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**\*Editor's note**—Printed in this part is the Charter of the City of Williamston, Michigan, as adopted by the voters on January 3, 1961. Amendments are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original. 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 for clarity are indicated by brackets.

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## PREAMBLE

We, the people of the City of Williamston, grateful to God for the blessings of freedom, peace, health, safety, and justice, and desirous of further securing these blessings to ourselves and our posterity, and to provide for the public peace and health and for the safety of persons and property, do hereby ordain and establish this charter for the City of Williamston.

## CHAPTER 1. NAME AND GENERAL PROVISIONS

**Sec. 1.1. Name.**

The city shall be a body corporate under the name, "The City of Williamston."

**State law reference**—Home rule cities to be body corporate, MCL 117.1.

**Sec. 1.2. Boundaries.**

(a) The city shall embrace the territory constituting the City of Williamston on the effective date of this charter, together with such annexations thereto and less any detachments therefrom that may be made from time to time.

(b) Upon annexation or detachment of territory, the boundaries shall be deemed thereby to be changed without amendment of this section.

(c) The Clerk shall maintain and keep available in his office for public inspection an official description of the current boundaries of the city.

**State law reference**—Annexation, MCL 117.9, 123.1001 et seq.

**Sec. 1.3. Wards.**

The city shall constitute one ward.

**State law reference**—Mandatory the charter provide for one or more wards, MCL 117.3(e).

**Sec. 1.4. Records to be Public.**

All records of the city shall be public, unless otherwise provided by law; shall be kept in city offices, except when required for official reasons or for purposes of safekeeping to be elsewhere; and shall be made available to the general public for inspection at all reasonable times. All records of the city shall be available in compliance with the Michigan Freedom of Information Act, 1976 PA 442, MCL 15.231 TO 15.246, as amended.

(Res. No. 08-15, 7-27-2015)

**State law reference**—Mandatory that charter provide for public records in accordance with law, MCL 117.3(l).

**Sec. 1.5. Public Records as Evidence.**

Public records of the city, or copies duly certified by the custodian thereof, shall be prima facie evidence of their contents in all suits at law or in equity or in other proceedings.

**State law reference**—Charter amendments, MCL 117.21 et seq.

**Sec. 1.6. Definitions and Interpretations.**

Except as otherwise specifically provided or indicated by the context of this charter:

- (1) The word "board" includes the word "commission";
- (2) The word "city" means the City of Williamston;
- (3) The word "Council" means the City Council of the City of Williamston;
- (4) The word "law" denotes applicable federal law, the Constitution and statutes of Michigan, the applicable common law, and this charter;
- (5) The word "officer" includes, but shall not be limited to, the Mayor, the members of the Council, and, as hereinafter provided, the administrative officers, and deputy administrative officers;
- (6) The word "person" extends and may be applied to bodies politic and corporate and to partnerships and associations as well as to individuals;
- (7) The words "printed" or "printing" include typewriting, printing, engraving, stencil duplicating, lithographing, photostating, or any similar method of reproducing written language which is understandable by average literate persons;
- (8) The words "publish" or "published" include publication in the manner provided by law, or, where there is no applicable law, in one or more newspapers of the city qualified by law, for the publication of legal notices, or if newspaper publication is not reasonably available, by posting in at least three places in each election precinct;
- (9) Except in reference to signatures, the words "written" and "in writing" include hand written script, printing, typewriting, teletype and telegraphic communications, and other forms of written language readable by the average literate person;
- (10) All words indicating the present tense are not limited to the time of the adoption of this charter, but extend to and include the time of the happening of any event or requirement to which a charter provision is applied;
- (11) The singular includes the plural, the plural includes the singular, and the masculine gender extends to and includes the feminine gender and the neuter.

(Res. No. 10-03, § 1, 4-28-2003)

**Sec. 1.7. Official Performance.**

Whenever this charter requires the performance of an act by an officer, the act may be performed by a deputy or by a subordinate, under the officer's direction, unless otherwise provided by law.



**Sec. 1.8. Penalties for Violations of Charter.**

Any person found guilty of an act constituting a violation of this charter may be punished by a fine or imprisonment, or by both such fine and imprisonment, in the discretion



court. No such fine shall exceed the sum of five hundred dollars nor shall any such imprisonment exceed ninety days. This section shall not operate to limit or prejudice the power to remove officers or discharge employees as provided in this charter.

**Sec. 1.9. Chapter and Section Headings.**

The chapter and section headings used in this charter are for convenience only, and shall not be considered as part of the charter.

**Sec. 1.10. Amendments.**

This charter may be amended at any time in the manner provided by law. Should two or more amendments adopted at the same election have conflicting provisions, the amendment receiving the largest affirmative vote shall prevail as to those provisions.

**Sec. 1.11. Severability of Charter Provisions.**

If any provision, section, or clause of this charter, or the application thereof to any person or circumstances, is held invalid, such invalidity shall not affect any remaining portion or application of this charter, which can be given effect without the invalid portion or application, and, to this end, this charter is declared to be severable. This rule of severability shall apply equally to ordinances of the city.

**CHAPTER 2. MUNICIPAL POWERS AND LIABILITIES**

**Sec. 2.1. General Powers.**

(a) Unless otherwise provided or limited in this charter, the city shall possess and be vested with all the powers, privileges, and immunities, expressed or implied, which cities are permitted by law to exercise or to include in their charters. The enumeration of particular powers, privileges, or immunities in this section or elsewhere in this charter shall not be held to be exclusive.

(b) The city shall have power to manage and control its finances, rights, interests, building, and property, to enter into contracts, to do any act to advance the interests, and to protect the public peace, morals, health, safety, and general welfare. In the exercise of such powers, the city may enact ordinances, rules, and regulations, and take such other action as may be required, not inconsistent with law. The power of the city shall include, but shall not be limited to, the following:

- (1) To declare as a hazard or nuisance any act or condition, upon public or private property, or both, which is or may be dangerous to the health, safety, morals, or welfare of the inhabitants of the city, including, but not limited to, the accumulation of rubbish and the growing of noxious weeds; to provide for the abatement thereof; and to provide that the costs of such abatement shall be charged as a special assessment against the real property on which the hazard or nuisance is located.

- (2) To provide for the public welfare by:
  - (a) Regulating trades, occupations, and amusements within the city, and prohibiting trades, occupations, and amusements which are detrimental to the safety, health, morals, or welfare of its inhabitants;
  - (b) Regulating the preparation, storage, transportation, and sale of foods, drugs, and beverages for human consumption;
  - (c) Collecting and disposing of garbage and rubbish;
  - (d) Licensing and regulating the number of vehicles which carry persons or property for hire, fixing the rates of fare and charges, and determining the location of stands for such vehicles;
  - (e) Licensing and regulating billboards and advertising signs and the locations thereof;
  - (f) Regulating the construction, erection, alteration, equipment, repair, moving, removal, and demolition of buildings and structures and their appurtenances and service equipment;
  - (g) Establishing zones within the city and regulating therein the use and occupancy of lands and structures; the heights, area, size, and location of buildings; the required open spaces for light and ventilation of buildings, and the density of population;
  - (h) Regulating, limiting, and prohibiting the construction and use of buildings and lands in order to promote the public safety and to prevent fires;
  - (i) Regulating and controlling the use of streams, waters, and watercourses within the city.
- (3) To establish and reasonably control streets, alleys, bridges, and public places, and the space above and beneath them, and the use thereof by:
  - (a) Creating and vacating the same and acquiring and disposing of land, or any interest in land, required therefor;
  - (b) Providing a plan of streets and alleys within the city and for a distance of not more than three miles beyond its limits;
  - (c) Compelling all persons to care for the untraveled portions of streets lying between the curbs and sidewalks, which abut upon premises owned, controlled, or occupied by them, and to keep the same free from weeds and from objects which are offensive or hazardous to public health and safety, and, upon the failure to do so, to cut and remove such objects and assess the cost thereof against such property as a special assessment;
  - (d) Compelling all persons to keep sidewalks which are in the area of streets immediately adjacent to the premises owned, controlled, or occupied by them, free from snow, ice, dirt, wood, weeds, shrubbery, or any other object which obstructs such sidewalks, or which makes the same offensive or hazardous to the

- public health or safety, and upon failure to do so, to cut and remove such weeds and remove such objects and to assess the cost thereof against such property as a special assessment;
- (e) Providing for the grade of streets and requiring public utility users of the streets to conform thereto with respect to their tracks or facilities located on, above, or under the streets; requiring railroads, to keep their tracks and the street surface between and for a distance of one and one half feet on each side of them, in reasonable repair at all times;
  - (f) Regulating the speed of vehicles, trains, and locomotives upon or across the streets within the provisions and limitations of law, and the stopping and parking of the same upon the streets and at street crossings;
  - (g) Providing for and regulating the lighting of streets and alleys;
  - (h) Preventing and abating the encumbering of streets and alleys or any part thereof;
  - (i) Regulating the location of buildings and structures and of trees and shrubbery at or near street corners and street intersections with alleys to provide for the public safety and welfare in the use of streets and alleys;
  - (j) Providing for and regulating the numbering of buildings upon property abutting the streets and alleys and compelling the owners and occupants thereof to affix numbers thereto;
  - (k) Providing for the use, by other than the owners, of property located, on, above, or under the streets, alleys, and public places, in the operation of a utility upon the payment of a reasonable compensation therefor to the owner thereof;
  - (l) Providing for the planting, removal, and general care and protection of trees and shrubbery within the streets and public places of the city and preventing the cutting of limbs and branches for the placing and maintenance of utility wires without the consent of the Council.
- (4) To undertake any public work or make any public improvement or any repair or replacement thereof, either directly or by contract with private persons; and to participate in any public work or public improvement under any lawful plan by which the whole or partial support of such work or public improvement is provided by another governmental unit or agency;
  - (5) To construct, provide, maintain, extend operate, and improve:
    - (a) Within the city: a city hall; city office buildings; community buildings, police stations, fire stations; civic auditoriums; public libraries; and polling places; and,
    - (b) Either within or without the corporate limits of the city or of Ingham County; public parks; recreation grounds and stadiums; municipal camps; public grounds; zoological gardens; museums; airports and landing fields; facilities for the landing of helicopters; cemeteries; electric light and power plants and systems; gas plants and systems; public hearing plants and systems; waterworks and

systems; sewage disposal plants and systems; storm sewers; garbage disposal facilities; refuse and rubbish disposal facilities; market houses and market places; public transportation facilities; facilities for the storage and parking of vehicles; hospitals; and any other structure or facility which is devoted to or intended for public purposes within the scope of the powers of the city;

- (6) To acquire by purchase, gift, condemnation, construction, lease, or otherwise, real and personal property, and interests in property, either within or without the corporate limits of the city or of Ingham County, for any public use or purpose within the scope of its powers, including, but not by way of limitation, the uses and purposes set forth in this section;
- (7) To join with any other municipal corporation or with any other unit or agency of government, or with any number or combination thereof, by contract, or otherwise as may be permitted by law, in the ownership, operation, or performance, jointly, or by one or more on behalf of all, or any property, facility, or service which each would have the power to own, operate, or perform separately.

**State law references**—Mandatory that charter provide for the public peace and health and for the safety of persons and property, MCL 117.3(j); permissible that charter provide for the acquisition of property and certain facilities, MCL 117.4e.; permissible charter provisions relative to public ways, MCL 117.4h; charter may provided for The regulation of trades, occupations, and amusements within city boundaries, MCL 117.4i(d).

### CHAPTER 3. OFFICERS\*

#### Sec. 3.1. City Officers.

(a) The elective officers of the city are the seven Councilmen.

(b) The appointive officers of the city are the City Manager, the Clerk, the Treasurer, the Assessor, the Police Chief, and members of city boards. The Council may create additional officers by ordinance to meet the needs of the city.

(Res. No. 10-03, § 1, 4-28-2003; Res. No. 12-05, § 1, 8-22-2005)

**Editor's note**—The reference in Charter § 3.1 (a) to a justice of the peace are obsolete, as the position of justice of the peace has been abolished. See MCL 600.9921, 600.9930.

#### Sec. 3.2. Eligibility for Elective City Office.

(a) To be eligible for election to a city office, a person shall be an elector of the city and shall have been a resident of the city or of territory annexed to the city, or shall have had a combination of residence in the city and in the annexed territory, for a period of not less than two years preceding the date of his election.

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\***State law reference**—Mandatory that charter provide for certain officers, 117.3(a).

(b) A person appointed to fill a vacancy in an elective office must have such qualifications at the time of his appointment.

**Editor's note**—A two-year residency requirement for elected officials in a Michigan charter similar to that found in Charter § 3.2 was held to violate the equal protection clause of the Fourteenth Amendment to the U.S. Constitution in *Green v. McKeon*, 468 F.2d 883 (6th Cir. 1972).

### **Sec. 3.3. Persons Ineligible for City Office or Employment.**

A person who holds or has held an elective city office shall not be eligible for appointment to an office or for employment for which compensation is paid by the city, until two years have elapsed following the term for which he was elected or appointed. The city shall not have power to give any official position to one who is in default to the city.

