

CHARTER

CITY OF WALLED LAKE, MICHIGAN

PREAMBLE

We the people of the City of Walled Lake, Oakland County, Michigan, by virtue of authority of the Constitution and of Public Acts 279 of 1909 of the State of Michigan, do hereby ordain and establish this charter for the City of Walled Lake.

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CHAPTER 1
NAME AND BOUNDARIES

Name and Boundaries:

Section 1.1. The name of this organized city is “City of Walled Lake.” It is a body corporate and embraces the following described territory in the Township of Commerce, County of Oakland, State of Michigan, together with such territory as may from time to time be attached thereto, and less such territory as may from time to time be detached therefrom, in accordance with law:

Part of Sections 23, 26, 27, 33, 34 and 35, T2N, R8E, Commerce Township, Oakland County, Michigan, to-wit: Beginning at the southeast corner of Section 33, thence westerly along the south line of Sec. 33 to the west line of the E $\frac{1}{2}$ of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Sec. 33, thence northerly along said west line to the south line of NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 33, thence easterly along said S line of the W. line of east 15 acres of NE $\frac{1}{4}$ of SE $\frac{1}{4}$, Sec. 33, thence northerly along said west line to a point 200 feet north of the east and west $\frac{1}{4}$ line, Section 33, thence easterly along a line 200 feet west of the east line of the W $\frac{1}{2}$ of NW $\frac{1}{4}$. Section 34, thence northerly to a point 200 feet north of the centerline of the Grand Trunk Railway, thence northeasterly 200 feet north of and parallel to said centerline to the west line of the E $\frac{1}{2}$ of the E $\frac{1}{2}$ of the W $\frac{1}{2}$ of Sec. 34, thence northerly along the west line of the E $\frac{1}{2}$ of E $\frac{1}{2}$ of the W $\frac{1}{2}$ of Sec. 34 and 27 to the north line of S $\frac{1}{2}$ of the S $\frac{1}{2}$ of Section 27, thence easterly along said north line to the east section line, Section 27, and the centerline of South Commerce Road, thence northerly along said east section line and centerline of South Commerce Road to a point where South Commerce Road curves to the right, thence northerly along the centerline of said Commerce Road to a point of the east line of said Section 27, thence northerly along said east line to the northeast corner of Section 27, thence easterly along the south line of Section 23 to the west line of E $\frac{1}{2}$ of the SW $\frac{1}{4}$, Section 23, thence northerly along said west line to the north line of the S $\frac{1}{2}$ of the SW $\frac{1}{4}$, Section 23, thence easterly 200 feet, thence southerly 200 feet east of and parallel to west line of E $\frac{1}{2}$ of the SW $\frac{1}{4}$ of Section 23 to the north line of “Clarence Subdivision” thence easterly along said subdivision line to the northeast corner of said subdivision on the westerly shore of Hawk Lake, thence southerly along the westerly shore of Hawk Lake and the easterly line of said subdivision to the southeasterly corner of said subdivision, thence easterly along the south line of said subdivision extended, to a point 200 feet east of the north and south $\frac{1}{4}$ line, Section 23, thence southerly along a line 200 feet east and parallel to the north and south $\frac{1}{4}$ line of Sections 23 and 26, to a point 200 feet north of the centerline of Pontiac Trail, thence northeasterly 200 feet north of and parallel to said centerline, to the east line of the W $\frac{1}{2}$ of the E $\frac{1}{2}$, Section 26, thence southerly along the east line of the W $\frac{1}{2}$ of the E $\frac{1}{2}$ of Sections 26 and 35, to a point 200 feet south of the centerline of the West Maple Road, thence southwesterly, 200 feet south of and parallel to said centerline north and south $\frac{1}{4}$ line, Section to a point 200 feet east of the 35, thence southerly, 200 feet east of and parallel to said $\frac{1}{4}$ line to the south line of Section 35, thence westerly along the south line of Section 35 and 34 to the point of beginning.

CHAPTER 2 MUNICIPAL POWERS

General Powers:

Section 2.1. Unless otherwise provided or limited in this charter, the city and its officers shall possess and be vested with any and all powers, privileges and immunities, expressed or permitted to exercise or to provide for in their charters under the Constitution and statutes of the State of Michigan, including all powers, privileges and immunities which cities are, or may be, permitted to provide in their charters by Act 279 of the Public Acts of 1909 of the State of Michigan, as amended, as fully and completely as though these powers, privileges and immunities were specifically enumerated in and provided for in this charter, and in no case shall any enumeration of particular powers, privileges or immunities herein be held to be exclusive.

The city and its officers shall have power to exercise all municipal powers in the management and control of municipal property and in the administration of the municipal government, whether such powers be expressly enumerated herein or not; to do any act to advance the interests of the city, the good government and prosperity of the municipality and its inhabitants, and through its regularly constituted authority, to pass and enforce all laws, ordinances and resolutions relating to its municipal concerns, subject to the provisions of the Constitution, statutes and this charter.

