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**CHARTER\***

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**\*Editor's note**—Printed herein is the Charter of the City of Belleville, Michigan, as adopted by the electors on August 10, 1982, and effective on September 1, 1982. Amendments to the Charter are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original Charter. Obvious misspellings have been corrected without notation. For stylistic purposes, a uniform system of headings, catchlines and citations to state statutes has been used. Additions made for clarity are indicated by brackets.

**State constitutional law reference**—Power to adopt and amend Charter, Mich. Const. 1963, art. VII, § 22.

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### Resolution of Adoption

**PREAMBLE**

WE, THE PEOPLE OF THE CITY OF BELLEVILLE, COUNTY OF WAYNE, AND STATE OF MICHIGAN, IN A SPIRIT OF UNITY AND CONVICTION, PURSUANT TO THE AUTHORITY GRANTED BY THE CONSTITUTION AND THE STATUTES OF THE STATE OF MICHIGAN, DO HEREBY ORDAIN AND ESTABLISH THIS CHARTER FOR THE CITY OF BELLEVILLE.

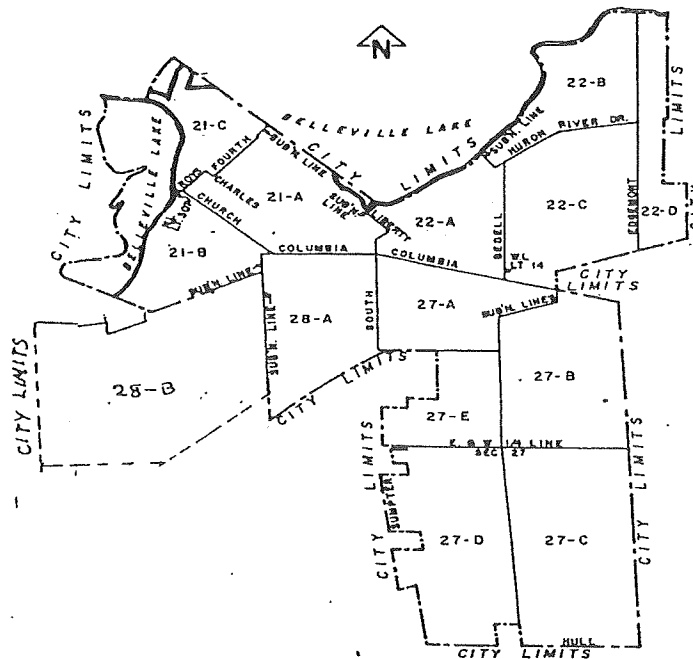
**CHAPTER I. NAME, BOUNDARIES, POLITICAL SUBDIVISIONS OF THE CITY**

**Section 1.1. Name of City.**

The official name of the City, governed by this charter shall be the City of Belleville.

**Section 1.2. Boundaries.**

The boundaries of the City existing when this charter takes effect shall continue in force until changed in accordance with law.



This map shows the general boundaries of the City. Technical and exact boundary description may be obtained from the City Engineer or State Boundary Commission.

State law reference—Incorporation, consolidation of territory and alteration of boundaries of home rule cities, MCL 117.6 et seq., MSA 5.2085 et seq.

**Section 1.3. Political subdivisions.**

The City shall consist of one (1) ward and such election precincts as are established in accordance with law.

**State law references**—Mandatory that Charter provide for the establishment of one or more wards, MCL 117.3(e), MSA 5.2073, (e); election precincts, MCL 168.654 et seq., MSA 6.1654 et seq.

**CHAPTER II. DEFINITIONS**

The following definitions shall apply in the interpretation of this Charter unless otherwise specifically stated:

**Section 2.1. Assessor.**

The word "Assessor" shall mean the City Assessor of the City of Belleville.

**Section 2.2. Board.**

Whenever reference is made to a "Board," it shall mean such Board of the City of Belleville.

**Section 2.3. City.**

The word "City" shall mean the City of Belleville.

**Section 2.4. Clerk.**

The word "Clerk" shall mean the City Clerk of the City of Belleville.

**Section 2.5. Commission.**

Whenever reference is made to a "Commission," it shall mean such Commission of the City of Belleville.

**Section 2.6. Constitution.**

The word "Constitution" shall mean the Constitution of the State of Michigan, present or future.

**Section 2.7. Council.**

The word "Council" shall mean the City Council, the legislative body of the City of Belleville.

**Section 2.8. Day.**

The word "Day" shall mean calendar day.

**Section 2.9. Law.**

The word "Law" shall include the constitution and acts of the United States and of the State of Michigan, other applicable law, this charter and the ordinances of the City.

**Section 2.10. Manager.**

The word "Manager" or the term "City Manager" shall mean the City Manager of the City of Belleville.

**Section 2.11. Mayor.**

The word "Mayor" shall mean the Mayor of the City of Belleville.

**Section 2.12. Person.**

The word "Person" shall mean individual, group, partnership, firm, corporation, association or congregation.

**Section 2.13. Printing and printed.**

The words "Printing" and "Printed" shall include printing, engraving, stencil duplicating, lithographing, typewriting, photostating or any other similar method used for reproducing written or printed matter.

**Section 2.14. State.**

The word "State" shall mean the State of Michigan.

**Section 2.15. Treasurer.**

The word "Treasurer" shall mean the City Treasurer of the City of Belleville.

**Section 2.16. Words.**

The singular shall include the plural, the plural shall include the singular and the masculine gender shall extend to and include the feminine gender and neuter.

**Section 2.17. Written or in writing.**

Except in reference to signatures, the words "Written" and "In Writing" shall include handwritten script, printing, typewriting, teletype and telegraphic communications.

### CHAPTER III. GENERAL MUNICIPAL POWERS

**Section 3.1. Power of the City.**

The City shall be vested with any and all powers which home rule cities are, or may hereafter be, required or permitted to exercise or to provide for in their Charters under the Constitution and laws of the State of Michigan, including, but not limited to, Act No. 279 of the Public Acts of Michigan of 1909 (MCL 117.1 et seq., MSA 5.2071 et seq.), as amended, as fully and completely as though the powers were specifically enumerated herein, except for such limitations and restrictions as are provided in this Charter, and no enumeration of particular powers of the City in this Charter shall be held to limit the powers stated in this Charter.

**Section 3.2. Inter-governmental relations.**

The City may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any one or more states or civil divisions or agencies thereof, or the United States or any agency thereof.

**State law reference**—Permissible that, in providing for the public peace, health and safety, a city expend funds or enter into contracts with a private organization, the federal or state government, a county, village or township, or another city for services considered necessary by the municipal body vested with legislative power, MCL 117.3(j), MSA 5.2073, (j).

**Section 3.3. Sale of water, heat, power and light.**

The City shall have the power to sell and deliver water, heat, power and light either within or without its corporate limits to an amount not to exceed that permitted by Statute and the Constitution of the State of Michigan.

**Section 3.4. Vacating of streets and alleys.**

When the Council shall deem it advisable to vacate, discontinue, or abolish any highway, street, lane, alley or public ground or any part thereof, they shall by resolution so declare, and in the same resolution shall appoint a time not less than four weeks thereafter when they will meet and hear objections thereto; notice of such meeting, with a copy of said resolution shall be given in such manner as shall be prescribed by ordinance or resolution. Objections to such proposed action of the Council may be filed with the Clerk in writing, and if any objections shall be filed, the street, alley or public ground or any part thereof, shall not be vacated or discontinued, except by a vote of four-fifths of the members of the Council.

**Section 3.5. Zoning.**

The City shall have the power to establish districts or zones within which the use of land and structures, the heights, the area, the size and location of buildings and required open spaces for light and ventilation of such buildings, and the density of population may be regulated by ordinances in accordance with statutory provisions governing zoning.

**State law reference**—Permissible that Charter provide for zoning, MCL 117.4i(c), MSA 5.2082, (c).

### CHAPTER IV. EXECUTIVE OFFICIALS

**Section 4.1. Executive officials.**

The elective officers of the City shall be a Mayor and four (4) Council members, all of whom shall be elected at large. No elective officer of the City shall be qualified to seek or be a candidate for any other elective City office unless he shall first resign from that elective City office which he is then holding, unless the term of the other elective office commences at the time the term of office then held expires.

**State law reference**—Mandatory that Charter provide for election of certain officers, MCL 117.3(a), MSA 5.2073, (a).

**Section 4.2. Terms of office.**

The Mayor and each Council member shall hold office for a term of four (4) years, commenc-



ing at 7:30 p.m. on the First Monday in December following his election. The Mayor and the two (2) Council members elected at the regular election in 1979 shall hold office until their successors are elected and qualified following the regular election to be held in 1983 and the two (2) Council members elected at the regular election held in 1981 shall hold office until their successors are elected and qualified following the regular election to be held in 1985.

#### **Section 4.3. Qualifications of elective officers.**

No person shall become a candidate or hold elective office under this charter unless that person has been a resident of the City for one year prior to the date of election, and registered voter of the City.

*State law reference*—Mandatory that Charter prescribe qualifications of officers, MCL 117.3(d), MSA 5.2073, (d).

#### **Section 4.4. Oath of office.**

Each elective officer of the City, before entering upon the duties of his office, shall take and subscribe to the oath of office prescribed by the State Constitution for officers of the State, which shall be filed in the office of the Clerk. In case of his failure to do so, within ten (10) days after receiving notice of his election, he shall be deemed to have declined the office. Notice of the election of any officer of the City and of the requirement of any official bond to be given by any such officer, shall be given him by the Clerk in writing within five (5) days after the canvass of the vote by which he was elected.

*State constitutional law reference*—Oath of public officers, Mich. Const. 1963, art. XI, § 1.

#### **Section 4.5. Surety bonds.**

Any City officer elected under the authority of this charter may be required by the Council to give a bond for the faithful performance of the duties of his office in such sum as the Council shall determine. All officers receiving or disbursing City funds shall be bonded. All official bonds shall be corporate surety bonds and the premiums thereon shall be paid by the City. All official bonds shall be filed with the Clerk.

