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[HISTORY: Adopted by the City of Grand Ledge 4-1-1963; approved by the Governor 3-26-1963. Amendments noted where applicable.]

STATE OF MICHIGAN

SS

County of Eaton

I, Gertrude M. Mulvay, City Clerk of the City of Grand Ledge, Eaton County Michigan, being duly sworn, say that, at the Election held on Monday, April 4, 1960, the following named persons were elected to and comprised the Charter Commission for the said city as required by Act No. 279 of the Public Acts of 1909, as amended, namely: Anna Ewing, Theodore Fernand, Richard Fishell, Lyle Huhn, C. Bernard Johnson, Rex McCully, Robert J. Miller, Ruth Russell and Jonas Sawdon; that the said persons did meet as required by law and did qualify for and assume the office to which they were elected and chose Rex McCully as chairman; that the City Clerk presided at such meeting; that the Charter Commission did meet as required by law and framed a charter for the City of Grand Ledge, that Richard Fishell, did resign from the Charter Commission and was replaced by appointment by the Charter Commission by Leo Marczynski, as required and permitted by law.

Gertrude M. Mulvay, City Clerk

Subscribed and sworn to before me this 8th day of January, 1963.

Thelma Gustafson

Notary Public, Easton County, Michigan

My commission expires Dec. 25, 1965

PREAMBLE

We, The people of the City of Grand Ledge, 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, under the home rule principles and traditions of the State of Michigan, do hereby ordain and establish this charter for the City of Grand Ledge.

CHAPTER 1
**INCORPORATION AND BOUNDARIES
AND GENERAL PROVISIONS**

§ C-1.1. Incorporation and Boundaries.

The inhabitants of the city shall continue to be a body politic and corporate under the name of the City of Grand Ledge and in that name the city shall hold the title to all its property and conduct all its affairs.

§ C-1.2. Boundaries of the City of Grand Ledge.

- A. The city shall embrace the following description of territory constituting the City of Grand Ledge 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.

All that tract situated in the Township of Oneida, County of Eaton, and State of Michigan, which is known and described as follows: The southwest quarter of Section one, except that part of the east half of the said southwest quarter of said Section one lying north of the north right-of-way line of the Chesapeake & Ohio Railroad Company, and except that part thereof lying south of the north bank of the Grand River; the south half of Section two; all that part of the southeast corner of the southeast quarter of Section three, lying south of Sandstone Creek; all that part of the northeast corner of the northeast quarter of Section ten lying north of Sandstone Creek; all of Section eleven, excepting therefrom the west half of the southeast quarter thereof, and also excepting therefrom a parcel described as commencing at a point 364.5 feet east of the southeast corner of the southwest quarter of the southwest quarter of said Section eleven, thence north one degree nineteen minutes east 364 feet; thence south eighty-eight degrees 20 minutes east, 263.9 feet; thence south zero degrees 54 minutes west 67.0 feet; thence south 88°22 minutes east 312.3 feet; thence south one degree 15 minutes east 297.0 feet to the south section line of said Section eleven; thence west, along said section line to the place of beginning, and also excepting therefrom the east 314 feet of the southeast quarter of the southeast quarter of Section 11; the northwest quarter of the southwest quarter of Section twelve; the northwest quarter of the southwest quarter of the southwest quarter of Section twelve; the west half of the northwest quarter of Section twelve; and that part of the east half of the northwest quarter of Section twelve lying north of the Grand River, all being in T4N, R4W, Oneida Township, Eaton County, Michigan.

- 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.

§ C-1.3. 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 available for inspection at all reasonable times.

§ C-1.4. 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.

§ C-1.5. Definitions and interpretations.

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

- A. The word “board” includes the word “commission;”
- B. The word “city” means the City of Grand Ledge;
- C. The word “Council” means the City Council of the City of Grand Ledge and is synonymous with all terms used in laws to designate the governing bodies of cities;
- D. The word “law” denotes applicable federal law, the Constitution and statutes of Michigan, the applicable common law, and this charter;
- E. The word “officer” includes, but shall not be limited to, the Mayor, the members of the Council, the Justice of the Peace, and, as hereinafter provided, the administrative officers, and deputy administrative officers;
- F. The word “person” extends and may be applied to bodies politic and corporate and to partnerships and associations as well as to individuals;
- G. 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;
- H. 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;
- I. The singular includes the plural, the plural includes the singular, and the masculine gender extends to and includes the feminine gender and the neuter.

§ C-1.6. 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.

§ C-1.7. Holidays.

Whenever the date fixed by law or ordinance for the doing or completion of any act falls on a Sunday or legal holiday, such act shall be done or completed during city office hours on the next succeeding day which is not a Sunday or legal holiday. The Council may make Saturday, or any part thereof, a legal holiday regarding city business.

§ C-1.8. Notice of Meeting and Hearings.

Unless otherwise specifically required by law, all notice of any meeting or hearing required by this charter shall be published not less than ten days prior to such meeting or hearing and, in the case of meetings or hearings relative to the exercise of eminent domain or special assessments, shall, in addition to such published notice, include the mailing of notice as required by law. In the case of eminent domain, if the law does not require the mailing of notice, notice shall be given as required by law for special assessments. In each case of the mailing of notice, the affidavit of the officer responsible for such mailing that such notice was mailed shall be prima facie evidence of such mailing. No notice shall be required of or for regular meetings of the Council or of any board.

§ C-1.9. Quorum.

Except as otherwise expressly required or permitted by law, a quorum of any board created by or under authority of this charter or other law shall consist of a majority of its members, as established by this charter or the ordinance or law creating the board. The concurring vote of a majority of the established membership of each such board shall be necessary for official action by it.

§ C-1.10. Penalties for Violations of Charter.

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

§ C-1.11. 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.

§ C-1.12. 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.

§ C-1.13. 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 to ordinances of the city.

CHAPTER 2 MUNICIPAL POWERS

§ C-2.1. General Powers.

- A. Unless otherwise provided or limited in this charter, the city and its officers shall possess and be vested with any and all powers, privileges, and immunities, expressed or implied, which cities and their officers are, or hereafter may be, permitted to exercise or to provide for their charters under the constitution and laws of the State of Michigan, including all powers, privileges, and immunities which cities are, may be, permitted to provide in their charters by Act No. 279 of the Public Acts of 1909 as amended, as fully and completely as though these powers, privileges, and immunities were specifically enumerated in and provided for in this charter, and in no case shall any enumeration or particular powers, privileges, or immunities herein be held to be exclusive.
- B. The city and its officers shall have power to exercise all municipal powers in the management and control of municipal property and in the administration of the municipal government, whether such powers be expressly enumerated herein or not; to do any act to advance the interests of the city, the good government and prosperity of the municipality and its inhabitants; to provide for the public peace and health and for the safety of persons and property; and, through its regularly constituted authority, to pass and enforce all laws, ordinances, and resolutions relating to its municipal concerns subject to the Constitution and general laws of the State and the provisions of this charter.

§ C-2.2. Further Definition of Powers.

In addition to the powers possessed by the city under the Constitution and statutes of the State of Michigan, and those set forth throughout this charter, the city shall have power with respect to and may, by ordinance and other lawful acts of its officers, provide for the following, but this list shall not be exclusive:

- A. The acquisition by purchase, gift, condemnation, lease, construction, or in any manner permitted by statute, of private property of every type and nature for public use, which

property may be located within or without the County of Eaton, which may be required for or incidental to the exercise of the purposes, powers, and duties of the city;

- B. The maintenance, development, operation, leasing, and disposal of city property subject to any restrictions placed thereon by statute or this charter;
- C. The refunding of money advanced or paid on special assessments for water main extensions;
- D. The installation and connection of conduits for the service of municipality owned and operated electric lighting plants;
- E. The purchase or condemnation of the franchise and of the property used in the operation of companies or individuals engaged in the cemetery, hospital, almshouse, electric light, gas, heat, sewerage, and dump;
- F. The establishment and location of streets, alleys, public ways, and other public places, and the use, regulation, improvement, and control of the surface of such streets, alleys, public ways, and other public places and of the space above and beneath them, whether such be located within or without the limits of the city;
- G. The use, by others than the owner, of property located in streets, alleys, and public places, at the operation of a public utility, upon the payment of a reasonable compensation to the owners thereof;
- H. A plan of streets and alleys within the municipal limits and for a distance of not more than three miles beyond such limits;
- I. The use, control and regulation of streams, waters, and water courses within its boundaries, subject to any limitations imposed by law;
- J. The securing by condemnation, by agreement or purchase, or by any other means, of an easement in property abutting or adjacent to any navigable body of water for the purpose of securing the privilege and right to construct, own, and maintain along or adjacent to any navigable body of water an elevated structure of one or more levels for use as a vehicular or pedestrian passageway, or for any other municipal purpose;
- K. The acquiring, establishment, operation, extension, and maintenance of facilities for the storage and parking of vehicles within its corporate limits, including the fixing and collection of charges for services and use thereof on a public utility basis, and for such purpose to acquire by gift, purchase, condemnation, or otherwise the land necessary therefor;
- L. The acquiring, constructing, establishment, operation, extension, and maintenance of facilities for the docking of watercraft, hydroplanes, and seaplanes, within its corporate limits, including the fixing and collection of charges for use thereof, and for such purpose or purposes, to acquire by gift, purchase, condemnation, or otherwise, the land necessary therefor;
- M. Regulating, restricting, and limiting the number and locations of oil and gasoline stations;
- N. The establishing of districts or zones within which the use of land and structures, the height, the area, the size and location of buildings; the required open spaces for light and

ventilation of such buildings; and the density of population may be regulated by ordinance in accordance with statutory provisions governing zoning;

- O. The regulating of trades, occupations, and amusements within the city, not inconsistent with state and federal laws, and for the prohibiting of such trades, occupations, and amusements as are detrimental to the health, morals, or welfare of its inhabitants;
- P. Licensing, regulating, restricting, and limiting the number and locations of advertising signs or displays and bill boards within the city;
- Q. The preventing of injury or annoyances to the inhabitants of the city from anything which is dangerous, offensive, or unhealthful, and for preventing and abating nuisances and punishing those occasioning them or neglecting or refusing to abate, discontinue; or remove the same;
- R. The prescribing of the terms and conditions upon which licenses may be granted, suspended, or revoked; requiring payment of reasonable sums for licenses; and requiring the furnishing of a bond to the city for the faithful observance of the conditions under which licenses are granted; and otherwise conditioning such licenses as the Council may prescribe;
- S. The regulating of all city owned airports and, for the purpose of promoting and preserving the public peace, safety, and welfare, controlling and regulating the use of the air above the city by aircraft of all types;
- T. The prohibiting or regulating of the use, occupancy, sanitation, and parking of house trailers within the city, and the right of the city to so regulate any house trailer shall not be abrogated because of any detachment thereof from its wheels or because of placing it on, or attaching it to, the ground by means of any temporary or permanent foundation, or in any manner whatsoever;
- U. The requiring of an owner of real property within the city to construct and maintain sidewalks abutting upon such property, and, if the owner fails to comply with such requirements or if the owner is unknown, to construct and maintain such and assess the cost thereof against the abutting property in accordance with § C-10.10 of this charter;
- V. The requiring of an owner of real property within the city to abate public hazards and nuisances which are dangerous to the health or safety of inhabitants of the city within a reasonable time after the Council notifies him that such hazard or nuisance exists, and if the owner fails to comply with such requirements, or if the owner is unknown, to abate such hazard or nuisance and assess the cost thereof against such property in accordance with § C-10.10 of this charter;
- W. The compelling of owners of real property within the city to keep sidewalks abutting upon their property clear from snow, ice, or other obstructions, and, if the owner fails to comply with such requirements, to remove such snow, ice, or other obstructions and assess the cost thereof against the abutting property in accordance with § C-10.10 of this charter;
- X. The requiring, as a condition of approving plats of land or premises hereafter laid out, divided, or platted into streets and alleys within the city, that all streets shown on said plat be graded and graveled or otherwise improved; that all ditches, drains, and culverts

necessary to make such streets usable be constructed; that cement sidewalks be constructed in the proper places, all in accordance with city specifications. The Council may accept a bond conditioned upon the installation of such of the foregoing improvements as it requires within such time as it determines.