Further Definition of Powers:

Section 2.2. In addition to the powers possessed by the city under the Constitution and statutes, and those set forth throughout this charter, the city shall have power with respect to, and may, by ordinance and other lawful acts of its officers, provide for the following, subject to any specific limitations placed thereon by this charter:

(a) The acquisition by purchase, gift, condemnation, lease, construction or in any manner permitted by statute, of private property of every type and nature for public use, which property may be located within or without the County of Oakland and which may be required for or incidental to the present or future exercise of the purposes, powers and duties of the city, either proprietary or otherwise;

(b) The maintenance, development, operation, leasing and disposal of city property subject to any restriction placed thereon by statute or this charter;

(c) The refunding of money advanced or paid on special assessments for water main extensions;

(d) The installation and connection of conduits for the service of municipally owned and operated electric lighting plants;

(e) The purchase or condemnation of the franchise and of the property used in the operation of companies or individuals engaged in the cemetery, hospital, almshouse, electric light, gas, heat, water and power business;

(f) The establishment and vacation of streets, alleys, public ways and other public places, and the use, regulation, improvement and control of the surface of such streets, alleys, public ways and other public places and of the space above the beneath them; whether such be located within or without the limits of the city;

Chapter 2, Section 2 (continued)

(g) The acquiring, constructing, establishment, operation, extension and maintenance of facilities for the docking of water craft, hydroplanes and seaplanes, within its corporate limits, including the fixing of collection of charges for use thereof, and for such purpose or purposes, to acquire by gift, purchase, condemnation, or otherwise, the land necessary therefor;

(h) The use, by others than the owner, of property located in streets, alleys and public places, in the operation of a public utility, upon the payment of a reasonable compensation to the owners thereof;

(i) A plan of streets and alleys within and for a distance of not more than three miles beyond t municipal limits;

(j) The use, control and regulation of streams, waters and watercourses within its boundaries, subject to any limitations imposed by statute;

(k) The securing by condemnation, by agreement or purchase, or by any other means, of an easement in property abutting or adjacent to any navigable body of water, an elevated structure of one or more levels for use as a vehicular or pedestrian passageway, or for any other municipal purposes, including a tunnel;

(l) 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;

(m) Regulating restricting and limiting the number and location of oil, gasoline and bottled gas stations;

(n) The establishing of districts or zones within which the use of land and structures, the height, the area, the size and location of buildings and require open spaces for light and ventilation of such buildings, and the density of population may be regulated by ordinance in accordance with statutory provisions governing zoning;

(o) The regulating of trades, occupations and amusements within the city, not inconsistent with state and federal laws, and for the prohibiting of such trades, occupations, and amusements as are detrimental to the health, morals or welfare of its inhabitants;

(p) Licensing, regulating, restricting and limiting the number and locations of advertising signs or displays ad billboards within the city;

(q) The preventing of injury or annoyance to the inhabitants of the city from anything which is dangerous, offensive, or unhealthful, and for preventing and abating nuisances and punishing those occasioning them or neglecting or refusing to abate, discontinue or remove the same;

(r) The prescribing of the terms and conditions upon which licenses may be granted, suspended or revoked; requiring payment of reasonable sums for licenses; and requiring the furnishing of a bond to the city for the faithful observance of the conditions

Chapter 2, Section 2(r) (continued)

under which licenses are granted, and otherwise conditioning such licenses as the Council may prescribe;

(s) The regulating of all airports located within its boundaries, and, for the purpose of promoting and preserving the public peace, safety and welfare, controlling and regulating the use of air above the city by aircraft of all types.

(t) The prohibiting or regulating of the use, occupancy, sanitation and parking of house trailers within the city, and the right of the city to so regulate any house trailer shall not be abrogated because of any detachment thereof from its wheels or because of placing it on, or attaching it to, the ground by means of any temporary or permanent foundation, or in any manner whatsoever;

(u) The requiring of an owner of real property within the city to maintain sidewalks abutting upon such property, and if the owner fails to comply with such requirements or if the owner is unknown, to construct and maintain such sidewalks and assess the cost thereof against the abutting property in accordance with Section 11.9.

(v) The requiring of an owner of real property within the city to abate public hazards and nuisances which are dangerous to the health or safety of inhabitants of the city within a reasonable time after the Council notifies said owner that such hazard or nuisance exists, and if the owner fails to comply with such requirements, or if the owner is unknown, to abate such hazards or nuisance and assess the cost thereof against such property in accordance with Sections 11.9.

(w) The compelling of owners of real property within the city to keep sidewalks abutting upon their property clear from snow, ice or other obstructions, and if the owner fails to comply with such requirements, to remove such snow, ice or other obstructions and assess the cost thereof against the abutting property in accordance with Section 11.9.

(x) The requiring, as a condition of approving plats of lands or premises hereafter laid out, divided, or platted into streets and alleys within the city, that all streets shown on said plat be graded and graveled or otherwise improved, that all etches, drains and culverts necessary to make such streets usable be constructed, that cement sidewalks be constructed in the proper places, all in accordance with city specifications. The Council may accept a bond conditioned upon the installation of such of the foregoing improvements, as it requires within such time as it determines.

Inter-governmental Contracts:

Section 2.3. The city shall have power to join with any governmental unit or agency, or with any number or combination thereof, by contract or otherwise as may be permitted by law, to have performed jointly, or by one or more of them, for or on behalf of the other or others, or by any other person, firm or corporation any power or duty which is permitted to be so performed by law or which is possessed by or imposed upon each such governmental unit or agency.

Chapter 2 (continued)

Exercise of Power:

Section 2.4. Where no procedure is set forth in this charter for the exercise of any power granted to or possessed by the city or its officers, the procedure set forth of the exercise of such power in any statute of the State of Michigan, including statutes passed for the government of any public body, shall govern. If alternate procedures are to be found in different statutes, then the Council shall select that procedure which it deems to be most expedient and to the best advantage of the city and its inhabitants. Where no procedure for the exercise of any power of the city or its officers is set forth, either in this charter or in any statute of the State of Michigan, the Council shall prescribe a reasonable procedure for the exercise of such power.

CHAPTER 3 ELECTIONS

Qualifications of Electors:

Section 3.1. The residents of the city having the qualifications of electors in the State of Michigan shall be electors of the city.

Election Procedure:

Section 3.2. The election of all city officers shall be on a non-partisan basis. The general election statutes shall apply to and control, as near as may be, all procedures relating to registration and city elections except as such statutes relate to political parties or partisan procedure and except as otherwise provided in this charter.

