

CHARTER  
of the  
Municipality of Holland, Ohio



Presented to Voters for Approval  
September 14, 1982  
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VILLAGE OF HOLLAND, OHIO**

Effective January 1, 1983  
(Amended Effective January 1, 1985)  
(Amended Effective January 1, 1996)

**PREAMBLE**

We, the people of Holland, in the County of Lucas and the State of Ohio, in order to secure the benefits of municipal home rule and to exercise all powers of local self-government under the Constitution and laws of the State of Ohio, do hereby adopt this Charter for the government of the Municipality of Holland.

**ARTICLE I**

**NAME AND BOUNDARIES**

The municipal corporation now existing in the County of Lucas, State of Ohio, and known as the Village of Holland, Ohio, hereinafter in this Charter called the "Municipality", shall continue to be a body politic and corporate under the same name of Holland, with the same boundaries as now exist, but with the power and authority to change the boundaries and annex other territory contiguous thereto in the manner authorized by the laws of the State of Ohio. No territory shall be detached therefrom, nor shall the Municipality be annexed to any other municipality or body politic, nor shall the corporate existence of the Municipality be terminated, without the consent of its Council and of the electors of the Municipality voting on such proposal at an election held and conducted in the manner provided by law.

**ARTICLE II**

**MUNICIPAL POWERS**

The Municipality shall have all powers of local self-government now and hereafter granted to the municipalities by the Constitution of the State of Ohio and such further powers as are now or hereafter may be granted by the laws of the State of Ohio. All such powers shall be exercised in the manner prescribed in this Charter or, if not prescribed herein, in such lawful manner as the Council shall determine by ordinance or resolution. Enumeration of or reference to particular powers in this Charter shall not be construed to be exclusive.

**ARTICLE III**

**THE COUNCIL**

Section 3.01 Number, Selection, Term.

The legislative power of the Municipality shall be vested in a Council which shall be a continuing body consisting of six (6) members at large.

All existing elected council members shall remain in office until the termination of their

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respective terms of office.

Four (4) council members shall be elected under this Charter at the regular municipal election to be held in the year 1985, and at subsequent regular municipal elections to succeed those whose terms will expire at the conclusion of the year in which such election is held as hereinafter provided.

Two (2) council members shall be elected under this Charter at the regular municipal election to be held in the year 1983, and at subsequent regular municipal elections to succeed those whose terms will expire at the conclusion of the year in which such election is held as hereinafter provided.

The term of office of each member of the Council shall begin on the first day of January next following such person's election. Council members shall serve for terms of four years or until their respective successors are chosen and qualified.

Any vacancy on Council including any vacancy prior to January 1, 1984, shall be filled under the provisions of Section 3.07 of this Charter.

Section 3.02 Qualifications.

Each member of the legislative authority of the Municipality shall have resided in the Municipality two (2) years next preceding his election, and shall be an elector of the village. No member of the legislative authority shall hold any other public office, be interested in any contract with the Municipality, or hold employment with said Municipality, except that such member may be a notary public, a member of the state militia, or a volunteer fireman of said Municipality, provided that such member shall not receive any compensation for his services as a volunteer fireman of the Municipality in addition to his regular compensation as a member of the legislative authority. Any member who ceases to possess any of such qualifications or who removes from the Municipality shall forfeit his office.

Council shall be the sole and final judge of the election and qualifications of its members. Any member of the Council who shall cease to possess or who violates any of the qualifications herein enumerated shall forfeit the office. Failure of any member of Council to maintain said qualifications shall not render void or ineffective any actions of Council in which such member has participated.

Section 3.03 Compensation.

The salary of a member of Council shall be established by ordinance for the first term beginning January 1, 1984. For the terms thereafter the Council may determine and fix the salary of its members, but the salary of a member of Council shall not be increased or decreased during the term of office which such person is serving. If the Council determines to change the

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established salary of members in respect to a succeeding term of office, such change must be made by the Council before the first day of July next preceding a regular Municipal election. Unless and until the salary is so changed, it shall remain as last fixed.

**Section 3.04 Organization.**

After December 31 and at the first council meeting in January, the members of Council shall meet at the Council Chambers for the purpose of organization. At such meeting the Council shall elect one of the members thereof as President of Council. In the event the President of Council ceases to be a member thereof, the Council shall elect another member to serve as President until a successor shall have been elected.

Committee and/or commission and board appointments shall be made by the Mayor with confirmation of Council no later than the following February 1<sup>st</sup>.

**Section 3.05 Quorum.**

A majority of the members of Council shall constitute a quorum for the transaction of business at any meeting of the Council, but a number less than a quorum may adjourn the meeting from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance, resolution, or by rules of the Council. At any meeting at which a quorum is present, any action may be taken by the affirmative vote of a majority of the members of the Council, unless a larger number be required by the provisions of this Charter or the laws of the State of Ohio not in conflict therewith.

All legislative action by the Council shall be by ordinance or resolution introduced in written or printed form. An affirmative vote of at least a majority of the members of Council shall be required for the passage of every ordinance or resolution.

For the purposes of this Charter four (4) members constitutes a quorum.

