be to the credit of such department an available appropriation balance, in excess of all unpaid obligations sufficient to pay for such supplies.

(Effective November 9, 1931)

§ 103 Division of Assessments and Licenses

There shall be in the Department of Finance a Division of Assessments and Licenses. The Commissioner of Assessments and Licenses shall have charge of the preparation and certification of all special assessments for public improvements; the mailing of notices of such assessments to property owners and all other duties connected therewith; the collection of such assessments as are payable directly to the city and the preparation and certification of all unpaid assessments to the County Auditor for collection. He shall issue all licenses and collect all fees therefor and shall pay the same to the City Treasurer in the manner provided by ordinance.

(Effective November 9, 1931)

§ 104 Accounts of Appropriations

Accounts shall be kept for each item of appropriation made by the Council and every warrant on the Treasury shall state specifically against which of such items the warrant is drawn. Each such account shall show in detail the appropriations made thereto by the Council, the amount drawn thereon, the unpaid obligations charged against it, and the unencumbered balance to the credit thereof.

(Effective November 9, 1931)

§ 105 Payment of Claims

No claim against the City shall be paid unless it be evidenced by a voucher approved by the head of the department or office for which the indebtedness was incurred; and each such director or officer and his surety shall be liable to the City for all loss or damage sustained by the City by reason of his negligent or corrupt approval of any such claim. The Commissioner of Accounts shall examine all payrolls, bills and other claims and demands against the City and shall issue no warrant for payment unless he finds that the claim is in proper form, correctly computed and duly approved; that it is justly and legally due and payable; that an appropriation has been made therefor which has not been exhausted, or that the payment has been otherwise legally authorized; and that there is money in the City Treasury to make payment. He may investigate any claim and for that purpose may summon before him any officer, agent, or employee in any department, any claimant or other person, and examine him upon oath or affirmation relative thereto, which oath or affirmation he may administer. If the Commissioner of Accounts issues a warrant on the Treasury authorizing payment of any item for which no appropriation has been made or for the payment of which there is not a sufficient balance in the proper appropriation, or which is otherwise contrary to law or ordinance, he and his sureties shall be individually liable to the City for the amount thereof.

(Effective November 9, 1931)

§ 106 Contracts Certified

No contract, agreement, or other obligation, involving the expenditure of money, shall be entered into, nor shall any ordinance, resolution, or order for the expenditure of money be passed by the Council, or be authorized by any officer of the City, unless the Director of Finance first certifies to the Council or to the proper officer, as the case may be, that the money required for such contract, agreement, obligation, or

expenditure, is in the Treasury, to the credit of the fund from which it is to be drawn, and not appropriated for any other purpose, which certificate shall be filed and immediately recorded. The sum so certified shall not thereafter be considered unappropriated until the City is discharged from the contract, agreement or obligation.

(Effective November 9, 1931)

§ 107 Earmarked Funds

All moneys actually in the Treasury to the credit of the fund from which they are to be drawn, and all moneys applicable to the payment of the obligation or appropriation involved, that are anticipated to come into the Treasury before the maturity of such contract, agreement or obligation, from taxes or assessments, fees, charges, accounts and bills receivable or other credits in process of collection; and all moneys applicable to the payment of such obligation or appropriation, which are to be paid into the Treasury prior to the maturity thereof, arising from the sale or lease of lands or other property, and moneys applicable to the payment of such obligation or appropriation, which are to be paid into the Treasury prior to the maturity thereof, arising from the sale or lease of lands or other property, and moneys to be derived from lawfully authorized bonds sold and in process of delivery shall for the purposes of such certificate, be deemed in the Treasury to the credit of the appropriate fund and subject to such certification.

(Effective November 9, 1931)

§ 108 Authorization of Contracts

(a) All contracts involving any expenditure in excess of fifty thousand dollars (\$50,000.00) shall first be authorized and directed by ordinance of Council, provided that the Council may increase the expenditure limit contained in this section above fifty thousand dollars (\$50,000) by passage of an ordinance receiving a two-thirds affirmative vote of the Council. Except as provided in divisions (b) and (c) of this section, when so authorized and directed, the director of the department involved shall make a written contract with the lowest and best bidder after advertisement once a week for two consecutive weeks in the *City Record*.

(b) When authorized by ordinance passed by the Council and in accordance with the applicable laws, competitive bidding and advertisement are not required for the City to enter into contracts for the purchase of supplies, services, materials and equipment through employment of cooperative purchase arrangements with other governmental agencies.

(c) When authorized by ordinance passed by the Council, competitive bidding and advertisement are not required for the City to enter into contracts for any purpose for which contracts may be awarded by a municipal corporation without advertisement or competitive bidding under the general laws of the State of Ohio.

(d) There shall be no splitting of orders to avoid the effect of this section, and any contract made contrary to or in evasion of the provisions of this section shall be illegal and void.

(Effective November 4, 2008)

§ 109 When Contracts Void

All contracts, agreements, or other obligations entered into and all ordinances passed, resolutions and orders adopted, contrary to the provisions of the preceding sections, shall be void, and no person whatever shall have any claim or demand against the City thereunder, nor shall the Council, or any officer of the City, waive or qualify the limits fixed by any ordinance, resolution or order, as provided in Section 106, or fasten

upon the City any liability whatever, in excess of such limits, or release or relieve any party from an exact compliance with his contract under such ordinance, resolution, or order.

(Effective November 9, 1931)

§ 110 Sinking Fund

The Sinking Fund Commission shall consist of the Mayor, the Director of Finance, and the President of the Council. The Mayor shall be the President, and the Director of Finance shall be the Secretary, of the Commission. The Commission shall manage and control the Sinking Fund in the manner provided by general law or by ordinance.

(Effective November 9, 1931)

§ 110-1 Civil Defense Expenditures

That based upon the currently available scientific and medical information which overwhelmingly demonstrates that there is no realistic, practical and effective protection against the effects of a nuclear or thermonuclear attack directed at civilian population centers, such as Cleveland, and that the only alternative to any civil defense measures is the eventual elimination of nuclear or thermonuclear weapons, the appropriation and/or expenditure of public funds by the City of Cleveland for any civil defense preparedness measures against nuclear or thermonuclear attack, including, but not limited to, plans, programs, studies and the acquisition, purchase or lease of buildings, equipment, supplies or services used or to be used in connection with such civil defense measures, are hereby declared to be wasteful and unlawful expenditures of public funds and not in the public interest and any such appropriation and/or expenditure for such civil defense measures is hereby forever prohibited.

(Effective November 2, 1982)

CHAPTER 19 – DEPARTMENT OF PUBLIC UTILITIES

§ 111 General Powers and Duties

§ 112 Fixation of Utility Rates

§ 113 Accounts of Publicly Owned Utilities

§ 111 General Powers and Duties

The Director of Public Utilities shall manage and supervise all non-tax supported public utility undertakings of the City, including all Municipal water, lighting, heating, power and transmission enterprises, but excluding mass transportation enterprises, and such other utilities now owned or hereafter acquired by the City of Cleveland as may be placed under any management and supervision other than that of the Director of Public Utilities.

(Effective November 17, 1942)

§ 112 Fixation of Utility Rates

Rates for the service or products of all non-tax supported public utilities, owned and operated by the City, which are managed and supervised by the Director of Public Utilities, shall be fixed by the Board of Control, subject, however, to approval by Council.

(Effective November 17, 1942)

§ 113 Accounts of Publicly Owned Utilities

Accounts shall be kept for each public utility owned or operated by the City distinct from other City accounts and in such manner as to show the complete financial results of such City ownership, or ownership and operation, including all assets, liabilities, revenues and expenses. These accounts shall show the actual costs to the City of each public utility owned; the cost of all extensions, additions and improvements; all expenses of maintenance; the amount set aside for Sinking Fund purposes, and, in the case of City operation, all operation expenses of every description. They shall show as nearly as possible the value of any service furnished to or rendered by any such public utility by or to any other City or governmental department. They shall also show a proper allowance for depreciation, insurance, interest on the investment, and estimates of the amount of taxes that would be chargeable against the property if privately owned. The Director of Public Utilities shall, for the utilities under his jurisdiction, annually cause to be made and printed for public information a report showing the financial results of such City ownership, or ownership and operation, which report shall give the information specified in this section and such other information as the Council shall deem expedient.

(Effective November 17, 1942)

CHAPTER 21 – TRANSIT SYSTEM OPERATION

Note: Sections 113-1 to 113-8, Transit System Operation, were repealed by the electors on November 4, 1975.

CHAPTER 23 – PUBLIC HEALTH

§ 114 General Provisions

§ 114 General Provisions

The City shall, through such officer or officers as the Council may provide by ordinance, in accordance with the provisions of Section 77 of this Charter, enforce all laws and ordinances relating to health, and such officer or officers shall perform all the duties and may exercise all the powers provided by general law, relative to the public health, to be performed and exercised in municipalities by health officers; provided that regulations affecting the public health, additional to those established by general law and for the violation of which penalties are imposed, shall be enacted by the Council and enforced as provided in this section.

(Effective November 9, 1931)

CHAPTER 25 – POLICE AND FIRE SERVICE

-
- § 115 General Provisions
 - § 115-1 Office of Professional Standards
 - § 115-2 Civilian Police Review Board
 - § 115-3 Powers and Duties of Board
 - § 115-4 Investigation and Disposition of Complaints
 - § 116 Police Force; Control by Chief
 - § 117 Special Policemen
 - § 118 Fire Force; Control by Chief
 - § 119 Suspension of Police and Firemen
 - § 120 Suspension of Fire Chief
 - § 121 Appeal to Civil Service Commission
 - § 122 Classification of Police and Fire Service
 - § 123 Relief of Policemen and Firemen

§ 115 General Provisions

The City shall maintain a Police Force and Fire Force, and the Mayor shall be executive head of both forces. If these Forces are or shall be placed in a department in accordance with the provisions of Section 77 of this Charter, the director of this department shall be their executive head under the direction of the Mayor.