Wards and Precincts:

Section 3.3. The City of Walled Lake shall consist of one ward. The Council shall from time to time establish by resolution convenient election precincts.

Election Date:

Section 3.4 A regular city election shall be held on the first Tuesday following the first Monday of November of each odd- numbered year pursuant to general election statutes.

Section 3.5 The elective officers of the City shall be six Council persons, and a Mayor, all of whom shall be nominated and elected by the electors of the City at large.

At the regular City election in the year 1967, there shall be elected three Council persons and such additional number as may be required to fill vacancies pursuant to the provisions of Section 5.7. The three receiving the highest number of votes shall each be elected for a term of three (3) years and a number equal to the number of vacancies being filled (if any) who shall receive the next highest number of votes in order shall be elected for a term of one (1) year.

Chapter 3, Section 5 (continued)

At the regular City election in 1968, and at each regular City election thereafter, there shall be elected three (3) Councilpersons and such additional number as may be required to fill vacancies pursuant to the provisions of Section 5.7. The three (3) receiving the highest number of votes shall each be elected for a term of four (4) years and a number equal to the number of vacancies being filled (if any) who shall receive the next highest number of votes in order shall each be elected for a term of office of two (2) years.

The terms of office of the duly elected Mayor and City Council of the City of Walled Lake shall begin at 8:00 P.M. on the Monday next following the regular City election, said elections now to be held in November of the odd-numbered years, under the authority vested in the City Council by provisions of Act No. 239 of the Public Acts of 1970.

That the term of office of the Mayor, now extended to the regular election in November, 1973, by the provisions of said Act, shall thereafter be for a term of four years ending on the Monday next following the next regular election of that year.

That the term of office of three Councilpersons, now extended to the regular election in November, 1973, by the provisions of said Act, shall thereafter be for a term of four years ending on the Monday next following the regular election of that year.

That the term of office of three Councilpersons, now extended to the regular election in November, 1975, by the provisions of said Act, shall thereafter be a term of four years ending on the Monday next following the regular election of that year.

Special Elections:

Section 3.6. Special city elections shall be held when called by resolution of the Council at least forty days in advance of such election, or when required by this charter or statute. Any resolution calling a special election shall set forth the purpose of such election. No more city elections shall be called in any one year than the number permitted by statute.

Notice of Elections:

Section 3.7. Notice of the time and place of holding any city election and of the officers to be nominated or elected and the questions to be voted upon shall, except as herein otherwise provided, be given by the Clerk in the same manner and at the same time as provided by statute for the giving of election notices by city clerks.

Voting Hours:

Section 3.8. The polls of all elections shall be opened and closed at the time prescribed by statute for the opening and closing of polls at state elections.

Nominations:

Section 3.9. The method of nomination of all candidates for the city elections shall be by petition. Such petitions for each candidate shall be signed by not less than fifty registered electors of the city. No person shall sign her or his name to a greater number of petitions for any one office than there are persons to be elected to said office at that following regular city election. Where the signature of any individual appears on more petitions than he/she is so permitted to sign, such signatures shall be counted only to the extent he/she is permitted to sign in the order of filing the petitions containing such signatures.

Chapter 3, Section 9 (continued)

Nomination petitions for elective City offices to be filled at the odd year general election shall be filed with the City Clerk by 4:00 p.m. on the seventh Tuesday prior to the odd year general election by the then prevailing local time. Nomination petitions for special elections for the filling of vacancies held pursuant to Sections 5.7. shall be filed with the Clerk between the thirty-fifth day and the thirtieth day preceding such election by 5:00 p.m. by the then prevailing local time.

The Clerk shall, prior to every election, publish notice of the last day permitted for filing nomination petitions and of the number of persons to be nominated or elected to each office at least one week and not more than three weeks before such day.

Form of Petitions:

Section 3.10. The form of petition shall be substantially as that designated by the Secretary of State for the nomination of non-partisan judicial officers. A supply of official petition forms shall be provided and maintained by the Clerk.

Approval of Petition:

Section 3.11. The Clerk shall accept only nomination petitions which conform with the forms provided and maintained by the Clerk and which, considered together, contain the required number of valid signatures for candidates having those qualifications required for the respective elective city offices by this charter.

When a petition is filed by persons other than the person whose name appears thereon as a candidate, it may be accepted only when accompanied by the written consent of the candidate. The Clerk shall, forthwith after the filing of a petition, notify in writing any candidate whose petition is then known not to meet the requirements of this section, but the failure to so notify and candidate shall in no way prevent a final determination that the petition does not meet such requirements. Within three days after the last date for filing petitions, the Clerk shall make his/her final determinations as to the validity and sufficiency of each nomination petition and whether or not the candidate has the qualifications required for his respective elective city office by this charter and shall write his/her determinations thereof on the face of the petition. No petition shall be determined to be valid unless an affidavit of qualifications provided for in Section 5.1. shall be filed with such petition.

The Clerk shall immediately notify in writing the candidate whose name appears thereon of his/her determinations. Such notice to any candidate whose petition is found invalid or insufficient or who is found not to be qualified shall be delivered by personal messenger if possible. Any candidate whose petition is so found invalid or insufficient shall be allowed to file supplementary or replacement petitions before 4:00 p.m. at the then prevailing local time on the fifth day after the last date for filing original petitions; thereafter no further petitions may be filed with such petition.

Public Inspection of Petitions:

Section 3.12. All nomination petitions filed shall be open to public inspection in the office of the Clerk.

Chapter 3 (continued)

Election Commission:

Section 3.13. An Election Commission is hereby created, consisting of the Clerk and two qualified and registered electors of the city who during their term of office shall not be city officers or employees or candidate or nominees for elective city office. These two members shall be appointed by the City Council annually in January for a term of one year. The Clerk shall be chairman. The Election Commission shall appoint the Board of Election Inspectors for each precinct and have charge of all activities and duties required of it by statute and this charter relating to the conduct of elections in the city. The compensation of election personnel shall be determined in advance by the City Council. In any case, where election procedure is in doubt, the Election Commission shall prescribe the procedure to be followed.

