PREAMBLE

We, the people of the City of Holland, mindful of the ideals and labors of our fathers in founding and developing this community, grateful to Almighty God for the blessings of freedom, peace, health, safety, and justice, and desirous of further securing these blessings to ourselves and our posterity, do hereby ordain and establish this Charter for the City of Holland.

CHAPTER 1. - BOUNDARIES AND SUBDIVISION OF CITY

Sec. 1.1. - Boundaries.
Sec. 1.2. - Wards established and described.
Sec. 1.3. - Alteration of ward boundaries.
Sec. 1.4. - Election precincts.

FOOTNOTE(S):

(1) For constitutional authority of the city in connection with this Charter, see Constitution, art. VII, § 22. (Back)

Editor's note—This Part contains the Charter of the city, which was adopted by the electors at a special election held on November 7, 1950, under the provisions of the Home Rule City Act, Michigan Statutes Annotated, section 5. 2071 et seq. (Back)

(1) A uniform system of capitalization has been employed and obvious misspellings have been corrected. Amendments are indicated by historical citations in parentheses following each amended section. Words in brackets have been inserted for clarity. Certain chapter headings, catchlines and subcatchlines have been modified or supplied for editorial and indexing purposes. The schedule chapter of the Charter has been deleted as no longer necessary, and the resolution of adoption has likewise been deleted. A frontal analysis preceding each chapter has been added for the convenience of the user. (Back)
Sec. 1.1. - Boundaries.

The following described territory, together with all territories that may be annexed thereto, shall be and remain a body corporate under the official name and title of "City of Holland," and shall be subject to the municipal control of said city:

That part of the Township of Holland, in the County of Ottawa, as is embraced in the following description, to-wit: Commencing at the southeast corner of section thirty-two; thence north on the east line of said section thirty-two to the northeast corner of said section thirty-two; thence east along the south line of section twenty-eight, to the west, north and south one-eighth line of section twenty-eight; thence north along the west one-eighth line of said section twenty-eight, and along the west one-eighth line of section twenty-one until it strikes the center of the main channel of Black River; thence along said channel of Black River and of Lake Macatawa in a westerly and southwesterly direction until it strikes the west line of section thirty; thence south along the west line of said section thirty to the southwest corner of said section thirty; thence east along the south line of said section thirty to the quarter post common to sections thirty and thirty-one; thence south along the north and south quarter line of section thirty-one to the south line of said section thirty-one; thence east along the south line of sections thirty-one and thirty-two to the southeast corner of section thirty-two, being the place of beginning, all in township five north, of range fifteen west, the above description being the boundaries of the City of Holland, as heretofore established by the legislature of the State of Michigan.

Sec. 1.2. - Wards established and described.

The City of Holland shall consist of six (6) wards, as follows:

1. **First ward.** The first ward shall embrace and include all that portion of the said city lying north of the center line of 10th Street within the limits of the City of Holland.

2. **Second ward.** The second ward shall embrace and include all that portion of the said city lying between the center line of 10th Street and the center line of 16th Street and the section line between sections 30 and 31 west of the center line of River Avenue within the limits of the City of Holland.

3. **Third ward.** The third ward shall embrace and include all that portion of the said city lying between the center line of 10th Street and the center line of 16th Street and east of the center line of River Avenue within the limits of the City of Holland.

4. **Fourth ward.** The fourth ward shall embrace and include all that portion of the said city lying south of the center line of 16th Street and west of the center line of Maple Avenue within the limits of the City of Holland.

5. **Fifth ward.** The fifth ward shall embrace and include all that portion of said city lying between the center line of Maple Avenue and the center line of Central Avenue and south of the center line of 16th Street within the limits of the City of Holland.

6. **Sixth ward.** The sixth ward shall embrace and include all that portion of said city lying east of the center line of Central Avenue and south of the center line of 16th Street within the limits of the City of Holland.
Sec. 1.3. - Alteration of ward boundaries.

In the event that the population of any ward or wards of the city shall be shown to exceed that of any other ward by fifty percent (50%), according to any regular or special federal census, the council shall have the power, by ordinance, to change, alter, or determine the boundaries of any ward or wards of the city in such a manner as to equalize reasonably the population thereof. Territory annexed to the city shall become a part of the ward or wards to which such territory is contiguous as soon as such annexation becomes effective.

Sec. 1.4. - Election precincts.

The council shall, by ordinance, establish convenient election precincts which shall comply with the provisions of state law. Until the council shall otherwise ordain, the election precincts of the city as constituted at the time of the adoption of this Charter, shall constitute the election precincts of the city.

Holland, Michigan, Code of Ordinances >> PART I - THE CHARTER >> CHAPTER 2. - GENERAL MUNICIPAL POWERS >>

CHAPTER 2. - GENERAL MUNICIPAL POWERS

Sec. 2.1. - General powers of city.

The City of Holland 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 under the constitution and laws of the State of Michigan, it being the intent of the Charter commission, in framing this Charter, and of the people of the city, in adopting it, to include all such powers, privileges, and immunities within the scope of the powers granted to the City of Holland by the provisions of this Charter. 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 or not; to do any act to advance the interests of the city, the good government and prosperity of the municipality and its inhabitants, 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.

In addition to the powers possessed by the City of Holland under the constitution and general laws of the State of Michigan, and those set forth throughout and, under proper headings, within this Charter, the City of Holland shall have power with respect to and may, by ordinance and other lawful acts of its officers, provide:

(1)
Streets, alleys, etc.—Use, regulation, etc., generally. For the use, regulation, improvement, and control of the surface of its streets, alleys, and public ways, and of the space above and below them;

(2) Same—Use by others than owner. For the use, by others than the owner, of property located in streets, alleys, and public places of the city in the operation of a public utility, subject to any limitations imposed by state law;

(3) Same—Plan. For a plan of streets and alleys within the city and for a distance of not more than three (3) miles beyond its limits;

(4) Streams, waters and water courses. For the use, control, and regulation of streams, waters, and water courses within its boundaries, subject to any limitations imposed by law;

(5) Sabbath observance. For preventing and punishing violations of the Sabbath day, commonly known as Sunday, and for regulating or forbidding the conduct of business on that day; provided, that any ordinance passed by the council to enforce the provisions hereof shall specifically exempt from its provisions any person who conscientiously believes that the seventh day of the week ought to be observed as the Sabbath and who actually refrains from secular business and labor on that day, provided he disturbs no other person;

(6) Maintaining the peace, etc. For maintaining the peace within the city, and preventing and punishing the disturbance of any religious meeting, congregation, or society, or other meeting which is assembled for any lawful purpose;

(7) Storage and parking of vehicles. For 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;

(8) Docks for pleasure boats, etc. For the acquiring, construction, establishment, operation, extension, and maintenance of facilities for the docking of pleasure water crafts or hydroplanes, or both, 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;

(9) Service stations. For regulating, restricting, and limiting the number and locations of oil and gasoline stations;

(10) Buildings and zoning regulations; setback lines. For establishing standards to govern the construction, alteration, equipment, or removal of buildings and structures within the city; the zoning of the city in the manner and for the purpose permitted by law; and, in any zoning ordinance passed or effective in the city, or independently thereof, to regulate and establish the line upon which buildings may be erected on any street, lane or alley in said city, and to prevent such buildings being erected nearer the street than such line;

(11) Trades, occupations and amusements. For the regulation of trades, occupations, and amusements within the city, not inconsistent with state and federal laws, and to prohibit such trades, occupations, and amusements as are detrimental to the health, morals, or welfare of its inhabitants;

(12) Dangerous, offensive, etc., acts, conditions, etc.; nuisances. For preventing injury or annoyance to the inhabitants of the city from anything which is dangerous, offensive, or unhealthful, and to prevent and abate nuisances and
punish those occasioning them or neglecting or refusing to abate, discontinue, or remove the same;

(13) **Signs and billboards.** For licensing, regulating, restricting, and limiting the number and locations of advertising signs or displays and billboards within the city;

(14) **Airports and aircraft.** For establishing, acquiring, and operating airports, either within or without its corporate limits, and for regulating all airports located within its boundaries, and, for the purpose of promoting and preserving the public peace, safety, and welfare, for the control and regulation of the use of the air above the city by aircraft of all types, subject to the limitations imposed by law and the limitations expressly hereinafter set forth:

A. No city revenues or funds shall be expended for the acquisition, improvement, maintenance, or operation of an airport, owned by the city, without voter approval except revenues or funds received from any of the following sources or any combination thereof:
   (i) Revenues derived by the city from airport operations;
   (ii) State and/or federal funds, grants, or reimbursements designated specifically for airport use;
   (iii) Monies donated or contributed by business, industry, or the public in general (other than contributions or donations from the city itself or affiliated city agencies);

B. No airport shall be operated or maintained by the city except pursuant to a lease or other contractual agreement with a fixed base operator approved by the city;

C. No acquisition, improvement, or construction of an airport shall commence, or federal or state grants or monies applied for until legally enforceable pledges from business, industry, or the public in general (other than contributions or donations from the city itself or affiliated city agencies) are received by the city representing the aggregate city contribution for such acquisition, improvement, or construction;

(15) **House trailers.** For the prohibition or regulation 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.

(Amend. No. 18, 8-2-83)

**Sec. 2.2. - Exercise of powers.**

All powers granted to and possessed by the city shall be exercised as provided in this Charter, by ordinance of the council, or by state law. Where no procedure is set forth in this Charter for the exercise of any power granted to or possessed by the city and its officers, the council may provide a procedure for the exercise thereof by ordinance or resort may be had to any procedure set forth in any statute of the State of Michigan which has been enacted for the government of any political subdivision of the state or for the exercise of such powers by the state itself.
Sec. 2.3. - Intergovernmental contracts.

The city shall have power to join with any governmental unit or agency, or with any number of combination thereof, by contract or otherwise as may be permitted by law, to perform jointly, or by one or more, for or on behalf of the other or others, any power or duty which is permitted to be so performed by law or which is possessed or imposed upon the city and each such governmental unit or agency.


CHAPTER 3. - GENERAL PROVISIONS AFFECTING OFFICERS OF THE CITY

Sec. 3.1. - Officers to be elected.

The elective officers of the city shall be the mayor and eight (8) councilmen. The mayor and the councilmen at large shall be elected by the vote of the electors of the entire city, and the councilmen representing the wards of the city shall be elected by the vote of their respective wards.

(Amend. No. 20, 11-6-84)

Sec. 3.2. - Officers to be appointed.

The appointive officers of the city shall be a city manager, a city attorney, a city auditor, a clerk, a treasurer, an assessor, a fire chief, a police chief, a city engineer, and a constable. Upon the recommendation of the city manager, and to assure the proper administration of city affairs, the council may create additional appointive offices of the city, or may combine any administrative offices in any manner not inconsistent with state law, and prescribe the duties thereof. The creation of any additional administrative office or combination thereof shall not directly or indirectly abolish or diminish the office of city manager, or the responsibilities of that office, as set forth in this Charter. The council shall set the compensation of the city manager.
and the city attorney. The city manager shall set the compensation of all other appointive officers, within and subject to budget appropriations.

**Sec. 3.3. - City employees generally.**

All personnel employed by the city, who are not elected officers or declared to be appointive officers by or under authority of this Charter, shall be deemed to be employees of the city.

**Sec. 3.4. - Eligibility for office in city.**

Except as otherwise provided in this Charter, an elector of the city shall be eligible to hold elective or appointive office, if he shall be a resident of the city for two (2) years, and shall not be in default to the city or to any school district located within the city; provided, however, that no person shall be eligible for reappointment to the board of public works, library board or the hospital board if he is then serving his second consecutive full term on such board. A councilman elected from a ward shall have been a resident thereof not less than twenty (20) days prior to his nomination for election to such office. In the case of appointive officers, the council may, by a two-thirds (2/3) vote, waive the requirement of residence in the city at the time of appointment; provided, that any person, for whom such requirement is waived, shall become a resident of the city within ninety (90) days following his appointment and shall remain a resident of the city during the entire time that he shall hold office in the city government. Failure so to become a resident of the city and thereafter to be a resident of the city shall create a vacancy in the office to which any such person was appointed.

(Ammend. No. 11, 4-7-69)

**Sec. 3.5. - Vacancies in office generally.**

Any city office shall become vacant before the expiration of the term of such office for any one or more of the following reasons:

(a) The occurrence of any event or the doing of any act specified by state law to create a vacancy, or authorizing the governor to remove from public office;

(b) The absence from the city of any officer continuously for more than sixty (60) days without permission of the council;

(c) In the case of the mayor and the members of the council, absence from four (4) consecutive regular meetings of the council, or twenty-five per cent (25%) of such meetings in any fiscal year of the city, unless such absence shall be excused by the council at the time it occurred and the reason therefor entered in the proceedings of the council;

(d) Assumption by the officer of any office which is incompatible with the city office held by him.

**Sec. 3.6. - Removals by council.**

The council may remove any elected officer of the city, or the city attorney, for any one or more of the following reasons:

(a)
When, after a hearing thereon, it shall be satisfied from sufficient evidence submitted to it that such officer has failed to perform the duties of his office for ninety (90) days because of physical or mental disability.

(b) When it shall be satisfied from sufficient evidence submitted to it that such officer has been guilty of official misconduct, wilful neglect of, or gross inefficiency in the performance of his duties as officer of the city. The council shall take no action under this provision upon any charges against any officer of the city, until certified copies of such charges and of all supporting affidavits and exhibits have been personally served upon such officer and an opportunity, after at least fifteen (15) days notice, given him to be heard in his defense. No officer who has been removed from office under authority of this provision shall be eligible to election or appointment to any city office for a period of three (3) years from the date of such removal.

Sec. 3.7. - 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 next regular meeting following receipt thereof by the clerk. Resignations of appointive officers shall be made in writing to the city manager, in the case of officers appointed by him, and shall be immediately acted upon by the council or the city manager, as the case may be.

Sec. 3.8. - Filling vacancies.

If a vacancy occurs in any elective office, or in any office the appointment to which is made by the council, the council shall, within thirty (30) days after such vacancy occurs, except in the case of the city manager, appoint a person who possesses the qualifications required of holders of said office until the next city election, in the case of elective officers, and for the balance of the term in the case of the city attorney.

If a vacancy occurs in any appointive office other than that of city manager, city attorney, or supervisor, the city manager shall, within thirty (30) days thereafter, appoint a qualified person to fill such vacancy in the manner provided for making the original appointment.

Sec. 3.9. - Shortening or extending terms of office.

Except by procedures provided in this Charter, the terms of the elective officials of the city and of officers of the city appointed for a definite term shall not be shortened. The terms of officers of the city may not be extended beyond the period for which any such officer was elected or appointed except that an elective officer of the city shall, after his term has expired, continue to hold office until his successor is elected or appointed, and has qualified.

Sec. 3.10. - Additional compensation; increase or decrease of compensation.