CHAPTER 3 ELECTIONS

§ C-3.1. Qualifications of Electors.

The residents of the city having the constitutional qualifications of electors in the State of Michigan shall be electors of the city.

§ C-3.2. Election Procedure.

The election of all city officers shall be on a non-partisan basis. The general election laws of the State shall apply to and control, as near as may be, all procedures relating to the registration for and the conduct of city elections, except as such general laws relate to political parties or partisan procedure and except as otherwise provided in this charter.

§ C-3.3. Election Date. [Amended 4-1-1996]

- A. Effective immediately, only those Councilmembers and the Mayor elected at regular municipal elections held on the first Monday of April 1996 and April 1997 shall each be elected for a term of two years and seven months, said terms to end on the Tuesday following the first Monday in November 1998 and 1999, respectively.
- B. Effective January 1, 1998, and in every year thereafter, the regular city election shall be held on the Tuesday following the first Monday in November of each year, and those Councilmembers and Mayor elected at said elections shall thereafter each serve a term of two years.

§ C-3.4. Elective Officers and Terms of Office.

- A. The elective officers of the city are the Mayor, six Councilmen and the Justice of the Peace.
- B. At each city election held in an odd numbered year, there shall be elected from the city at-large a Mayor, and one Councilman from each of the three wards of the city.
- C. At each city election held in an even numbered year, there shall be elected one Councilman from each of the three wards of the city.

§ C-3.5. Wards of the City.

The City of Grand Ledge shall consist of three (3) wards, as follows:

- FIRST WARD:** All that part of the city lying south of the Grand River and west of the center of South Bridge Street to its intersection with the center of Jenne Street and, from thence south to the corporate limits of the city, west of the center of Jenne Street;
- SECOND WARD:** All that part of the city lying north of the Grand River;
- THIRD WARD:** All that part of the city lying south of the Grand River and east of the first ward.

§ C-3.6. Non-Partisan Elections.

- A. Effective January 1, 1998, and in every year thereafter; a non-partisan city primary election, when required, shall be held on the Tuesday following the first Monday in August of each year. **[Amended 4-1-1996]**
- B. If, upon the expiration of the time for filing nomination petitions for any elective city office, petitions have been filed for no more than twice the number of candidates for such office to be elected at the next city election, then no primary election shall be held in respect to such office, and the Clerk shall publish notice of this fact. Candidates in number to twice the number of persons to be elected to each city office at the following election who receive the highest number of votes at any such primary election shall be declared the nominees for election to the respective offices for which they are candidates. The names of such nominees, together with the names of persons for whom petitions have been filed for office with respect to which no primary election was held, shall be certified by the Clerk to the Election Commission to be placed upon the ballot for the following regular city election.

§ C-3.7. Special Elections.

Special city elections shall be held when called by resolution of the Council at least forty-five days in advance of such election, or when required by this charter or by law. Any resolution calling for a special election shall set forth the purpose of such election. No more than two special city elections shall be held in any one calendar¹ year.

§ C-3.8. Notice of Elections.

Notice of the time and place of holding any city elections and of the officers to be nominated or elected and the questions to be voted upon shall be given by the Clerk in the same manner and at the same time as provided in the Michigan Election Law² for the giving of notice by township or city clerks.

¹ Editor's Note: So in original.

² Editor's Note: See MCLA § 168.1 et seq.

§ C-3.9. Voting Hours.

The polls of all elections shall be opened and closed at the time prescribed by law for the opening and closing of polls at State elections.

§ C-3.10. Nominations.

The method of nomination of all candidates for all offices provided for in this charter shall be by petition. Such petition for each candidate shall be signed by not less than four per cent nor more than ten per cent of the registered electors of the city or ward as of the previous election held in the city. No person shall sign his name to a greater number of petitions for any one office than there are persons to be elected to said office at said election. When the signature of any one individual appears on more petitions than there are candidates to be elected to said office, the signature of such individual on all such petitions shall be invalidated. Nomination petitions shall be filed with the clerk up to five P.M. by the then prevailing local time on the seventh Monday prior to the date of the primary election. The Clerk shall publish notice of the last day, time, and place permitted for filing nomination petitions at least one week and not more than three weeks before such day.

§ C-3.11. Form of Petitions.

The form of petitions shall be substantially as that designated by law for the nomination of non-partisan judicial officers. A supply of official petition forms shall be provided and maintained by the Clerk.

§ C-3.12. Approval of Petition.

The Clerk shall accept only nomination petitions which conform with the forms provided and maintained by him, and which, considered together, contain the required number of valid signatures for candidates having those qualifications required for the respective elective city offices by this charter. Such petitions may be accepted only when accompanied by the affidavit of the candidate or someone acting in his stead, stating that he is possessed of the qualifications required by law for holding of office he seeks. The person circulating the nomination petition for signatures shall certify under oath the genuineness of the signatures appearing on such petitions and no petition shall be received or filed by the city clerk unless so certified. The clerk shall forthwith after the filing of a petition notify in writing any candidate whose petition is then known not to meet the requirements of this section, but the failure to so notify any candidate shall in no way prevent final determination that the petition does not meet such requirements. Within five days after the last date for filing petitions, the Clerk shall make his final determination as to the validity and sufficiency of each nomination petition and as to whether or not the candidate has the qualifications required for his respective city office as required by this charter, and he shall write his determination thereof on the face of the petition, and shall notify in writing the candidate whose name appears thereon of his determination. Such notice to any candidate whose petition is found to be invalid or insufficient shall be delivered by personal messenger if possible. The names of the candidates who file valid and sufficient nomination petitions shall be certified by the Clerk to the election commission to be

placed upon the ballot for the next subsequent regular city primary election or at the next special election for the filling of vacancies in office, as the case may be.

§ C-3.13. Public Inspection of Petitions.

All nomination petitions shall be available for public inspection in the office of the clerk during the normal office hours of the city.

§ C-3.14. An Election Commission.

An Election Commission is hereby created, consisting of the Clerk, the Attorney, and one member of the Council who shall not be a candidate for elective office at the election for which he serves as a member of the Election Commission. Such member shall be designated by the Council during the month of January in each year. The members shall serve without compensation. The Clerk shall be the chairman and two members of such board shall be a quorum. Vacancies on the Election Commission shall be filled in the manner provided by law. The Commission shall appoint the Board of Election Inspectors for each precinct, and shall have charge of all activities and duties required of it by statute and this charter relating to the conduct of elections in the city. The compensation of election personnel shall be determined in advance by the Council. In any case where election procedure is in doubt, the Election Commission shall prescribe the procedure to be followed.

§ C-3.15. Form of Ballot.

- A. The form, printing, and numbering of ballots or the preparation of voting machines used in any city election shall conform as nearly as may be to that prescribed by statute except that no party designation or emblem shall appear thereon. In all city elections the names of qualified candidates for each office shall be listed under a separate heading and shall be rotated systematically in the manner prescribed by statute for the rotation of names.
- B. If two or more candidates for the same office have the same or similar surnames, the Election Commission shall print the residence address under the respective names of each of such candidates on the ballots. Any such candidate who is an incumbent of the office he seeks shall be listed as "Incumbent". Except as provided in this section, there shall be no supplementary identification of candidates on the ballot.

§ C-3.16. Canvass of Votes.

The Election Commission shall be the Board of Canvassers to canvass the votes at the city election. Vacancies on the Commission shall be filled in the manner provided by law. The Board of Canvassers shall convene on the Thursday next succeeding each city election at the usual time and place of meeting of the Council and shall determine the results of the city election upon each question and proposition voted upon and what persons are duly nominated or elected to the several offices respectively at said election. The number of candidates for each office equal the number to be elected to such office who receive the highest number of votes shall be elected. The Clerk shall make, under the corporate seal of the city, triplicate certificates

of the determination of the Board and shall file one certificate with the County Clerk, one in his office, and the third shall be mailed to the candidate.

§ C-3.17. The Vote.

If, at any city primary or election, there shall be no choice between candidates by reason of two or more persons having received an equal number of votes, then the Council shall name a date for the appearance of such persons for the purpose of determining the nomination or election of such candidates by lot, as provided by State Law. Should any person or persons fail or refuse to appear, in person or by his representative, to determine the result of any election at the time and place named by the Council, such determination shall be made by lot, in his or their absence, at the direction and under the supervision of the Council. Such determination shall, in any event, be final.

§ C-3.18. 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 Michigan election law. No officer shall be qualified to take office until final determination of any recount of the votes cast for such office.

§ C-3.19. Recall.

Any elected official may be recalled from office by the electors of the city in the manner provided by statute. A vacancy by such recall shall be filled in the manner prescribed by law.

CHAPTER 4
ORGANIZATION OF GOVERNMENT

§ C-4.1. The City Council.

The City Council shall consist of the Mayor and the six (6) Councilmen. The Council shall constitute the legislative and governing body of the city and shall have power and authority, except as otherwise provided in this charter or by law, to exercise all powers conferred upon or possessed by the city, and shall have the power and authority to adopt such ordinances and resolutions as it shall deem proper in the exercise thereof. In all cases where the word "Council" is used in this charter, the same shall be synonymous with the word "Commission" or any other term used in any State or Federal law in referring to municipal legislative or governing bodies. The Council shall not surrender its legislative or policy forming powers to any person.

§ C-4.2. Qualifications of Mayor and Councilmen.

Members of the Council shall meet the eligibility requirements contained in § C-5.1 of this charter and the Council shall be sole judge of the election and qualifications of its own members, subject only to review by the courts.

§ C-4.3. Compensation of Mayor and Councilmen.

Each Councilman shall receive a compensation of four hundred dollars (\$400.00) per annum, and the Mayor shall receive a compensation of five hundred dollars (\$500.00) per annum. Such salaries shall be paid quarterly and, except as otherwise provided in this charter, shall constitute the only compensation which may be paid the Mayor or Councilmen for the discharge of any official duty for or on behalf of the city during their terms of office. However, the Mayor and Councilmen may, upon order of the Council, be paid such necessary bona fide expenses incurred in service in behalf of the city as are authorized by the Council and itemized.

§ C-4.4. Election of Mayor Pro-Tem.

The Council shall, at its first regular meeting following each regular city election, elect one of its members to serve as Mayor Pro-Tem for a term expiring at the first Council meeting following the next regular city election. The Mayor Pro-Tem shall act in the stead of the Mayor during the Mayor's absence and shall succeed to the office of Mayor, in the event of a vacancy occurs³ in that office. In the event of absence or disability of both the Mayor and Mayor Pro-Tem, the Council may designate another of its members to serve as acting Mayor during such absence or disability.

§ C-4.5. Duties of Mayor.