Form of Ballot:

Section 3.14. The form, printing and numbering of ballots or the preparation of the voting machines used in any election shall conform as nearly as may be to the provisions of statute, except that no party designation or emblem shall appear. In all city elections, the names of qualified candidates or nominees for each office shall be listed under a separate heading and shall be rotated systematically in the manner prescribed by statute for rotation of names.

If two or more candidates or nominees for the same office have the same or similar surnames, the Election Commission shall print the occupation and residence address under the respective names of each of such candidates or nominees on the ballots (or on labels or slips to be placed on voting machines when used), provided, That for any of such candidates who is an incumbent of such office, the occupation shall be designated as "Incumbent".

Except as provided in this section there shall be no supplementary identification of candidates or nominees on the ballot.

Canvass of Votes:

Section 3.15. The Clerk and the members of the Council shall be the board of canvassers to canvas the votes at all city elections, except that if any of such persons are candidates for office at the election to be canvassed such person shall not serve as a canvasser at such election. The board of canvassers shall convene on the day following each city election at the usual time and place of meeting of the Council and determine the results of the city election upon each question and proposition voted upon and what persons are duly elected to the several offices respectively at said election, and shall notify in writing the successful candidates of their election. The Clerk shall make under the corporate seal of the city duplicate certificates of the determinations of the board and shall file one certificate with the County Clerk and the other in his/her own office.

Tie Vote;

Section 3.16. If, at any city election, there shall be no choice between candidates by reason of two or more persons having received an equal number of votes, then the Council shall name a date for the appearance of such persons for the purpose of determining the election of such candidates by lot as provided by statute.

Chapter 3 (continued)

Recount:

Section 3.17. A recount of the votes cast at any city election for any office or upon any proposition may be had in accordance with election statutes. Unless otherwise required by statute (a) the petition for a recount of votes cast at any city election shall be filed with the Clerk by 4:00 p.m. on the second full day on which the Clerk's office is open for business after the board of canvassers has made its official report of the result of the election and which such votes were cast, (b) any counter petition shall be filed by 4:00 p.m. of the next full day thereafter on which the Clerk's office is open for business and (c) no officer shall be qualified to take office until final determination of any recount of the votes cast for such office.

Recall:

Section 3.18. Any elected official may be recalled from office by the electors of the city in the manner provided by statute. A vacancy created by such recall shall be filled in the manner prescribed by this charter and by statute.

CHAPTER 4 ORGANIZATION OF GOVERNMENT

The City Council:

Section 4.1. There shall be a Mayor and six Councilpersons nominated and elected as herein otherwise provided. The Council shall be composed of seven (7) members consisting of the Mayor and six Councilpersons. The Council shall constitute the legislative and governing body of the city and which shall have power and authority, except as in this charter or by statute otherwise provided, to exercise all powers conferred upon or possessed by the city, and shall have the power and authority to adopt such laws, ordinances and resolutions as it shall deem proper in the exercise thereof. In all cases where the word "Council" is used in this Charter, the same shall be synonymous with the word "Commission" or any other term used in any state or federal law in referring to municipal legislative or governing bodies.

Section 4.2. Members of the Council and the Mayor shall meet the eligibility requirements contained in Section 5.1 of this charter. The Council shall be the sole judge of the election and qualifications of the six councilpersons members, subject only to review by the Court.

Section 4.3. The Mayor shall receive as compensation, the sum of fifty (50) dollars each regular and special meeting of the Council which he/she attends.

Each Councilperson, except the Mayor, shall receive as compensation the sum of thirty-five (35) dollars for each regular and special meeting of the Council which he/she attends.

Such salaries shall be paid quarterly and except as otherwise provided in this charter, shall constitute the only compensation which may be paid the Mayor or Councilpersons for the discharge of any official duty for or on behalf of the city during their term of office. However, the Mayor and Councilpersons may, upon order of the Council be paid such

Chapter 4, Section 3 (continued)

necessary bona fide expenses incurred in services in behalf of the city as are authorized and itemized.

Prior to swearing in, the mayor elect or council member(s) elect may inform the Treasurer in writing they decline the aforementioned compensation. Those in office at the time this amendment is approved shall inform the Treasurer in writing within ten days of the effective date of this amendment of their desire to decline the aforementioned compensation. The Mayor or Councilpersons who provide the Treasurer with written notice declining compensation shall receive no compensation allowable under charter for the remainder of their respective terms.

Election of Mayor, Mayor Pro-tem:

Section 4.4. The Mayor shall be selected by election from the city at large at every other regular city election beginning at the regular city election in 1964.

The term office of the Mayor shall be for four (4) years, commencing at the first meeting of the council following each regular city election at which a Mayor is elected, and expiring at the first Council meeting following the next regular city election at which a Mayor is elected.

At each municipal election, the new Council person from among those incumbents who ran for re-election at the most recent election, who has received the highest number of votes in that election, and who shall have served a tenure of two (2) years shall be Mayor Pro-tem, unless such Councilperson shall in writing notify the clerk of their declination to so serve before such appointment becomes effective, in which event, the councilperson who has received the second highest number of votes in that election shall become Mayor Pro-tem, provided that person has served as a Councilperson for at least two (2) years.

In the event of a vacancy in the office of Mayor Pro-tem, the Councilperson who has received the next highest number of votes at the most recent municipal election, and who shall have served at least two (2) years as a Councilperson, shall become Mayor Pro-tem. In the event that no member of the Council shall have served two (2) years, then the Councilpersons who shall have served the longest on the Council shall become Mayor Pro-tem.