**Section 3.06 Rules and Journal of Council.**

The Council shall adopt its own rules, regulations or by-laws and shall keep a journal of all of its proceedings. The journal shall be open for public inspection during regular business hours. The voting upon any ordinance or resolution shall be by roll call, and the vote of each member of Council shall be entered upon the journal. Provision shall be made that all exhibits and reports be placed on file for public inspection.  
(Per Ordinance No. 15-1982)

**Section 3.07 Vacancies.**

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Whenever the office of a member of Council shall become vacant, the vacancy shall be filled by a majority vote of all the remaining members of the Council. An office is vacant as of the date of the letter of resignation tendered by the member of Council resigning if the letter specifies no date, or the date specified in the letter, or the date Council takes action in a removal. If the vacancy shall not be filled within thirty (30) days, the Mayor shall fill it by appointment. A member of Council elected or appointed to fill a vacancy shall hold office for the balance of the unexpired term or until a successor shall be elected and shall qualify for the unexpired term as hereinafter provided. A successor shall be elected for the unexpired term to fill any such vacancy at the next regular Municipal election provided such election shall occur more than two (2) years prior to the expiration of the unexpired term, and if the vacancy shall have occurred prior to the first day of August immediately preceding such election.  
(Per Ordinance No. 9-1995)

**Section 3.08 Meetings.**

- A. **Regular Meetings.** The Council shall meet in the Council Chambers at such times as may be prescribed by its ordinances, resolutions or rules. Regular meetings shall be held at least twice in each calendar month, except that during the months of June, July and August, the Council may dispense with one of its meetings. All meetings of the Council, whether regular or special, shall be open to the public.
  
- B. **Special Meetings.** Special meetings of the Council may be called in accordance with and as provided for by its rules. In the absence of such provisions, special meetings may be called by a vote of the Council taken at any regular or special meeting thereof, or shall be called by the Clerk-Treasurer of Council upon the written request of the Mayor or President of Council or of three (3) members of Council. Any such request shall state the time, place and date thereof and the subject or subjects to be considered at the meeting. Unless five (5) members in attendance concur, no other subject or subjects shall be considered. Notice in writing of each such special meeting called at the request of the Mayor, President of Council, or three (3) members of Council shall be given to each member of Council and the Mayor by serving the same on each of them personally or by leaving a copy thereof at such person's usual place of residence not less than twenty-four (24) hours preceding the date and hour of such meeting. Service of such notice may be waived in writing or by attendance at such special meeting.

**Section 3.09 Powers.**

Except as otherwise provided by the Constitution of the State of Ohio or this Charter, and among other powers, the Council shall have and possess:

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- A. All of the legislative powers of the Municipality now or hereafter granted by the Constitution and the laws of the State of Ohio to legislative bodies of municipalities and, such other powers granted by this Charter and all powers now or hereafter granted by the laws of the State of Ohio to Boards of Control or any other municipal commission, board or body now or hereafter created by law, except as otherwise provided by the Constitution of the State of Ohio or this Charter. All existing boards, commissions and similar bodies, heretofore created, authorized or existing shall be and the same are abolished as of January 1, 1983.  
(Per Ordinance No. 15-1982)
- B. The power to create, combine, or abolish offices, positions, departments, divisions, boards or commissions of the Municipality and the power to fix the qualifications, duties, bonds and compensation of all officers and members thereof;  
(Per Ordinance No. 9-1995)
- C. The power to approve and confirm or to disapprove and reject the appointment or removal by the Mayor or any appointive officer or head of a department or division of the Municipality;
- D. The power to fix the number of employees in the various departments of the Municipality and to determine the qualifications, duties, bonds and compensation of such employees;
- E. The power to determine the method of and procedure for making, awarding, advertising, modifying and enforcing contracts with the Municipality and the method, procedure, time and manner of payment thereunder. No contract shall be made on behalf of the Municipality unless authorized by the Council and no contract shall be binding upon the Municipality unless it has been so authorized or approved and the necessary money has been lawfully appropriated therefore;
- F. The power to determine the method, manner, consideration and procedure for the purchase of property on behalf of the Municipality and the sale or disposal thereof;
- G. The power to expel or remove:
- (1) Any member of Council for gross misconduct, misfeasance, malfeasance or nonfeasance in office, or for disqualification from holding office, or for conviction while in office of a crime involving moral turpitude, or for violation of the oath of office, or for persistent failure to abide by the rules of Council, or for absence without justifiable excuse from three (3) consecutive regular meetings of Council. Justifiable excuse will be determined by majority of Council.



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- (2) The Mayor and all other elected officials for gross misconduct, malfeasance, misfeasance or nonfeasance or for disqualification from holding office, or for conviction while in office of a crime involving moral turpitude, or for violation of the oath of office.

No such expulsion or removal shall take place except on concurrence of a majority of members of Council, nor until the accused person shall have been notified in writing of the charge against said person at least ten (10) days in advance of any hearing upon such charge, and until said person or said person's counsel shall have been given the opportunity to appear before the Council and be heard, present evidence and examine witnesses appearing in support of the charge;

- H. The power to make such other general regulations as the Council may deem necessary in the public interest.

Section 3.10 Provisions as to Legislative Action.