- A. Insofar as required by law, and for all ceremonial purposes, the Mayor shall be the executive head of the city. He shall be the presiding officer of the Council. He shall have a voice and vote in all proceedings of the Council equal with that of other members of the Council.
- B. The Mayor shall be a conservator of the peace, and may exercise within the city all powers conferred upon sheriffs to suppress riot and disorder, and shall have the authority to command the assistance of all able bodied citizens to aid in the enforcement of the ordinances of the city and to suppress riot and disorder.
- C. The Mayor shall execute or authenticate by his signature such instruments as may be required of him by law or the Council.
- D. The Mayor shall exercise only such powers as may be specifically conferred upon him by law or required of him by or as a member of the Council.

§ C-4.6. Administrative Service.

- A. The administrative officers of the city shall be the Clerk, the Treasurer, the Attorney, the Supervisor-Assessor, the Chief of Police, the Fire Chief, and, if the Council deems necessary, a Health Officer, City Engineer, and Building Inspector. The Council may, by ordinance, create additional administrative offices and may, by resolution, combine any administrative offices in any manner it deems necessary or advisable for the proper and

³ Editor's Note: So in original.

efficient operation of the city. Except as hereinafter provided, all administrative officers of the city shall be appointed by and serve at the pleasure of the Council, and shall have their compensation fixed by the Council.

- B. Except as may be otherwise provided by law, the Council shall establish, by ordinance, such departments of the city as it deems necessary or advisable and shall prescribe therein the functions of each department and the duties, authorities, and responsibilities of the officers of each department.
- C. All personnel employed by the city who are not elected officers of the city or declared to be administrative officers, by or under the authority of this section, shall be deemed to be employees of the city. The head of each department shall have power to hire or discharge the employees of such department. The discharge of an employee shall not be effective until confirmed by the Council.
- D. The Mayor shall have power to suspend any administrative officer from his office and the head of each department shall have power to suspend any employee from his employment, pending action by the Council confirming the suspension of such officer or employee. The suspension of an administrative officer or an employee shall be reported to the Council at the first regular meeting following such suspension and the Council shall act thereon not later than at its next subsequent regular meeting following ten days after the date of such suspension. The confirmation of any such suspension by the Council shall constitute a discharge of the officer or employee concerned from the date of his suspension.
- E. Any administrative officer or employee who has been suspended or discharged may, within ten days thereafter, petition the Council to hear the facts regarding such suspension or discharge, and in any such case, the Council may, at its sole discretion, hold a public hearing and inquire into such facts and may take such action or make such recommendation in the matter as it considers proper. If such petition is made, the Council may delay its action on the suspension or discharge until the second regular Council meeting following its receipt of notice thereof.
- F. If the Council does not confirm the suspension or discharge of an officer or employee, such officer or employee shall not suffer any break or lapse in his office or employment and shall not lose⁴ any salary or compensation payable during the period of his suspension or discharge.

§ C-4.7. Functions and Duties of the Clerk.

- A. The Clerk shall be clerk of the Council and shall attend all meetings of the Council and shall keep a permanent journal, in the English language, of its proceedings.
- 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 for. He shall give to the proper department or officials ample notice of the

⁴ Editor's Note: So in original.

expiration of the terms of their offices and of the termination of any franchise, contract, or agreement to which the city is a party.

- C. He shall certify, by his signature, all ordinances and resolutions enacted or passed by the Council.
- D. He shall provide and maintain in his office a supply of forms for all petitions required to be filed for any purpose by provision of this charter or by any city ordinance.
- E. He shall be responsible for the maintenance of a system of accounts of the city which shall conform to any uniform system required by law and by the Council and to generally accepted principles and procedure of governmental accounting. He shall make monthly financial statements to the Council. The Council may, however, provide for the responsibility of the maintenance of accounts of the city by some officer other than the Clerk.
- F. He shall have power to administer oaths of office and other oaths required by law or ordinance relative to the conduct of city affairs.
- G. He shall perform such other duties as may be prescribed for him by law or by the Council.

§ C-4.8. Function and Duties of the Treasurer.

- A. The Treasurer shall have the custody of all monies of the city and all evidences of indebtedness belonging to the city or held in trust by the city.
- B. He shall collect all moneys of the city, the collection of which is not provided for elsewhere by law or ordinance. He shall receive from other officers and employees of the city all money belonging to and receivable by the city that may be collected by such officers and employees, including fines, license fees, taxes, assessments, and all other charges. All city money collected or received by persons other than the Treasurer shall be turned over to the Treasurer after collection or receipt by them and he shall, in all cases, give a receipt therefor.
- C. The Treasurer shall disburse all city funds in accordance with the provisions of law and procedures which may be established by the Council. Each check or warrant disbursing money of the city shall be signed by the Treasurer and countersigned by the Clerk or Mayor or by the person performing the duties of the Mayor.
- D. He shall keep and deposit all money or funds of the city in such manner and only in such places as the Council may determine and shall report the same in detail to the Clerk.
- E. He shall have such powers, duties, and prerogatives in regard to the collection and custody of state, county, school district, and city taxes and money as may be conferred by law upon township treasurers in connection with state, county, township, and school district taxes upon real and personal property.
- F. He shall perform such other duties as may be prescribed for him by law or by the Council.

§ C-4.9. Functions and Duties of the Supervisor-Assessor.

The Supervisor-Assessor shall possess all the powers vested in him, and shall be charged with all the duties imposed upon assessing officers by the general laws of the State. He shall prepare all regular and special assessment rolls in the manner prescribed by this charter, by ordinance, or resolution of the Council, and by law.

§ C-4.10. Functions and Duties of the Attorney.

- A. The Attorney shall act as legal advisor to, and as attorney and counsel for, the Council. He shall advise each officer or department head of the city in matters relating to his official duties and shall file with the Clerk a copy of all written opinions given by him.
- B. He shall conduct for the city such cases in court and before other legally constituted tribunals as the Council may request. He shall file with the Clerk copies of such records and briefs relating thereto as the Council may direct.
- C. He shall prepare or review all ordinances, contracts, bonds, and other written instruments which are submitted to him by the Council and shall promptly give his opinion as to the legality and form thereof.
- D. He shall call to the attention of the Council and administrative officers all matters of law, and changes or developments therein, affecting the city and the duties of such officers.
- E. He shall attend the meetings of the Council and he shall perform such other duties as may be prescribed for him by this charter or by the Council.
- F. Upon the recommendation of the Attorney, or upon its own initiative, the Council may retain special legal counsel to handle any matter in which the city has an interest, or to assist and counsel with the attorney therein.
- G. Such stated duties, except for the conduct of cases in courts and before other legally constituted tribunals, shall constitute the normal duties of the Attorney.

§ C-4.11. Attorney Compensation.

The compensation set by the Council for the Attorney shall be in contemplation of the normal duties of that office. Special compensation may be provided at the discretion of the Council in cases of appeals to or litigation commenced in the Federal Courts, the Circuit Court, any Justice Court, or the State Supreme Court, work requiring extensive hearings before quasi-judicial or administrative tribunals, for legal work in connection with issuance of bonds of the city, for condemnation proceedings, or for other matters outside the scope of his normal duties. No such special compensation shall be provided, except in accordance with an agreement between the city and the attorney made before the service for which such special compensation is to be paid has been rendered.

§ C-4.12. City Police.

The police officers of the City shall have and exercise all the immunities, privileges, and powers of peace officers under the common law and statutes of the State for the preservation of quiet, good order, and for the safety of persons and property within the city. They may arrest upon view, and with or without process, any person found in the act of committing any offense against any ordinance of the city amounting to a breach of the peace and shall, forthwith, take such person before the proper magistrate, or court, for examination, or trial. For the purpose of making arrests for violations of this charter and of city ordinances, such violations shall be deemed to be misdemeanors.

§ C-4.13. Firefighting and Prevention.

- A. The fire-fighting and prevention forces of the city shall be responsible for the use, care, and management of the city's fire-fighting apparatus and property and shall conduct such supervisory and educational programs within the city and with its inhabitants and industrial and business interests as will diminish the risk and potentiality of fires within the city. The Fire Chief, or any person lawfully acting in his stead, shall have concurrent powers with city police officers in enforcement of violations of state fire laws, violations of city ordinances relative to fire protection, fire zones, and fire prevention. The Fire Chief, or any person lawfully acting in his stead, when present at the fire, shall possess the same powers, privileges and prerogatives as the constable possess.
- B. If any person shall willfully disobey any such lawful requirement or other lawful order of such officer, he shall be deemed guilty of a violation of this charter, which constitutes the governing law of the city, and he shall be subject to punishment therefor.
- C. The Fire Chief, or any other person lawfully acting in his stead, may cause any building to be pulled down or destroyed when deemed necessary in order to arrest the progress of fire. Reimbursement by the city for the cost of any such building to persons having an interest therein shall be made in the manner provided by Section 11, Chapter 29 of Act 215 of the Public Acts of 1895, which section, insofar as it establishes the procedure for such reimbursement, is hereby adopted and made a part of this charter by reference.

§ C-4.14. City Library.

- A. The Grand Ledge Public Library existing on the effective date of this charter shall continue with its organization and management by a board of Library Directors, unchanged by this charter and with all rights possessed by it under law and, especially, Act No. 164, P. A. 1877, as amended.
- B. In the conduct of the Grand Ledge Public Library, the Library Directors shall be subject to the same annual audit as are officers and departments of the city.

§ C-4.15. Cemeteries.

- A. The city may acquire, hold, and own such cemetery or public burial place or places, either within or without the limits of the city, as in the opinion of the Council shall be necessary

for the public welfare and suitable for the convenience of the inhabitants. The Council may establish standards of burial; may prohibit the interment of the dead within the city, or may limit such interments therein to such cemetery or burial places as the Council may prescribe and the Council may cause any bodies buried within the city in violation of any rule or ordinance made in respect to such burials, to be taken and reburied properly or buried elsewhere. The city cemetery and cemetery facilities shall constitute a department of the city government.

- B. The Council may, within the limitations of this charter, raise and appropriate in its annual budget, such sums as may be necessary for the purchase of cemetery grounds, and for the improvement, adornment, protection, and care thereof.
- C. The Council shall continue the Board of Cemetery Trustees existing on the effective date of this charter, comprised of three freeholders who have the qualifications required of elective officers by this charter and the Clerk. The three Trustees shall hold office for the term of three years, from the first Monday in July of the year when appointed. One Trustee shall be appointed annually by the Council during the month of June of each year and shall assume office on the first Monday of July following. The Council may remove any Trustee so appointed for inattention to his duties or other good cause. The Trustees shall serve without compensation. The Board of Cemetery Trustees shall meet at least four times annually and oftener at the call of the chairman.
- D. The Board of Cemetery Trustees shall appoint one of their number chairman, and the Clerk shall be clerk of the board. The Council may, by ordinance, invest the Board with such powers and authority as may be necessary for the care, management, and preservation of such cemetery and grounds, the tombs and monuments therein, and the appurtenances thereof; and, in addition to the duties herein mentioned, the Board shall perform such other duties as the Council may prescribe.
- E. The Board, subject to the directions and ordinances of the Council, shall have the care and management of the city cemetery or burial place or places, and shall direct the improvements and embellishments of the grounds, cause such grounds to be laid out into lots, avenues and walks. The lots in such cemetery shall be numbered and the avenues, and walks named, and plats thereof shall be made and recorded in the office of Clerk. The Board shall fix the price of lots and make the sales thereof. The conveyance of such lots shall be executed on behalf of the city by the Clerk, and be recorded in his office at the expense of the purchasers.
- F. The Board shall appoint a Superintendent for the cemetery and provide for care and improvement of the grounds; enforce the ordinances of the city made for the managements and care thereof, and make such regulations for the burial of the dead and the care and protection of the cemetery and appurtenances of the cemetery and the orderly conduct of persons visiting the grounds, as may be consistent with the ordinances of the city and the laws of the state of Michigan. The Treasurer shall issue all checks for labor, supplies, improvements, and other necessary disbursements after such disbursements have been audited and approved by the cemetery Superintendent; Provided, That no such disbursement may be made for which there is no provision in the city budget, until approved by the Council.

