

TEMPORARY ORDINANCE NO. 10-16\*

PERMANENT ORDINANCE NO. 1416

AN ORDINANCE TO REPEAL AND REPLACE LANCASTER CODIFIED ORDINANCE PART ONE – ADMINISTRATIVE CODE, TITLE THREE – LEGISLATIVE, CHAPTER 111 RULES OF COUNCIL OF THE CODIFIED ORDINANCES OF THE CITY OF LANCASTER, ~~PART ONE – ADMINISTRATIVE CODE, TITLE THREE – LEGISLATIVE, CHAPTER 111 RULES OF COUNCIL~~, AND TO DECLARE AN EMERGENCY

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LANCASTER, STATE OF OHIO:

SECTION 1. That Part One – Administrative Code, Title Three – Legislative, Chapter 111 Rules of Council, be replaced pursuant to Exhibit A, attached hereto.

SECTION 2. That existing Part One – Administrative Code, Title Three – Legislative, Chapter 111 Rules of Council, is repealed in its entirety.

SECTION 3. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, wherefore this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

Passed: 4/11/16 after 3rd reading. Vote: Yeas 6 Nays 3

Approved: 4/11/16

Clerk: Teresa Lee Sandy

Offered by: [Signature]

Second by: [Signature]

Requested by Law Committee

\* See Note below  
President of Council

[Signature]  
Mayor

I, Teresa Lee Sandy, Clerk of Council do hereby certify that on \_\_\_\_\_, 2016 the Lancaster Eagle Gazette published the summary of this ordinance in accordance with Ohio Revised Code 731.24.

\_\_\_\_\_  
Clerk of Council

**Note: Pursuant to Law Director Ullom on April 11, 2016, this legislation does not need the President of Council's signature to become effective. Therefore this legislation is effective April 11, 2016.**

## TITLE THREE - Legislative

Chap. 111. Rules of Council.

Chap. 113. Clerk of Council.

Chap; 115. Ordinances and Resolutions.

## CHAPTER 111

## Rules of Council

111.01	Time of regular meetings.	111.22	Limitations on reference.
111.02	Special meetings.	111.23	Action of Council; procedure.
111.03	Calling to order; preliminaries; presiding officer.	111.24	Resolutions and expenditure of money.
111.04	Quorum.	111.25	Appeal from decision of the chair.
111.05	Permission to leave chamber.	111.26	Undebatable motions.
111.06	Standing committees.	111.26.1	Debatable motions.
111.07	Order of business.	111.27	Calling member to order.
111.08	Exception to order of business.	111.28	Change in rules.
111.09	Committee or official's reports.	111.29	Action upon failure of committee to report.
111.10	Speaking.	111.30	Suspension of rules.
111.11	Motions.	111.31	Chief of Police to preserve order and compel attendance.
111.12	Division of the question.	111.32	Power to compel attendance.
111.13	Writing out motion.	111.33	Refusal to attend special meetings.
111.14	Reference of motion to committee.	111.34	Use of Robert's Rules of Order.
111.15	Motion to adjourn.	111.35	Changing rules.
111.16	Motions considered during debate.	111.36	Smoking prohibited at all meetings.
111.17	Motion to take from the table.	111.37	Providing Council members with ordinance books. (Repealed)
111.18	Motion to reconsider.	111.38	Schedule of Council.
111.19	Previous question.		
111.20	Voting.		
111.21	Introduction of ordinances.		

## CROSS REFERENCES

Adoption of ordinances and resolutions - see Ohio R.C. 715.03, 731.17  
General powers - see Ohio R.C. 715.03, 731.01, 731.05, 731.47  
To establish sewerage rates - see Ohio R. C. 729.49 Composition - see Ohio R. C. 731.01, 731.06  
Qualifications - see Ohio R. C. 731.02, 731.44  
Election and term - see Ohio R. C. 731.03, 733.09