#### **Section 4.6. Vacancy defined.**

In addition to other provisions of this charter, a vacancy shall be deemed to exist in any elective office when any such officer dies, resigns, is removed from office, moves from the City, is convicted of a felony or of misconduct in office under this charter, is judicially declared to be mentally incompetent, or, in the case of the Mayor and Council members, is absent from four (4) consecutive regular meetings of the Council, unless excused by the Council for cause to be stated in the record of Council proceedings.

*State law reference*—Vacancies in city offices, MCL 201.37, MSA 6.717.

#### **Section 4.7. Vacancies—How filled.**

Except as otherwise provided in this charter, any vacancy occurring in any elective office shall be filled by the Council or the remainder of them within thirty (30) days after such vacancy shall have occurred, by the Council, or the remainder of them. Said appointee shall serve until the second Monday next following the next regular City election following his appointment. In all cases where the term of office in which a vacancy occurs extends beyond the second Monday following the next regular City election following the occurrence of such vacancy, the vacancy shall be filled at such regular City election for the balance of the term. Any person elected or appointed to fill any vacancy shall take and subscribe to the usual oath of office and furnish any bond required of him of the same type and in the same manner as regularly elected officers.

#### **Section 4.8. Compensation of Mayor.**

The Mayor shall receive the sum of \$1,500.00 annually, said sum payable quarterly.

*State law reference*—Mandatory that Charter provide for compensation of officers, MCL 117.3(d), MSA 5.2073, (d).

#### **Section 4.9. Compensation of Council members.**

Each member of the Council shall receive the sum of \$1,000.00 annually. Said sum payable quarterly.

*State law reference*—Mandatory that Charter provide for compensation of officers, MCL 117.3(d), MSA 5.2073, (d).

**Section 4.10. Adjustment of compensation.**

Beginning in 1985 the compensation of the Mayor and Council members shall be determined by a Compensation Commission appointed pursuant to the provisions of section 5c of Act No. 279 of the Public Acts of Michigan of 1909 (MCL 117.5c, MSA 5.2084(3)), as amended. The Commission shall have the same duties and follow the procedure prescribed by said statute.

**Section 4.11. Limit of compensation.**

Except as otherwise specifically provided in this Charter, the compensation provided in this chapter shall be the only salary or remuneration which may be paid to the Mayor and Council members for services rendered. Upon authorization of the Council, reasonable expenses may be allowed when incurred on behalf of the City.

**Section 4.12. Duties of Mayor.**

The Mayor shall be the Chief Executive Officer of the City. He shall preside at the meetings of the Council, shall be a member of the Council and have the right to vote on all questions and to offer resolutions, introduce ordinances and exercise all other rights, powers and privileges of a member of said Council but shall have no power to veto. He shall from time to time give the Council information concerning affairs of the City and see that the laws relating to the City and the ordinances and regulations of the Council are enforced.

He shall be a conservator of the peace and may exercise within the City the powers conferred upon sheriffs to suppress disorder and shall perform all such duties and have such powers as are or may be prescribed by this Charter, by ordinances, by resolutions of the Council and by the laws of the State of Michigan. He shall authenticate by his signature such instruments as the Council, this Charter or the laws of the State require.

*State law reference*—Mandatory that Charter provide for duties of city officers, MCL 117.3(d), MSA 5.2073, (d).

**Section 4.13. Mayor Pro Tempore.**

At the first meeting of the Council following each regular City election the Council shall elect

one (1) of its members Mayor Pro Tempore to perform the duties of Mayor during the absence or disability of the Mayor.

**Section 4.14. City property.**

All books, papers, records or other City Property shall be the exclusive property of the City, and shall not become the property of any officer or employee at any time. All City Property in the possession of any elective or appointive officer, or any employee, shall be surrendered to the City upon the termination of the officer's term of office or the employee's employment.

## CHAPTER V. LEGISLATIVE DEPARTMENT

**Section 5.1. Council.**

The Council shall be composed of the Mayor and four (4) Council members. The Mayor shall preside at all meetings of the Council.

**Section 5.2. General powers of Council.**

The Council shall have full power and authority to exercise all the legislative power conferred upon the City by law.

*State law reference*—Mandatory that Charter provide for a body vested with legislative power, MCL 117.3(a), MSA 5.2073, (a).

**Section 5.3. Regular meetings.**

Regular meetings of the Council shall be held at least twice in each calendar month at 7:30 o'clock in the evening at the usual place of holding meetings of the Council. If a regular meeting day is a holiday, then such regular meeting shall be held on such other day as may be set by the Council.

**Section 5.4. Special meetings.**

Special meetings may be called by the Clerk on the written request of the Mayor or any two (2) members of the Council on at least twenty-four (24) hours' written notice to each member of the Council designating the date, time, place and purpose of such meeting, served personally or left at the usual place of residence of the Council

member by the Clerk or someone designated by him. A meeting in emergency session may be held as allowed by law.

#### **Section 5.5. Open meetings.**

All meetings of the Council, except those which may be closed by law, shall be open to the public and the rules of the Council shall provide that citizens shall have a reasonable opportunity to be heard at any meeting on matters before the Council prior to the time action is taken. Public notice of all Council meetings shall be in accordance with law and such posting shall inform the general public of all meetings for which such a requirement is made. Notices of all meetings as required by law shall be posted in public locations as determined by the Council and such locations shall be readily accessible to the people day and night.

**State law reference**—Open meetings act, MCL 15.261 et seq., MSA 4.1800(11) et seq.

#### **Section 5.6. Quorum.**

A majority of the members of the Council shall be a quorum for the transaction of business.

#### **Section 5.7. Rules.**

The Council shall determine its own rules and order of business and shall keep a journal of all of its proceedings in the English language which shall be signed by the Mayor and the Clerk. On all votes, the yea and nay vote of each member shall be recorded by roll call and published in the regular proceedings. Except that where the vote is unanimous, it shall only be necessary to so state.

**State law reference**—Mandatory that Charter provide for keeping of a journal of every session, MCL 117.3(m), MSA 5.2073, (m).

#### **Section 5.8. Limitations on the powers of the Council.**

No ordinance or resolution shall be adopted or passed except by the affirmative vote of a majority of the members of the Council. No office shall be created or abolished, no tax or assessment imposed, street, alley or public ground vacated, real estate or any interest therein sold or disposed

of, private property taken for public use, vote of the Council reconsidered or rescinded, nor any money appropriated at a special meeting, except as otherwise provided in this charter, unless by the affirmative vote of a majority of the members of the Council.

#### **Section 5.9. Publication of proceedings.**

The proceedings of the Council shall be published within fifteen (15) days after the passage thereof. A synopsis of such proceedings, prepared by the Clerk and approved by the Mayor, showing the substance of each separate proceeding of the Council shall be a sufficient compliance with the requirements of this section.

### **CHAPTER VI. AUTHORITY OF THE CITY COUNCIL**

#### **Section 6.1. Discipline.**

The Council shall be the judge of the election and qualification of its own members subject to review by the courts in cases of contest. The Council may, by a majority vote of those present, compel the attendance of its members and other officers of the City at its meetings and enforce orderly conduct therein; and any member of the Council who refuses to conduct himself in accordance with the wishes of such majority shall be deemed guilty of misconduct in office.

#### **Section 6.2. Investigations.**

The Council or any person or committee authorized by it shall have power to inquire into the conduct of any department, office or officer of the City and to make investigations as to municipal affairs, and for that purpose may subpoena witnesses, administer oaths, and compel the production of books, papers and other evidence. Failure to obey such subpoena or to produce books, papers, or other evidence as ordered under the provisions of this section shall constitute misconduct in office.

#### **Section 6.3. Depository of City funds.**

The Council shall select depositories in which the funds of the City shall be deposited.

**Section 6.4. Public health and safety.**

Through the established departments of the City government, the Council shall provide for the public peace and health and for the safety of persons and property.

**Section 6.5. Streets and alleys.**

The Council shall have power to establish and vacate and to use and to control and regulate the use of its streets, alleys, bridges, and public places, and the space above and beneath them. Such power shall include, but not be limited to, the proper policing and supervision thereof and to the licensing and regulation, or the prohibition of the placing of signs, awnings, awning posts, and things which are of such nature as to impede or make dangerous the use of sidewalks, upon or over the sidewalks of the City, and the licensing and regulation of the construction and use of openings in the sidewalks, and of all vaults, structures, and excavations under the same.

**Section 6.6. Water and water courses, sewers.**

For the benefit of public morals, peace, health and welfare, the Council shall have power to use and to control and regulate the use of all streams, waters, water courses and sewers within the City limits.

**Section 6.7. Plats.**

No lands or premises shall be laid out, divided and platted into lots, streets, and alleys within the City except by permission and approval of the Council by resolution passed for that purpose; nor until the proprietor shall file with the Clerk a correct survey, plan, and map of such ground and subdivisions thereof, platted and subdivided as provided by the Council, and made to its satisfaction; showing also the relative position and location of such lots, streets, and alleys with respect to the adjacent lots and streets of the City nor shall the City by reason of the approval of any such plat be responsible for the improvement, care and repairs of any streets and alleys shown thereon, excepting such of them as the Council shall accept and confirm by ordinance or resolu-

tion. No plat shall be approved by the Council wherein the lots and subdivisions thereof are described by metes and bounds.

**Section 6.8. Licenses.**

The Council shall by ordinance prescribe the terms and conditions upon which licenses may be granted, suspended, or revoked; and may require an exact payment of such reasonable sums for any licenses as it may deem proper. The persons receiving the licenses shall, before the issuing thereof, execute a bond to the City, when required by any ordinance, in such sum and with such securities as prescribed by such ordinance, conditioned for the faithful observance of the charter of the City, the ordinance under which the license is granted, and otherwise conditioned as any such ordinance may prescribe.

**Section 6.9. Rights as to property.**

The Council shall have the power to acquire for the City by purchase, gift, condemnation, lease, construction or otherwise, either within or without its corporate limits, and either within or without the County of Wayne, private property, for any public use or purpose within the scope of its powers, whether herein specifically mentioned or not; and shall have the power to maintain and operate the same to promote the public health, safety and welfare.