**State law reference**—City not to give official position to person in default to city, MCL 117.5(f).

### **Sec. 3.4. Notice of Election or Appointment.**

The Clerk shall mail to each person elected or appointed, a notice of election or appointment within five days from the time of election or appointment.

### **Sec. 3.5. Compensation of Officers.**

Except as otherwise provided in this charter, the compensation of all officers of the city except members of the Council and the Mayor, shall be established by the Council. The salary of city officers for fixed terms shall not be increased or decreased during their terms of office.

### **Sec. 3.6. Oath of Office.**

Every officer of the city, before entering upon his duties, shall take the oath or affirmation required by the Constitution of the State of Michigan. The Council may require designated employees to take such oath before entering upon their employment. Oaths of office shall be filed with the Clerk.

**State law reference**—Required oath of office, Mich. Const. (1963) art. XI, § 1.

### **Sec. 3.7. Surety Bonds.**

In order to protect the city and the public, the Council may require appropriate surety bonds of officers and employees. No bond shall be renewed upon its expiration. The premium of such bonds shall be paid by the city. Blanket bonds covering two or more officers or employees, or both, may be substituted for individual bonds.

### **Sec. 3.8. Giving of Surety by Officers and Employees Forbidden.**

No officer or employee shall give or furnish any bail, bond, or recognizance, nor shall he be the agent of any bondsman or insurer in connection with any bond or insurance which may be required by law, ordinance, or by the Council.

**Sec. 3.9. Vacancies in Office.**

- (a) A city office shall become vacant upon the occurrence of any of the following:
- (1) The expiration of the term of office;
  - (2) The death of the incumbent;
  - (3) A resignation, when accepted by the appointing authority;
  - (4) A removal from office in any manner provided by law;
  - (5) Ceasing to possess at any time the qualifications for eligibility for office required by this charter for election or appointment to office by any person elected or appointed thereto;
  - (6) Final conviction of a felony involving moral turpitude, any act constituting malfeasance in office under this charter, or an offense involving a violation of an oath of office;
  - (7) A judicial determination that the incumbent is of unsound mind;
  - (8) A decision of a competent tribunal declaring the election or appointment of the incumbent void;
  - (9) Failure to take the oath or make the affirmation, or file the bond, required for the office within ten days from the date of election or appointment or within such other time, not exceeding thirty days thereafter, as the Council may fix;
  - (10) In the case of Councilmen, including the Mayor, absence from three consecutive regular meetings of the Council, unless such absences, with reasons therefor stated at the time and appearing in the journal of the meeting from which the member was absent, be excused, or twenty-five percent of such meetings in any calendar year, unless such absences are so excused;
  - (11) Absence from the city or failure to perform the duties of such office for sixty consecutive days, unless such absence from the city or failure to perform the duties of office shall be excused by the Council prior to the expiration of such sixty-day period;
  - (12) The Council may provide by ordinance for creating vacancies in elective offices because of failure to perform the duties of office or because of malfeasance or misfeasance in office. The provisions of such ordinance, in cases where failure to perform the duties of office is established, shall be self-executing.

**Sec. 3.10. Resignations.**

Resignations of elective officers and of officers appointed by the Council or by the Mayor with the approval or confirmation of the Council, shall be made in writing and filed with the Clerk, who shall immediately notify the proper officials concerned. The resignation of all other officers shall be made in writing and filed with the City Manager.



**Sec. 3.11. Appointment and removal of city board members.**

(a) All appointed city board members shall be appointed in accordance with the process specified by the applicable statute. City board members for which there is no specified statutory appointment procedure shall be appointed by the mayor, subject to confirmation by city council.

(b) All appointed city board members, except persons who are appointed to fill vacancies in elective offices, may be removed from office by the mayor, subject to confirmation by city council, unless a different removal procedure is specified by statute.

(Res. No. 13-05, § 1, 8-22-2005)

**Editor's note**—Res. No. 13-05, § 1, adopted August 22, 2005, amended § 3.11 in its entirety to read as herein set out. Formerly, § 3.11 pertained to removal from offices, and derived from original codification.

**Sec. 3.12. Recall.**

An elective officer may be recalled and the vacancy thereby created filled in the manner prescribed by law.

**State law reference**—Recall, MCL 168.931 et seq.

**Sec. 3.13. Filling Vacancies.**

(a) If a vacancy occurs in an elective office, except in the case of recall, the Council shall fill the vacancy by appointment within sixty days thereafter. If the vacancy occurs, on or after December 1, 2014, less than forty-eight hours prior to the last date and time set for filing nominating petitions for officers to be filled at the next regular election, such vacancy shall be filled only for a term ending on the day of the first meeting of the Council next following such regular city election, at which time, or within three weeks thereafter, it shall be filled for a term ending on the last day in November following the next regular city election. Each such appointment, on or after December 1, 2014, except as otherwise provided, shall be for a term ending on the last day in November following the next regular city election.

(b) If a vacancy occurs in an appointive office, such vacancy shall be filled within thirty days thereafter in the manner provided for making the original appointment. Such time may be extended, for not more than an additional sixty days, by Council resolution setting forth the reasons therefor.

(Res. No. 03-14, 7-28-2014)

**Sec. 3.14. Delivery of Office to Successor.**

Whenever an officer or employee leaves an office or employment for any reason, he shall deliver forthwith to his successor in the office or employment or to the Mayor, all property of

the city, such as books, working papers, moneys, and effects, which are in his custody, possession, or control. Failure to comply with the requirements of this section shall constitute a violation of this charter.

**Editor's note**—The provisions of Charter § 3.14 appear superseded by MCL 750.480.

## CHAPTER 4. THE CITY COUNCIL\*

### Sec. 4.1. [Generally.]

The Council shall consist of the seven Councilmen. The Mayor shall be elected by the Council from its own membership. The Council shall exercise all of the legislative and policymaking powers of the city and shall provide for the performance of all duties and obligations imposed upon the city by law. The Local Officers Compensation Commission shall determine the salary of the Mayor and other City Council Members pursuant to Local Officers Compensation Commission Ordinance, being Williamston Code Sections 2-281—2.285, adopted in 1974 in accordance with 1909 PA 279, Section 5C; MCL 117.5C. (Res. No. 02-14, 4-14-2014)

### Sec. 4.2. Expiration of Terms of Office.

The terms of four members of council elected after January 1, 2005, shall expire on the last day in November following each regular city election. When appointments are made to fill vacancies in the manner provided Section 3.13.(a) of this charter, appointees shall qualify for and assume the duties of office within ten (10) days after appointment, unless such time be extended for not more than sixty (60) days by Council.

(Res. No. 19-04, § 1, 8-23-2004)

**Editor's note**—The April term expiration in Charter § 4.2 is obsolete in light of odd-year elections provided for in MCL 168.644a et seq.

### Sec. 4.3. Organization of the Council.

The Council shall meet and organize on the first meeting in December of each year after January 1, 2005. At such meeting, or within one week thereafter, the council shall elect from its membership a Mayor and a Mayor pro-tempore and do such other acts as may be required for its organization and the conduct of its business. The Council may provide by ordinance for the interim order of succession of its members to the office of Mayor pro-tempore and for the prompt and temporary reconstitution of the Council in the event that its membership is reduced to less than a quorum.

(Res. No. 20-04, § 1, 8-23-2004)

**Editor's note**—The April organization meeting provided for in Charter § 4.3 is obsolete in light of odd-year elections provided for in MCL 168.644a et seq.

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

**Sec. 4.4. The Mayor.**

(a) The Mayor shall be recognized as the chief executive officer of the city and shall perform all duties provided or required of him by law or by the Council.

(b) He shall be the presiding officer of the Council.

(c) He shall be a member of the Council with all the powers and duties of that office, including the right and duty to vote on questions before the Council.

(d) He shall advise the Council concerning the affairs of the city and make recommendations thereon.

(e) In emergencies, he shall have the powers conferred by law upon peace officers and shall exercise such powers, as the city's chief executive officer, to prevent disorder, to preserve the public peace and health, and to provide for the safety of persons and property.

(f) He shall not possess the veto power.

(g) The compensation of the Mayor shall be \$100.00 per year, payable quarterly, in addition to his compensation as a member of the Council.

**State law reference**—Mandatory that charter provide for a chief executive officer, MCL 117.3(a).

**Sec. 4.5. The Mayor Pro tempore.**

The Mayor pro tempore shall succeed to the office of Mayor when a vacancy occurs in that office. He shall have and exercise the powers and duties of the Mayor when the Mayor is absent or unable to perform the duties of his office. When a doubt exists concerning the ability of the Mayor to perform the duties of his office, the Council shall by resolution, determine whether the Mayor pro tempore shall act in the place of the Mayor. Such determination shall stand until the Council determines that such disability or inability ceases.

**Sec. 4.6. Meetings of the Council.**

(a) The Council shall meet in the established Council Chamber, or in such other place as may be established by ordinance. It shall hold at least one regular meeting in each month, at such times as shall be provided by ordinance or resolution of Council.

(b) Special meetings of the Council shall be held at the regular meeting place of the Council. Special meetings shall be called by the City Clerk on the written request of the Mayor, or of any two members of the Council.

(c) At least six hours' written notice shall be given designating the time and purpose of a special meeting. Such notice shall be given personally by the Clerk to each member of the Council or written notice may be left at his usual place of residence or business by the Clerk or by someone designated by him. A copy of such notice shall also be delivered at the place of business of each newspaper printed and published in the city, but this requirement shall not be jurisdictional to the holding of any such meeting.

(d) In an emergency, any special meeting shall be a legal meeting if all members are present or, if there be a quorum present, and all absent members have waived in writing the required notice thereof. Waivers may be made either before or after the time of the meeting.

(e) An affidavit of the giving or service of any notice required by this section shall be made a part of the journal of a special meeting. All waivers of notice shall be attached to and made part of the journal of the meeting.

(f) No business shall be transacted at any special meeting of the Council except that stated or given in the notice of the meeting.

(g) All regular and special meetings of the Council shall be public meetings and the public shall have a reasonable opportunity to be heard at a reasonable time in the course of each meeting. All meetings of the Council shall be held in compliance with the Michigan Open Meetings Act, 1976 PA 267, MCL 15.261 TO 15.275, as amended.

(h) Four members of the Council shall be a quorum for the transaction of business, in the absence of a quorum, any number less than a quorum may adjourn a meeting to a later date.

(i) The Council shall determine its own rules and order of business and shall keep a journal in the English language, of all its proceedings. The journal of each meeting of the Council shall be signed by the Clerk. The vote upon all matters considered by the Council shall be taken by "Yes" or "No" votes which shall be entered upon record, except that, where the vote is unanimous, it shall be necessary only so to state.

(j) The Council may compel attendance at its meetings of its members and any officers or employees of the city. It may punish for nonattendance in such manner as it may prescribe by its rules.

(k) No member of the Council may vote on any question upon which he has a substantial direct or indirect financial interest, otherwise, each member of the Council shall vote on each question before the Council for determination, unless excused therefrom by the affirmative vote of all remaining members able to vote on the question. If a question is raised under this section at any Council meeting, such question shall be voted on before the question to which it applies is voted upon, but the Council members affected may not vote on such determination.

(l) The vote of at least four members shall be required for official action by the Council, unless a larger majority is required by law.

(m) The Clerk shall prepare an agenda of the business to be considered at each regular Council meeting. No business shall be considered by the Council, unless placed upon the agenda for the meeting not later than 12:00 o'clock noon, on the Friday preceding the meeting, except upon the approval of five or more members of the Council.

(n) There shall be no standing committees of the Council.  
(Res. No. 11-15, 7-27-2015)

**State law references**—Mandatory that charter provide for public meetings in accordance with the Open Meetings Act, MCL 117.3(l); mandatory that charter provide for keeping in the English language a written or printed journal of each session of the legislative body, MCL 117.3(l).

#### **Sec. 4.7. Reserved.**

**Editor's note**—Res. No. 8-03, § 1, adopted April 28, 2003, repealed § 4.7 in its entirety, which pertained to health functions of the council, and derived from original codification.

#### **Sec. 4.8. Limitations on Council Actions.**

(a) Neither the Council not [nor] any committee thereof shall direct or demand the appointment of any person to, his promotion within or to, or his removal from, any office of employment in city government. For the purposes of inquiry authorized by it the Council upon a majority vote of its members, may deal with the administrative officers and employees of the city concerning matters relating to performance of their several official duties and employments. No action to the contrary shall be valid or binding upon the City Manager or any officers or employee of the city. Any violation of the provisions of this paragraph shall constitute a violation of this charter.

(b) Except in those cases where a larger majority is required by law, no ordinance or resolution shall be adopted or passed, nor shall any appointment be made, nor any persons removed from office as required or permitted by this charter, except by the affirmative vote of at least four members of the Council.

### **CHAPTER 5. CITY LEGISLATION\***

#### **Sec. 5.1. Prior City Legislation Preserved.**

In order to preserve and provide for the public health and welfare and for the safety of persons and property, and insofar as the same are consistent with and permitted by law, the ordinances of the City of Williamston shall be and continue in effect under this charter, unless inconsistent herewith. When this charter requires the Council to adopt or provide any ordinance, any existing ordinance which meets such requirements shall suffice.

