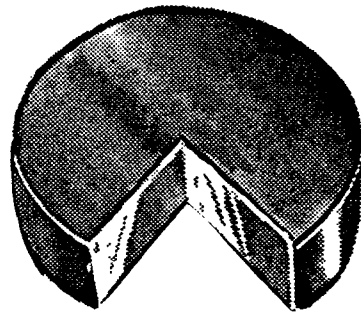


**THE  
CHARTER  
OF THE  
CITY OF PINCONNING  
MICHIGAN**



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## **PREAMBLE**

We, the people of the City of Pinconning, County of Bay, State of Michigan, pursuant to the authority granted by the Constitution and the Statutes of the State of Michigan, in order to establish a City Government, and to provide for and maintain the essential interest and welfare of all our people, do hereby ordain and establish this Charter for the City of Pinconning, Michigan.

## **ARTICLE 1 — NAME**

**Section 1.1.** The City shall be a body corporate under the name "City of Pinconning."

## **ARTICLE 2 — BOUNDARIES**

**Section 2.1.** The territory included within said City shall be:

The South One Half ( $S\frac{1}{2}$ ) of the Northwest Quarter ( $NW\frac{1}{4}$ ) and the Southwest Quarter ( $SW\frac{1}{4}$ ) of Section 23; also the Southeast Quarter ( $SE\frac{1}{4}$ ) of the Northeast Quarter ( $NE\frac{1}{4}$ ) and the East One Half ( $E\frac{1}{2}$ ) of the Southeast Quarter ( $SE\frac{1}{4}$ ) of Section 22; and all that part of the Southwest Quarter ( $SW\frac{1}{4}$ ) of the Northeast Quarter ( $NE\frac{1}{4}$ ) of Section 22, Town 17 North, Range 4 East, lying North of the centerline of the Pinconning River; also all that land in the Northwest Quarter ( $NW\frac{1}{4}$ ) of the Southeast Quarter ( $SE\frac{1}{4}$ ) of Section 22, lying North of the centerline of the Pinconning River; and the Northeast Quarter ( $NE\frac{1}{4}$ ) of the Northeast Quarter ( $NE\frac{1}{4}$ ) of Section 27; also the North One Half ( $N\frac{1}{2}$ ) of the Northwest Quarter ( $NW\frac{1}{4}$ ) of Section 26, all in Town 17 North, Range 4 East, Bay County, Michigan, and shall continue to be a body politic and corporate under the name City of Pinconning, and include the territory above described.

## **ARTICLE 3 — WARDS**

**Section 3.1.** The City shall constitute one (1) ward.

## **ARTICLE 4 — GENERAL MUNICIPAL POWERS**

**Section 4.1.** The City organized under Act, 279 Public Acts of 1909 as amended, shall exercise any and all powers which Home-Rule Cities are or may hereafter be permitted to exercise under the Constitution and Statutes of the State of Michigan as fully and completely as though the powers were specifically enumerated herein.

## **ARTICLE 5 — CITY COUNCIL**

**Section 5.1. COMPOSITION AND POWER —** The exercise of all the powers granted by this Charter except as other-

wise provided herein, shall be vested in a City Council, composed of Six (6) Councilmen and a Mayor.

**Section 5.2. TERM OF OFFICE** — Council members shall be elected for terms of Two (2) years each and the Mayor for a Two (2) year term. The terms of the Council members shall be staggered, Three (3) to be elected annually.

**Section 5.3. COMPENSATION** — Each Council member shall receive the sum of Ten (\$10.00) Dollars per meeting with a maximum of Two Hundred Fifty (\$250.00) Dollars per annum and the Mayor shall receive the sum of Twenty (\$20.00) Dollars per meeting with a maximum of Five Hundred (\$500.00) Dollars per annum, payable semi-annually, which, except as otherwise provided in this Charter, shall constitute the only compensation which may be paid to the Mayor or any Council member for the discharge of any official duty for or on behalf of the City. The Council may reimburse the Mayor and any Council member for any authorized necessary expense incurred in the service of the City, if an itemized statement thereof be submitted to the Council and payment thereof is authorized by resolution.

**Section 5.4. MEETINGS** — On the second Monday following each regular election, the Council shall meet and at this meeting all newly elected members shall assume their duties. The Council shall provide, by resolution, for the time of holding its regular meetings and shall hold at least One (1) regular meeting each month.

**Section 5.5. VOTING** — Each member of the Council, including the Mayor, in attendance at any meeting shall vote on all matters, except where legally disqualified. A majority of the persons constituting the Council shall be a quorum, and no business of any nature shall be transacted by or action taken by the Council except when authorized by the affirmative vote of at least Four (4) of the persons constituting the Council, except as otherwise specified in this Charter.

**Section 5.6. RULES AND PUBLICATION OF PROCEEDINGS** — The Council shall establish rules and regulations for the conduct of its meetings, shall maintain a journal in English of its proceedings, and shall publish its proceedings or a synopsis thereof in a newspaper, published or of general circulation in the City, within 14 days after each meeting.

**Section 5.7. MEETINGS, PUBLIC** — All meetings of the Council shall be held in the Municipal Building and shall be open to the public.

**Section 5.8. ACTING MAYOR** — The Council, at the first meeting following the annual election, shall appoint for a term of One (1) year, one of its members to be Acting Mayor in the absence or disability of the Mayor.

**Section 5.9. LIMITATION ON OTHER POSITIONS**—

Neither the Mayor nor any City Council member shall be eligible to hold an appointive office in the City or accept any employment by the City for a period of Two (2) years following the expiration of his term of office.

#### **ARTICLE 6 — MAYOR**

**Section 6.1. DUTIES AS TO COUNCIL** — The Mayor shall preside at all meetings of the Council, shall appoint Council committees, except as otherwise provided herein, and shall be ex-officio a member of each Committee without a vote. He shall be a member of the Council for all purposes.

**Section 6.2. DUTIES, PUBLIC** — The Mayor shall be chief executive officer of the City and shall perform those duties customarily performed by a Mayor at public meetings and ceremonies. He shall also be a conservator of the peace with power to suppress riot and disorder and to enforce all City ordinances and to command the assistance of all able-bodied citizens to aid therein.

**Section 6.3. AUTHENTICATION OF DOCUMENTS** — The Mayor shall authenticate by his signature such instruments as the Council, this Charter or the Statutes of the State of Michigan shall require.

**Section 6.4. LIMITATION OF POWERS** — The Mayor shall exercise only such powers as this Charter or the Statutes of the State of Michigan shall confer upon or require of him.

**Section 6.5. COUNTERSIGNING BY MAYOR** — The Mayor shall countersign all checks for the payment of public funds from the City Treasury.

#### **ARTICLE 7 — ADMINISTRATIVE OFFICERS**

**Section 7.1. ADMINISTRATIVE OFFICERS** — The administrative officers of the City shall be the City Manager, City Attorney, Clerk, Assessor, Treasurer, Superintendent of Public Works, and Superintendent of Public Safety. Any of the foregoing administrative officers may hold more than one position.

**Section 7.2. APPOINTMENT** — The Council shall appoint the City Manager, City Attorney, Clerk, Assessor, Treasurer, Superintendent of Public Works, the Superintendent of Public Safety, the Board of Review, and such Boards or Commissions which this Charter authorizes or directs it to appoint. All other administrative officers and employees of the City shall be recommended for appointment by the City Manager with the approval of the Council and shall be responsible to the City Manager.

