

Garry E. Hunter

Garry Hunter is local government attorney with over forty-one years' experience. Mr. Hunter was the elected Law Director for the City of Athens, Ohio for thirty years and currently is the General Counsel for the Ohio Municipal League, Executive Director/General Counsel for the Ohio Municipal Attorneys Association, CEO of the Ohio Municipal League Service Corporation, registered lobbyist for the Ohio Legislature, and long time applicant evaluator and intern sponsor for the U.S. State Department Humphrey Fellows program which brings mid-life professional to the U.S. for a year of study. He is an experienced international consultant having authored over eighty-five articles, and is an international consultant for Plexus Consulting. Mr. Hunter was designated a Local Government Fellow in 2001 and received the IMLA Charles S. Rhyne Life Time Achievement Award in Local Government in 2017. He is a past president and board member of the Ohio Municipal League; a two time past president and board member of the Ohio Municipal Attorneys Association, a past president, past board member, and past Director of International Activities for the International Municipal Lawyers Association; former legal counsel, board member, demonstration trial director, author and editor in chief of the *Law and Technology Journal* and Vice President/Executive Director of the World Jurist Association; a member of the Ohio and National School Boards Attorneys Association; a member of the National Association of Telecommunications Officers; a member of the American Bar Association State and Local Government and International Sections; member of the Ohio Supreme Court Task Force on Court Funding, and past co-chair of the Ohio Public Employees Risk Reduction Commission. Mr. Hunter is a frequent local, state, national, and international speaker on local government issues.

Ohio's Constitution Gives Municipalities "Home Rule" Self-Government Authority

Q: What exactly does “home rule” mean for Ohio’s municipalities?

A: “Home rule” power is special authority granted to municipalities (such as cities and villages) through Article XVIII of Ohio’s Constitution. It allows municipalities to create laws and take action for which the *Ohio Revised Code* does not specifically give authority. Home rule essentially gives municipalities more power and flexibility.

There are three distinct home rule powers: the power of local self-government, exercise of police powers and ownership and operation of public utilities. The power of local self-government allows municipalities to regulate matters solely related to the governance and administration of their internal affairs. This includes the form of government, internal organization, the control and use of certain public property, the procedure for the sale of municipal property, regulation of municipal streets, and the salaries of municipal officers and employees. Home rule also gives municipalities policing power, which includes the authority to make regulations for the municipality’s general welfare, including its public health, safety and morals. Examples include zoning, animal control and traffic regulations. To take full advantage of home rule authority, a city or village will adopt a charter.

Q: What is a charter?

A: A municipal charter is a document that outlines how a city or village is run and how the power is divided. Any municipality may frame and adopt or amend a charter for its government. The charter is sometimes described as the constitution for a city or village and must be passed by the voters in the municipality.

A municipality does not need a charter to have home rule authority, but charters allow municipalities to gain additional freedom from the state legislature to handle local affairs as much as possible under the home rule provision.

Non-charter municipalities are more limited in their use of home rule authority because they must follow one of four statutory forms of government, while municipalities with charters can deviate from Ohio law both substantively and procedurally. Also, courts show greater deference to the home rule authority of a charter municipality.

Q: When does a municipality’s use of home rule go too far?

A: There are some limits on when a municipality can use its police powers to adopt an ordinance that conflicts with state law. If the state law is considered a “general” law, then state statute takes precedence over a local ordinance. For example, if you are charged with reckless operation of a motor vehicle, it may be a first-degree misdemeanor at the local level with the possibility of a \$1,000 fine and up to 180 days in prison. In the state code, however, reckless operation is only a minor misdemeanor with no jail time and a fine of up to \$150. So, if you are charged with a first-degree misdemeanor offense under a city code, and the same offense is only a minor misdemeanor under the state code, then you can request a plea bargain and agree to plead guilty under the state code section.