**\*State law reference**—Mandatory that charter provide for adopting, continuing, amending, and repealing city ordinances and for the publication of ordinances before becoming operative, MCL 117.3(k).

**Sec. 5.2. City Code.**

Within two years after the effective date of this charter, the Council shall provide for the development of a code of ordinances. Such code shall be an ordinance of the city. It shall be amended and parts thereof shall be repealed only by ordinance. It shall be adopted and published in the manner provided by law.

**State law reference**—Codification of ordinances, MCL 117.5b.

**Sec. 5.3. Introduction, Consideration, Style, and Recording of Ordinances.**

(a) Each proposed ordinance shall be introduced in written form. The style of all ordinances adopted by the Council shall be, "The City of Williamston Ordains";

(b) Unless declared to be emergency in nature by a vote of not less than five members of the Council, no ordinance shall be adopted by the Council, except at a regular Council meeting held not less than one week subsequent to its introduction. An emergency ordinance may be adopted at any regular or special meeting of the Council.

(c) Ordinances shall be amended or repealed only by ordinances adopted for that purpose. Each ordinance shall be recorded by the Clerk in the Ordinance Book and such recording shall be prima facie evidence of the due and proper adoption thereof.

(d) All ordinances, resolutions, and official proceedings of the city may be placed in evidence in all courts and tribunals by a copy thereof certified as true by the Clerk, under the seal of the city, as an alternate to other methods provided or permitted by law.

**Sec. 5.4. Publication of Ordinances.**

Each ordinance shall be published in a manner provided by the Council and permitted by law, before it shall become operative. If publication is made by posting, a notice of the place of posting and a brief statement of the purpose of the ordinance shall be published in one or more of the newspapers of general circulation in the city within ten days after posting.

**Sec. 5.5. Effective Date of Ordinances.**

(a) Unless declared to be an emergency ordinance as provided in Section 5.3.(b), no ordinance shall become operative until fifteen days after adoption by the Council.

(b) No ordinance which provides for or establishes a tax shall become operative less than thirty days after adoption by the council.

**State law reference**—Publication of summary of ordinance, MCL 117.3(k).

**Sec. 5.6. Penalties.**

The council may provide in a specific ordinance, or by general ordinances, for the penalties to be assessed for a violation of an ordinance. The violation of an ordinance may be classified as a misdemeanor, a civil infraction or a municipal civil infraction, and penalties for such violation shall be provided in accordance with state law.

(Res. No. 04-14, 7-28-2014)

**Sec. 5.7. Same Limit for Prosecution of Ordinance Violations.**

No prosecution for the violation of any ordinance shall be commenced after the expiration of two years after the commission of the offense.

**Sec. 5.8. Initiative and Referendum.**

The electors of the city may initiate any ordinance or secure a referendum on any ordinance by petition.

**State law reference**—Charter may provide for initiative and referendum, MCL 117.4i(g).

**Sec. 5.9. Initiative or Referendary Petitions.**

An initiatory or a referendary petition shall be signed by registered electors of the city equal to not less than fifteen percent of the number of registered electors of the city according to the records of the Clerk on the date the petition is filed. No referendum shall be permitted respecting any ordinance required to be passed by the Council by any law, except in the manner provided by such law. Such petition may be the aggregate of two or more petition papers. Each signer of a petition shall sign his name and shall, himself, place thereon after his name, the date and his place of residence by street and number. To each petition paper there shall be attached a sworn affidavit by the circulator hereof, stating that each signature thereon





is the genuine signature of the person whose name it purports to be and that it was signed in the presence of the affiant. Such petition shall be filed with the Clerk who shall, within ten days, canvass the signatures thereon to determine the sufficiency thereof. Any signatures obtained more than sixty days before the filing of such petition with the Clerk shall not be counted. If found to contain an insufficient number of signatures of registered electors, or to be improper as to form or compliance with the requirements of this section, the Clerk shall notify, forthwith, the person filing such petition, and ten days from such notification 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 the next regular meeting.

**Sec. 5.10. Same—Council Procedure.**

Upon receiving an initiatory or referendary petition from the Clerk, the Council shall, either:

- (1) If it be an initiatory petition, adopt the ordinance as submitted in the petition within thirty days after the receipt thereof, or determine to submit the proposal to the electors; or
- (2) If it be a referendary petition, repeal the ordinance to which the petition refers within thirty days after the receipt thereof, or determine to submit he [the] proposal to the electors.

**Sec. 5.11. Same—Submissions 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 purpose, or, in the discretion of the Council, at a special election. The result shall be determined by a majority vote of the electors voting thereon, except in cases where otherwise required by law.

**Sec. 5.12. Same—Status of Ordinances Adopted.**

An ordinance adopted by the electorate through initiatory proceedings may not be amended or repealed by the Council for a period of one year after the date of the election at which it was adopted. Should two or more ordinances be adopted at the same election which have conflicting provisions, the one receiving the largest affirmative vote shall prevail as to those provisions.

**Sec. 5.13. Same—Ordinance Suspended.**

The certification by the Clerk of the sufficiency of a referendary petition within forty days after the passage of the ordinance to which such petition refers shall automatically suspend the operation of the ordinance in question, pending repeal by the Council or the final determination of the electors thereon.

**CHAPTER 6. THE ADMINISTRATIVE SERVICE\***

**Sec. 6.1. The Administrative Officers.**

(a) The administrative officers of the city shall be the City Manager, Assessor, the Clerk, the Treasurer, and the Chief of Police. The Council may, by ordinance or by resolution, upon the recommendation of the City Manager, create such additional administrative offices, or combine any administrative offices, in any manner not inconsistent with law, and prescribe the duties thereof as it may deem necessary for the proper operation of the city government.

\*State law reference—Mandatory that charter provide for certain officers, MCL 117.3(a).

(b) In making appointments of administrative officers, the appointing authority shall consider only the good of the public services and the fitness of the appointee for, and his ability to discharge the duties of the office to which he is appointed.

(c) In making appointments of administrative officers, the Council and the City Manager shall give primary consideration to electors of the city. Each such appointment of any person who is not an elector of the city shall be provisional until he has become an elector of the city and no person shall hold any provisional appointment or combination of provisional appointments for more than one year.

(Res. No. 12-05, § 1, 8-22-2005)

**Sec. 6.2. Administrative Officers-Appointment, Terms and Compensation.**

(a) All administrative officers, except the City Manager, shall be appointed by the City Manager, subject to confirmation by the Council, and shall serve for indefinite terms.

(b) The City Manager may, at any time, remove for just cause any administrative officers. If any person so removed shall, within ten days after having been given notice thereof, petition to the Council for a public hearing on his removal, his removal shall then become a suspension, pending action by the Council, and he shall be afforded a public hearing and his removal shall not be final until ten days after such hearing. The Council shall make a decision on such removal within ten days after such removal.

(c) All persons employed by the city who are not elective or administrative officers, or members of a board created by this charter, or declared to be administrative officers by or under authority of this section, shall be deemed to be employees of the city.

(d) The compensation of all administrative officers, shall be in accordance with and within budget appropriations therefor. Within budget appropriations, reasonable expenses may be allowed to administrative officers when actually incurred and after they have been audited by the Clerk and approved by the Council.

(Res. No. 13-05, § 1, 8-22-2005)

**Sec. 6.3. City Manager.**

(a) The City Manager shall be appointed by the Council, shall be the administrative agent of the Council, shall be vested with the administrative powers of the city granted to him by this charter, and shall perform the duties of that office under authority of, and be accountable to the Council. He shall serve at the pleasure of the Council. To be eligible for appointment as City Manager, a person must have had training for or previous experience in city, public, or business administration.

(b) As the chief administrative officer of the city the City Manager shall:

- (1) Be responsible to the Council for the conduct of the administrative functions and business of the city;

- (2) Appoint such of the administrative officers subject to confirmation by the Council;
- (3) Supervise and coordinate the work of the administrative officers and departments of the city;
- (4) Prepare and submit to the Council the annual budget proposal of the city, together with supporting information in explanation thereof;
- (5) Establish and maintain a central purchasing service for the city;
- (6) Supervise and coordinate the personnel policies and practices of the city;
- (7) Keep informed and report to the Council concerning the work of the several administrative officers and departments of the city, and, to that end, he may secure from the administrative officers and department heads such information and periodic or special reports as he or the Council may deem necessary;
- (8) Recommend to the Council measures relating to the needs and development of the city;
- (9) In case of conflict of authority between officers and administrative departments, or in case of absence of administrative authority, occasioned by inadequacy of charter or ordinance provisions, resolve the conflict or supply the necessary authority, so far as may be consistent with Law and the ordinance of the city, and direct the necessary action to be taken in conformance therewith, making a full report to the Council at its next meeting;
- (10) Exercise and perform such further powers and such additional administrative duties as the Council may see fit to delegate to him, including duties hereinafter imposed on the Clerk, under paragraphs (f), (g), (h), (i), and (j), of Section 6.4 of this charter.

**Sec. 6.4. City Clerk.**

(a) The Clerk shall be clerk of the Council and of each appointive board of the city, except as otherwise provided by law. He or his deputy shall attend all meetings of the Council and of each board of the city, and shall keep a permanent journal of its proceedings, in the English language.

(b) 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 by law. He shall give to the proper officials ample notice of the expiration or termination of their terms of office and of any official bonds, franchises, contracts, or agreements to which the city is a party.

(c) He shall keep a record of all ordinances, resolutions, and actions of the Council and shall keep the Mayor and City Manager informed with respect thereto. The Clerk shall keep the City Manager informed concerning such matters as are within the scope of his powers and authority as fixed by the Council.

(d) He shall have power to administer all oaths required by law and the ordinances of the city.

(e) He shall certify all ordinances and resolutions enacted or passed by the Council and such certification shall be prima facie evidence of the due and proper action of the Council thereon.

(f) He shall be the general accountant of the city, shall keep the books of account of all city assets, receipts, and expenditures, and shall keep the Council and the City Manager informed as to the city's financial affairs. He shall provide the system of accounts of the city. Such system of accounts of the city shall conform to such uniform systems as may be required by law.

(g) He shall balance all the books of account of the city at the end of each calendar month, and shall make a report thereon to the City Manager and the Council.

(h) He shall maintain an inventory of city-owned property.

(i) He shall, at any time upon direction of the City Manager, examine and audit all books of accounts kept by any official or department of the city, as to matters concerning misconduct in office and violations of this charter and the ordinances of the city. He shall examine and test-check all books of accounts of the Treasurer at least once a month.

(j) He shall perform such other duties as the Council may direct or which may be required of him by law.

**State law references**—Mandatory that charter provide for a clerk, MCL 117.3(a); mandatory that charter provide for a system of accounts that conforms to a uniform system of accounts as required by law, MCL 117.4(n); Uniform Budgeting and Accounting Act, MCL 141.421 et seq.

(Res. No. 10-14, 7-28-2014)

### **Sec. 6.5. City Treasurer.**

(a) The Treasurer shall have the custody of all money of the city and all evidences of value belonging to or held in trust by the city.

(b) He shall collect all city taxes and assessments and such other accounts and moneys which are collected by the city as shall be required by law or ordinance.

(c) He shall keep and deposit all money or funds in such manner and only in such places as the Council may determine or as may be required by law.

(d) He shall have such powers, duties, and prerogatives in regard to the collection and custody of state, county, school district, and city taxes and moneys as are conferred by law.

(e) He shall perform such other duties as may be prescribed by law or by the Council.

**State law references**—Mandatory that charter provide for a treasurer, MCL 117.3(a); depositories, MCL 129.11 et seq.

**Sec. 6.6. Deputy Administrative Officers.**

The council may authorize the appointment of a deputy city clerk, deputy city treasurer and such other deputy city officers as it may deem advisable and subject to budget allowances. Each such deputy shall be appointed or removed by the city manager. Each deputy shall possess all the powers and authorities of their superior officer. (Res. No 8-14, 7-28-2014)

**Sec. 6.7. Assessor.**

(a) The Assessor shall possess all the powers vested in and shall be charged with all the duties imposed upon assessing officers by law.

(b) He shall make and prepare all regular and special assessment rolls in the manner prescribed by law.

(c) He shall perform such other duties as may be prescribed by law or the Council.

**Sec. 6.8. Police Department.**

(a) The Police Department shall be under the direction of the Chief of Police.

(b) Police Officers of the city shall have all the powers, immunities, and privileges granted to peace officers by law for the making of arrests, the preservation of order, and the safety of persons and property in the city. Any person arrested shall be taken before the proper magistrate or court for examination or trial, without unnecessary delay. Police officers shall make and sign complaints to or before the proper officers and magistrates against any person known to be, or, upon complaint or information, believed to be guilty of any violation of this charter or ordinances of the city, or of the penal laws of the State. For purposes of making arrests, violations of this charter and of city ordinances shall be deemed to be misdemeanors.

**Sec. 6.9. Fire Department.**

The City participates in a regional authority for fire protection and emergency services, and should the City withdraw from such authority, or the authority otherwise cease to provide fire protection and emergency services in the City, the City may by ordinance establish a City Fire Department.

(Res. No. 12-05, § 1, 8-22-2005)

**Sec. 6.10. Other Administrative Officers.**

The duties of administrative officers for which provision is not made herein, shall be those established by law and by ordinances and resolutions of the Council.