- A. All legislative action by the Council shall be by ordinance or resolution introduced in written or printed form. An affirmative vote of at least a majority of the members of Council shall be required for the passage of every ordinance or resolution.
- B. Every ordinance or resolution shall be read in its entirety at the first of three (3) readings and by number and title only at the following two (2) readings of Council unless five (5) members of Council vote to suspend this rule and read the first time by number and title only and to dispense with the second and third readings. An ordinance or resolution shall be fully and distinctly read if requested by any member of Council.
- C. To meet a public emergency affecting life, health, property or the public peace, the Council may adopt one or more emergency ordinances, but such ordinances may not levy taxes, grant, renew or extend a franchise, regulate the rate charged by any public utility for its services or authorize the borrowing of money except as provided in Section 3.13 herein. An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced, but the affirmative vote of at least five (5) members shall be required for adoption. After its adoption the ordinance shall be published and printed as prescribed for other adopted ordinances. It shall become effective upon adoption or at such later time as it may specify. Every emergency ordinance except one made pursuant to January 1,

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1983 shall automatically stand repealed as of the 61<sup>st</sup> day following the date on which it was adopted, but this shall not prevent reenactment of the ordinance in the manner specified in this section if the emergency still exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

To meet a public emergency affecting life, health, property or the public peace, the Council may make emergency appropriations. Such appropriations may be made by emergency ordinance in accordance with the provisions of this Charter. To the extent that there are no available unappropriated revenues to meet such appropriations, the Council may by such emergency ordinance authorize the issuance of emergency notes, which may be renewed from time to time, but the emergency notes and renewals of any fiscal year shall be paid not later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made.

- D. No ordinance, resolution or legislation shall contain riders or more than one (1) subject which shall be clearly expressed in its title. Any ordinance, resolution or legislation revising or amending previous legislation shall not have riders and shall set forth the entire section or sections to be revised or amended, as revised or amended, and the original section, or sections, so revised or amended, shall be deemed repealed.
- E. The Council may adopt standard codes prepared by public or private agencies on such matters as fire prevention, building construction, electric wiring, plumbing, heating, ventilation, air conditioning, and similar subjects by reference to the date and source of such codes without reproducing the same at length in the adopting ordinance. In case of such adoption, publication of the code at length shall not be required but there shall be at the time of adoption thereof and at all times thereafter on file for public inspection in the office of the Clerk-Treasurer of Council of the Municipality at least one (1) copy of such code. The Clerk-Treasurer shall make additional copies thereof available for sale to interested persons at such prices as may be established by Council.
- F. Revisions, codifications or rearrangements of ordinances may be published in book form if so specified therein. If so revised, codified and rearranged under appropriate titles, chapters and sections, such revisions, codifications or rearrangements may be made in one ordinance compromising one or more subject. The publication in book form as aforesaid with certification of the passage and adoption thereof by the Clerk-Treasurer of Council shall constitute sufficient publication of the ordinance or ordinances contained therein. The book so published and certified shall be received in evidence in any Court, for the purpose of proving the ordinance or ordinances therein contained in the same manner and for the same purpose as the original book, ordinances, minutes or journal would be received. If a revision, codification or rearrangement of

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ordinances contains new matter not previously published, a notice of the reactment thereof, setting forth the titles of the ordinances and the titles of the chapters and sections containing such new matter, shall be published in the manner provided in Section 3.12 of this Article, which notice shall constitute a sufficient publication of such new matter. The Clerk-Treasurer shall maintain a master copy which shall clearly indicate any changes or revisions of the Municipal Code made after publication of the aforementioned book.

Section 3.11 Provisions as to Administrative Duties.

Each individual Council member may be assigned specific administrative duties as appointed by the Mayor and subject to annual review. Included in these duties are:

1. To see that all laws and ordinances are enforced.
2. To exercise control over their assigned Municipal Department created by the Mayor.
3. To make engineering and other assistance available to all boards and commissions created by this Charter or by Council within the limits of appropriations and available funds.
4. To see that all terms and conditions imposed in favor of the Municipality or its inhabitants in any public utility franchise or other contracts are faithfully kept and performed.
5. To recommend to Council any matter requiring their legislative action.
6. To annually recommend to Council repeal of obsolete legislative action.
7. To keep Council fully advised on a monthly basis as to the financial condition and needs of their Municipal Department.
8. To submit an annual budget to Council, and be responsible for its proper execution as covered by appropriation ordinances of Council.
9. To prepare and submit to Council, as of the end of each fiscal year, an annual report on the activities of their Municipal Department for the preceding year.
10. To act as purchasing agent for their Municipal Department.
11. To ensure proper purchasing procedures within their department.
12. To form, as needed, special administrative advisory committees made up of

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councilpersons and/or electors.

13. To perform such other duties as are provided for in this Charter.

Section 3.12 Publication of Ordinances, Resolutions, and Notices.

- A. Except as provided in Section 3.10 of this Article, every ordinance or resolution of a general or public nature including, but not limited to those granting, renewing or extending a franchise, creating a right, involving expenditures of money, levying of a tax, or concerning the purchase, lease, sale, or transfer of public property shall be published by posting a copy thereof in a conspicuous place in the Holland Municipal Building and at least three (3) other conspicuous public locations within the Municipality boundary limits for a period of not less than fifteen (15) days. Except as to emergency ordinances and resolutions, publication shall be completed prior to the taking effect thereof.
- B. Council may by ordinance designate additional public places in the Municipality for posting copies of ordinances or resolutions and may make provision in any ordinance or resolution for the publication of such ordinance or resolution in one English language newspaper of general circulation in the Municipality. In the case of newspaper publication, ordinances and resolutions shall be published once a week for two (2) consecutive weeks; notices shall be published not less than two (2) nor more than four (4) consecutive weeks, and all other matters once.
- C. Publication of any notice, statement, order, report or proclamation required to be published by this Charter, by the applicable laws of the State of Ohio, or by legislation enacted by the Council, shall be published by posting as provided in this section except as otherwise herein specifically set forth.
- D. Notices to bidders of the construction of public improvements and notices of the sale of notes or bonds of the Municipality shall be published in at least one (1) but not more than two (2) English language newspapers printed in the State of Ohio and of general circulation in the Municipality.
- E. Proof of any publication provided for in this section shall be made by the Clerk-Treasurer of Council as provided by ordinance or if not so provided by the laws of the State of Ohio.