(Effective November 9, 1931)

§ 115-1 Office of Professional Standards

There shall be in the office of the executive head of the police force an Office of Professional Standards, consisting of one or more investigators appointed by the executive head of the police force, an administrator, and the Police Review Board. The executive head of the police force may designate an officer of the police force to administer the Office of Professional Standards, or an employee appointed to the position of Professional Standards Administrator in conformity with the civil service provisions of this Charter.

(Effective November 4, 2008)

§ 115-2 Civilian Police Review Board

The Civilian Police Review Board shall consist of nine (9) members who are representative of the diverse communities within Cleveland. Five (5) members shall be appointed by the Mayor. Four (4) members shall be appointed by Council. Each of the police districts shall be represented by at least one (1) citizen who resides in that district. At least one member of the Board shall be between the ages of 18 and 30 at the time of appointment and may be among the members appointed by either the Mayor or the Council. No member of the Board shall be employed currently as a law enforcement officer and no member shall be a current or

former employee of the Cleveland Division of Police. Vacancies during a term shall be filled in the same manner as original appointments for the unexpired term. Within 30 days of any vacancy on the Board, including vacancies caused by the end of a term, the City shall post an announcement of any vacancy and a request for applications to fill any vacancy. Members shall be chosen from the applicants.

The members of the Civilian Police Review Board holding the office as of the effective date of this section may continue in office for the remainder of their terms recognizing that all of the police districts may not be represented until the service of those members is completed. The two additional members shall be appointed by Council and their terms shall commence on February 7, 2017. The next two vacancies following the effective date of this section, whether for a new term or an unexpired term, shall be filled by Council. Terms of office for members of the Board shall be for four years. No member may serve for more than two four-year terms when the second term begins less than four years after the end of the first term. However, a person may be eligible for appointment four years after the end date of the second term. Time spent fulfilling an unexpired term of two years or less shall not be considered as part of the two consecutive terms.

The executive head of the police force may remove any member of the Board, upon notice and hearing, for neglect of duty or malfeasance in office.

All members of the Board shall participate in initial and annual training on topics relevant to the duties of the Board.

Members of the Board shall receive compensation as may be established by the Council.

The Civilian Police Review Board shall have its own budget separate from the budget for the Department of Public Safety Administration. The person in charge of administering the Office of Professional Standards shall oversee the budget on behalf of, and with guidance from, the Board.

The Board shall designate annually one member of the Board to serve as its chair and one member to serve as its vice chair. No person shall serve more than two consecutive one-year terms in each position, but, except as further provided, may be eligible for appointment two years after the end date of the second term. A person may be eligible to serve in one of the positions for up to two consecutive one-year terms consecutive to service in the other position, but then may not serve in either position for two years after the end date of the term for the second position even if service in the first or second position was less than two years.

The Board shall appoint personnel as its staff as it deems necessary.

(Effective November 8, 2016)

§ 115-3 Powers and Duties of Board

The Police Review Board shall receive, cause investigation of, and recommend resolution of complaints filed with it alleging misconduct by members of the Cleveland police force, when such misconduct is directed toward any person who is not a member of that police force. The misconduct complained of may include, but need not be limited to, the use of excessive or deadly force. The Board shall perform such other duties not inconsistent with the provisions of this Charter as may be required by the executive head of the police force. On its own complaint, the Board may cause investigation of incidents involving the use of deadly force by members of the police force and incidents resulting in the injury or death of persons in the custody of the police force.

In order to carry out its functions, the Board or any person authorized by it may compel the attendance of witnesses and the production of books, papers, and other evidence, and for that purpose may issue subpoenas or attachments, to be signed by the chairman of the Board, which shall be served and executed by any officer authorized to serve subpoenas and other processes. The Council shall provide by ordinance

the penalty or penalties for contempt in refusing to obey any such subpoena or to produce such books, papers and other evidence.

Subject to the approval of the executive head of the police force, the Police Review Board shall make rules providing for the procedure of the Board and for the review of complaints filed with it. Rules of the Commission and amendments thereto shall take effect fifteen (15) days after their publication in the *City Record*.

(Effective August 8, 1988)

§ 115-4 Investigation and Disposition of Complaints

Under the general direction of the executive head of the police force, the officer or employee in charge of administering the Office of Professional Standards shall cause a full and complete investigation to be made of each complaint filed with the Board, except complaints which relate to matters or occurrences that are the subject of pending criminal proceedings. The investigation shall be confined to matters set forth in the complaint. Upon completion of an investigation, the administrator shall prepare a report and submit the report to the Police Review Board for its review and disposition.

Prior to recommending action on a complaint or to determining that a complaint warrants no action, the Board may, in its sole discretion, hold a hearing, pursuant to its rules.

If the Board decides that the complaint should be resolved by promulgation or amendment of rules and regulations established by the executive head of the police force pursuant to Section 116 of the Charter, the Board shall submit its recommendation to the executive head of the police force and shall notify the complainant of its disposition of his complaint.

If the Board decides that disciplinary action should be taken against any of the officers or employees under the management and control of the Chief of Police, the Board shall submit its recommendation to the Chief of Police. Within ten days after receipt of the Board's recommendation, the Chief of Police shall notify the Board in writing whether he has decided to suspend the officer or employee, pursuant to Section 119 of this Charter, and, if so, the period and the cause of the suspension. If the Chief decides to suspend the officer or employee and the Board concurs with the Chief as to the period and cause of the suspension, the Chief shall proceed to suspend the officer or employee in accordance with Section 119 of this Charter. If the Chief decides not to suspend the officer or employee, or if the Chief decides to suspend the officer or employee but the Board does not concur with the period or cause of suspension decided upon by the Chief, the Board, notwithstanding the provisions of Section 119 of this Charter to the contrary, may suspend the officer or employee. Irrespective of whether the Board suspends the officer or employee for ten working days or less, the board shall forthwith certify in writing the fact, together with the cause of the suspension, to the executive head of the police force, who shall proceed in accordance with the provisions of Section 119 of this Charter. The Board shall notify the complainant of its disposition of his complaint.

If the Board determines that the complaint warrants no action, the Board shall so notify the complainant.

(Effective August 8, 1988)

§ 116 Police Force; Control by Chief

The Police Force shall consist of a Chief, three Deputy Chiefs of Police, eleven Commanders of Police, and such other officers, patrolmen and employees as may be provided by ordinance or resolution of the Council. The Mayor may appoint a fourth Deputy Chief of Police to protect the people from homeland security threats and a twelfth Commander of Police for community policing. In case of riot or like emergency the Mayor may appoint additional patrolmen and officers for temporary service who need not be in the classified service. The Chief of Police, the Deputy Chiefs of Police, and the Commanders of Police

shall be appointed by the Mayor from the division of police or they may be persons appointed from outside the division who shall have had training and experience in law enforcement and they shall serve at the pleasure of the Mayor; provided, however, that the Mayor shall appoint to the positions of Deputy Chief of Police and Commander of Police from among persons recommended by the Chief of Police with the concurrence of the executive head of the police force if such executive head be other than the Mayor. The Council may, by ordinance, direct the Mayor to make appointments of minorities to the positions of Deputy Chief of Police and Commander of Police. Upon the termination of their service as Chief of Police, Deputy Chief of Police, or Commander of Police they shall, if appointed from the division of police, revert to the civil service status held by them at the time of their appointment, in so far as it is competent for this charter so to provide. The Chief of Police shall have exclusive control of the stationing and transfer of patrolmen and other officers and employees constituting the Police Force, under such rules and regulations as may be established by the Mayor or by the director of the department to whom the Chief of Police may be immediately responsible.

(Effective November 2, 2004)

§ 117 Special Policemen

No person shall act as a special policeman, special detective or other special police officer for any purpose whatsoever, except upon written authority from the Mayor or from the director of the department of which the Police Force may be a part. Such authority shall be exercised only under the direction and control of the Chief of Police and for a specified time, not to exceed six months.

(Effective November 9, 1931)

§ 118 Fire Force; Control by Chief

The Fire Force shall consist of a Chief and such other officers, firemen and employees as may be provided by ordinance or resolution of the Council. In case of riot, conflagration, or like emergency the Mayor may appoint additional firemen and officers for temporary service who need not be in the classified service. The Fire Chief shall have exclusive control of the stationing and transfer of all firemen and other officers and employees constituting the Fire Force under such rules and regulations as may be established by the Mayor or by the director of the department of which the said Fire Chief may be immediately responsible.

(Effective November 9, 1931)

§ 119 Suspension of Police and Firemen

The Chief of Police and Fire Chief shall have the exclusive right to suspend any of the officers or employees who are in the classified service and are under their respective management and control, for incompetence, gross neglect of duty, gross immorality, habitual drunkenness, failure to obey orders given by the proper authority, or for any other just and reasonable cause. Prior to suspending any officer or employee of the police force, the Chief of Police shall ascertain whether a complaint on file with the Police Review Board relates to the conduct of the officer or employee in question. If so, the Chief of Police shall not suspend the officer or employee unless the Police Review Board concurs with the Chief's decision, in accordance with Section 115-4 of this Charter.

If the Chief of Police or the Chief of Fire suspends an officer or employee under his control for a period not to exceed ten (10) working days, the Chief's decision shall be final.