**Sec. 6.11. Citizens Committees.**

The Council may create citizen advisory committees for the purpose of studying and investigating specific problems or needs of any department, function, or interest of the city

where there is no board created to make such studies or investigations. Each such committee shall render its report to the Council within two years after its creation, and shall then cease to exist unless the work of the committee is extended thereafter by the Council for a period not exceeding one year.

**Sec. 6.12. Additional Administrative Powers and Duties.**

From time to time, upon the recommendation of the City Manager, the Council may, by ordinance, prescribe additional powers and duties, not inconsistent with this charter, to be exercised and administered by appropriate officers and departments of the city.

**Sec. 6.13. Nepotism.**

Relatives by blood or marriage who are a brother, sister, spouse, parent, grandparent, child, or grandchild of the Mayor or any Councilman, or of any administrative officer or bear such relationship to any of their spouses, shall not be qualified to hold any appointive office or to be employed by the city during the term for which any such officers were elected, or during the tenure of office of such administrative officer, except and unless they are bona fide appointive officers or employees of the city at the time of election or appointment of such officers. If the status of relationship between any employee of the city and a person holding one of the positions enumerated herein changes to a relationship prohibited hereby, following employment of such employee or the election or appointment of a person holding one of the enumerated positions, the provisions of this section shall not apply.

**Sec. 6.14. Cemeteries.**

The city shall continue to operate cemeteries jointly with the Township of Williamston [Williamstown] under a joint board representing the city and the township in the same manner as on the effective date of this charter, until the city and township shall determine otherwise or, by mutual agreement modify the plan of operating such cemetery.

**Sec. 6.15. Employee Welfare Benefits.**

The Council shall have power to make available to the administrative officers and employees of the city, other than members of the several boards, any recognized standard plan of group, life, health, or accident insurance, either independently of, or as a supplement to, any pension plan provided by the city for its employees.

**Sec. 6.16. Pension Plan.**

The Council may provide a pension plan for its employees, either independent of, or combined with, or supplemental to the Federal Social Security pension program. The city pension plan shall be based upon actuarial principals similar to those upon which the pension plan for employees of the State of Michigan is based, but the benefits of the city pension plan need not be limited to or bound by such state plan.

**CHAPTER 7. RESERVED\***

**Secs. 7.1—7.14. Reserved.**

**CHAPTER 8. GENERAL FINANCE†****Sec. 8.1. Fiscal Year.**

The fiscal and budget year of the city shall begin on the first day of July of each year and end on the thirtieth day of June of the following year.

**Sec. 8.2. Budget Procedure.**

(a) Not later than the first day of February of each year, each officer, department, and board of the city shall submit to the City Manager an itemized estimate of its expected income and expenditures during the next fiscal year for the department of activities under its control. The City Manager shall compile such information and list the same upon a budget proposal form. He shall review such budget requests, and, in a column parallel to and adjacent to that containing such budget requests, shall enter his budgetary recommendations for each item requested by the several officers and departments. Not later than the first meeting of the Council in April of each year, he shall submit to the Council a recommended budget for the next fiscal year which, considering any anticipated unexpended balance or deficit at the end of the current fiscal year, is within the tax limit and other anticipated revenue of the city.

(b) The budget proposal form shall clearly show at least the following information:

- (1) Detailed estimates with supporting explanations of all proposed expenditures for each department, office, and agency of the city, showing the expenditures for corresponding items for the last preceding fiscal year in full, and for the current fiscal year to March first and estimated expenditures for the balance of the current fiscal year;
- (2) Statements of the bonded and other indebtedness of the city. If any, showing the debt redemption and interest requirements, the debt authorized and unissued, and the condition of sinking funds. If any;
- (3) Detailed estimates of all revenues of the city from sources other than taxes with a comparative statement of the amounts received by the city from each of the same or similar sources for the last preceding fiscal year in full, and for the current fiscal year to March first, and the estimated revenues for the balance of the current fiscal year;
- (4) A statement of the estimated balance or deficit for the end of the current fiscal year;

**\*Editor's note**—Res. No. 10-03, § 1, adopted April 28, 2003, repealed chapter 7, in its entirety, which pertained to justice court, and derived from original codification.

**†State law references**—Uniform Budgeting and Accounting Act, MCL 141.421 et seq.; depositories, MCL 129.11 et seq.; Revised Municipal Finance Act, MCL 141.2101 et seq.

- (5) An estimate of the amount of money to be raised from current and delinquent taxes and the amount to be raised from bond issues which, together with any available unappropriated surplus and revenues from all other sources, will be necessary to meet the proposed expenditures;
- (6) Such other supporting information as the Council may request.

(Res. No. 10-03, § 1, 4-28-2003)

**Editor's note**—Minimum requirements for the recommended budget are mandated by MCL 141.435 and to the extent that Charter § 8.2 is inconsistent with same, the statute controls.

### **Sec. 8.3. Public Inspection of Budget Proposal.**

The budget proposal of the City Manager, together with his recommendations and its supporting schedules and information shall be available for public inspection in the office of the Clerk.

### **Sec. 8.4. Budget Hearing.**

A public hearing on the budget proposal shall be held not less than one week before its final adoption, at such time as the council shall direct. Notice of the public hearing shall be published by the Clerk at least one week in advance thereof and the budget proposal shall be available in the office of the Clerk during such week.

### **Sec. 8.5. Adoption of Budget.**

(a) At a regular meeting held not later than the second Monday in June of each year, the Council shall, by resolution, adopt a budget for the ensuing fiscal year and make an appropriation of the money needed therefor. Such resolution shall designate the sum to be raised by taxation for the general purposes of the city and for the payment of principal and interest on its indebtedness. Failure to adopt such a resolution within the time herein set shall not invalidate either the budget or the tax levy therefor.

(b) A copy of the appropriations for each fiscal year, certified by the Clerk, shall be furnished to the City Manager within ten days after the date of the adoption of the budget resolution.

**State law reference**—Mandatory that charter provided for annual appropriation of money for municipal purposes, MCL 117.3(h).

### **Sec. 8.6. Budget Control.**

(a) Except for purposes which are to be financed by the issuance of bonds or by special assessments, no money shall be drawn from the treasury of the city, except in accordance with the budget in effect and the appropriation for such purpose, nor shall any obligation for the expenditure of money be incurred without an appropriation covering all payments which will be due under such obligation during the fiscal year. The Council, upon the written recommendation of the Mayor, or the City Manager, and by the affirmative vote of not less than five of



its members, may appropriate unappropriated funds or transfer any unencumbered appropriation balance, or any portion thereof, from any budget item or account, department, or agency to another.



(b) Expenditures shall not be charged directly to any contingent or general account. Instead, the necessary amount of the appropriation from such account shall be transferred to the appropriate budget item or account and the expenditure then charged thereto. The City Manager shall be responsible for the administration of the foregoing requirements in subsection (a) and (b) of this section.

(c) During each month, the City Manager shall submit to the Council data showing the relation between the estimated and actual revenues and expenditures to the end of the preceding month: and, if it shall appear that the revenues are less than anticipated, the Council may, by resolution, reduce appropriations, except amounts required for debt and interest charges, to such a degree as may be necessary to keep expenditures within the revenues.

(d) Within thirty days following the end of each fiscal year, the City Manager shall file with the Council a schedule of all encumbrances upon the budget appropriations existing at the end of the fiscal year, with his recommendations thereon, and the Council shall provide for the payment of such thereof as constitute valid claims against the city from corresponding budget items from the then current fiscal year.

#### **Sec. 8.7. Special Accounts.**

(a) The Council may, by ordinance, establish and maintain accounts for accumulating moneys to be used for acquiring, existing, altering, constructing, or repairing public improvements and for the purchase of equipment of any type, in each case either for a specific item or items or for future unspecified public improvements or equipment, or both.

(b) Appropriations to such accounts may be made by the Council either in the annual appropriation resolution or, from time to time during the fiscal year, from available funds, from whatever source derived, which are not required for other appropriations or obligations of the city. Such accounts shall be continuing accounts and the balances therein at the end of each fiscal year shall remain a part thereof.

(c) At the end of each fiscal year, the Council may transfer any unencumbered balance or any part thereof into one or more of the accounts authorized to be created by this section.

(d) Moneys which are accumulated for the purpose of public improvements, as set forth in subsection (a) hereof, shall be used only at the direction of the Council, and only for the purpose provided in the original ordinance establishing such account, unless their use for some other municipal purpose be authorized by a majority vote of the electors of the city who vote on the proposition to amend such ordinance to provide for a change in the use of the moneys in such account. After the purpose of any such account has been fulfilled, any balance remaining therein may be transferred by the Council to any other special account or to the general fund of the city.

(e) Moneys which are accumulated for the purpose of purchasing equipment, as set forth in subsection (a) hereof, shall be expended only for the purpose provided in the ordinance establishing any such account, or as such ordinance may be amended from time to time, and, when no longer required for such purpose, such moneys or any part thereof may be transferred to the general fund by resolution of the Council.

**Sec. 8.8. Withdrawal of City Moneys.**

(a) Unless otherwise provided by law or by ordinance, all moneys drawn from the treasury shall be drawn pursuant to the authority and appropriation of the Council. The Council upon the recommendation of the City Manager, where necessary to expedite operating procedures, may authorize, by resolution, designated officers and employees of the city to make minor disbursements from petty cash account, which disbursement shall be accounted for and shall be audited by the Clerk.

(b) Checks for the disbursement of city funds shall be signed by the Clerk and countersigned by the Treasurer.

(c) Checks may be issued prior to authorization by the Council for such purposes and up to such amounts as the Council shall provide by ordinance.

**Sec. 8.9. Claims Against City for Injuries.**

Procedures and limitations for the examination and adjustment of claims against the city for injury to persons and property shall be such as are provided by law. This section shall not be deemed to waive any defense of immunity.

(Res. No. 09-14, 7-28-2014)

**State law reference**—Governmental liability for negligence, MCL 691.1401 et seq.

**Sec. 8.10. Depositories.**

The Council shall designate depositories for city funds in accordance with law, and shall provide for the regular deposit of all city moneys.

**State law reference**—Depositories, MCL 129.11 et seq., 211.43b

**Sec. 8.11. Independent Audit.**

An independent audit shall be made of all accounts of the city government at the close of each fiscal year, and shall be completed within ninety days thereafter. Special independent audits may be made at any time that the Council may designate. All such audits shall be made to the Council by a Certified Public Accountant designated by it. Each audit and reports supplemental thereto shall be made public in the manner that the Council determines and copies of the audit shall be placed in the office of the Clerk.

**State law reference**—Annual audits, MCL 141.425 et seq.

**Sec. 8.12. Annual Report.**

The City Manager shall prepare an annual report of the affairs of the city, after the completion of the annual audit. The report shall include condensed financial statements showing the results of all city operations, including statements for each public utility owned or operated by the city. Copies of such report shall be made available for public inspection and distribution at the office of the Clerk and by such other method as the Council may determine.

**State law reference**—Annual financial report, MCL 141.424.

**CHAPTER 9. TAXATION\*****Sec. 9.1. Power to Tax—Tax Limit.**

The city shall have the power to assess taxes and to lay and collect rents, rolls, and excises. The annual general ad valorem tax levy for municipal purposes shall not exceed two percent of the assessed value of all real and personal property in the city.

**State law reference**—Limitations on tax rate, Mich. Const. (1963) art. VII, § 21, MCL 117.3(g), 117.5(a), 211.107a.

**Sec. 9.2. Subjects of Taxation—Tax Procedure.**

(a) The subjects of ad valorem taxation for municipal purposes shall be the same as for state, county, and school purposes under the general law.

(b) Except as otherwise provided by this chapter, city taxes shall be assessed, levied, and collected in the manner provided by law.

**State law reference**—Mandatory that charter provided that the subjects of taxation for municipal purposes are the same as for state, county, and school purposes, MCL 117.3(f).

**Sec. 9.3. Exemptions.**

The power of taxation shall never be surrendered or suspended by any grant or contract to which the city shall be a party. No exemptions from taxation shall be allowed, except such as are expressly required or permitted by law.

**State law reference**—Real estate tax exemptions, MCL 211.7.

**Sec. 9.4. Tax Day.**

Subject to the exceptions provided or permitted by law, the taxable status of persons and property shall be determined as of the thirty-first day of December, or such other date as may subsequently be required by law, which shall be deemed the tax day. Values on the

**\*State law references**—Mandatory that charter provide for levying and collection of taxes, MCL 117.3(g); General Property Tax Act, MCL 211.1 et seq.

assessment roll shall be determined according to the facts existing on the tax day for the year for which such roll is made, and no change in the status or location of any such property after that day shall be considered by the Assessor or the Board of Review.

**State law reference**—Tax day, MCL 211.2.

#### **Sec. 9.5. Personal Property—Jeopardy Assessment**

If the Treasurer finds or reasonably believes that any person who is, or may be, liable for taxes upon personal property, the taxable situs of which was in the city on tax day, intends to depart or has departed from the city; or to remove or has removed therefrom personal property which is, or may be, liable for taxation; or to conceal or conceals himself or his property; or does any other act tending to prejudice, or to render wholly or partly ineffectual the proceedings to collect such tax, he shall proceed to collect the same as a jeopardy assessment in the manner provided by law.