**Section 6.10. Parks and playgrounds.**

The Council shall have authority to lay out, establish, or vacate and discontinue public parks and playgrounds within the City, and to improve, light, and ornament the same, to regulate the use thereof, and to protect them from encroachment and injury; provided, however, that no park or playground shall be vacated or discontinued except on a majority vote of the electors voting thereon at any general or special election.

**Section 6.11. Public libraries.**

The Council may provide for the establishment, operation and maintenance of a Public Library or for the contracting for library service.

**Section 6.12. Firearms control.**

With respect to the ownership and possession of firearms, the general laws of this State shall control. The Council shall enact no ordinance which places restrictions upon the rights of individuals to own or possess firearms, greater than those which exist under State law.

**CHAPTER VII. LEGISLATION\*****Section 7.1. Resolutions.**

The Council shall act only by ordinance or resolution.

**Section 7.2. Ordinances.**

The style of all ordinances shall be, "The City of Belleville Ordains." No ordinance shall be revised, altered or amended by reference to its title only, but the section or sections of the ordinance revised, altered, or amended shall be reenacted and published in full, except as otherwise provided in this charter. An ordinance may be repealed by reference to its number and title only. The effective date of any ordinance shall not be less than ten (10) days after its adoption and publication unless the Council shall, upon attaching a declaration of emergency affecting the public peace, health or safety, fix an earlier date, but no ordinance shall take effect until after publication thereof and no measure levying a tax, making or amending a grant, renewal, or extension of a franchise or other special privilege shall ever be passed as an emergency measure.

*State law reference*—Mandatory that Charter provide for ordinances, MCL 117.3(k), MSA 5.2073, (k).

**Section 7.3. Ordinance records.**

All ordinances when enacted shall be recorded by the Clerk in a book called "The Ordinance Book," and it shall be the duty of the Mayor and the Clerk to authenticate such record by their official signatures.

*\*State constitutional law reference*—General authority relative to adoption of ordinances, Mich. Const. 1963, art. VII, § 22.

**Section 7.4. Publication of ordinances.**

It shall be the duty of the Clerk to cause every ordinance to be published by printing the same in a newspaper circulating within the City. The Clerk shall immediately after such publication enter in the "Ordinance Book," under the record of the ordinance, a certificate under his hand stating the time and fact of such publication. Such certificate shall be prima facie evidence of the due publication of the ordinance.

*State law reference*—Mandatory that Charter provide for publication of all ordinances before they become operative, MCL 117.3(k), MSA 5.2073, (k).

**Section 7.5. Compilation and revision.**

If the Council shall, by resolution, order a general revision and compilation of all City ordinances, the printing and binding of not less than one hundred (100) copies in booklet form available for public distribution at cost shall be sufficient publication of such revised and compiled ordinances. Such compilation shall contain an ordinance indicating by number and title, the ordinances of the City which are repealed and shall also contain an ordinance establishing such revised and compiled ordinances, together with any amendments thereto, and additions thereto as the ordinances of the City and designating when such ordinances shall become effective. Such revised ordinances need not be recorded in "The Ordinance Book."

*State law reference*—Codification authority, MCL 117.5b, MSA 5.2084(2).

**Section 7.6. Penalty.**

All offenses by officers of the City, both elective and appointive, declared by this charter to constitute misdemeanors or misconduct in office and all violations of City ordinances shall be punishable by a fine not exceeding Five Hundred (\$500.00) Dollars or by imprisonment for a period not exceeding ninety (90) days, or both in the discretion of the court.

*State law reference*—Limitation on penalties, MCL 117.4i(k), MSA 5.2082, (k).

**Section 7.7. Initiative and referendum.**

An ordinance may be initiated by petition. A referendum on an ordinance enacted by the Coun-

cil may be had by a petition filed prior to twenty (20) days subsequent to enactment of the ordinance; as hereinafter provided.

**State constitutional law reference**—Initiative and referendum, Mich. Const. 1963, art. II, § 9.

**State law reference**—Permissible that Charter provide for initiative and referendum, MCL 117.4i(g), MSA 5.2082, (g).

### Section 7.8. Petitions.

An initiatory or a referendary petition shall be signed by registered qualified electors of the City in number equal to twenty-five (25%) percent of the total vote for Mayor at the last regular City election prior to filing of the petition. Before being circulated for signature, all such petitions shall be approved as to form by the City Attorney. No such petition need be on one paper, but may be the aggregate of two or more petition papers. Each signer of a petition shall sign his name in ink or indelible pencil, and shall place thereon, after his name, the date and his place of residence by street and number, or by other customary designation. To each petition paper there shall be attached a sworn affidavit by the circulator thereof, stating the number of signers thereto and that each signature thereon is the genuine signature of the person whose name it purports to be, and that it was made in the presence of the affiant. Any such petition shall be filed with the Clerk who shall, within ten (10) days, determine the sufficiency thereof and so certify. If found to contain an insufficient number of names of qualified electors of the City, or to be improper as to form or compliance with the provisions of this section, ten (10) days shall be allowed for the filing of supplemental petition papers. When found sufficient and proper, the Clerk shall present the petition to the Council at its next regular meeting.

### Section 7.9. Council procedure.

Upon receiving a certified initiatory or referendary petition from the Clerk, the Council shall, within thirty (30) days, either (a) if it be an initiatory petition, adopt the ordinances; (b) if it be a referendary petition, repeal the ordinance; or (c) in either case, determine to submit the proposal to the electors.

### Section 7.10. Submission to electors.

Should the Council decide to submit the proposal to the electors, it shall be submitted at the next election held in the City for any other purpose, or in the discretion of the Council, at a special election. The results shall be determined by a majority vote of the electors voting thereon, except in cases where otherwise required by law.

**State law references**—Restrictions on number of special elections, MCL 117.5(c), MSA 5.2084, (c); special election approval, MCL 168.631, 168.639, MSA 6.1631, 6.1639.

### Section 7.11. General provisions.

The certification by the Clerk of the sufficiency of a referendary petition shall automatically suspend the ordinance in question pending repeal by the Council or final determination by the electors, as the case may be. An ordinance adopted by the electorate through initiatory proceedings may not be amended or repealed by the Council for a period of two (2) years, and then only by the affirmative vote of not less than four (4) members of the Council. Should two (2) or more ordinances adopted at the same election have conflicting provisions, the one receiving the highest vote shall prevail as to those provisions.

## CHAPTER VIII. ADMINISTRATIVE OFFICERS

### Section 8.1. Administrative officers.

The administrative officers of the City shall be the City Manager, City Attorney, Clerk, Treasurer, Assessor, Police Chief, Fire Chief, Superintendent of Public Works and such additional administrative officers as many be created by ordinance; but the Council may not diminish the duties or responsibilities of the office of the City Manager. The City Manager shall be appointed by the Council for an indefinite period, shall be responsible to serve at the pleasure of the Council and shall have his compensation fixed by the Council. The appointment of City Manager may be by contract between the City and the City Manager for a term not to exceed three (3) years.

**State law reference**—Mandatory that Charter provide for the appointment of certain officers, MCL 117.3(a), MSA 5.2073, (a).

**Section 8.2. City Manager, appointment and qualifications.**

The Council shall appoint the City Manager. The City Manager shall hold office at the pleasure of a majority of the Council, but he shall not be removed from office during a period of ninety (90) days following any regular City election except by the affirmative vote of four (4) members of the Council. He shall be selected solely on the basis of his executive and administrative qualifications with special reference to his training and actual experience in municipal administration. The appointee need not be a resident of the City at the time of his appointment. However, he shall establish residency within six (6) months after his appointment unless the Council extends the time for good cause. Removal of the City Manager may be made by the Council in its sole discretion, provided, however, that ten (10) days notice to the City Manager be given, and any action taken by the Council be at a regularly scheduled meeting. The City Manager affected may be present and be heard at such meeting.

**Section 8.3. City Manager: powers and duties.**

The City Manager shall be the chief administrative officer of the City. He shall be responsible to the Council for the administration of all City affairs placed in his charge by or under this charter. He shall have the following powers and duties:

1. He shall recommend appointments and/or appoint and when he deems it necessary for the good of the service, he shall recommend suspensions and/or suspend or remove any City employees or administrative officers under his control pursuant to this charter, except as otherwise provided by law or personnel rules adopted pursuant to this charter. He may authorize any administrative officer who is subject to his direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency.
2. He shall direct and supervise the administration of all departments, offices and agencies of the City, except as otherwise provided by this charter or by law.

3. He shall attend all Council meetings, unless excused by the Council, and shall have the right to take part in the discussion but may not vote.
4. He shall see that all laws, provisions of this charter and acts of the Council, subject to enforcement by him or by officers subject to his direction and supervision, are faithfully executed.
5. He shall prepare and submit the annual budget and capital program to the Council.
6. He shall submit to the Council and make available to the public a complete report of the finances and administrative activities of the City as of the end of each fiscal year.
7. He shall make such other reports as the Council may require concerning the operations of City departments, offices and agencies subject to his direction and supervision.
8. He shall keep the Council fully advised as to the financial condition and future needs of the City and make such recommendations to the Council concerning the affairs of the City as he deems desirable.
9. He shall, subject to the provisions of this Charter, establish personnel standards and procedures, and maintain all personnel records of City employees.

State law reference—Mandatory that Charter provide for duties of city officers, MCL 117.3(d), MSA 5.2073, (d).

**Section 8.4. Acting City Manager.**

At all times there shall be a City Employee designated by the Council to serve as Acting City Manager in the absence or disability of the City Manager. The Council may revoke such designation at any time and appoint another employee of the City to serve.