In case of absence or disability of the Mayor, the Mayor Pro-tem shall perform the duties of the Mayor during the period of absence or disability and in the event of both the Mayor and Mayor Pro-tem being absent or disabled, the Council may then designate another of its members to serve as Acting Mayor during such absence or disability.

Duties of Mayor:

Section 4.5. (a) In so far as required by statute, and for all ceremonial purposes, the Mayor shall be the executive head of the city. He shall have a voice in all proceedings of the Council equal with that of other members of the Council but shall have no veto power. He shall be the presiding officer of the Council.

(b) The Mayor shall be a conservator of the peace, may exercise within the city the powers conferred upon sheriffs to suppress riot and disorder, and shall have

authority to command the assistance of all able-bodied citizens to aid in the enforcement of the ordinances of the city and to suppress riot and disorder.

(c) The Mayor shall execute or authenticate by his/her signature such instruments as the Council, this charter or any statutes of the State of Michigan or laws of the United States shall require.

(d) Except as may be required by statute, the Mayor shall exercise only such power as this charter or the Council shall specifically confer upon him/her.
Chapter 4, Section 5 (continued)

(e) In the absence or disability of the Mayor, the Mayor Pro-tem shall perform the duties of Mayor. In the absence or disability of both, the designated Acting Mayor shall perform such duties.

(f) In the event of vacancy in the office of City Manager, the Mayor of the City shall forthwith assume the responsibilities, duties, and powers of the City Manager until the Council shall appoint a new City Manager pursuant to charter provisions.

(g) It shall be the duty of the Mayor to nominate qualified persons to the Council and various Boards and Commissions, and it shall be the Council's duty to accept or reject those nominations.

Administrative Service:

Section 4.6. The administrative officers of the city shall be Attorney, Clerk, Treasurer and Assessor, who shall, subject to the provisions of Section 4.7., be appointed by the Council for an indefinite period, serve at the pleasure of the Council, and shall have their compensation fixed by the Council. The Council may by ordinance create additional administrative offices and may by ordinance combine any administrative offices in any manner it deems necessary or advisable for the proper and efficient operation of the city.

Except as may be otherwise required by statute or this charter the Council shall establish by ordinance such departments of the city as it deems necessary or advisable and shall prescribe therein the functions of each department and the duties, authorities and responsibilities of the officers of each department.

All personnel employed by the city who are not elected officers of the city or declared to be administrative officers, assistant administrative officers, or deputies by, or under the authority of, this charter shall be deemed to be employees of the city. The head of each department shall have the power to hire, suspend, discharge or take other appropriate disciplinary action against the employees of his/her department.

Any administrative officer or employee who has been discharged may within ten days thereafter petition the Council to hear the facts regarding such discharge, and in such case the Council may, in its sole discretion, hold a hearing and inquire into such facts and may make such decision in the matter as it considers proper.

City Manager: Appointment and Qualifications:

Section 4.7. The Council may by ordinance create the office of City Manager or specify the duties, authorities and responsibilities of such office. In the event such office is created the Council may provide that any administrative officer or department of the city

Chapter 4, Section 7 (continued)

except the Attorney shall be placed under the administrative direction of such Manager, and in such event the Manager shall have the power to appoint, subject to confirmation by the Council, such administrative officers of the city as are placed under his/her administrative direction and shall have the power to discharge such administrative officers without confirmation by the Council.

Thereafter when a vacancy exists in the position of City Manager, the Council shall appoint a successor within ninety days. The City Manager shall hold office at the pleasure of a majority of the Council. He/she shall be selected solely on the basis of his/her executive and administrative qualifications with special reference to his/her training and experience. If he/she is not a resident of the city at the time of appointment, he/she shall become a resident thereof within the time set by the Council and shall so remain through his/her tenure of office.

Clerk: Functions and Duties:

Section 4.8. (a) The Clerk shall be the Clerk of the Council and shall attend all meetings of the Council and shall keep a permanent journal of its proceedings in the English language.

(b) The Clerk shall be custodian of the City seal, affix it to all documents and instruments requiring the seal, and shall attest the same. He/she shall also be custodian of all papers, documents, and records pertaining to the city, the custody of which is not otherwise provided for.

(c) The Clerk shall certify by his/her signature all ordinances and resolutions enacted or passed by the Council.

(d) The Clerk shall provide and maintain in his/her office a supply of forms for all petitions required to be filed for any purpose by the provisions of this charter.

(e) The Clerk shall have power to administer oaths of office.

(f) The clerk shall be responsible, unless assigned to some other officer by ordinance, for the maintenance of a system of the accounts of the city which shall conform to any uniform system required by law and by the Council and to generally accepted principles and procedures of governmental accounting. He/she shall make periodic financial statements to the Council.

(g) The Clerk shall perform such other duties as may be prescribed for him/her by this charter or by the Council.

Treasurer: Functions and Duties

Section 4.9. (a) The Treasurer shall have the custody of all moneys of the city, any bond pertaining solely to the Clerk and all evidences of indebtedness belonging to the city or held by the city.

(b) The Treasurer shall collect all moneys of the city the collection of which is not provided for elsewhere by charter or ordinance. He/she shall receive from other

Chapter 4, Section 9 (continued)

officers and employees of the city all money belonging to and receivable by the city that may be collected by such officers and employees, including fines, taxes, assessments, and all other charges. All money shall be turned over to the Treasurer after collection or receipt, and he/she shall in all cases give a receipt therefor.

(c) The treasurer 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 Clerk.

(d) The Treasurer shall disburse all city funds in accordance with the provisions of statute, this charter and procedures to be established by the Council.