#### **Sec. 9.6. Preparation of the Assessment Roll.**

(a) On the date established by the Michigan General Property Tax Act, as amended, the Assessor shall prepare and certify an assessment roll of all property in the city. Such roll shall be prepared in accordance with the requirements of law, and may be divided into volumes, which the Assessor shall identify by number, for purposes of convenience in handling the assessment roll and for locating properties assessed therein. The attachment of any certificate or warrant required by this chapter to any volume of the roll, either as an assessment roll or as a tax roll, shall constitute the attachment thereof to the entire roll, provided the several volumes are identified in such certificate or warrant. Values of property set forth on the assessment roll shall be determined according to recognized methods of systematic assessment.

(b) The Assessor shall give notice by first class mail to each owner of property which has been added to the assessment roll or the value of which has been increased or decreased on such roll. The notice shall be addressed to the owner according to the records of the Assessor's office and mailed as required by the Michigan General Property Tax Act, as amended. Neither the failure of the Assessor to give notice nor the failure of a person to receive notice shall invalidate any assessment roll or any assessment thereon.

(Res. No. 07-15, 7-27-2015)

**State law reference**—Assessment roll, MCL 211.24 et seq.

#### **Sec. 9.7. Board of Review.**

(a) A Board of Review is hereby created, composing of three members who have the qualifications for holding elective city office, as set forth in Section[s] 3.2 and 3.3 of this charter and who are owners of property assessed for taxes in the city. No officer or employee of the city or candidate for a city office shall be eligible for appointment to the Board or to serve thereon.

(b) The members of the Board of Review shall be appointed by the Council, and may be removed for reasons of nonfeasance or misfeasance by the vote of five members of the Council. The appointment of members of the Board shall be based upon their knowledge and experience in property valuation. One member shall be appointed in the month of January of each year, for a term of three years, commencing on the date of his appointment. The Council shall fix the compensation of members of the Board.

(c) The Board shall, annually, on the first day of its meeting, select one of its members chairman for the ensuing year. The Assessor shall be Clerk of the Board, and shall be entitled to be heard at its sessions, but shall have no vote on any proposition or question.

**State law reference**—Board of review, MCL 211.28 et seq.

### **Sec. 9.8. Duties and Functions of Board of Review.**

For the purpose of revising and correcting assessments, the Board of Review shall have the same powers and perform like duties, in all respects, as are, by law, conferred upon and required of boards of review in townships, except as otherwise provided in this charter. At the time, and in the manner provided in the following section, it shall hear the complaints of all persons considering themselves aggrieved by assessments. If it shall appear that any person or property has been wrongfully assessed or omitted from the roll, the Board shall correct the roll in such manner as it deem just. In all cases, the roll shall be reviewed according to the facts existing on tax day and no change in the status of any property after said day shall be considered by the Board in making its decision. Except as otherwise provided by law, no person other than the Board of Review shall make any change upon, or additions or corrections to, the assessment roll. The Assessor shall make a permanent record of all proceedings of the Board and enter therein decisions of the Board. Such record shall be filed with the Clerk on or before the first day of June following the meeting of the Board of Review.

**State law reference**—Board of review, MCL 211.28 et seq.

### **Sec. 9.9. Meetings of Board of Review.**

(a) The Board of Review shall convene at 9:00 o'clock a.m. on the second Monday in March in each year at a place designated by the Council, or on such other date as may subsequently be required by law for the meeting of boards of review in cities, and continue in session for not less than eight hours on each of not less than two consecutive days for the purpose of considering and correcting the assessment roll of the city. The Board shall also convene at the same time and place on the fourth Monday in March of each year for the purpose of finalizing and certifying the assessment roll.

(b) In each case in which the assessed value or any property is increased over or decreased by the Board from the amount shown on the assessment roll as prepared by the Assessor or any property is added to such roll by the Board, or the Board has resolved to consider at its second session on the fourth Monday in March such increasing or decreasing of an assessment or the adding of any property to such roll, the Board shall give notice to the owner or owners of the property concerned, according to the records of the Assessor, of any

such increase, decrease, or addition of property to the assessment roll, or intent to so increase or decrease or add property to the assessment roll, by first class mail placed in the U.S. Post Office not later than five days prior to the fourth Monday in March, with first class postage fully prepaid thereon. At such second session the Board shall remain in session for not less than eight hours and may meet on subsequent days, if it deems it necessary to do so in order to afford all persons notified as herein required a reasonable opportunity to be heard. At the said second session, the Board may not increase or decrease any assessment, except in those cases in which the Board has mailed notices as required in this subsection.

(c) The Board of Review may examine on oath any person appearing before it at any time respecting the assessment of property on the assessment roll. Any member of the Board may administer the oath.

**State law reference**—Meetings of board of review, MCL 211.30, 211.107.

#### **Sec. 9.10. Notice of Meetings.**

Notice of the time and place of each meeting of the Board of Review shall be published by the Assessor not less than one week nor more than three weeks prior thereto.

**State law reference**—Notice of meetings of board of review, MCL 211.29(6).

#### **Sec. 9.11. Certification of Roll.**

After the Board of Review has completed its review of the assessment roll, and not later than the Friday preceding the first Monday in April, or such other date as may subsequently be required by law, the majority of its members shall sign a certificate to the effect that the same is the assessment roll of the city for the year in which it has been prepared, as approved by the Board of Review, which certificate, when attached to any volume of the roll shall constitute a conclusive presumption of the validity of the entire roll, as provided in Section 9.6 of this chapter. In the event that the Board of Review shall fail or refuse to so review the assessment roll of the city, such roll, as prepared and presented to the Board of Review by the Assessor shall be the assessment roll for the year for which it was prepared, and shall stand as though it had been certified by the Board of Review.

**State law reference**—Completion of assessment roll, MCL 211.30a.

#### **Sec. 9.12. Validity of Assessment Roll.**

Upon the completion of the assessment roll, and from and after midnight ending the last day of the meeting of the Board of Review, it shall be the assessment roll of the city for county, school, and city taxes, and for other taxes on real and personal property that may be authorized by law. It shall be presumed by all courts and tribunals to be valid, and shall not be set aside, except for cause set forth by law.

**State law reference**—Effect of roll, MCL 211.31.

#### **Sec. 9.13. Clerk to Certify Levy.**

Within three days after the adoption of the budget for the ensuing year, the Clerk shall certify to the Assessor the total amount which the Council determines shall be raised by



general ad valorem taxation, together with such other assessments and lawful charges and amounts which the Council required to be assessed, reassessed, or charged upon the city tax roll against property or persons.

**Sec. 9.14. City Tax Roll.**

After the Board of Review has completed its preview of the assessment roll, the Assessor shall prepare a tax roll, to be known as the "City Tax Roll". Upon receiving the certification of the several amounts to be raised, assessed, and charged for city taxes, as provided in the preceding section, the Assessor shall proceed forthwith:

- (1) To spread the amounts of the general ad valorem tax according to and in proportion to the several valuations set forth in said assessment roll; and
- (2) To place such other assessments and charges upon the roll as are required and authorized by the Council. For convenience, the city tax roll may be, either, an independent tax roll, or may be a combination city tax roll and a tax roll for state, county, school, and other taxes, charges, and assessments.

**State law reference**—Tax roll preparation, MCL 211.42 et seq.

**Sec. 9.15. Taxes a Debt and Lien.**

(a) The taxes on real and personal property shall become a debt to the city from the owner or person otherwise to be assessed, on the tax day provided by the Michigan General Property Tax Act, as amended. The amounts assessed on any interest in real property shall become a lien upon such real property as provided by the Michigan General Property Tax Act, as amended.

(Res. No. 10-15, 7-27-2015)

**Editor's note**—The provisions of Charter § 9.15 are superseded by MCL 211.40.

**Sec. 9.16. Tax Roll Certified for Collection.**

After spreading the taxes and placing other assessments and charges upon the roll, the Assessor shall certify the tax roll, and attach his warrant thereto directing and requiring the Treasurer to collect, prior to March first of the following year, from the several persons named in the roll the several sums mentioned therein opposite their respective names as tax, charge, or assessment. Said warrant shall grant to and vest in the Treasurer, all the statutory powers and immunities possessed by township treasurers for the collection of taxes. The tax roll shall be delivered to the Treasurer on or before the twentieth day of June.

**Sec. 9.17. Tax Payment Date.**

City taxes shall be due and payable on July first of each year.

**Sec. 9.18. Tax Due-Notification Thereof.**

The Treasurer shall not be required to make personal demand for the payment of taxes but, upon receipt of the city tax roll, he shall forthwith mail a tax statement to each person

named in the tax roll, which mailed statement shall be a sufficient demand for the payment of all taxes assessed. Neither the failure on the part of the Treasurer to mail such statement, nor the failure of any person to receive the same, shall invalidate the taxes on the tax roll or release any person or property assessed from the liabilities provided in this charter in case of nonpayment.

**Sec. 9.19. Tax Payment Schedule.**

The Council shall provide by ordinance a tax payment schedule and the amount of collection charges and interest to be added to any amounts unpaid on the dates established for adding charges and interest for summer property taxes under the Michigan General Property Tax Act, as amended. All such charges and interest shall be treated in all respects as an item of taxes and collected by returning the same to the County Treasurer. (Res. No. 07-04, § 1, 4-26-2004)

**Sec. 9.20. Failure or Refusal to Pay Personal Property Tax.**

If any person shall neglect or refuse to pay any tax on personal property assessed to him, the Treasurer shall collect the same by seizing any personal property of such person, to an amount sufficient to pay such tax, together with any charges and interest added thereto, wherever the same may be found in the state. No property shall be exempt from such seizure. He may sell the property seized, to an amount sufficient to pay the taxes and statutory provisions. When the amount realized from any such sale exceeds the said amount, any balance remaining shall be paid to the taxpayer. The Treasurer may also sue the person to whom a personal property tax is assessed, in accordance with the powers granted him by law.

**Sec. 9.21. State, County, and School Taxes.**

For the purpose of assessing and collecting taxes for state, county, and school purposes, the city shall be considered the same as a township, and all provisions of law relative to the collection of, and accounting for such taxes and the penalties and interest thereon shall apply. For the purpose of collecting state, county, and school taxes, the Treasurer shall perform the same duties and have the same powers as township treasurers under state law.

**Sec. 9.22. Protection of City Lien.**

The city shall have power, insofar as the exercise thereof shall not conflict with or contravene the provisions of law, to acquire such an interest in any premises within the city, by purchase at any tax or other public sale, or by direct purchase from or negotiation with the State of Michigan or the owner, as may be necessary to assure to the city the collection of its taxes, special assessments, charges and any interest thereon which are levied against any lot or parcel of real property or to protect the lien of the city therefor, and may hold, lease, or sell the same. Any such procedure exercised by the city to assure the collection of its taxes or the protection of its tax or other liens shall be deemed to be for a public purpose. The Council may adopt any ordinance which may be necessary to make this section effective.

**Sec. 9.23. Collection of Delinquent Taxes.**

All taxes, assessments, and charges upon real property on the tax roll, together with collection charges and interest added thereto, remaining uncollected by the Treasurer shall be collected as provided by the Michigan General Property Tax Act, as amended.

(Res. No. 09-15, 7-27-2015)

**State law reference**—Delinquent tax roll, MCL 211.55 et seq.

**Sec. 9.24. Reserved.**

**Editor's note**—Res. No. 08-04, § 1, adopted May 10, 2004, repealed § 9.24 in its entirety, which pertained to disposition of real property held by city, and derived from original codification.

**CHAPTER 10. SPECIAL ASSESSMENTS\*****Sec. 10.1. General Power Relative to Special Assessments.**

The Council shall have the power to make public improvements within the city. As to public improvements which are of such a nature as to benefit especially any property or properties within a district the Council shall have the power to determine, by resolution, that the whole or any part of the expense of any such public improvement shall be defrayed by special assessment upon such property, in proportion to the benefits derived or to be derived.

**Sec. 10.2. Detailed Procedure to be Fixed by Ordinance.**

The Council shall prescribe, by ordinance, the complete special assessment procedure governing the initiation of public improvement projects, the preparation of plans and cost estimates, the creation of special assessment districts, notices and hearings, making of special assessment rolls, the correction of errors in such rolls, the confirming of special assessment rolls, the number of installments in which special assessments may be paid, the collection of special assessments, the making of additional assessments where the original special

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\***State law reference**—Permissible charter provisions relative to special assessments, MCL 117.4a, 117.4b, 117.4d, 117.5.



the amount realized from any such sale exceeds the said amount, any balance remaining shall be paid to the taxpayer. The Treasurer may also sue the person to whom a personal property tax is assessed, in accordance with the powers granted him by law.

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For the purpose of assessing and collecting taxes for state, county, and school purposes, the city shall be considered the same as a township, and all provisions of law relative to the collection of, and accounting for such taxes and the penalties and interest thereon shall apply. For the purpose of collecting state, county, and school taxes, the Treasurer shall perform the same duties and have the same powers as township treasurers under state law.