**Section 7.3. TENURE** — Each administrative officer, board or commission appointed by the Council, shall serve at the pleasure of the Council. Each administrative officer and employee responsible to the City Manager shall be subject to

discharge by him, subject to the approval of the Council.

**Section 7.4. COMPENSATION** — The City Council shall fix the compensation of all administrative officers and all City employees.

**Section 7.5. QUALIFICATIONS OF CITY MANAGER** — The Manager shall be the chief administrative officer of the City. He shall be selected on the basis of his executive and administrative ability. The person selected for this position need not be a resident of the City at the time of the selection but must become a resident within Six (6) months following selection.

**Section 7.6. POWERS AND DUTIES OF CITY MANAGER** — The City Manager shall

(a) be responsible to the Council for the efficient administration of all administrative departments of the City Government.

(b) see that all laws and ordinances are enforced.

(c) see that all terms and conditions in favor of the City or its inhabitants in any public utility franchise, or any contract, are faithfully kept and performed.

(d) recommend an annual budget to the Council, and to administer the budget as finally adopted under policies formulated by the Council and to keep the Council fully advised at all times as to the financial condition and needs of the City.

(e) recommend to the Council for adaption such measures as he may deem necessary or expedient, and to attend Council meetings, with the right to take part in discussion but not to vote.

(f) exercise and perform all administrative functions of the City that are not imposed by this Charter or ordinance upon some other official.

(g) perform such other duties as may be prescribed by this Charter or as may be required of him by ordinance or by direction of the Council.

(h) prescribe such duties and responsibilities of the officers of those departments responsible to him which are not inconsistent with this Charter or with an ordinance or resolution.

(i) be responsible for the maintenance of a system of accounts of the City which shall conform to any uniform system required by laws and by the Council, and to generally accepted principles and procedures of governmental accounting.

(j) assemble and be responsible for the safe-keeping of engineering data as to all City owned or operated public utilities and installations and such other public records as required by the Council.

(k) maintain an accurate inventory of all City owned property and equipment.

(l) act as Purchasing Agent for the City under the following terms:

(1) The City Manager may obligate the City in an amount not to be exceeded as determined by the Council as to any one purchase of materials, products or services necessary to the City and shall report all such obligations incurred at least monthly to the Council in such detail as the Council may require. Such obligation shall be approved by the Council and ordered paid by it.

(2) As to the materials, products or services required by the City, and costing in excess of \$500.00 as to any single item, the Manager shall request the purchase or supplying thereof by the Council. If the Council shall approve the same, the Manager shall obtain formal sealed bids. Bids may be obtained under \$500.00 at the discretion of the Council.

(3) The Council upon the recommendation of the Manager, may authorize the making of any public improvement or the doing of any public improvement or the doing of any other City work by any City department or employee without competitive bidding.

**Section 7.7. CITY ATTORNEY** — The City Attorney shall be responsible solely to the Council. He shall act as legal advisor to the Council and shall advise any officer or department head of the City in matters relating to his official duties when requested, and shall file with the Clerk a copy of all written opinions rendered by him. He shall prosecute all violations of City Ordinances, shall conduct all litigation to which the City is a party and shall file with the Clerk such records and files relating thereto as the Council may direct. He shall prepare or review all ordinances, contracts, bonds, or other instruments which are submitted to him by the Council and shall promptly give his opinion as to the legality thereof. He shall perform such other duties as may be prescribed for him by the Charter or the Council. The Council may retain special legal counsel when it determines this to be necessary. The attorney shall call to the attention of the Council all matters of law and changes or developments therein affecting the City.

**Section 7.8. CITY CLERK** — The City Clerk shall be the Clerk of the Council, shall attend all its meetings and keep a permanent journal of its proceedings. He shall be custodian of the seal of the City, shall affix it to all documents and instruments requiring a seal, and shall attest all instruments which are executed for the City. He shall be custodian of all papers, documents, and records pertaining to the City, the custody of which is not otherwise provided for herein. He shall certify all ordinances and resolutions enacted or passed by the Council, and shall maintain in his office a supply of all forms and petitions required to be filed by this Charter. He shall have power to administer oaths of office. He shall keep a record of and give timely notice to the proper department or official of the expiration or termination of any franchise, contract or



agreement. He shall perform such other duties as may be prescribed for him by this Charter or by resolution or ordinance of the Council.

**Section 7.9. CITY ASSESSOR** — The City Assessor shall possess all powers vested in, and shall be charged with all duties imposed upon assessing officers by the statutes of the State of Michigan. He shall make and prepare all regular and special assessment rolls in the manner prescribed in this Charter and statutes to the State of Michigan and shall perform such other duties as required by this Charter, by resolution or ordinance of the Council, or by the City Manager.

**Section 7.10. CITY TREASURER** — The City Treasurer shall have custody of all City funds, the bond of the Clerk, and all evidences or indebtedness belonging to the City or held in trust by the City. He shall collect all City monies, except as otherwise provided herein or by ordinance. He shall receive from other officials and employees all monies belonging to, and receivable by the City that may be collected by such officials and employees, including fines, licenses, fees, taxes and assessments. He shall give a receipt for all monies or other evidences of indebtedness paid over or delivered to him. He shall disburse all City funds in accordance with the provisions of the Statutes of the State of Michigan, this Charter and accounting procedure as established by the Council. He shall promptly deposit all monies or funds in such manner and only in such depositories as the Council may direct and he shall report the same in detail to the Manager. He shall have such powers and duties in regard to the collection of taxes and monies as conferred upon him by this Charter or by the Statutes of the State of Michigan. He shall perform such other duties as may be prescribed for him by this Charter, by resolution or ordinance of the Council, or by the City Manager.

## **ARTICLE 8 — SUPERVISORS**

**Section 8.1. NUMBER AND TERM.** Of the Supervisors to which the City is entitled, the present number being two (2), the Mayor and the Assessor shall constitute the two (2) by virtue of their offices.

**Section 8.2. TEMPORARY APPOINTMENTS.** In case of necessary temporary absence or the temporary inability of any member of the Board of Supervisors representing the City to serve or perform the duties of his office, the Mayor shall have the power to appoint a member of the Council or an elective or administrative city officer to serve during such absence or inability.

**Section 8.3. COMPENSATION.** Each Supervisor who is also otherwise an officer of the City shall be entitled to retain any compensation and mileage paid to him by the County for his services as a member of the Board of Supervisors.

## ARTICLE 9 — JUSTICE OF THE PEACE

**Section 9.1. NUMBER AND TERM.** One Justice of the Peace shall be elected for a two (2) year term, and shall have all power and authority as it now or may hereafter be conferred upon or required of a Justice of the Peace by the law of the State of Michigan.

**Section 9.2. HOLDING COURT.** The Justice of the Peace shall hold Court at a place to be provided by the Council and make reports and pay over monies as directed by the Council.

**Section 9.3. JURISDICTION.** He shall exercise all power and authority conferred by a statute and shall have jurisdiction in civil matter up to Five Hundred (\$500.00) Dollars.