**Section 8.5. Attorney: functions and duties.**

The Mayor shall, with the approval of the Council, appoint a City Attorney who shall hold office at the pleasure of the Council and who need

not be a resident of the City. The Attorney shall act as legal advisor to, and be attorney and counsel for the Council and shall be responsible solely to the Council. He shall advise any officer or department head of the City in matters relating to his official duties, when so requested, and shall file with the Clerk a copy of all written opinions given by him. The Attorney shall prosecute all charter and ordinance violations and he shall conduct for the City such cases in Court and before other legally constituted tribunals as the Council may request. He shall file with the Clerk copies of all records and files relating thereto as the Council may direct. The Attorney shall prepare or review all ordinances, contracts, bonds and other written instruments which are submitted to him by the Council and shall promptly give his opinion as to the legality thereof. The Attorney shall call to the attention of the Council all matters of law, and changes or developments therein affecting the City. The Attorney shall perform such other duties as may be prescribed for him by this charter or by the Council. Upon the recommendation of the Attorney, or upon its own initiative, the Council may retain special legal counsel to handle any matter in which the City has an interest or to assist and counsel with the Attorney herein [therein].

*State law reference*—Mandatory that Charter provide for duties of city officers, MCL 117.3(d), MSA 5.2073, (d).

#### **Section 8.6. City Clerk: functions and duties.**

The Clerk shall be Clerk of the Council. He shall attend all meetings of the Council and shall keep a record of all ordinances, resolutions, and regulations of the Council, and shall be responsible for the publication of all proceedings required to be published and the giving of proper notice where any notice is required. He shall administer such oaths as are required under this charter or the laws of the State of Michigan. He shall be custodian of the City Seal, and shall affix it to all documents and instruments requiring the seal, and shall attest the same. He shall also be custodian of all papers, documents and records pertaining to the City, the custody of which is not otherwise provided for. He shall give to the proper department or officials ample notice of the expi-

ration or termination of any franchises, contracts or agreements. He shall provide and maintain in his office a supply of forms for all petitions required to be filed for any purpose by the provisions of this charter or any City ordinance and shall accept no petitions for any purpose set forth in this charter which are not on the forms provided by him for such purpose. He shall certify by his signature all ordinances and resolutions enacted or passed by the Council and perform any other duties required of him by the State law, this charter, by the Council or City Manager.

*State law reference*—Mandatory that Charter provide for duties of city officers, MCL 117.3(d), MSA 5.2073, (d).

#### **Section 8.7. City Treasurer: function and duties.**

The Treasurer shall have the custody of all monies of the City, the Clerk's bond and all evidences of value belonging to the City, or held in trust by the City. He shall receive all monies belonging to and receivable by the City including license fees, taxes, assessments and all other charges belonging to and payable to the City, and shall in all cases give a receipt therefor. He shall keep and deposit all monies or funds in such manner and only in such places as the Council may determine. He shall report the same in detail to the Council. He shall have such powers and duties in regard to the collection and custody of City taxes and money as may be conferred upon him by this charter or by State law. He shall establish a system of accounts which conforms to a uniform system of accounts as required by law. He shall perform such other duties as may be prescribed for him by this charter, by the Council or City Manager.

*State law reference*—Mandatory that Charter provide for duties of city officers, MCL 117.3(d), MSA 5.2073, (d).

#### **Section 8.8. Appointment of administrative officers.**

Subject to the approval of the Council, and except as otherwise provided by law or personnel rules adopted pursuant to this charter, the City Manager shall appoint and may remove all administrative officers except the City Manager and the City Attorney. The administrative officer shall be the head of his respective department and



shall have direct supervision over all personnel within his department. Subject to such general rules and regulations as may be established by the Council and the City Manager, and except as otherwise provided by law or personnel rules adopted pursuant to this charter, the administrative officer shall appoint and may remove employees within his department and he shall assign the duties and responsibilities of all personnel under his jurisdiction.

### Section 8.9. Departments.

The Council may, by ordinance, establish such departments of the City as it deems necessary or advisable and shall prescribe therein the functions of such departments and the duties, authorities and responsibilities of the officers of such departments. The City Manager may prescribe such duties and responsibilities of the officers of those departments responsible to him which are not inconsistent with the charter or with any ordinance or resolution adopted concerning such duties and authorities under authority of this charter.

**State law reference**—Permissible that Charter provide for the establishment of a city department, MCL 117.4j, MSA 5.2083.

## CHAPTER IX. ELECTIONS\*

### Section 9.1. Qualifications of electors.

Each person who has the constitutional qualifications of an elector in the State of Michigan or who will have such qualifications at the next ensuing regular or special election, shall be entitled to register as an elector of the City in the voting district in which he resides.

**State law references**—Mandatory that Charter provide for registration of electors, MCL 117.3(c), MSA 5.2073, (c); registration of electors, MCL 168.491 et seq., MSA 6.1491 et seq.; qualifications for registration as elector, MCL 168.492, MSA 6.1492.

**\*State law references**—Mandatory that Charter provide for the time, manner and means of holding elections, MCL 117.3(c), MSA 5.2073, (c); Michigan election law, MCL 168.1 et seq., MSA 6.1001 et seq.

### Section 9.2. Election procedure.

The general election laws of the State shall apply to and control, as near as may be, all procedures relating to registration and City elections, except as such general laws relating [relate] to political parties or partisan procedure, and except as otherwise provided by this charter.

**State law reference**—Michigan election law, MCL 168.1 et seq., MSA 6.1001 et seq.

### Section 9.3. Regular elections.

A non-partisan regular City election shall be held on the Tuesday succeeding the first Monday in November in every odd numbered year.

**State law reference**—Odd year general elections, applicability to home rule city, MCL 168.644j, MSA 6.1644(10).

### Section 9.4. Special elections.

Special elections shall be held when called by resolution of the Council at least sixty (60) days in advance of such election, or when required by this charter or the general laws of the State. Any resolution calling a special election shall set forth the purpose of such election. No more than two (2) special elections shall be held in any one calendar year, unless a greater number shall hereafter be permitted by State law.

**State law references**—Restrictions on number of special elections, MCL 117.5(c), MSA 5.2084, (c); special election approval, MCL 168.631, 168.639, MSA 6.1631, 6.1639.

### Section 9.5. Notice of election.

Notice of the time and place of holding any election and the officers to be elected and the questions to be voted upon shall, except as herein otherwise provided, be given by the Clerk in the same manner and at the same time as provided in the State election laws for the giving of notices by township Clerks in State elections.

**State law reference**—Notice of election, MCL 168.653a, MSA 6.1653(1).

### Section 9.6. Voting hours.

The polls of all elections shall be opened at 7 a.m., on election day and shall remain open until 8 p.m. of the same day. Every qualified elector

present and in line at the polls at the hour prescribed for the closing thereof shall be allowed to vote.

*State law reference*—Opening and closing of polls, MCL 168.720, MSA 6.1720.

### **Section 9.7. Nominating petitions.**

Persons desiring to qualify as candidates for any elective office under this charter shall file with the Clerk a petition therefor signed by not less than twenty (20) nor more than forty (40) registered electors of the City not later than 4:00 o'clock p.m. local time on the seventh (7th) Tuesday prior to the date of the regular City election. Blank petitions in substantially the same form as required by State law for State and County officers, except for references to party, shall be prepared and furnished by the Clerk. At least one (1) week before, and not more than three (3) weeks before, the last day for filing nominating petitions, the Clerk shall publish notice to that effect. No person shall sign his name to a greater number of petitions for any one office than there are candidates to be elected to said office. Where any name appears on more petitions than there are candidates to be elected to said office, such name shall not be counted upon any petition for that office.

*State law references*—Mandatory that Charter provide for nomination of elective officers, MCL 117.3(b), MSA 5.2073, (b); nonpartisan nominating petitions, MCL 168.544a, MSA 6.1544(1).

### **Section 9.8. Approval of petitions.**

The Clerk shall accept for filing only nominating petitions on official blanks containing the required number of signatures for candidates having those qualifications required for elective City officers by this charter. When petitions are filed by persons other than the person whose name appears thereon as a candidate, they may be accepted for filing only when accompanied by the written consent of the person in whose behalf the petition or petitions were circulated. He shall forthwith determine the sufficiency of the signatures on each petition filed, and if he finds that any petition does not contain the required number of legal signatures of registered electors, he shall immediately notify the candidate, who may file an amended petition not later than five (5) days after the date and hour for filing the original

petition. Each petition which is found by the Clerk to contain the required number of signatures of registered electors for candidates shall be marked "in order," with the date thereof, and he shall so notify the candidate whose name appears thereon, in writing.

### **Section 9.9. Form of ballots.**

The form of the ballot used in any City election shall conform as nearly as may be to that prescribed by the general laws of the State, except that no party designation or emblem shall appear upon any City ballot. The names of qualified candidates for each office shall be listed in a single column and shall be rotated on the ballots. In all other respects the printing and number of ballots shall conform to the general laws of the State, relating to elections.

*State law reference*—Arrangement of ballot, MCL 168.706, MSA 6.1706.

### **Section 9.10. Election Commission.**

An election commission is hereby created, consisting of the Clerk, the Mayor and one other elective or appointive City officer which the Council shall designate. The Clerk shall be chairman. The Commission shall have charge of all activities and duties required of it by State law and this charter relating to the conduct of elections in the City.

*State law reference*—Boards of city election commissioners, MCL 168.25, MSA 6.1025.

### **Section 9.11. Canvass of votes.**

The Council shall appoint a Board of Canvassers as provided by the general election law. The Board shall have all of the powers and duties prescribed by law.

### **Section 9.12. Tie vote.**

If at any City election there shall be no choice between candidates by reason of two (2) or more candidates having received an equal number of votes, then the Council shall name a date for the appearance of such candidates for the purpose of determining the election of such candidates by lot as provided by State law.

*State law reference*—Determination of election by lot, MCL 168.851 et seq., MSA 6.1851 et seq.

**Section 9.13. Recount.**

A recount of the votes cast at any City election for any office, or upon any proposition, may be had in accordance with the general election laws of the State.

**State law reference**—Recounts, MCL 168.861 et seq., MSA 6.1861 et seq.

**Section 9.14. Recall.**

Any elective official may be removed from office by the electors of the City in the manner provided by the general laws of the State. A vacancy created by the recall of any elective official shall be filled in the manner prescribed by State law.

**State constitutional law reference**—Recalls, Mich. Const. 1963, art. II, § 8.

**State law references**—Permissible that Charter provide for recall of its officers, MCL 117.4i(g), MSA 5.2032, (g); recall generally, MCL 168.951 et seq., MSA 6.1951 et seq.