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The city shall have power, insofar as the exercise thereof shall not conflict with or contravene the provisions of law, to acquire such an interest in any premises within the city, by purchase at any tax or other public sale, or by direct purchase from or negotiation with the State of Michigan or the owner, as may be necessary to assure to the city the collection of its taxes, special assessments, charges and any interest thereon which are levied against any lot or parcel of real property or to protect the lien of the city therefor, and may hold, lease, or sell the same. Any such procedure exercised by the city to assure the collection of its taxes or the protection of its tax or other liens shall be deemed to be for a public purpose. The Council may adopt any ordinance which may be necessary to make this section effective.

**Sec. 9.23. Collection of Delinquent Taxes.**

All taxes, assessments, and charges upon real property on the tax roll, together with collection charges and interest added thereto, remaining uncollected by the Treasurer on the first day of March following the date when the roll was received by him shall be subject to one of the following procedures:

- (1) The real property against which such taxes, assessments, and charges are assessed shall be subject to disposition, sale, and redemption for the enforcement and collection of the tax lien against the same in the method and manner which may be provided by ordinance. The Council may provide by ordinance the procedure for the sale and redemption of real property for such unpaid taxes, assessments, and charges, together with collection charges and interest added thereto, by judicial sale on petition filed in behalf of the city. Such procedure shall correspond substantially to the procedure provided by law for the sale by the State of tax delinquent real property and redemption therefrom, except that the acts performed by state and county officers shall be performed by appropriate city officers and that city tax sales shall be held not less than thirty nor more than ninety days prior to the dates of corresponding tax sales under the general law.
- (2) If no ordinance is in effect pursuant to subsection (1) of this section, such taxes, assessments, and charges, together with any collection charges and interest added

thereto, shall be returned to the County Treasurer, to the extent and in the same manner and like effect as provided by law for returns by township treasurers of township and county taxes. The taxes, assessments, and charges, together with any collection charges and interest added thereto, thus returned shall be collected in the same manner as other taxes returned to the County Treasurer are collected in accordance with law, and shall be and remain a lien upon the property against which they are assessed until paid.

**State law reference**—Delinquent tax roll, MCL 211.55 et seq.

**Sec. 9.24. Reserved.**

**Editor's note**—Res. No. 08-04, § 1, adopted May 10, 2004, repealed § 9.24 in its entirety, which pertained to disposition of real property held by city, and derived from original codification.

## CHAPTER 10. SPECIAL ASSESSMENTS\*

**Sec. 10.1. General Power Relative to Special Assessments.**

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**Sec. 10.2. Detailed Procedure to be Fixed by Ordinance.**

The Council shall prescribe, by ordinance, the complete special assessment procedure governing the initiation of public improvement projects, the preparation of plans and cost estimates, the creation of special assessment districts, notices and hearings, making of special assessment rolls, the correction of errors in such rolls, the confirming of special assessment rolls, the number of installments in which special assessments may be paid, the collection of special assessments, the making of additional assessments where the original special

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\***State law reference**—Permissible charter provisions relative to special assessments, MCL 117.4a, 117.4b, 117.4d, 117.5.

assessment roll proves insufficient to pay the cost of the improvement or the cost of the repayment of the principal of and interest on money borrowed to pay for such improvement, refunds of excessive assessments: Provided That when such excess is less than five percent of the total amount of the assessment roll, the excess may be placed in the general fund: any other matters concerning the making and financing of improvements by the special assessment method. Such ordinance shall include provisions for the following:

- (1) The procedure for filing petitions for public improvements;
- (2) A survey and report by the City Manager concerning the need for, desirable extent of, and probable cost of such proposed public improvement;
- (3) A public hearing by the Council on the necessity of the making of such public improvement with a publication of notice of such hearing: Provided That no hearing shall be required if the petition for the public improvement is signed by all of the owners of property to be assessed therefor;
- (4) A resolution of the Council determining to proceed or not to proceed with the proposed public improvement;
- (5) A public hearing by the Council on the special assessment roll for the project with a publication of notice of such hearing;
- (6) A resolution of the Council confirming the special assessment roll for public improvements and stating the date upon which the special assessment therefor, or the first installment thereof, if installment payments be allowed, shall be due and payable, the number of annual installments, if allowed (not to exceed ten years), in which the special assessment may be paid, and the rate of interest to be charged upon such deferred installments:
- (7) That no additional assessment for any public improvement which exceeds 25 percent of the original assessment shall be made, unless such additional assessment be reviewed at a meeting of the Council, for which meeting notices shall be published as provided in the case of review of the original special assessment roll;
- (8) If, under item (4) above, the determination to proceed determining the probable life of the improvement finally fixing the special assessment district therefor, and ordering the Assessor to prepare a special assessment roll therefor: Provided That, if prior to the adoption of the resolution to proceed with the making of the public improvement, written objections thereto have been filed by the owners of property in the district which, according to the City Manager's report will be required to bear more than fifty percent of the cost thereof, or by a majority of the owners of property to be assessed, no resolution determining to proceed with the improvement shall be adopted, except by the affirmative vote of five members of the Council.
- (9) Publication of notices required by this section shall be given in a newspaper of general circulation in the city and by first class mail addressed to each owner of or party of interest in the property to be affected whose name appears on the last tax assessment

records of the city which have been reviewed by the Board of Review in the manner required by law, which publication and mailing shall be not less than ten days prior to the hearing to which it applies.

- (10) In the event that the proceeds of a special assessment are not required to defray the expense of any public improvement prior to the completion thereof, the special assessment roll therefor may be made within sixty days after the improvement is completed and shall be based upon the actual cost thereof.

**State law reference**—Notice of special assessment hearings, MCL 211.741 et seq.

### **Sec. 10.3. Condemnation Costs.**

The cost of condemning or otherwise acquiring property needed for any public improvement shall constitute a part of the cost of the improvement. Whenever any one parcel of land will each be required to pay twenty-five percent or more of any public improvement, and any portion of that parcel of land is requiring by condemnation or otherwise for the purpose thereof, that part of the cost of the improvement represented by damages for injury to improvements on such property shall be assumed in full by the city, and shall not be included in the special assessment charged to any property benefitted.

### **Sec. 10.4. Limitation on Suits and Actions.**

No suit or action of any kind shall be instituted or maintained for the purpose of contesting or enjoining the collection of any special assessment or additional special assessment, (1) unless, within thirty days after the confirmation of the special assessment roll, written notice be filed with the Clerk of intention to file such suit or action, stating he [the] grounds on which it is claimed such assessment is illegal, and (2) unless such suit or action shall be commenced within ninety days after the confirmation of the roll.

### **Sec. 10.5. Lien and 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, shall be a lien upon the property assessed for the amount of such assessments and all interest and charges thereon. Such lien shall be of the same character and effect as created by this charter for city taxes and shall be treated as such in all procedures for the collection of special assessments.

### **Sec. 10.6. Special Assessment Accounts.**

Moneys raised by special assessment for any public improvement shall be credited to a special assessment account, and shall be used to pay the special assessment portion of the cost of the improvement for which the assessment was levied and of expenses incidental thereto, including the repayment of the principal of and interest on money borrowed therefor, and to refund excessive assessments, if refunds be authorized.



**Sec. 10.7. Certain Postponements of Payments.**

The Council may provide that any person who, in the opinion of the Assessor and Council, by reason of poverty is unable to contribute toward the cost of making of a public improvement, may execute to the city an instrument creating a lien for the benefit of the city on all or any part of the real property owned by him and benefited by any public improvement, which lien will mature and be effective from and after the execution of such instrument, shall be recorded with the Register of Deeds of Ingham County, and shall not be discharged or released until the terms thereof are met in full. The Council shall establish the procedure for making this section effective.

**Sec. 10.8. All Real Property Liable for Special Assessments.**

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.

**Sec. 10.9. Hazards and Nuisances.**

When any lot, or premises, building, or structure within the city, because of age or dilapidation, the accumulation of refuse or debris, the uncontrolled growing of noxious weeds, or because of any other condition or happening becomes, in the opinion of the Council, a public nuisance, or hazard which is dangerous to the health, safety, or welfare of the inhabitants of the city or of those residing or habitually going near such lot or premises, or such building, or structure, the inhabitants of the city or of those residing or habitually going near such lot or premises, or such building, or structure, the Council may, after investigation, give notice to the owner or owners of the land upon which such nuisance or hazard exists or to the owner or occupant of the land or the building or structure itself, by posting notice upon the premises by personal service, or by registered or certified mail addressed to the address set forth in the current assessment roll of the city, or the records of the assessor, specifying the nature of the nuisance or hazard and requiring such owner or occupant to after, repair, tear down, abate, or remove the nuisance or hazard within a time to be specified by the Council which shall be commensurate with the nature of the nuisance or hazard. If, at the expiration of the time limit in said notice, the owner has not complied with the requirements thereof, or in any case where the owner of the land or of the building or structure itself is not known or cannot be found, the Council may order such nuisance or hazard to be abated by the proper department or agency of the city which is qualified to do the work required, or may do the work by compact or by hire, and the cost of such abatement may be assessed against the lot, premises, or description of real property upon which such nuisance or hazard is located, by special assessment.

**CHAPTER 11. BORROWING POWER\*****Sec. 11.1. Municipal Borrowing Power.**

(a) Subject to the applicable provisions of law, the city may borrow money for any purpose within the scope of its powers or which may be permitted by law, and may issue bonds or other evidences of indebtedness thereof. Such bonds or other evidences of indebtedness shall include, but not be limited to, the following types:

- (1) General obligation bonds for the payment of which the full faith and credit of the city is pledged;
- (2) Special assessment bonds which are issued in anticipation of the payment of special assessments for the purpose of defraying the cost of any one of more public improvements, which bonds shall be note an obligation of the special assessment district and a general obligation of the city;
- (3) Revenue bonds, as authorized by law;
- (4) Tax anticipation notes, which may be issued in anticipation of the collection of taxes for the current or next succeeding fiscal years of the city, or any other year permitted by law, in the manner and subject to any limitations provided by law;
- (5) Mortgage bonds, as authorized by law, for the acquiring, owning, purchasing, constructing, improving, or operating of any public utility which the city is authorized by law to finance in this manner;
- (6) Bonds issued in anticipation of future payments from the Motor Vehicle Highway Fund or any other fund of the State which the city may be permitted by law to pledge for the payment of the principal and interest thereof, which bonds, if the law so permits, may also be a general obligation of the city;
- (7) Water main extension bonds, in an amount this to exceed one percent of the assessed valuation of all real and personal property in the city, for the payment of which the full faith and credit of the city are pledged for the refunding from time to time of moneys advanced or paid on special assessments imposed for water main extensions as buildings are connected with such extensions, which bonds shall be payable in not more than thirty years, with interest thereon at a rate which shall not exceed six percent per annum;
- (8) Calamity bonds, issued in case of fire, flood, or other calamity for the relief of the inhabitants of the city and for the preservation of municipal property, in a sum not to exceed three-eighths of one percent of the assessed value of the real and personal property in the city, which shall become due in not more than five years.

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\***State law references**—Charter may provided for borrowing of money, MCL 117.4a, 117.5(e), (g); bond issues generally, MCL 133.1 et seq.

(b) Whenever any portion of public improvements shall be assessed by or charged to the city at-large and the balance of such cost assessed against the property benefitted, the Council may provide for the payment of the city's portion of such cost in installments. In such cases, bonds may be issued in anticipation of the payment of the amount assessed against the city at-large, the same as they may be issued in anticipation of the payment of the amount assessed against the benefitted property. In such case, the Council shall appropriate in each fiscal year an amount which is sufficient to pay the principal of and interest on such bonds which are required to be paid during that year. Such bonds may be included as a part of a total issue of bonds for the public improvement to which they apply and need not be separated from bonds issued in anticipation of the payment of special assessments assessed against the benefitted property.

(c) Bonds may be issued in anticipation of the collection of special assessments levied with respect to two or more public improvements, but no special assessment district shall be required to pay the obligation of any other special assessment district and the ordinance or resolution creating such districts shall so provide.

(d) All collections on special assessment rolls or on any combination of such rolls shall be set apart in a separate fund and shall be used for the purpose for which levied, and for the payment of the principal of and interest on bonds issued in anticipation of such special assessments. If there is any deficiency in any special assessment fund to meet the payment of the principal or interest to be paid therefrom, moneys shall be advanced from the general funds of the city to meet such deficiency, and shall be replaced in the general funds when the special assessment fund shall be sufficient therefor.

(e) Each bond or other evidence of indebtedness shall contain on its face a statement specifying the purpose for which the same is issued, and the proceeds thereof shall not be used for any other purpose, except that, whenever the proceeds of any bond issue, or a part thereof, remain unexpended and unencumbered for the purpose for which said bond issue was made, the Council may, by the confirming vote of not less than five members, authorize the use of such unexpended and unencumbered funds:

- (1) For the retirement of such bond issue, or
- (2) If such bond issue has been fully retired, then for the retirement of other bonds or obligations of the city provided for by this section: Provided That in case of special assessment bonds, such funds shall be refunded to the owners of property against which special assessments therefor were made, or placed in the general fund of the city in accordance with the provisions of Section 10.2 of this charter, and
- (3) For such other purposes as may be permitted by law, subject to the proviso in paragraph (2) above; or
- (4) If such funds cannot be so used, then in any manner approved by the vote of not less than five members of the Council.