If the Chief of Police or Chief of Fire suspends any officer or employee under his control for more than ten (10) working days, the Chief concerned shall forthwith in writing certify the fact, together with the

cause for the suspension, to the director of the department to whom he may be responsible, or if there be no such director then to the Mayor, who within five days from the receipt of such certificate shall, either personally or through a hearing officer appointed by the Director or the Mayor, hold a hearing into the cause of the suspension in accordance with the requirements of due process of law and render judgment thereon, which judgment, if the charge be sustained, may be suspension, reduction in rank, or dismissal and such judgment shall be final, except as otherwise hereinafter provided. If a hearing officer is used, and the Mayor or the Director of the department to whom the Chief may be responsible shall promptly upon receipt of the hearing officer's report and recommendations review the report and recommendations of the hearing officer and render a decision. The Director or the Mayor shall cause a copy of the written certification of suspension by the Chief and the cause giving rise to such suspension, the hearing officer's report and recommendations, and the decision of the Mayor or the Director to be filed with the Civil Service Commission. The Director or a hearing officer in any such hearing shall have the same power to administer oaths and secure the attendance of witnesses and the production of books and papers, as is conferred upon the Mayor, or the Council or a committee thereof by this Charter.

(Effective August 8, 1988)

§ 120 Suspension of Fire Chief

The Mayor shall have the exclusive right to suspend the Fire Chief for incompetence, gross neglect of duty, gross immorality, habitual drunkenness, failure to obey orders given by the proper authority, or for any other just and reasonable cause. If such Chief be so suspended, the Mayor shall forthwith certify the fact, together with the cause of such suspension, to the Civil Service Commission, who within five (5) days from the date of the receipt of such notice shall proceed to hear such charges and render judgment thereon, which judgment shall be final.

(Effective November 6, 1951)

§ 121 Appeal to Civil Service Commission

Any person in the classified service, who is suspended for more than three (3) days, demoted, or dismissed from the service of the City, may file a written appeal from the decision to the Civil Service Commission within ten days from and after the date of the suspension, demotion, or dismissal. The director of the department involved, upon notice from the Commission of the appeal, shall transmit to the Commission a copy of the charges and proceedings. The Commission shall set the appeal for hearing within thirty days from and after the filing of the same with the Commission, and may affirm, disaffirm or modify the judgment of the director, and the judgment of the Commission in the matter shall be final.

(Effective November 4, 2008)

§ 122 Classification of Police and Fire Service

The director of the department immediately in charge thereof or the Mayor, shall classify the police and fire service of the City, in conformity with the ordinance of the Council concerning the number of persons to be employed therein, and shall make rules for the regulation and discipline of such service except as hereinbefore provided.

(Effective November 9, 1931)

§ 123 Relief of Policemen and Firemen

The Council may provide by general ordinance for the relief, out of the police or fire funds, of members of the police and fire service temporarily or permanently disabled in the discharge of their duties. Nothing herein shall impair, restrict, or repeal any provision of general law authorizing the levying of taxes to provide for firemen, policemen and sanitary police pension funds, and to create and perpetuate boards of trustees for the administration of such funds.

(Effective November 9, 1931)

CHAPTER 27 – CIVIL SERVICE

- § 124 Civil Service Commission; Appointment, Term and Removal
- § 125 Officers of Commission; Salaries
- § 126 Division into Classified and Unclassified Service
- § 127 Enactment of Civil Service Rules
- § 128 Required Provisions of Rules
- § 129 Civil Service Tests
- § 130 Eligible Lists; Temporary Appointments
- § 131 Appointments
- § 131-1 Employees Hired Without Test before August 6, 2008
- § 132 Limitation on Appointment and Transfer
- § 133 Promotions Wherever Practicable
- § 134 Eligible Lists Open to the Public
- § 135 List of Persons in Classified Service
- § 136 Standard of Efficiency
- § 137 Investigations by Commission
- § 138 Fraud Upon Civil Service Provisions
- § 139 Political Assessments Prohibited
- § 140 Tenure; Political Activity Prohibited
- § 141 Violations and Penalties
- § 142 Present Civil Service Employees – Repealed

§ 124 Civil Service Commission; Appointment, Term and Removal

The Mayor shall appoint five electors of the City as Civil Service Commissioners to serve for terms of six years. The Mayor shall designate one of said commissioners as the Secretary of said Commission.

No member of the Commission shall hold any other public office or employment except that of notary public or member of the State militia. Members of the existing Civil Service Commission shall continue in

office as though appointed in accordance with the provisions of this section and, as their terms expire, their places shall be filled by the Mayor for terms of six years. Not more than three members of the Civil Service Commission shall be members of the same political party. The Mayor shall fill any vacancy in the Commission for the unexpired term. A member of the Civil Service Commission may be removed by the Mayor for neglect of duty, incapacity, incompetency, or malfeasance in office, but only after opportunity has been given for a public hearing before the Mayor, to be held at least ten days after written charges have been made and notice thereof been given to the accused member. Such member shall be heard in person or by counsel; and such removal shall be final.

(Effective November 21, 1967)

§ 125 Officers of Commission; Salaries

The Civil Service Commission shall designate one of its members as President and shall appoint a Chief Examiner and such other officers and employees as may be necessary. The salaries of the Commission shall be determined by the Council and a sufficient fund shall be appropriated each year to carry out the civil service provisions of this Charter. The salaries of the Chief Examiner and other subordinates shall be fixed by the Commission.

(Effective November 21, 1967)

§ 126 Division into Classified and Unclassified Service

The civil service of the City is hereby divided into the unclassified and classified service.

1. The unclassified service shall include:

- (a) All officers elected by the people.
- (b) All directors and assistant directors of departments.
- (c) The Clerk of Council.
- (d) The Chief of Police, four Deputy Chiefs of Police, and twelve Commanders of Police.
- (e) The members of all boards or commissions appointed by the Mayor and of advisory boards appointed by the director of a department.
- (f) The secretary to the mayor and one secretary for each director of a department.
- (g) Executive Assistants to the Mayor and Special Assistants to the Mayor, provided, however, that there shall be no restrictions as to their duties or assignments.
- (h) Temporary employees for a period not to exceed ninety (90) days and seasonal employees for a period not to exceed one hundred and eighty (180) days.
- (i) Students enrolled in a recognized educational institution and in a course of training in preparation for an administrative or professional career in the public service and employed upon the recommendation of the official in charge of personnel administration as student aides for training purposes without limitation as to assignment or duties.
- (j) School crossing guards.
- (k) Members of the auxiliary police force.

2. The classified service shall comprise all positions not specifically included by this charter in the unclassified service. There shall be in the classified service three classes to be known as the competitive

class, the noncompetitive class and the general labor class.

(a) The competitive class shall include all positions and employment for which it is practicable to determine the merit and fitness of applicants by competitive tests.

(b) The noncompetitive class shall include all positions requiring specialized training, or skills requiring certifications or licensure, and qualifications of a scientific, business, managerial, professional or educational character, as may be determined by the Commission. The fitness of applicants in the non-competitive class shall be based on the applicant's knowledge, skills and abilities relative to the qualifications for the position.

(c) The general labor class shall include semi-skilled and unskilled labor positions for which it is impractical to give competitive tests. The positions shall be filled from a registration list established and maintained by the Commission. The Commission shall register applicants for positions in the general labor class either continuously or at times as there are vacancies to be filled, provided, however, that no registration may be accepted until public notice of the intention to so accept registrations shall be made by the Commission. Priority of registration shall determine an applicant's place on the registration list, provided the applicant meets required standards as to age, citizenship, physical fitness and residence as established by the Commission.

(Effective November 4, 2008)

§ 127 Enactment of Civil Service Rules

The Civil Service Commission shall make, promulgate, and when necessary may amend, rules for the appointment, promotion, transfer, lay-off, reinstatement, suspension and removal of City officials and employees in the classified service. Before any such rules or amendments shall become effective they shall be printed and an opportunity given for a public hearing thereon to be held after reasonable notice thereof has been given by the Commission. The Commission shall report its proceedings to the Mayor upon his request, and shall make a report to the Mayor at the beginning of each fiscal year.

(Effective November 9, 1931)

§ 128 Required Provisions of Rules

The rules of the Civil Service Commission shall among other things, provide:

(a) For the standardization and classification of all positions and employments in the classified service of the City, including officers and employees of the Civil Service Commission. Such classification into groups and subdivisions shall be based upon and graded according to duties and responsibilities and so arranged as to promote the filling of the higher grades, so far as practicable, through promotions.

(b) For open competitive tests to ascertain the relative fitness of all applicants for appointments in the competitive class.

(c) For public notice in the *City Record* or otherwise of the time and place of all competitive tests.

(d) For the creation of eligible lists upon which shall be entered the names of successful candidates in the order of their standing in the competitive tests.

(e) For the rejection of candidates or eligibles who fail to comply with reasonable requirements as to age, sex, physical condition and moral character, or who have attempted deception or fraud in connection with any test.

(f) For the certification to the appointing authority, from the appropriate eligible list to fill a vacancy in the competitive class, of the three persons standing highest on such list, or of the person or persons on such list when it contains three names or less.

(g) For temporary employment without test, in the absence of an eligible list. But no such temporary employment shall continue after the establishment of a suitable eligible list.

(h) For temporary employment for periods not to exceed thirty days.

(i) For noncompetitive tests for appointments to positions requiring peculiar and exceptional qualifications of a scientific, managerial, professional or educational character.

(j) For promotion based on competitive tests and records of efficiency, character, conduct and seniority.

(k) For transfer from a position to a similar position in the same class and grade and for reinstatement on the eligible list within one year of persons who, without fault or delinquency on their part, are separated from the service or reduced in rank.

(l) For suspension, by the appointing authority, for purposes of discipline, for a period not to exceed thirty days at any one time.

(m) For discharge or reduction in rank or compensation, only after the person to be discharged or reduced has been presented with the reasons for such discharge or reduction specifically stated in writing and has been given an opportunity to be heard in his own defense. The reasons for such discharge or reduction and any reply in writing thereto by such employee shall be filed with the Commission.

(n) For investigating and keeping a record of the efficiency of officers and employees in the classification service, and for requiring markings and reports relative thereto from appointing officers.

(o) For the publication of the rules and amendments thereto in the *City Record*.

The Commission shall adopt other rules, not inconsistent with the foregoing provisions of this section as may be necessary and proper for the enforcement of the merit system, and to provide for the procedure of the Commission.