Typically, courts determine a law to be “general” when it: (1) is part of a statewide and comprehensive legislative enactment; (2) applies to all parts of the state and operates uniformly throughout the state; (3) provides actual police, sanitary or similar regulations and standards rather than just broadly granting or limiting the legislative power of a municipality to create police, sanitary, or similar regulations; and (4) prescribes a rule of conduct on citizens generally. The

Supreme Court of Ohio recently found local laws that tried to further regulate guns and oil and gas drilling beyond the statewide legislative enactments to be unconstitutional.

Q: Why does “home rule” matter to me as a resident of an Ohio city or village?

A: If you live in a chartered municipality with full home rule authority, your local government is more easily able to meet residents’ needs and reduce the amount of state legislative interference in local affairs. Home rule also gives municipalities more flexibility to determine the form and administrative organization of local government, and permits its residents to have a greater voice in determining local policies.

For example, home rule allows residents flexibility in how to elect city council members, and for the city’s administration to be led by an elected mayor or a hired manager/administrator. Home rule also allows municipalities to create their own zoning regulations, and permits flexibility for how mayors’ courts are run.

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This “Law You Can Use” consumer legal information column was provided by the Ohio State Bar Association. It was prepared by Philip Hartmann, an attorney in the Columbus office of Frost Brown Todd LLC.

APPENDIX A: Ohio Municipalities with Charters

C: City V: Village

Forms of Government

MC: Mayor-Council

CM: Council-Manager (CM*: Ashtabula has an elected manager.)

CoM: Commission-Manager

MCA/M: Mayor-Council-Administrator/Manager

Municipality		County	2000 Census	2010 Census	Year	Form of Gov
Akron	C	Summit	217,074	199,110	1918	MC
Amberley	V	Hamilton	3,425	3,585	1954	CM
Archbold	V	Fulton	4,290	4,346	1997	CM
Ashland	C	Ashland	21,249	20,362	1914	MC
Ashtabula	C	Ashtabula	20,962	19,124	1914	CM*
Aurora	C	Portage	13,556	15,548	1959	MC
Avon	C	Lorain	11,446	21,193	1961	MC
Avon Lake	C	Lorain	18,145	22,581	1951	MC
Barberton	C	Summit	27,899	26,550	1973	MC
Bay Village	C	Cuyahoga	16,087	15,651	1949	MC
Beachwood	C	Cuyahoga	12,186	11,953	1927	MC
Beavercreek	C	Greene	37,984	45,193	1981	CM
Bedford	C	Cuyahoga	14,214	13,074	1930	CM
Bedford Hts	C	Cuyahoga	11,375	10,751	1958	MC
Bellbrook	C	Greene	7,009	6,943	1971	CM
Berea	C	Cuyahoga	18,970	19,093	1960	MC
Bergholz	V	Jefferson	769	664		MC
Bexley	C	Franklin	13,203	13,057	1931	MC
Blanchester	V	Clinton	4,220	4,243	1982	MC
Blue Ash	C	Hamilton	12,513	12,114	1961	CM
Bowling Green	C	Wood	29,636	30,028	1972	MCA
Brecksville	C	Cuyahoga	13,382	13,656	1956	MC
Broadview Hts	C	Cuyahoga	15,967	19,400	1961	MC
Brook Park	C	Cuyahoga	21,218	19,212	1966	MC
Brooklyn	C	Cuyahoga	11,586	11,169	1951	MC
Brooklyn Hts	V	Cuyahoga	1,558	1,543	1995	MC
Brookville	C	Montgomery	5,289	5,884	1978	MCM
Brunswick	C	Medina	33,388	34,255	1974	CM
Bryan	C	Williams	8,333	8,545	1941	MC
Buckeye Lake	V	Licking	3,049	2,746	2003	MC
Campbell	C	Mahoning	9,460	8,235	1970	MCA
Canal Fulton	C	Stark	5,061	5,479	2001	MC
Canal Winchester	C	Franklin	4,478	7,101	1995	MC
Canfield	C	Mahoning	7,374	7,515	1968	CM
Carlisle	V	Warren	5,121	4,915	1987	MCM
Castalia	V	Erie	935	852	1980	MC
Centerville 45458	C	Montgomery	23,024	23,999	1968	CM
Chagrin Falls	V	Cuyahoga	4,024	4,113	1962	MC
Chardon	C	Geauga	5,165	5,148	1978	CM
Chatfield	V	Crawford	218	189		MC
Cheshire	V	Gallia	221	132		MC