**Section 9.4. COMPENSATION.** The office shall be compensated by the usual fees as provided by general law.

**Section 9.5. ACTING JUSTICE.** In case of the absence, disability, or disqualification of the Justice, any other Justice of the Peace or Municipal Judge of the County of Bay shall be qualified to act in the place of and for the Justice of the Peace in the performance of any of the duties imposed upon him by statute or this Charter. The Council shall by resolution fix the compensation to be paid any such Justice or Judge for such services and the procedure to be followed in calling upon him so to act.

## ARTICLE 10 — ELECTIONS

**Section 10.1. OFFICERS TO BE ELECTED.** The following officers shall be nominated by petition and elected at large on a non-partisan ballot:

- (a) Six (6) City Councilmen
- (b) A Mayor
- (c) A Justice of the Peace

**Section 10.2. ELECTOR QUALIFICATIONS.** Each person who has the constitutional qualifications of an elector in the State of Michigan shall be entitled to register as an elector as provided by Statute.

**Section 10.3. METHOD OF NOMINATION.** Nomination shall be by petition and the number of signatures shall be a minimum of twenty-five (25) and a maximum of fifty (50). These shall be the signatures of registered electors and the nominating petitions shall be filed with the City Clerk by 5:00 P. M. on the 20th day prior to the day of the primary.

**Section 10.4. CANDIDATE QUALIFICATIONS.** Each candidate for an elective office shall have been a registered and qualified elector of the City of two (2) years immediately prior to the last day specified herein for filing nominating petitions.

**Section 10.5. FURTHER CANDIDATE QUALIFICATIONS.** Each candidate for elective office shall own an interest in real property requiring him to pay taxes to the City.

**Section 10.6. ACCEPTANCE OF PETITIONS.** The Clerk shall accept for filing only nominating petitions on official blanks containing the required number of valid signatures for candidates having those qualifications required for elective city officers by this Charter.

**Section 10.7. PETITIONS FILED BY PERSONS OTHER THAN CANDIDATES.** When petitions are filed by persons other than the person whose name appears thereon as a candidate, they shall be accepted for filing only when accompanied by the written consent of the person in whose behalf they were circulated.

**Section 10.8. DISQUALIFICATION OF CANDIDATE.** The City Clerk shall, before twelve o'clock noon on the Tuesday following the final filing date determine the sufficiency of each petition filed and the qualifications of each candidate. He shall immediately notify those candidates whose petitions or qualifications are found to be inadequate by mailing to them a statement of the reason therefore. Petitions filed prior to the deadline shall be verified within twenty-four (24) hours by the Clerk and the candidate shall be notified as to their validity.

**Section 10.9. NOTICE TO ELECTION COMMISSION.** Within six (6) days after the last day named herein for receiving and filing a nomination petition, the Clerk shall certify to the Election Commission the names and post office addresses of all candidates whose petitions meet the requirements for nominations.

**Section 10.10. ELECTION DATES.** A primary election shall be held every year on the third Monday of February. A regular election shall be held every year on the first Monday of April following such primary election.

**Section 10.11. AUTOMATIC NOMINATION.** When the number of candidates filing petitions does not exceed twice the number of positions to be filled in any office or offices, such office or offices shall not be placed on the primary election ballot. The City Clerk shall certify to the Board of Election Commissioners, the names of such candidates whose petitions have been properly filed and said candidates shall be the nominees for such office or offices and shall be so certified.

**Section 10.12. DETERMINATION OF CANDIDATES NOMINATED.** Candidates in number equal to twice the number of persons to be elected to each City office who receive the highest number of votes at any City primary election shall be declared the nominees for election to the office for which they are candidates.

**Section 10.13. DETERMINATION OF CANDIDATES**

ELECTED. Those persons receiving the greater number of votes shall be deemed to have been duly elected to the Council determined by the number of vacancies to be filled.

**Section 10.14. BOARD OF ELECTION COMMISSIONERS.** The Board of Election Commissioners shall consist of the following members:

- (a) The City Clerk
- (b) The City Attorney
- (c) The City Assessor

**Section 10.15. BOARD OF CANVASSERS.** The Board of Canvassers shall be appointed by the City Council and shall be paid a daily rate set by the City Council.

**Section 10.16. TIE VOTE.** Where it is necessary to resolve a tie vote for any elective office, the Board of Canvassers shall determine by lot the candidates elected to said office, as provided by Statute.

**Section 10.17. SPECIAL ELECTIONS.** Special City elections shall be held when called by resolution of the Council at least Sixty (60) days in advance of each election or when required by this Charter or by Statute. Any resolution calling a special election shall set forth the purpose of such election.

**Section 10.18. ELECTION INSPECTORS.** The Election Commission shall appoint such registered and qualified electors of the City as Inspectors of Elections as it may deem necessary from time to time and the City Council shall authorize and cause all necessary election expenses to be paid by the City.

**Section 10.19. ELECTION LAW.** Except as provided in this Charter, the Election Laws of the State of Michigan shall govern all elections in the City.

## **ARTICLE 11 — VACANCIES IN OFFICE**

### **Section 11.1 ELECTIVE OFFICES VACATED.**

(a) If a vacancy occurs in an elective office in the term of which expires at the next regular election the Council shall within thirty (30) days of the vacancy appoint a qualified person to serve for the balance of the term.

(b) If a vacancy occurs in an elective office the term of which does not expire at the next regular election, the Council shall appoint a qualified person to serve until the next regular election when a candidate shall be elected to serve the balance of the unexpired term except that the appointee shall serve for the entire unexpired term if the vacancy occurs within ninety (90) days of the next regular election.

(c) Appointments under both (a) and (b) shall be subject to the limitation that no appointments shall be made to any elective office during thirty (30) day period preceeding an organizational meeting of the Council.

**Section 11.2. ELECTIVE OFFICE DECLARED VACANT.** Any elective office shall be declared vacant by the City Council if,

- (a) The incumbent dies or resigns.
- (b) The incumbent becomes totally and permanently disabled or is committed to a mental institution.
- (c) The incumbent ceases to be a resident of the City.
- (d) The incumbent refuses to take the constitutional oath of office or to give or to renew any official bond or to deposit such oath or bond in the manner and within the term specified.

(e) The incumbent is convicted of a felony or of misfeasance, nonfeasance, or malfeasance in office.

(f) A member of the City Council, or the Mayor shall miss three (3) consecutive meetings of the City Council, or over 25% of the meetings in any year of his term of office, unless such absence shall be excused by the City Council and the reason therefore entered in its proceedings not later than the next regular meeting subsequent to each absence.

The City Council shall not declare any elective office vacant for the reasons stated in subdivisions (c), (e), or (f) hereof except after a public hearing upon reasonable notice and an opportunity to be heard.

## **ARTICLE 12 — LEGISLATION**

**Section 12.1. STATUS OF CHARTER.** This Charter shall constitute the basic law of the City of Pinconning, as provided by the Statutes of the State of Michigan.

**Section 12.2. PRIOR LEGISLATION.** All ordinances, resolutions, rules and regulations, of the City of Pinconning which are not inconsistent with this Charter and which cities are by law authorized to make and which are in force at the time of the effective date of this Charter shall continue in full force and effect until repealed or amended. Wherever such ordinances, resolutions, rules, and regulations provide for enforcement or control by any officer of the City, the enforcement and supervision of the subject matter of the ordinance shall be vested in the officer of the City who under the provisions of this Charter has control of the particular matter, provided, however, that if there is any question concerning which officer shall have such jurisdiction, then the Council shall make the determination as to the department or the officer to be vested with such control.