Section 3.13 Effective Date of Ordinances and Resolutions.

- A. Each ordinance or resolution providing for the appropriation of money or for any annual tax levy, or for the authorization of making of improvements petitioned for by the owners of not less than a majority of the front footage of property to be

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benefited and specially assessed therefore, and any emergency ordinance or resolution declared by the Council to be necessary for the immediate preservation of the public peace, health or safety shall take effect, unless a later date be specified therein, upon its approval by the Council and signature of the Mayor and the President of Council attesting to the authenticity of the action.

- B. No other ordinance or resolution shall become effective until thirty (30) days after its approval by the Council and signature of the Mayor and the President of Council attesting to the authenticity of the action. Each emergency measure shall contain a statement of the necessity of such emergency action and shall require the affirmative vote of at least five (5) members of Council for its enactment. No action of the Council authorizing any change in boundaries of the Municipality, or authorizing the surrender of joint exercise of its powers, or granting, renewing or extending any franchise, or contracting for the supply to the Municipality or its inhabitants of the product or service of any utility shall be taken as an emergency measure.

**ARTICLE IV**

**THE MAYOR**

**Section 4.01 Election and Term.**

The Mayor shall be elected at the regular Municipal election held in the year 1983 and every fourth year thereafter, for a term of four (4) years. The term shall commence and the Mayor shall assume office on the first day of January next following such election. The current term of office shall end December 31, 1983.

**Section 4.02 Qualifications.**

The Mayor shall have been a resident of the Municipality for at least two (2) years immediately prior to the date of his election or appointment, an elector and shall be at least 21 years of age at the time of taking office and shall continue to be resident and an elector of the Municipality throughout the term of office. The Mayor shall not hold any other elective public office or any office or employment within the Municipality. The Mayor shall not directly or indirectly, solicit, contract for, receive or be interested in any profit or emolument from or on account of any contract, job, work or service with or for the Municipality.

**Section 4.03 Compensation.**

The salary of the Mayor shall be fixed and determined by the Council, but the salary of the Mayor shall not be increased or decreased during the term of office which such person is

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serving. If the established salary of the Mayor is to be changed in respect to a succeeding term of office, such change must be made by the Council prior to the first day of July of the last year of the term then being served by the Mayor. Unless and until such salary is so changed, it shall remain as last fixed.

Section 4.04 Absence or Vacancy.

- A. Absence. When the Mayor is absent or inaccessible or is unable for any reason to perform such duties, the President of Council shall become the Acting Mayor and during such period have the same powers, and perform the same duties as the Mayor. Such person shall also continue as a member of Council with all the power and duties of such member, including but not limited to the right to vote. In no instance shall the Acting Mayor have a second vote on the same issue.
- B. Vacancy. In the event the office of the Mayor shall become vacant for any reason, the President of Council shall thereupon become the Mayor and shall serve for the unexpired term or until the beginning of the term of a successor duly elected as hereinafter provided. Upon becoming Mayor, such office as President of Council and member of Council shall become vacant. (Refer to Section 3.04 and Section 3.07 for procedure for filling vacancy of the President of Council.)
- C. Absence of President of Council. In the event the President of Council shall be absent or inaccessible for any reason unable to perform such duties as Acting Mayor, and an emergency or urgent necessity so requires, the Council, by vote of a majority of the remaining members of Council, may designate one of their numbers as Acting Mayor for the purposes and duration only of such emergency or urgent necessity, or until the return of either the Mayor or President of Council.
- D. Election of Successor in the Event of Vacancy. In the event the office of Mayor shall become vacant, a successor for the unexpired term shall be elected Mayor at the next regular Municipal election, provided that such election shall occur more than (2) years prior to the expiration of the term and the vacancy shall have occurred prior to the first day of August immediately preceding such election.

Section 4.05 Executive Powers.

The Mayor shall be the chief executive officer of the Municipality. He shall supervise the administration of the Municipality's affairs. He shall be the chief conservator of the peace within the Municipality and shall see that all laws and ordinances are enforced therein. He shall see that all terms and conditions imposed in favor of the Municipality or its inhabitants in any franchise or contract to which the Municipality is a party are faithfully kept and performed.

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Subject to the other provisions of this Charter and the constitution and laws of Ohio, the Mayor shall have the power, subject to confirmation by a majority of the members of Council, to appoint, promote, transfer, reduce or remove any officer or employee of the Municipality except those required by this Charter to be elected.

The Mayor (and the Clerk-Treasurer) shall execute on behalf of the Municipality all contracts, conveyances, evidences of indebtedness and all other instruments to which the Municipality is a party. He shall have the custody of the seal of the Municipality and may affix it to all the above mentioned instruments, but the absence of the seal shall not affect the validity of any such instrument.