Chesterville	V	Morrow	193	228		MC
Cincinnati	C	Hamilton	331,285	296,943	1917	CM
Clayton	C	Montgomery	13,347	13,209	1999	MC
Cleveland	C	Cuyahoga	478,403	396,815	1913	MC
Cleveland Hts	C	Cuyahoga	49,958	46,121	1922	CM
Clifton	V	Greene	179	152		MC
Clyde	C	Sandusky	6,064	6,325	1957	CM
Coldwater	V	Mercer	4,482	4,427	1999	MC
Columbiana	C	Columbiana	5,635	6,384	1971	MCM
Columbus	C	Franklin	711,470	787,033	1914	MC
Conneaut	C	Ashtabula	12,485	12,841	1990	CM
Cortland	C	Trumbull	6,830	7,104	1980	MC
Cuyahoga Falls	C	Summit	49,374	49,652	1959	MC
Cuyahoga Hts	V	Cuyahoga	599	638	1920	MC
Dayton	C	Montgomery	166,179	141,527	1913	CoM
Deersville	V	Harrison	82	79		MC
Defiance	C	Defiance	16,465	16,494	1983	MC
Delaware	C	Delaware	25,243	34,753	1951	CM
Dublin	C	Franklin/Delaware	31,392	41,751	1979	CM
East Cleveland	C	Cuyahoga	27,217	17,843	1916	CoM
East Palestine	V	Columbiana	5,062	4,721	1990	MC
Eastlake	C	Lake	20,255	18,577	1953	MC
Eaton	C	Preble	8,133	8,407	1961	CM
Elyria	C	Lorain	55,953	54,533	1965	MC
Englewood	C	Montgomery	12,235	13,465	1970	CM
Euclid	C	Cuyahoga	52,717	48,920	1951	MC
Evendale	V	Hamilton	3,090	2,767	1952	MC
Fairborn	C	Greene	32,052	32,352	1946	CM
Fairfield	C	Butler	42,097	42,510	1979	MCA
Fairlawn	C	Summit	7,307	7,437	1971	MC
Fairview Park	C	Cuyahoga	17,572	16,826	1958	MC
Forest Park	C	Hamilton	19,463	18,720	1968	CM
Fort Shawnee	V	Allen	3,855	3,726	1962	MC
Fostoria	C	Hancock/Seneca/ Woo	13,931	13,441	2007	MC
Franklin	C	Warren	11,396	11,771	1984	CM
Gahanna	C	Franklin	32,636	33,248	1961	MC
Galion	C	Crawford	11,341	10,512	1985	CM
Gallipolis	V	Gallia	4,180	3,641	1917	CoM
Garfield Hts	V	Cuyahoga	30,734	28,849	1956	MC
Gates Mills	V	Cuyahoga	2,493	2,270	1972	MC
Geneva	C	Ashtabula	6,595	6,215	1957	CM
Germantown	C	Montgomery	4,884	5,547	1976	MCM
Glenwillow	V	Cuyahoga	449	923	1958	MC
Golf Manor	V	Hamilton	3,999	3,611	1947	MC
Grafton	V	Lorain	2,302	2,634	1967	MC
Grandview Hts	C	Franklin	6,695	6,536	1931	MC
Granville	V	Licking	3,167	3,500	1964	CM
Green	C	Summit	22,817	25,699	1992	MC
Greenhills	V	Hamilton	4,103	3,615	1988	CM
Grove City	C	Franklin	27,075	35,575	1958	MC