(e) The Treasurer shall have such powers, duties and prerogatives in regard to the collection and custody of state, county, school district and city taxes as are conferred by statute upon township treasurers in connection with state, county, township and school district taxes upon real in personal property.

(f) The Treasurer shall perform such duties as may be prescribed for him/her by this charter or by the Council.

Assessor: Functions and Duties

Section 4.10. The Assessor shall possess all the powers vested in, and shall be charged with all the duties imposed upon, assessing officers by statute. He/she shall prepare all regular and special assessment rolls in the manner prescribed by this charter, by ordinance and by statute. He/she shall perform such other duties as may be prescribed for him/her in this charter or by the Council.

Attorney: Functions and Duties:

Section 4.11. (a) The Attorney shall act as legal advisor to, and be attorney and counsel for the Council and shall be responsible solely to the Council. He/she shall advise any officer or department head of the city in matters relating to his/her official duties when so requested and shall file with the Clerk a copy of all written opinions given by him/her.

(b) The Attorney shall prosecute such ordinance violations and he/she shall conduct for the city such cases in court and before other legally constituted tribunals as the Council may request. He/she shall file with the Clerk copies of such records and filed relating thereto as the Council may direct.

(c) The Attorney shall prepare or review all ordinances, contracts, bonds, and other written instruments which are submitted to him/her by the Council and shall promptly give his/her opinion as to the legality thereof.

(d) The Attorney shall call to the attention of the Council all matters of law, and changes or developments therein, affecting the city.

(e) The Attorney shall perform such other duties as may be prescribed for him/her by this charter or by the Council.

Chapter 4 (continued)

(f) Upon the recommendation of the Attorney, or upon its own initiative, the Council may retain special legal counsel to handle any matter in which the city has an interest, or to assist and counsel with the Attorney therein.

Deputy Administrative Officers;

Section 4.12. The Clerk, Treasurer and Assessor may appoint their own deputies subject to the confirmation of the Council, and may terminate the status of their deputies upon written notice to the Council and with Council approval. 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 Council.

Planning and Zoning:

Section 4.13. The Council shall maintain a city planning commission in accordance with and having all the powers and duties granted by the provisions of statute relating to such commissions.

The Council shall maintain a zoning ordinance in accordance with the provisions of statute relating to such ordinances. In so far as may be, such ordinance shall provide that zoning be coordinated with the work of the city planning commission.

Independent Boards and Commissions:

Section 4.14. The Council may not create any board or commission, other than those provided for in this charter, to administer any activity, department or agency of the city government except (a) a municipal hospital, (b) a municipal cemetery, (c) recreation, or (d) any activity which by statute is required to be so administered. The Council may, however, establish (a) quasi-judicial appeal boards and (b) boards or commissions to serve solely in an advisory capacity.

CHAPTER 5 GENERAL PROVISIONS REGARDING OFFICERS AND PERSONNEL OF THE CITY

Eligibility for Office in City:

Section 5.1. No person shall hold any elective office of the city unless he or she has maintained his or her residence within the established boundaries of the city for at least one year immediately prior to the last day for filing original petitions for such office, or prior to the time of his/her appointment to fill a vacancy.

No person shall hold any elective office unless he or she is a qualified and registered elector of the city on such last day for filling, or at such time of appointment. Failure to remain a qualified and registered elector of the city shall forfeit the right to continue in such office.

Each candidate for elective office shall file with his/her petition an affidavit that he/she possesses the qualifications for such office provided in this section. Failure to file such affidavit shall invalidate his/her petition.

No person shall be eligible for any elective or appointive city office who is in default to the city or to any other governmental unit of the State. The holding of office by any person who is in such default shall create a vacancy unless such default shall be
Chapter 5, Section 1 (continued)

eliminated within thirty days after written notice thereof by the Council, or unless such person shall in good faith be contesting the liability for such default.

Each unpaid member of a city board or commission shall have been a resident of the city for at least one year prior to the day of his/her appointment and shall be a qualified and registered elector of the city on such day and throughout his/her tenure in office.

All officers of the city shall be United States citizens.

No elective officer may be appointed to any city office or be employed by the city during the term of office for which he or she was elected.

Vacancies in Elective Office:

Removal from Office:

Section 5.2. Any elective city office shall be declared vacant by the Council upon the occurrence of any of the following events before the expiration of the term of such office.

- (a) For any reason specified by statute or by this charter as creating a vacancy in office;
- (b) If no person is elected to, or qualifies for, the office at the election at which some office is to be filled;
- (c) If the officer shall be found guilty by a competent court of the State of Michigan of any act constituting misconduct in office under the provisions of this charter;
- (d) If the officer shall be absent continuously from the city for more than thirty consecutive days in any one year without the permission of the Council;
- (e) In the case of any members of the Council, if such officer shall miss four consecutive regular meetings of the Council or twenty-five (25) percent of such meetings in any fiscal year of the city, unless such absences shall be excused by the Council at the same time of each absence.
- (f) If the officer is removed from office by the Council in accordance with the provisions of Section 5.4.

Vacancies in Boards and Commissions:

Section 5.3. The office of any member of any board or commission created by, or pursuant to, this charter shall be declared vacant by the Council:

(a) For any reason specified by statute or by this charter as creating a vacancy in office;

(b) If the officer shall be found guilty by competent tribunal of any act constituting misconduct in office under the provisions of this charter.

(c) If such officer shall miss four consecutive regular meetings of such board or commission, or twenty-five (25) per cent of such meetings in any fiscal year of the city, Chapter 5, Section 3(c) (continued)

unless such absences shall be excused by such board or commission and the reason therefor entered in the proceedings of such board or commission at that time of each absence.

(d) If the officer is removed from office by the Council in accordance with the provisions of Section 5.4.