## CROSS REFERENCES (Cont.)

Election of officers - see Ohio R. C. 731.04  
President pro tempore - see Ohio R. C. 731.04, 733.08  
Powers as to salaries and bonds - see Ohio R. C. 731.07 et seq., 731.49 et seq.  
Vacancy - see Ohio R. C. 731.43  
Quorum - see Ohio R.C. 731.44  
Regular and special meetings - see Ohio R.C. 731.44, 731.46  
Rules; journal; expulsion of members - see Ohio R. C. 731.45  
Contract restriction - see Ohio R. C. 731.48  
Failure to take oath or give bond - see Ohio R. C. 731.49  
Mayor and directors to attend meetings - see Ohio R. C. 733.06  
President of Council - see Ohio R. C. 733.07 et seq.  
President to preside with no vote except for a tie - see Ohio R. C. 733.09  
Mayor's reports - see Ohio R. C. 733.32, 733.41  
Misconduct - see Ohio R. C. 733.72 et seq.  
Contract interest - see Ohio R. C. 733.78

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### **111.01 TIME OF REGULAR MEETINGS.**

Regular meetings of Council shall be held at the designated Council Chambers on the second and fourth Mondays of each month, at 7:00 p.m. or at such time as maybe ordered by Council. Council shall adopt at the first regular meeting of each year a schedule of regular meetings for the calendar year by resolution. (Ord. 20-01. Passed 9-10-01.)

### **111.02 SPECIAL MEETINGS.**

Special meetings of Council may be called by the Mayor or any three members of Council ~~President of Council~~ upon written request delivered to the Clerk of Council ~~of three members~~. No business shall be transacted at any special meeting of Council, except the particular business for the transaction of which such special meeting may be called and the notice to be served on each member

requiring his/her attendance at such special meeting shall contain a statement of the business for the transaction of which such special meeting may be called. (1939 R.O.)

### **111.03 CALLING TO ORDER; PRELIMINARIES; PRESIDING OFFICER.**

The President or, in his/her absence, the President pro tempore shall take the chair at the hour to which Council shall have adjourned at the preceding session, shall immediately call the members to order, and shall direct the Clerk to call the roll. He/she shall then cause the journal of the preceding session to be read and disposed of, unless otherwise ordered by Council. In the absence of the President and President pro tempore, if a quorum shall be present, Council shall appoint one of its members President pro tempore for that meeting, or until the appearance of the President or President pro tempore. If a quorum is not present, the members may by a majority vote take a recess for a period not exceeding one hour. (1939 R.O.) **The President pro tempore retains his/her right to vote and enter into discussion and debate, even when chairing a session.**

### **111.04 QUORUM.**

A majority of the members of Council shall constitute a quorum. (1939 R.O.)

### **111.05 PERMISSION TO LEAVE CHAMBER.**

No member shall leave the Council chamber while Council is in session, without permission being granted by the presiding officer. (1939 R.O.)

### **111.06 PRESIDENT PRO TEMPORE and CLERK OF COUNCIL**

**Not later than January 5<sup>th</sup> 3<sup>rd</sup> of each year in a new term of Council, Council shall hold an Organizational Meeting for the purposes of appointing a President pro tempore and a Clerk of Council. Any Council member may make a motion in this meeting to appoint individuals to these positions. Any such motion must be seconded and passed by a majority vote of Council.**

#### **111.06.1 STANDING COMMITTEES AND BOARDS AND COMMISSIONS.**

**The President pro tempore in the first regular meeting of the new term of Council shall submit proposed committee assignments, proposed committee chairman, and proposed appointments to boards and commissions to Council for consideration and approval. Confirmation of these appointments is required by a majority of Council. Any Council member can move to strike out one or more names and offer alternate nominations. Any such motion must be seconded and passed by a majority vote of Council. Upon motion, second, and majority confirmation, Council may change such appointments during the term.**

**It shall be the duty of Council not later than the first regular meeting of the new term to appoint standing committees on each of the following subjects:**

**~~Standing committees shall be appointed by the President of Council, in open Council and the first named member of any committee shall be chairman. It shall be the duty of the President, not later than the first meeting of the new term, to appoint standing committees for the ensuing term on each of~~**

the following subjects:

- (a) Code Enforcement & Zoning Committee  
(Certified Building Department, Code Enforcement, & Engineering)
- (b) Economic Development Committee  
(Annexations, CDBG Program & Economic Development) [Chamber of Commerce, CIC, etc.]
- (c) Finance Committee  
(Auditor, Treasure, Income & City Budget)
- (d) Law Committee  
(General Legal Issues, Law Director's Office, Municipal Court, Clerk of Court, Council, Council Rules & Council Clerk)
- (e) Public Service Boards & Administration Committee  
(Parks & Recreation, Olivedale, Mayor's Office, & Service-Safety Director)
- (f) Public Works Committee  
(LDOT, Transit, & Cemetery)
- (g) Safety Committee  
(Police & Fire)
- (h) Service Committee  
(Gas, IT/Telecom, Utilities Collection, & Sanitation)
- (i) Water/Water Pollution Control Committee  
(Water, Wastewater, & Storm Water)

(Ord. 36-13. Passed 12-16-13.)