- G. All moneys raised for any public cemetery established under authority of this charter, and all moneys received from the sale of lots therein, or from any other source, shall be paid into the city treasury and shall constitute a fund to be denominated the “cemetery fund.” Said fund shall not be devoted or applied to any other purpose except the purpose of such cemetery. The Board of Trustees shall report to the Council annually on the second Monday in April, and oftener when the Council shall so require, the amount of moneys received into and owing to the cemetery fund, and from what source, and from whom; and the date, amount, and purpose of all expenditures and liabilities incurred; to whom paid, and to whom incurred, which report shall be certified by the clerk of the board.
- H. The Cemetery Superintendent shall perform such duties as are required of him by the Board of Cemetery Trustees. He shall hire and discharge such employees as may be necessary in the performance of his duties and the compensation of such employees shall be at rate established by the Council and within budget appropriations therefor. In so far as is practicable, the joint use of city equipment and personnel shall be encouraged and planned between the cemetery department and other departments of the city.
- I. The Council may, by ordinance, make regulations necessary to carry into effect the provisions of this section to control or regulate any city cemetery or burial place, and the improvement thereof, to protect the same and the appurtenances thereof from injury, and to punish violations of lawful orders and regulations made by the Board of Cemetery Trustees.
- J. The Council may also, by ordinance, make any regulations necessary for the preservation and protection of any cemetery or burial within the city, belonging to or under the control of any church, religious society, or any corporation, company, or association, and for the protection and the preservation of the tombs, monuments, and improvements thereof, and the appurtenances thereto.

§ C-4.16. Additional Administrative Powers and Duties.

From time to time, upon the recommendation of the Mayor, 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.

CHAPTER 5 CITY EMPLOYEES AND OFFICERS – GENERAL

§ C-5.1. Eligibility for Office in the City.

- A. No person shall be eligible for any elective office of the city, unless he shall be a qualified elector of the city and shall have been a resident of the city for at least one year immediately prior to the date of the election at which he is a candidate for office.
- B. All administrative officers of the city shall be citizens of the United States. In making any appointment of administrative officers, consideration shall be given only to the good of the public service and the fitness of the appointee for and his ability to discharge the duties of the office to which he is appointed. Where two or more applicants for any

administrative office are equally qualified, first consideration shall be given to electors of the city. Where an applicant has superior qualifications for an administrative office but is not an elector of the City, the Council may appoint thereto or approve or confirm the appointment of the applicant with superior qualifications who is not an elector of the city by a vote of five or more members of the Council. **[Amended 4-6-1981]**

- C. No person shall be eligible for any elective or appointive office of the city who is in default to the city. The holding of office by any person who is in such default shall create a vacancy, unless such default shall be cured within thirty days after the giving of written notice thereof by the Clerk or unless such person shall, in good faith, be contesting the liability for the default by proper legal action.
- D. Except as may be specifically permitted in this charter, no elected city official may be appointed to any city office, or be employed by the city, during the term of the office for which he was elected. For purposes of this Section, employment shall mean the performance of tasks for salary, pay or other emolument under the direction, control or supervision of the City or its administrative departments. **[Amended 4-2-1979]**

§ C-5.2. Vacancies in Office.

Any city office shall be declared vacant by the Council upon the occurrence of one or more of the following events before the expiration of the term of such office:

- A. for any reason specified by law as creating a vacancy in office;
- B. if no person is elected to, or qualified for, the office at the election at which such office is to be filled;
- C. if the officer shall be found guilty by a competent tribunal of any act constituting a violation of this charter or of misconduct in office under the provisions of this charter;
- D. if the officer shall absent himself continuously from the city for more than sixty days without the permission of the Council;
- E. in the case of the Mayor and any member of the Council if such officer shall miss four consecutive regular meetings of the Council or twenty-five percent of such meetings in any fiscal year of the City, unless such absences shall be excused by the Council, at the time of such absence and such action appears in the minutes of the meeting;
- F. if the officer is removed from office by the Council in accordance with the provision of § C-5.3.

§ C-5.3. Removal by Council.

- A. After notice and the giving of an opportunity to be heard by the holder of any city office such office shall be declared vacant by the Council before the expiration of the term of such office, if such officer is deemed by the Council to be guilty of wilful neglect of, or

gross inefficiency⁵ in the performance of his duties as officer of the city by a vote of five or more members of the Council at or following the time set for the hearing thereon. Such hearing shall afford an opportunity to the officers, in person or by attorney, to cross-examine witnesses and to present testimony in his own defense.

- B. For the purpose of this section, notice shall be given to the officer at least ten days before the hearing. Such notice shall be given personally or by delivering the same at his last known place of residence.

§ C-5.4. Resignations.

Resignations of elective officers shall be made in writing and filed with the Clerk and shall be acted upon by the Council at its regular meeting following receipt thereof by the Clerk. Resignations of appointive officers shall be made in writing to the appointing officer or body and shall be acted upon immediately.

§ C-5.5. Vacancies in Elective Offices.

- A. Any vacancy on the Council shall be filled by appointment by the Council, and by a majority of the remaining members or the Council if the number of members is reduced to less than five. A vacancy occurring less than twenty-four hours before the time for filing nomination petitions for filling the vacancy shall not be filled until after the Monday following the next regular city election and shall be subject to the time limitations and procedures herein stated as though the vacancy had occurred on said Monday. Any vacancy in other elective offices shall be filled by appointment by the Council. All vacancies to be filled by appointment under this section shall be so filled within thirty days after such vacancy occurs, unless the Council shall extend such time for any period, which shall not exceed sixty days. If any vacancy shall not be filled within the permitted extension thereof, or if more than four vacancies shall exist in the membership of the Council, the Clerk shall, within ten days thereafter call a special election to fill all unfilled vacancies which election shall be held within sixty-five days after the date of such call. Persons who are appointed to fill vacancies in elective offices shall hold office under such appointment until the Monday next following the next regular city election. If the term of any such vacancy extends beyond the Monday following the said next regular city election, the balance of the vacancy shall be filled by election thereat. A person who is elected to fill a vacancy shall hold the office to which he has been elected for the full balance of the term of office to which he has been elected.
- B. In connection with any special election to fill a vacancy or vacancies in elective office, no primary election shall be held. Candidates shall be nominated by petitions in a manner identical to that provided in §§ C-3.10 to C-3.13 of this charter, inclusive. The names of all qualified candidates who file sufficient valid nomination petitions within twenty days after such special election is called shall be certified to the Election Commission and placed on the ballot. If, at any special election to be held pursuant to this section, there are vacancies to be filled in offices having different unexpired terms, the number of

⁵ Editor's Note: So in original.

candidates equal to the number of vacancies in the offices shall be elected, The vacancy having the longest unexpired term shall be filled by the candidate who receives the most votes and, progressively, the vacancy with the next longest unexpired term shall be filled by the candidate who receives the next highest number of votes.

- C. Any vacancy which occurs as a result of the recall of an elective officer as provided in § C-3.19 shall be filled as required by law.

§ C-5.6. Change in Term of Office or Compensation.

- A. Except by procedures provided in the charter, the terms of office of the elective officers and of members of boards and commissions appointed for a definite term shall not be shortened. The terms of elective officers shall not be extended beyond the period for which any such officer was elected or appointed, except that an elective officer shall, after his term has expired, continue to hold until his successor is elected and has qualified. The Council shall not grant or authorize extra compensation to any officer or employee after his service has been rendered.
- B. The compensation of any city officer who has been elected or appointed for a definite term shall not be increased or decreased from the time of his election or appointment until the end of the term of office for which he was elected or appointed.

§ C-5.7. Oath of Office and Bond.

Every officer, elective or appointive, before entering upon the duties of his office, shall qualify by taking the oath of office prescribed for public officers by the Constitution of the State, and by filing the oath with the Clerk, together with any bond required by law or by the Council. In case of failure to comply with the provisions of this section within ten days from the date he is notified in writing of his election or appointment, such officer shall be deemed to have declined the office and such office, thereupon shall be vacant, unless the Council shall, by resolution, extend the time in which such officer may qualify as above set forth, which extension may be for not to exceed thirty days. The Council may designate employments of the city, the holders of which shall be required to take such oath.

§ C-5.8. Surety Bonds.

- A. Except as otherwise provided in this charter, all officers of the city whose duties involve the custody of or accountability for public property or public funds, either by way of receipt or disbursement, or both, and all other officers and employees so required by the Council shall file with the city an official bond, in such form as the Council, shall direct and approve, before they enter upon the duties of their respective offices or employment. Such bond of every officer and employee shall be conditioned that he will faithfully perform the duties of his office or employment, and will, on demand, deliver over to his successor in office, or other proper officer or agent of the city, all books, papers, moneys, effects, and property belonging thereto, or appertaining to his office, which may be in his custody as an officer or employee; and such bonds may be further conditioned as the Council shall prescribe. The official bond of every officer or employee of the city whose

duty it may be to receive or pay out money, besides being conditioned as above required, shall be further conditioned that he will, on demand, pay over or account to the city, or any proper officer or agent thereof, for all money received by him as such officer or employee. The requirements of this paragraph may be met by the purchase of one or more appropriate blanket surety bonds covering all, or a group of city employees and officers.

- B. All official bonds shall be corporate surety bonds and the premiums thereon shall be paid by the city. The bonds required by this section shall not be renewed upon the expiration of the terms for which issued, but, in each case, a new bond shall be furnished. No official bond shall be issued for a term exceeding three years except the bond required of Justices of the Peace, which shall be for four years. The bonds of all officers or employees shall be filed with the Clerk, except that the bond of the Clerk shall be filed with such officer as the Council may direct.

§ C-5.9. Compensation of Officers and Employees.

- A. The compensation of all officers and employees of the city whose compensation is not provided for herein, shall be fixed by the appointing officer and Council, within limits of the budget appropriation and in accordance with any over-all pay plan adopted by the Council.
- B. The respective salaries and compensation of officers and employees, as fixed pursuant to this charter, shall be in full for all official services of such officers or employees and shall be in lieu of all fees, commissions, and other compensation receivable by such officers or employees for their services.
- C. Such fees, commissions, and other compensation shall belong to the city and shall be collected and accounted for by such officers and employees, and paid into the city treasury and a statement thereof filed monthly with the Clerk. The provisions of this paragraph shall not apply to fees, commissions, or other compensation paid by the County of Eaton to any officer or employee serving as a city representative on the Board of Supervisors respecting his compensation as a Supervisor.

§ C-5.10. 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 insuror in connection with any bond or insurance which may be required by law, ordinance, or by the Council, except to the extent any such bond or insurance was in effect at the time he assumed office and insurance purchased by the city to cover its own property and liability.

§ C-5.11. Social Security General Benefits, and Retirement.

- A. The Council shall have power to make available to the administrative officers and employees of the city and its departments and boards Federal Social Security, if available and recognized standard plans of group life, hospital, health and accident insurance.