Removals From Office:

Section 5.4. Removals by the Council of elective officers or of members of boards or commissions shall be made for either of the following reasons: (a) for any reason specified by statute for removal of city officers by the Governor, (b) for any act declared by this charter to constitute misconduct in office. Such removals by the Council shall be made only after hearing of which such officer has been given notice by the Clerk at least ten days in advance, either personally or by delivering the same at his/her last known place of residence. Such notice shall include a copy of the charges against such officer. The hearing shall afford an opportunity to the officer, in person or by attorney, to be heard in his/her defense, to cross-examine witnesses and to present testimony. If such officer shall neglect to appear at such hearing and answer such charges, his/her failure to do so may be deemed cause for his/her removal. A majority vote of the members of the Council in office shall be required for any such removal.

Resignations:

Section 5.5. Resignations of elective officers and of members of boards and commissions 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 appointing officer or body and shall be acted upon immediately.

Filling Vacancies in Appointive Offices:

Section 5.6. Vacancies in appointive offices shall be filled in the manner provided for making the original appointment. In case of members of boards and commissions appointed for definite term, such appointments shall be for the unexpired term.

Filling Vacancies in Elective Offices:

Section 5.7. (a) Any vacancy which occurs in the Council more than one hundred twenty days before the next regular city election shall be filled within sixty (60) days by a majority vote of the remaining members of the Council, said appointee to hold office until the Monday following such elections, at which election such vacancy shall be filled as provided in Section 3.5 for any balance of the unexpired original term.

Any vacancy which occurs in the Council one hundred and twenty days or less before the next regular city election shall not be filled.

(b) If any vacancy in the office of Council which the Council is authorized to fill is not so filled within sixty (60) days after such vacancy occurs, or if four (4) or more vacancies exist simultaneously in the office of Councilperson such vacancies shall be

Chapter 5, Section 7(b) (continued)

filled for the respective unexpired terms at a special election. In connection with any special election to fill a vacancy or vacancies in any elective office; candidates shall be nominated by petitions in a manner identical to that provided in Sections 3.10 to 3.13 inclusive; the names of all qualified candidates who file sufficient valid nomination petitions thirty (30) days before such special election shall be certified to the Election Commission and placed on the ballot; and all other provisions of this charter, not inconsistent with this section 5.7 shall not apply to the filling of vacancies resulting from recall.

(c) In the event that, between regular City elections, two (2) vacancies on the Council have been filled by appointment and a third (3rd) vacancy occurs, which is more than one hundred twenty (120) days before the next regular City election, than at that time, anything contained in the Charter to the contrary notwithstanding, a special election shall be held for the third (3rd) vacancy and for the unexpired portion of the two (2) previous appointments. The election is to be conducted in the manner as described in paragraph (b) above.

Filling Vacancies in the Office of Justice of the Peace:

Section 5.8. (a) Vacancies in the office of Justice of the Peace occurring sixty (60) days or more before any regular city election, shall be filled by appointment by a majority vote of the members of the Council then in office for a term expiring on the Monday following said regular city election. At such election such vacancy shall be filled for the unexpired term of office through the regular election procedure as provided in Chapter 3 generally and more particularly Section 3.11 and 3.12 thereof, and the Justice so elected shall take office on the Monday following such election.

(b) Vacancies in the office of Justice of the Peace occurring less than sixty (60) days before any regular city election shall be filled by appointment by a majority vote of the members of the Council then in office for a term expiring on the Monday following the next succeeding regular city election. At such election such vacancy shall be filled for the unexpired term of office through the regular election procedure as provided in Chapter 3 generally and more particularly Sections 3.11 and 3.12 thereof, and the Justice so elected shall take office on the Monday following such election.

(c) The provisions of this section shall not apply to the filling of vacancies resulting from recall.

Change in Term of Office or Compensation:

Section 5.9. Except by procedures provided in this charter, the terms of office of the elective officers and of members of boards and commissions appointed for definite terms shall not be shortened. The terms of elective officers of the city shall not be extended

beyond the period for which any such officer was elected except that an elective officer shall, after his/her term has expired, continue to hold office until a successor is elected and has qualified. The Council shall not grant or authorize extra compensation to any officer or employee after the service has been rendered. The salary of any elective officer shall not be increased or decreased from the time of his/her election until the end of the term of office for which he/she was elected.

Chapter 5 (continued)

Oath of Office and Bond:

Section 5.10. Every officer, elected or appointed, before entering upon the duties of the 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 required by statute, this charter, or by the Council. In case of failure to comply with the provisions of this section within ten days from the date of his/her election, or appointment, such officer shall be deemed to have declined the office and 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.

Surety Bonds:

Section 5.11. Except as otherwise provided in this charter, all officers of the city whose duties involve the custody of public property or the handling of public funds, either by way of receipt or disbursement or both, and all other officers and employees so required by the council shall, before they enter upon the duties of their respected offices, file with the city an official bond in such form and amount as the Council shall direct and approve. Such official bond of every officer and employee shall be conditioned that he/she will faithfully perform the duties of his/her office, and will on demand deliver over to his/her successor in office, or other proper officer or agent of the city, all books, papers, moneys, effects and property belonging thereto, or appertaining to his office, which may be in his/her custody as an officer or employee; and such bonds may be further conditioned as the Council shall prescribe. The official bond of every officer whose duty it may be to receive or pay out money, besides being conditioned as above required, shall be further conditioned that he/she will, on demand pay over or account for to the city, or any proper officer or agent thereof, all moneys received by him/her as such officer or employee. The requirements of this paragraph may be met by the purchase of one or more appropriate blanket surety bonds covering all, or a group of, city employees and officers.

All official bonds shall be corporate surety bonds and the premiums thereon shall be paid by the city. The Clerk shall be custodian of all the bonds of all officers or employees, except that the Treasurer shall be custodian of any bonds pertaining solely to the Clerk.