The Mayor shall be recognized as the official and ceremonial head of the Municipality by the Governor for military purposes, and by the courts for the purpose of serving civil processes.

**Section 4.06 Legislative Powers.**

The Mayor shall preside at all meetings of the Council, but shall have no veto power, and shall have no vote therein except in the event of a tie vote of the members of Council upon any ordinance or resolution or other proceedings, in which case the Mayor presiding at such meeting shall have the power to vote upon such measure, and his vote shall have the same legal effect as a vote of a member of Council. The Mayor, in addition to presiding at Council meetings, may take part in the discussion upon all matters under consideration by the Council and may introduce and propose ordinances and resolutions and, if the adoption of the same shall be moved by a member of Council, they shall be considered and acted upon the same as if introduced and proposed by a member of Council.

**Section 4.07 Judicial Powers.**

The Mayor shall have all judicial powers granted generally by the Constitution and laws of Ohio to mayors of municipalities.

**ARTICLE V**

**CLERK-TREASURER**

**Section 5.01 Appointment.**

Council shall appoint a Clerk-Treasurer who shall serve a two (2) year term and shall perform such other duties as this Charter or the Council may require.

Council shall appoint a Deputy Clerk-Treasurer.  
(Per Ordinance No. 15-1982)

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Section 5.02 Duties.

The Clerk-Treasurer shall attend all meetings of Council, and keep a journal of all meetings, ordinances and resolutions. The journal shall include the record of all voting upon any ordinance or resolution which shall be by roll call, and the vote of each councilperson including the Mayor and President of Council shall be listed therein.

In addition the Clerk-Treasurer shall authenticate by signature and keep in book form, by number all ordinances and resolutions which shall be open for public inspection during regular business hours.

The Clerk-Treasurer shall perform those functions performed by the auditor and treasurer of a municipality under the general laws of Ohio.

Section 5.03 Qualifications.

1. Clerk-Treasurer shall be at least 21 years of age.
2. Clerk-Treasurer shall be a high school graduate.
3. Clerk-Treasurer shall show evidence of advanced training in accounting and/or bookkeeping and show experience in same.
4. Clerk-Treasurer shall be subject to the Charter residency requirements.
5. Clerk-Treasurer shall hold no other public office.
6. Clerk-Treasurer shall post bond in an amount determined by Council.
7. Clerk-Treasurer shall not, directly or indirectly, solicit, contract for, receive or be interested in any profit or emolument from or on account of any contract, job work or service with or for the municipality.
8. Clerk-Treasurer shall be subject to any other qualifications or duties as determined by Council.

(Per Ordinance No. 9-1995)

Section 5.04 Absence.

During the absence or disability of the Clerk-Treasurer, the Deputy Clerk-Treasurer shall perform all the duties of the office.



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(Per Ordinance No. 15-1982)

**ARTICLE VI**

**DEPARTMENT OF LAW**

The chief legal officer of the Municipality shall be known as the Village Attorney. Such person shall be an attorney-at-law, or firm of attorneys, admitted to practice law in the State of Ohio. This person or firm shall perform such duties as may be assigned to the office of the Law Director by law, as well as those imposed by the Administrative Code. The Village Attorney shall be appointed by the Mayor subject to confirmation by a majority of the members of Council and shall serve for a two (2) year term. Such person or firm may be removed by the Mayor with the approval of a majority of the members of Council. Such person or firm shall be the appointing authority for the Department of Law, when created, subject to the approval of a majority of the members of Council. The Village may have separate Village Attorneys for its civil and criminal matters as well as special counsel for those matters Council deems appropriate. (Per Ordinance No. 9-1995)

**ARTICLE VII**

**COMMISSIONS AND BOARDS**

**Section 7.01 General Provisions.**

The Municipality shall have a Municipal Planning Commission. The Council may establish by ordinance such other commissions or boards as it may deem necessary for the proper administration or trusteeship of any public function, property or fund or for any proper Municipal purpose.

**Section 7.02 The Municipal Planning Commission.**

The Municipal Planning Commission shall consist of five (5) members. The five members include the Mayor, one councilperson appointed by the Mayor and three (3) electors of the Municipality to be appointed by the Mayor, subject to confirmation by a majority of Council. Each member's turn shall be continuous until such time that the member vacates that position or would be relieved of his/her duties by appropriate action of the Mayor (refer to Section 4.05), due to lack of active participation or due to laws governing such positions according to the laws of Ohio.

The Planning Commission's a) power and duties, b) planning, zoning and subdivision regulations and c) notices and hearings are outlined in Ordinance #16, 1975, "Enacting Zoning for the Village of Holland," and are hereby adopted for this Charter.

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**ARTICLE VIII**

**NOMINATIONS AND ELECTIONS**

**Section 8.01 Municipal Elections.**

All elections provided for by this Charter, whether for the choice of officials or the submission of questions to the voters, shall be conducted by the election authorities prescribed by the laws of the State of Ohio, which laws shall apply to all such elections except as provision is otherwise made by this Charter. A regular Municipal election for the choice of all elective offices of the Municipality shall be held on the first Tuesday after the first Monday in November in the odd-numbered years. The nominating petitions and ballots to be used in all Municipal elections shall bear no party marks or designations.