#### **111.07 ORDER OF BUSINESS.**

The business of all regular meetings of Council shall be transacted in the following order:

- (a) Prayer
- (b) Call to Order
- (c) Pledge of Allegiance
- (d) Roll Call
- (e) Reading and disposing of the Journal
- (f) Reports of City Officials
- (g) Reading of Communications
- (h) Reading of Petitions and Memorials
- (i) Permission of voters and taxpayers to address Council
- (j) Report of Standing Committees
- (k) Reports of Special Committees
- (l) Scheduled Public Hearings
- (m) Resolutions
- (n) Ordinances

- (o) Unfinished Business and formal presentations of information
  - (p) New Business
  - (q) Announcement of Scheduled Meetings
  - (r) Reading of Bills
  - (s) Adjournment
- (Ord. 20-01. Passed 9-10-01.)

#### **111.08 EXCEPTION TO ORDER OF BUSINESS.**

After reading and disposing of the Journal it shall be the duty of the President to proceed with the order of business adopted in Section 111. 07. The President may, however, at any time permit a member to introduce an ordinance, resolution, motion or order out of the regular order for the same, if there is no objection on the part of **a majority vote of Council** ~~any member~~. (1939 R.O.)

#### **111.09 COMMITTEE OR OFFICIAL'S REPORTS.**

Any subject matter having been referred to any committee of Council or City officer shall be reported upon, in writing, by such committee or officer, and at least a majority of each and any committee to which a subject has been referred shall report thereon. Such report shall, in every instance be accompanied by the original papers upon which such report is based and be signed by such members thereof as concur therein, and the same shall be read by the Clerk, or at the Clerk's desk by the member making the report, without motion. (1939 R.O.)

#### **111.10 SPEAKING.**

In all cases the member who shall first rise and address the chair shall speak first. However, when two or more members shall rise at once, the President shall name the member who is first to speak. No member shall be allowed to speak except from his/~~her~~ own desk. No member shall speak more than twice on the same subject, nor longer than five minutes without leave, and no member shall speak more than once on the same motion until every member desiring to speak on that motion shall have had an opportunity to do so. Any member, while discussing a question, may read from books, papers or documents, any matter pertinent to the subject under consideration without asking leave. (1939 R.O.)

#### **111.10.1 VOTERS AND TAXPAYERS ADDRESSING COUNCIL**

**In order to ensure that the amount of time allowed for voters and taxpayers to address Council is fair to all in attendance, it shall be the duty of the President of Council to enforce a 5 minute rule. No person speaking during the voter and taxpayer time shall be permitted to speak for longer than 5 minutes and no person shall receive permission under this agenda item to speak more than once per Council meeting.**

#### **111.11 MOTIONS.**

When a motion is made and seconded, it shall be stated by the President before any debate shall be in order. Every such motion and all amendments thereto, if any, may be withdrawn by the movers thereof at any time before decision, if a majority of the members then present shall agree thereto. (1939

R.O.)

**111.12 DIVISION OF THE QUESTION.**

Any member may call for a division of the question, or the President may direct the same; and the same in either case shall be divided if it comprehends questions so distinct that one being taken away, the other will stand an entire question for decision. (1939 R.O.)

**111.13 WRITING OUT MOTION.**

When required by any member, every motion or proposition shall be reduced to writing before action is taken thereon. (1939 R.O.)

**111.14 REFERENCE OF MOTION TO COMMITTEE.**

When a motion is made for reference of any subject to a standing committee, and it is moved to substitute therefor a select committee, the question of reference to a standing committee shall be first put. (1939 R.O.)

**111.15 MOTION TO ADJOURN.**

A motion to adjourn shall always be in order, unless Council is engaged in voting; but it being decided in the negative, shall not again be entertained until some motion, call or order takes place. (1939 R.O.)