**Section 12.3. FORM OF LEGISLATION.** All legislation of the City of Pinconning other than in this Charter, shall be by resolution or by ordinance. The word resolution as used in this Charter shall be the official action of the Council in the form of a resolution or a motion which does not constitute an ordinance or a step in the adoption of an ordinance and such

action shall be limited to matters required or permitted to be done by resolution of this Charter or by applicable law and to matters pertaining to the internal affairs or concerns of the City Government. All legislation by the Council carrying a penalty for the violation thereof shall be by ordinance.

**Section 12.4. ORDINANCE PROCEDURE.** Each ordinance shall be identified by a number and a short title. Each proposed ordinance shall be introduced in typewritten or printed form and the style of all ordinances passed by the Council shall be "The City of Pinconning Ordains." Except in the case of any ordinance which the Council by affirmative vote of not less than five (5) members declared to be an emergency ordinance, no ordinance shall be finally passed by the Council until at least ten (10) days have elapsed following the introduction thereof. Any ordinance may be repealed by reference to its number and title. All of the requirements for the original adoption of any ordinance shall apply to the amendment of any ordinance. All ordinances or amendments when enacted shall be immediately recorded by the Clerk in an "Ordinance Book" and it shall be the duty of the Mayor and the Clerk to authenticate such record by their official signatures thereon.

**Section 12.5. PUBLICATION OF ORDINANCES.** Each ordinance passed by the Council shall be published once after its adoption by the Council before it shall become operative. In the event that an ordinance is more than one thousand words in length, it may be published by placing not less than one hundred copies thereof in the office of the Clerk for public distribution and inspection and by publishing notice of such fact in a newspaper having general circulation in the City. All other ordinances shall be published in full in a newspaper or general circulation in the city. The date upon which an ordinance shall become operative shall be provided in the ordinance, but no ordinance shall become effective before publication thereof except in the case of ordinances given immediate effect as provided by Section 12.4 hereof, except that criminal penalties shall not be effective until ten (10) days after publication. Publication of any ordinance as required herein may be accomplished by the publication of such ordinance after its final passage as a part of the published proceedings of the Council.

**Section 12.6. PENALTIES FOR VIOLATION OF ORDINANCES.** The Council may provide in any ordinance for the punishment of those who violate its provisions. The punishment for such violation shall not exceed a fine of Five Hundred (\$500.00) Dollars or imprisonment for a term of Ninety (90) days or both in the discretion of the Court. Imprisonment for the violation of this Charter on any City Ordinance may be in the County Jail or City prison or in any workhouse or prison of the State authorized by law to receive prisoners of the City.

**Section 12.7. VIOLATIONS BUREAU.** The Council shall determine which non-moving violations of any City Ordinance pertaining to motor vehicles are of a minor nature and

may be disposed of without unnecessary expense to the violator or to the City, and without formal proceedings in Court, and shall from time to time determine by resolution the fine to be paid with respect to such violation. The City Council may set up a Violations Bureau to handle such matters.

**Section 12.8. TIME LIMIT FOR PROSECUTION OF ORDINANCE VIOLATIONS.** Prosecutions for violation of the ordinances of the City shall be commencing within one (1) year after the commission of the offense.

**Section 12.9. TECHNICAL CODES.** The Council may adopt as a City Ordinance, and statutory provision or any detailed technical code or set of regulations by reference as provided by statute.

**Section 12.10. COMPLICATION AND AUTHENTICATION OF ORDINANCES.**

(a) It shall be the duty of the Clerk to maintain a current compilation of ordinances and amendments in effect in the City, and make the same available to the public.

(b) Copies of ordinances and of any compilation code, or codes referred to in this chapter may be certified by the Clerk, and, when so certified, shall be competent evidence in all Courts and legally established tribunals as to the matters contained herein.

### **ARTICLE 13 — INITIATIVE REFERENDUM AND RECALL**

**Section 13.1. PETITION.** Whenever registered and qualified electors of the City in number equal to at least ten (10) per cent of the votes cast for governor at the last preceding general election in the City shall sign a petition directed to the Council and requesting it to adopt a proposed ordinance or a proposed amendment to an existing ordinance which accompanies the petition, the Council shall, within thirty (30) days after the same is filed with the Clerk, either.

(a) Adopt the proposed ordinance or amendment without alteration, or

(b) Determine by resolution to submit the proposed ordinances or amendments without alteration to the vote of the qualified electors of the City at the next regular election if it is to be held twenty (20) days but not more than ninety (90) days thereafter. If no such regular election is to be held, the Council shall call a special election within sixty (60) days after the petition was filed and submit the proposed ordinance or amendment at said election.

**Section 13.2. PUBLICATION.** The Council shall cause the proposed ordinance or amendment to be published in full at least once ten (10) days before the election. The ballot to be used in voting upon the proposed ordinance or amendment shall contain the substance thereof in distinct and legible type, and there shall be a separate ballot for each proposed ordinance or amendment.

**Section 13.3. REPEAL.** A like number of the registered and qualified electors of the City may petition the Council to repeal part of all of any existing ordinance which petitions shall be filed and acted upon by the Council as in Sections 1 and 2 hereto provided, except the published notice shall contain the complete ordinance to which the petition relates and a concise statement of the request contained in the petition, and the ballot shall clearly identify the ordinance in question and the portion thereof the repeal of which is sought.

**Section 13.4. EFFECT OF VOTE.** No ordinance adopted or amended by a vote of the electors shall be amended or repealed except by a vote of the electors, and no like ordinances or like section as is repealed by a vote of the electors shall be adopted except by a vote of the electors within five (5) years of such election.

**Section 13.5. CITY COUNCIL.** The City Council may submit for adoption any proposed ordinance, any amendment to an existing ordinance and the proposed repeal of any ordinance or part thereof to a vote of the electors in the manner as provided in Sections 1 and 2 hereof.

**Section 13.6. RECALL.** Every elective officer of the City guilty of misfeasance, malfeasance or nonfeasance in office shall be subject to recall by the qualified electors of the City in the manner and under the conditions provided by the recall provision of the Michigan Election Law.

#### **ARTICLE 14 — GENERAL FINANCE**

**Section 14.1. FISCAL YEAR.** The fiscal year of the City shall commence July 1 each year and end June 30 the following year.

**Section 14.2. BUDGET PREPARATION.** The City Manager shall prepare and submit to the Council, not later than the second Monday in April of each year, a recommended budget covering the next fiscal year, and shall include therein at least the following information.

(a) Detailed estimates of the expenditures for each agency, department, and office of the City, and also the expenditures for corresponding items for the last preceeding fiscal year in full, for the current fiscal year to date and the estimated expenditures for the balance of the current fiscal year, together with supporting explanations of all proposed expenditures.

(b) Statement setting forth all bonded and other indebtedness of the City, all Debt Retirement and interest requirements, all authorized and unincurred obligations and the status of all Sinking Funds.