The council shall not grant or authorize extra compensation to any city officer, elective or appointive, to any employee, agent, or contractor after the service has been rendered or the contract entered into. Nor shall the salary of any officer, elective or appointive, be increased or
decreased after his election or appointment during any fixed term of office for which he was elected or appointed.

Sec. 3.11. - Oath of office.

Every officer, elected or appointed, before entering upon the duties of his office, shall take the oath of office prescribed by section 2 of article XVI of the constitution of the state and shall file the same with the clerk, together with any bond which he may be required by this Charter or by the council to give. In case of failure to comply with the provisions of this section within ten (10) days from the date of his election or appointment, such office shall thereupon become vacant unless the council shall, by resolution, extend the time in which such officer may qualify as above set forth.

Sec. 3.12. - Surety bonds generally.

Except as otherwise provided in this Charter, the council may require any officer or employee to give a bond, to be approved by the council, conditioned upon the faithful and proper performance of the duties of the office or employment concerned, in such sum as the council shall determine. All such officers or employees who receive, distribute, or are responsible for the city funds shall be bonded. The resignation, removal, or discharge of any officer or employee, or appointment of another person to such office or employment, shall not exonerate such officer or employee or any sureties of such officer or employee from any liability incurred by such officer, employee, or sureties. All official bonds shall be corporate surety bonds and the premiums thereon shall be paid by the city, except as otherwise provided in this Charter. Unless otherwise determined by a two-thirds (2/3) vote of the council, 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 (3) years. The bonds of all officers and employees shall be filed with the clerk, except that of the clerk himself, which shall be filed with the treasurer.

Sec. 3.13. - Business dealings with city.

An officer of the city, who intends to have business dealings with the city, either directly or indirectly, whereby he may acquire from the city any income or benefits other than that provided as remuneration for his official duties, shall file with the city clerk a statement, under oath, setting forth the nature of his interest therein and that his participation therein is to the general welfare of the city; such statement shall be transmitted to the council or the board of the city having to do with such contract, and shall be spread upon the proceedings of the council or such board and published in full therewith. Confirmation of such contract shall be made by a two-thirds (2/3) vote of the council or the board having jurisdiction thereof. Any contract made with such person other than as above provided shall be void.

Sec. 3.14. - Giving of surety bonds, etc., forbidden.

No officer of the city shall give recognizance or give or become surety. Any officer who shall violate the provisions of this section shall be guilty of misconduct in office.

Sec. 3.15. - Delivery of office and its effects to successor.
Whenever any officer or employee shall resign, or be removed from office, or the term of office for which he has been elected or appointed has expired, he shall, on demand, deliver to his successor in the office or to his superior, all books, papers, moneys, and effects in his custody which were necessary to or which were obtained as a part of or were necessary to the performance of his duties as such officer or employee. Any person violating this provision shall be deemed guilty of a misdemeanor, and may be prosecuted therefore in the same manner as public officers generally for the like offense under the general laws of the state. Every officer and employee of the city shall be deemed an officer within the meaning and provisions of such general laws of the state for the purpose of this section.

Holland, Michigan, Code of Ordinances >> PART I - THE CHARTER >> CHAPTER 4. - CITY COUNCIL

CHAPTER 4. - CITY COUNCIL

Sec. 4.1. - City governing body; composition.

Sec. 4.2. - Nomination, election and terms of office of mayor and city councilmen.

Sec. 4.3. - Judge of qualifications of members.

Sec. 4.4. - Remuneration of members of council and mayor.

Sec. 4.5. - Functional duties and powers of mayor.

Sec. 4.6. - Mayor pro tem.

Sec. 4.7. - Meetings; quorum; rules; journal; voting; public access to records.

Sec. 4.8. - Powers and duties generally—Providing for public health, safety, etc.

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Sec. 4.13. - Same—Streets, alleys, bridges, etc.

Sec. 4.14. - Same—Gifts and trusts.

Sec. 4.15. - Same—Acquisition of property.

Sec. 4.16. - Same—City contracts and purchases.

Sec. 4.17. - Same—Restrictions on powers of the council.

Sec. 4.18. - Investigations.

Sec. 4.1. - City governing body; composition.

All legislative or policy forming powers of the city shall be vested in, exercised, and determined by the council consisting of the mayor and the eight (8) councilmen of the city. In all cases where the word council is used in this Charter, the same shall mean the "common council" of the City of Holland and shall be synonymous with any term employed in any state or federal law referring to legislative or governing bodies of cities.

Sec. 4.2. - Nomination, election and terms of office of mayor and city councilmen.

Unless modified by a primary election pursuant to 11.5 of the Charter, at each regular city election, there shall be elected, by the electors of the city at large, a mayor and one (1)
councilman from the city at large. One (1) councilman shall be nominated and elected from each of the three (3) of the six (6) wards of the city. Councilmen to be elected from the wards of the city at any election shall be nominated by the electors of their respective wards at the primary election preceding such election. The mayor and one (1) councilman from the city at large shall be nominated by the electors at large at the primary election preceding such regular city election. At the regular city election held in the year 1953, and at the regular city election every fourth year thereafter, councilmen shall be elected from the first, third, and fifth wards of the city. At each other regular city election, councilmen shall be elected from the second, fourth, and sixth wards of the city. The person elected to the office of mayor shall hold office for a term of two (2) years. Each councilman shall hold office for a term of four (4) years. All such terms of office shall commence on and date from the Monday next following the date of the regular city election at which they are elected or on the date the regular city election would have been conducted except for the provisions of 11.5 of the Charter.

(Amend. No. 20, 11-6-84; Amend. of 11-19-04)

Sec. 4.3. - Judge of qualifications of members.

The council shall be the judge of the eligibility and qualification of its own members, subject only to review by the courts.

Sec. 4.4. - Remuneration of members of council and mayor.

The mayor and each councilman shall be compensated for his service to the city at the rate of five dollars ($5.00) per meeting of the council actually attended by him, but not to exceed the sum of one hundred and eighty dollars ($180.00) in any fiscal year of the city. The mayor shall also receive one hundred dollars ($100.00) per year in addition to the compensation received by him as a member of the council. Such compensation shall be paid quarterly in each case, and, except as otherwise provided in this Charter, shall constitute the only compensation which may be paid to the mayor and to members of the council for the discharge of any official duty for or on behalf of the city during their terms of office.

Upon authorization of the council, reasonable expenses may be allowed to its members when actually incurred on behalf of the city.

Sec. 4.5. - Functional duties and powers of mayor.

(a) Insofar as required by law, and for all ceremonial purposes, the mayor shall be recognized as the executive head of the city and shall preside over all meetings of the council and preserve order thereat and shall have and exercise all powers granted to mayors of cities by state law and by this Charter.

(b) He shall be a conservator of the peace, and may exercise within the city the powers conferred upon sheriffs to suppress disorder, and shall have the power 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 disorderly conduct.

(c) He shall authenticate by his signature such instruments as the council, this Charter, or the laws of the State of Michigan or of the United States shall require.

Sec. 4.6. - Mayor pro tem.
The council shall, at its first regular meeting following each regular biennial city election, select one (1) of its members to serve as mayor pro tem. The mayor pro tem shall perform the duties of the mayor when, on account of absence from the city, disability, or otherwise, the mayor is temporarily unable to perform the duties of his office, and shall succeed to the office of mayor in case of vacancy in that office. The mayor pro tem shall preside over the meetings of the council during the absence of the mayor, at the call of the mayor, and when the council is convened as a committee of the whole. In the event that a vacancy occurs in the office of mayor pro tem, through advancement to the office of mayor, the council shall appoint one (1) of its elected members to fill such vacancy. Until such time as the council shall so appoint a mayor pro tem, the line of succession of persons who shall act as mayor shall be councilmen according to the numerical order of the wards from which they were elected.

Sec. 4.7. - Meetings; quorum; rules; journal; voting; public access to records.

(a) Regular meetings. The council shall provide by resolution for the time and place of its regular meetings and shall hold at least two (2) regular meetings each month. If any time set for the holding of a regular meeting of the council shall be a holiday, then such regular meeting shall be held at the same time and place on the next secular day which is not a holiday.

(b) Special meetings—Generally. Special meetings of the council may be called by the clerk on the written request of the mayor, the city manager, or any two (2) members of the council, on at least six (6) hours written notice to each member of the council, designating the time, place, and purpose of such meeting and served personally or left at his usual place of residence by the clerk or someone designated by him.
Notwithstanding the foregoing requirements for the calling of special meetings, any special meeting of the council at which all members of the council are present, or, in the event that one (1) or more of the members may be absent, such member or members have, upon receipt of notice, waived in writing, the requirement that notice may be given at least six (6) hours prior to the time specified for the holding of such meeting, shall be a legal meeting; provided, that a quorum of the council is present.

(c) Same—Transaction of business. No business shall be transacted at any special meeting of the council unless the same has been stated in the notice of such meeting.

(d) Meetings to be public; citizens to be heard. All regular and special meetings of the council shall be open to the public and the rules of order of the council shall provide that citizens shall have a reasonable opportunity to be heard.

(e) Quorum. Five (5) members of the council shall be a quorum for the transaction of business at all meetings of the council, but in the absence of a quorum, any number of members less than a quorum may adjourn any regular or special meeting to a later date.

(f) Rules; journal; voting; public access to records. The council shall determine its own rules and order of business and shall keep a journal in the English language of all its proceedings which shall be signed by the clerk, and by the mayor after approval thereof by the council. The vote upon the passage of all ordinances, and upon the adoption of all resolutions shall be taken by "Yes" or "No" votes and entered upon the record, except that where the vote is unanimous, it shall only be necessary to so state. The public shall have access to the minutes and records of all regular and special meetings of the council at all reasonable times.

(g)
Each councilman shall be required to attend all meetings of the council. The council may compel the attendance of its members and other officers of the city at its meetings, and may enforce such fines for nonattendance, in such manner as may, by ordinance, be prescribed. Any member of the council, or other officer of the city, who refuses to attend such meetings or conduct himself in an orderly manner thereat shall be deemed guilty of misconduct in office. The police chief, or such other person as the council shall designate, shall serve as the sergeant-at-arms of the council in the enforcement of the provisions of this section and of section 4.5 (a) of this chapter.

Sec. 4.8. - Powers and duties generally—Providing for public health, safety, etc.

Through the established departments and agencies of the city government, together with any such departments or agencies as may be created under authority of this Charter, the council shall provide for the public peace, health, and recreation, and for the safety of persons and property.

Sec. 4.9. - Same—Council as board of health.

The council shall constitute the board of health of the city, and shall possess all powers, privileges, and immunities granted to boards of health by state law. The mayor shall be president and executive officer and the clerk shall be the secretary of the board of health. All actions taken by the council in the exercise of the powers herein conferred shall be deemed to be actions in its capacity as the board of health.

Sec. 4.10. - Same—Licenses.

The council shall, by ordinance, prescribe the terms and conditions upon which licenses may be granted, suspended, or revoked, and may require and exact payment of such reasonable sums for licenses, as it may deem proper, of persons receiving such license from the city. When required by ordinance, the person or persons receiving any such license shall, before the issuance thereof, execute a bond to the city in such sum and with such securities as shall be prescribed in such ordinance, conditioned for the faithful observance of the ordinance under which the license is granted and each other ordinance of the city, the provisions of which may be applicable to the exercise of such license.

Sec. 4.11. - Same—Public works generally.

Except as otherwise provided in this Charter, the council shall be charged and entrusted with all responsibilities for the control of the parks, sewers, sewage system and plants, and other public improvements and works of the city, whether the same were in existence at the time this Charter became effective or may be thereafter acquired.

Sec. 4.12. - Same—Cemeteries.

The council shall have power to enact all ordinances deemed necessary for the establishment, maintenance, and protection of cemeteries, together with improvements
thereon and appurtenances thereto, owned or hereafter acquired by the city either within or without its corporate limits. All ordinances pertaining to public health and welfare in the regulation and protection of public cemeteries shall apply equally to all cemeteries within the city belonging to or under the control of, any church or religious society, or any corporation, company, or association. The city may cause any bodies buried within the city, in violation of any rule or ordinance made in respect to such burials, to be taken up and reburied in such a manner as shall conform to the ordinances of the city. A plan for the platting, sale, and perpetual care of all lots, plots, and lands therein shall be provided.

**Sec. 4.13. - Same—Streets, alleys, bridges, etc.**

Except insofar as limited by state law and the provisions of this Charter, the council shall have power to establish, vacate, use, control, and regulate the use of its streets, alleys, bridges, and public places, whether such public places be located within or without the limits of the city, and the space above and beneath them. Such power shall include, but not be limited to, the proper policing and supervision thereof; the licensing and regulation, or the prohibition of the placing of signs, awnings, awning posts, and other things which are of such nature as to impede or make dangerous the use of sidewalks or streets of the city; and the licensing and regulation of the construction and use of openings in the sidewalks or streets, and all vaults, structures, and excavations under the same. When the council shall deem it advisable to vacate, discontinue, or abolish any public place, street, or alley or any part thereof, it shall, by resolution, so declare and, in such resolution, shall appoint a time, not less than thirty (30) days thereafter, when the council shall meet and hear objections thereto. Notice of such hearing and of the purpose thereof shall be published not less than once in each of the three (3) calendar weeks preceding such hearing in one (1) of the newspapers of the city. Objections to such declared action of the council may be filed with the clerk, in writing. If any such objection shall be filed, such public place, street, or alley, or part thereof, shall not be vacated, discontinued, or abolished, except by affirmative vote of six (6) members of the council.

**Sec. 4.14. - Same—Gifts and trusts.**

The council may, in its discretion, receive and hold any gift or bequest made to the city or any officer, board, or department thereof for any municipal purpose and shall apply the same in accordance with the terms and conditions, if any, of such gift and may, by contract or otherwise, if permitted by or consistent with the terms of the gift or bequest, transfer any such gift or bequest to or permit such gift or bequest to remain in the hands of any person, group of persons, or corporation to administer the same for the benefit of the city or any board or department thereof in accordance with the terms and conditions of such gift or bequest.

**Sec. 4.15. - Same—Acquisition of property.**

The council shall have the power to acquire for the city by purchase, gift, condemnation, lease, construction, or otherwise, either within or without the County of Ottawa, property of every type and nature which may be required for or incidental to the present or future exercise of the purposes, powers, and duties of the city government established in this Charter.

**Sec. 4.16. - Same—City contracts and purchases.**
The council shall be responsible for the control of letting and making of contracts and shall provide by ordinance the necessary procedures governing purchasing and making of contracts. Such ordinance shall specify an amount below which and the purposes for which purchases may be made by the city administration, either without specific authorization, or without the necessity of formal competitive bidding, or both. The council, in its discretion, shall have the right to reject any and all bids on work or on the furnishing of materials for the city.