(Per Ordinance No. 15-1982)

**Section 8.02 Nominating Procedure.**

Nominations for elective offices of the Municipality shall be made only by petition filed with the election authorities not later than seventy-five (75) days immediately prior to a regular Municipal election and signed by electors of the Municipality not less in number than two percent (2%) of the number of electors voting at the last general Municipal election with a minimum of twenty-five (25) signatures. The nomination of each candidate shall be made by a separate petition accompanied by the written acceptance of nomination by the candidate.

(Per Ordinance No. 9-1995)

**Section 8.03 Primary Elections.**

In the event valid nominating petitions are filed in accordance with Section 8.02 of this Article by candidates for any elective office of the Municipality for a full term in excess of three (3) times the number to be elected at any regular Municipal election, a non-partisan primary election for the nomination of candidates for such offices to be voted for at said regular Municipal election shall be held on the first Tuesday after the first Monday in October immediately preceding such regular Municipal election. At such primary election, the names of all candidates for office who have filed nominating petitions in accordance with the provisions of Section 8.02 of this Article shall be placed upon the ballot.

**Section 8.04 Candidates at Regular Municipal Elections.**

If a primary election is not required by this Article, the candidates for all elective offices of the Municipality to be voted for at the regular Municipal election in 1983 and at regular Municipal elections thereafter shall be the candidates filing valid nominating petitions in compliance with Section 8.02 hereof.

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If such primary election is so required, the candidates for any elective office of the Municipality for a full term to be voted for at the regular Municipal election shall be those, equal in number to twice the number to be elected to such office at the regular Municipal election, receiving the largest number of votes at such primary election.

**Section 8.05 Who to be Declared Elected.**

The candidates or any elective office, equal in number to the places to be filled, who shall receive the largest number of votes at such regular Municipal election shall be declared elected. (Per Ordinance No. 15-1982)

**ARTICLE IX**

**INITIATIVE, REFERENDUM AND RECALL**

**Section 9.01 Initiative.**

The electors of this Municipality shall have the power to propose any ordinance or resolution, and to adopt or reject the same at the polls, such power being known as the initiative. An initiated ordinance or resolution shall be submitted to the Council by a petition signed by electors of this Municipality not less in number than fifteen percent (15%) of the electors voting at the last gubernatorial election. Such petition shall designate not less than three (3) of the signers thereof as a committee authorized to take action as in this section provided.

When so submitted, the Clerk-Treasurer shall ascertain the sufficiency of such petition and, if found sufficient, the Council shall take final action, either enacting, amending or rejecting the proposed legislation, within forty (40) days after submission.

If the Council fails to pass such proposed ordinance or resolution, or passes it in some form different from that set forth in the petition therefor, the petitioners, through the Committee named in such petition, may, not later than the next regular meeting of the Council, request in writing that the legislation as set forth in said petition be submitted to a vote of the electors. Not later than the next regular meeting thereof following receipt of such request, the Council shall provide for submitting the petitioned ordinance or resolution to the electors at the next general election or regular municipal election occurring more than sixty (60) days after the filing of such request. If such petition is signed by at least twenty-five percent (25%) of such electors, the Council shall provide for submitting such legislation to the electors at a special election to be held not later than eight (8) months after such request.

**Section 9.02 Referendum.**

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Within thirty (30) days after the final passage by Council of any ordinance or resolution which is subject to a referendum under the laws of the State of Ohio, a petition signed by electors of the Municipality not less in number than twenty-five percent (25%) of the total electors voting at the last gubernatorial election may be filed with the Council requesting that the ordinance or resolution be repealed or submitted to a vote of the electors. When said petition is filed, the Clerk-Treasurer shall ascertain the sufficiency of the petition and, if found sufficient, the Council shall, within thirty (30) days after the filing of such petition, reconsider such ordinance or resolution. If upon such reconsideration such ordinance or resolution is not repealed, the Council shall provide for submitting the same to a vote of the electors at the next general election or regular municipal election occurring more than sixty (60) days after the filing of such petition, provided that if a referendum petition is filed at such time that the submission of the legislation referred to therein to a vote of the electors at a general election or regular election would not occur within a period of six (6) months after the filing of such petition, the Council may provide for submitting such legislation to a vote of the electors at a special election to be held at a date fixed by the Council but not later than eight (8) months after the filing of such petition.

Section 9.03 Recall.

The electors shall have the power to remove from office by a recall election any elected official of the Municipality. If such person shall have served six (6) months of his term, a petition demanding his removal may be submitted to the Clerk-Treasurer, who shall note thereon the name and address of the person submitting the petition and the date of such submission, and deliver to such person a receipt thereof, and attach a copy thereof to said petition. A petition may be circulated in separate parts, but the separate parts shall be bound together and submitted as one instrument. Each part shall contain the name and office of the person whose removal is sought and a statement of not more than two hundred (200) words on the grounds for the removal. Such petition shall be signed by at least that number of electors which equals twenty-five percent (25%) of the total number of electors voting at the last gubernatorial election.

Within ten (10) days after the day on which such petition shall have been submitted, the Clerk-Treasurer shall determine the sufficiency of the petition. If the Clerk-Treasurer shall find the petition insufficient, he shall promptly certify the particulars in which the petition is defective, deliver a copy of his certificate to the person who submitted the petition and make a record of such delivery. Such person shall be allowed a period of twenty (20) days after such delivery in which to make the petition sufficient and return same to the Clerk-Treasurer for certification of sufficiency.