**CHAPTER X. BUDGET\*****Section 10.1. Fiscal year.**

The fiscal year of the City shall be the first day of July through the thirtieth day of June of the following year.

**Section 10.2. Budget procedure.**

The Council shall annually adopt a timetable for budget preparation. Pursuant to the timetable each administrative officer shall submit to the Manager or such other officer or officers as may be designated by the Council an itemized estimate of the expenditures for the next fiscal year, for the department or activities under his control. The Manager or such other officer or officers, shall pursuant to State law, prepare a complete itemized budget for all funds for the next fiscal year and shall submit it to the Council, together with a suggested general appropriation act.

**\*State law reference**—Uniform budgeting and accounting act, MCL 141.421 et seq., MSA 5.3228(21) et seq.

**Section 10.3. Recommended budget.**

The recommended budget shall present a complete financial plan for the ensuing fiscal year. It shall meet the requirements of State law and include at least, the following information:

- (a) Expenditure data for the most recently completed fiscal year and estimated expenditures for the current fiscal year.
- (b) An estimate of the expenditure amounts required to conduct in the ensuing fiscal year, the government, of the local unit, including its budgetary centers.
- (c) Revenue data for the most recently completed fiscal year and estimated revenue for the current fiscal year.
- (d) An estimate of the revenues, by source of revenue, to be raised or received by the local unit in the ensuing fiscal year.
- (e) The amount of surplus or deficit that has accumulated from prior fiscal years, together with an estimate of the amount of surplus or deficit expected in the current fiscal year.
- (f) An estimate of the amounts needed for deficiency, contingent, or emergency purposes, and the amounts needed to pay and to discharge the principal and interest of debt of the local unit due in the ensuing fiscal year.
- (g) The amount of proposed capital outlay expenditures, except those financed by enterprise, public improvement or building and site, or special assessment funds, including the estimated total costs and proposed method of financing of each capital construction project and the projected additional annual operating cost and the method of financing the operating costs of each capital construction project for three (3) years beyond the fiscal year covered by the budget.
- (i)[h] Other data relating to the fiscal conditions that the funds, including the estimated total cost and proposed method of financing each capital construction project, and the projected additional annual oper-

ating cost and the method of financing the operating costs of each capital constructions project for three (3) years beyond the fiscal year covered by the budget [sic].

- (i) Other data relating to the fiscal conditions that the chief administrative officer or, in local units which have not elected or designated a chief administrative officer, the fiscal officer considers to be useful in considering the financial needs of the local unit.
- (j) Such other supporting schedules as the Council may deem necessary or the Council may require.

#### **Section 10.4. Budget hearing.**

A public hearing on the budget shall be held before its final adoption, at such time and place as the Council shall direct, and notice of such public hearing shall be published at least one (1) week in advance by the Clerk. A copy of the proposed budget shall be on file and available to the public during office hours at the office of the City Clerk for a period of not less than one (1) week prior to such public hearing.

#### **Section 10.5. Adoption of budget.**

Not later than the first Monday in June, the Council shall, by a general appropriation act, adopt an activity area budget for the next fiscal year and shall provide, by resolution, for a levy of the amount necessary to be raised by taxation for municipal purposes.

**State law references**—Mandatory that Charter provide for an annual appropriation, MCL 117.3(h), MSA 5.2073, (h); restriction on rate of taxation, MCL 117.5(a), MSA 5.2084, (a).

#### **Section 10.6. Transfer of appropriations.**

After the budget has been adopted, no money shall be drawn from the treasury of the City nor shall any obligation for the expenditure of money be incurred, except pursuant to the budget appropriation. The Council may transfer any unencumbered appropriation balance or any portion thereof from one (1) department fund or agency to another. The balance in any appropriation which

has not been encumbered at the end of the fiscal year shall revert to the general fund and be reappropriated during the next fiscal year.

#### **Section 10.7. Budget control.**

At the beginning 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 the estimated and actual income and expenses to date. The Council shall amend the general appropriations act as soon as it becomes apparent that a deviation from the original general appropriations act is necessary and the amount of the deviation can be determined.

#### **Section 10.8. Independent audit.**

An independent audit shall be made of all Funds of the City government at the end of each fiscal year, and more frequently if deemed necessary by the Council. Such audit shall be made by qualified accountants experienced in municipal accounting. The results of such audit shall be made public in such manner as the Council may determine. An annual report of the City business shall be made available to the public in such form as will disclose pertinent facts concerning the activities and finance of the City government.

**State law reference**—Local units less than 1,000,000, annual audit, MCL 141.425, MSA 5.3228(25).

### **CHAPTER XI. TAXATION\***

#### **Section 11.1. Subjects of taxation.**

The subjects of taxation for municipal purposes shall be the same as for State, County, and school purposes under the general law of the State.

**State law references**—Mandatory that Charter provide that subjects of taxation for municipal purposes shall be the same as for state, county and school purposes, MCL 117.3(f), MSA 5.2073, (f); general property tax act, MCL 211.1 et seq., MSA 7.1 et seq.

#### **Section 11.2. Taxation procedure.**

The City shall have the power to assess taxes and levy and collect rents, tolls, and excises with

**\*State law reference**—General property tax act, MCL 211.1 et seq., MSA 7.1 et seq.

the limitation that the Annual Ad Valorem Tax shall not exceed two (2%) percent of the assessed value of all real and personal property subject to taxation in the City.

**State law references**—Mandatory that Charter provide for annual levy and collection of taxes, MCL 117.3(g), MSA 5.2073, (g); restriction on rate of taxation, MCL 117.5(a), MSA 5.2084, (a).

### **Section 11.3. Assessment roll.**

On or before the first Monday in March of each year, the Assessor shall make and certify an assessment roll of all persons and property in the City liable to taxation.

**State law references**—Mandatory that Charter provide for preparation of assessment roll, MCL 117.3(i), MSA 5.2073, (i); assessment roll, MCL 211.24 et seq., MSA 7.24 et seq.

### **Section 11.4. Board of Review.**

There shall be a Board of Review established in accordance with law, consisting of three (3) persons appointed by the Mayor, subject to the approval of the Council. The persons appointed shall have the qualifications required by this charter for officers of the City, and shall be taxpayers of the City. At least one of the members shall be a person who is not an elected official, administrative officer or employee of the City. Compensation of the members of the Board of Review shall be fixed by the Council. Elective officials shall be entitled to retain any compensation paid to them as a member of such Board. Members of said Board shall take the constitutional oath of office which shall be filed with the City Clerk.

**State law reference**—Mandatory that Charter provide for a board of review, MCL 117.3(a), MSA 5.2073, (a).

### **Section 11.5. Meetings of the Board of Review.**

The Board of Review shall convene on the Tuesday next following the first Monday in March of each year for the purpose of considering correcting the assessment roll. The Board shall likewise convene on the Tuesday next following the second Monday in March of each year for the purpose of considering and correcting the assessment roll. Each session the Board shall hear the

public and shall continue in session as many days as may be required for the completion of its duties.

**State law reference**—Mandatory that Charter provide for meeting of board of review, MCL 117.3(i), MSA 5.2073, (i).

### **Section 11.6. Notice of meetings.**

Notice of a time and place of the sessions of the Board of Review shall be published by the Clerk at least one week prior to the date of said meeting.

### **Section 11.7. Organization of Board of Review.**

On the first day of its meeting in each year the Board of Review shall elect one of its members as Chairman and another member to serve as Secretary.

### **Section 11.8. Endorsement of assessment roll.**

On or before the second Monday in April, the Board of Review shall endorse the assessment roll as provided by general law. Such roll shall be the assessment roll of the City for all tax purposes.

**State law reference**—Completion of review of assessments prior to first Monday in April required, MCL 211.30a, MSA 7.30(1).

### **Section 11.9. Certify tax levy to Assessor.**

Within three (3) days after the adoption by the Council of the budget for the next fiscal year, the Clerk shall certify to the Assessor the amount of the tax levy fixed by the Council which the Assessor shall proceed to rateably assess to each person and piece of property on the assessment roll, together with all special assessments as well as any other amounts which the Council may require, under authority of State law or this charter or determine to be assessed or reassessed against any property or person.

**State law references**—Property exempt from taxation, MCL 211.7 et seq., MSA 7.7 et seq.; time, place and method of assessment, MCL 211.10 et seq., MSA 7.10 et seq.

### **Section 11.10. Treasurer to collect.**

After extending the taxes on the assessment roll and certifying to such roll in the manner required of assessing officers by State law, the

Assessor shall, on or before the thirtieth (30th) day of June, deliver such assessment roll to the Clerk together with a copy or duplicate thereof. The Clerk shall forthwith annex his warrant to the original roll, directing and requiring the Treasurer to collect from the several persons named in such roll the several sums, or the total thereof, opposite their respective names. The taxes thus assessed shall become at once a debt to the City from the persons to whom they are assessed, and the amount assessed, together with all charges thereon, shall on the first day of July become a lien, until paid, on the property assessed of the same character and effect as the lien created by general law for State and County taxes.

**State law reference**—Collection of taxes, MCL 211.44 et seq., MSA 7.87 et seq.

#### **Section 11.11. Mailing of statements.**

After receiving the City tax roll, and not later than August first (1st) each year, the Treasurer shall prepare and send by regular mail to each taxpayer whose name and post office address appear on the City tax roll, a statement of the amount of taxes assessed to him and a description of the property taxed, but neither the failure to send such statement nor error in such statement shall invalidate the legality of the tax levy.

#### **Section 11.12. Taxes, when due.**

City taxes shall be due and payable on the first day of July of each year. To all taxes paid after August 31st of each year, there shall be added a four (4%) percent penalty, and to all taxes paid after said date, there shall also be added interest at the rate of one (1%) percent per month for each month or fraction of a month, intervening between August 31st and the date of payment. The added penalties and interest herein provided shall be a lien against the property to which the taxes themselves apply, collectible in the same manner as the taxes to which they are added. The penalties and interest herein provided when received by the City shall be placed in the General Fund.