(c) Estimates in detail of all anticipated revenues from sources other than taxes, together with a statement of the amounts received by the City from each of said sources for



the last preceding fiscal year in full, for the current fiscal year to date, and the estimated amount thereof for the balance of the current fiscal year.

(d) A statement of the estimated balance or deficit as of the end of the current fiscal year.

(e) An estimate of all monies to be raised from current and delinquent taxes, from Debt Retirement levies and from any available unappropriated surplus and revenues from other sources.

**Section 14.3. PUBLIC HEARING ON BUDGET.** Prior to adopting the proposed budget, the Council shall hold a public hearing at such time as it may direct. Notice of such public hearings, and that proposed budget is on file with the Clerk, shall be published in a newspaper of general circulation in the City at least one (1) week in advance of the hearing and the proposed budget shall be on file for public inspection during office hours in the office of the Clerk for a period of at least one (1) week prior to the date of such hearing.

**Section 14.4. ADOPTION OF BUDGET TIME.** The Council, by resolution, not later than May 10 of each year, shall adopt the budget for the next fiscal year, shall appropriate the money required for municipal purposes during said fiscal year and shall provide for a levy of the amount required to be raised by taxes upon real and personal property for municipal purposes.

**Section 14.5. LIMITATION ON EXPENDITURES.** Except for expenditures to be financed by bond levies, by special assessment or for other purposes not chargeable to and appropriated in the budget, no money shall be withdrawn from the Treasury of the City except in accordance with an appropriation thereof for such specific purposes, nor shall any obligations for the expenditure of money be incurred without an appropriation being made to cover all payment due upon such obligation in the current fiscal year. The Council by resolution may transfer any unallocated appropriation balance or any portion thereof from one account, department, fund or agency to another.

**Section 14.6. ADDITIONAL APPROPRIATIONS.** The Council may make additional appropriations during the fiscal year for unforeseen expenditures required of the City, but such additional appropriations shall not exceed the amount by which the actual and anticipated revenues for the year are exceeded by the estimated revenues as budgeted, unless such expenditures are required to relieve an emergency endangering the public health.

**Section 14.7. CHARGING EXPENDITURES.** To the extent practical, all expenditures shall be charged to a specific fund, office, or department.

**Section 14.8. BUDGET STATUS REPORTS.** At the commencement of each quarterly period during the fiscal year, and more often if required by the Council, the City Manager shall submit to the Council data showing the relation between estimated and actual revenues and expenditures to date, and should it appear that the revenues are less than anticipated, the Council shall reduce appropriations to the extent consistent with good government, except with respect to fixed obligations.

**Section 14.9. LAPSED APPROPRIATIONS.** Every appropriation, except one for a capital expenditure shall lapse at the close of the fiscal year to the extent it has not been extended or encumbered. An appropriation for a capital expenditure shall continue in force until the purpose for which it was made has been accomplished, unless after three (3) years there has been no disbursement thereof or obligations created relative thereto.

**Section 14.10. DEPOSITORS.** The Council shall designate a bank or banks as depositories for City funds and shall provide for the regular deposit of all City money or its investment as permitted by Statute.

**Section 14.11. AUDIT.** An independent audit of all City accounts shall be made at least annually by a certified Public Accountant experienced in municipal accounting; and the City Manager shall as soon after the close of each fiscal year as possible, submit an Annual Report on City Affairs, including a Financial Report to the City Council, which audit and annual report, when approved by the Council, shall be deposited with the Clerk and be open for public inspection at any reasonable hour.

## **ARTICLE 15 — TAXATION**

**Section 15.1. POWER TO TAX.** The City shall have power to levy and collect taxes for municipal purposes in a sum up to and including one and one-half (1½) percent (\$15.00 per thousand) of the assessed value as equalized by the State of all taxable real and personal property in the City.

**Section 15.2. SUBJECTS OF TAXATION AND TAX DAY.** The subjects of ad valorem taxation for municipal purposes shall be the same as provided by Statute for state, county, and school purposes; except as otherwise provided by this Charter, City taxes shall be levied, collected and returned in the manner provided by statute subject to the exceptions provided or permitted by law. The Taxable status of persons and property shall be determined as of the thirty-first day of December which shall be deemed the tax day for the ensuing year.

**Section 15.3. JEOPARDY ASSESSMENTS.** If the Treasurer finds that any person who is or may be liable for taxes upon personal property the taxable status of which was in the City on tax day, plans to depart from the City, or to remove therefrom personal property which is or may be liable

for tending to prejudice or to render wholly or partly ineffectual the proceeding to collect such tax unless proceeding to collect be brought without delay, he shall cause notice of such finding to be given such person, together with a demand for the immediate payment of such tax. Thereafter he shall proceed as provided by statute.

**Section 15.4. ASSESSMENT.** The Assessor shall place a value in accordance with statute upon all property, both real and personal.

**Section 15.5. COUNCIL TO FURNISH FORMS, FILES AND SUPPLIES.** The Council shall supply the Assessor with all forms, files, indexes, and supplies which it shall deem to be required for establishing and maintaining a record of all real and personal property in the City and a continuing assessment of the value thereof.

**Section 15.6. TIME FOR MAKING ASSESSMENT ROLLS.** Prior to the first meeting of the Board of Review in each year, the assessor shall make and complete an assessment roll in the manner and form provided by statute. He shall notify the owners or persons to whom taxes are assessed, according to the records of his office, of any increase or decrease of at least Ten (10%) percent made by him in the assessed valuation of their real property as compared to such valuation for the previous year. Such notice shall be mailed first class mail, not later than ten (10) days preceding the convening of the Board of Review, to review such assessments. Neither the failure on the part of the Assessor to give such notice nor the failure of any person to receive such notice shall invalidate the assessment roll or any assessment thereon.

**Section 15.7. BOARD OF REVIEW.** The Board of Review shall be composed of three taxpaying electors of the City appointed by the Council. The Council shall in the April Regular meeting, or within sixty (60) days thereafter, following the adoption of this Charter shall appoint one member of the Board of Review for a term of one (1) year, one member for a term of two (2) years, and one member for a term of three (3) years, and in April each year thereafter shall appoint a member for a term of three (3) years to replace that member whose term expires. The Council shall fix the compensation to be paid to such members. The filing of a nominating petition for any elective office of the City by a member of the Board of Review shall constitute his resignation from the Board of Review.

**Section 15.8. ORGANIZATION AND FUNCTIONS OF THE BOARD OF REVIEW.** On the first day of its first meeting in each year, the Board of Review shall elect one of its members chairman and one of its members secretary. The Assessor shall attend its meeting but shall not have the right to vote upon any decision of the Board. It shall be the duty of the Secretary to keep a permanent record of all the proceedings of the Board. The members of said Board shall be officers of

the City and shall take the constitutional oath of office which shall be filed with the Clerk. A majority of the members of the Board shall constitute a quorum. For the purpose of reviewing and correcting assessments, the Board of Review shall have the same powers and perform like duties in all respects as are by statute, conferred upon and required of City Boards of Review.

**Section 15.9. NOTICE OF MEETINGS.** The Clerk shall give notice to the public of the time and place of the meetings of the Board of Review, by publication at least once, not less than two (2) weeks immediately preceeding such meeting.