- B. The Council may maintain for the benefit of the administrative officers and employees of the city and its departments and boards, a sound actuarially based pension and retirement plan, which plan may be either a plan provided by the State of Michigan or a plan provided by the city.

CHAPTER 6
THE COUNCIL

§ C-6.1. Meetings of the Council.

- A. The Council shall provide by resolution for the time and place of its regular meetings and shall hold at least two regular meetings each month. A regular meeting shall also be held on the Thursday following each regular city election.
- B. Special meetings shall be called by the Clerk on the written request of the Mayor or any three members of the Council on at least six hours written notice to each member of the Council, served personally or left at his usual place of residence; but any special meeting must have a majority of the Council present.
- C. 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.
- D. 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 made a part of the journal of each special meeting when absent members have waived notice thereof.
- E. No business shall be transacted at any special meeting, except that stated or given in the notice of the meeting.
- F. All regular and special meetings of the Council shall be public meetings and the public shall have a reasonable opportunity to be heard thereat.
- G. 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. If no members of the Council be present at any Council meeting, the Clerk may act as a Councilman in setting a later date for such meeting to be held within eight days thereafter.
- H. 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.
- I. 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 prescribed by its rules.

- J. 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.
- K. 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.
- L. 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 person removed from office as required or permitted by this charter, except by the affirmative vote of at least four of its members.
- M. Persons present at Council meetings shall conduct themselves in an orderly manner. The Mayor shall enforce orderly conduct at Council meetings and any member of the Council or other officer, city employee, or other person who shall fail to conduct himself in an orderly manner at any Council meeting may be charged with and proceeded against in the Justice Court of the city for the violation of this charter. Any police officer designated by the Mayor at the meeting shall serve as the sergeant-at-arms of the Council in the enforcement of the provisions of this section.
- N. The proceedings of the Council, or a summary thereof, shall be published at least once, within fifteen days following each meeting. Any such summary of such proceedings shall be prepared by the Clerk and approved by the Mayor, and shall show the substance of each separate proceeding of the Council.

§ C-6.2. Providing for Public Health and Safety.

The Council shall be the Board of Health of the City. In such capacity it shall act to preserve the public health as provided by and in accordance with law. The health functions of the Council may be exercised by the Eaton County Health Department, in so far as it may have health jurisdiction in the city by law and the action of the Eaton County Board of Supervisors.

§ C-6.3. Investigation.

- A. The Council, or any person or committee authorized by it for such purpose, shall have power to inquire into the conduct of any department, office, or officer and to make investigations as to municipal affairs. For such purpose the Council may summon witnesses, administer oaths, and compel the attendance of witnesses and the production of books, papers, and other evidence. Failure on the part of any officer or employee to obey such summons or to produce books, papers, or other evidence, as ordered under the provisions of this section, shall constitute a violation of this charter and such officer or employee, when found guilty of such violation, may be punished by a fine not to exceed

five hundred dollars or imprisonment for not to exceed ninety days, or both, in the discretion of the court.

- B. In case of failure on the part of any person to obey such summons or to produce such books, papers, and other evidence as so ordered, the Council may invoke the aid of the Circuit Court of Eaton County in requiring obedience to such summons or production of such books, papers, and other evidence. The Circuit Court of Eaton County, in case of refusal to obey such summons or to produce such books, papers, and other evidence, may issue an order requiring such person to obey such summons or to produce such books, papers, and other evidence and to give evidence touching the matter in question, and any failure to obey such order of the court may be punished by such court as contempt thereof.

CHAPTER 7 CITY LEGISLATION

§ C-7.1. Status of Charter.

This charter shall constitute the basic law of the City of Grand Ledge, subject only to the constitution and general laws of the State of Michigan and the United States of America.

§ C-7.2. Ordinances and Resolutions.

All official action of the Council shall be by ordinance or resolution, motion, or order. Action by resolution, motion, or order shall be limited to matters required or permitted to be done by law pertaining to the internal affairs or concerns of the city government. All other acts of the Council, and all acts carrying a penalty for violation thereof, shall be by ordinance.

§ C-7.3. 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 in so far as the same are consistent with and permitted by law, the ordinances of the City of Grand Ledge 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 requirement shall suffice.

§ C-7.4. City Code.

Within one year 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.

§ C-7.5. Technical Codes.

The city may adopt any technical or other code, law, rules, or regulations which have been promulgated by the State of Michigan or by any department, board or other agency thereof, or by any organization or association which is organized and conducted for the purpose of developing such code or codes, or which does so as a means of advancing the purpose for which it is organized and maintained, by reference thereto in an adopting ordinance and without publishing such code, law, rule, or regulation in full. Each such ordinance shall identify clearly the code, law, rule, or regulation and the purpose of such code, law, rule, or regulation shall be published with the adopting ordinance. Printed copies of each such code, law, rule, or regulation shall be kept in the office of the Clerk, available for inspection by and distribution to the public at all times and the published notice herein required shall contain a notice that a complete copy of the code, law, rule, or regulation adopted is and shall be available for public use and inspection in the office of the Clerk.

§ C-7.6. Introduction, Consideration, Style, and Recording of Ordinances.

- A. Each proposed ordinance shall be introduced in written form. The style of all ordinance adopted by the Council shall be, "The City of Grand Ledge 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, and until after the proposed ordinance has been published; Provided, That ordinances required to be adopted for any purpose by any law shall be adopted and published as such law requires and no publication prior to the adoption thereof shall be necessary.
- C. At the time of its adoption, each ordinance shall be identified by a number and a short title and, after the adoption of the city's ordinance code its position in such code shall also be identified.
- D. An ordinance which revises or amends an ordinance shall reenact each section which is revised or amended; Provided, That it shall not be necessary to reenact sections or portions of ordinances amending lists of one-way streets, stop streets, and parking limits. Each numbered paragraph of the city's ordinance code shall be deemed to be a section for the purposes of this subsection. An ordinance which repeals an ordinance or any part of an ordinance shall identify the ordinance repealed by number and title thereof, or the section or sections thereof, if only a part of the ordinance is repealed.
- E. 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.
- F. After the adoption of the city code, the Clerk shall, within forty-five days after the adoption of any ordinance which adds to such code or amends or repeals any part thereof, provide to each officer and department of the city, and to owners of copies of the code who are listed with the Clerk, printed copies of such addition, amendment, or repeal in such printed form that the same may be inserted in their copies of the code for the purpose of keeping such copies up to date.

- G. 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.
- H. The Justice of the Peace shall take judicial notice of all effective ordinances of the city.

§ C-7.7. 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. If a proposed ordinance is adopted by the Council without change from such proposed ordinance as published prior to its adoption, no further publication thereof shall be required, but a notice of its adoption without change from the prior publication shall be published prior to the time it becomes operative. Publication as a part of the minutes of a Council meeting shall meet publication requirements.

§ C-7.8. Effective Date of Ordinances.

- A. Unless declared to be an emergency ordinance as provided in § C-7.6B, no ordinance shall become operative until seven days after adoption by the Council or, in the case of ordinances adopted through initiatory proceedings, twenty days after adoption by the electors of the city, and the effective date shall be stated in the ordinance.
- B. No ordinance which provides for or establishes a tax shall become operative less than thirty days after adoption by the Council.

§ C-7.9. Penalties.

The Council shall provide for the punishment of violations of the ordinances of the city. Such punishment may be by a fine of not to exceed \$500.00, or by imprisonment for not more than ninety days, or both, in the discretion of the Court. Imprisonment may be in the city or county jail, or in any workhouse or penal institution of the State which is authorized by law to receive prisoners of the city.

§ C-7.10. Time 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.

§ C-7.11. Initiative and Referendum.

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

§ C-7.12. 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 per cent of the number of registered electors of the city according to the records of the Clerk on the date of the last election held in the city for the election of state, county, or city officers. 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 thereof, 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 its next regular meeting.

§ C-7.13. Same — Council Procedure.

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

- A. 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
- B. 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 the proposal to the electors.

§ C-7.14. 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.

§ C-7.15. 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.

§ C-7.16. 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 8
GENERAL FINANCE

§ C-8.1. Fiscal Year.

The fiscal year of the city and all of its agencies shall begin on the first day of July in each year and shall end on June thirtieth of the following year.

§ C-8.2. Budget Procedures.

- A. The Council shall designate one of the administrative officers of the city as Budget Officer. Each board, commission, officer, and department head shall submit an estimate of his financial requirements for the next fiscal year, with supporting explanation thereof, to the budget officer on or before February first in each year.
- B. The Budget Officer shall prepare and submit to the Council, on or before the first regular meeting in April of each year a budget document covering the next fiscal year, tabulating the recommendations of the several department heads, boards, commissions, and officials, and shall include therein at least the following information:
 - (1) Detailed estimates of all proposed expenditures for each department and office of the city, showing the expenditures for corresponding items for the current fiscal year to December thirty-first and for the last preceding fiscal year, with reasons for increases and decreases recommended, as compared with appropriations for the current year;
 - (2) Statements of the bonded and other indebtedness of the city, showing the debt reduction and interest requirements, the debt authorized and unissued, and the condition of any sinking funds;
 - (3) An inventory of all supplies and materials on hand relating to the proposed budget at the date of the preparation of the estimates, with the value thereof, except office supplies and other minor items;
 - (4) Detailed estimates of all anticipated revenues of the city from sources other than taxes and borrowing, 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 and for the current fiscal year to January first;
 - (5) A statement of the estimated balance or deficit for the end of the current fiscal year;
 - (6) 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 any anticipated revenues from other sources, will be necessary to meet the proposed expenditures; and

- (7) Such other supporting information as the Council may request.

§ C-8.3. Budget Hearing.

A public hearing on the proposed budget shall be held before its final adoption, at such time and place as the Council shall direct. Notice of such public hearing, a summary of the proposed budget, and of the fact that the proposed budget is on file in the office of the Clerk, shall be published at least one week in advance of the hearing. The complete proposed budget shall be on file for public inspection during office hours at the office of the Clerk and in the public library of the city for a period of not less than one week prior to such public hearing.

§ C-8.4. Adoption of Budget.

Not later than its first regular meeting in June, the Council shall, by resolution, adopt the budget for the next fiscal year and shall, in such resolution, make an appropriation of the money needed for municipal purposes for the next fiscal year of the city and provide for the levy of the amount necessary to be raised by taxes upon real and personal property for municipal purposes. Should the Council fail to adopt a budget before its second regular meeting in June of any year, the budget proposal presented by the Budget Officer shall constitute a de facto budget for the city until such time as the Council shall adopt a budget and appropriation for all expenditures thereunder shall exist as though made by the Council. Such de facto budget shall be the basis for the spread of property taxes upon the city tax roll and the Clerk shall make the certification required by § C-9.9 based on such de facto budget as though the budget had been adopted by the Council.

§ C-8.5. Budget Control.

- A. Except for purposes which are to be financed by a method not requiring a budget appropriation, no money shall be drawn from the treasury of the city without such an appropriation, 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 current fiscal year. To meet the requirements of this section, the Council may transfer any unencumbered appropriation balance, or any portion thereof, from one department, fund, or agency to another.
- B. In cases of emergency arising from fire, flood, or other calamity, and needs beyond the reasonable anticipation of the Council at the time the budget was made and adopted, the Council may make additional appropriations to cover unanticipated expenditures required of the city because of such emergency.
- C. The balance in any appropriation, which has not been encumbered at the end of the fiscal year, shall revert to the general fund and be reappropriated during the next fiscal year.
- D. At the beginning of each quarterly period during the fiscal year, and more often if required by the Council, the officer responsible for the maintenance of the city's

accounting system shall submit to the Council data showing the relation between the estimated and actual revenues and expenditures to date. If it shall appear that the revenues are less than anticipated, the Council may reduce appropriations, except amounts required for debt and interest charges, to such a degree as may be necessary to keep expenditures within the revenues of the city.