Groveport	C	Franklin	3,865	5,363	1990	MC
Hamilton	C	Butler	60,690	62,477	1926	CM
Harrison	C	Hamilton	7,487	9,897	1981	MC
Harrod	V	Allen	491	417		MC
Heath	C	Licking	8,527	10,310	1964	MC
Higginsport	V	Brown	291	251		MC
Highland Hills	V	Cuyahoga	1,618	1,130	1966	MC
Highland Hts	C	Cuyahoga	8,082	8,345	1991	MC
Hilliard	C	Franklin	24,230	28,435	1963	MC
Holland/	V	Lucas	1,306	1,764	1983	MC
Huber Heights	C	Montgomery	38,212	38,101	1983	CM
Hudson	C	Summit	22,439	22,262	1957	MCM
Hunting Valley	V	Cuyahoga	735	705	1968	MC
Huron	C	Erie	7,958	7,149	1960	CM
Independence	C	Cuyahoga	7,109	7,133	1958	MC
Indian Hill	C	Hamilton	5,907	5,785	1941	CM
Ironton	C	Lawrence	11,211	11,129	1980	MC
Johnstown	V	Licking	3,440	4,632	1997	CM
Kent	C	Portage	27,906	28,904	1963	CM
Kettering	C	Montgomery	57,502	56,163	1955	CM
Kirtland	C	Lake	6,670	6,866	1970	MC
Lakewood	C	Cuyahoga	56,646	52,131	1913	MC
Lebanon	C	Warren	16,962	20,033	1960	CM
Lexington	V	Richland	4,165	4,822	1976	MCA
Lima	C	Allen	40,081	38,771	1920	MC
Louisville	C	Stark	8,904	9,186	1960	CM
Loveland	C	Clermont/Hamilton	11,677	12,081	1961	CM
Lyndhurst	C	Cuyahoga	15,279	14,001	1951	MC
Macedonia	C	Summit	9,224	11,188	1971	MC
Madeira	C	Hamilton	8,923	8,726	1959	CM
Mansfield	C	Richland	49,346	47,821	1982	MC
Maple Hts	C	Cuyahoga	26,156	23,138	1931	MC
Marshallville	V	Wayne	826	756		MC
Marysville	C	Union	15,942	22,094	1960	CM
Mason	C	Warren	22,016	30,712	1969	CM
Maumee	C	Lucas	15,237	14,286	1951	MC
Mayfield	V	Cuyahoga	3,435	3,460	1974	MC
Mayfield Hts	C	Cuyahoga	19,386	19,155	1951	MC
McArthur	V	Vinton	1,888	1,701		MC
Medina	C	Medina	25,139	26,678	1952	MC
Mentor	C	Lake	50,278	47,159	1960	CM
Mentor-On-Lake	C	Lake	8,127	7,443	1966	MC
Miamisburg	C	Montgomery	19,489	20,181	1966	CM
Middleburg Hts	C	Cuyahoga	15,542	15,946	1961	MC
Middletown	C	Butler	51,605	48,694	1913	CoM
Midway	V	Madison	274	322		MC
Milford	C	Clermont	6,284	6,709	1970	CM
Minerva	V	Stark	3,934	1,272	1979	CM
Mogadore	V	Portage/Summit	3,893	3,853	1964	MC
Monroe	C	Butler/Warren	7,133	12,442	1974	CM
Montgomery	C	Hamilton	10,163	10,251	1970	CM