Sec. 4.17. - Same—Restrictions on powers of the council.

(a) The council shall not have the power to make any contract with or give any official position to any person who is in default to the city. Further, the council shall not have the power to sell any park, cemetery, or any part thereof, except where such park is not required under an official master plan of the city, or any property bordering on a water front, or to engage in any business enterprise requiring an investment of money in excess of ten cents (10¢) per capita, unless approved by three-fifths (3/5) of the electors voting thereon at any general or special election.

(b) Except in those cases where a larger majority is required by state law or the provisions of this Charter, 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 five (5) members of the council.

(c) There shall be no standing committees of the council; but this provision shall not be construed to prohibit the appointment by the mayor, with the approval of the council, of any temporary special committee to make or perform any investigation or act required by the council to be made or performed.

Sec. 4.18. - Investigations.

The council, or any committee authorized by it for the purpose, shall have the power to inquire into the conduct of any department, office, or officer of the city and to make investigations as to municipal affairs, and for that purpose may summon witnesses to appear before the council or such committee of the council to give information under oath pertinent to such inquiry, administer oaths, and require the production of books, papers, and other evidence. Any officer or employee of the city who shall fail or refuse to obey such summons or to produce books, papers, or other evidence as ordered under the provisions of this section, shall, on conviction thereof in any court of competent jurisdiction, be subject to a fine of not more than one hundred dollars ($100.00), or imprisonment, for not more than ninety (90) days, or both, in the discretion of the court.
Sec. 5.1. - Status of Charter.

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

Sec. 5.2. - Existing legislation preserved.

All ordinances, resolutions, rules, and regulations of the City of Holland, which are not inconsistent with the provisions of this Charter and which are in force and effect on the effective date of this Charter shall continue in full force and effect until repealed or amended.

Sec. 5.3. - City legislation defined.

All legislation of the City of Holland, other than this Charter, shall be by resolution or by ordinance. The word "resolution" as used in this Charter shall be the official action of the council in the form of a resolution or a motion, which does not constitute an ordinance or a step in the adoption of an ordinance and such action shall be limited to matters required or permitted to be done by resolution by this Charter or by state or federal law and to matters pertaining to the internal affairs or concerns of the city government. All other acts of the council, and all acts carrying a penalty for the violation thereof, shall be by ordinance.

Sec. 5.4. - Ordinances generally; ordinance book.

Each ordinance shall be identified by a number and a short title. Each proposed ordinance shall be introduced in written or printed form. The style of all ordinances passed by the council shall be, "The City of Holland Ordains:". Except in the case of any ordinance which the council, with the approval of not less than six (6) of its members, has voted to be an emergency ordinance, no ordinance shall be finally passed by the council until at least two (2) weeks have elapsed following the introduction thereof. Any ordinance of the city may be repealed by reference to its number and title. The section or sections of any ordinance which is revised, altered, or amended shall be reenacted, and published at length. All ordinances, when enacted, shall be immediately recorded by the clerk in a book to be called "The Ordinance Book"; and it shall be the duty of the mayor and clerk to authenticate such record by their official signatures thereon.

Sec. 5.5. - Publication of ordinances.

Each ordinance passed by the council shall be published at least once after its adoption by the council before it shall become operative. The date upon which an ordinance shall become operative shall be specifically provided in the ordinance itself. When the ordinance imposes a penalty, unless such ordinance be declared to be an emergency ordinance by the council, such operative date shall not be less than twenty-one (21) days from the date of its passage. Publication of any ordinance as required herein may be accomplished by publication
of such ordinance, after its final passage, as a part of the published proceedings of the council.

Sec. 5.6. - Penalties.

Each person who violates any provision of this Charter shall be subject to punishment by fine or imprisonment, or by both fine and imprisonment, in the sound discretion of the court having jurisdiction. The council may provide in ordinances passed by it for the punishment of violations of the provisions thereof by fine or imprisonment, or by both fine and imprisonment. No punishment for the violation of any city ordinance, any provisions of this Charter, or for the commission by any officer of the city of any act declared by this Charter to constitute misconduct in office, shall exceed the maximum penalty provided by state statute, MCL 117.4i; MSA 5.2082, as may be amended from time to time, and as the council in compliance therewith may so provide in ordinances that it passes.

(Amend. of 11-2-99)

Sec. 5.7. - Prosecution of ordinance violations—Time limit.

Prosecution for violations of the ordinances of the city shall be commenced within two (2) years after the commission of the offense.

Sec. 5.8. - Same—Proceedings.

Except as the same may be inconsistent with or otherwise provided in chapter 7 of this Charter, all proceedings relative to the arrest, custody, and trial of persons accused of violation of the provisions of the laws and ordinances of the city, shall be governed by, and conform to, as nearly as may be, the provisions of law relating to the proceedings in criminal cases cognizable by justices of the peace.

Sec. 5.9. - Adoption of technical codes, etc., by reference.

The council may adopt, as a city ordinance, any provision of state law or any detailed technical code or set of regulations which has been promulgated by the State of Michigan, or by the [any] department, board, or agency thereof, or by any organization or association which is organized and conducted for the purpose of developing any such code or set of regulations, by reference thereto in an adopting ordinance and without publishing such technical code or set of regulations in full; provided, that such code or set of regulations is fully identified in said ordinance and that the purpose of said code or set of regulations shall be published with the adopting ordinance and that printed copies thereof are kept in the office of the clerk, available for distribution to the public at all times. Such publication shall contain notice to the effect that a complete copy of said code or set of regulations is available for public use and inspection in the office of the clerk.

Sec. 5.10. - Compilation or codification of Charter and ordinances.

(a) Copies of all ordinances enacted and amendments to the city Charter adopted after the effective date of this Charter shall be available at the office of the clerk.

(b) Within two (2) years after the adoption of this Charter, and at least once in every ten (10) years thereafter, the council shall direct and complete the compilation or codification and the publication of the Charter and of all ordinances of the city then in
The council shall designate a qualified person to perform the duties of city manager. He shall be selected by the council on the basis of training and ability alone and shall serve at the pleasure of and be subject to removal by the council at any time. With the consent and approval of the council, the city manager may designate an administrative officer or employee of the city to act as city manager if he is temporarily absent from the city or unable to perform the duties of his office. No person who holds or has held any elective city office shall be eligible for appointment as city manager or acting city manager during a vacancy in that office, until two (2) years have elapsed following the expiration of the term for which he was elected.
Sec. 6.2. - Functions of city manager.

The city manager shall carry out the policies formulated by the council. In conformity with the provisions of this Charter, he shall be charged with and be responsible to the council for the supervision and management of all of the services, works, and undertakings of the city, except as otherwise provided in this Charter. He shall be responsible for the enforcement of the ordinances of this city, the administrative provisions of this Charter, and the applicable laws of the state, the administration of the annual budget of the city and the efficient administration of all departments of the city government. He shall keep the council fully advised at all times as to the financial condition and needs of the city. He shall make all reports to the council required by this Charter, the ordinances, and resolutions of the council, and, in addition thereto, such as he may deem advisable. He shall propose to the council an administrative plan for the administration of the affairs of the city government and may propose amendments thereto at any time, which plan and amendments, when approved by resolution of the council shall constitute the administrative plan of the city. He shall have the right to take part in the discussion of all matters coming before the council, but shall have no vote thereon. He shall recommend to the council for adoption by it such measures as he may deem expedient. In addition to the duties prescribed by this Charter, the city manager shall perform such other administrative duties as may be required of him by ordinance or resolution of the council.

Sec. 6.3. - Appointment, removal and terms of administrative officers; relationship of council with administrative service.

The city manager shall appoint and remove all appointive officers of the city, except the city manager and the city attorney; provided, that any such appointment to or removal from the office of the clerk, city auditor, treasurer, and assessor shall be effective only when formally approved by resolution of the council. Each appointive officer of the city, except the city attorney, shall hold office for an indefinite term. On or before the first Monday in May following each regular city election, the mayor shall appoint the city attorney with the advice and consent of the council. The city attorney shall hold office for a term of two (2) years, beginning on and dating from the first day of July of the year in which he is appointed to such office.

The council and its members shall deal with the administrative service solely through the city manager, and neither the council nor any member thereof shall give orders as to the performance of his duties to any subordinate of the city manager, either publicly or privately. Any violation of the provisions of this section by a councilman shall constitute misconduct in office.

Sec. 6.4. - Relationship between administrative officers and city manager.

All administrative officers of the city, except the city attorney, and the clerk insofar as he serves as the clerk of the council and of the boards of the city, shall be subordinate to and responsible to the city manager in the performance of the duties of their several offices.

Sec. 6.5. - Functions of the clerk.

(a) The clerk shall be the clerk of the council and shall attend all its meetings and keep a permanent journal of every session of the council in the English language;

(b)
He shall keep a record of all ordinances, resolutions, and actions of the council, which record shall be public;
(c) He shall have power to administer all oaths required for municipal purposes by state law, this Charter, and the ordinances of the city;
(d) He shall be custodian of all papers, documents, bonds, and records pertaining to the City of Holland, the custody of which is not otherwise provided for by this Charter;
(e) He shall be custodian of the city seal and shall affix it to all documents and instruments requiring the seal of the city, and shall attest the same;
(f) He shall give ample notice to the proper officials of the city of the expiration or termination of any franchise, contract, or agreement to which the city is a party, and to city officers personally of the expiration of the terms of their respective offices and of any official bonds required of them;
(g) He shall certify by his signature all ordinances and resolutions enacted or passed by the council and perform any other duties required of him by state or federal law, this Charter, the city manager, or the ordinances and administrative plan of the city;
(h) He shall be the recording clerk of the boards of the city and shall attend all their meetings and keep a permanent journal, in the English language, of every session thereof;
(i) He shall issue all licenses required to be issued by the ordinances of the city;
(j) He shall be the chief election officer of the city.

Sec. 6.6. - Functions of the treasurer.

(a) The treasurer shall have custody of all moneys of the city, the clerk's bond, if any, and all evidences of value belonging to the city or held in trust by the city;
(b) Except as otherwise provided in this Charter, he shall receive all moneys belonging to and receivable by the city, that may be collected by any officials or employees of the city, including license fees, taxes, assessments, and all other charges belonging to and payable to the city, and shall in all cases, give a receipt therefor;
(c) He shall keep and deposit all moneys or funds in such manner and only in such places as the council may determine and shall report the same in detail to the city auditor;
(d) He is hereby vested with and shall exercise all powers, duties, immunities, and prerogatives in regard to the collection and custody of state, county, school district, and city taxes, assessments, charges, and moneys as are conferred by law upon township treasurers to enforce the collection of state, county, township, and school district taxes upon real and personal property;
(e) He shall perform such other duties as may be prescribed for him by state or federal law, this Charter, the ordinances and administrative plan of the city, or by the city manager.

Sec. 6.7. - Deputies of clerk and treasurer.

The clerk and the treasurer may appoint their own deputies, subject to the written confirmation of the city manager. The clerk and treasurer may terminate the status of their deputies at their pleasure, upon written notice to the city manager. Such deputies shall, in each case, possess all the powers and authorities of their superior officers, except as the same may be from time to time limited by their superiors or by the city manager.

Sec. 6.8. - Functions of the auditor.
The auditor shall keep and shall be the custodian of the books of account of the assets, receipts, and expenditures of all departments of the city;

He shall prescribe a method of keeping accounts for all departments and offices of the city, which method shall be uniform as near as practicable and shall conform to the laws of the state;

He shall examine and audit all accounts and claims against the city, except claims for unliquidated damages. He shall not issue or sign any draft, check, or warrant, until he has verified the correctness of the account for which the same is issued. He shall not allow the payment of any account unless the money has been appropriated therefor; nor shall he issue or sign any draft, check, or warrant for any account against the city, unless sufficient money is in the fund against which it is drawn;

He shall examine and audit all books of account of the city treasurer and of the municipal court at least once each month. At the end of each fiscal year, and at any other time upon the direction of the council, he shall examine and audit all books of account kept by each officer, board, or department of the city;

He shall prepare the annual budget of the city under the direction of, and in the manner prescribed by, the city manager;

He shall perform such other duties as may be required of him by this Charter, or by the city manager.

Sec. 6.9. - Functions of the assessor.

The assessor shall possess all the powers vested in, and shall be charged with all the duties imposed upon, assessing officers by state law.

He shall make and prepare all regular and special assessment rolls in the manner prescribed by this Charter, the ordinances of the city, or by state law.

He shall perform such other duties as may be prescribed for him by state law, this Charter, the ordinances or administrative plan of the city, or by the city manager.

Sec. 6.10. - Functions of the city attorney; special compensation.

The city attorney shall be the corporate counsel of the city. He shall give his opinion in writing when requested to do so by the council, the city manager or any board of the city. He shall act as attorney for the city in all actions or hearings in all courts and before all legally constituted tribunals or commissions whenever the city is a party thereto or requires legal representation. He shall prepare or officially pass upon, in writing, before execution, all contracts, franchises, bonds, or other instruments in which the city is concerned. The salary, as set by the council, shall be in contemplation of the normal duties of the office of city attorney. The council may pay additional special compensation for extraordinary or special undertakings, provided the special compensation is agreed to by the council and the attorney before the service for which such special compensation is to be paid has been rendered.

Sec. 6.11. - Special legal counsel.

The council may retain and compensate special legal counsel in relation to any special project, undertaking, or litigation. Such counsel may be employed to work independently in the special matter or in cooperation with or as assistant to the city attorney.

Sec. 6.12. - City police.
The police forces of the city shall have and exercise all the immunities, privileges, and powers of police 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 in the city. They shall arrest upon view, and with or without process, any person found in the act of committing any offense against the laws of the state or the ordinances 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.

Sec. 6.13. - Fire fighting and prevention.

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, may command any person present at a fire to aid in the extinguishment thereof and to assist in the protection of property thereat. If any person shall wilfully disobey any such lawful requirement or other lawful order of any such officer, he shall be deemed guilty of a violation of this Charter, which Charter constitutes the governing law of the City of Holland, and shall be subject to punishment therefor as in this Charter provided. The chief executive officer of the fire forces of the city, or any person lawfully acting in his stead, with the concurrence of the mayor, or of the city manager, or of any two (2) councilmen, 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 of chapter XXIX of Act No. 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.

Sec. 6.14. - Functions of other administrative officers.

The duties of all administrative officers, not otherwise provided for herein, shall be those established by law and the administrative plan proposed by the city manager and approved by the council.

Sec. 6.15. - Public welfare and safety.

The council shall maintain within the administrative service of the city such city departments or agencies as may be required to provide for the public peace and health and for the safety of persons and property.

Sec. 6.16. - Merit system of personnel management.