(Effective November 9, 1931)

§ 129 Civil Service Tests

Tests required by the Civil Service Commission shall be practical and shall relate to matters which fairly measure the relative fitness of the candidates to discharge the duties of the positions to which they seek appointment. No question in any such test shall relate to political or religious opinion, affiliation or service; and no appointment, transfer, lay-off, promotion, reduction, suspension, or removal shall be affected or influenced by such opinion, affiliations or service.

(Effective November 9, 1931)

§ 130 Eligible Lists; Temporary Appointments

Eligible lists created by the Commission shall remain in force not longer than two years. In the absence of an appropriate eligible list, any place may be filled temporarily, without test, for the period limited by the civil service rules, but not exceeding one year. During such period the Commission shall hold the necessary tests for filling any such place permanently. With the consent of the Commission, persons may be temporarily employed for transitory work without test, but no such employment shall continue for more than sixty days, or be renewed.

(Effective November 4, 2008)

§ 131 Appointments

When any position in the classified service, except the general labor class, is to be filled, the appointing authority shall notify the Commission of the fact and the Commission shall certify to the authority the names and addresses of the ten candidates standing highest on the eligible list for the class or grade to which that position belongs. The appointing authority shall appoint to that position one of the ten persons whose names are certified. When the eligible list contains less than ten names, those names shall be certified, from which the appointing authority may appoint one for that position. A person certified from the eligible list more than four times to the same appointing authority for a position of the same or similar classification may be omitted from future certification, but certification for a temporary appointment shall not be counted as one of the certifications.

When any position in the general labor class is to be filled, the appointing authority shall notify the Commission of that fact, and the number to be appointed whereupon the Commission shall certify to the appointing officer the names and addresses of twice the number of candidates required to fill the position or positions in the order of their standing on the appropriate eligible list. The appointing officer shall, without restriction as to order, appoint to the position or positions from among the candidates so certified. The name of a person, not selected for appointment, whose standing on the eligible list is above the names of the last person appointed from that certification, shall not be again certified, except upon request, to the same appointing officer. The name of a person not selected for appointment, after being certified to two separate appointing officers shall not again, except upon request of an appointing officer, be certified, but certification for a temporary appointment shall not be counted as one of the certifications.

All original and promotional appointments shall be for a probationary period of not to exceed six months to be fixed by the rules of the Commission, and no appointment or promotion shall be deemed finally made until the appointee has satisfactorily served his or her probationary period. At the end of the probationary period, the appointing officer shall transmit to the Commission a record of the employee's service certifying that the service has been satisfactory or unsatisfactory and if the service is unsatisfactory, the employee may, with the approval of the Commission, be removed or reduced without restriction; but dismissal or reduction may be made during that period, as is provided for in Section 121 of the Charter.

When no eligible list for a position exists, or when the eligible list has become exhausted and until a new list can be created, names may be certified from the eligible list most nearly appropriate to the position to be filled.

(Effective November 3, 2015)

§ 131-1 Employees Hired Without Test before August 6, 2008

Employees in the classified service who were hired in their current position on or before August 6, 2008 and who serve in that position for 90 consecutive days or longer without test by the Commission, who meet the qualifications for that position, and who have an employment record that is satisfactory shall become regular employees in that position without test. Any employee who becomes a regular employee in his or her position under this section is not eligible to apply for any other position in the classified service without test and compliance with all other provisions of the laws of the City of Cleveland and rules promulgated by the Commission.

(Effective November 4, 2008)

§ 132 Limitation on Appointment and Transfer

No person shall be appointed or employed in the service of the City under any title not appropriate to the duties to be performed, and no person shall be transferred to or assigned to perform any duties of a position subject to competitive test unless he shall have been appointed to the position from which the transfer is made as a result of competitive test equivalent to that required for the position to be filled.

(Effective November 8, 1938)

§ 133 Promotions Wherever Practicable

Wherever practicable, vacancies shall be filled by promotion. Any advancement in rank or increase in salary beyond the limits fixed for the grade shall constitute a promotion. Lists shall be created and promotions made therefrom of candidates in the same manner as in original appointments, except that the Commission shall certify the names and addresses of the three candidates standing highest on the eligible list for the class or grade to which the promotional position belongs and the appointing authority shall appoint one of the three persons whose names are certified; and provided, however, that less than three shall constitute an eligible list, and the appointing authority shall appoint from the eligible list.

(Effective November 3, 2015)

§ 134 Eligible Lists Open to the Public

The lists of eligibles based upon tests held by the Civil Service Commission, with the respective grades of candidates, shall be open to public inspection. Any person appointed from an eligible list laid off for lack of work or appropriation shall be placed at the head of such eligible list and shall be eligible for reappointment for the period of eligibility provided by the rules of the Commission.

(Effective November 9, 1931)

§ 135 List of Persons in Classified Service

The Civil Service Commission shall maintain a list of all persons in the classified service, showing in connection with each name the position held, the date and character of each appointment and every subsequent change in status. Each appointing officer shall promptly transmit to the Commission all information required for the establishment and maintenance of such list. The Treasurer shall not pay, nor shall the Commissioner of Accounts issue a voucher for the payment of, any salary or compensation to any person holding a position in the classified service unless the payroll or account of such salary or compensation shall bear the certificate of the Civil Service Commission that the persons named therein have been appointed or employed and are performing service in accordance with the civil service provisions of this Charter and the rules established thereunder. Any sums paid contrary to the provisions of this section may be recovered from any officer paying or authorizing the payment thereof and from the surety on his official bond.

(Effective November 9, 1931)

§ 136 Standard of Efficiency

The official in charge of personnel administration pursuant to appointment by the Mayor shall establish standards of efficiency and conduct for the officers and employees in the classified service. It shall be his duty to adopt and administer a plan for the equitable and periodic measurement of such conduct and efficiency. It shall also be his duty to maintain complete records of such measurements which shall be used in determining eligibility for increases in rates of compensation; by appointing officers and the Civil

Service Commission for assistance in determining the order of layoff and in disciplinary actions; by the Civil Service Commission for assistance in determining eligibility for promotion; and by other officers, as needed, for the betterment of the public service.

(Effective November 6, 1951)

§ 137 Investigations by Commission

The Civil Service Commission may make investigations concerning the facts in respect to the execution of the civil service provisions of this Charter and of the rules established thereunder, and concerning the general condition of the civil service of the City or any branch thereof. Written charges of misconduct or inefficiency against any officer or employee in the classified service may be filed with the Civil Service Commission by any person. The Commission shall investigate such charges and report its findings to the authority responsible for the appointment of the officer or employee against whom the charges have been made. Each member of the Commission or any person whom the Commission may appoint to make any investigation authorized or required by this section, shall have power to subpoena and require the attendance of witnesses and the production of books and papers pertinent to the investigation and to administer oaths to such witnesses.

(Effective November 9, 1931)

§ 138 Fraud Upon Civil Service Provisions

No person shall willfully or corruptly make any false statement, certificate, mark, grading or report in regard to any test or appointment held or made under the civil service provisions of this Charter, or in any manner commit or attempt to commit any fraud upon the impartial execution of any such provisions or of the civil service rules and regulations.

(Effective November 9, 1931)

§ 139 Political Assessments Prohibited

No person in the administrative service of the City shall directly or indirectly give, solicit or receive, or be in any manner concerned in giving, soliciting or receiving any assessment, subscription or contribution for any political party or purpose whatever. No person shall orally or by letter solicit or be in any manner concerned in soliciting any assessment, subscription or contribution for any political party or purpose from any person holding a position in the administrative service. No person shall use or promise to use his influence or official authority to secure any appointment or prospective appointment to any position in the service of the city as a reward or return for personal or partisan political service. No person shall take part in preparing any political assessment, subscription or contribution with the intent that it shall be sent or presented to or collected from any person in the administrative service of the City; and no person shall knowingly send or present, directly or indirectly in person or otherwise any political assessment, subscription or contribution to, or request in payment by, any person in such service.

(Effective November 9, 1931)

§ 140 Tenure; Political Activity Prohibited

No person about to be appointed to any position in the administrative service of the City shall sign or execute a resignation, dated or undated, in advance of such appointment. No person in the service of the city shall discharge, suspend, lay off, reduce in grade or in any manner change the official rank or compensation

of any person in such service, or promise or threaten to do so, for withholding or neglecting to make any contribution of money or service or any valuable thing for any political purpose. No person in the service of the City shall use his official authority to influence or coerce the political action of any person or body, or to interfere with any nomination or election to public office. No person in the classified service of the City shall act as an officer of a political organization or take part in a political campaign, or serve as a member of a committee of any such organization, or circulate or seek signatures to any petition provided for by primary or election laws, or act as a worker in favor of or in opposition to any candidate for public office.

(Effective November 9, 1931)

§ 141 Violations and Penalties

It shall be the duty of the Civil Service Commission to supervise the execution of the foregoing civil service provisions of this Charter and the rules made thereunder, and it shall be the duty of persons in the service of the City to comply with such rules and to aid in their enforcement. Any person who, by himself or in cooperation with one or more persons, willfully or corruptly deceives or obstructs any person in respect to his right to take part in any test for admission to the service of the City; or willfully or corruptly marks, grades or reports upon the test or proper standing of any person tested for appointment in the civil service, or aids in so doing; or willfully or corruptly makes any false representations as to the results of such tests or concerning the person so tested; or willfully or corruptly furnishes to any person special or secret information for the purpose of either improving or injuring the prospects or chances of any person so tested or to be tested, or to be appointed, employed or promoted; or willfully impersonates any other person or permits or aids, in any manner, any persons to impersonate him in connection with any test, registration, application or appointment, or request to be tested or registered; or who makes known or assists in making known to any applicant for test, in advance of such test, any question to be asked on such test; or willfully or through culpable negligence violates any of the civil service provisions of this Charter, or any of the rules of the Commission made in pursuance thereof, shall be deemed guilty of a misdemeanor and upon conviction thereof before the Municipal Court shall be fined not less than fifty (\$50.00) dollars nor more than one thousand (\$1,000.00) dollars, or imprisoned not more than six months, or both. If such person be an applicant for competitive test he shall be excluded therefrom; if he be an eligible his name shall be removed from the eligible list; and if he be an officer or employee of the City he shall immediately forfeit his office or employment.