- E. Within thirty days following the end of each fiscal year, the Clerk 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.

§ C-8.6. Special Accounts.

- A. The Council may, by ordinance, establish and maintain accounts for accumulating moneys to be used for acquiring, extending, altering, construction, or repairing designated public improvements and for the purchase of equipment of any type needed for the operation or services of the city.
- 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 sub-section 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. When no longer required for such purpose, such moneys or any remaining part thereof, may be transferred to the general fund by a resolution of the Council.

§ C-8.7. Depository.

The Council shall designate a depository or depositories for city funds, and shall provide for the regular deposit of city moneys therein. The Council shall provide for such security for city deposits as is authorized or permitted by law.

§ C-8.8. Independent Audit and Annual Report.

- A. independent audit shall be made of all city accounts, at least annually and more frequently if deemed necessary by the Council. Such audit shall be made by certified public accountants selected by the Council.
- B. The Clerk, or such other officer as the Council may designate, shall prepare an annual report of the affairs of the city, including a financial report which shall be available for inspection at the office of the Clerk and the public library of the city.

CHAPTER 9
TAXATION

§ C-9.1. Power to Tax and Tax Limits.

- A. The city shall have the power to annually levy and collect ad valorem taxes, rents, tolls, and excises for municipal purposes.
- B. The subjects of taxation for municipal purposes shall be the same as for State, county, and school purposes under the general law. Except as otherwise provided by this charter, city taxes shall be levied, collected, and returned in the manner provided by law.
- C. Exclusive of any levy for the payment of principal of and interest on outstanding general obligation bonds and exclusive of any other levies authorized by statute to be made beyond charter tax rate limitations, such levy shall not exceed one and one-half percent of (fifteen mills on) the assessed value of all real and personal property in the city. Each annual levy, determined by the Council, shall include at least one mill for recreation; and at least one mill for the operation of the Grand Ledge Public Library.
- D. The foregoing tax limitation may be increased for any fiscal year of the city by a majority of the electors of the city voting on the question at a regular or special election. In no case shall the total of any such increase cause the tax limitation of the city, including the limitation authorized in sub-section C hereof to exceed two percent of (twenty mills on) the assessed value of all real and personal property in the city.

§ C-9.2. Tax Day.

Subject to the exceptions provided or permitted by statute, the taxable status of persons and property shall be determined as of the thirty-first day of December of each year, which shall be deemed to be the tax day as deemed by state law, for all taxes levied in the city during the ensuing calendar year.

§ C-9.3. Preparation of the Assessment Roll.

- A. On or before the first Monday in March in each year, the Assessor shall prepare and certify an assessment roll of all property in the city, in the manner and form required by law. Values of all property listed on such assessment roll shall be estimated according to recognized methods of systematic assessment. The assessment rolls of the city shall show total figures for the value of the land and of the improvements thereon. On or before the

first Monday in March in each year, the Assessor shall give notice of any change in the assessed value of any property on or of the addition of any property to, the assessment roll. Such notice shall be given to the owner thereof, as shown by such assessment roll, by first class mail. The failure to give any such notice or of the owner to receive it, shall not invalidate any assessment roll or any assessment or levy of taxes thereon.

- B. No exemptions from taxation shall be allowed, except as expressly required or permitted by law.

§ C-9.4. Board of Review.

- A. A Board of Review is hereby created, composed of three members who have the qualifications for holding elective city office, as set forth in this charter and who are owners of property assessed for taxes in the city. The Council shall set the compensation of the members of the Board of Review, which compensation shall be on a per meeting attended basis.
- B. The members of the Board of Review shall be appointed by the Mayor, subject to the confirmation by the Council, and may be removed for reasons of non-feasance and misfeasance by a vote of four members of the Council. The first members shall be appointed during the month of January, 1964, for terms which shall be such that the term of one of the members will expire in the month of January of each year. Thereafter one member shall be appointed in the month of January of each year, for a term of three years, commencing upon his appointment.
- 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.

§ C-9.5. 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 deems just. Except as otherwise provided by law, no person other than the Board of Review shall make any change upon, or addition or correction to, the assessment roll. The assessor shall make a permanent record of all proceedings of the Board and enter therein all resolutions and decisions of the Board. Such record shall be filed with the Clerk on or before the first day of May following the meeting of the Board of Review.

§ C-9.6. Meetings of the Board of Review.

- A. The Board of Review shall convene in its first session on the Tuesday following the second Monday in March of each year at such time of the day and place as shall be

designated by the Council and shall continue in session for at least one day for the purpose of considering and correcting the assessment roll prepared and presented by the Assessor. The Assessor shall order the publication of the time and place of the meeting of the Board of Review. Such publication shall be made not less than ten days prior to the first meeting of the Board in each year. In each case where the assessed value of any property is changed or any property is added to the roll by the Board, or the Board has resolved to consider at its second session, the increasing of an assessment or the adding of any property to the roll, the Assessor shall give notice thereof to the owners of any such property, as shown by such roll, by first class letter, mailed no later than the day following the end of the first session of the Board. Such notice shall state the date, the time, place, and purpose of the second session of the Board. The failure to give any such notice, or of the owner to receive it, shall not invalidate any assessment roll or any assessment or levy of taxes thereon.

- B. The Board of Review shall convene in its second session on the Tuesday following the fourth Monday in March of each year, at such time of the day and place as shall be designated by the Council and shall continue in session until all interested persons have had an opportunity to be heard, but in no case for less than six hours. At such second session, the Board may not increase any assessment, except in those cases with respect to which the Board resolved at its first session to consider such increase at its second session. This provision shall not apply to the addition of any omitted property to the roll.

§ C-9.7. Endorsement of Roll.

After the Board of Review has completed its review of the assessment roll, and not later than the first Monday in April, a majority of its members shall endorse thereon and sign a statement to the effect that the same is the assessment roll of the city for the year in which it has been prepared. The omission of such endorsement or statement shall not affect the validity of such roll. 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 and the amounts required to be certified by § C-9.9 shall be spread thereon by the Assessor and collected by the Treasurer.

§ C-9.8. 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.

§ C-9.9. Clerk to Certify Tax Levy.

Within three days after the Council has adopted the budget for the ensuing fiscal year of the city, the Clerk shall certify to the Assessor the total amount which the Council has determined

shall be raised by general tax. He shall also certify all amounts of current or delinquent special assessments and all other amounts which the Council requires to be assessed, reassessed or charged upon such roll upon any property or against any person.

§ C-9.10. City Tax Roll.

After the Board of Review has completed its review of the assessment roll, the Assessor shall prepare a copy of the assessment roll to be known as the "City Tax Roll." Upon receiving the certification of the several amounts to be raised, or to be assessed, reassessed, or charged as provided in § C-9.9 of this charter, the Assessor shall spread upon said tax roll the several amounts determined by the Council to be raised, charged, assessed, or reassessed against persons and property. He shall also spread the amount to be raised by general city tax, according to and in proportion to the several valuations set forth in said roll. To avoid fractions in computation on any tax roll, the Assessor may add to the amount of the several taxes to be raised thereon not more than the amount prescribed by law. Any excess created thereby on any tax roll, for the levy and collection of taxes in the city, shall belong to the city.

§ C-9.11. Tax Roll Certified for Collections.

After spreading the city taxes and any assessments, reassessments, and charges, the Assessor shall certify the tax roll and shall annex his warrant thereto, directing and requiring the Treasurer to collect from the several persons named in said roll the several sums mentioned therein opposite their respective names as a tax, assessment, or charge, and granting to him, for the purpose of collecting taxes, assessments, and charges on such roll, all of the statutory powers and immunities possessed by township treasurers for the collecting of taxes. On or before July 15th, the city tax roll shall be delivered to the Treasurer for the collection of the taxes, assessments, and charges set forth thereon.

§ C-9.12. 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 law. The amounts assessed on any interest in real property shall become a lien upon such real property on the first day of August following the said tax day and the lien for such amounts, and for all interest and charges thereon shall continue until payment thereof. All personal property taxes shall be a first lien, prior, superior, and paramount, on all personal property of persons so assessed from and after the first day of August following the said tax day and shall so remain until paid. Said tax liens on personal property shall take precedence over all other claims, encumbrances, and liens, upon said personal property whatsoever, whether created by chattel mortgage, title retaining contract, execution, or upon any other final process of a court, attachment, replevin, judgment, or otherwise. No transfer of personal property assessed for taxes shall operate to divest or destroy such lien, except where such property is actually sold in the regular course of retail trade.

§ C-9.13. 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 proceeding to collect such tax, he shall proceed to collect the same as a jeopardy assessment in the manner provided by law.

§ C-9.14. Taxes Due and Notification Thereof.

- A. City taxes shall be due on the first day of August of the year when levied and shall be payable as stated in the warrant of the Assessor annexed to said roll.
- B. The Treasurer shall not be required to call upon the persons named in the city tax roll, nor to make personal demand for the payment of taxes, but he shall give notice to the taxpayers of the city, at least six days prior to the first day of August in each year, of the time when said taxes will be due for collection, by publication, at least once, in one or more of the newspapers published or circulated in the city, he shall also send a tax statement by first class mail, addressed to the owners of the property upon which taxes are assessed, according to the names of such owners and their addresses as indicated on the tax roll. Said notice and tax statement shall be deemed sufficient to require the payment of all taxes on said tax roll. Failure on the part of the Treasurer to give said notice and send any tax statement shall not invalidate the taxes on said tax roll nor release any person or property assessed thereon from any penalty provided for the non-payment or late payment of city taxes assessments or charges appearing on the tax roll.

§ C-9.15. 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 taxes, charges, and assessments on the city tax roll. Such schedule may provide for the closing of the city tax roll on the first day of October of each year and the spreading of the taxes then delinquent upon the December tax roll upon which county and school taxes are collected, to be collected upon such roll with a four per cent collection charge added thereto.

§ C-9.16. Failure or Refusal to Pay Property Taxes.

- A. 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 such tax, together with all charges, fees, penalties, and interest added thereto, in accordance with statutory provisions. The Treasurer may also sue the person to whom a personal property tax is assessed, in accordance with the powers granted him by law.

- B. If delinquent city taxes upon real estate are collected by returning the same to the county treasurer, then all charges and assessments on the tax roll, and any collection charges and interest thereon, which remain unpaid at the time the delinquent tax roll is returned to the county treasurer shall be treated in all respects as an item of taxes and shall be included with the city taxes spread upon such roll, or added thereto in a separate column, and shall be collected on delinquent tax rolls returned to county treasurers under the general property tax act.⁶

§ C-9.17. Delinquent Tax Roll to County Treasurer.

If the Treasurer has been unable to collect any of the city taxes on real property before the first day of March following the date when said roll was received by him it shall be his duty to return all such unpaid taxes on real property to the county Treasurer, in the same manner and with like effect as returns by township treasurers of township, school, and county taxes. Such returns shall be made upon a delinquent tax roll to be prepared by the Treasurer and shall include all additional charges and fees which have been added for non-payment of the taxes, assessments, and charges so returned. Such charges shall, in each return, be added to the amount assessed or charged in said tax roll against each description of property. The taxes thus returned shall be collected in the same manner as other taxes returned to the county treasurer are collected under the provisions of the general laws of the State and shall be and remain a lien upon the lands against which they are assessed, until paid.