The council may provide by ordinance for a merit system of personnel management for the city. Such ordinance shall provide a professional and impartial approach to municipal personnel problems based solely upon the fitness, training, and experience of the individual with no discrimination on account of political or religious opinion. It is the intent of this section to secure the establishment of a merit system program as an integral part of the administrative service of the city to the end that the handling of the personnel activities will be done in a manner equitable to the city employee, satisfying for the administrative officials to use, and, by increased efficiency and improved administration, economical to the citizens.
Sec. 6.17. - Pension plan.

The council may maintain for the benefit of the administrative officers and employees of the city, either with the State of Michigan, or by a plan of its own, a sound pension and retirement plan. No such plan, established by the city, shall contain pension and retirement benefits to such officers and employees which are less than the standards set by the state-wide pension plan for municipal officers and employees established and administered by the State of Michigan.

Sec. 6.18. - Employees group benefits.

The council shall have the 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, or accident insurance.

Holland, Michigan, Code of Ordinances >> PART I - THE CHARTER >> CHAPTER 7. - MUNICIPAL COURT

CHAPTER 7. - MUNICIPAL COURT

FOOTNOTE(S):

(2) Editor’s note— The former Municipal Court of the city was abolished pursuant to M.S.A., §§ 27A.9921 to 27A.9930. Accordingly, the provisions of this chapter, relating thereto, have not been set forth in this volume. (Back)

Holland, Michigan, Code of Ordinances >> PART I - THE CHARTER >> CHAPTER 8. - SUPERVISORS

CHAPTER 8. - SUPERVISORS

FOOTNOTE(S):

(3) Editor’s note— The provisions of this chapter have been superseded by state law. (See M.S.A., § 5.359(1) et seq.). Accordingly, these provisions are not set forth in this volume. (Back)

Holland, Michigan, Code of Ordinances >> PART I - THE CHARTER >> CHAPTER 9. - BUDGET AND FINANCE GENERALLY

CHAPTER 9. - BUDGET AND FINANCE GENERALLY

Sec. 9.1. - Fiscal year,
Sec. 9.2. - Budget procedure generally,
Sec. 9.3. - Contents of budget document,
Sec. 9.4. - Budget hearing; notice; public inspection of budget,
Sec. 9.5. - Adoption of budget; appropriation; tax levy and limit,
Sec. 9.6. - Funds for public improvements,
Sec. 9.7. - Adherence to budget; transfer of operating appropriations.
Sec. 9.1. - Fiscal year.

The fiscal and budget year of the city shall begin on the first day of July.

Sec. 9.2. - Budget procedure generally.

On or before the 15th day of February in each year, each city officer and department head shall submit to the city manager an itemized estimate of the expenditures for the next fiscal year, for the department or activities under his control. The city manager shall prepare a complete itemized budget proposal for the next fiscal year of the city and shall submit it to the council on or before the first day of April, preceding the fiscal year of the city.

Sec. 9.3. - Contents of budget document.

The budget proposal shall present a complete financial plan for the ensuing fiscal year. It shall include at least the following information:

(a) Detailed estimates of all proposed expenditures for each department and office of the city, showing the expenditures for corresponding items for the current and last preceding fiscal years, with reasons for increases and decreases recommended, as compared with appropriations for the current year;

(b) Statements of the bonded and other indebtedness of the city showing the debt redemption and interest requirements, the debt authorized and unissued, and the condition of sinking funds, if any;

(c) Detailed estimates of all anticipated income 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 and current fiscal years;

(d) A statement of the estimated balance or deficit, as the case may be, for the end of the current fiscal year;

(e) 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 income from other sources, will be necessary to meet the proposed expenditures;

(f) Such other supporting schedules as the council may deem necessary.

Sec. 9.4. - Budget hearing; notice; public inspection of budget.

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

Sec. 9.5. - Adoption of budget; appropriation; tax levy and limit.

Not later than the first meeting of the council in the month of May, 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 during the ensuing fiscal year of the city and provide for a levy of the amount necessary to be raised by taxes upon real and personal property for municipal purposes, which levy shall not exceed one and three-quarters per cent (1¾%) of the assessed valuation of all real and personal property in the city; provided, that such levy may be increased by a majority of the electors of the city voting at the election at which the proposition to do so shall be so submitted, but such increase shall be limited to an amount which will not cause the total levy under authority of this section to exceed two per cent (2%) of the assessed value of the real and personal property in the city.

Sec. 9.6. - Funds for public improvements.

The council may establish and maintain a fund or funds for the purpose of appropriating, providing, setting aside, and accumulating moneys to be used for acquiring, extending, altering, or repairing public improvements which the city is authorized by law to acquire, alter, or enlarge. Moneys so appropriated, set aside, or accumulated shall not be transferred, encumbered, or otherwise disposed of, except for the purpose for which they were appropriated, set aside, or accumulated, unless approved by a vote of three-fifths (3/5) of the electors of the city voting thereon, at a regular or special municipal election.

Sec. 9.7. - Adherence to budget; transfer of operating appropriations.

After the budget has been adopted, no money shall be drawn from the treasury of the city nor shall any obligation for the expenditures of money be incurred, except pursuant to the budget appropriation. The council may, however, transfer any unencumbered operating appropriation balance, or any portion thereof, from one (1) city operating fund to another, upon the written recommendation of the city manager by a vote of not less than six (6) members of the council; provided, that any such appropriation balance under the control of any board of the city may be transferred only with the consent of such board. The balance in any budget appropriation, except such as may be appropriated for the payment of any debt of the city, which has not been encumbered at the end of each fiscal year shall revert to the general fund and shall be subject to the allocations made in the budget of the next fiscal year.

Sec. 9.8. - Budget control.

At the beginning of each quarterly period during the fiscal year, and more often if required by the council, the city manager shall submit to the council data showing the relation between the estimated and actual income and expenses to date. If it shall appear that the income of the city is 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 income of the city.

Sec. 9.9. - City deposits and depositories.
The council shall designate the depository or depositories for the city funds, and shall provide for the regular deposit of all city moneys. The council shall provide for such security for city deposits as is authorized or permitted by the general laws of the state, except that personal surety bonds shall not be deemed proper security.

**Sec. 9.10. - Withdrawal of funds.**

Unless otherwise provided by this Charter, all funds drawn from the treasury shall be drawn pursuant to the authority and appropriation of the council and by checks signed by either of two (2) officers of the city, to be designated by resolution of the council, and countersigned by the city auditor. Each such check shall specify the fund or funds from which it is payable and shall be paid from no other fund or funds.

**Sec. 9.11. - Independent audit.**

An independent audit shall be made of all accounts of the city government at least annually or more frequently if deemed necessary by the council. Such audit shall be made by certified public accountants experienced in municipal accounting and shall be completed within ninety (90) days following the close of the fiscal year. The results of such audit shall be made public in such manner as the council may determine.

**Sec. 9.12. - Municipal borrowing and bonds generally.**

Subject to the applicable provisions of state law and this Charter, the council, by proper ordinance or resolution, may authorize the borrowing of money on the credit of the city and the issuing of bonds therefor, for any purpose within the scope of its powers. The net bonded indebtedness incurred for all public purposes shall not at any time exceed ten percent (10%) of the assessed value of all the real and personal property in the city; provided, that in case of fire, flood, or other calamity, the council may borrow for the relief of the inhabitants of the city and for the preservation of municipal property, a sum not to exceed three-eighths of one percent (⅜%) of the assessed value of all the real and personal property in the city, due in not more than five (5) years, even if such loan would cause the indebtedness of the city to exceed the limit fixed in this Charter. In computing the net bonded indebtedness for the purpose hereof, the following shall not be included:

1. Bonds issued in anticipation of the payment of special assessments, even though they are also a general obligation of the city;
2. Mortgage bonds, which are secured only by a mortgage on the property or franchise of a public utility;
3. The principal and interest of revenue bonds which are payable solely from net revenues derived from the operation of the public improvement purchased, acquired, constructed, improved, enlarged, extended, or repaired, or any combination thereof, by the proceeds of such bonds;
4. Bonds issued to refund moneys advanced or paid on special assessments for water main extensions.

The resources of the sinking fund pledged for the retirement of any outstanding bonds shall also be deducted from the amount of the bonded indebtedness. No bond of the city, regardless of type or purpose, shall bear interest at a rate to exceed six percent (6%) per annum.
The council may borrow money and issue the bonds of the city therefor in anticipation of the payment of special assessments, which bonds shall be either solely an obligation of the special assessment district, or both an obligation of the special assessment district and a general obligation of the city. All collections on special assessment rolls shall be set apart in a special fund and shall be used for the purpose for which they were levied and for the payment of the principal and interest on any bonds issued in anticipation of the payment of such special assessments. If there be any deficiency in the special assessment fund to meet the payment of any such principal and interest, moneys shall be advanced from the general funds of the city to meet such deficiency and shall be replaced in such general fund when the special assessment fund shall be sufficient therefor.

Subject to the applicable provisions of state law, the city may borrow money and issue its bonds therefor, the principal and interest of which bonds shall be payable solely from the net revenues of the public improvement purchased, acquired, constructed, improved, enlarged, extended, or repaired, for the purpose of defraying the whole or a part of the cost of purchasing, acquiring, constructing, improving, enlarging, extending, or repairing any public improvement of the city which the city is permitted by law to acquire, own, or operate.

The city may issue mortgage bonds beyond the general limit of indebtedness prescribed by law for the purpose of acquiring, extending, or improving any public utility, for supplying water, light, heat, or power, owned or operated by it, or which it is authorized to acquire; provided, that such mortgage bonds issued beyond the general limit of bonded indebtedness prescribed by law shall not impose any liability upon the city, but shall be secured only upon the property and revenues of such public utility, including a franchise, stating the terms upon which, in case of foreclosure, the purchaser may operate the same, which franchise shall in no case extend for a longer period than twenty (20) years from the date of the sale of such utility and franchise on foreclosure. Such mortgage bonds shall be sold to yield not to exceed six percent (6%) per annum. In the event that any such mortgage bonds are sold by the city, there shall be created a sinking fund by setting aside such percentage of the gross or net earnings of the public utility as may be deemed sufficient for the payment of the mortgage at maturity.

The council may also borrow money on the faith and credit of the city, to provide for the refunding from time to time of moneys advanced or paid on special assessments imposed for water main extensions as buildings shall be connected with such water main extensions, and for the issuance of bonds therefor due in not more than thirty (30) years in the amount not to exceed fifteen thousand dollars ($15,000.00) and at the rate of interest, which shall not exceed six percent (6%).

Sec. 9.13. - Unissued bonds.

No unissued bonds of the city shall be issued or sold to secure funds for any purpose other than that for which they were specifically authorized, and, if any such bonds are not issued or sold within three (3) years after authorization, such authorization shall, as to such bonds, be null and void.
CHAPTER 10. - TAXATION GENERALLY

Sec. 10.1. - Power to tax.
In order to carry out the purposes, powers, and duties of the city government, established by this Charter, the city may assess, levy, and collect taxes, rents, tolls, and excise or specific taxes.

Sec. 10.2. - Subjects of ad valorem taxation; tax procedure generally; exemptions.
The subjects of ad valorem 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 state law. No exemptions from taxation shall be allowed, except such as are expressly required or permitted to be made by state law.

Sec. 10.3. - Assessment generally.
The assessor shall place a value, in accordance with state law, upon all property, both real and personal, in the city, which is subject to taxation in accordance with established assessment rules, techniques, and procedures.

Sec. 10.4. - Assessment roll generally.
Prior to the first meeting of the board of review in each year, the assessor shall make and complete an assessment roll in the manner and form provided in the general tax law of the state.

Sec. 10.5. - Board of review—Composition; appointment, qualifications, terms and compensation of members.

The board of review shall be appointed by the council and shall be comprised of two (2) officers of the city, other than the city assessor or the city clerk, and three (3) persons who are taxpayers of the city and have been residents of the city for not less than three (3) years. Such members who are appointed from among the officers of the city shall be appointed annually in the month of January to serve for one (1) year. The remaining three (3) members shall be appointed in the first instance, one (1) to serve for a term of one (1) year, one (1) to serve for a term of two (2) years, and one (1) to serve for a term of three (3) years; and the council shall, annually thereafter in the month of January, appoint one (1) such member of the board to serve for a full term of three (3) years. The council shall set the compensation of the board of review.

Sec. 10.6. - Same—Meetings generally.

The board of review shall meet on the first Tuesday following the first Monday in March in each year at such place as shall be designated by the council, and shall continue in session from day to day, for the purpose of considering and correcting the roll, for four (4) days, and as much longer as may be necessary. The board shall remain in session during such hours as the council may designate, but not less than six (6) hours on each of said four (4) days. If, for any cause, a quorum of the board of review does not assemble, or in the event that such board shall fail or refuse to act, during the days above mentioned, the roll, as prepared by the assessor, shall stand as if approved by the board of review. The board of review shall hold a meeting on or before the first Monday of April, and at that meeting, shall complete the review of the assessment roll submitted to it and shall endorse and approve the same as provided by law.

Sec. 10.7. - Same—Notice of meetings.

The clerk shall give notice to the public of the time and place of each meeting of the board of review by publication at least once not less than two (2) weeks immediately preceding such meeting.

Sec. 10.8. - Same—Organization, functions and proceedings generally; oath of members; quorum; unauthorized changes, etc., of assessment roll.

On the first day of its first meeting in each year, the board of review shall elect one (1) of its members chairman. The clerk shall be secretary of the board and shall attend its meetings. It shall be the duty of the clerk to keep a permanent record of all the proceedings of the board and to enter therein all resolutions and decisions of the board. It shall be the duty of the assessor to attend all meetings of the board with the privilege of participating therein, but without the right to vote upon any decision of the board. The members of said board shall take the constitutional oath of office which shall be filed with the clerk. A majority of the members of the board shall constitute a quorum. For the purpose of reviewing and correcting assessments, the board of review shall have the same powers and perform like duties in all...
respects as are by the general tax law conferred upon and required of boards of review in
townships, in reviewing assessments in townships for township, state, and county taxes. It
shall hear the complaints of all persons considering themselves aggrieved by assessments,
and, 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 shall deem fit. In all cases,
the assessment roll shall be reviewed according to the facts existing on the assessment day
and no change of the status of any property after said day shall be considered by the board in
making its decision. Except as otherwise provided by state law, no person other than the
board of review shall make or authorize any change upon or additions or corrections to the
assessment roll.

Sec. 10.9. - Same—Endorsement of assessment roll; validity.

After the board shall have completed its review of the assessment roll, a majority of its
members shall immediately endorse thereon and sign a statement to the effect that the same
is the assessment roll of the city for the year in which it has been prepared. The omission of
such endorsement shall not affect the validity of such roll. Upon the completion of said roll and
from and after midnight ending the last day of the meeting of the board of review, the same
shall be the assessment roll of the city for county, school, and city taxes and for any other
taxes on real and personal property that may be authorized by law and shall be conclusively
presumed by all courts and tribunals to be valid and shall not be set aside except for causes
set forth in the general laws of the state.

