

RECORD OF ORDINANCES

BEAR GRAPHICS 800-325-8094 FORM NO. 30043

Ordinance No. 2016-10

Passed AUGUST 16, 2016

AN ORDINANCE PROVIDING FOR ELECTION ON AN AMENDMENT TO THE CHARTER OF THE CITY OF BROOKVILLE, AND DECLARING IT AN EMERGENCY.

WHEREAS, Section 11.06 of the Charter of the City of Brookville provides that the Charter may be amended or repealed by the voters as provided by the Constitution of Ohio; and

WHEREAS, Article XVIII Section 9 and Section 14 of the Constitution of the State of Ohio provides that amendments to any charter may be submitted to the electors of a municipality upon petitions signed by ten percent of the electors of the municipality setting forth any such proposed amendment; and

WHEREAS, Article XVIII Section 14 of the Constitution of the State of Ohio provides that the percentage of electors required to sign a petition shall be based on the total vote cast in the last preceding general municipal election; and

WHEREAS, a petition for amendment to the Charter of the City of Brookville was received on July 18, 2016 proposing an amendment to Section 4.06 of the Charter; and

WHEREAS, it has been determined that the petition contains sufficient valid signatures of qualified electors of the City of Brookville to require that the question of the charter amendment be submitted to the voters of the City of Brookville; and

WHEREAS, City Council is required to forthwith submit the proposed charter amendment to the electors "at the next regular municipal election if one shall occur not less than sixty nor more than one hundred and twenty days after its passage; otherwise it shall provide for the submission of the question at a special election to be held within the time aforesaid.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BROOKVILLE, THAT:

SECTION I: The question of the adoption of the proposed amendment, as hereinafter set forth, to the Charter of the City of Brookville, be submitted to a vote of qualified electors of the City of Brookville, Ohio at a special election to be held on Tuesday, November 8, 2016, during the regular hours of voting, on such date, prescribed by general law. The Charter as amended shall read as follows:

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Proposed Amendment

Article IV: LEGISLATIVE PROCEDURE

Section 4.06 Content of Emergency Legislation.

Each emergency ordinance or resolution shall determine that the ordinance or resolution is necessary for the immediate preservation of the public peace, health, safety, or welfare, or to meet an emergency in the government of the Municipality, and shall contain a statement of the necessity for the emergency. No ordinance or resolution granting a franchise or fixing rates to be charged by an investor owned public utility, INVOLVING TAXATION, OR CASES OF ZONING AND PLANNED DEVELOPMENTS shall be passed as an emergency measure.

SECTION II: The ballots for the election shall, at the top thereof, be entitled "City of Brookville Charter Amendment Ballot" and the question to be submitted on said ballot shall be in the following words: Shall the proposed charter amendment of the City of Brookville, Ohio be adopted? Provision shall be made by the Montgomery County Board of Elections for voting on such question.

SECTION III: The Director of Law is hereby directed to make the necessary arrangements with the Montgomery County Board of Elections for giving notice, conducting such election, and placing the question on the ballot.

SECTION IV: Notice of the proposed charter amendment shall be given by newspaper advertising, as authorized by law.

SECTION V: The Clerk of Council is hereby directed to certify a copy of this Ordinance to the Montgomery County Board of Elections.

SECTION VI: It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council were in meetings open to the public and in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION VII: This Ordinance is an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the City of Brookville, Ohio for the reason that City Council is required to forthwith submit this proposed charter amendment to the electors of the City of Brookville, and it is necessary to timely submit this Ordinance to the Montgomery County Board of Elections to place this question on the ballot on November 8, 2016. This Ordinance shall take effect immediately after its passage as provided by the Charter of the City of Brookville, Ohio.

PASSED this 16th day of AUGUST, 2016.

ATTEST:


MEGHAN WHEELER, CLERK


DAVID E. SEAGRAVES, MAYOR

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CERTIFICATE

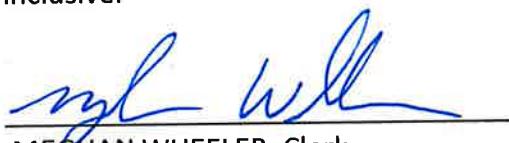
The undersigned, Clerk of the City of Brookville, Ohio, does hereby certify that the foregoing is a true and correct copy of Ordinance 2016-10, passed by the Council of the City of Brookville, Ohio, on the 16th day of AUGUST, 2016.



MEGHAN WHEELER, CLERK

CERTIFICATE OF POSTING

The undersigned, Clerk of the City of Brookville, Ohio, hereby certifies that the foregoing Ordinance 2016-10, was posted at the City Building, US Post Office and the Brookville Branch of the Montgomery County Public Library, Brookville, Ohio, on the 19th day of AUGUST, 2016 to 18th day of SEPTEMBER, 2016, both days inclusive.



MEGHAN WHEELER, Clerk