**Section 15.10. ENDORSEMENT OF ROLL — VALIDITY.** After the Board shall have completed its review of the assessment roll a majority of its members shall immediately endorse thereon and sign a statement to the effect that the same is the assessment roll of the City for the year in which it has been prepared. The omission of such endorsement shall not affect the validity of such roll. Upon the completion of said roll and from and after midnight ending the last day of the meeting of the Board of Review, the same shall be the assessment roll of City for County, School and City taxes and for any other taxes on real and personal property that may be authorized by law and shall be conclusively presumed by all Courts and tribunals to be valid and shall not be set aside except as provided by law.

**Section 15.11. CITY TAX ROLL.** After the last day of the meeting of the Board of Review, the Assessor shall prepare a copy of the assessment roll to be known as the "City Tax Roll," and upon receiving the certification of the amount to be raised, as provided in the preceeding section, the Assessor shall proceed to spread the amounts of the general ad valorem City tax according to and in proportion to the several valuations set forth in said assessment roll. For the purpose of avoiding fractions in computation on any tax roll, the Assessor may add to the amount of the several taxes to be raised not more than the amount prescribed by Statute, which added amount when collected shall be credited to the general fund of the City. For convenience, the City tax roll may be divided into volumes. Assessments and other lawful charges authorized by the Council to be spread against or charged to property or persons upon such roll shall be so spread and charged upon such roll as directed by the Council.

**Section 15.12. CLERK TO CERTIFY LEVY.** Within three (3) days after the Council has adopted the budget for the ensuing year, the Clerk shall certify to the Assessor the total amount which the Council determines shall be raised by general ad valorem tax, together with such other assessments and other lawful charges as the Council shall authorize to be spread against or charged to property and persons appearing upon such roll.

**Section 15.13. TAX ROLL CERTIFIED FOR COLLECTION.** After extending the taxes, the Assessor shall certify said tax roll, and the Mayor shall annex his warrent thereto directing and requiring the Treasurer to collect from the several persons named in said roll the several sums mentioned therein opposite their respective names as a tax or assessment, and granting to him for the purpose of collecting the taxes, assessments, and charges on such roll all the power and immunities possessed by City Treasurers by Statute for the collection of taxes.

**Section 15.14. TAXES LIEN ON PROPERTY.** The City taxes thus assessed against personal property shall become at once a debt to the City from the persons to whom they are assessed. The amounts assessed on any interest in real property shall on the first day of July become a lien upon such real property, and the lien for such amounts and for all interest and other charges thereon shall continue until payment thereof. All personal taxes shall be a first lien prior, superior and paramount upon all personal property of the persons so assessed from and after on the first day of July in each year and shall so remain until paid, which said tax liens shall take precedence over all other claims, encumbrances, and liens upon said personal property whatsoever, whether arising before or after the assessment of said personal property taxes, and no transfer of personal property assessed for taxes thereon shall operate to divest or destroy such liens except where such personal property is actually sold in the regular course of retail trade.

**Section 15.15. NOTIFICATION OF TAXES DUE.** The Treasurer shall not be required to make personal demand for the payment of taxes, but notice shall be given to the taxpayers of the City by forwarding a statement of taxes due by first class mail addressed to the several owners or occupiers of the property upon which taxes are assessed according to the names of such owners and their addressed as indicated on the tax roll, which notice shall be deemed sufficient demand for the payment of all taxes on said roll. Neither the failure on the part of the Treasurer to give said notice, nor the failure of any person to receive such notice, shall invalidate the taxes on said tax roll nor release any person or property assessed from the penalty provided in this article in case of nonpayment of the same.

**Section 15.16. TAX PAYMENT SCHEDULE.** The City taxes shall be due on the first day of July in the fiscal year when levied.

**Section 15.17. STATE, COUNTY, AND SCHOOL TAXES.** For the purpose of assessing and collecting taxes in the City for state, county, and school purposes, the City shall be considered the same as a Township, and all statutory provisions of State law relative to the collection of such taxes and fees to be paid therefor, the accounting therefore to the appropriate taxing units, and the returning of taxes to the County

Treasurer for nonpayment thereof shall apply to the City Treasurer in the collection of taxes. In the event that school taxes or any part thereof are collected at the same time as City taxes, they shall be collected subject to the same privileges and conditions as City Taxes under the provisions of this Charter.

**Section 15.18. LIEN FOR TAXES, ASSESSMENTS AND CHARGES.** All taxes, assessments, charges and fees levied, spread or charged on any such tax rolls shall be and remain a lien upon the property until paid.

**Section 15.19. APPORTIONING OF TAX ON REAL PROPERTY.** Any person owing an undivided share or other part of any parcel of real property assessed in one description may pay the taxes assessed against such description or may pay the share or part owned by him by paying an amount having the same relation to the whole tax as the value of the whole description, and the receipt given and the record of the receiving officer shall show that such payment was made and the claimed interest upon which it was made.

**Section 15.20. COLLECTION FEE.** All summer City taxes paid on or before August 15th of the year in which assessed shall be collected by the City Treasurer without a collection fee. As to all City taxes paid to the Treasurer after August 15, he shall add a two percent collection fee. After September 15 thru February 28, he shall add a four percent collection fee. All winter taxes shall be collected without a collection fee until February 14th. February 15th thru February 28 he shall add a collection fee of four percent.

**Section 15.21. TAX ROLL TO COUNTY TREASURER.** All taxes, special assessments, charges and collection fee on the City tax roll which remain unpaid on the first day of March following the date when said roll was received by the Treasurer shall, on that date, become delinquent and shall be returned to the County Treasurer at the time and in the same manner and with like effect as returned by Township Treasurers of Township, school and county taxes. Such returns shall be made upon a delinquent tax roll to be prepared by the Treasurer and shall include all the additional charges which shall in such return be added to the amount assessed in said tax roll against each description. The taxes, assessments, charges, and fees thus returned shall be collected in the same manner as Township taxes returned to the County Treasurer are collected under statutory provisions and shall be and remain a lien upon the lands against which they are assessed until paid.

**Section 15.22. PROTECTION OF A CITY LIEN.** The City shall have power, insofar as the exercise thereof shall not conflict with statutes of the State of Michigan to acquire by purchase any premises within the City at any tax or other public sale, or by direct purchases from the State of Michigan of the fee owner, when the purchase of such property is neces-

sary to protect the lien of the City for taxes or special assessments, or both, on said premises and may hold, lease or sell the same. Any such procedure exercised by the City in the protection of its tax lien shall be deemed to be for a public purpose.

## **ARTICLE 16 — PUBLIC IMPROVEMENTS**

### **Section 16.1. CITY MAY PERFORM PUBLIC WORKS.**

The Council shall have power to do any public work or make any local or public improvements, by the employment of the necessary labor and the purchase of the necessary supplies and material with separate accounting as to each improvement so made, or to do such work by contract. The Council shall also have power to do any public work or make any local or public improvements under any legally constituted plan under which labor is furnished by any governmental unit, any department or agency of the United States or the State of Michigan or which is wholly or in part financed by them or any of them.

**Section 16.2. PETITIONS FOR LOCAL OR PUBLIC IMPROVEMENTS.** Petitions for the making of local or public improvements within the City shall be received by the Clerk and may be considered by the Council at any time.