Sec. 10.10. - Clerk to certify levy.

Within three (3) days after the council has adopted the budget for the ensuing year, the
clerk shall certify to the assessor the total amount which the council determines shall be raised
by general tax.

Sec. 10.11. - City tax roll generally.

After the last day for the meeting of the board of review, the assessor shall prepare a
copy of the assessment roll to be known as the "city tax roll," and upon receiving the
certification of the amount to be raised, as provided in the preceding section, the assessor
shall proceed to spread the amounts of the general city tax according to and in proportion to
the several valuations set forth in said assessment roll. For the purpose of avoiding fractions in
computation on any tax roll, the assessor may add to the amount of the several taxes to be
raised not more than the amount prescribed by state law. Any excess created thereby on any
tax roll shall belong to the city. For convenience, the city tax roll may be divided into volumes.

Sec. 10.12. - Tax roll certified for collection.

After extending the taxes aforesaid and not later than the 1st day of July in each year,
the assessor shall certify said tax roll, and the mayor 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 or assessment, and granting
to him, for the purpose of collecting the taxes, assessments, and charges on such roll, all the
power and immunities possessed by township treasurers for the collection of taxes under the
general laws of the state.

(Amend. No. 3, 4-6-53)
Sec. 10.13. - Taxes constitute lien on property.

The city taxes thus assessed against personal property shall become at once a debt due to the city from the persons to whom they are assessed, and the amounts assessed on any interest in real property shall on the thirty-first day of December, prior to the levy of such taxes, become a lien upon such real property, and the lien for such amounts and for all interest and other charges thereon shall continue until payment thereof. All personal taxes shall also be a first lien, prior, superior and paramount, upon all personal property of the persons so assessed from and after the thirty-first day of December, prior to the levy of such taxes, and shall so remain until paid, which said tax liens shall take precedence over all other claims, encumbrances and liens upon said personal property, whatsoever, whether created by chattel mortgage, execution, levy, judgment, or otherwise, and whether arising before or after the assessment of said personal property taxes, and no transfer of personal property assessed for taxes thereon shall operate to divest or destroy such lien except where such personal property is actually sold in the regular course of retail trade.

(Amend. of 1-28-97)

Sec. 10.14. - Notification of taxes due.

The treasurer shall not be required to make personal demand for the payment of taxes, but notice shall be given to the taxpayers of the city, by forwarding a statement of taxes due by first class mail, addressed to the several owners of the property upon which taxes are assessed according to the names of such owners and their addresses as indicated on the tax roll, which notice shall be deemed sufficient for the payment of all taxes on said roll. Failure on the part of the treasurer to give said notice shall not invalidate the taxes on said tax roll nor release any person or property assessed from the penalty provided in this chapter in case of nonpayment of the same.

Sec. 10.15. - Tax payment schedule; collection fees and interest.

City taxes shall be due on the first day of July of the fiscal year when levied. All taxes paid on or before the fifteenth day of August of such year shall be collected by the city treasurer without the addition of any fee for collection. There shall be added to all taxes remaining unpaid after the said fifteenth day of August, a collection fee of two per cent (2%). All taxes not paid on or before the tenth day of September of such year shall be certified by the city treasurer to the city assessor, and such unpaid taxes and collection fees shall then be spread upon the December general tax roll against the descriptions of property and the several persons therein named for payment and collection. To all such there shall be added for interest the sum of four per cent (4%) for the period from September tenth to January first next thereafter. An additional collection fee of three per cent (3%) shall be added to all charges on the tax roll remaining unpaid on January tenth of the fiscal year in which such taxes are spread. Such interest and collection fees shall be collectible in the same manner as the taxes, assessments, and charges to which they are added. All such collection fees, and all interest on city taxes shall be paid into the general fund of the city.

Sec. 10.16. - State, county, and school taxes.

For the purpose of assessing and collecting taxes in the city for state, county, and school purposes, the city shall be considered the same as a township, and all provisions of state law relative to the collection of such taxes and fees to be paid therefor, the accounting
therefor to the appropriate taxing units, and the returning of property to the county treasurer for nonpayment thereof shall apply to the performance thereof by the treasurer, who shall perform the same duties and have the same powers as township treasurers under state law. So long as school taxes or any part thereof are collected at the same time as city taxes, they shall be collected subject to the same privileges and conditions as city taxes under the provisions of this Charter.

Sec. 10.17. - Clerk to certify unpaid taxes and special assessments to assessor.

On or before the first day of November in each year, the clerk shall certify to the assessor, all amounts which are required by this Charter or which the council requires or orders to be assessed or reassessed in any street district, sewer district, or other special assessment district, or upon any description of real property, or against any person, as a special assessment or otherwise within the city, together with a description of the land or name and address of the person upon which or to whom the several sums are to be assessed or reassessed with such further description and directions as will enable the assessor to assess the several amounts upon the property and persons chargeable therewith.

(Amend. No. 4, 4-6-53)

Sec. 10.18. - Assessor to certify taxes, etc.; treasurer's bond, etc.

The assessor, upon completing the several rolls, shall certify to the clerk the amounts of taxes levied in the roll for state and county purposes, and for city and school taxes, special assessments, and other purposes; and the clerk shall charge the said amounts to the treasurer. The treasurer shall give bond to the county treasurer in the same manner as township treasurers are required to do; and thereupon, and on or before the first day of December, the assessor shall deliver certified copies of the several tax rolls, with the taxes extended therein as aforesaid, to the treasurer, with his warrant annexed thereto for the collection of the taxes therein. The assessor, upon the completion of the several city tax rolls, shall certify to the clerk the amounts of taxes levied therein.

Sec. 10.19. - Contents, etc., of warrants annexed to rolls.

The warrant annexed to each and all of such rolls shall state the several amounts levied therein to be paid into the city, school, and county treasuries, respectively; and shall command the treasurer to collect from the several persons named in said rolls the said amounts; and the warrant shall authorize the treasurer, in case any person shall neglect to pay his tax, to levy the same by distress and sale of the goods and chattels of such person.

Sec. 10.20. - Lien for taxes, assessments and charges generally.

All taxes, assessments, and charges levied or spread in any such tax rolls shall be and remain a lien upon the property until paid.

Sec. 10.21. - Apportioning of tax on portion of taxed property.

Any person owning an undivided share or other part of any parcel of real property, assessed in one description, may pay the taxes assessed against such description or may pay
the share or part owed by him by paying an amount having the same relation to the whole tax as the value of the part on which payment is made bears to the value of the whole description and the receipt given and the record of the receiving officer shall show that such payment was made and the claimed interest upon which it was made.

Sec. 10.22. - Return of delinquent tax roll to county treasurer; collection.

All taxes, special assessments, collection charges, and interest on the city tax roll which remain unpaid on the first day of March following the date when said roll was received by the treasurer shall, on that date become delinquent and shall be returned to the county treasurer 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 the additional charges and interest which shall, in such return, be added to the amount assessed in said tax roll against each description. The taxes, assessments, charges, and interest, 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.

Sec. 10.23. - Protection of city liens.

The city shall have power insofar as the exercise thereof shall not conflict with or contravene the provisions of any general law of the state, 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 the purchase of such property 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. Any such procedure exercised by the city in the protection of its tax lien shall be deemed to be for public purpose.
Sec. 11.1. - Qualifications of electors.

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

Sec. 11.2. - Election procedure.

The general election laws of the state shall apply to and control as near as may be, all procedures relating to registration and city elections, except as such general laws relate to political parties or partisan procedures, or require more than one (1) publication of notice and except as otherwise provided by this Charter.

Sec. 11.3. - Regular city elections.

Except as otherwise provided in this Charter, a nonpartisan regular city election shall be held on the first Monday in April in each odd numbered year.

Sec. 11.4. - Special elections.

Special city elections shall be held when called by resolution of the council, adopted at least forty (40) days in advance of such election, or when required by this Charter or the general laws of the state. Any resolution calling a special election shall set forth the purpose of each election. No more than two (2) special city elections shall be held in any one (1) calendar year.

Sec. 11.5. - Primary elections; when primary not held; when elected at primary.

A nonpartisan city primary election shall be held on the date prescribed by state law for the holding of general primary elections. If, upon the expiration of the time for filing nomination petitions for any elective city office, it appears that petitions have been filed for no more than twice the number of candidates for such office, then no primary election shall be held with respect to such office, and the clerk shall publish notice of such fact. Candidates in number equal to twice the number of persons to be elected to each city office, who receive the highest number of votes at any such city primary election shall be declared the nominees for election to the respective offices for which they are candidates. Notwithstanding the foregoing, in all primary elections, any candidate for an office who receives a majority of all votes cast for candidates for that office shall be elected. In cases where no primary election was held, persons named in petitions shall be certified to the election commission to be placed upon the
ballot for the next subsequent regular city election. No person whose name is not printed on the primary election ballot, but whose name is written thereon, or appears on the ballot on a sticker pasted thereon at such election, except such stickers as have been placed thereon by the election commission as provided by law, shall be nominated for election to any office, unless he shall receive at least twenty-five (25) votes nominating him for such office.

(Amend. of 11-19-04)

Sec. 11.6. - Election commission.

An election commission, consisting of the clerk, the mayor, and the city attorney, is hereby created. The clerk shall be chairman. The commission shall have charge of all activities and duties required of it by state law and this Charter relating to the conduct of elections in the city. The compensation of all 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 follow.

Sec. 11.7. - Notice of election.

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

Sec. 11.8. - 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.

Sec. 11.9. - Nomination petitions—Generally.

Persons desiring to qualify as candidates for any office, elected at large, under this Charter shall file an official petition therefor with the clerk signed by not less than sixty (60) registered electors of the city, of which not less than ten (10) shall be from each ward of the city. In the case of councilmen to be elected from the several wards of the city, such petitions shall be signed by not less than twenty (20) nor more than forty (40) registered electors of the ward from which such person seeks election. Such petitions shall be filed with the clerk not later than 4 P.M., Eastern Standard Time, on the sixth Monday prior to the date of the regular city primary election. Official blank petitions in substantially the same form as required by state law for nonpartisan judicial officers, shall be prepared and furnished by the clerk. Before the clerk shall furnish nomination petitions to any person, he shall enter thereon in ink the name of the person desiring to become a candidate for office in the city, or the person in whose behalf the petition is to be circulated, and the name of the office for which he is to be candidate and no petition which has been altered with respect to such entries shall be received by the clerk for filing under the provisions of this section. Nomination petitions for the purpose of filling a vacancy shall so state in connection with the name of the office for which the petition is to be circulated. The clerk shall publish notice of the last day, time, and place for filing nomination petitions at least one (1) week before, and not more than three (3) weeks before that date. No person shall sign his name to more than one (1) petition for any one (1) office to be filled at the next regular city election. Where any name appears on more than one (1) petition for the same office, such name shall not be counted upon any petition for that office.
Sec. 11.10. - Same—Filing and approval of petitions.

The clerk shall accept for filing only nomination petitions on official blanks containing the required number of signatures for candidates having those qualifications required for elective city officers by this Charter. When petitions are filed with [by] persons other than the person whose name appears thereon as a candidate, they may be accepted for filing only when accompanied by the written consent of the person in whose behalf the petition or petitions were circulated. The clerk shall, within five (5) days after the final filing date, determine the sufficiency of the signatures of each petition filed, and if he finds that any petition does not contain the required number of signatures of registered electors, he shall immediately notify the candidate in writing of the insufficiency of his petition. Each petition which is found by the clerk to contain the required number of signatures of registered electors for candidates shall be marked "In Order" with the date thereof, and he shall immediately so notify the candidate whose name appears thereon, in writing.

Sec. 11.11. - Same—Public inspection of petitions.

All nomination petitions shall be open to public inspection in the office of the clerk beginning five (5) days after the final filing date for such petitions.

Sec. 11.12. - Contents and form of ballots.

The names of all persons nominated for election to each city office, including the names of candidates for election to membership on the council who are nominated by the respective wards of the city, shall be placed upon the city ballot for the election of qualified persons to fill such offices by the electors of the city at large. The form of the ballot used in any city election shall conform as nearly as may be to that prescribed by or in accordance with state law for nonpartisan elections. The names of qualified nominees for each office shall be rotated on the ballots.

Sec. 11.13. - Canvass of votes.

The board of canvassers, as created and established by state law, shall canvass the votes cast at all city elections. The board of canvassers shall meet in accordance with the requirements of state law, and publicly canvass the returns of such election, and shall determine the vote upon all questions and propositions, and declare whether the same has been adopted or rejected and what persons have been nominated for election or elected at such election. The candidates for the office of membership on the council, nominated by each ward of the city entitled to nominate such candidates at any city election, receiving the larger number of legal votes at such election by the electors of their respective ward or elected at a primary pursuant to 11.5 of the Charter, shall be deemed to have been elected to the office for which he was a candidate. The candidates for the office of membership on the council, nominated by the electors of the city at large or elected at a primary pursuant to 11.5 of the Charter, receiving the larger number of legal votes at such election of the city at large, shall be deemed to have been elected to the office for which he was a candidate.
Sec. 11.14. - Tie vote.

If, at any city election, there shall be no choice between candidates by reason of two (2) 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 candidate by lot as provided by state law. Should any person or persons fail or refuse to appear, in person or by representative, to determine the result of any tie 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.

Sec. 11.15. - Recount.

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

Sec. 11.16. - Recall.

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

Sec. 11.17. - Initiative and referendum—Generally.

Any ordinance may be initiated, or a referendum on an ordinance enacted by the council may be had, by a petition, as hereinafter provided.

Sec. 11.18. - Same—Petitions.

A petition initiating an ordinance, or requesting a referendum on an ordinance, shall be signed by not less than fifteen (15) percent of the number of electors of the city who voted for governor of the State of Michigan at the last fall election held in the state. Before being circulated for signatures, all such petitions shall be approved as to form by the city attorney. No such petition need be on one paper but may be the aggregate of two (2) or more petition papers. Each signer of a petition shall sign his name in ink or indelible pencil, and shall place thereon, after his name, the date and place of his residence by street and number, or by other customary designation. To each petition paper there shall be attached a sworn affidavit that each signature thereon is the genuine signature of the person whose name it purports to be, and that it was made in the presence of the affiant. Such petition shall be filed with the clerk, who shall, within ten (10) days, canvass the signatures thereon to determine the sufficiency thereof. No signature, in the case of a petition initiating an ordinance, shall be counted in the canvass thereof which was signed thereto more than six (6) months prior to the date on which such petition was filed with the clerk, or, in the case of a petition requesting referendum on an ordinance or legislative act, shall be counted in the canvass thereof which was signed thereto more than thirty (30) days prior to the date on which such petition was filed with the clerk, and, in any case, a signature shall be disqualified if the date following such signature has been altered in any manner. If any petition initiating an ordinance shall be found to contain an insufficient number of signatures of registered electors of the city, or to be improper as to form or not to be in compliance with the provisions of this section, the clerk shall notify the person filing such petition forthwith, and ten (10) days from such notification shall be allowed for the
filing of supplemental petition papers. When found sufficient and proper, the clerk shall certify such fact on the petition or not less than one (1) paper thereof, indicating the date and time of such certification, and shall present the petition to the council at its next regular meeting.