Montpelier	V	Williams	4,320	4,072	1995	CM
Moraine	C	Montgomery	6,897	6,307	1966	CM
Moreland Hills	V	Cuyahoga	3,298	3,320	1979	MC
Munroe Falls	C	Summit	5,314	5,012	1976	MC
Murray City	V	Hocking	452	449		MC
N Canton	C	Stark	16,369	17,488	1960	MC
N College Hill	C	Hamilton	10,082	9,397	2006	MC
N Olmsted	C	Cuyahoga	34,113	32,718	1959	MC
N Ridgeville	C	Lorain	22,338	29,465	1961	MC
N Royalton	C	Cuyahoga	28,648	30,444	1950	MC
Napoleon	C	Henry	9,318	8,749	1950	MCM
Nelsonville	C	Athens	5,203	5,392	1995	CM
New Albany	C	Franklin	3,711	7,724	1992	MCA
New Athens	V	Harrison	342	320		MC
New Carlisle	C	Clark	5,735	5,785	1980	CM
New Franklin	C	Summit	2,191	14,227	2007	
New Lebanon	V	Miami	4,231	3,995	1978	MA
New Lexington	V	Perry	5,003	4,731	1980	MCA
Newton Falls	V	Trumbull	5,002	4,795	1966	MCM
Northfield	V	Summit	3,827	3,677	1981	MC
Northwood	C	Wood	5,471	5,265	1981	MC
Norton	C	Summit	11,523	12,085	1962	MC
Norwalk	C	Huron	16,238	17,012	1972	MC
Oakwood 44146	V	Cuyahoga	3,667	9,202	1968	MC
Oakwood 45419	C	Montgomery	9,215	9,202	1968	CM
Oberlin	C	Lorain	8,195	8,286	1954	CM
Olmsted Falls	C	Cuyahoga	7,962	9,024	1972	MC
Orange	V	Cuyahoga	3,236	3,323	1977	MC
Oregon	C	Lucas	19,355	20,291	1958	MC
Orrville	C	Wayne	8,551	8,380	1975	MC
Orwell	V	Ashtabula	1,519	1,660	1985	MC
Ottoville	V	Putnam	873	976		MC
Oxford	C	Butler	21,943	21,371	1960	CM
Painesville	C	Lake	17,503	19,563	1962	CM
Parma Hts	C	Cuyahoga	21,659	20,718	1953	MC
Pataskala	C	Licking	10,249	14,962	1997	MC
Pepper Pike	C	Cuyahoga	6,040	5,979	1966	MC
Perrysburg	C	Wood	16,945	20,623	1960	MC
Pickerington	C	Fairfield/Franklin	9,792	18,291	1980	MCA
Piqua	C	Miami	20,738	20,522	1929	
Portsmouth	C	Scioto	20,909	20,226	1928	MC
Powell	C	Delaware	6,247	11,500	1989	MC
Ravenna	C	Portage	11,771	11,724	1971	MC
Reynoldsburg	C	Franklin/Fairfield	32,069	35,893	1979	MC
Richfield	V	Summit	3,286	3,648	1970	MC
Richmond Hts	C	Cuyahoga	10,944	481	1959	MC
Rittman	C	Medina/Wayne	6,314	6,491	1960	MCM
Riverside	C	Montgomery	23,545	25,201	1995	CM
Rocky River	C	Cuyahoga	20,735	20,213	1960	MC
Rossford	C	Wood	6,406	6,293	1970	MC
Rutland	V	Meigs	401	393		MC