(Effective November 9, 1931)

§ 142 Present Civil Service Employees – Repealed

Note: This section was repealed by the electors on November 7, 1989.

CHAPTER 29 – MERIT SYSTEM FOR TRANSIT EMPLOYEES

§ 142-1 Separate Merit System by Transit Board – Repealed

§ 142-1 Separate Merit System by Transit Board– Repealed

Note: This section was repealed by the electors on November 7, 1989.

CHAPTER 31 – IMPROVEMENTS AND ASSESSMENTS

- § 143 Local Improvements
- § 144 Methods of Special Assessments
- § 145 Preliminary Resolution
- § 146 Plans of Proposed Improvements
- § 147 Notices Served
- § 148 Board of Revision of Assessments
- § 149 Claims
- § 150 Final Assessment
- § 151 Special Assessments
- § 152 Determination of Damages
- § 153 Assessment After Completion
- § 154 Time Limit in Damage Claims
- § 155 Work to be Done
- § 156 Lands Unallotted or Not on Duplicate
- § 157 Interest on Assessment Bonds
- § 158 Limitations on Assessments
- § 159 City's Portion of Cost
- § 160 Replacing Existing Improvements
- § 161 Subsequent Improvements
- § 162 Rebates and Supplementary Assessments
- § 163 Sewer, Water and Other Connections
- § 164 Sidewalks, Curbing and Gutters
- § 165 Enforcement and Costs
- § 166 Assessment Bonds
- § 167 Public Improvements
- § 168 Alterations or Modifications in Contract
- § 169 Plat of Subdivision
- § 170 Fee Shall Vest in City
- § 171 Platting Commissioner
- § 172 Effect of Platting
- § 173 Duty to Keep Streets Open, in Repair and Free from Nuisance

§ 174 Alteration of Streets

§ 175 Dedication of Streets

§ 176 Street Vacation or Change of Name

§ 143 Local Improvements

The Council shall have power by ordinance to provide for the construction, reconstruction, repair and maintenance by contract or directly by the employment of labor, of all things in the nature of local improvements, and to provide for the payment of any part of the cost of any such improvement by levying and collecting special assessments upon abutting, adjacent and contiguous or other specially benefitted property. The amount assessed against the property specifically benefitted to pay for such local improvements shall not exceed the amount of benefits accruing to such property.

(Effective November 9, 1931)

§ 144 Methods of Special Assessments

Special assessments upon the property deemed benefitted by a public improvement shall be by any one of the following methods:

- (a) By a percentage of the tax value of the property assessed.
- (b) In proportion to the benefits which may result from the improvement.
- (c) By the foot frontage of the property bounding or abutting upon the improvement.

(Effective November 9, 1931)

§ 145 Preliminary Resolution

When it is deemed necessary to make a public improvement to be paid for in whole or in part by special assessment, the Council shall declare the necessity therefor, by resolution, and such resolution shall state the method of assessment, the mode of payment, and the number of annual installments. Such resolution shall be certified to the Director of Finance, who shall thereupon proceed to make an assessment report, in accordance with the method of assessment provided in the resolution, which report shall be filed with Council and shall show the lots and lands assessed, and the amount of the assessment as to each, and the number of installments not exceeding ten (10), in which such assessments shall be paid.

(Effective November 9, 1931)

§ 146 Plans of Proposed Improvements

At the time of the passage of the resolution hereinbefore provided there shall be on file in such office as the Council may designate by ordinance in accordance with the provisions hereof, plans, specifications, estimates, and profiles of the proposed improvements, giving all information necessary; and such plans, specifications, estimates and profiles, shall be open to the inspection of all interested persons. Until such time as the Council may make the aforesaid designation the place of the said filing shall be the one in use at the time of the adoption of this section.

(Effective November 9, 1931)

§ 147 Notices Served

Upon the filing of the assessment report, the Director of Finance shall cause written notice to be served upon the owner of each lot or parcel of land to be assessed, or otherwise affected, or upon the persons in whose names the same may be assessed for taxation upon the tax duplicate. Said notice shall be served as is provided for service of summons in civil actions; and as to all nonresidents and persons who cannot be found, publication of such notice shall be made at least once in a newspaper of general circulation in the City. Said notice shall contain a statement of the character of the proposed improvement, the fact that the assessment report has been filed with the Council, the rate of such assessment, the number of installments, and shall state a time and place when complaints and claims will be heard before the Board of Revision of Assessments.

(Effective November 9, 1931)

§ 148 Board of Revision of Assessments

The Board of Revision of Assessments shall consist of the Director of Law, the Director of Finance, and the President of the Council. The Director of Law shall be the President of the Board, and the Director of Finance shall be the Secretary thereof. It shall meet weekly at a time and place provided by its rules, and shall hear all claims and objections as to the character of all improvements to be paid for in part or in whole by special assessments, the necessity therefor, and the equity of the assessments as provided in the assessment report. A majority of those constituting the Board of Revision of Assessments shall have power to determine all complaints and objections submitted to it, and as to each improvement the Board shall, after such hearing, amend, equalize, and adjust the assessment report, and shall report its findings as to the necessity for the improvements and any amendment it directs in the assessments, the estimates of benefits and allowance of damages to the Council.

(Effective November 9, 1931)

§ 149 Claims

An owner of a lot or of land bounding and abutting upon a proposed improvement, claiming that he will sustain damage by reason of the improvement, shall present such claim to the Board of Revision of Assessments within two weeks after the service of notice or the completion of the publication hereinbefore provided. Such claim shall be in writing and shall set forth the amount of damages claimed, with a general description of the property with respect to which it is claimed the damage will accrue, and shall be filed with the Director of Finance. Any owner who fails to do so shall be deemed to have waived such damages, and shall be barred from filing a claim or receiving damages therefor. This provision shall apply to all damage which will obviously result from the improvement, but shall not deprive the owner of his right to recover damages arising, without his fault, from acts of the City or of its agents. If, subsequent to the filing of such claim, the owner sells the property, or any part thereof, the right of damages, if any, shall follow the ownership of the land without other transference of the claim. The Board of Revision of Assessments shall report to the Council all such claims for damages filed with it.

(Effective November 9, 1931)

§ 150 Final Assessment

Whenever the Board of Revision of Assessments shall have made its final report to the Council as to any improvement, the Council, if it determines that the improvement shall proceed, shall pass an ordinance levying the assessment as reported by the Board of Revision of Assessments and directing that the

improvement proceed. In such ordinance it shall be sufficient to describe the lots and lands abutting upon the improvement and to be assessed therefor, as all the lots and lands bounding and abutting upon such improvement between and including the termini of the improvement; and in describing lands which do not abut it shall be sufficient to describe the lots by their appropriate lot numbers, and the lands by metes and bounds; and this rule of description shall apply in all proceedings in which lots and lands are to be charged with special assessments.

(Effective November 9, 1931)

§ 151 Special Assessments

Special assessments shall be payable by the owners of the property assessed at the time stipulated in the ordinance, and shall be a lien from the date of assessment upon the respective lots and parcels of land assessed, enforceable in the manner provided by general law.

(Effective November 9, 1931)

§ 152 Determination of Damages

At the time of the passage of the ordinance determining to proceed with the improvement as hereinbefore provided, the Council shall determine whether the claims for damages so filed shall be allowed and paid or shall be judicially inquired into before commencing or after the completion of the proposed improvement. If it decides that the damages shall be assessed before commencing the improvement, the Director of Law shall then make a written application to the Court of Common Pleas, or a judge thereof in vacation, or to the Probate Court, or to the Court of Insolvency, for the summoning of a jury to determine such damage, and the judge shall direct that a jury be summoned as is provided for the appropriation of property, and fix the time and place for inquiry into, and assessment of such damages, which inquiry and assessment shall be confined to such claims.

(Effective November 9, 1931)

§ 153 Assessment After Completion

When the Council determines to assess the damages after the completion of the improvement for which the claim for damages has been filed as hereinbefore provided, the Director of Law shall within ten (10) days after the completion of the improvement make written application as hereinbefore provided in the case of the ascertainment of damages before the improvement was made, and the same proceedings shall be had as provided in the next preceding section.

(Effective November 9, 1931)

§ 154 Time Limit in Damage Claims

No person who claims damages arising from any cause shall commence a suit therefor against the City until he shall have filed a claim for such damages with the Director of Finance and sixty (60) days shall have elapsed thereafter. This provision shall not apply to any application for an injunction or other proceeding to which it may be necessary for such applicant to resort in case of urgent necessity.

(Effective November 9, 1931)

§ 155 Work to be Done

When the Council shall have passed an ordinance directing that an improvement be made, to be paid for in whole or in part by special assessments, the Mayor shall through the appropriate department or office, either directly by the employment of labor or by entering into a contract therefor, as may be determined by the Council, cause the improvement to be made.

(Effective November 9, 1931)

§ 156 Lands Unallotted or Not on Duplicate

When special assessments are levied by the percentage of tax value of the property assessed or by the foot frontage of the property bounding and abutting upon the improvement, and there are lands subject to such assessment which are not assessed for taxation, the Director of Finance shall fix, for the purpose of such assessments, the value of such lots as they stand and of such lands at such depths as the Director of Finance considers a fair average of the depth of lots in the neighborhood, so that it will be a fair average of the assessed value of other lots in the neighborhood. Where lands are not subdivided into lots, but are assessed for taxation, the Director of Finance shall fix the value and the depth in the same manner; but the above rule shall not apply in making a special assessment according to benefits.

