

ORDINANCE NO. 71-16

ORDINANCE PROVIDING FOR THE SUBMISSION TO THE ELECTORS OF THE CITY OF FAIRFIELD, OHIO OF A PROPOSED AMENDMENT TO THE CHARTER OF SAID CITY AT A SPECIAL ELECTION TO BE HELD AND CONDUCTED ON TUESDAY, NOVEMBER 8, 2016 TO AMEND SECTION 8.03 OF THE CHARTER TO ABOLISH THE BOARD OF BUILDING APPEALS AND PROVIDE THAT THE POWERS, DUTIES AND FUNCTIONS OF THE FORMER BOARD OF BUILDING APPEALS BE PERFORMED IN ALL RESPECTS BY THE BOARD OF ZONING APPEALS.

WHEREAS, the Charter Review Commission has recommended to the City Council pursuant to §8.06(B) of the Fairfield City Charter that Section 8.03 of the Charter be amended to abolish the Board of Building Appeals and provide that the powers, duties and functions of the former Board of Building Appeals be performed in all respects by the Board of Zoning Appeals; and

WHEREAS, by two-thirds (2/3) vote, Council desires to submit such amendment to the electors of the City of Fairfield, Ohio at a special election to be held and conducted on Tuesday, November 8, 2016, in accordance with Section 9, Article XVIII of the Ohio Constitution.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Fairfield, Ohio, that:

Section 1.

A proposed amendment to the Charter of the City of Fairfield, Ohio be submitted to the electors of the City of Fairfield, Ohio, for adoption or rejection at a special election to be held and conducted on Tuesday, November 8, 2016. The proposed amendment is to amend Section 8.03 of the Charter of the City of Fairfield, Ohio, to read as follows:

§8.03 Board of Building Appeals.

(A) THE BOARD OF BUILDING APPEALS IS HEREBY ABOLISHED. THE POWERS, DUTIES AND FUNCTIONS AS PROVIDED UNDER THIS CHARTER AND THE ORDINANCES AND RESOLUTIONS OF THE CITY FOR THE FORMER BOARD OF BUILDING APPEALS SHALL BE ASSUMED AND PERFORMED IN ALL RESPECTS BY THE BOARD OF ZONING APPEALS. ~~[There is hereby created a Board of Building Appeals consisting of six members to be appointed by the City Manager, subject to confirmation by the Council by a majority vote of its members. Members of the Board shall serve for overlapping terms of office of four years each, except that the members first appointed under this Charter shall serve for the following terms: three shall serve terms of office of two years each and three shall serve terms of office of four years each; and thereafter each member shall serve a four-year term of office.]~~

~~[(B) Members of the Board of Building Appeals shall be electors of the City; and, to the extent feasible, one member each shall be appointed from the following occupations or professions: a building contractor, a registered mechanical engineer, a master electrician, a heating engineer, a master plumber, and an attorney at law licensed to practice law in Ohio. The builder, mechanical engineer, electrician, heating engineer, and plumber shall, to the extent feasible, have at least five years' experience in the building construction industry. Failure of members of the Board to meet the occupational and experience qualifications as set forth in this Division shall not cause a forfeiture of their office nor invalidate any action taken by the Board.]~~

~~[(C) The Board of Building Appeals shall have those powers, duties and functions as provided under this Charter and the ordinances and resolutions of the City.]~~

Section 2. The Clerk of Council is hereby directed to certify the amendment as set forth in Section 1 above to the Board of Elections of Butler County, Ohio for submission to the electors of the City of Fairfield, Ohio at a special election to be held on Tuesday, November 8, 2016 in accordance with the Constitution and laws of the State of Ohio.

Section 3. The amendment set forth herein shall be submitted in such a way as to allow votes thereon to be cast separately from votes cast on any other question. Said amendment shall be designated on the ballot by its descriptive title as hereinafter set forth. The adoption of such amendment by its descriptive title shall have the effect of adopting its text in full as set forth in this ordinance. The form of the ballot to be used at the special municipal election shall be as follows:

OFFICIAL QUESTIONS AND ISSUES BALLOT
CITY OF FAIRFIELD, STATE OF OHIO
SPECIAL ELECTION, TUESDAY, NOVEMBER 8, 2016
PROPOSED AMENDMENT TO THE CHARTER OF THE CITY OF FAIRFIELD,
OHIO
A MAJORITY AFFIRMATIVE VOTE IS NECESSARY FOR PASSAGE

Shall Section 8.03 of the Charter of the City of Fairfield, Ohio be amended to provide that the Board of Building Appeals is abolished and that the powers, duties and functions of the former Board of Building Appeals be performed in all respects by the Board of Zoning Appeals?

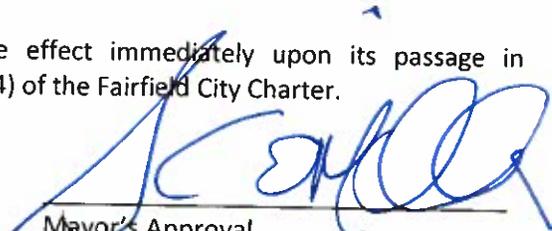
FOR THE ADOPTION OF THE PROPOSED AMENDMENT YES
AGAINST THE ADOPTION OF THE PROPOSED AMENDMENT NO

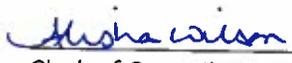
Section 4. The Clerk of Council shall cause the full text of this ordinance and the proposed Charter amendment contained herein to be published in accordance with Section 9 of Article XVIII of the Ohio Constitution and Section 731.211 of the Ohio Revised Code.

Section 5. The Board of Elections of Butler County, Ohio shall certify to the Council and Mayor of the City of Fairfield, Ohio the result of the vote upon said amendment and if said amendment is approved by a majority of those voting thereon it shall become a part of the Charter of the City of Fairfield, Ohio. The Board of Elections of Butler County, Ohio, shall, if it is approved by the electors, certify such amendment to the Secretary of State within thirty days as provided by Section 9 of Article XVIII of the Ohio Constitution.

Section 6. The Clerk of Council, City Manager and Director of Law are hereby authorized to take any other actions required to submit such amendment to the electors of the City of Fairfield, Ohio, on the date fixed in this ordinance.

Section 7. This ordinance shall take effect immediately upon its passage in accordance with §4.07(A)(4) of the Fairfield City Charter.

Passed	<u>8/8/10</u>	
		Mayor's Approval
Posted	<u>8/9/10</u>	
First Reading	<u>7/12/10</u>	Rules Suspended <u> </u>
Second Reading	<u>7/25/10</u>	
Third Reading	<u>8/8/10</u>	

ATTEST:

Clerk of Council

This is to certify that this Ordinance has been duly published by posting and summary publication as provided by Charter.


Clerk of Council