If the Clerk-Treasurer shall find the petition sufficient, he shall promptly so certify to Council, shall deliver a copy of such petition and certification to the officer whose removal is sought, and shall make a record of such delivery. If such officer shall not resign within five (5) days after the day on which such delivery shall have been made, Council shall thereupon fix a day for holding a recall election, not less than sixty (60) days nor more than ninety (90) days after the date of such delivery. At such recall election this question shall be placed upon the ballot: "Shall (naming the officer) be allowed to continue as (naming the office?)" with provision being

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made on the ballot for voting 'yes' or 'no' on such question. If a majority of votes cast shall be voted negatively ('no'), as certified to by the Lucas County Board of Elections, such officer shall be considered as removed, his office shall be declared vacant, and such vacancy shall be filled as provided in this Charter. The officer removed by such recall election shall not be eligible for appointment to the vacancy created thereby.  
(Per Ordinance No. 9-1995)

**ARTICLE X**

**FINANCE**

**Section 10.01 Contracts and Fiscal Matters.**

Provisions of the Constitution and the laws of the State of Ohio relating generally to budgets, appropriations, deposits, expenditures and the control thereof, debts, tax levies, bonds, contracts and other fiscal matters of the Municipality shall be applicable to this Municipality except as modified by, or necessarily inconsistent with, the provisions of this Charter.

Council shall have the power by ordinance to alter, in the best interest of Municipality financial matters, compliance with any procedures found in the Ohio Uniform Depository Act.  
(Per Ordinance No. 15-1982)

**Section 10.02 Taxing Powers and Limitations Thereon.**

A. Income Taxes. No ordinance or resolution which levies an income tax at a rate in excess of two and one-quarter percent (2-1/4%) per annum shall be effective unless a majority of the voters of the Municipality voting on the issue have approved the rate in excess of two and one-quarter percent in the manner provided by and subject to any further and greater restrictions imposed by the general laws of Ohio.

B. Property Taxes for Debt Service. The Council shall annually and without a vote of the electors levy taxes on all taxable property assessed and listed for taxation within the Municipality in an amount and at a rate sufficient to pay all principal at maturity and interest when due on bonds and notes issued in anticipation of issuing bonds which constitute general obligations of the Municipality, whether the bonds and notes are now outstanding or hereafter lawfully issued. The annual tax levy authorized by this Division B of this Section 10.02 shall be placed before and in preference to all other tax levies on taxable property within the Village. During the years while such notes are outstanding the tax to be levied annually shall not be less than that which would have been levied if bonds had been issued without the prior issuance of the notes. In each year to the extent that revenues are available from other sources, including but not limited to income taxes imposed by the Municipality, for the payment of the principal of and interest on such bonds and notes, and such revenues are appropriated for such purpose, the amount of the tax to be levied upon all of the taxable property within the Municipality shall be reduced by the amount of such revenues that are so available and appropriated. The taxes levied

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pursuant to this Division B of this Section 10.02 shall be outside of any limitation imposed by this Charter or the Constitution and laws of Ohio.

C. Property Tax Limitation for Other Purposes. Except as permitted by Divisions B and D of this Section 10.02, the aggregate amount of taxes that may be levied by the Council without a vote of the people on all taxable property assessed and listed for taxation within the Municipality for all purposes of the Municipality, other than for the purpose of paying the principal of and interest on bonds and notes issued in anticipation of the issuance of bonds, shall not in any one (1) year exceed ten (10) mills for each dollar of assessed valuation. Of said total maximum levy, an amount shall annually be levied sufficient to provide the amounts, if any, required by law for police and fire pensions, and the remainder of said total maximum levy may be levied annually for the purpose of paying the current operating or other expenses of the Municipality.

D. Other Tax Levies. The limitation of this Charter upon the power of Council to levy taxes shall not operate as limitation upon the power of Council to levy taxes upon such other subjects and for such other purposes as may be lawful under the Constitution and laws of the State of Ohio, nor shall the authority of Council to submit additional levies on property assessed and listed for taxation to a vote of the people under the authority of the Constitution or laws of the State of Ohio be deemed impaired or abridged by reason of any provision of this Charter.

(Per Ordinance No. 32-1984)

**ARTICLE XI**

**FRANCHISES**

The Council may by ordinance grant a non-exclusive franchise to any person, firm or corporation to construct or operate a public utility in, on, across, under, over or above any public street or public property within the Municipality for a period not in excess of twenty-five (25) years; and it may prescribe in the ordinance the kind of quality or service or product to be furnished, the rate or rates to be charged therefor, and such other terms as the Council shall deem conducive to the public interest. Such franchise may be amended or renewed in the manner and subject to the provisions established by this Charter for original grants. No consent of the owners of property abutting on any public street or public property shall be necessary to the effectiveness of any such grant, amendment or renewal.

All such grants, amendments and renewals shall be made subject to the continuing right of the Council to enact and enforce reasonable regulations of the operation of such utilities with reference to such public streets and public property including the right to require such reconstruction, relocation, alteration, or removal of structures and equipment used in such public streets or public property as shall, in the opinion of Council, be necessary in the public interest.  
(Per Ordinance No. 15-1982)

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**ARTICLE XII**

**AMENDMENTS TO CHARTER**

This Charter may be amended by either of two methods. The Council may, by an affirmative vote of at least five (5) of its members, submit to the electors any proposed amendment or amendments to this Charter; or, upon petition signed by not less than twenty-five percent (25%) of the electors of the Municipality, setting forth any proposed amendment or amendments to this Charter, the Council shall submit such proposed amendment or amendments to the electors in accordance, in each instance, with the provision of the Constitution of the State of Ohio now or hereafter in effect. The Council shall determine the manner of submission of any proposed amendment or amendments to the electors to the extent that such submission is not governed by this Charter or the Constitution of the State of Ohio.