(Effective November 9, 1931)

§ 157 Interest on Assessment Bonds

When bonds or notes are issued in anticipation of the collection of assessments, the interest thereon shall be treated as part of the cost of the improvement of which assessments may be made.

(Effective November 9, 1931)

§ 158 Limitations on Assessments

The Council shall limit all assessments to the special benefits conferred upon the property assessed, and in no case shall there be levied on any lot or parcel of land any assessments for any or all purposes within a period of five years in excess of thirty-three and one-third percent (33-1/3%) of the actual value thereof after the improvement is made. Assessments levied for the construction of main sewers shall not exceed that sum that, in the opinion of the Council, would be required to construct an ordinary street sewer or drain of sufficient capacity to drain or sewer the lots or lands to be assessed for such improvement, nor shall any lots or lands be assessed that do not need local drainage, or which are provided therewith.

(Effective November 9, 1931)

§ 159 City's Portion of Cost

The City shall pay such part of the cost and expense of improvements for which special assessments are levied as the Council deems just, which part shall not be less than one-fiftieth (1/50) of all such cost and expense; and in addition thereto the City shall pay the cost of intersections. The Council may provide for the payment of the City's portion of all such improvements by the issuance of bonds or notes therefor and may levy taxes, in addition to all other taxes authorized by law, to pay such bonds or notes and the interest thereon.

(Effective November 9, 1931)

§ 160 Replacing Existing Improvements

The Council may provide in whole or in part the cost of replacing any existing local improvement by levying special assessments as hereinbefore provided, but any assessment for such replacement in less than fifteen years from the date of a prior assessment for the improvement to be replaced shall be limited to a sum not in excess of fifty percent of the cost of such replacement.

(Effective November 9, 1931)

§ 161 Subsequent Improvements

Every ordinance providing for an improvement to be paid for in whole or in part by special assessments shall contain an estimate of the life of the proposed improvement by the appropriate department or office under the direction of the Mayor. Any assessment thereafter made for replacing such improvement within such estimated period of life shall be limited to a sum not in excess of fifty percent (50%) of the cost of such replacement. Assessments for replacements at or after the expiration of such estimated period of life shall be subject to no limitation except as provided for assessments for original improvements.

(Effective November 9, 1931)

§ 162 Rebates and Supplementary Assessments

Upon the completion of any improvement the Director of Finance shall rebate to the then owner of the property which shall have been assessed to pay for such improvement any surplus or excess remaining unexpended for the purpose for which such assessment was made, and in the event of there being a deficit in the fund provided for the making of any such improvement the Director of Finance shall report to the Council a supplementary assessment within the limitation hereinbefore provided, which supplementary assessment shall be made by ordinance of the Council and certified for collection as is provided in the case of original assessments.

(Effective November 9, 1931)

§ 163 Sewer, Water and Other Connections

The Mayor, or Director or head of an appropriate department or office under the direction of the Mayor, shall have authority to compel the making of sewer, water, and gas and other connections whenever in view of contemplated street improvements or as a sanitary regulation, such connections should in his judgment be constructed. Written notice of such determination shall be given to the owner or each lot or parcel of land to which connections are to be made, which notice shall state the number and character of connections required. Such notice shall be served by a person, designated by the Mayor or by the director or head of an appropriate department or office under the direction of the Mayor, in the manner provided for the service of summons in civil actions. Nonresidents of the City, or persons who cannot be found, may be served by one publication of such notice in the newspaper of general circulation in the City. The notice shall state the time within which such connections shall be constructed and, if they be not constructed, within said time, the work may be done by the City and the cost thereof, together with a penalty of five percent (5%), assessed against the lots and lands for which the connections are made. Said assessments shall be certified and collected in the same manner as other assessments for street improvements.

(Effective November 9, 1931)

§ 164 Sidewalks, Curbs and Gutters

The Council may by resolution declare that certain specified sidewalks, curbs or gutters shall be constructed or repaired. Upon the passage of such resolution the Director of Finance shall cause written notice of the passage thereof to be served upon the owner, or agent of the owner, of each parcel of land abutting upon such sidewalks, curbs or gutters who may be a resident of the City, in the manner provided by law for the service of summons in civil actions. A copy of the notice, with the time and manner of service endorsed thereon, signed by the person serving it, shall be returned to the office of the Director of Finance and there filed and preserved. For the purpose of such service, if the owner of any such property be not a resident of the City, any person charged with the collection of rent or the payment of taxes upon such property, or having control thereof in any way, shall be regarded as the agent of the owner, and service upon such person shall have like force and effect as though personal service were made on the owner thereof. If it appear in any such return that the owner is a nonresident, or that neither such owner or agent could be found, one publication of a copy of the resolution in a newspaper of general circulation in the City shall be deemed sufficient notice to such owner.

(Effective November 9, 1931)

§ 165 Enforcement and Costs

If sidewalks, curbs, or gutters are not constructed or repaired within fifteen (15) days from the service of the notice provided for in the preceding section, or the completion of the publication thereof, the City may proceed through the appropriate department or office either by direct employment of labor, or by contract, to carry out the said construction or repair at the expense of the owner, as is the case of other improvements, and all such expense shall be reported by the Director of Finance to the Council. The Council shall thereupon by ordinance assess the cost and expense thereof upon the owner or owners of all the property bounding or abutting thereon, and such assessment shall be collected in the same manner as other assessments with a penalty of five percent (5%) and interest for failure to pay at the time fixed by the assessment resolution.

(Effective November 9, 1931)

§ 166 Assessment Bonds

The Council may at any time borrow money and authorize the issuance of notes or bonds therefor in anticipation of the collection of assessments, levied for the purpose of paying the cost of constructing or repairing sidewalks, curbs and gutters which are to be or have been constructed by the City, upon the failure of the owners of the property to construct or repair the same pursuant to notice as hereinbefore provided.

(Effective November 9, 1931)

§ 167 Public Improvements

Public improvements of all kinds may be made by the appropriate department, either by direct employment of the necessary labor and the purchase of the necessary supplies and materials, with separate accounting as to each improvement so made, or by contract duly let to the lowest responsible bidder after competitive bidding, either for a gross price, or upon a unit basis for the improvement, or by contract containing a guaranteed maximum and stipulating that the City shall pay within such maximum the cost of labor and materials, plus a fixed percentage of profit to the contractor. Public improvements may also be made by combining the design professional contract with the public improvement contract, in a manner similar to a design-build or engineer, procure, construct (EPC) contract, and be awarded on the basis of the best proposal, taking into consideration the engineering and design, the construction method(s), the

proposed design and construction costs, the total life-cycle costs, the qualifications of the proposed design professional and the construction firm(s), and the other objectives of the project.

The Council shall by ordinance determine by which of the foregoing methods any improvement shall be made. Contracts may provide a bonus per day for completion of the contract prior to a specified date, and liquidated damages to the City to be exacted in like sum for every day of delay beyond a specified date.

(Effective November 4, 2008)

§ 168 Alterations or Modifications in Contract

When in the prosecution of any work or improvement under contract it becomes necessary, in the opinion of the director of the appropriate department, to make alterations or modifications in such contracts, such alterations or modifications shall be made only when authorized by the Council upon the written recommendations of such director, countersigned by the Mayor. No such alterations shall be valid unless the price to be paid for the work or material, or both, under the altered or modified contract, shall have been agreed upon in writing and signed by the contractor and such director prior to such authorization by the Council.

(Effective November 9, 1931)

§ 169 Plat of Subdivision

A proprietor of lots or grounds within the City, who subdivides or lays them out for sale, shall cause to be made an accurate map, or plat of such subdivision, describing with certainty all grounds laid out, or granted for streets, alleys, ways, commons, or other public uses. Lots sold or intended for sale shall be numbered by progressive numbers, or described by the squares in which situated, and the precise length and width shall be given of each lot sold or intended for sale. Such map or plat shall be subscribed by the proprietor, or his agent duly authorized in writing, acknowledged before an officer authorized to take the acknowledgment of deeds, who shall certify the acknowledgment of the instrument, and recorded in the office of the County Recorder.

(Effective November 9, 1931)

§ 170 Fee Shall Vest in City

The map or plat so recorded shall thereupon be a sufficient conveyance to vest in the City the fee of the parcel or parcels of land designated or intended for streets, alleys, ways, commons, or other public uses, to be held in the corporate name in trust to and for the uses and purposes in the instrument set forth, expressed, designated or intended.

(Effective November 9, 1931)

§ 171 Platting Commissioner

The Council shall, by ordinance, designate the director of a department, or some other administrative officer of the City, as Platting Commissioner. The Platting Commissioner shall provide regulations governing the platting of all lands so as to require all streets and alleys to be of proper width, and to be coterminous with adjoining streets and alleys, and otherwise to conform with regulations prescribed by the City Planning Commission. Such regulations may also require that sewers and other public improvements shall be of such nature as to conform to the plan of the City and be adequate to the future needs of the City

and of the newly platted territory. Whenever the Council shall deem it expedient to plat any portion of territory within the City limits, in which the necessary or convenient streets or alleys have not already been accepted by the City so as to become public streets, or when any person plats any land within the corporate limits, or within three miles thereof, the Platting Commissioner shall, if such plats are in accordance with the rules as prescribed by him, endorse his written approval thereon. No plat subdividing lands within the corporate limits, or within three miles thereof, shall be entitled to record in the Recorder's office of the County without such written approval so endorsed thereon.

(Effective November 9, 1931)

§ 172 Effect of Platting

No streets or alleys, except those laid down on such plat and bearing the approval of the Platting Commissioner, as hereinbefore provided, shall subsequently in any way be accepted as public streets, or alleys, by the City, nor shall any public funds be expended in the repair or improvement of streets and alleys subsequently laid out and not on such plat. This restriction shall not apply to a street or alley laid out by the City, nor to streets, alleys, or public grounds laid out on a plat by or with the approval of the Platting Commissioner.