**111.16 MOTIONS CONSIDERED DURING DEBATE .**

When a question or proposition is before Council, or under debate, no motion shall be received except the following:

- (a) To adjourn.
- (b) To lay on the table.
- (c) For the previous question.
- (d) To postpone to a day certain.
- (e) To amend.
- (f) To commit.
- (g) To postpone indefinitely (1939 R.O.)

**111.17 MOTION TO TAKE FROM THE TABLE.**

A motion to take from the table shall be in order when that order of business is being transacted in which such matter to be taken up was laid upon the table, and such motion shall be decided without debate; provided that the mover may be permitted to briefly state his/her reason for the motion. (1939 R.O.)

**111.18 MOTION TO RE CONSIDER.**

Any member who voted on the prevailing side may move a reconsideration of any such action of Council, provided, that the motion be made not later than the next regular meeting after such action

was taken. A motion to reconsider shall be in order any time, except when a motion on some other subject is pending. A motion to reconsider being laid upon the table, may be taken up and acted upon at any time when Council is engaged in transacting miscellaneous business. No motion to reconsider shall be made more than once on any matter or subject, and the same number of votes shall be required to reconsider any action of Council as is required to pass or adopt the same. (1939 R.O.)

#### **111.19 PREVIOUS QUESTION.**

When the previous question shall be moved and seconded by another, it shall be put in these words: "Shall the main question now be put?" Until decided, this shall preclude all further debate, and all amendments and motions, except one motion to adjourn and one motion to lay on the table, but shall not preclude pending amendments from being put in their order before the main question. If a call for previous question is not sustained, the subject under consideration shall not thereby be postponed, but the business shall proceed as if no such call had been made. (1939 R.O.)

#### **111.20 VOTING.**

When demanded by any member and seconded by another, the yeas and nays shall be taken on the adoption of any ordinance, resolution, or any question or proposition submitted to Council. In taking the yeas and nays the Clerk shall call the names of the members in alphabetical order, and the President shall announce the result of such vote. The Clerk may be required to read the vote taken upon the demand of any member. (1939 R.O.)

#### **111.21 INTRODUCTION OF ORDINANCES.**

Ordinances shall be introduced by members of Council with their names endorsed thereon. (1939 R.O.)

#### **111.22 LIMITATIONS ON REFERENCE.**

After an ordinance or resolution has been once referred to a standing or special committee and report made thereof to Council, the same may be again referred, but after ordinances have been read the third time and put on their passage, it shall not again be referred, except under instructions from Council, which instructions shall embody substantially the amendment or amendments proposed. (1939 R.O.)

#### **111.23 ACTION OF COUNCIL; PROCEDURE.**

The action of Council shall be by ordinance or resolution and on the passage of every ordinance or resolution the vote shall be taken by yeas and nays and entered on the Journal. However, this shall not apply to the ordering of an election, or direction by Council to any board or officer to furnish Council with information as to the affairs of any department or office. No ordinance or resolution granting a franchise, or creating a right, or involving the expenditure of money, or the levying of a tax, or for the purchase, lease, sale or transfer of property, shall be passed, unless the same shall have been read on three different days, and with respect to any such ordinance or resolution, there shall be no authority to dispense with this rule, except by three-fourths vote of all the members elected thereto. No ordinance shall be passed by Council without the concurrence of a majority of all members elected thereto.

Ordinances for third reading shall not be considered or acted on in connection with other matters, and a separate roll call and vote shall be had on the passage of each and every ordinance. (1939 R.O.)

#### **111.24 RESOLUTIONS AND EXPENDITURE OF MONEY.**

Resolutions shall be offered by any member of Council present, with his/her name endorsed thereon, and may ~~shall~~ be referred to the proper committee. ~~; except that resolutions that do not involve the expenditure of money may be acted upon at once, if no objection is raised.~~ No contract, agreement or other subject involving the expenditure of money shall be entered into, nor shall any ordinance, resolution or order for the appropriation or expenditure of money be ~~is~~ passed by Council unless the City Auditor shall have first certified that the money required for the contract, agreement or other obligation, or to pay the appropriation or expenditure is in the Treasury to the credit of the fund in which it is to be drawn, and not appropriated for any other purpose. (1939 R.O.)

#### **111.25 APPEAL FROM DECISION OF THE CHAIR.**

An appeal to Council from the decision of the chair may be taken by any member, if duly seconded, and the question shall be: "Shall the decision of the chair be sustained?"  
(1939 R.O.)