(f) No bond or other evidence of indebtedness, regardless of type of purpose, shall bear interest at a rate exceeding that fixed by law.

(g) All bonds and other evidences of indebtedness shall be signed by the Mayor and countersigned by the Clerk, under the seal of the city. Interest coupons may be executed with the facsimile signatures of the Treasurer. A complete and detailed record of all bonds and other evidences of indebtedness shall be kept by the Treasurer. Upon the payment of any bond or other evidence of indebtedness, the same shall be marked "Canceled" or otherwise defaced by the Treasurer to indicate payment. After all of the bonds of any issue have been paid, they may be destroyed by cremation, with a proper certificate of such destruction filed in the office of the Clerk.

### **Sec. 11.2. Limitations Upon Borrowing Power.**

(a) The net bonded indebtedness incurred for all public purposes shall not at any time exceed ten per cent of the assessed value of all the real and personal property in the city: Provided That, in computing such net bonded indebtedness, there shall be excluded money borrowed under the provisions of Section 11.1 (a), clauses (2), (3), and (4) of this chapter, and any other bonds which are not by law, subject to the debt limitation of the city. The resources of any debt retirement or sinking fund pledged on the retirement of any outstanding bonds which are subject to the debt limitation herein established, shall also be deducted from the amount of the bonded indebtedness.

(b) No bonds shall be sold to obtain funds for any purpose other than that for which they were specifically authorized, and if such bonds are not sold within three years after authorization such authorization shall be null and void as to any unsold portion of such bonds except when delay is caused by litigation or when a bond issue has been authorized by the electors to be issued in two or more parts or series. In case of litigation, the three-year period shall start at the time of the filing of the final judgment or decree. In case of bonds authorized to be issued in two or more parts or series, the first part or series shall be sold within three years after authorization and the final part or series shall be sold within ten years after authorization.

**Editor's note**—The limitations on net indebtedness in Charter § 11.2 are superseded by MCL 117.4a.

## **CHAPTER 12. RESERVED\***

**Secs. 12.1—12.5. Reserved.**

## **CHAPTER 13. CONTRACTS**

### **Sec. 13.1. Contracting Authority of Council.**

(a) The power to authorize the making of contracts on behalf of the city is vested in the Council and shall be exercised in accordance with the provisions of law.

**\*Editor's note**—Res. No. 9-03, § 1, adopted April 28, 2003, repealed chapter 12 in its entirety, which pertained to supervisors, and derived from original codification.

(b) All contracts, except as otherwise provided by ordinance in accordance with the provisions of Section 13.2 hereof, shall be authorized by the Council and shall be signed on behalf of the city by the Mayor and the Clerk.

**Sec. 13.2. Purchase and Sale of Personal Property.**

The Council shall establish, by ordinance, the procedure for the purchase and sale of personal property. Such ordinance shall provide for centralized purchasing on behalf of the city. The ordinance shall also provide the dollar limit within which purchases and sales of personal property may be made without the necessity of Council approval and signature by the Mayor and the Clerk. No purchase of personal property shall be made unless a sufficient unencumbered appropriation is available therefor.

**Sec. 13.3. Limitations on Contractual Power.**

(a) The Council shall only have power to enter into contracts which, by the terms thereof, will be fully executed within a period of ten years, unless such contracts shall first receive the approval of a majority of the qualified electors of the city voting thereon at a regular or special election. This limitation, shall not apply to any contract for services with a public utility or one or more other governmental units, nor to contracts for debt secured by bonds or notes which are permitted to be issued by the city by law.

(b) The city shall not have power to purchase, sell, lease, or dispose of any real estate unless:

- (1) The resolution authorizing the sale, lease, or disposal thereof shall be completed in the manner in which it is to be finally passed and has remained on with the Clerk for public inspection for twenty-five days before the final adoption or passage thereof; and unless,
- (2) If the state equalized value of the property, as shown on the current assessment roll, as certified by the Board of Review, or the state equalized appraisal of the assessor if no value thereof is shown on such assessment roll, exceeds \$100,000, the sale of such property shall not be finally adopted until after a public hearing called for the purpose of considering the proposal to sell or dispose of the real property. Notice of such hearing shall be given by publication in a newspaper circulating within the city at least ten (10) calendar days before the hearing; and unless,
- (3) Such action is approved by the affirmative roll call vote of five or more members of the Council; and unless,
- (4) When the proposition is to sell any park, cemetery or any part thereof, except when such park is not required under an official master plan of the city, the proposition to sell, lease, or dispose of the same shall also be approved by a three-fifths vote of the electors of the city voting thereon at any general or special election.

(c) Except as provided by ordinance authorized by Section 13.2 of this chapter, each contract for the construction of public improvements or for the purchase or sale of personal property shall be let after opportunity for competitive bidding. All bids shall be opened in public in the Council room by the Clerk, or by the City Manager, at the time designated in the notice of letting, and shall be reported to the Council at its next meeting. The Council may reject any or all bids, if deemed advisable. If, after two or more opportunities for competitive bidding, no bids are received or such bids as were received were not satisfactory to the Council, the Council may either endeavor to obtain new competitive bids or may authorize the City Manager or other proper official of the city to negotiate for a contract in the open market. The second bid herein required may be waived by a vote of five or more members of the Council.

(d) No contract shall be made with any person who is in default to the city.

(e) No extra compensation shall be paid to any agent, employee, or contractor after the service has been rendered of the contract entered into.

(Res. No. 21-04, § 1, 8-23-2004)

#### **Sec. 13.4. Business Dealings with City.**

An officer or employee of the city who intends to have business dealings with the city, whereby he may derive any income or benefits, other than such as are provided as remuneration for his official duties or employment, shall file with the Clerk a statement, under oath, setting forth the nature of such business dealings, and his interest therein. The statement shall be filed with the Clerk not less than ten days before the date when action may be taken by the Council or any other agency of the city upon the matter involved. The statement shall be spread upon the proceedings of the Council for the meeting at which it is received and published in full therewith. In each case where the type of dealings with the city is on a continuing basis, involving more than one, or a sequence of transactions, described in the statement, each such statement shall stand for and apply to such transactions for a period of one year and may be renewed at the end of each one year's period for so long as such transactions continue. Each such renewal shall be spread upon the proceedings of the Council and published as in the case of the original statement. In the event that the interest of any officer or employee of the city in any business dealings with the city changes at any time, he shall file a statement thereof as herein required, which statement shall also be spread upon the proceedings of the Council and published as herein required. Approval of any such business dealings shall require a concurring vote of at least five members of the Council, not including any member who is disqualified under Section 4.6 (k) of this charter. Any business dealings made in violation of this section shall be void.

**CHAPTER 14. ELECTIONS\*****Sec. 14.1. Regular City Elections.**

A regular city election shall be held on the date set by law for holding electing state and county officers in each odd-numbered year. At each such election, there shall be elected four members of the Council for terms of four years each, except that the person so elected who received the least number of votes shall be elected for a term of two years.

(Res. No. 10-03, § 1, 4-28-2003)

**State law reference**—Odd-year elections, MCL 168.644a et seq.

**Sec. 14.2. Special Elections.**

Special city elections shall be held when called by resolution of the Council, adopted at least forty-five days in advance of such election. If a special election is to be held on the date of any State primary or election, such election shall be called in ample time for the giving of notice to the County Clerk of questions to be voted thereat, as required by law. Any resolution calling a special election shall set forth the purpose of such election. Unless otherwise permitted by law, no more than two special city elections shall be held in any one calendar year.

**Sec. 14.3. 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 election held in the city, shall be entitled to register as an elector of the city.

**State law reference**—Qualifications of electors, MCL 168.492.

**Sec. 14.4. Election Procedure.**

All city elections for the election of officers shall be nonpartisan. The general election laws of the State shall apply to and control, as nearly as may be, all procedures relating to notices for, to registrations for, and to the conduct of city elections, except as such general laws relate to political parties or partisan procedures, and except as otherwise provided by this charter. The compensation of all election personnel shall be determined by the Council.

**State law reference**—Michigan Election Law, MCL 168.1 et seq.

**Sec. 14.5. Election Commission.**

An Election Commission, consisting of the Clerk, and two (2) other city officers appointed by the Council during the month of January preceding each regular city election, is created. The Clerk shall be chair of the Election Commission. The Commission shall perform all duties

**\*State law references**—Mandatory that charter provide for time, manner and place of holding elections, MCL 117.3(c); Michigan Election Law, MCL 168.1 et seq.

related to City Elections provided by law. In the absence of a quorum, the member present may create a quorum as permitted by law. In any case where election procedure is in doubt, the Election Commission shall prescribe the procedure to follow.

(Res. No. 09-04, § 1, 5-10-2004)

**State law reference**—Election commission, MCL 168.25.

**Sec. 14.6. Nominating Petitions.**

A person desiring to qualify as a candidate for any elective office under this charter shall file with the Clerk an official nominating petition therefor. Official blank nominating petitions, in substantially the same form as required by law or by law for nonpartisan judicial officers, shall be prepared and furnished by the Clerk. Such petition shall be signed by not less than twenty nor more than fifty of the registered electors of the city. Such petitions shall be filed with the Clerk not later than 5:00 o'clock in the afternoon on the seventh Monday preceding the election date. Before the Clerk shall furnish a form of nominating petition to any person, he shall enter thereon with typewriter or in ink the name of the candidate and the name of the office or in which he is to be a candidate. No petition which has been altered with respect to such entries shall be received by the Clerk for filing. Nominating petitions for the purpose of filling a vacancy shall so state in connection with the name of the officer for which they are to be used.



If any person signs his name to a greater number of petitions for any office than there will be persons elected to that office, his signature shall be disregarded on all petitions for that office.

**State law reference**—Nonpartisan nominating petitions, MCL 168.544a et seq.

**Sec. 14.7. Approval of Petitions.**

The Clerk shall accept for filing only nominating petitions on official blanks issued by him containing the required number of signatures for candidates having those qualifications required for elective city officers by this charter. Within five days after the filing of a petition, the Clerk shall determine the sufficiency of the number of genuine signatures on the petition. If he finds that any petition does not contain the required number of genuine signatures, he shall immediately notify the candidate, in writing, of the insufficiency of his petition. No additional signatures on any petition shall be received by the Clerk after the final date and time fixed for filing nominating petitions. Each petition which is found by the Clerk to contain the required number of genuine signatures shall be marked "Valid", with the date of such finding.

**Sec. 14.8. Affidavit of Qualification for Office.**

On or before the third day after the last day for filing nominating petitions, each person for whom a valid nominating petition has been filed, or someone acting on his behalf, shall file with the Clerk an affidavit that he is possessed of all of the qualifications set forth in this charter for an elective city office. Such affidavit shall be on a form provided by the Clerk. If such affidavit be not filed as herein required, the candidate shall be deemed to have withdrawn and his name shall not be placed on any election ballot.

**Sec. 14.9. Form of Ballots.**

The form, printing, and numbering of ballots used in any city election shall conform, as nearly as may be, to that prescribed by law, except that no party designation or emblem shall appear thereon. The names of qualified nominees for each office shall be listed on the ballot under a separate heading for each office and shall be rotated on the ballots as required by law.

**State law reference**—Official ballots, MCL 168.691 et seq.

**Sec. 14.10. Delivery of Registration Books and Supplies.**

The Clerk shall be responsible for the custody and safe keeping of all registration books and supplies. On election day, he shall deliver them to the respective Board of Inspectors of Election, taking their receipt therefor.

**Sec. 14.11. Absentee Ballots.**

The electors of the city shall be entitled to vote by absentee ballots at any city election under the circumstances and in the manner provided by law.

**State law reference**—Absentee ballots, MCL 168.758 et seq.

**Sec. 14.12. Canvass of Votes.**

The Election Commission shall constitute the Board of Canvassers to canvass the votes cast at all city elections. If any of such persons are candidates for office at an election to be canvassed, such person shall not be a member of the Board of Canvassers at such election, and the Council shall designate a person to act in his stead. A majority of the members of such board shall be a quorum for the transaction of the business of the board. In the absence of a quorum, the member present may create a quorum, as permitted by law. The Board of Canvassers shall meet at the city hall at 10:00 o'clock in the forenoon on the day following each city election, and publicly canvass the returns of such election, and shall determine the vote upon all questions and propositions, and declare whether the same have been adopted or rejected and which persons have been elected to office.

**Sec. 14.13. 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.

**Sec. 14.14. Tie Vote.**

If, at any city election, the outcome cannot be determined because two or more persons received an equal number of votes, the Election Commission shall name a date for the appearance of such persons for the purpose of determining the election of one of them by lot. Should any person fail to appear, in person or by representative, to determine the result of any tie at the time and place named, such determination shall be made by lot in his absence, at the direction and under the supervision of the Election Commission. Such determination shall be final.