(Effective November 9, 1931)

§ 173 Duty to Keep Streets Open, in Repair and Free from Nuisance

The Council shall provide for the care, supervision, control and improvement of public highways, streets, avenues, alleys, sidewalks, public grounds, bridges, aqueducts, and viaducts, within the City, and shall cause them to be kept open, in repair and free from nuisance.

(Effective November 9, 1931)

§ 174 Alteration of Streets

When it deems it necessary the Council may cause any street, alley, or public highway to be opened, straightened, altered, diverted, narrowed, widened, or vacated.

(Effective November 9, 1931)

§ 175 Dedication of Streets

No street or alley dedicated to public use by the proprietor of ground in the City shall be deemed a public street or alley, or under the care or control of the Council, unless the dedication be accepted and confirmed by ordinance passed for such purpose, or unless the provisions hereof relating to subdivisions shall have been complied with.

(Effective November 9, 1931)

§ 176 Street Vacation or Change of Name

The Council in vacating any street, or part of street, or changing the name of any street may include in one ordinance the change of name or the vacation or narrowing of more than one street, avenue, or alley, but before vacating any street or part thereof, or narrowing any street, the Council shall first pass a resolution

declaring its intention so to do. The Director of Finance shall cause notice of such resolution to be served in the manner that service of summons is required to be made in civil actions upon all persons whose property abuts upon the portion of the street affected by the proposed vacation or narrowing, and by publication once in one newspaper of general circulation in the City as to all the persons who cannot be personally served. Said notice shall state the time and place at which objections can be heard before the Board of Revision of Assessments. Upon the report by the Board of Revision of Assessments, approving the proposed vacation or narrowing, the Council may by ordinance declare such vacation or narrowing, and such order of the Council vacating or narrowing a street or alley which has been dedicated to public use by the proprietor, shall, to the extent to which it is vacated or narrowed, operate as a revocation of the acceptance thereof by the Council, but the right of way and easement therein of any lot owner shall not be impaired thereby.

(Effective November 9, 1931)

CHAPTER 33 – APPROPRIATION OF PROPERTY

§ 177 Appropriation

§ 178 Declaratory Resolution

§ 179 Notice

§ 180 Further Proceedings

§ 177 Appropriation

Property within the corporate limits of the City may be appropriated for any public or Municipal purpose, and subject only to the limitations imposed by the Constitution of the State, such appropriation shall be made as herein provided. By such appropriation the City may acquire a fee simple title or any less estate, easement or use. Appropriation of property located outside the corporate limits of the City, shall be made according to the requirements of and as provided by general law.

(Effective November 9, 1931)

§ 178 Declaratory Resolution

When it is deemed necessary to appropriate property the Council shall adopt a resolution declaring such intent, defining the purpose of the appropriation, setting forth a pertinent description of the property, and the estate or interest therein described to be appropriated.

(Effective November 9, 1931)

§ 179 Notice

Immediately upon the adoption of such resolution, for which but one reading shall be necessary, the Director of Finance shall cause written notice thereof to be given to the owner, person in possession thereof, or having an interest of record in, every piece of land sought to be appropriated, or to his authorized agent, and such notice shall be served by a person designated for the purpose, and return made in the manner provided by law for the service and return of summons in civil actions. If such owner, person, or agent, cannot be found, notice shall be given by publication once a week for three consecutive weeks in a

newspaper of general circulation in the City, and the Council may thereafter pass an ordinance directing such appropriation to proceed.

(Effective November 9, 1931)

§ 180 Further Proceedings

Upon the passage of such ordinance the Director of Law shall make application to the Court of Common Pleas, or to a judge thereof in vacation, to the Probate Court, or to the Insolvency Court of Cuyahoga County, which application shall describe as correctly as possible the land or other property to be appropriated, the interest or estate therein to be taken, the object for which the land is desired, and the name of the owner of each lot or parcel thereof, and all the subsequent proceedings with regard thereto shall be in the manner provided by general law for the appropriation of property by municipal corporations in this State.

(Effective November 9, 1931)

CHAPTER 35 – FRANCHISES

- § 181 Grants
- § 182 Renewals
- § 183 Termination Provisions
- § 184 Valuation
- § 185 Extensions
- § 186 Passage of Franchise Ordinances
- § 187 Certified Copies of Grants and Other Documents
- § 188 Grant Nonexclusive; Maximum Time Limit
- § 189 Consents
- § 190 Control and Regulation by Council

§ 181 Grants

The Council may by ordinance grant permission to any individual, company or corporation to construct and operate a public utility in the streets and public grounds of the City. It may prescribe in the ordinance the kind and quality of service or product to be furnished, the rate or rates to be charged therefore, the manner in which the streets and public grounds shall be used and occupied, and any other terms and conditions conducive to the public interest.

(Effective November 9, 1931)

§ 182 Renewals

The Council may, by ordinance, renew any grant for the construction or operation of any utility, at its expiration, upon such terms as may be conducive to the public interest.

(Effective November 9, 1931)

§ 183 Termination Provisions

All such grants and renewals thereof shall reserve to the City the right to terminate the same and to purchase all the property of the utility in the streets and highways in the City and elsewhere, as may be provided in the ordinance making the grant or renewal, used in or useful for the operation of the utility, at a price either fixed in the ordinance, or to be fixed in the manner provided by the ordinance making the grant or renewal of the grant. Nothing in such ordinance shall prevent the City from acquiring the property of any such utility by condemnation proceedings or in any other lawful mode; but all such methods of acquisition shall be alternative to the power to purchase, reserved in the grant or renewal as hereinbefore provided. Upon the acquisition by the City of the property of any utility, by purchase, condemnation or otherwise, all grants or renewals shall at once terminate.

(Effective November 9, 1931)

§ 184 Valuation

No ordinance making such grant or renewal shall be valid unless it shall expressly provide therein that the price to be paid by the City for the property that may be acquired by it from such utility, by purchase, condemnation or otherwise, shall exclude all value of such grant or renewal.

(Effective November 9, 1931)

§ 185 Extensions

The Council may, by ordinance, grant to any individual, company or corporation operating a public utility, the right to extend the appliances and service of such utility. All such extensions shall become a part of the aggregate property of the utility, and shall be subject to all the obligations and reserved rights in favor of the City applicable to the property of the utility by virtue of the ordinance providing for its construction and operation. The right to use and maintain any such extension shall expire with the original grant of the utility to which the extension was made or any renewal thereof.

(Effective November 9, 1931)

§ 186 Passage of Franchise Ordinances

No ordinance making, amending or renewing a grant to construct or operate a public utility or to extend the appliances or service thereof, shall be adopted by the Council until adequate public hearings shall have been held on such ordinance, and until at least one week after its publication in the *City Record* in final form.

(Effective November 9, 1931)

§ 187 Certified Copies of Grants and Other Documents

Every public utility, and every owner of a public utility grant, shall file with the City certified copies of all such grants owned or claimed, or under which any such utility is operated within the City. Certified copies of all public utility grants, and of all amendments, renewals and extensions thereof, made subsequent to the taking effect of this section shall be filed with the City by the grantee within ten days after acceptance thereof. No grant to construct or operate a public utility shall be transferable except with the approval of the Council expressed by ordinance; and certified copies of all transfers, mortgages, and other documents affecting the title or use of public utilities shall be filed with the City within ten days after their execution. The certified copies of grants and other documents required by this section to be filed with the City shall be filed and preserved as a public record in such office thereof as the Council may by ordinance provide.

(Effective November 9, 1931)

§ 188 Grant Nonexclusive; Maximum Time Limit

No right or rights to construct, maintain, or operate any public utility in the City of Cleveland shall be exclusive; nor shall such right or rights be granted for a longer period than twenty-five years.

(Effective November 9, 1931)

§ 189 Consents

No consent of the owner of property abutting on any highway or public ground shall be required for the construction, extension, maintenance, or operation of any public utility by original grant or renewal, unless such public utility is of such a character that its construction or operation is an additional burden upon the rights of the property owners in such highways or public ground.

(Effective November 9, 1931)

§ 190 Control and Regulation by Council

The Council shall at all times control the distribution of space in, over, under or across all streets or public grounds and occupied by public utility fixtures. All rights granted for the construction and operation of public utilities shall be subject to the continuing right of the Council to require such reconstruction, relocation, change or discontinuance of the appliances used by the utility in the streets, alleys, avenues, and highways, of the City, as shall in the opinion of the Council be necessary in the public interest.

(Effective November 9, 1931)

CHAPTER 37 – OFFICERS AND EMPLOYEES

§ 191 Compensation of Officers and Employees

§ 192 Official Bond

§ 193 Continuation in Office

§ 194 Oath of Office

§ 195 Financial Interest in Contracts

§ 196 Hours of Labor

§ 197 Employment Contracts

§ 198 Minimum Wage – Repealed

§ 198-1 Annual Rate of Pay to Be Paid Members of Fire Division – Repealed

§ 198-2 Annual Rate of Pay to Be Paid Members of Police Division – Repealed

§ 199 Continuance of Contracts; Miscellaneous Provisions – Repealed

§ 199-1 Daylight Savings Time – Repealed

§ 191 Compensation of Officers and Employees

The salary or compensation of all officers and employees in the unclassified service of the City shall be fixed by ordinance, or as may be provided by ordinance. The salary or compensation of all other officers and employees shall be fixed by the appointing authority in accordance with ability, fitness and seniority within the limits set forth in the Council's salary or compensation schedule for which provision is hereinafter made. The Council shall by ordinance establish a schedule of compensation for officers and employees in the classified service, which schedule shall provide for like compensation for like services and shall provide minimum and maximum rates (which may be identical) of salary or compensation for each grade and classification of positions determined by the Civil Service Commission under Section 126 of this Charter. Only in the case of employees in those classifications for which the Council provided in 1979 a schedule of compensation in accordance with prevailing wages paid in the building and construction trades, the schedule established by the Council shall be in accordance with the prevailing rates of salary or compensation for such services. For the guidance of Council in determining the foregoing schedule the Civil Service Commission shall prepare salary or compensation schedules, and the Mayor or any director may, and when required by Council shall, prepare suggested salary or compensation schedules.