**Section 16.3. GENERAL POWERS RELATIVE TO SPECIAL ASSESSMENTS.** The Council shall have the power to determine whether any local or public improvements shall be made and to determine that the whole or any part of the cost thereof shall be defrayed by special assessment, upon the property especially benefited and determine what proportion of the cost thereof shall be paid by special assessments and what part, if any, shall be a general obligation of the City.

**Section 16.4. PROCEDURE FIXED BY ORDINANCE.** The Council shall prescribe by general ordinance a complete special assessment procedure, which ordinance shall provide for a public hearing on any special assessment district, and no special assessment district shall be created if the owners of more than half the land in such proposed special assessment district file written objections with the City Clerk at or prior to the hearing. A land owner shall be defined as a person whose name appears on the latest general assessment roll as the owner.

## **ARTICLE 17 — UTILITY FRANCHISE AND MUNICIPAL OWNERSHIP**

**Section 17.1. PUBLIC FRANCHISES.** All public utility franchises granted after the adoption of this Charter, whether it be so provided in the granting ordinances or not, shall be subject to the right of the City;

(a) To repeal the same for misuse or nonuse, or for failure to comply with the provisions thereof;

(b) To require proper and adequate extension plant and maintenance thereof at the highest practicable standard of efficiency;

(c) To establish reasonable standards of service and quality of products, and prevent unjust discrimination in service or rates;

(d) To require continuous and uninterrupted service to the public in accordance with the terms of the franchise throughout the entire period thereof;

(e) To impose such other regulations as may be determined by the Council to be conducive to the health, safety, welfare and accommodation of the public;

(f) To require the public utility to which any franchise is granted to permit joint use of its property and appurtenances located in the streets, alleys, and public places of the City, by the City, and other utilities insofar as such joint use may be reasonably practicable and upon payment of reasonable rental therefore. Provided, that in the absence of agreement upon application by any public utility the Council shall provide for arbitration of the terms and conditions of such joint use and the compensation to be paid therefor;

(g) To require the utility to pay such part of the cost of improvement or maintenance of the streets, alleys, bridges, and public places of the City as shall arise from its use thereof and to protect and save the City harmless from all damages arising from said use.

**Section 17.2. FRANCHISE AND CONTRACTS.** Every ordinance or resolution granting any franchise or right to occupy or use the streets, highways, bridges, or public places in the City for any purpose shall be complete in the form in which it is finally passed and remain on file with the Clerk for public inspection for at least four (4) weeks before the final passage or adoption thereof or approval for referral to the electorate. No exclusive franchise shall ever be granted. No irrevocable franchise shall be granted by the City unless such proposition shall have first received the affirmative vote of at least three-fourths of the electors of the City voting thereon at a regular or special election. No such franchise ordinance or resolution shall be approved by the Council for referral to the electorate until a public hearing has been held thereon, nor until the grantee named therein has filed with the Clerk his unconditional acceptance of all terms of such franchise. No special election for such purpose shall be ordered by the Council unless the expense of holding such election, as determined by the Council shall have first been paid to the treasurer by the grantee.

A franchise ordinance or ordinances granting or authorizing the granting of a license to use or occupy the streets of the City for public utility purposes which is subject to revocation at the will of the City may be enacted by the Council without referral to the electorate, but shall not be enacted nor become operative unless it shall have been complete in the form in which it is finally enacted and remain on file with the Clerk for public inspection for at least four (4) weeks before the final enactment thereof.



**Section 17.3. GENERAL POWERS RESPECTING MUNICIPAL UTILITIES AND SERVICES.** The City shall possess and reserve to itself all the powers granted to cities by the Constitution and Statutes of the State of Michigan to acquire, construct, own, operate, improve, enlarge, extend, repair, and maintain, either within or without its corporate limits, hospitals and public utilities, including but not by the way of limitation, public utilities for treating and supplying water, and for supplying light power, sewage treatment, and garbage disposal facilities, or any of them, to the City and its inhabitants; and also to sell and deliver water, light, power, and other public utilities without its corporate limits to an amount not exceeding the limitations set by or under authority of law; provided, that no tax shall be levied for the provision of any public utility service unless a majority of the electors of the City, voting on the question, shall authorize the City to furnish such utility service. The power to supply, as herein possessed and reserved, shall include the power to extract and process water or to purchase the same from others.

**Section 17.4. MANAGEMENT OF UTILITIES OF THE CITY.** The Council shall provide by ordinance for the management, maintenance, improvement and operation of the utilities of the City, which management and operation shall be under the general supervision of the City Manager.

**Section 17.5. UTILITY CHARGES.** The Council shall fix the rates to be charged for all public utility services under its control. When any person shall fail or refuse to pay to the City any sums due on utility bills, the service upon which such delinquency exists may be shut off or discontinued by the proper authority or department of the City and suit may be instituted by the City for the collection of the same in a Court of competent jurisdiction.

**Section 17.6. LIEN FOR DELINQUENT UTILITY** Except as otherwise provided or limited by State law, the City shall have as security for the collection of all charges for utility services a lien upon the premises to which such utilities were supplied. Such lien shall become effective immediately upon the distribution or supplying such utility service or services to such premises. The Council may also provide by ordinance such additional procedures as may be required for the collection of public utility charges and for such purpose shall have all of the powers granted to cities by statute.

## **ARTICLE 18 — PROHIBITED ACTS BY OFFICERS AND EMPLOYEES**

**Section 18.1. ACCEPTANCE OF GRATUITIES.** No elective or appointed officer or employee of the City shall directly, or indirectly, receive or be paid any commissions, discounts, bonuses, gifts, contributions, or rewards by or from any person, firm or corporation doing business with the City,

holding or negotiating any contract with the City, or which has been granted any franchise by the City, nor shall any such elective or appointive officer or employee accept or receive any free pass, free tickets, or free service or any service upon terms more favorable than granted the general public from any person, firm, or corporation operating a public utility in the City.

**Section 18.2. INTEREST IN CONTRACTS.** No person holding any elective or appointive office under the City Government shall take any official action on any contract with the City or other matter in which he is financially included, or be a bondsman or surety on any contract or bond given to the City.

**Section 18.3. ACCEPTANCE OF SERVICE FROM CITY.** No elective or appointive official or employee of the City shall receive service from any City operated utility except under the same terms and conditions as furnished to all inhabitants of the City.

**Section 18.4. APPOINTMENT OF RELATIVES.** The following relatives of the City Manager, the Mayor, a Councilman, or a spouse thereof, shall not be appointed to any City office during the term for which any of said persons was elected or appointed, namely; a child, grandchild, parent, grandparent, brother, sister, half-brother, half-sister, or the spouse thereof.

**Section 18.5. INTERFERENCE WITH ADMINISTRATION.** No member of the Council shall direct the activities of a City employee except through the voice of the Council and-or thru the City Manager.

**Section 18.6. PENALTY** .Any elective or appointive officer or employee of the City who violates Sections 1, 2, 3, 4, or 5 of this Aarticle or whose conduct constitutes misconduct in office as set forth in this Charter shall be guilty of a misdemeanor and may be punished by a fine of not to exceed Five Hundred (\$500.00) Dollars, or imprisonment for not to exceed Ninety (90) days, or both such fine and imprisonment and upon conviction of such violation the office of such elective officer shall be declared vacant or the appointive official or employee discharged, as the case may be.

