

RECORD OF ORDINANCES

Ordinance No. 2026-43

Passed JULY 01, 2026

SPONSOR: FINANCE

AN ORDINANCE SUBMITTING TO THE ELECTORS OF THE VILLAGE OF MOGADORE AT THE GENERAL ELECTION ON NOVEMBER 3, 2026 CERTAIN AMENDMENTS TO ARTICLE X OF THE CHARTER OF THE VILLAGE, ENTITLED “BOARD OF ZONING APPEALS”, AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Article XVIII of the Charter of the Village of Mogadore (the “Village Charter”), the Charter Review Commission convened in 2026; and

WHEREAS, the Charter Review Commission has recommended an amendment to Article X of the Village Charter, entitled “Board of Zoning Appeals,” as set forth on Exhibit A, attached hereto and incorporated herein; and

WHEREAS, this Council, after reviewing all pertinent information and the recommendations of the Charter Review Commission, finds it necessary and in the best interest of the Village to submit to the electors the proposal to amend Article X of the Village Charter.

NOW, THEREFORE BE IT ORDAINED, by the Council of the Village of Mogadore, Counties of Summit and Portage, State of Ohio, that:

SECTION 1: Pursuant to the recommendation of the Village’s Charter Review Commission, Council hereby proposes that Article X of the Village Charter, entitled “Board of Zoning Appeals,” be amended as set forth on Exhibit A, attached hereto and incorporated herein.

SECTION 2: Pursuant to Article XVIII, Section 9 of the Ohio Constitution and Article XVIII of the Village Charter, this Council hereby authorizes and directs the submission to the electors of the Village of Mogadore, at the regular election to be held on November 3, 2026 at the usual places of voting in the Village, the amendment to Article X of the Village Charter as set forth on Exhibit A, attached hereto and incorporated herein, to reduce the number of members of the Village of Mogadore’s Board of Zoning Appeals from seven (7) to five (5) members.

SECTION 3: That if the foregoing proposal receives the affirmative vote of the majority of the electors voting thereon, then existing Article X shall be and the same is hereby repealed and replaced by the new Article X.

SECTION 4: The ballot language for said issue shall read substantially as follows:

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“VILLAGE OF MOGADORE  
PROPOSED AMENDMENT TO CHARTER

Shall Article X of the Charter of the Village of Mogadore, Ohio be changed and amended to reduce the number of members of the Village of Mogadore’s Board of Zoning Appeals from seven (7) to five (5) members.

- Yes  
 No”

SECTION 5: The Clerk-Treasurer is hereby directed to submit a certified copy of this Ordinance to the Summit County Board of Elections not less than 90 days prior to the November 3, 2026 election for submission to the electors of the Village of Mogadore.

SECTION 6: The Board of Elections of Summit County shall cause an appropriate notice to be duly given of the regular election to be held on November 3, 2026 on the foregoing amendment to the Village Charter, and otherwise to provide for such election in the manner provided by the general laws of the State of Ohio.

SECTION 7: The Clerk-Treasurer is hereby authorized and directed to cause the full text of such proposed Charter amendment to be published once a week for two consecutive weeks in a newspaper of general circulation in the Village, with the first publication to be made at least fifteen (15) days prior to the election to be held on November 3, 2026 as required by Section 731.211 of the Ohio Revised Code.

SECTION 8: This Council finds and determines that all formal actions of this Council concerning and relating to the adoption of this Ordinance were taken in open meetings of this Council and any deliberations of this Council and any of its committees that resulted in this formal action were in meetings open to the public, in compliance with all legal requirements.

SECTION 9: This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety of the residents of the Village of Mogadore and for the purpose of immediate effectiveness of this Ordinance is required in order to timely comply with the statutory deadlines to place the above question before the electors of the Village, and, provided this Ordinance receives the affirmative vote of at least five (5) members elected or appointed to this Council, it shall take effect and be in force upon its passage by Council and approval by the Mayor, otherwise it shall take effect and be in force at the earliest period allowed by law.

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Michael Baddish 7-1-26  
President of Council Date

Phil R. 7-1-26  
Mayor Date

Attest:

[Signature]  
Clerk-Treasurer

## EXHIBIT A

### ARTICLE X BOARD OF ZONING APPEALS

#### SECTION 10.01 COMPOSITION AND TERM.

Except as provided herein, ~~T~~the Board of Zoning Appeals shall consist of ~~five (5)~~~~seven (7)~~ members who are electors of the Municipality. All members of this Board shall have been continuously a resident and an elector of the Municipality for at least one (1) year prior to the date of his/her appointment and each such member shall continue to be a resident and an elector therein through his/her term. One member shall be a member of Council selected by the Council to serve during the remainder of his/her term on Council. The remaining ~~four (4)~~~~six~~ members of the Board of Zoning Appeals shall be appointed by the Mayor with Council approval to serve staggered three year terms, ~~two new members being appointed each year to replace the two members whose terms are expiring.~~ Effective January 1, 2027, the four members, other than the member of Council, then serving unexpired terms on the Board of Zoning Appeals shall continue until the expiration of each member's term, and the two terms that expire on December 31, 2026 shall no longer be filled. Thereafter, upon the expiration of each of those four (4) members' terms, new members will be appointed to new three-year terms, or until their successors are appointed and assume office. Vacancies with respect to those members appointed by the Mayor shall be filled by appointment by the Mayor and the approval of Council for the remainder of the unexpired terms. Vacancies with respect to the member appointed by the Council shall be filled by the Council as provided in this Section.

#### SECTION 10.02 JURISDICTION.

The Board shall have the power and authority to grant relief from undue hardship or practical difficulties which would result from the strict application of zoning ordinance in any particular case in accordance with standards therefor established by the Council but such action shall be effective only on the affirmative vote of at least ~~four (4)~~~~three (3)~~ members.