The salary of any officer or member of a board or commission in the unclassified service of the City shall not be increased or diminished during the term for which he was elected or appointed. Salaries and compensation fixed at the time this section takes effect shall continue in force until otherwise fixed as provided in this section. All fees pertaining to any office shall be paid into the City Treasury.

(Effective February 17, 1981)

§ 192 Official Bond

The Mayor, the Director of Finance, the Commissioner of Accounts, the City Treasurer, and such other officers or employees as the Council may require so to do, shall give bonds in such amount and with such surety as may be approved by the Council. The premium on such bonds may be paid by the City.

(Effective November 9, 1931)

§ 193 Continuation in Office

All persons holding administrative office, excepting the office of City Manager, at the time provisions of this Charter take effect, shall continue in office and in the performance of their duties until provisions shall have been made in accordance therewith for the performance of such duties or the discontinuance of such office. The directors of all departments, whether created by charter or by ordinance, shall continue in office and in the performance of their duties until their successors are appointed by the Mayor, as provided in this Charter, and until their successors have qualified. The powers which are conferred and the duties which are imposed upon any officer, commission, board or department of the City under the laws of the State shall, if

such office or department is abolished by this Charter, be thereafter exercised and discharged by the officer, board or department upon whom or upon which are imposed corresponding functions, powers and duties hereunder.

(Effective November 9, 1931)

§ 194 Oath of Office

Every officer of the City shall, before entering upon the duties of his office take and subscribe to an oath or affirmation, to be filed and kept in the office of the Clerk of the Council, that he will in all respects faithfully discharge the duties of his office.

(Effective November 9, 1931)

§ 195 Financial Interest in Contracts

No officer or employee of the City shall have a financial interest in a contract with the City, if the financial interest in that contract is unlawful under general laws applicable to officers and employees of the City. Any willful violation of this section shall constitute malfeasance in office, and any officer or employee found guilty thereof shall thereby forfeit his office or position. Any violation of this section with the knowledge, expressed or implied, of the person or corporation contracting with the City shall render the contract involved voidable by the Mayor or the Council.

(Effective November 3, 1987)

§ 196 Hours of Labor

Except in case of extraordinary emergencies, not to exceed eight hours shall constitute a day's work and not to exceed forty-eight hours a week's work, for any City employee of the City of Cleveland in the classified service thereof, and for any workmen engaged in any public work carried on or aided by the Municipality whether done by contract or otherwise. The Council shall by ordinance, provide for the enforcement of the provisions of this section.

(Effective November 9, 1931)

§ 197 Employment Contracts

Every contract for public work entered into by the City of Cleveland shall contain, and no contract shall be entered into unless it contains the following stipulations: The contractor hereby agrees that all persons employed by him shall be paid wages which are not less than are paid by the City of Cleveland for similar or like work; but if said City has not established a rate of wages for any particular class of work to be performed under the terms of this contract, then said employees shall be paid wages not less than are generally paid therefor by others employing union labor in said City.

The contractor hereby further agrees that in the employment of labor, skilled or unskilled, under the contract there shall be no discrimination exercised against any citizen because of race, color, religion or national origin; and that any violation hereof shall be deemed a material breach of said contract.

(Effective November 7, 1989)

§ 198 Minimum Wage – Repealed

Note: This section was repealed by the electors on November 7, 1989.

§ 198-1 Annual Rate of Pay to Be Paid Members of Fire Division – Repealed

Note: This section was repealed by the electors on April 26, 1977.

§ 198-2 Annual Rate of Pay to Be Paid Members of Police Division – Repealed

Note: This section was repealed by the electors on April 26, 1977.

§ 199 Continuance of Contracts; Miscellaneous Provisions – Repealed

Note: This section was repealed by the electors on November 7, 1989.

§ 199-1 Daylight Savings Time – Repealed

Note: This section was repealed by the electors on November 7, 1989.

CHAPTER 39 – AMENDMENTS AND CHARTER REVIEW

§ 200 General Provisions

§ 200-1 Charter Review Commission

§ 201 Severability Clause

§ 202 Effective Date

§ 200 General Provisions

Proposed amendments to this Charter may be submitted to the electors of the City by a two-thirds vote of the members of Council, and upon petition signed by ten percent of the electors of the City, setting forth any such proposed amendment, prepared and filed with the Council, through its Clerk in the manner and form prescribed in this Charter for the preparation and filing with the Clerk of an initiative petition for an ordinance, such proposed amendment shall be submitted to the electors of the City by the Council. The percentage aforesaid shall be based upon the total vote cast at the last preceding general Municipal election. The ordinance providing for the submission of any such proposed amendment shall require that such proposed amendment be submitted to the electors at the next regular Municipal election if one shall occur not less than sixty days nor more than one hundred and twenty days after its passage; otherwise it shall provide for the submission of the proposed amendment at a special election to be called and held within the time aforesaid. When ten (10) days and two regular meetings of the Council have passed after the filing of a petition fulfilling the requirements of this section, then the Council shall forthwith provide the ordinance for the submission to the electors of the proposed amendment to this Charter. The Clerk of the Council shall transmit to the election authorities prescribed by general law a duly authenticated copy of such ordinance forthwith upon its passage, and not less than thirty days prior to such election the Clerk of the Council shall

either mail a copy of the proposed amendment to each elector whose name appears upon the registration books of the last regular or general election held in the City or pursuant to laws passed by general assembly notice of the proposed amendments may be given by newspaper advertising. If such proposed amendment is approved by a majority of the electors voting thereon it shall become a part of the Charter of the City at the time fixed in the amendment; and if no time is fixed therein, then it shall become a part of the Charter upon its approval by the electors. Proposed amendments to this Charter may be submitted to the electors by ballot title, which shall be clear, concise statements, without argument, descriptive of the substance of such proposed amendments. If conflicting proposed amendments to this Charter shall be approved at the same election, the one receiving the highest number of affirmative votes shall be the amendment to the Charter.

(Effective October 8, 1971)

§ 200-1 Charter Review Commission

Not later than the first day of February in the year 2018 and of each succeeding tenth year thereafter, the Council shall provide for the selection of a Charter Review Commission and shall appropriate adequate funds for a comprehensive review of the existing Charter provisions.

The Charter Review Commission shall consist of fifteen electors of the City of Cleveland appointed or elected in the manner prescribed by ordinance.

Within thirty days after selection the members shall meet, choose a Chairman and Secretary, and adopt rules to govern the procedure of the Commission. The Commission may employ necessary assistants and professional services as it deems necessary, within the funds appropriated for this purpose.

Not later than one year after its organization the Charter Review Commission shall report to the Council proposed amendments to the Charter as the Commission determines to be necessary or desirable and a statement of the reasons for submitting the proposed amendments to the electors; or that no changes in the Charter are required or desired.

Upon receipt of the report of the Charter Review Commission setting forth any proposed amendment or amendments to the Charter, the Council shall determine by ordinance whether the proposed amendment or amendments shall be submitted to the electors of the City of Cleveland in the manner provided and governed by the provisions of Section 200 and in conformity with Section 9 of Article XVIII, of the Ohio Constitution.

(Effective May 4, 2010)

§ 201 Severability Clause

If any section or part of a section of this amendment proves to be invalid or unconstitutional, the same shall not be held to invalidate or impair the validity, force or effect of any other section or part of a section of this amendment, unless it clearly appears that such other section or part of a section is wholly or necessarily dependent for its operation upon the section or part of a section so held unconstitutional or invalid.

(Effective November 9, 1931)

§ 202 Effective Date

For the purpose of nominating and electing officers the provisions of this Charter shall be in effect for any regular Municipal election held not less than eighty days from and after their approval by the electors of City. For all other purposes this Charter shall be in effect on the first Monday following the first election of

officers thereunder, on which day Section 3 to 183, both inclusive, of the existing Charter of the City of Cleveland shall be deemed repealed. All members of the Council elected in accordance with the existing provisions of the Charter of the City of Cleveland shall continue to hold such office for the full term for which they were elected.

If, however, the provisions of this Charter are approved at an election held in an even numbered year or at an election held in an odd numbered year on a day which is later than eighty days before the regular Municipal election of that year, the foregoing provisions in this section as to the time the provisions of this Charter shall take effect shall be held for naught and the following provisions shall apply, namely: The provisions of this Charter shall be in effect for all purposes on the first Monday following their approval by the electors of the City and Sections 3 to 183, both inclusive, of the existing Charter of the City of Cleveland shall be deemed repealed on that day, except for the purpose of nominating and electing members of Council the provisions of this Charter shall be in effect for any regular Municipal election held not less than eighty days from and after their approval by the electors of the City and except that meanwhile candidates for Council may be nominated and elected, and members of Council may be recalled and persons may be chosen to fill vacancies in Council, all in accordance with the existing provisions of the Charter of the City of Cleveland. Members of Council elected in accordance with the existing provisions of the Charter of the City of Cleveland shall continue to hold such office for the full term for which they were elected.

(Effective November 9, 1931)

CHAPTER 40

§ 203 Traffic Law Photo-Monitoring Devices

§ 203 Traffic Law Photo-Monitoring Devices

(a) 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.

(b) Definitions. As used in this Section 203:

(1) "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 Section 203.

(2) "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.

(3) "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.

(4) "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.

(c) Any ordinance enacted prior to the passage of this Amendment that contravenes any of the foregoing is void. After the enactment of this Amendment, the City shall not enact or enforce any ordinance that contravenes any of the foregoing. In the event that any provision of this Section 203 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 Section 203 will remain in full force and effect.

(Effective November 4, 2014)