**State law reference**—Lien for taxes, MCL 211.40, MSA 7.81.

#### **Section 11.13. Return to County Treasurer.**

If any of the City taxes on real property on the City tax roll remain unpaid on the first (1st) day of March next following the date when said roll was received by him, then it shall be the duty of the Treasurer to return all such unpaid taxes on real property to the County Treasurer in the same manner and with like effect as returns made by township treasurers of State and County taxes. Such returns shall be made on a delinquent tax roll which the Treasurer shall make in duplicate, which roll shall include all additional charges herein before provided, which charges shall on such roll be added to the amount assessed in said roll against each description. The taxes thus returned shall be collected in the same manner as other taxes returned to such County Treasurer are collected under the provisions of the general tax laws of the State, and the same rate of interest and all charges shall be collected thereon, and all taxes upon lands so returned as delinquent shall be and remain a lien thereon until paid. The Treasurer shall retain the duplicate copy of said delinquent tax roll in the files of the City.

**State law reference**—Return of delinquent taxes, MCL 211.55 et seq., MSA 7.99 et seq.

#### **Section 11.14. Sale of personal property to satisfy taxes.**

In case any person shall neglect or refuse to pay the tax imposed upon real or personal property belonging to him, as aforesaid, the City Treasurer may enforce the collection thereof by distress and sale or by suit in the name of the City, in the same manner and to the same extent as township treasurers may enforce the payment of State and County taxes.

#### **Section 11.15. Errors in roll.**

The Council shall have power, when it shall appear that any tax or special assessment has been illegally assessed, to refund the same or such illegal portion, if collected, or if not collected to vacate the tax or assessment, in whole or in part.

### **Section 11.16. State, County, school and library taxes.**

For the purpose of assessing and levying taxes in the City for State, County, school and library purposes, the City shall be considered the same as a township, and all provisions of State law relative to the collection of such taxes, the accounting therefor to the appropriate taxing units and the returning of property for non-payment thereof shall apply to the performance thereof by the Treasurer who shall perform the same duties and have the same powers as township treasurers.

**State law reference**—Mandatory that Charter provide for levy, collection and return of state, county and school taxes, MCL 117.3(i), MSA 5.2073, (i).

## **CHAPTER XII. BORROWING POWER\***

### **Section 12.1. General borrowing.**

Subject to the applicable provisions of State law and this charter, the Council, by proper ordinance or resolution, may authorize the borrowing of money for any purpose within the scope of the powers vested in the City and the issuance of bonds of the City or other evidences of indebtedness therefor, and may pledge the full faith, credit and resources of the City for the payment of the obligation created thereby.

**State law references**—Authority to borrow money on the credit of the city and issue bonds therefor, MCL 117.4a, MSA 5.2074; limitation of net bonded indebtedness incurred for all public purposes, MCL 117.4a(2), MSA 5.2074, (2).

### **Section 12.2. Special assessment bonds.**

The Council shall, subject to the applicable provisions of the general laws of the State, have authority to borrow money in anticipation of the payment of special assessments made for the purpose of defraying the cost of any public improvement, or in anticipation of the payment of any combination of such special assessments, and to issue bonds therefor. Such special assessment bonds may be an obligation of the special assessment district or districts or may be both an obligation of the special assessment district or districts and a general obligation of the City. All

\***State law reference**—Municipal finance act, MCL 131.1 et seq., MSA 5.3188(1) et seq.

collections on each special assessment roll or combination of rolls shall be set apart in a separate fund for the payment of the principal and interest of the bonds issued in anticipation of the payment of such special assessments, and shall be used for no other purpose.

**State law reference**—Authority to borrow money and issue bonds therefor in anticipation of the payment of special assessments, MCL 117.4a(7), MSA 5.2074, (7).

### **Section 12.3. Other bonds.**

The City shall have power to use revenue or other types of bonds in the manner and for the purposes permitted by the Constitution and general laws of the State of Michigan.

### **Section 12.4. Preparation and record.**

Each bond or other evidence of indebtedness shall contain on its face a statement specifying the purpose for which the same is issued and it shall be unlawful for any officer of the City to use the proceeds thereof for any other purpose, and any officer who shall violate this provision shall be deemed guilty of misconduct in office. All bonds and other evidences of indebtedness issued by the City shall be signed by the Mayor and countersigned by the City Clerk, under the seal of the City. Interest coupons may be executed with the facsimile signatures of the Mayor and Clerk. A complete and detailed record of all bonds and other evidences of indebtedness issued by the City shall be kept by the City Clerk. Upon the payment of any bond or other evidence of indebtedness, the same shall be marked "Cancelled."

## **CHAPTER XIII. SPECIAL ASSESSMENTS**

### **Section 13.1. General powers relative to special assessments.**

The Council shall have the power to determine the necessity of any local or public improvement, and to determine that the whole or any part of the expense shall be defrayed by special assessment upon the property specially benefited; provided that such expense shall, in each case, be substantially in accordance with and in proportion to such benefits derived by such property; provided further that said improvement may be by petition

of benefiting property owners or by resolution of the Council. All the costs of local water and sewer improvements shall be borne one hundred (100%) percent by the benefiting property.

**State law reference**—Power re assessments, MCL 117.4a, 117.4b, 117.4d, 117.5, MSA 5.2074, 5.2075, 5.2077, 5.2084.

**Section 13.2. Detailed procedure to be fixed by ordinance.**

A. The Council shall prescribe by general ordinance the complete special assessment procedure concerning the initiation of projects, plans and specifications, estimates of costs, notice of hearings, making and confirming assessment rolls in advance of starting the improvement, and the correction of errors therein, collection of special assessments, and any other matters concerning the making of improvements by the special assessment method subject to the provisions of this charter.

B. When the City may, by law, participate in inter-governmental improvements, the cost of which may be defrayed in whole or in part by special assessment, the procedure therefor shall be as provided by the law permitting such participation. If such procedure is not so provided, the procedure established by and under authority of this section shall govern.

**State law references**—Special assessment notices and hearings, MCL 211.741 et seq., MSA 5.3534(1) et seq.; deferment for older persons, MCL 211.761 et seq., MSA 5.3536(1) et seq.

**Section 13.3. Additional assessments and refunds.**

When any special assessment roll shall prove insufficient to meet the costs of the improvement for which it was made, the Council may make an additional pro rata assessment, but the total amount assessed shall not exceed the value of benefits received by any lot or parcel of land. Should the assessment prove larger than necessary by five (5%) percent or less, the Council may place the excess in the City Treasury. If more than five (5%) percent, the excess shall be refunded pro rata according to assessment, provided, however, that no refunds shall be made of less than Five (\$5.00) Dollars. In either case, the Council may provide by resolution that the amount of any such

excess may be allowed as a credit against remaining unpaid installments, if any. In the event that such assessment has been paid in full, then the refund shall be in cash.

**Section 13.4. Limitations on suits and actions.**

No suit or action of any kind shall be instituted or maintained for the purposes of contesting or enjoining the collection of any special assessment unless within thirty (30) days after confirmation of the special assessment roll, written notice is given to the Council of intention to file such suit or action, stating the grounds on which it is claimed such assessment is illegal, and unless such suit or action shall be commenced within sixty (60) days after the confirmation of the roll.

**Section 13.5. All real property liable for special assessment.**

All real property, including such as is exempt from taxation by law, shall be liable for the cost of public improvements benefiting such property unless specifically exempted from special assessments by law.

**Section 13.6. Lien for the collection of special assessments.**

Upon the confirmation of each special assessment roll, the special assessments thereon shall become a debt to the City from the persons to whom they are assessed and, until paid, be and continue to be a lien upon the property assessed for the amount of such assessments and all interest and collection charges which may accrue thereon. Such lien shall be of the same character and effect as that which is created by this Charter for City taxes.

**CHAPTER XIV. UTILITIES\***

**Section 14.1. General powers respecting utilities.**

The City shall possess and hereby reserves to itself all the powers granted to cities by the

**\*State constitutional law reference**—Mandates relative to public utilities, Mich. Const. 1963, art. VII, §§ 24, 25.



Constitution and general laws of the State of Michigan to acquire, construct, own, operate, improve, enlarge, extend, repair and maintain, either within or without its corporate limits, public utilities, including public utilities for supplying water, light, heat, power, gas, and sewage and garbage disposal facilities, or any of them, to the municipality and the inhabitants thereof; and to also sell and deliver water, light, heat, power and gas without its corporate limits.

**State law reference**—Permissible that Charter provide for operation of utilities, MCL 117.4c, 117.4f, MSA 5.2076, 5.2079.

#### **Section 14.2. Appropriation of private property.**

Private property may be taken and appropriated either within or without the City for any public use in connection with any acquisition, enlargement or extension of public utilities for supplying water, light, heat, power, gas, and sewage and garbage disposal facilities, or any of them; for the purpose of opening, widening, altering and extending streets, alleys and avenues; for the construction of bridges, for public buildings and for other public structures; for public grounds, parking spaces, parks, market places and spaces; for the improvement of waters and water courses within the City; for sewers, drains and ditches; for public hospitals and public cemeteries; and for other lawful and necessary public uses, and may hold the same. The ownership of such property shall be acquired by the City by negotiation and purchase or in any other manner permitted by the general laws of the State for the taking of private property for public use.

#### **Section 14.3. Control of utilities.**

The Council may enact such ordinances and adopt such resolutions as may be necessary for the care, protection, preservation, control and operation of any public utilities which the City may, in any manner acquire, own, or operate and all fixtures, appurtenances, apparatus, building and machinery connected therewith or belonging thereto, and to carry into effect the powers conferred upon the City by the provisions of this Charter.

#### **Section 14.4. Improvements.**

In case the Council shall declare that it is expedient to acquire, construct, own, improve, enlarge, extend or repair any public utility for the purpose of supplying electricity for light, heat and power purposes or an adequate supply of water, or any other utility services, the cost of which must be met by bond issues or loans, then the Council shall cause to be made and recorded in their proceedings, an estimate of the expenses thereof, and the total amount expended for improving or extending the present plants or acquiring or constructing new plants shall not exceed the amount of said estimate unless approved by a majority vote of the qualified voters of the City. Except as otherwise permitted by the Constitution or general laws of the State, the question of raising the amount required for any such purposes shall be submitted to the electors of the City, qualified to vote thereon, at its next regular election or at a special election called for that purpose by the Council in the manner provided in this Charter, and shall be determined to have been favorably carried if three-fifths ( $\frac{3}{5}$ ) majority of the qualified electors voting at such election, by ballot, shall so decide.