(Amend. No. 21, 11-6-84)

Sec. 11.19. - Same—Council procedures.

Upon receiving a petition initiating an ordinance or requesting a referendum on an ordinance from the clerk, the council shall, within thirty (30) days, either:

(a) If it be an initiatory petition, adopt the ordinance as submitted in the petition, or determine to submit the proposal to the electors of the city and provide for the holding of the election thereon; or

(b) If it be a referendary petition, repeal the ordinance to which the petition refers or determine to submit the proposal to the electors of the city and provide for the holding of the election thereon.

Sec. 11.20. - Same—Submission of proposal to electors.

Should the council decide to submit the proposal to the electors in either case, it shall be submitted at an election to be held not less than forty (40) days, nor more than ninety (90) days, after the date of action thereon by the council; provided, that, if any election, other than a school election, is to be held, in the city, for any purpose whatsoever, within one hundred and twenty (120) days after such action by the council, such proposal shall be submitted to the electors of the city at such election. If such proposal must be submitted at a special election, and no such election may be held in the city because of any limitation thereof imposed by law, then such proposition shall be submitted to the electors of the city at the next election other than a school election, held in the city for any purpose whatsoever. The result shall be determined by a majority vote of the electors voting thereon, except in cases where otherwise required by the constitution or laws of the State of Michigan.

Sec. 11.21. - Same—Limitation on referendum; suspension of ordinance; amendment or repeal of initiatory ordinance; conflicting ordinances.

No petition seeking referendum on an ordinance or legislative act of the council shall be valid unless filed with the clerk within thirty (30) days after the effective date of an ordinance or of the adoption date of a resolution. Certification by the clerk of the sufficiency of a petition for referendum shall automatically suspend the operation of the ordinance or legislative act pending repeal by the council or final determination by the electors as the case may be. An ordinance adopted by the electorate through initiatory proceedings may not be amended or repealed by the council for a period of two (2) years after the date of the election at which it was adopted. Should two (2) or more ordinances, adopted at the same election, have conflicting provisions, the one receiving the highest vote shall prevail as to those provisions.

(Amend. No. 21, 11-6-84)
CHAPTER 12. - UTILITY FRANCHISES AND MUNICIPAL OWNERSHIP OF UTILITIES

Sec. 12.1. - Conditions applicable to public utility franchises.

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

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

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

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

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

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

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

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

Sec. 12.2. - Procedures and requirements controlling franchise ordinances, etc.

Every ordinance or resolution granting any franchise or right to occupy or use the streets, highways, bridges, or public places in the city for any purpose shall be complete in the form in which it is finally passed, and remain on file with the clerk for public inspection for at least thirty (30) days before the final passage or adoption thereof, or approval for referral to the electorate. No exclusive or irrevocable franchise shall be granted by the city, unless such proposition shall have first received the affirmative vote of at least three-fifths (3/5) of the electors of the city voting thereon at a regular or special election. No such franchise ordinance, or resolution shall be approved by the council for referral to the electorate until a public hearing has been held thereon, nor until the grantee named therein has filed with the clerk his unconditional acceptance of all terms of such franchise. No special election for such purpose shall be ordered by the council unless the expense of holding such election, as determined by the council, shall have first been paid to the treasurer by the grantee.

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

Sec. 12.3. - General powers relative to municipal utilities and services.

The city shall possess and hereby reserves to itself all powers granted to cities by the constitution and general laws of the State of Michigan to acquire, by purchase or condemnation, the franchises, if any exist, and the property used in the operation of companies or individuals engaged in the electric, light, gas, heat, water and power business and for the purchase and condemnation of private property for any public use or purpose within the scope of the powers specified herein, to construct, own, operate, improve, enlarge, extend, repair and maintain, either within or without its corporate limits, airports, landing fields and aeronautical facilities, hospitals and public utilities, including, but not by the way of limitation, public utilities for treating and supplying water, and for supplying light, heat, power, gas, sewage treatment and garbage disposal facilities, or any of them, to the city and its inhabitants; and also to sell and deliver water, light, heat, power, gas and other public utility services, without its corporate limits to an amount not exceeding the limitations set by the state constitution. The power to supply, as herein possessed and reserved, shall include the power to extract and process water, electricity or gas from natural resources, to manufacture the same or to purchase the same from others.

(Amend. No. 16, 11-8-77)

Sec. 12.4. - Board of public works generally—Management of electric and water utilities of the city.
The board of public works of the City of Holland, having been created, is hereby
continued, and shall be known and designated as the board of public service. Such board,
subject only to the approval of the council, is hereby charged with the duty, power and
responsibility of constructing, maintaining, improving, and extending the electric and water
plants and distribution systems of the city, together with any public heating which may be a by-
product thereof, and with the management, supervision, and control thereof. The title of all
grounds and rights in real or personal property held, purchased, or otherwise secured by or on
behalf of said board, shall be taken in the name of the City of Holland; and said water, electric
and heating plants and works, and everything pertaining thereto, shall be the property of the
city, and all contracts and purchases made by said board, shall be in the name of the city.

Sec. 12.5. - Same—Status of board.

The board of public service [works] and the works, and utilities, under its management,
supervision, and control, shall constitute a department of the city government.

Sec. 12.6. - Same—Composition; appointment, qualifications and terms of
members; filling vacancies.

The board of public works shall be composed of the five (5) members of that board,
who held office on the date that this Charter became law, and the city manager. Said
members shall hold office for the balance of the terms for which they were elected or
appointed prior to the date that this Charter became law. Thereafter, their successors shall be
appointed by the mayor, with the advice and consent of the council, during the month of June
of each year. Each person appointed as a member of the board of public works shall possess
the qualifications required by this Charter for elective officers of the city and shall be appointed
to serve for a term of five (5) years commencing on and dating from the first day of July, next
following his appointment; provided, that persons appointed to fill a vacancy shall assume
office immediately upon appointment and shall hold office only for the balance of the term of
the person creating such vacancy. The city manager, as a member of the board of public
works, shall have the duty of attending all meetings of the board, shall be privileged to
participate in all discussions and proceedings of the board, but shall not be entitled to vote on
questions before the board.

(Amend. No. 12, 4-7-69)

Sec. 12.7. - Same—Organization; officers; quorum.

Said board shall, annually during the month of July, organize and elect one (1) of its
appointed members president. A majority of the board, other than the city manager, shall
constitute a quorum for the transaction of business. The clerk of the city shall be ex officio
clerk of the said board, but shall have no vote therein. He shall have access to all of its
records and papers.

Sec. 12.8. - Same—Public service planning; annual report.

The board of public service [works] shall be charged and entrusted with the
responsibility for the planning of improvements of, additions to, extensions of, and the
operation and maintenance of the public service works of the city relating to the supplying of
electricity and water to the inhabitants of the city, and within any limits provided by law, the
territory surrounding the city. The board shall, annually in the month of March, make a report to the council, by filing the same with the clerk, which report shall present an analysis of the status and needs of the public service works under the board's jurisdiction and the recommendations of the board with respect thereto. Such report shall contain estimates of the costs of all improvements of, additions to, and extensions of the public services of the city which are recommended to be made during the ensuing fiscal year of the city, together with explanations thereof. The council shall have power to modify or disapprove any improvement of, addition to, or extension of the public service works of the city which may be recommended to be made in such report; provided, however, that unless the council shall modify or disapprove of any such recommended improvement, addition, or extension, or any number or combination of the same within thirty (30) days after the date of the first meeting of the council, following the filing of such report with the clerk, such report shall be deemed to be approved by the council. Such report, as approved or modified by the council shall constitute the public service works program of the board of public service [works] for the fiscal year following that in which it is filed and it shall not again be necessary for the board to secure the approval of the council for the making of any improvement of, addition to, or extension of the public service works of the city which is made in accordance with such report as approved or modified by the council. Except as provided in section 12.9, the board of public service [works] shall make no improvement of, addition to, or extension of any public service work of the city in any year, except in accordance with such report as approved or modified by the council with respect to both the nature and the estimated cost thereof, unless the same shall be first approved by the council.

Sec. 12.9. - Same—Budget; additional expenditures.

On or before February 15, of each year, the board of public service [works] shall file with the city manager for the consideration of the council, a budget proposal and a payroll schedule for the next fiscal year of the city. Such budget shall set forth estimates, in substantially the form required by this Charter for budget proposals of the city, of the amount of money, other than moneys estimated to be required for improvements of, additions to, or extensions of the public service works of the city under its control which, according to the judgment of the board, will be required for the public service works of the city during the ensuing fiscal year of the city. The budget proposal of the board of public service [works] shall be appended to and made a part of the budget proposal of the city which is submitted to the council by the city manager. The estimates of the board of public service [works], contained in its budget proposal, may be modified or adopted by the council. In the event that the council does not act upon or complete its action upon such proposed budget by the first day of June, following the filing thereof with the clerk, such proposed budget shall be presumed to have been approved by the council and shall be the budget of the board for the ensuing fiscal year of the city just as though formally approved by the council. The board of public service [works] shall administer its own budget. With the consent of the council, the board may exceed any budget appropriation or allotment where it can transfer a sufficient amount therefor from unencumbered balances within its budget. All proposed expenditures of the board of public service [works] which are not included in the board's planning report provided in section 12.8, or its budget, as approved by the council, shall be approved by the council before any obligation for such expenditures shall be incurred by the board; provided, however, that when by unanimous action of the board, it is deemed necessary for the proper functioning of any utility under the board's jurisdiction to install or construct works, or purchase material for the extension of, or addition to, any such utility beyond its yearly planning or budget report, and when the cost of such extension, addition, or purchase does not exceed the total sum of
$1,000.00, and the money to pay the same is or will be available in the unencumbered funds of the board, then such extension, addition, or purchase may proceed without further authorization; provided, further, that the total cost of all extensions, additions, or purchases made or done under authority by this proviso shall not exceed the sum of $5,000.00 in any fiscal year of the city.

Sec. 12.10. - Same—Employment of superintendent of utilities and other operating personnel.

Subject to budget allowances therefor, and without the necessity of the approval of the council, the board of public service [works] shall have power to employ a superintendent of utilities and all personnel deemed by the board to be necessary for carrying on the supervision, operation, maintenance, and general conduct of the public service works of the city entrusted to it by the provisions of this Charter and budget allowances therefor.

Sec. 12.11. - Same—Expenses and funds generally.

The expenses of conducting the affairs of the board of public service [works] shall be defrayed from the revenues of the public service works of the city under its control, or may be paid or supplemented from the general funds of the city, if the council shall so determine with the concurrence of the board of public service [works]. All funds earned, raised, or realized by the board shall be deposited with the treasurer who shall give a receipt therefor and file a copy thereof with the city auditor. The treasurer shall deposit all such receipts to the credit of the proper fund or account of the city.

Sec. 12.12. - Same—City auditor to provide system of accounts; board accounts generally.

Separate accounts shall be provided for and kept by the city auditor, in the form required by state law, for each public service work which is owned by the city and operated by the board. Such accounts shall show the value of any service rendered to or by such public service work or works of the city with reference to the city itself. Such accounts shall take into consideration and preserve, for the use for which the same were set aside and accumulated, all funds of the city which stand to the credit of the board of public works of the city at the time that this Charter became law. Except as otherwise provided in this Charter, all funds raised for, or realized from the operation of such public service works and utilities of the city shall remain in the accounts to which they have been allocated and no part thereof shall be transferred from or revert to any other account or fund at the close of any fiscal year.

Sec. 12.13. - Same—Annual audit; other reports to council.

The cost of making the annual audit of the accounts of the board of public service [works] shall be defrayed from the funds of the board. The annual audit of the affairs of the board of public service [works] shall show the financial status of the affairs of the board and, as nearly as possible, the financial results of the city ownership and operation of the public service works of the city for which the board is responsible. The board shall also make such other reports and furnish such other information to the council as that body shall require by ordinance or resolution.
Sec. 12.14. - Same—Purchase of water or electricity by city.

With the consent of the council, the board of public service [works] may purchase water or electricity from any person, firm, or corporation, municipal or private, if such purchase may be deemed by the board to be in the best interest of the city and the inhabitants thereof.

Sec. 12.15. - Other city utility services.

The council shall be charged with the responsibility for constructing, maintaining, improving and extending the sewage disposal facilities, the fire alarm system, and such other utilities of the city as existed on the date this Charter became law or which may thereafter have been acquired by the city. Such facilities shall constitute one (1) or more separate departments of the city government or may be assigned by resolution of the council to an appropriate department or division of the city government, or shall be under the administrative charge and responsibility of the city manager as the council shall determine.

Sec. 12.16. - Limitation on use of utility funds.

The receipts from the operation of the electric and water utilities and income from investments shall be applied to the purposes thereof, in accordance with the budget appropriations, including the payment of bonds outstanding or which may be issued for the purposes of such utilities and the interest thereon. The net income shall be determined by deducting from the receipts from operations and income from investments all expenses incurred and charges made or allowed for and on behalf of such utility in accordance with budget appropriations, or by appropriate action under authority of section 9 of this chapter, and after the setting aside of moneys for the payment of principal and interest on indebtedness in accordance with any ordinance or resolution authorizing such indebtedness. Up to fifty percent (50%) of the annual net income of the board may be appropriated by the council to the general purposes of the city. All such net income which is not so appropriated shall be placed in proper accounts or funds of the city which shall be established as reserves for future operations, replacement, extension, or improvement of such utilities. Nothing herein contained shall be interpreted to limit the power of the council to place, for any year, in such accounts or funds a larger percentage than fifty percent (50%) of such net income to the purposes of such utilities, in the event that such appropriation shall be requested by the board of public service [works] and be approved by seven (7) members of the council.

The foregoing limitation of fifty percent (50%) of such net income which may be appropriated by the council for general purposes may be increased in any year by and with the consent of the board of public service [works], and the consent of seven (7) members of the council.

Such funds so established as reserves for the purposes of the utilities may be invested and reinvested by the city auditor as the board of public service [works] shall direct, by and with the approval of the council, in such investments as are authorized by law for investment by fiduciaries. Said funds may be used for the purposes of such utilities upon the recommendation of the board of public service [works], by and with the consent of the council.

The electors of the city may, by a three-fifths (3/5) vote of the qualified electors voting on such proposal at a regular or special election, approve an appropriation of more than fifty percent (50%) of the net income for any year for general purposes, or may approve the placing of more than fifty percent (50%) of the net income for any year in the reserve accounts.
or funds as above provided for the purposes of such utilities, or may approve for other
municipal purposes the use of such accumulated and unallocated accounts or funds as have
been established.