§ C-9.18. Protection of City Lien.

The City shall have power to acquire, by purchase, any premises within the city at any tax or other public sale, or by direct purchase from the State of Michigan or the fee owner, when such purchase is necessary to protect the lien of the city for taxes or special assessments, or both, on said premises and may hold, lease, or sell the same for purpose of securing therefrom the amount of such taxes or special assessments, or both, together with any incidental expense incurred in connection with the exercise of this power. Any such procedure exercised by the city in the protection of its tax lien shall be deemed to be for public purpose.

§ C-9.19. State, County, and School Taxes.

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

⁶ Editor's Note: See MCLA § 211.1 et seq.

CHAPTER 10
SPECIAL ASSESSMENTS

§ C-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.

§ C-10.2. Detailed Procedure to be Fixed by Ordinance.

Subject to the provisions of law, 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 assessment roll proves insufficient to pay the cost of the improvement, and the cost of the payment of the principal of and interest on money borrowed to pay for such improvement, and the refunding of excessive assessments and any other matters concerning the making and financing of improvements by special assessment method. Such refunding may be made by a cash refund or by allowing the same as a credit on the last installment, with any balance refunded in cash. The sum of two dollars shall be deducted from each cash refund to defray the administrative cost thereof. Such ordinance shall include provisions for the following:

- A. The procedure for filing petitions for public improvements;
- B. A survey and report by a proper officer of the city concerning the need for, desirable extent of, and probable cost of such proposed public improvement;
- C. A public hearing by the Council on the necessity of the making of such public improvement with a publication of notice of such hearing;
- D. A resolution of the Council determining to proceed or not to proceed with the proposed public improvement;
- E. A public hearing by the Council on the assessment roll for the project with a publication of notice of such hearing;
- F. A resolution of the Council confirming the special assessment roll for public improvements and stating the date upon which the special assessments 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;

- G. That in the event the cost of any public improvement shall exceed the estimated cost upon which the special assessment roll therefor was based by more than ten per cent, such excess over ten per cent shall be paid from the general funds of the city;
- H. If, under item D above, the determination is 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 report of the officer making the survey and report required by B, above, 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 while such objections remain, except by the affirmative vote of five members of the Council.
- I. Publication of notice required by this section shall be given in a newspaper published in the city and by first class mail in the manner required by law;
- J. In the event that funds are on hand or a revolving fund exists to defray the expense of any public improvement prior to the completion thereof, the special assessment roll thereof may be made within sixty days after the improvement is completed and shall be based upon the actual cost thereof.

§ C-10.3. Reconsideration of Petitions.

In the event that the Council shall fail to make any public improvement petitioned for as required by ordinance during the calendar year during which any petition is filed, such petition shall be reconsidered by the Council prior to the first day of March of the succeeding calendar year for the purpose of determining whether such improvement should be made during such calendar year.

§ C-10.4. 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, but in no case shall the amount of such cost which is included in any special assessment for any improvement cause the assessment to exceed the amount of the benefit received on account of the improvement by any property assessed.

§ C-10.5. 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 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.

§ C-10.6. 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 which may accrue thereon. Such lien shall be of the same character and effect as that created by this charter for city taxes and shall be treated as such in all procedures for the collection of special assessments and all collection fees or charges and interest which may have been added or accumulated thereto.

§ C-10.7. 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 required; Provided, That, if the money to defray the cost of any public improvement is advanced from any city account or fund, money received on account of special assessments therefor shall be reimbursed directly thereto.

§ C-10.8. Certain Postponements of Payments.

The Council may provide that any person, who in the opinion of the Assessor and not less than five members of the Council, by reason of poverty is unable to contribute toward the cost of the 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 which is 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 Eaton County, and shall not be discharged or released until the terms thereof are met in full. The Council shall establish by ordinance the procedure for making this section effective.

§ C-10.9. 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.

§ C-10.10. Hazards and Nuisances.

When any lot or premises, or building or structure within the city, because of age or dilapidation, the accumulation of refuse or debris, the uncontrolled growing of noxious weeds, the need for sidewalks, or sidewalks in travelable condition, 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 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 and 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 alter, 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 contract 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 which shall be due and payable at the direction of the Council.

§ C-10.11. Limitation on Dedication of Streets.

The Council shall provide by ordinance for the orderly development of subdivisions within the city and for the laying out and improvement of streets therein, including the establishment of street grades and the requirement for the making of street improvements therein at least consistent with those normally existing in other comparable portions of the city.

§ C-10.12. Boulevard Lighting.

The Council may provide a system of boulevard lighting for the city or any part of parts thereof, and may assess the cost thereof on any street for which such lighting is provided against the lands abutting thereon if the property owners of a majority of the frontage on such streets, or part thereof so to be improved, shall petition therefor.

CHAPTER 11
BORROWING POWER

§ C-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 therefor, which 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 or more public improvements, which bonds shall be both 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 not 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 premises 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 per cent 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 the municipal property, in a sum not to exceed three-eighths of one per cent of the assessed value of the real and personal property in the city or any higher limitation provided by law, which shall become due in not more than five years.
- B. Whenever any portion of the cost 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 case, 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, except through the payment of the deficiency from the general funds of the city, 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, there shall be levied a tax upon

the real and personal property in the city for that purpose. Moneys may 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 four 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 the case of special assessment bond, such funds 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 § C-10.2 of this charter, and
 - (3) For such other purposes as may be permitted by law, subject to the provision paragraph E(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 or 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 signature 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 "Cancelled" 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.

§ C-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 § C-11.1A(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 for the retirement of any outstanding bonds which are subject to the debt limitation here 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, 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.

CHAPTER 12 MUNICIPALLY OWNED UTILITIES

§ C-12.1. General Powers Respecting Utilities.

The City shall possess and hereby reserves to itself all the powers granted to cities by law to acquire, construct, own operate, improve, enlarge, extend, repair, and maintain, utility plants, systems, and facilities, which cities are permitted by law to own and operate, either within or without its corporate limits, including, but not by the way of limitation, public utilities for supplying water, light, heat, power, gas, sewage treatment, and garbage disposal facilities, or any of them, for the benefit of the municipality and the inhabitants thereof; and also to sell and deliver water, light, heat, power, gas and other public utility services without its corporate limits to an amount not to exceed the limitations set by law or in accordance with law.

§ C-12.2. Management of Municipal Utilities.

Municipally owned utilities shall be administered as departments of the city government. The Council may provide for the administration of two or more utilities by a single department.

§ C-12.3. Rates.

The Council shall have the power to fix, from time to time, such just and reasonable rates as may be deemed advisable for supplying the inhabitants of the city and others with such utility services as the city may provide.

§ C-12.4. Utility Rates, Charges and Collection.

- A. The Council shall provide, by ordinance, for the collection of all public utility rates and charges of the city. Such ordinance shall provide:
- (1) Whenever permitted by law, that the city shall have as security for the collection of such utility rates and charges a lien upon the real property supplied by such utility, which lien shall become effective immediately upon the supplying of such utility service and shall be enforced in the manner provided in such ordinance;
 - (2) The terms and conditions under which utility services may be discontinued in case of delinquency in paying such sales or charges;
 - (3) That suit may be instituted by the city in any court of competent jurisdiction and for the collection of such rates or charges;

- B. With respect to water, the city shall have all the powers granted to cities by Act 178 of the Public Acts of 1939, of the State of Michigan.⁷

§ C-12.5. Disposal of Utility Plants and Property.

Unless approved by a three-fifths majority vote of the electors voting thereon at a regular or special election, the city shall not sell, exchange, lease, or in any way dispose of any property, easement, equipment, privilege, or asset belonging to and appertaining to any municipally owned utility. All contracts, negotiations, licenses, grants, leases, or either forms of transfer in violation of this section shall be void. The prohibition of this section shall not apply to the sale or exchange of any article of machinery or equipment of any city-owned utility which are worn out, or useless, or which have been, or which, with advantage to the service, could be replaced by new and improved machinery or equipment.

§ C-12.6. Utility Accounts.

Transactions pertaining to the ownership and operation by the city of each public utility shall be recorded in a separate group of accounts under an appropriate fund caption, which accounts shall be classified in accordance with generally accepted utility accounting practice. Charges for all service furnished to, or rendered by, other city departments or agencies shall be recorded. An annual report shall be prepared to show fairly the financial position of the utility and the results of its operation, which report shall be available for inspection at the office of the Clerk.

CHAPTER 13
**FRANCHISES, REGULATION OF
UTILITIES, LEASES, PRIVILEGES**

§ C-13.1. Franchises, Contracts, and Leases Remain in Effect.

All franchises, contracts, and leases to which the city was a party at the time this charter became effective shall remain in full force and effect in accordance with their respective terms and conditions.

§ C-13.2. Granting of Franchises and Privileges.

- A. Public utility franchises, and all renewals and extensions thereof and amendments thereto, shall be granted by ordinance only. No exclusive franchise or grant of privilege with respect to any utility or privilege shall ever be granted by the city. No franchise shall be granted for a longer period than thirty years.
- B. No franchise ordinance which is not subject to revocation at the will of the Council shall be enacted nor become operative until the same shall have first been referred to the people at a regular or special election and received the affirmative vote of three-fifths or more of

⁷ Editor's Note: See MCLA § 123.161 et seq.

the electors voting thereon. No such franchise ordinance shall be approved by the Council for referral to the electorate before thirty days after application therefor has been filed with the Council, nor until a public hearing has been held thereon, nor until the grantee named therein has filed with the Clerk his unconditional acceptance of all terms of such franchise. No special election for such purposes shall be ordered by the Council, unless the expense of holding such election, as determined by the Council, shall have first been paid to the Treasurer by grantee.

- C. A franchise ordinance which is subject to revocation at the will of the city may be enacted by the Council without referral to the electors of the city, but shall not be enacted nor become operative, unless it shall have been complete in the form in which it is finally enacted and has remained on file with the Clerk for public inspection for at least four weeks before the final enactment thereof.

§ C-13.3. Conditions of Public Utility Franchise.

- A. 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 following rights of the city:
- (1) To repeal the same for misuse, non-use, or failure to comply with the provisions thereof;
 - (2) To require reasonable and adequate extension of plant and service and the maintenance thereof at the highest practicable standard of efficiency;
 - (3) To establish reasonable and practicable 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 health, safety, welfare, and accommodations⁸ of the public;
 - (6) To use, control, and regulate the use of its streets, alleys, bridges, and public places and the space above and beneath them.
- B. The above enumeration shall not be exclusive or impair the right of the Council to insert in such franchise any provision within the power of the city to impose or require and shall be agreed to by the grantee.

§ C-13.4. Regulation of Rates.

All public utility franchises shall make provision therein for fixing rates, fares, and charges, and may provide for readjustments thereof at periodic intervals. The value of the property of the utility used as a basis for fixing such rates, fares, and charges shall in no event include a value predicated upon the value of the franchise or goodwill.

⁸ Editor's Note: So in original.

§ C-13.5. Use of Public Places by Utilities.

Every public utility, whether it has a franchise or not, shall pay such part of the cost of improvement or maintenance of streets, alleys, bridges, and public places as shall arise from all its use thereof and shall protect and save the city harmless from all damages and expenses arising from said use. Every such public utility may be required by the city to permit joint use of its property and appurtenances located in the streets, alleys, and other 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 thereof. In the absence of agreement, and upon application by any public utility, the Council shall provide for arbitration of the terms and conditions of such joint use and the compensation to be paid therefor, and the arbitration shall be final.