The Council shall construct any improvements and extensions to existing plants as the normal growth of the plants may require where the cost of such improvement and extensions may be met by the expenditure of any accumulated surplus, and no extension or improvements in excess of this amount shall be made except by reference to the electors as required by this Charter.

#### **Section 14.5. Rates.**

The Council shall have the power to fix, from time to time, such just and equitable rates as may be deemed advisable for supplying the inhabitants of the City and other[s] with water, with electricity for light, heat, and power and with such other utility services as the City may acquire.

#### **Section 14.6. Utility charges—Collection.**

The Council shall provide by ordinance for the collection of all public utility charges made by the city and for such purpose, shall have all the power

granted to cities by Act No. 178 of the Public Acts of Michigan of 1939 (MCL 123.161 et seq., MSA 5.2531(1) et seq.). When any person or persons, or any firm or corporation, shall fail or refuse to pay to the City any sums due on utility bills, which are not covered by deposits the utility service or services upon which such delinquency exists may be shut off or discontinued and suit may be instituted by the City for the collection of the same in any court of competent jurisdiction.

#### **Section 14.7. Accounts.**

Separate accounts shall be kept for each public utility owned or operated by the City, distinct from other city accounts, and in such manner as to show the true and complete financial result of such City ownership or operation, or both including all assets, liabilities, revenues and expenses. These accounts shall show the actual cost to the City of each such public utility, the cost of all extensions, additions and improvements, all expense of maintenance, the amounts set aside for sinking fund purposes, and all operating expenses of every description. They shall show as nearly as possible, the value of any service furnished to or rendered by any such public utility by or to any other City department. They shall also show a proper allowance for depreciation and insurance. The Council shall annually cause to be made and printed for public distribution a report showing the financial results of such City ownership or operation. The report shall be published as required by law.

#### **Section 14.8. Disposal of plants.**

The City shall not sell, exchange, lease, or in any way alienate or dispose of the property[,] easements, income or other equipment, privilege or asset belonging to and pertaining to any utility which it may acquire, unless and except the proposition for such purpose shall first have been submitted, at a regular or a special election held for the purpose in the manner provided in this Charter, to the qualified voters of the City and approved by them by a three-fifths ( $\frac{3}{5}$ ) majority vote of the electors voting thereon. All contracts, negotiations, grants, leases or other forms of transfer in violation of this provision, shall be void and of no effect as against the City. The

provisions of this section shall not, however, apply to the sale or exchange of any articles or equipment of any City owned utility as are worn out or useless, or which could, with advantage to the service, be replaced by new and improved machinery or equipment.

### **CHAPTER XV. FRANCHISES— CONTRACTS—PERMITS**

#### **Section 15.1. General.**

No franchise or grant which is not revocable at the will of the Council shall be granted or become operative, nor any contract for a longer period than one (1) year made, until the same shall have been referred to the people at a regular or special election and has received the approval of three-fifths ( $\frac{3}{5}$ ) majority of the electors voting thereon at such election, as is provided by the Constitution of the State.

#### **Section 15.2. Franchises.**

All irrevocable public utility franchises and all renewals, extensions and amendments or any repeal thereof shall be granted only by ordinance. No such ordinance shall be adopted before thirty (30) days after application therefor has been filed with the Council, nor until a full public hearing has been held thereon. No such ordinance shall become effective until it has been submitted to the electors and has been approved by three-fifths ( $\frac{3}{5}$ ) majority of the electors voting thereon. No such ordinance shall be submitted to the electors at an election to be held less than sixty (60) days after the grantee named therein has filed its unconditional acceptance of all the terms of such franchise, and it shall not be submitted to a special election unless the expense of holding the election, as determined by the Council, shall have been paid to the City Treasurer by the grantee. No exclusive franchises shall ever be granted and no franchise shall be granted for a longer term than thirty (30) years. No such franchise shall be transferable, directly or indirectly, except with the approval of the Council expressed by ordinance.

**Section 15.3. Right of regulation.**

All public utility franchises, whether it be so provided in the granting ordinance or not, shall be subject to the right of the City (a) to repeal the same for misuse or non-use, or for failure to comply with the provisions thereof; (b) to require proper and adequate extension of plant and service 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 make independent audit and examination of accounts at any time, and to require reports annually; (e) to require continuous and uninterrupted service to the public in accordance with the terms of the franchise throughout the entire period thereof; (f) to impose such other regulations as may be determined by the Council to be conducive to safety, welfare, and accommodation of the public.

**Section 15.4. Regulation of rates.**

All public utility franchises shall make provision for fixing rates, fares, and charges, and for re-adjustments thereof at periodic intervals of not more than five (5) years, either by arbitration upon terms to be specifically set forth in the franchise, or by any State agency, at the election of the City. The value of the property of the utility used as a basis for fixing such rates, fares, and charges shall in no event include a value predicated upon the franchise, goodwill or prospective profits.

**Section 15.5. Condemnation.**

The City shall have the right to acquire by condemnation or otherwise the property of any public utility in accordance with the general laws of the State, provided that the price to be paid shall in no event include any value predicated upon the franchise, goodwill or prospective profits.

**Section 15.6. Revocable rights.**

Temporary permits for public utilities, revocable at any time at the will of the Council, may be granted by the Council by resolution on such terms and conditions as it shall determine, pro-

vided that such permits, shall in no event be construed to be franchises or amendments to franchises.

**Section 15.7. Use of streets by utility.**

Every public utility franchise shall be subject to the right of the City to use, control, and regulate the use of its streets, alleys, bridges, and public places and the space above and beneath them. Every public utility shall pay such part of the cost of improvement or maintenance of streets, alleys, bridges, and public places, as shall arise from its use thereof and shall protect and save the City harmless from all damages arising from said use and may be required by the City 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 a reasonable rental therefor; 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, which award shall be final.

**Section 15.8. Purchase procedure.**

In all purchases in excess of Five Hundred (\$500.00) Dollars and not in excess of Five Thousand (\$5,000.00) Dollars, the purchase shall be first approved by Council. In all purchases in excess of Five Thousand (\$5,000.00) Dollars the purchase shall be approved by the Council after formal sealed bids have been obtained. No purchase shall be divided for the purpose of circumventing the dollar value limitation contained in this Section. Purchases shall be made from the lowest competent bidder meeting specifications. All bids shall be publicly opened at a regular City Council meeting or at a Special City Council meeting called for that purpose. All purchases in excess of One Hundred (\$100.00) Dollars shall be evidenced by written contract or purchase order. The Council may, by ordinance, establish detailed purchasing and contract procedures not inconsistent with this Charter. The Council shall have the right to reject all bids received and advertise again for bids.

**Section 15.9. Contracts for City improvements.**

Any City improvement, including repairs and maintenance to City buildings, property, equipment, and sewer and water systems costing in excess of Five Hundred (\$500.00) Dollars and not in excess of Five Thousand (\$5,000.00) Dollars, shall be first approved by the Council. All City improvements in excess of Five Thousand (\$5,000.00) Dollars, shall be approved by the Council after formal sealed bids have been obtained, unless the Council, by resolution adopted by unanimous vote of the Council members present at the meeting determines that the public health or safety will be endangered by delay in obtaining bids. The Council may authorize the making of any City improvement or the performance for other City work by any City department without competitive bidding. All bids shall be publicly opened at a regular Council meeting or at a special meeting called for that purpose. Contracts for such City improvement shall be awarded to the lowest competent and responsible bidder meeting specifications. Any contract for such City improvements in excess of Five Hundred (\$500.00) Dollars shall be evidenced by written contract. Alterations in any contract may be made only by the Council. The Council shall have the right to reject all bids received and advertise again for bids. The Council may, by ordinance, establish detailed procedures for City improvements contracts not inconsistent with the Charter.

**CHAPTER XVI. CIVIL SERVICE**

**Section 16.1. Creation.**

There is hereby created a system of Civil Service in the City applicable to all employees of said City except as otherwise provided in this Chapter.

**Section 16.2. Purpose.**

The purpose of the Chapter is to establish a civil service system based on merit principles and scientific methods; to afford all interested persons a fair and equal opportunity for public service; to establish conditions of service which will attract employees of character and capacity; and to in-

crease the efficiency of the City departments by the improvement of methods of personnel administration.

**Section 16.3. Organization, eligibility, terms, appointments, vacancies, compensation, removal of Commissioners.**

The Civil Service Commission shall consist of three members appointed by the Mayor for staggered terms of office of six (6) years, commencing on the first of June.

The members of the Commission shall be persons in sympathy with the application of merit principals [principles] to public employment and shall be residents of the City. No member of the Commission shall hold any other elected or appointive office of the city, nor be employed by the City in any capacity, nor be a member of any local, state or national committee of a political party, or an officer or member of a committee in any partisan political club or organization, or be a candidate for any elective office. The members of the Commission shall receive for their services such compensation as shall be determined by the Council. Vacancies shall be filled by the Mayor for the unexpired terms. Two members of the Commission shall constitute a quorum for the conducting of the business of the Commission. The Mayor may remove a Commissioner, but only after serving such Commissioner with a statement in writing of the reasons for such removal and allowing such Commissioner to be publicly heard in his defense. The Commission shall annually elect a chairman from its members.

**Section 16.4. Meetings.**

The Board shall meet at regular times, specified by its rules or upon call by the City Manager, the Chairman, or any two of its members. All meetings of the Board shall be held at the City Hall or such other place as the Council shall provide.