**Sec. 12.17. - Utility rates and charges generally.**

With the approval of the council, the board of public service [works] shall fix the rates to
be charged for all public utility services under its control. The council shall fix the rates to be
charged for all public utility services of the city which are not under the control of the board of
public service [works]. When any person, firm, or corporation, shall fail or refuse to pay to the
city any sums due on utility bills, such service upon which such delinquency exists may be
shut off or discontinued by the proper board or department of the city and suit may be
instituted by the city for the collection of the same in any court of competent jurisdiction.

**Sec. 12.18. - Lien for utility charges; collection of delinquent charges.**

Except as otherwise provided, or limited by state law, the city shall have as security for
the collection of all charges, a lien upon the premises to which such utility services were
supplied. Such lien shall become effective immediately upon the distribution or supplying of
such utility service or services to such premises.

All unpaid charges for utility services furnished to any such premises, which, on the
30th day of June of each year, have remained unpaid for a period of three (3) months, or
more, shall be reported by the city auditor to the council at the first meeting thereof in the
month of July. The council thereupon shall order the publication in a newspaper published in
the city, of notice to all owners of property within the city that all unpaid utility charges which
have remained unpaid for a period of three (3) months or more prior to the 30th day of June,
and which have not been paid by the thirty-first day of July, shall be assessed upon the city's
tax roll against the premises to which the utility services, for which the unpaid charges
accrued, were supplied or furnished; and that such charges shall be collected in the same
manner as the city taxes on said tax roll.

All such utility charges, which remain unpaid on the 31st day of July, shall be
transferred to the city's tax roll and assessed against the premises to which the utility service,
for which the unpaid charges accrued, was supplied or furnished, and shall be collected with,
and in the same manner as, city taxes. If the same have remained delinquent and unpaid after
the expiration of the time limited in the treasurer's warrant for the collection of taxes levied in
said tax roll, such charges shall be returned to the county treasurer to be collected in the same
manner as the lien created by city taxes on the delinquent tax roll of the city.

In the event that any provision of this section shall prove to be incomplete or
inadequate for the carrying out of the purposes thereof, the council shall provide by ordinance
such additional procedures as may be required for the collection of public utility charges, and,
for such purpose, shall have all the powers granted to cities by Act No. 178 of the Public Acts
of 1939, as amended.

*State law reference— See M.S.A., §§ 5.2531(1)—5.2531(7).*

**Sec. 12.19. - Disposal of plants, etc.**
Except for purposes permitted by law, the city shall not sell, exchange, lease, or in any other way alien or dispose of the property, easements, income, equipment, privileges, or assets belonging to and appertaining to any utility which it may own or acquire, unless and except such proposition shall first have been submitted to the qualified electors of the city at a special city election called for that purpose in the manner provided in this Charter, and approved by them by a three-fifths (3/5) majority vote of the electors of the city voting thereon. All contracts, negotiations, licenses, grants, leases, or other forms of transfer in violation of this provision shall be void and of no effect. The provisions of this section shall not, however, apply to the sale or exchange of any article of equipment of any city-owned utility which is worn out or useless, or which is being or has been replaced by new and improved machinery or equipment.

Sec. 12.20. - Board name change, etc.

The name of the "board of public service" is hereby changed to the name of "board of public works," and in each place in the city Charter where the name of "board of public service" appears, the same shall be deemed to mean the "board of public works."

The board of public works shall succeed to all the property, money, contracts, rights, credits, effects, records, files, books and papers belonging to the board of public service, and shall perform all the duties, obligations and functions specified in the Charter to be performed by the board of public service.

(Ammend. No. 1, 4-2-51)

FOOTNOTE(S):

(4) Editor's note—See section 12.20 of this Charter which changes the name of the "board of public service" to the "board of public works." (Back)

Holland, Michigan, Code of Ordinances >> PART I - THE CHARTER >> CHAPTER 13. - RESERVED >>

CHAPTER 13. - RESERVED  [5]

FOOTNOTE(S):

(5) Editor's note—Sections 13.1—13.5 pertaining to the historical/cultural commission were deleted in their entirety by an amendment approved by the electorate on Jan. 28, 1997. (Back)

Holland, Michigan, Code of Ordinances >> PART I - THE CHARTER >> CHAPTER 14. - CITY LIBRARY >>

CHAPTER 14. - CITY LIBRARY

Sec. 14.1. - Library board—Continued; composition; appointment, qualifications and terms of members; vacancies.
Sec. 14.2. - Same—Organization; officers; quorum; appointment of librarian and other personnel; audit of accounts.
Sec. 14.3. - Same—Meetings; powers and duties generally; bylaws, rules and regulations.
Sec. 14.1. - Library board—Continued; composition; appointment, qualifications and terms of members; vacancies.

(a) The library board of the City of Holland, having been created, is hereby continued. The library board shall be composed of five (5) members, appointed in compliance with the provisions of the Charter and such additional members as may be added pursuant to subsection (b) below. The appointed members existing on the date of this amendment shall continue to hold office for the balance of the terms for which they were appointed, and thereafter, their successors shall be appointed by the mayor, with the advice and consent of the council, during the month of June in each year for a term of five (5) years. Each person appointed as a member of the library board by the city shall possess the qualifications required by this Charter for elective offices of the city and shall be appointed to serve for a term of five (5) years, commencing on the first day of July, following their appointment. A person, appointed to fill a vacancy, shall assume office immediately upon appointment and shall hold office only for the balance of the term of the person creating such vacancy.

(b) There may be added to the library board one or more township members, appointed by their respective township boards. No township shall have more than one member on the library board. The addition of a township member shall be only for the term of any intergovernmental contract for library services, or renewal thereof, entered into between the city and the township. The removal and term of the appointment of the township member shall be governed by the terms, conditions and agreements of the applicable intergovernmental contract. The township member shall have all rights, privileges and duties, without qualification, as any city member of the library board.

(Amend. No. 22, 11-7-89)

Sec. 14.2. - Same—Organization; officers; quorum; appointment of librarian and other personnel; audit of accounts.

The library board shall, at its first regular meeting in the month of July in each year, organize and elect one (1) of its members president. The clerk shall be the clerk of the board. A majority of the board shall constitute a quorum for the transaction of business. The board shall appoint a librarian and all necessary personnel required to operate and conduct the affairs entrusted to it, subject to budget allowances therefor. The accounts of the board shall be subject to audit at the time the general accounts of the city are audited.

Sec. 14.3. - Same—Meetings; powers and duties generally; bylaws, rules and regulations.

The library board shall hold at least one (1) regular meeting in each calendar month, and shall be charged and entrusted with the management, supervision, and control of all city library facilities which are or shall be owned or operated by the city and shall have power to make and adopt all such bylaws, rules, and regulations as they may deem necessary and
expedient for the transaction of their business, not inconsistent with the general ordinances of
the city, or the provisions of this Charter.

Sec. 14.4. - Same—Annual estimate for library purposes.

On or before the fifteenth day of February of each year, the board shall submit to the
council careful estimates in detail of the amount of money which, according to the judgment of
the board, will be needed for the library facilities of the city during the ensuing fiscal year of the
city, which estimates may be increased, modified or adopted by the council as in its judgment
may seem justifiable.

Sec. 14.5. - Same—Budget and appropriation for library board; additional
expenditures.

The council shall, during the month of May, in each year, adopt a resolution providing a
budget for, and an appropriation of the money needed by, the library board for the operation of
the library facilities of the city during the ensuing fiscal year of the city. The board shall
administer its own budget. With the consent of the council, the board may exceed any budget
appropriation or allotment where it can transfer a sufficient amount therefor from
unencumbered balances within its budget. All proposed expenditures of the library board
which are not included in the board's budget, as approved by the council, shall be approved by
the council, before any obligation for such expenditures shall be incurred by the board.

(Ammend. No. 8, 10-3-64)

Sec. 14.6. - Library receipts to city treasurer; library fund.

The board shall pay daily to the city treasurer all moneys received by it and shall file
with him a detailed statement thereof and shall file a copy of such statement with the receipt of
the treasurer attached thereto, with the clerk. The treasurer shall credit all such moneys to a
fund within the accounts of the city, to be known as the "library fund."

Holland, Michigan, Code of Ordinances >> PART I - THE CHARTER >> CHAPTER 15. - PUBLIC
IMPROVEMENTS >>

CHAPTER 15. - PUBLIC IMPROVEMENTS

Sec. 15.1. - City may perform public work.
Sec. 15.2. - General powers relative to improvements and special assessments.
Sec. 15.3. - Resolution to proceed with public improvement.
Sec. 15.4. - Cost of acquired property added.
Sec. 15.5. - Report of city manager.
Sec. 15.6. - Resolution of determination on project.
Sec. 15.7. - Vote required upon objections to improvement.
Sec. 15.8. - Determination by the council; resolution of approval, etc.
Sec. 15.9. - Special assessment roll generally—Preparation, etc.
Sec. 15.10. - Same—Assessor to file assessment roll with clerk, etc.
Sec. 15.11. - Same—Resolution of acceptance, etc.; meeting to review roll; objections, etc.
Sec. 15.1. - City may perform public work.

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

Sec. 15.2. - General powers relative to improvements and special assessments.

The council shall have the power to determine the necessity of any local or public improvement, and to determine that the whole or any part of the expense shall be defrayed by special assessment upon the property especially benefited.

Sec. 15.3. - Resolution to proceed with public improvement.

No contract or expenditure, except for the cost of preparing necessary profiles, plans, specifications, and estimates of cost, shall be made for any public improvement, the cost of which is to be paid by special assessments upon the property benefited thereby, until the council has passed a resolution determining to proceed with such public improvement as hereinafter provided and required.

Sec. 15.4. - Cost of acquired property added.

Whenever any property is acquired by condemnation, or otherwise, for the purpose of any public improvement, the cost thereof, and of the proceedings required to acquire such property, may be added to the cost of such improvement.

Sec. 15.5. - Report of city manager.

Before the council shall consider the making of any public improvement, the same shall be referred by resolution to the city manager directing him to submit a report which shall
include necessary plans, profiles, specifications, estimates of cost, an estimate of the life of the improvement, a description of the assessment district or districts, and such other pertinent information as will permit the council to decide the cost, extent, and necessity of the improvement proposed, and what part or portion thereof should be paid by special assessments upon the property benefited and what part, if any, should be paid by the city at large. The council shall not determine to proceed with the making of any local special improvement until such report has been submitted by the city manager, nor until after a public hearing thereon has been held by the council.

Sec. 15.6. - Resolution of determination on project.

After the city manager has presented the report hereinbefore required for making any public improvement as requested in the resolution of the council and after it has reviewed said report, a resolution may be passed determining the necessity of the improvement; setting forth the nature thereof; prescribing what part or proportion of the cost of such improvement shall be paid by special assessment upon the property benefited, and what part, if any, shall be paid by the city at large; designating the limits of the special assessment district to be affected; designating the manner by which the benefits to be derived by such improvement by property located in such district shall be measured and assessed; designating a date and time when the council will hold a public hearing on such improvement, directing the clerk to publish notice of a public hearing for the purpose of giving an opportunity for interested persons to be heard, which notice shall be published at least one (1) week prior to the holding of such hearing, and placing the complete information on file in the office of the clerk where the same may be found for examination.

(Amend. No. 5, 4-6-53)

Sec. 15.7. - Vote required upon objections to improvement.

If at, or prior to, the hearing by the council on the making of any public improvement, more than fifty percent (50%) of the number of owners of privately owned real property to be assessed for any improvement shall object in writing to the proposed improvement, the improvement shall not be made by proceedings authorized by this chapter without a two-thirds (2/3) vote of the members of the council.

Sec. 15.8. - Determination by the council; resolution of approval, etc.

At the public hearing on the proposed improvement, all persons interested shall be given an opportunity to be heard, after which the council may determine to proceed with the improvement without change, or to modify the scope of the public improvement or the assessment therefor, or both, as they [it] shall deem to be in the best interest of the city as a whole, or to abandon the improvement. If the determination of the council shall be to proceed with the improvement in any manner, a resolution shall be passed approving the necessary profiles, plans, specifications, and estimates of cost, and directing the assessor to prepare a special assessment roll in accordance with the council's determination and report the same to them for confirmation, which special assessment roll may be ordered to be made, either forthwith, or after the completion of the public improvement so ordered.

Sec. 15.9. - Special assessment roll generally—Preparation, etc.
The assessor shall make a special assessment roll of all lots and parcels of land within the designated district benefited by the proposed improvement and assess to each lot or parcel of land the amount which each such lot or parcel of land, together with the improvements thereon is deemed to be or capable of being benefited by the improvement to which such special assessment roll relates, together with the amount to be collected at the time of the collection of each installment of deferred special assessment, if the decision of the council shall be to collect the cost of such improvement in installments. The amount spread in each case shall be based upon the city manager's estimates of cost, as approved by the council; provided, that in the event that the special assessment roll is ordered to be made after the completion of the improvement ordered to be made by the council, the amount so spread shall be based upon the actual cost of the improvement.

Sec. 15.10. - Same—Assessor to file assessment roll with clerk, etc.

When the assessor shall have completed such assessment roll, he shall file the same with the clerk for presentation to the council for review and confirmation by it.

Sec. 15.11. - Same—Resolution of acceptance, etc.; meeting to review roll; objections, etc.

Upon receipt of such special assessment roll, the council, by resolution, shall accept such assessment roll and order it to be filed in the office of the clerk for public examination; shall fix the time and place the council will meet to review such special assessment roll, and direct the clerk to publish a notice of a public hearing for the purpose of giving an opportunity for interested persons to be heard. Such notice shall be made by publication at least one week prior to the holding of the hearing. The hearing required by this section may be held at any regular, adjourned, or special meeting of the council. At this meeting, all interested persons or parties shall present their objections or other comments, if any, to the making of the improvement or improvements contemplated and to the special assessment roll therefor.

Sec. 15.12. - Same—Changes and corrections in assessment roll; confirmation of roll; liens for special assessments generally.

The council shall meet at the time and place designated for the review of such special assessment roll and, at such meeting, or adjourned meeting thereof, shall consider all objections thereto. The council may adopt the special assessment roll as submitted by the assessor; may correct said roll as to any special assessment or description of any lot or parcel of land or other errors appearing therein; or it may annul such assessment roll and the same proceedings shall be followed in making a new roll as the making of the original roll. If, after hearing all objections and making a record of such changes as the council deems justified, the council is satisfied with said special assessment roll as submitted by the assessor or as corrected by it, it shall thereupon pass a resolution confirming such roll, and commanding the treasurer to collect the various sums appearing thereon or, if so directed by the council, to spread the same upon the tax rolls of the city for the full amounts, or in annual installments if the decision of the council shall be to collect the costs of such improvements in installments.

