

ORDINANCE NO. 2004-47

AN ORDINANCE PROVIDING FOR THE SUBMISSION OF A CHARTER AMENDMENT TO THE QUALIFIED ELECTORS OF THE MUNICIPALITY OF POWELL MODIFYING THE TIME FRAME FOR ENACTMENT OF VOTER APPROVED OR REJECTED LEGISLATION AND PROVIDING FOR THE EFFECTIVE DATE OF ENACTMENT OF THIS CHARTER AMENDMENT AND DECLARING AN EMERGENCY.

WHEREAS, Council has determined to submit to the electors of the Municipality of Powell an amendment to the Charter which is attached hereto and incorporated herein by reference making certain substantive changes to the Charter and

WHEREAS, Council is authorized pursuant to the Constitution of the State of Ohio and Section 12.01 of its Charter to submit such amendments to the electors at the next regular Municipal Election if one shall occur not less than sixty (60) days and no more than one-hundred twenty (120) days after its passage or otherwise it shall provide for the submission of the question to a special election to be called and held within the time aforesaid.

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE MUNICIPALITY OF POWELL, DELAWARE COUNTY, OHIO, TWO-THIRDS OF ALL ELECTED MEMBERS CONCURRING AS FOLLOWS:

Section 1: The question of an amendment to the Charter of the Municipality of Powell making administrative changes in the Charter **MODIFYING THE TIME FRAME FOR ENACTMENT OF VOTER APPROVED OR REJECTED LEGISLATION AND PROVIDING FOR THE EFFECTIVE DATE OF ENACTMENT OF THIS CHARTER AMENDMENT** shall be submitted to a vote of the qualified electors of the Municipality at the next regular Municipal Election had on November 2, 2004 at the regular place of voting in the Municipality as established by the Board of Elections of Delaware County, Ohio. A full text of the Charter amendments are attached hereto and incorporated herein by reference. The amendments propose changes to Sections 6.05 and 14.05 of the Charter of the Municipality as amended and proposing certain administrative changes. Upon adoption, the Clerk and Director of Law are authorized to collate a new version of the Charter incorporating the amendments if adopted.

Section 2: The ballots for the election shall be entitled "Proposed Charter Amendments, City of Powell" and the question to be submitted on the ballot shall be **MODIFYING THE TIME FRAME FOR ENACTMENT OF VOTER APPROVED OR REJECTED LEGISLATION AND PROVIDING FOR THE EFFECTIVE DATE OF ENACTMENT OF THIS CHARTER AMENDMENT; AND PROVIDING FOR AN ELECTION TO BE CONDUCTED ON THE DATE OF THE MUNICIPAL ELECTION, NOVEMBER 2, 2004**

At or near said wording, in boxes, with appropriate places for marking shall appear the words "yes" and "no" and each voter shall indicate his vote by making a check mark with a black ball pen in the space provided, or, a voter shall indicate his vote pursuant to automatic voting procedures implemented by the Board of Elections. The ballot shall contain a statement indicating that a full text of the proposed Charter Amendments are posted at the polling place.

Section 3: The Municipal Manager and Clerk are directed to make necessary arrangements with the appropriate election authorities for giving notice, conducting the election, and placing the question on the ballot and shall give notice of the time and place of holding of the election by publication pursuant to the provisions of Charter Section 5.08.

Section 4: The Clerk of Council is directed to mail a copy of the proposed Charter Amendments to each elector whose name appeared upon the poll registration books of the last regular or general election held in the Municipality not less than 30 days prior to such election or to publish said Charter Amendments in accordance with the provisions of the Ohio Revised Code. The Clerk is further directed to deliver a certified copy of this Ordinance to the Board of Elections of Delaware County, Ohio.

Section 5: If such proposed Charter Amendments are approved by a majority of the electors voting thereon, it shall become an amendment to the Charter of the Municipality of Powell on January 1, 2005.

Section 6: 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 the Council and that all deliberations of this Council and any of the decision making bodies of the Municipality of Powell which resulted in such formal actions were in meetings so open to the public in compliance with all legal requirements of the Municipality of Powell, Delaware County, Ohio.

WITHDRAWN

Section 7: Council hereby finds and determines that an emergency exists necessitating the immediate implementation of this Ordinance, the emergency consisting of the need to certify this Ordinance to the Board of Elections prior to August 18, 2004, the closing date established by the Board of Elections for issues to be placed on the ballot for the regular, municipal election on November 2, 2004. This Ordinance shall therefore take effect immediately upon passage.

VOTE ON ORDINANCE NO. 2004-47

Y _____ N _____

Dan Wiencek Date
Mayor

Dawn Nauman Date
Clerk of Council

WITHDRAWN

6.05 APPROVAL OR REJECTION

(A) Ordinances submitted to the Council by petition and passed by the Council as herein provided, shall be subject to the referendum in the same manner as other ordinances.

~~(B) Ordinances rejected or repealed by an electoral vote shall not be re-enacted, in whole or in part, except by an electoral vote.~~

~~(C) Ordinances approved by an electoral vote shall not be repealed, amended or supplemented, except by an electoral vote.~~

~~(D) The adoption or rejection of ordinances submitted to an electoral vote shall take effect as provided by the laws of the State of Ohio. (Amended 8-8-95)~~

~~(B) Council shall not reenact any ordinance rejected or repealed by an electoral vote within four (4) years of such ordinance having been submitted to an electoral vote.~~

~~(C) Council shall not repeal, amend, or supplement any ordinance approved by an electoral vote within four (4) years of such electoral vote.~~

~~(D) After the passage of ~~two (2)~~ four (4) years from the date of the electoral vote to repeal any ordinance, Council may reenact the repealed ordinance upon affirmative vote of five (5) members of Council to reenact the ordinance repealed by the electoral vote.~~

~~(E) After the passage of ~~two (2)~~ four (4) years from the date of the electoral vote to enact an ordinance, Council may repeal, amend or supplement the ordinance approved by an electoral vote upon the affirmative vote of five (5) members of Council to repeal, amend or supplement the ordinance approved by the electoral vote.~~

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