### **Section 16.5. Powers and duties of the Commission.**

In order to carry out and make effective the purpose of and intent of the provisions of this charter in establishing a Civil Service and Merit Program the Civil Service Commission shall:

1. Establish and administer a Position-Classification Plan, an examination program, a schedule of compensation, and rules and regulations governing the terms and conditions of employment and service.
2. Establish and administer rules and regulations governing residence requirements, probation periods, service records, seniority, hours of service, work week, vacations, leaves, time off, promotions, demotions, suspensions, removals, reinstatements, resignations and layoffs.
3. Make such rules and regulations, not inconsistent with this charter, as it deems necessary and advisable for the administration of the Civil Service Program.
4. Investigate and enforce by itself or otherwise the provisions of this section of the charter. The Commission, or its authorized representative, shall have the power to administer oaths, subpoenas, and compel attendance of witnesses and the production of records in connection with any matter properly before it.
5. Make annual or special reports of its activities to the Mayor and Council, and make reports on any matter requested by the Mayor or Council.

### **Section 16.6. Approval of payrolls by Commission.**

All payrolls or vouchers for personal service shall be approved by the Commission, or its authorized representative before payment shall be made.

### **Section 16.7. The unclassified and classified services.**

The Civil Service of the City shall be divided into the Unclassified and Classified Services. The

Unclassified service shall specifically include and exempt from the provisions of this Chapter the following:

1. Officers elected by popular vote and persons appointed to fill vacancies in such elective offices.
2. A deputy or assistant in each of the elective offices, who in the case of a vacancy in the elective office or inability of such elective officer to perform his duties, would be entitled to perform the duties of the office until the vacancy is filled or the inability removed.
3. City Manager.
4. City Attorney and City Engineer, unless employed full time.
5. Members of appointive boards and commissions.
6. Persons employed in a professional or scientific capacity to make temporary and special investigations.
7. Persons serving emergency or temporary appointments, not to exceed ninety (90) days.

The Classified Service shall comprise all other positions in the City.

### **Section 16.8. Approval by the Council of Commission actions.**

Actions of the Civil Service Commission in establishing a Classification of Positions Plan or a compensation plan, shall be approved by the Council before any of such plans may become effective. When any of such plans have been once approved, amendments thereto shall not become effective until approved by both the Civil Service Commission and the Council.

### **Section 16.9. Veterans preference.**

The Commission may establish fair and equitable rules, not inconsistent with the provisions of law, for the granting of preference points to veterans on examination for entrance into the service.

**Section 16.10. Certification of eligibles.**

When certifications are made by the Commission from eligible lists to fill vacancies in the service, the names of the three persons standing highest on the list shall be certified, except in cases of promotion from within the service in which cases only the name standing highest on the eligible list shall be certified, and the appointing authority shall forthwith appoint one of the persons so certified.

**Section 16.11. Filling of vacancies by promotion.**

Normally, vacancies shall be filled by promotion. An appointing authority may, for the good of the service, elect to fill a vacancy by appointing a person from the open competitive list rather than from a promotional eligible list.

**Section 16.12. Removal procedures and appeals.**

Any person in the Classified Civil Service may be removed, suspended, or demoted by the appointing authority for cause, as shall be established by the Civil Service Commission, by an order in writing stating specifically the reasons therefor. A copy of such order shall be filed with the Commission. Such employee may, within ten (10) days after presentation of such order to him, appeal from such order to the Civil Service Commission. The Commission shall, within two (2) weeks from the filing of such appeal, commence the hearing thereon, and shall thereupon fully hear and determine the matter and either affirm, modify, or revoke such order, [and] the appellant shall be entitled to appear personally, produce evidence, have counsel, and a public hearing. The findings and decision of the Commission shall be certified to the official from whose order the appeal is taken, and shall forthwith be enforced and followed by him.

**Section 16.13. Political activities.**

The rights of the City employees, appointed officials and members of Boards and Commis-

sions to engage in political activities shall be the same as for public employees under the general laws of this State.

State law reference—Political activities by public employees, MCL 15.401 et seq., MSA 4.1702(1) et seq.

**Section 16.14. Discrimination prohibited.**

No person in the Classified Civil Service or seeking admission thereto shall be appointed, removed, promoted, demoted or in any way favored or discriminated against because of his political, racial or religious opinions or affiliations.

**Section 16.15. Necessary appropriations and office space.**

The Council shall provide the necessary appropriations to carry out this section of the charter, and shall provide the Commission with suitable offices, examination rooms and staff as may be required to suit the public convenience and the work of the Commission.

**Section 16.16. Personnel Director and Secretary of the Commission.**

The City Manager shall act as Personnel Director and Secretary of the Commission and shall perform such duties and responsibilities as shall be determined by the Commission.

**Section 16.17. Contractual powers.**

The Commission with the approval of the Council may contract with other Civil Service Commissions, organizations, or persons to provide necessary technical services for the administration of the Civil Service Program.

**CHAPTER XVII. MISCELLANEOUS AND TRANSITION****Section 17.1. When certain days are Saturdays, Sundays or holidays.**

When the day upon which some action or thing shall be done under the provisions of this Charter or the last day of a period within which such action or thing be done falls upon a Saturday, Sunday or Holiday observed by the City, then

such Saturday, Sunday or Holiday shall be excluded in computing time, and such action or thing shall be done on the next regular work day.

**Section 17.2. Seal of the City.**

Until otherwise provided by the Council, the present seal of the City shall remain the seal of the City.

**Section 17.3. Headings.**

The chapter and section headings used in the Charter are for convenience only and shall be considered part of this Charter.

**Section 17.4. Effect of illegality of any part of Charter.**

If any provision of this Charter or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of the Charter.

**Section 17.5. Amendments and revision.**

This Charter may be amended or revised at the time and in the manner provided by law.

**Section 17.6. Penalties for violation of Charter.**

Any person found guilty of an act constituting a violation of this Charter may be punished by a fine not exceeding Five Hundred (\$500.00) Dollars or by imprisonment for not to exceed ninety days, or both, or as otherwise provided by law. Any person who is convicted under the provisions of this Charter shall be for a period of five (5) years ineligible for appointments to the City Service.

The Council shall provide for the enforcement of the provision[s] of this Charter.

This section shall not operate to limit or prejudice the power to remove officers or discharge employees as provided in this Charter.

**Section 17.7. City ordinances and regulations.**

All ordinances, resolutions and rules and regulations of the City in force on the effective date of

this Charter which are not inconsistent with this Charter, shall continue in full force until repealed, terminated or amended as provided by this Charter or by action of the proper authorities.

**Section 17.8. Rights, liabilities, remedies.**

All rights and properties of any kind and description which were vested in the City on the effective date of this Charter shall be deemed and held to be vested in the City; and no franchise or licenses granted or right or liabilities, either in favor of or against the City on the effective date of this Charter, and no suit or prosecution of any kind shall be in any manner affected by the adoption or taking effect of this Charter, but the same shall stand or progress as if no such change had been made, and all debts and liabilities of the City under its previous Charter shall be deemed to be debts and liabilities of the City under this Charter, and all taxes and special assessments levied and uncollected on the effective date of this Charter shall be collected as if such change had not been made; provided, that when a different remedy is given in this Charter which can be made applicable to any rights existing on the effective date of this Charter, it shall be deemed cumulative to the remedies before provided and may be used accordingly.

**Section 17.9. Continuance in office.**

Elective officers holding office at the time of the effective date of this Charter and except as otherwise provided in this Charter, shall remain in office until their term expires following the first regular election held under this Charter. Appointive officers holding office at the time of the effective date of this Charter and except as otherwise provided in this Charter, shall remain in office until their current term of office expires or until their successors have been appointed and qualified.

**Section 17.10. Council confirmation of appointees.**

If this Charter shall require Council confirmation of mayoral appointments and if the Council shall fail to reject the appointment within four weeks, it shall be automatically confirmed.

**Section 17.11. Penalties.**

Any person who alone or with others wilfully violates any of the provisions of this Charter shall be guilty of violation of this Charter punishable as provided for in Section 17.6.

**CHAPTER XVIII. SCHEDULE**

**Section 18.1. Status of this Charter.**

The purpose of this chapter is to inaugurate the government of the City of Belleville under this Charter and it shall constitute part of this Charter only to the extent of time necessary to accomplish this purpose.

**Section 18.2. Election to adopt Charter.**

This Charter shall be submitted to the people for adoption at a special election to be held on August 10, 1982, in the manner and with the effect prescribed by law as follows:

"SHALL THE CHARTER PROPOSED BY THE BELLEVILLE CHARTER COMMISSION BE ADOPTED?"

YES       
NO       

**Section 18.3. Effective date of Charter.**

Except as otherwise provided, this Charter shall become effective September 1, 1982.

**Section 18.4. First regular election.**

The first regular election under this Charter shall be in 1983.

**Section 18.5. Publication of adopted Charter.**

The Secretary of the Charter Commission shall cause the adopted Charter to be published in the manner provided by law.

ing resolution was adopted on motion by Commissioner Jay E. Hartford, supported by Commissioner E.W. Jack Ferrett:

RESOLVED, That the Charter Commission of the City of Belleville does hereby adopt the foregoing proposed City Charter and the Clerk of this Commission is hereby instructed to transmit the same to the Governor of the State of Michigan, in accordance with the provisions of the statute for his approval.

The vote on the adoption of said resolution was as follows:

Ayes: Commissioners Hartford, Smith, Talaga, Lauth, Graham, Frisch, Ferrett, Thomas, and White.

Nays: None

Absent:

Agnes Frisch,  
Clerk of the Charter Commission  
of the City of Belleville

Countersigned by the following Commissioners:

E.W. Jack Ferrett, Vice Chairman  
Dale A. Frisch  
James E. Graham  
Jay E. Hartford  
Sandra G. Lauth  
Richard S. Smith, Chairman  
Cynthia A. Talaga  
Andrew R. Thom  
James E. White

All of the Commissioners having attested as to said resolution as above and also having attested the copy to be signed by the Governor, the meeting adjourned, subject to the call of the Chairman.

I hereby approve the above and foregoing Charter of the City of Belleville.

William G. Milliken  
Governor of the State of Michigan

**RESOLUTION OF ADOPTION**

At a meeting of the Charter Commission of the City of Belleville held on May 4, 1982 the follow-