**State law reference**—Determination of election results by lot, MCL 168.852.

**CHAPTER 15. UTILITY FRANCHISES AND MUNICIPAL OWNERSHIP****Sec. 15.1. Public Utility Franchises.**

All public utility franchises granted after the adoption of this charter, whether it be so provided in the granting ordinance or not, shall be subject to the right of the city:

- (1) To repeal the same for misuse, or nonuse, or for failure to comply with the provisions thereof;
- (2) To require proper and adequate extension of plant and service maintenance thereof at the highest practical standard of efficiency;
- (3) To establish reasonable standards of service and quality of products, and prevent unjust discrimination in service or rates;
- (4) To require continuous and uninterrupted service to the public in accordance with the terms of the franchise throughout the entire period thereof;

- (5) To impose such other regulations as may be determined by the Council to be conducive to the safety, welfare, and accommodation of the public;
- (6) To require the public utility to which any franchise is granted to permit joint use of its, property and appurtenances located in the street, alleys, and public places of the city by the city and other utilities insofar as such joint use may be reasonably practicable and upon payment of reasonable rental, therefore: Provided That, in the absence of agreement, upon application by the public utility, the Council shall provide for arbitration of the terms and conditions of such joint use and the compensation to be paid therefor;
- (7) To pay such part of the cost of improvement or maintenance of the streets, alleys, bridges, and public places of the city, as shall arise from its use thereof, and to protect and save the city harmless from all damages arising from said use.
- (8) [To] require the public utility to file with the city such drawings and maps of the location and nature of its facilities, as the Council may request.

**State law reference**—Permissible that charter provide for use of streets, etc., by public utilities, MCL 117.4h(2).

#### **Sec. 15.2. Limitations on the Granting of Franchises.**

No franchise shall be granted by the city for a term exceeding thirty years and no exclusive franchise shall ever be granted. Each franchise shall include a provision requiring the franchise to take effect within one year after the adoption of the ordinance granting it, except in the case of grants to take effect at the end of an existing franchise. An irrevocable franchise and any extension or amendment of such franchise may not be granted by the city, unless the ordinance granting such franchise has first received the affirmative vote of at least three-fifths of the electors of the city voting hereon at a regular or special city election. An irrevocable franchise ordinance may be approved by the Council, for referral to the electorate, only after a public hearing has been held thereon and after the grantee named therein has filed with the Clerk his unconditional acceptance of all the terms of the franchise. No special election for such purpose may be ordered by the Council, unless the expense of holding such election has first been paid to the Treasurer by the grantee.

**State law references**—Franchises limited to 30 years, Mich. Const. (1963) art. VII, § 30; submission of irrevocable franchise to voters, Const. (1963) art. VII, § 25.

#### **Sec. 15.3. Procedure for Granting Franchises.**

Every ordinance granting a franchise, license, or right to occupy or use streets, alleys, bridges, or public places shall remain on file with the Clerk for public inspection in its final form for at least thirty days before the final adoption thereof, or the approval thereof for referral to the electorate.

#### **Sec. 15.4. Sale or Assignment of Franchises.**

The grantee of a franchise may not sell, assign, subject, or allow another to use the same, unless the Council gives its consent. Nothing in this section shall limit the right of the grantee

of any public utility franchise to mortgage its property or franchise, nor shall [it] restrict the rights of the purchaser, upon foreclosure sale, to operate the same, except that such mortgage or purchases shall be subject to the terms of the franchise and provisions of this chapter.

**Sec. 15.5. Plans of Facilities in Streets and Public Places.**

The Council may, by ordinance, require, as a condition to the placing or installment thereof, that each public utility conducting a business in the city file with the city a duplicate copy of layout plans of pipes, conduits, and other facilities which are to be placed on, under, or above the surface of the city's streets, alleys, bridges, and public places.

**Sec. 15.6. General Powers Respecting Municipal Utilities and Services.**

The city shall possess and hereby receives to itself all the powers granted to cities by law to acquire, construct, own operate improve, enlarge, extend, repair and maintain either within or without its corporate limits, a hospital and public utilities, including, but not by way of limitation, public utilities for treating and supplying water, and for supplying light, heat, power, gas, sewage treatment, and garbage disposal facilities, or any of them, to the city and its inhabitants, and also to sell and delivery water, light, heat, power, gas, and other public utilities and services without its corporate limits to an amount not exceeding the limitations set by or in accordance with law. The power to supply, as herein possessed and reserved, shall include the power to extract and process water, electricity, or gas from natural sources, to manufacture the same, or to purchase the same from others.

**State law reference**—Charter may provide for the acquisition, etc., of utilities, MCL 117.4c.

**Sec. 15.7. Administration and Operation of Municipal Utilities.**

The Council shall be responsible for the care, protection, preservation, control, improvement, and extension of the utility plants and facilities of the city, and shall adopt such ordinances and resolutions as are required therefor. Such utility plants and facilities shall each be a department of the city, and the management thereof shall be the duty of the City Manager, who shall be responsible to the Council therefor. Such public utility department shall be subject to the provisions of this charter relating to departments of the city, including such as relate to annual budgets and financial accounting, and to the provisions of this chapter. The City Manager may appoint a Manager of the city utilities and, with the approval of the Council, other administrative personnel as shall be required to carry out the operation, maintenance, improvement, and extension of the said city utilities and utility facilities.

**Sec. 15.8. Utility Charges—Collections.**

The Council shall fix the rates to be charged for all public utility services of the city. The Council shall provide, by ordinance, for the collection of public utility charges, and for such purpose shall have all the power granted to cities by Act No. 178 of the Public Acts of 1939 (MCL 123.101 et seq.) and Act No. 94 of the Public Acts of 1933 (MCL 141.101 et seq.), as amended in each case. When any person shall fail, or refuse to pay to the city any sum due on

utility bills, the utility service or services upon which such delinquency exists may be shut off or discontinued by the city, and suit may also be instituted by the city for the collection of the same in any court of competent jurisdiction.

**Sec. 15.9. Annual Audit.**

The cost of making the annual audit of the accounts of each public utility of the city shall be defrayed from the funds of the utility.

**Sec. 15.10. Annual Reports.**

The annual audit of each public utility of the city shall show, as nearly as possible, the financial results of the city ownership and operation of the public service works of the city.

**Sec. 15.11. Purchase of Electricity, Water, Sewage Disposal Service.**

The city may purchase and resell electricity, water, and sewage disposal services, or any one or more or them, from any person, municipal or private, if such purchase may be deemed by the Council to be in the best interests of the city and its inhabitants.

**Sec. 15.12. Disposal of Plants.**

Except for purposes permitted by law, the city shall not sell, exchange, lease, or in any other way alien or dispose of the property, easements, income, or other equipment, privileges, or assets belonging to and appertaining to any utility which it may own or acquire, unless and except such proposition shall first have been submitted at an election held for that purpose in the manner provided in this charter, to the electors of the city and approved by them at a regular city election by a three-fifths majority vote of the electors voting thereon. All contracts, negotiations, leases, grants, 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 article of equipment that is obsolete, worn out, or useless, or which could, with advantage to the service, be replaced by new and improved machinery or equipment.

**State law reference**—Sale of capital asset of municipally-owned utility, MCL 117.4e(3).

## SCHEDULE

**Sec. 1. Purpose and Status of Schedule Chapter.**

The purpose of this schedule chapter is to inaugurate the government of the City of Williamston under this charter and provide the transition from the government of the city under the previous charter to that under this charter. It shall constitute a part of this charter only to the extent and for the time required to accomplish that end.

**Sec. 2. Election to Adopt Charter.**

(a) This charter shall be submitted to a vote of the qualified electors of the territory comprising the City of Williamston at the general November election to be made in the manner provided by law. The Council shall canvass the vote cast at said election.

(b) If, at said election, a majority of the electors voting thereon shall vote in favor of the adoption of this charter, then the City Clerk shall perform all other acts required by law to carry this charter into effect.

**Sec. 3. Form of Ballot.**

The form of the question of submission of this charter shall be as follows:

Shall the proposed charter of the City of Williamston drafted by the Charter Commission which was elected January 3, 1961, be adopted:

YES

NO

**Sec. 4. Elective Date of Charter.**

If the canvass of the votes upon the adoption of this charter shows it to have been adopted, it shall take effect and become law as the charter of the city for all purposes on Monday, July 1, 1963, at 12:01 o'clock a. m., except as to such provisions as pertain to the composition of the Council.

**Sec. 5. Elective Officers of the City.**

(a) The elected officers of the city who held office on the effective date of this charter, shall continue and be the first such officers of the city under this charter, and shall conduct their several offices subject to the provisions of this charter. Each of said officers shall serve in the capacity to which he was elected for the term for which he was elected, unless otherwise limited by the provisions of this charter.

(b) A regular city election for the election of officers shall be held on the first Monday in April in the year 1963. At such election there shall be elected four members of the Council who shall serve for a term of four years. Thereafter, members of the Council and the Justice of the Peace shall be elected as in this charter provided.

**Sec. 6. Council Meetings.**

Until otherwise provided by ordinance, regular meetings of the Council shall be held in the established Council chamber in the city hall on the first and third Monday of each calendar month.

**Sec. 7. Administrative Officers.**

(a) Notwithstanding any other requirements or limitations contained in this charter, the persons who held the offices of City Attorney, Clerk, Treasurer, Assessor, Supervisors and each other administrative officer of the city who held office on the effective date of this charter shall continue in such offices as though appointed under the provisions of this charter, and shall perform their several duties and, in all respects, be subject to the provisions thereof. The term of all such officers who are elected or appointed for definite terms shall not be shortened under the provisions of this section. The provisions of Section 3.3 of this charter shall not apply to any person who held a city office on the effective date of this charter. The first City Manager shall be appointed within ninety days after this charter takes effect.

**Sec. 8. First Board of Review.**

The first members of the Board of Review created by this charter shall be appointed during the month of January 1964, and their terms shall be so arranged that thereafter the term of one member shall expire in each year, beginning with January 1, 1965.

**Sec. 9. City Supervisors.**

The Supervisors representing the city and its inhabitants under the previous charter shall be and remain such Supervisors for the balance of the terms for which they were severally elected or appointed and until their successors are appointed or assume such office, in accordance with the provisions of this charter. The first appointive Supervisors appointed under this charter shall be appointed and confirmed during the Month of March in 1963 and shall assume office at the organizational meeting of the Ingham County Board of Supervisors during the following month of April.

**Sec. 10. Compensation of Officers.**

The compensation of elective officers set forth in this charter shall apply to officers elected or appointed after the effective date of this charter and the stating of any such compensation in this charter shall not operate to change the compensation of an officer after his election or appointment in violation of the Constitutional prohibition thereof.

**Sec. 11. Council Action.**

In all cases involving the transition of the city government from that under the previous charter to that under this charter, which are not covered by this Schedule, the Council shall apply necessary details and procedures and may adopt such rules, regulations, and ordinances as may be required therefor.

**Sec. 12. New State Constitution.**

It is recognized that, at the time of the drafting and adoption of this charter, and on its effective date, there was in preparation and awaiting the vote of the people of Michigan, a proposed new State Constitution. Insofar as such constitution, if the same be adopted and

becomes effective, is inconsistent with the provisions of this charter, such provisions shall be subject to and governed by such constitution and general laws enacted in compliance therewith and no amendment of this charter shall be required to make the provision of this section effective.

**Sec. 13. Vested Rights and Liabilities.**

After the effective date of this charter, the city and all its agencies shall be vested with all property moneys, contracts, rights, credits, effects, and the records, files, books, and papers, belonging to it under and by virtue of the previous charter. No right or liability, contract, lease, or franchise, either in favor of or against the city, existing at the time this charter became effective, and no suit or prosecution of any character shall be affected in any manner by any change resulting from the adoption of this charter, but the same shall stand or proceed as if no change has been made. All taxes, debts, and liabilities due to the city from any person, and all fines and penalties, imposed and existing at the time of such change, shall be collected by the city. All trusts established for any municipal purpose shall be continued in accordance with the terms thereof, subject to the cy pres doctrine.

RESOLUTION OF ADOPTION

At a meeting of the Charter Commission of the City of Williamston held on the 28th day of May 1962, at the usual meeting place of the Commission, the following members of the Charter Commission were present: Commissioners — Banning, Pate, Jackson, McPhail, Ruttan, Steffes, Thurlby, and Zemke.

At such meeting the following resolution was offered by Commissioner Jackson and seconded by Commissioner Steffes:

Resolved. That the Charter Commission of the City of Williamston does hereby adopt the foregoing instrument as the proposed charter of the City of Williamston, 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 Act No. 279 of the Public Acts of 1909 [(MCL 117.1 et seq.)], as amended, for his approval.

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

Ayes: 8

Nays: None

Absent: Oesterle

D. Howard Gorsline  
Clerk of the Charter Commission of the City of Williamston,  
Michigan

Attested by the following Commissioners:

Ernest W. Banning



D. Wayne Fate  
Kenneth McPhail  
Walter C. Oesterle  
George C. Ruttan  
Louis M. Thurlby  
R.P. Zempke  
Milton J. Steffes, Vice-Chairman  
Graham B. Jackson, Chairman

The said Commissioners having attested as to said resolution, as above set forth 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 foregoing Charter of the City of Williamston, Michigan.

/s/ John B. Swainson  
Governor of the State of Michigan

Dated: September 24, 1963.