If any such proposed amendment or amendments shall be approved by a majority of the electors voting thereon, it or they shall become a part of this Charter; except that if two or more inconsistent proposed amendments on the same subject shall be submitted at the same election only the one of such amendments receiving the largest affirmative vote, not less than a majority, shall become a part of the Charter.  
(Per Ordinance No. 9-1995)

**ARTICLE XIII**

**GENERAL PROVISIONS**

**Section 13.01 Effective Date of Charter.**

For the purpose of nominating and electing officers and members of Council of the Municipality and fixing the compensation of those to be elected in 1983, this Charter shall be in effect from and after the date of its approval by the electors of the Municipality. For all other purposes, the Charter shall be in effect on and after January 1, 1983.

**Section 13.02 Effect of the Charter Upon Existing Laws and Rights.**

The adoption of this Charter shall not effect any preexisting rights of the Municipality, or any right of liability or pending suit or prosecution, either on behalf of or against the Municipality or any officer thereof, or any contract entered into by the Municipality, or any franchise granted by the Municipality, or any pending proceeding for the authorization of public improvements or the levy of assessments therefor. All ordinances, resolutions, rules and regulations in force in the Municipality when this Charter takes effect, and which are not inconsistent with the provisions of this Charter, shall continue in full force and effect until amended or repealed.  
(Per Ordinance No. 15-1982)

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**Section 13.03 Continuation of Officers and Employees.**

Except as otherwise provided in this Charter, all persons holding non-elective office or employment with the Municipality on December 31, 1995 shall continue in such office or in such employment, as the case may be, until succeeded or removed in accordance with the provisions of this Charter.

- A. The Chief of Police of the Municipality shall be an elector-resident of the Municipality.
- B. The Fire Chief of the Municipality shall be an elector-resident of the Municipality.
- C. All other employees shall be an elector-resident of the State of Ohio.
- D. In the selection of employees, all qualifications being equal, first consideration shall be given to residents of the Municipality.
- E. Suspension of the elector-residency requirement shall be only unanimous action of council.

(Per Ordinance No. 9-1995)

**Section 13.04 Military Service.**

Except as hereafter in this section provided, if a person holding an elective office in the Municipality shall be called into active military service during said person's elective term, that office shall thereupon become vacant and it shall be filled as provided by this Charter. Membership in military reserve or State Militia shall not create a vacancy in office unless the office holder be called to full time military service for a period exceeding forty-five (45) consecutive days.

**Section 13.05 Bonds of Officers and Employees.**

The Council may require any officer or employee of the Municipality to give bond to the Municipality for the faithful performance of his duties in such amount as the Council may determine and with such surety or sureties as it may approve. The Council may, from time to time, require additional bond or surety of any officer or employee, and may provide that the premium for any such bond be paid by the Municipality. The following officers and employees shall be required to furnish bond, namely: Mayor, Clerk-Treasurer, Deputy Clerk-Treasurer and Tax Administrator.



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Section 13.06 Forfeiture of Office.

Any officer or member of Council of the Municipality who shall at any time during this term fail or cease to possess the qualifications for such office prescribed in this Charter shall forfeit his office and the same shall thereupon become vacant. The forfeiture of such office shall not render void or ineffective any action taken by such officer or member of Council in this official capacity prior thereto.

Section 13.07 Interpretation.

The article and section headings herein have been inserted for convenience and for purposes of reference and are not intended to define or limit the scope of, or otherwise affect, any provision of this Charter.

In order that a ready means may be at hand for reconciling any conflicts, resolving any inconsistencies and clarifying any obscurities which may be discovered in the language of this Charter, the power is hereby vested in the Council to interpret the various sections and parts of this Charter, in harmony with the spirit thereof, by ordinance, resolution, or other measure of said Council adopted by the affirmative vote of five (5) or more of its members.

Masculine pronouns used in this Charter shall be construed to include the feminine pronoun, and the singular number shall be construed to include the plural number whenever the context shall require.

Section 13.08 Saving Clause.

The determination that any part of this Charter is invalid shall not invalidate or impair the force or effect of any other part hereof, except to the extent that such other part is wholly dependent for its operation upon the part declared invalid.

Section 13.09 Transfer of Records and Property.

All records, property, and equipment whatsoever of any office, commission, board or department or part thereof, all the powers and duties of which are assigned by or pursuant to the Charter to any office, commission, board or department to which such powers and duties are so assigned. If part of the powers and duties of any office, commission, board or department or part thereof are by or pursuant to this Charter assigned to another office, commission, board, or department, all records, property and equipment relating exclusively thereto shall be transferred and delivered to the office, board or department to which such powers and duties are so assigned, as the Mayor shall direct.

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Section 13.10 Meetings Open to the Public.

All regular and special meetings of Council and all boards and commissions of the Municipality government at which any final action is to be taken or decision rendered shall be open to the public in accordance with the general laws of Ohio; any such action or decision taken at any meeting from which members of the public are excluded shall be void provided, however, that any person may be removed from any meeting for misconduct.

(Per Ordinance No. 15-1982)