**CHAPTER 14
CONTRACTS****§ C-14.1. Contracting Authority of Council.**

- A. The power to make and 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.
- B. All contracts, except as otherwise provided by ordinance in accordance with the provisions of § C-14.2 hereof shall be authorized by the Council and shall be signed on behalf of the city by the Mayor and the Clerk.
- C. The Council shall designate one of the administrative officers of the city as purchasing agent. Such officer shall be responsible for the purchase and sale of all city property, except as otherwise provided by this charter.

§ C-14.2. 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 securing competitive bids, and the dollar limit and conditions 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, or for such amount of the purchase price as shall be required to be paid during the current fiscal year of the city.

§ C-14.3. 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 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 file with the Clerk for public inspection for twenty-eight days before the final adoption or passage thereof, with notice of intent to so sell, lease, or dispose of such property published not less than twenty days before the Council finally acts thereon, and unless,
 - (2) Such action is approved by the affirmative roll call vote of five or more members of the Council, and unless,
 - (3) 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 § C-14.2 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, at the time designated in the notice of bidding, 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 authorize the City Clerk 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 exclusive contract shall be made with any person, except for the normal purchasing of supplies and equipment, the making and acquisition of public improvements, and such as may be authorized by this charter.
- F. No extra compensation shall be paid to any agent, employee, or contractor after the service has been rendered or the contract entered into.
- G. No contract shall be amended after it has been made, except upon authority of the Council.

§ C-14.4. 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, which shall 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 a majority of the members of the Council eligible to vote thereon. Any business dealings made in violation of this section shall be void.

CHAPTER 15 SUPERVISORS

§ C-15.1. Number of Supervisors.

The city is entitled to four representatives upon the Board of Supervisors of Eaton County. Until such time as the city may be entitled by law to a larger number of representatives, such representatives shall be the Mayor, the Assessor and two other officers or electors of the city who shall be designated by the Council. Such electors shall have the qualifications required by § C-5.1 of this charter and, if possible, shall have knowledge of the city's business affairs and interests in county affairs. If the Mayor certifies to the Council that he cannot serve regularly in such capacity, a member of the Council appointed by the council shall serve in his stead. If no member of the Council is available to serve in lieu of the Mayor, the Council, shall appoint an appointive officer of the city or an elector of the city having knowledge of the city's business and interests in county affairs in his stead. Appointed Supervisors who are not city officers or appointed in lieu of a city officers shall be appointed for terms of two years not less than one week prior to the date of the State election at which township supervisors are elected and shall assume office at the time such township supervisors assume office. In the event that the city becomes entitled to any additional representative, such appointment shall be made, forthwith, after such eligibility occurs for a term ending at the time the terms of township supervisors expire by law.

§ C-15.2. Temporary Absences or Inability to Serve.

In case of the temporary absence or inability of any city member of the Board of Supervisors, including the Mayor, to serve or perform the duties of his office as a representative on the Eaton County Board of Supervisors, the Mayor shall designate and certify to the Board of Supervisors another city officer or an elector of the city having the qualifications required by this charter of elective officers to serve in his stead during the period of such temporary absence or inability.

§ C-15.3. Duties of City Supervisors.

Supervisors shall perform only the duties required to be performed by members of Board of Supervisors by law.

§ C-15.4. Compensation of Supervisors.

Each Supervisor shall be entitled to retain any compensation and mileage paid to him by the county as a member of its Board of Supervisors.

CHAPTER 16
JUSTICE COURT

§ C-16.1. Establishment of Court.

There is hereby established under authority of Section 28 of Act No. 279, P.A. 1909, as amended, a Justice Court in the City of Grand Ledge. Such court shall be presided over by one Justice of the Peace. A Justice shall be nominated and elected from the city at-large at the regular city election held in 1965 and every fourth year thereafter, and shall hold office for a term of four years from and after the fourth day of July next following this election.

§ C-16.2. Compensation and Bond of Justice of the Peace.

- A. The Justice of the Peace shall receive as his compensation only the usual fees of the office as provided by law. No fees or costs shall be charged or taxed in cases settled in the violations bureau created under authority of § C-16.10 of this charter. In lieu of all fees, the Council may, by ordinance, whenever it deems that the best interest of the city will be served thereby, or when required to do so by law, provide that the Justice of the Peace shall be paid an annual salary. Such salary shall commence only at the beginning of the term of the office of the Justice of the Peace so that there shall be no changes in the compensation of such officer during his term of office. Any such salary shall be in lieu of fees, costs, and charges to which the Justice would be entitled but for the provisions of this section, except those for the performance of marriage ceremonies and the taking of oaths for other than judicial purposes. In such event, all fees chargeable by the Justice of the Peace shall be collected and paid over to the city when finally received by him.
- B. Before entering upon the duties of his office, each Justice of the Peace shall give such bond to the County Clerk of the County of Eaton as is required by law. In addition to such bond, the Justice of the Peace shall be similarly bonded to the city in the sum of one thousand dollars. Any bond for the city shall be subject to the provisions of § C-5.8 of this charter.

§ C-16.3. Power and Jurisdiction: General.

The Justice of the Peace shall have and exercise the same jurisdiction, powers, and duties as are or may be conferred upon or required of justices of the peace by Section 28 of Act. No. 279, P. A., 1909, as amended.⁹ He shall have such jurisdiction as to crimes, offenses, and misdemeanors alleged to have been committed within or without the city as is provided by law.

⁹ Editor's Note: See MCLA § 117.28.

§ C-16.4. Jurisdiction in Charter and Ordinance Cases.

The Justice of the Peace shall have exclusive authority to hear, try, and determine all suits and prosecutions for the recovery and enforcing of fines, penalties, and forfeiture of office imposed by this charter and the ordinances of the city, and to punish offenders for misconduct in office, the violation of this charter, and the ordinances of the city as in this charter or the ordinances prescribed and directed.

§ C-16.5. Extended Jurisdiction.

The Justice of the Peace shall also have:

- A. Concurrent jurisdiction to the amount of \$500.00, or such higher limit as may in the future be permitted by law, in all civil matters ex contractu and ex delictu with such exceptions and restrictions as are provided by law. If a jurisdiction greater than the \$500.00 herein set is later provided by law, such greater jurisdiction shall be deemed to be provided for in this charter without necessity of amending this charter therefor;
- B. Such power and authority as can, under Section 28 of Act 279, P. A 1909, be conferred by this charter to set aside the verdict or judgment in any civil cause and grant a new trial therein, to be exercised in such manner and on such conditions as provided in said act; and the filing of a motion for a new trial or to set aside a verdict or judgment shall have such an effect on the time for taking an appeal from any judgment and upon the issuance and levy of execution or other similar process and sale thereunder and on other proceedings in said cause as provided in said act;
- C. Such additional powers and authority as may now or hereafter be conferred upon city justices of the peace by law.

§ C-16.6. Procedure in Justice Court.

The proceedings in all suits and actions before the Justice of the Peace and in the exercise of the powers and duties conferred upon and required of him shall, except as otherwise provided in this charter, be according to and governed by the statutes applicable to justice courts and to the proceedings before such courts or courts created to replace justice courts.

§ C-16.7. Transfer of cases.

- A. In case of the absence, disability, or disqualification of the Justice of the Peace, any other justice of the peace of the County of Eaton shall be qualified to act in the place of and for the Justice of the Peace as a substitute justice of the peace in the performance of any of the duties imposed upon him by statute or this charter, subject to the procedures provided in Act. No. 41, P.A., 1947.
- B. The Council shall, by ordinance, fix the compensation to be paid any such justice of the peace for such service and the procedure to be followed in calling upon him to so act. Unless the Council shall so provide by ordinance, no such justice of the peace shall be

entitled to compensation, other than the costs paid in connection with cases determined by him.

§ C-16.8. Fees, Fines, and Penalties.

- A. All fines, penalties, costs, and forfeitures for misconduct in office, violations of the charter, and for violations of city ordinances, collected or received by the Justice of the Peace, shall be paid over to the City Treasurer on or before the tenth day of the next month after the collection or receipt thereof; and the court shall take a receipt of the Treasurer therefor in duplicate and file one copy with the Clerk; failure of the Justice of the Peace to comply with the foregoing provisions shall constitute misconduct in office. The city shall reimburse to the Justice of the Peace all such costs and charges collected by him, unless the Justice of the Peace be paid a salary in lieu of fees. All other moneys received by the Justice of the Peace except moneys received in connection with civil cases, the performance of marriages, and the taking of oaths, shall be paid over and accounted for as required by law.
- B. The expenses of prosecution before the Justice of the Peace for violations of penal laws of the State, and in punishing the offenders, shall be paid by the county. In the event that the Justice of the Peace is paid a salary in lieu of fees such fees received by him, after being accounted for and audited as required by law, shall be paid over to the City Treasurer and shall be credited to the general fund of the city.
- C. The Justice of the Peace, Constable, and any officer or person serving process or making arrests, when engaged in causes and proceedings for any violation of this charter or city ordinance, shall charge and receive such fees as are allowed by law to those officers for like services in causes and proceedings involving violations of the Michigan penal code. This provision is for the purpose of fixing the fees which may be charged or taxed only.

§ C-16.9. Docket.

The Justice of the Peace shall keep, at the place of holding court, a docket in the manner required by law. Failure to comply with the requirements of this section shall constitute misconduct in office. The Council shall furnish docket books and other supplies to the Justice of the Peace for causes involving violations of this charter and city ordinances. Such dockets and supplies shall be the property of the city. Dockets for city charter and ordinance cases shall be in docket books separate from other cases.

§ C-16.10. Violation Bureau.

The Council shall have power and authority to establish, by ordinance, a Violations Bureau under the direction of the Justice Court for the handling of vehicular parking and non-moving traffic cases, and for the handling of such other ordinance violations as shall not be in contravention of law. In such Bureau, any person who has received any notice to appear in answer to a charge or summons under the ordinances of the city, may, within the time specified in the notice, answer at the Violations Bureau to the charges set forth in such notice, by paying a prescribed fine which cannot be waived by the Bureau and, in writing, pleading guilty to the

charge, waiving a hearing in court, and giving power of attorney to the person in charge of the Bureau to make such a plea and pay such fine in court. Acceptance of the prescribed fine and the power of attorney by the Bureau shall be deemed to be complete satisfaction for the violation and the violator shall be given a receipt which so states. The creation of such a Bureau by the Council shall not operate so as to deprive any person of a full and impartial hearing in court should the person so choose.

§ C-16.11. Constable.

So long as a Constable shall be required by law, a Constable shall be appointed by the Council, upon the recommendation and nomination of the Justice of the Peace. Such Constable and each of his successors shall hold office for a term of two years from the second Monday following his appointment. If a police officer be appointed, his salary as a police officer shall be in addition to fees received by him in his capacity as a Constable.

§ C-16.12. Bond.

The bond of the Constable shall be that required of constables in townships.

§ C-16.13. Duties of Constable.

The Constable shall have like powers and authorities in matters of civil and criminal nature and in relation to the service of process, civil and criminal, as are conferred by law on constables in townships. He shall have power also to serve all process issued for breaches of ordinances of the city and this charter.

§ C-16.14. Compensation of Constable.

The only compensation of a Constable, other than a police officer, shall be the usual fees of that office and an accounting of such fees shall be made to the city in the manner prescribed by law or in any rules which may be established for the regulation of the conduct of the Justice Court by the Council.