S Bloomfield	V	Pickaway	1,179	1,744		MC
S Charleston	V	Clark	1,850	1,693	1917	CoM
S Euclid	C	Cuyahoga	23,537	22,295	1953	MC
S Salem	V	Ross	231	204		MC
Sandusky	C	Erie	27,844	25,793	1914	CoM
Sebring	V	Mahoning	4,912	4,420	1979	CM
Seven Hills	C	Cuyahoga	12,080	11,804	1966	MC
Shaker Hts	C	Cuyahoga	29,405	28,448	1931	MCM
Shawnee	V	Perry	608	681		MC
Sheffield Lake	C	Lorain	9,371	9,137	1961	MC
Shelby	C	Richland	9,821	9,317	1921	MC
Sidney	C	Shelby	20,211	21,229	1954	CM
Silver Lake	V	Summit	3,019	2,519	1926	MC
Silverton	V	Hamilton	5,178	4,788	1959	MC
Solon	C	Cuyahoga	21,802	23,348	1954	MC
Springboro	C	Warren	12,380	17,409	1978	CM
Springdale	C	Hamilton	10,563	11,223	1964	MCM
Springfield	C	Clark	65,358	60,608	1913	CoM
St Bernard	V	Hamilton	5,753	4,368	2003	MC
St Clairsville	C	Belmont	5,057	5,184	1978	MC
Steubenville	C	Jefferson	19,015	18,659	1984	CM
Stow	C	Summit	32,139	34,837	1958	MC
Streetsboro	C	Portage	12,311	16,028	1971	MC
Strongsville	C	Cuyahoga	43,858	44,750	1958	MC
Sylvania	C	Lucas	18,670	18,965	1961	MC
Tallmadge	C	Summit	16,390	17,537	1995	MC
Thurston	V	Fairfield	555	604		MC
Tiffin	C	Seneca	18,135	17,963	1977	MC
Tipp City	C	Miami	9,221	9,689	1968	CM
Toledo	C	Lucas	313,619	287,208	1914	MCM
Trenton	C	Butler	8,746	11,869	1971	CM
Trotwood	C	Montgomery	27,420	24,431	1964	MCM
Twinsburg	C	Summit	17,006	18,795	1957	MCM
Union	C	Montgomery	5,574	6,419	1981	CM
University Hts	C	Cuyahoga	14,146	13,539	1941	MC
Upper Arlington	C	Franklin	33,686	33,771	1919	CM
Upper Sandusky	C	Wyandot	6,533	6,596	1966	MC
Urbana	C	Champaign	11,613	11,793	1978	MCA
Valley Hi	V	Logan	244	212		MC
Vandalia	C	Montgomery	14,603	15,246	1959	CM
Vermilion	C	Erie/Lorain	10,927	10,594	1961	MC
W Carrollton	C	Montgomery	13,818	13,143	1967	CM
W Jefferson	V	Madison	4,331	4,222	1990	MC
W Leipsic	V	Putnam	271	206		MC
W Milton	V	Miami	4,645	4,630	1965	CM
Waite Hill	V	Lake	446	471	1985	MC
Warrensville Hts	C	Cuyahoga	15,109	13,542	1958	MC
Washington CH	C	Fayette	13,524	14,192	2003	MC
Waterville	C	Lucas	4,828	5,523	1966	MC
Wauseon	C	Fulton	7,091	7,332	1981	MC
Waverly	V	Pike	5,284	4,408	1970	MC

Waynesville	V	Warren	2,558	2,834	1995	CM
Westerville	C	Franklin/Delaware	35,318	36,120	1964	CM
Westlake	C	Cuyahoga	31,719	32,729	1956	MC
Whitehall	C	Franklin	19,201	18,062	1966	MC
Whitehouse	V	Lucas	2,733	4,149	1992	MCA
Wickliffe	C	Lake	13,484	12,750	1951	MC
Willard	C	Huron	6,806	6,236	1958	MCM
Willoughby	C	Lake	22,621	22,268	1951	MC
Willoughby Hills	C	Lake	8,595	9,485	1970	MC
Willowick	C	Lake	14,361	14,171	1952	MC
Woodlawn	V	Hamilton	2,816	3,294	1992	CM
Woodmere	V	Cuyahoga	828	884	1983	MC
Wooster	C	Wayne	24,811	26,119	1972	MC
Worthington	C	Franklin	14,125	13,575	1956	CM
Wyoming	C	Hamilton	8,261	8,428	1949	CM
Xenia	C	Greene	24,164	25,719	1917	CoM
Yankee Lake	V	Trumbull	99	79		MC
Yellow Springs	V	Greene	3,761	3,487	1950	CM
Youngstown	C	Mahoning	82,026	66,982	1923	MC