#### **111.26 UNDEBATABLE MOTIONS.**

The following motions are not debatable:

- (a) To adjourn.
- (b) To lay on the table.
- (c) To take from the table.
- (d) For the previous question.
- (e) Question of order. (1939 R.O.)

#### **111.26.1 DEBATABLE MOTIONS.**

The following motion(s) are debatable:

- (a) Motion to suspend rules

This section does not prohibit any other motions from being debated which are otherwise permitted by ordinance or Roberts Rules of Order.

(Ord. 49-98. Passed 9-14-98.)

#### **111.27 CALLING MEMBER TO ORDER.**

If any member, in speaking or otherwise shall violate any rule of Council, the President shall, or any member may, call him to order. If such member shall be called to order while speaking, he/she shall immediately take his/her seat. The question of order shall be decided without debate, and if the decision shall be in favor of the member called to order while speaking, he/she shall be at liberty to proceed with his/her speech without leave of Council. (1939 R.O.)

#### **111.28 CHANGE IN RULES.**

Any proposed amendment or addition to the rules of Council may ~~shall~~ be first referred to the standing committee on Law Rules, which shall report them at the next regular meeting of Council. (1939 R.O.)

#### **111.29 ACTION UPON FAILURE OF COMMITTEE TO REPORT.**

If any matter is referred to any standing or special committee of Council, and the same is not reported upon by the committee at the next regular meeting of Council, Council may by a majority vote thereof take each matter so referred from such committee and act upon such matter without report, at the meeting following the failure to report, unless upon proper excuse an extension of time is granted such committee. (1939 R.O.)

#### **111.30 SUSPENSION OF RULES.**

These rules, or any one of them, may be temporarily suspended at any meeting of Council by a three fourths (3/4) vote of all members, and vote on such suspension, in such cases, shall be taken by yeas and nays and entered on the Journal.

(Ord. 24-99. Passed 4-26-99.)

#### **111.31 CHIEF OF POLICE TO PRESERVE ORDER AND COMPEL ATTENDANCE.**

Under the direction of the presiding officer of Council, the Chief of Police shall preserve order and decorum, and, by order of Council, shall compel the attendance of absent members as may be prescribed by ordinance. (1939 R.O.)

#### **111.32 POWER TO COMPEL ATTENDANCE.**

At any special meeting of Council, the hour of meeting having arrived and three members being present, they shall have power to compel the attendance of absent members by summons, and it shall be the duty of the Chief of Police or other proper officer to punctually execute such summons. (1939 R.O., 9:08)

#### **111.33 REFUSAL TO ATTEND SPECIAL MEETINGS.**

Any member of Council who shall refuse to appear forthwith when summoned, unless he/she is sick or has sufficient excuse to be accepted by Council, shall be liable to expulsion or such other penalty as Council may prescribe. (1939 R.O., 9:08)

#### **111.34 USE OF ROBERT'S RULES OF ORDER.**

In the absence of any rule upon any matter of business, Council shall be governed by Robert's Rules of Order. (1939 R.O.)

#### **111.35 CHANGING RULES.**

These rules shall not be altered, amended or repealed except by a majority vote of all members of Council. ~~and only then after two weeks' notice of such alteration, amendment or repeal.~~ (1939 R.O.)

**111.36 SMOKING PROHIBITED AT ALL MEETINGS.**

Smoking of cigarettes, E-cigarettes, pipes and cigars and the use of all tobacco products shall be prohibited at all meetings of the Lancaster City Council including caucus. (Ord. 24-78. Passed 9-11-78.)

**111.37 PROVIDING COUNCIL MEMBERS WITH ORDINANCE BOOKS.**

**(REPEALED)**

EDITOR'S NOTE: Former Section 111.37 was repealed by Ordinance 6-11.

**111.38 SCHEDULE OF COUNCIL.**

An announcement shall be made at each regularly scheduled meeting of Council notifying those in attendance of meetings currently scheduled for the next thirty days. These shall include but are not limited to Regular Council Sessions, Special Council Sessions, Public Hearings, and Committee Meetings. The Clerk shall be responsible for posting these advance notifications for the public. The postings shall include the meeting date, meeting time, meeting place, and a brief description of the purpose of the meeting. (Ord. 11-98. Passed 1-26-98.)