Such roll shall have the date of confirmation endorsed thereon and shall from that date be final and conclusive for the purpose of the improvement to which it applies, subject only to adjustment to conform to the actual cost of the improvement, as provided in section 11.18 [15.18] of this chapter. All special assessments shall from the date of the confirmation of the
roll therefor, constitute a lien upon the respective lots or parcels of land assessed, and shall be charged against the owner or owners of such lots or parcels of land or the heir or heirs or assign or assigns of such owner or owners, until paid.

Sec. 15.13. - Deviation from plans and specifications.

No deviation from original plans or specifications, as adopted, shall be permitted by any officer or employee of the city without authority of the council by resolution. A copy of the resolution authorizing such change or deviation shall be certified by the clerk and attached to the original plans and specifications on file in his office.

Sec. 15.14. - Collection of special assessments generally.

All special assessments, except such installments thereof as the council shall make payable at a future time as provided in this chapter, shall be due and payable upon confirmation of the special assessment roll. Within ten (10) days after such special assessment roll has been certified by the council, the clerk shall deliver such roll to the treasurer for the collection of the several sums assessed thereon.

Sec. 15.15. - Payment of special assessments in installments.

The council may provide for the payment of special assessments in annual installments. Such annual installments shall neither exceed fifteen (15) in number nor extend beyond the stated useful life of the public improvement. The first installment shall be due upon confirmation of the roll and the deferred installments being due annually thereafter, or, in the discretion of the council, may be spread upon and made part of each annual city tax roll thereafter, until all annual installments have been spread. Interest shall be charged on all unpaid installments of special assessments, from and after a date fixed by the council, which rate shall not exceed the rate established and permitted by law. The whole or any number of deferred installments, with interest accrued thereon, to the date of payment, may be paid in advance of the due dates as established therefor.

(Amend. No. 6, 4-6-53; Amend. No. 23, 11-7-89)

Sec. 15.16. - Further provisions relative to special assessment liens; delinquent special assessments.

Special assessments, from the date of the confirmation of the roll for the public improvement to which they apply, and all interest and collection and penalty charges thereon shall be and remain a lien upon the property assessed of the same character and effect as the lien created by general law for state and county taxes, and by this Charter for city taxes, until paid. Special assessments and installations thereof which are collected on the city tax rolls shall be subject to the same collection fees and interest charges as are provided under this Charter for city taxes collected on the same rolls. The lands upon which any delinquent special assessments, collection fees, and interest charges, are a lien, shall be subject to sale, the same as are the lands upon which delinquent city taxes are a lien and subject to sale.

Sec. 15.17. - Abatement or removal of hazards and nuisances.
When any lot, building or structure within the city, because of accumulation of refuse, or debris, the uncontrolled growing of noxious weeds, or of age or dilapidation, or because of any other condition or happening, becomes, in the opinion of the council, a public hazard or nuisance which is dangerous to the health, safety or welfare of the inhabitants of the city or by those residing or habitually going near such lot, building, or structure, the council may, after investigation, give notice by publication or by registered mail addressed to the last known address of the owner or owners of the land upon which such nuisance exits, or to the owner of the building or structure itself, specifying the nature of the nuisance and requiring such owner to alter, repair, tear down, abate or remove the nuisance promptly and within a time to be specified by the council, which shall be commensurate with the nature of the nuisance. 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 are not known, the council may order such hazard or nuisance 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. The cost of such abatement may be assessed against the lot, premises, or description of real property upon which such hazard or nuisance is located by special assessment. The council shall determine what amount or part of each such expense shall be charged, and the person, if known, against whom, and the premises upon which the same shall be levied as a special assessment; and as often as the council shall deem it expedient, it shall require all of the several amounts so reported and determined, and the several lots or premises and the persons, chargeable therewith, respectively, to be notified by the clerk either by registered mail sent to their last known address as shown on the assessment roll of the city or by publication. Such notice shall state the basis of the assessment, the cost thereof, and shall give a reasonable time, which shall not be less than thirty (30) days, in which payment shall be made. In all cases where payment is not made within the time limit, the same shall be reported by the clerk to the assessor who shall spread such amounts charged against the several persons or descriptions of real property chargeable therewith on the next tax roll for the collection of city taxes.

The council may declare acts or conditions which are or may be dangerous to the health, safety, or welfare of the inhabitants of the city to constitute hazards or nuisances, by ordinance, and shall in such ordinance or ordinances provide for the abatement thereof and may also provide that the costs of such abatement be charged against the lot, premises, or description of real property on which the hazard or nuisance is located and the owner thereof as a special assessment.

**Sec. 15.18. - Additional assessments; refunds.**

The city manager shall, within sixty (60) days after the completion of each public improvement, compile the actual cost thereof and certify the same to the treasurer, who shall adjust the special assessment roll to correspond therewith, subject to the limitation contained in section 11.9 [15.9]. When any special assessment roll shall prove insufficient to meet the costs of the improvement for which it was made, the council shall make an additional pro rata assessment, but the total amount assessed shall not exceed the value of benefits received by any lot or parcel of land. Should the assessment prove larger than necessary by five percent (5%) or less, the council may place the excess in the city treasury. If more than five percent (5%), the excess shall be refunded pro rata according to assessments. In either case, the council may provide by resolution that the amount of any such excess may be allowed as a credit on the last installment where such installment still remains unpaid at the time the final cost of the improvement is determined.
Sec. 15.19. - Provisions particularly applicable to sidewalks.

The council shall have the power to require the owners of lots and premises to build, construct, rebuild, reconstruct, and repair sidewalks in the public streets adjacent to and abutting upon such lots and premises, and to keep them in repair at all times, and to construct and lay the same upon such lines and grades, and of such width, materials, and manner of construction or reconstruction. The procedure to implement the construction, reconstruction, and repair of sidewalks, including the payment thereof, shall be set forth by ordinance and shall provide for notice and hearing to an affected property owner prior to the construction, reconstruction, or repair. The council, may, by ordinance, provide that if any owner or occupant shall fail or refuse to build, reconstruct, and repair any such sidewalk, the council may proceed to order the sidewalk to be built, reconstructed, and repaired. In the event of new construction of sidewalks, the council may provide, by ordinance, that the cost of the public improvement be paid in equal annual installments, plus interest accruing thereon, at a rate and for a duration as determined by the council. In no event shall the annual installments of principal plus interest exceed the estimated useful life of the public improvement. The payment of the costs of the public improvement shall be in the same manner as set forth in chapter 15 hereof relating to special assessments, the terms thereof being incorporated herein by reference.

In the event of the repair, reconstruction, or rehabilitation of the sidewalks, the council, may provide, by ordinance, that the cost of the public improvement may be paid in the manner prescribed in section 15.20. The council, may, by a two-thirds (2/3) vote of its full membership, pay such part of the expense of building or rebuilding any sidewalk as it may deem proper from the general funds of the city.

Nothing contained herein shall limit or restrict the power and authority of the council to proceed with a sidewalk public improvement pursuant to the other provisions of chapter 15 of this Charter or statutes of this state.

(Amend. No. 19, 11-8-83; Amend. of 1-28-97)

Sec. 15.20. - Assessments on single lots.

When any expense shall be incurred by the city for a public improvement or reconstruction in respect to a separate or single lot, parcel of land, or land or premises, which, by the provisions of this Charter, the council is authorized to charge and collect as a special assessment against the same, which is not of that class of special assessment required to be made pro rata upon several lots or parcels of land in a special assessment district, an account of the labor or services for which such expense was incurred, verified by the city manager, with respect to the lot, or the name of the owner or person, if known, chargeable therewith, shall be reported to the council in such manner as it may prescribe. The council shall determine what amount or part of the cost of any such expense shall be charged, and the person, if known against whom, and the premises upon which, the same shall be levied as a special assessment; and as often as the council shall deem it expedient, it shall require all of the several amounts so reported and determined, and the several lots or premises and persons chargeable therewith respectively to be notified by the clerk either by first class mail, sent to their last known address as shown on the assessment roll of the city or by publication. Such notice shall state the basis of the assessment, the cost thereof, and shall give a reasonable time as determined by the council in which payment shall be made. In all cases where payment is not made within the time limit, the same shall be reported by the clerk to the

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assessor who shall spread such amounts against the several persons or descriptions of real property chargeable therewith on the next roll for the collection of taxes.

(Ammend. No. 19, 11-8-83)

Sec. 15.21. - Additional procedures.

In any case where the provisions of this Charter may prove to be insufficient to carry into full effect the making of any special assessments, the council shall provide by ordinance any additional steps or procedures required to effect the improvement by special assessment procedures.

Sec. 15.22. - Special assessment funds and accounts.

Except as otherwise provided in this chapter, moneys raised by special assessment to pay the cost of any local improvement shall be held in a special fund to pay such cost or to repay any money borrowed therefor and each special assessment account must be used only for the improvement project for which the assessment was levied.

Sec. 15.23. - Contesting, etc., assessments.

Except and unless notice is given to the council in writing of an intention to contest or enjoin the collection of any special assessment for the construction of any public improvement or the removal or abatement of any public hazard or nuisance, within fifteen (15) days after the date of the resolution of the council confirming the assessment roll for such improvement, as provided in section 15.12 of this chapter, which notice shall state the grounds on which the proceedings are to be contested, no suit or action of any kind shall be instituted or maintained for the purpose of contesting or enjoining the collection of such special assessment.

Sec. 15.24. - Reassessment for benefits.

Whenever the council shall deem any special assessment invalid or defective for any reason whatever, or if any court of competent jurisdiction shall have adjudged such assessment to be illegal for any reason whatsoever, in whole or in part, the council shall have power to cause a new assessment to be made for the same purpose for which the former assessment was made, whether the improvement or any part thereof has been completed or not, and whether any part of the assessment has been collected or not. All proceedings on such reassessment and for the collection thereof shall be made in the same manner as provided for the original assessment. If any portion of the original assessment shall have been collected and not refunded, it shall be applied upon the reassessment and the reassessment shall, to that extent, be deemed satisfied. If more than the amount reassessed shall have been collected, the balance shall be refunded to the person or persons making such payment.
Sec. 16.1. - Liability of city for damages; notice to city of claim for injuries; proof of claim, etc.

The city shall not be liable in damages for injury sustained by any person, either to his person or property, by reason of the negligence of the city, its officers or employees, or by reason of any defective public works or public service improvement or facility, or by reason of any obstruction, ice, snow, or other encumbrance thereon unless, within sixty (60) days after such injury shall have occurred, such person or his representative shall serve or cause to be served upon the clerk, a notice in writing which shall set forth substantially the time and place of such injury, the manner in which it occurred, the nature of the act or defect complained of, the extent of such injury as far as the same has become known, the names and addresses of the witnesses known at the time to the claimant, and a statement that the person receiving such injury intends to hold the city liable for such damages as may have been sustained by him. No person shall bring any action for injury to person or property arising out of any of the reasons or circumstances aforesaid, unless brought within the period limited by law from the time such injury was sustained, nor unless he shall have first presented to the clerk his claim in writing and under oath, setting forth particularly the nature and extent of such injury and the amount of damages claimed by reason thereof, which claim shall be presented to the council by the clerk and the council shall be given an opportunity to act thereon, either by allowing or refusing to allow the claim.

It shall be a sufficient bar and answer in any court to any action or proceeding for the collection of any demand or claim against the city, under this section, that the notice of injury and the verified proof of claim, as in this section required, were not presented and filed within the time and in the manner as herein provided.

Sec. 16.2. - Limitation on platting.

Lands or premises hereafter laid out, divided, and platted into lots, streets, and alleys within the city, shall comply with the provisions of state law and shall be subject to the approval of the council. The city shall not be responsible for the improvement of streets and alleys shown on any plot approved by it, excepting such as the council shall accept and confirm by resolution.

Sec. 16.3. - Publication of notices, etc.
The council shall determine the method of publication of all notices, ordinances, and proceedings for which a mode of publication is not prescribed by this Charter or by law. The council may determine that such publication may be made in a newspaper which is printed or circulated in the city, or that such publication may be made by posting in the office of the clerk and in five (5) other places in the city. In case publication is made by posting, a notice of such posting setting forth, by a description thereof, the purpose or nature of the notice, ordinance, or proceeding posted, and the location of the place where posted, shall be published at least once in a newspaper published or circulated in the city within seven (7) days after such posting was done.

Sec. 16.4. - City records to be public.

All records of the municipality shall be public.

Sec. 16.5. - No estoppel by representation.

No official of the city shall have power to make any representation or recital of fact in, or which may be deemed to constitute a part of, any franchise, contract, document, or agreement, contrary to any public record of the city. Any such representation shall be void and of no effect as against the city.

Sec. 16.6. - Continuation of rights and liabilities.

The adoption and taking effect of this Charter shall not discharge, impair, or limit any right vested in or liability incurred by the City of Holland at the time this Charter became law.

Sec. 16.7. - Tense.

Except as otherwise specifically provided or indicated by the context, all words used in this Charter indicating the present tense shall not be limited to the time of adoption of this Charter, but shall extend to and include the time of the happening of any event or requirement for which provision is made therein, either as a power, immunity, requirement, or prohibition.

Sec. 16.8. - Number and gender.

As used in this Charter, every word importing the singular number only, may extend to and embrace the plural number and every word importing the plural number may be applied and limited to the singular number. Every word importing the masculine gender only shall be extended and applied to the feminine as well as the masculine gender.

Sec. 16.9. - Public schools of the city.

The adoption of this Charter by the people of Holland and the taking effect thereof as law shall not affect, nor extend to or include the government of the school district comprising the City of Holland known as the "Public Schools of the City of Holland" and all provisions of law relating to and affecting such school district shall continue to apply to and govern such school district without any change whatsoever.

Sec. 16.10. - Chapter headings and catchlines not part of Charter.
The chapter and section headings used in this Charter are for convenience only and shall not be considered to be a part of this Charter.

Sec. 16.11. - Effect of illegality of any part of Charter.

Should any provision or section, or portion thereof, of this Charter be held by a court of competent jurisdiction to be invalid, illegal, or unconstitutional, such holding shall not be construed as affecting the validity of this Charter as a whole or of any remaining portion of such provision or section; it being hereby declared to be the intent of the Charter commission and of the electors who voted thereon that such unconstitutionality or illegality shall not affect the validity of any part of the Charter, except that specifically affected by such holding.

Sec. 16.12. - Amendments.

This Charter may be amended at any time in the manner provided in Act No. 279 of the Public Acts of 1909, as amended. Should any two (2) or more amendments, adopted at the same election, have conflicting provisions, the one receiving the largest affirmative vote shall prevail as to those provisions.

FOOTNOTE(S):

(6) *Editor's note*— See M.S.A., § 5.2071 et seq. *(Back)*