## **ARTICLE 19 — MISCELLANEOUS**

**Section 19.1. CIVIL LIABILITY.** No action shall be brought against the City for damages for a tort chargeable to the City unless:

(a) A notice in writing is served upon the City Clerk within Sixty (60) days from the date of the occurrence resulting in such damage stating the time, place and circumstances, the nature and extent of such damage as far as can be reasonably ascertained and the name and addresses of the claimant and all witnesses known to him.

(b) The claimant files a claim in writing with the City Clerk within One (1) year from the date of the occurrence upon which the claim is based setting forth the particulars thereof and the City Council given reasonable opportunity to pass on the merits thereof.

**Section 19.2. SURETY BONDS.** All officers of the City, whose duties involve the custody of public property or the handling of public funds, either by the way of receipt or disbursement or both, and all other officers and employees so required by the Council shall before they enter upon the duties of these respective offices with the City an official bond in such form and amount as the Council shall direct and approve. The City shall pay the cost of all bonds.

## **ARTICLE 20 — TRANSITION**

**Section 20.1. PURPOSE.** The purpose of this article is to inaugurate the government of the City of Pinconning under this Charter and it shall constitute a part of said Charter only to the extent and for the time required to accomplish that end.

**Section 20.2. SUBMISSION TO ELECTORS.** This Charter shall be submitted to a vote of the qualified and registered electors of the City of Pinconning at a special city election to be held on October 2, 1967 between the hours of 7:00 o'clock A.M. and 8:00 P.M. The Clerk shall give and publish notice of such submission and conduct the election as the law requires.

**Section 20.3. FORM OF BALLOT.** The form of the question on submission of this Charter shall be as follows:

Shall the proposed Charter of the City of  
Pinconning drafted by the Charter Revision  
Commission which was elected April 5, 1965  
be adopted?

YES ( )                      NO ( )

and it shall also be set forth on paper ballots, for absentee voting, in the usual manner.

**Section 20.4. CANVASS AND ADOPTION.** The City Clerk as chairman and the City Attorney and City Assessor shall act as the election commission of said election and the City Board of Canvassers shall meet at 9:30 o'clock A.M. on the first Thursday next following the election, publicly canvass the returns, and declare the results of the election. If it is determined that a majority of those voting upon the question voted "YES", the Charter shall be declared adopted; otherwise it shall be declared rejected. If it is adopted, the City Clerk shall perform all acts required by law to place this Charter in effect.

**Section 20.5. EFFECTIVE DATE.** Except as otherwise herein provided, said Charter, if adopted, shall go into effect

as of 12:01 o'clock A.M. on January 1, 1968 at which time the provisions hereof and the government herein authorized shall commence functioning.

**Section 20.6. FIRST CITY COUNCIL.** The City Council and other elective officers in office at the time this Charter takes effect shall continue in office for their respective terms as though elected hereunder, and with the powers and duties herein prescribed.

**Section 20.7. SUCCESSION TO RIGHTS AND PROPERTY.** The City of Pinconning as herein provided shall succeed to all of the privileges, titles, easements, right of way, causes of action, duties, commitments, powers, obligations and be the complete successor of the previous City of Pinconning. The City shall be vested with all property, monies, contracts, credits, effects, records, files, books and papers belonging to it under and by virtue of its previous charter. No rights or liability, contract, lease, or franchise, either in favor of or against the City, and no suit or prosecution of any character, shall be affected in any manner by any change resulting from the adoption of this Charter, but the same shall stand or proceed, as if no change had been made. All debts, and liabilities of the City shall continue to be its debts and liabilities, and all debts owing to it and fines, penalties, interest, or fees, imposed and existing at the time of such change, shall be collected by the City. All trusts, established for any municipal purpose, shall be continued in accordance with the terms thereof, subject to the cypres doctrine. All procedures for borrowing funds, assessing taxes, levying special assessments, establishing budgets, acquiring or disposing of property or rights, or otherwise administering the affairs of the City, in progress on the effective date of this Charter shall be continued and completed in accordance with the terms hereof. Until the City Council and City Manager herein authorized have exercised their powers with respect thereto, all officers and employees of the City shall continue to have the same duties, rights, powers and compensation as existed or was authorized prior to the effective date of this Charter.

**Section 20.8. CURRENT COMMISSION.** In all cases involving the transition of the City Government from that under the previous Charter to that under this Charter, which are not covered by this chapter, the current City Council shall supply the necessary details and procedures and may adopt such rules, regulations, and ordinances as may be required therefor.

**Section 20.9. CONTINUANCE OF ORDINANCES.** All ordinances or other valid proceedings or regulations of the previous City of Pinconning in full force and effect shall continue in full force and effect until repealed or amended as herein provided.

## RESOLUTION OF ADOPTION

Minutes of a meeting of the Charter Revision Commission of the City of Pinconning held at City Hall in said City on May 16, 1967, the following members being present:

Charles E. Berthiaume	Amos A. Ford
Calvin Z. Carstens	Donald S. Foster
Clive E. Deller	James J. Purtell
Frank M. Duranczyk	Stanley Resmer
Absent: Frank J. Szymborski	

I certify that the above named persons were duly elected members of the Pinconning Charter Revision Commission at an election held on April 5, 1965 and became and remained to this date, duly qualified and active members thereof.

At such meeting the following Resolution was offered by Commissioner Charles E. Berthiaume and seconded by Stanley Resmer.

Resolved that the Charter Revision Commission of the City of Pinconning does hereby adopt the foregoing instrument as the proposed revised Charter of the City of Pinconning after amending Sections 7-1 and 12.7 as directed by the Attorney General and after amending Section 20.6, the Clerk of the Commission is hereby directed:

(1) To transmit the same to the Governor of the State of Michigan for his approval in accordance with the provisions of Act. 279, P.A. 1909 as amended

(2) To file a copy of the same with the City Clerk.

(3) To cause the same to be published in the Pinconning Journal on September 6, 1967.

The vote on the adoption of the resolution was as follows: Unanimous in favor of said resolution.

The chairman thereupon declared the foregoing resolution adopted by the vote indicated and requested that the members of the Charter Revision Commission authenticate said Resolution and action to be filed with a true copy of said proposed revised Charter, with the City Clerk and presented to the Governor of the State of Michigan for his approval, which was done by their signatures hereto as follows:

Charles E. Berthiaume	Donald J. Foster
Calvin Z. Carstens	James J. Purtell
Clive E. Deller	Stanley Resmer
Frank M. Duranczyk	Amos A. Ford
Frank J. Szymborski	

(Signed May 17, 1967)

The Commissioners above named having attested to said Resolution in the manner shown, the meeting was adjourned subject to the call of the chairman.

Attesting as a true copy of the minutes of said meeting.

ETHEL GOBROGGE

Clerk of the Charter Revision Commission

#### **APPROVAL OF GOVERNOR**

I DO HEREBY APPROVE the above and foregoing Charter of the City of Pinconning, Michigan.

S/GEORGE ROMNEY

Governor of the State of Michigan

Dated at Lansing, Michigan this 19th day of July, 1967.

#### **MEMBERS OF 1967 CITY COUNCIL**

Mayor—

John Erdody

Councilmen—

Merton Peacock

Ronald Saha

Glenn Martin

Sanford Charron

Norman LaPorte

Charles Phillpotts