Delivery of Office:

Section 5.12. Whenever any officer or employee shall cease to hold such office or employment for any reason whatsoever, he/she shall within five days, or sooner on demand, deliver to his/her successor in office or to his/her superior all the books, papers, moneys and effects in his her custody as such officer or employee. Any officer violating this provision may be proceeded against in the same manner as public officers generally for a like offense under statute. Any employee found guilty of violating this provision by a competent tribunal may be punished by a fine of not to exceed five hundred (\$500.00)

dollars or imprisonment for not to exceed ninety (90) days, or both, in the discretion of the court.

Pecuniary Interest Prohibited:

Section 5.13. (a) Except as permitted by this section no contract or purchase involving an amount in excess of one hundred dollar shall be made by the city in which any elective or appointive officer or an member of his/her family has any pecuniary
Chapter 5, Section 13(a) (continued)

interest direct or indirect, service or other thing of value is to be furnished to the city for a valuable consideration to be paid by the city or sold or transferred by the city, except the furnishing of personal services as an officer or employee of the city; and the term “member of his/her family” shall include spouse, children, and the spouse of any of them.

(b) Without limiting the generality of paragraph (a) of this section, an officer shall be deemed to have pecuniary interest in a contract if he/she or any member of his/her family is an employee, partner, officer or sales representative of the person, firm or corporation with which such contract is made or a sales representative of such person, firm or corporation. Ownership, individually or in a fiduciary capacity, by an officer or member of his/her family of securities, or of any beneficial interest in securities, of any corporation with which a contract is made or which is a sales representative of any person, firm or corporation with which such contract is made, shall not be deemed to create a pecuniary interest in such contract unless the aggregate amount of such securities, or interest in such securities, so owned by such officer and the members of his/her family, shall amount to ten per cent of any class of the securities of such corporation then outstanding.

(c) A contract in which an officer or a member of his/her family has a pecuniary interest may be made by the city if all of the members of the Council in office at the time having no such interest shall determine that the best interests of the city will be served by the making of such contract and if either such contract is made after comparative prices are obtained or if all of the members of the Council having no such interest shall unanimously determine that the obtaining of comparative prices is not feasible in such particular case. Any Council member may evidence his/her participation in either determination required by this paragraph by vote at a Council meeting or by written instrument filed with the Clerk.

(d) Any officer who knowingly permits the city to enter into any contract in which he/she has pecuniary interest without disclosing such interest to the Council prior to the action of the Council in authorizing such contract, shall be guilty of misconduct in office. Except in the instances specified in paragraph (c) of this section, the determination (by vote or written instrument) of the Council that in a particular case an officer or member of his/her family will not have pecuniary interest in any contract or purchase to be entered into by the city shall be final and conclusive in the absence of fraud or misrepresentation.

(e) No officer shall stand as surety on any bond to the city or give any bail for any other person which may be required by the charter or any ordinance of the city. Any officer of the city who violates the provisions of this paragraph shall be guilty of misconduct in office.

Compensation of Employees and Officers:

Section 5.14. (a) The compensation of all employees and officers of the city whose compensation is not provided for herein shall be fixed by the appointing officer or body within the limits of budget appropriations and in accordance with any pay plan adopted by the Council.

(b) The respective salaries and compensation of officers and employees as fixed by, or pursuant to, this charter shall be in full for all official services of such officers Chapter 5, Section 5.14(b) (continued)

or employees and shall be in lieu of all fees, commissions and other compensation receivable by such officers or employees for their services.

Such fees, commissions and compensation shall belong to the city and shall be collected and accounted for by such officers or employees, and be paid into the city treasury and a statement thereof file periodically with the City Clerk.

(c) Nothing contained in this section shall prohibit the payment of necessary bona fide expenses incurred in service on behalf of the city.

Employee Welfare Benefits:

Section 5.15. The Council shall have the power to make available to the administrative officers and employees of the city and its department and boards any recognized standard plan of group life, hospital, health, or accident insurance either independently of or as a supplement to, any retirement plan provided for the officers and employees.

Section 5.16. Anti-Nepotism: The following relatives and their spouses, (a) of any elected official or of his or her spouse, or (b) of the City Manager or his or her spouse or (c) of City Department Heads or his or her spouse are disqualified from holding any appointive office or employment during the term for which said elective official was elected, or during the employment of such City Manager, or during the term for which the department head was employed: namely, child, grandchild, parent, grandparent, brother, sister, half-brother and half-sister. All relationships shall include those arising from adoption. This section shall in no way disqualify such relatives or their spouse who are bona fide appointive officers or employees of the city at the time of the election of said elective official, or at the time of the hiring of said City Manager or Department head.

Merit System:

Section 5.17. The Council may provide for a merit system for city employees.

CHAPTER 6 THE COUNCIL: PROCEDURE AND MICELLANEOUS POWERS AND DUTIES

Regular Meetings:

Section 6.1. The Council shall provide by resolution for the time and place of its regular meeting and shall hold at least one regular meeting each month. An organizational meeting shall be held on the Monday following each regular city election.

Special Meetings:

Section 6.2. Special meetings shall be called by the Clerk on the written request of the Mayor, the City Manager or any two members of the Council on at least twenty-four hours written notice to each member of the Council, served personally or left at his/her usual place of residence; but a special meeting may be held on shorter notice if all members of the Council are present or have waived notice thereof in writing.

Chapter 6 (continued)

Business at Special Meetings:

Section 6.3. No business shall be transacted at any special meeting of the Council unless the same has been stated in the notice of such meeting. However, if all the members of the Council are present at a special meeting of the Council and consent thereto, any business which might lawfully come before a regular meeting of the Council may be transacted at such special meeting.

Meetings to be Public:

Section 6.4. All regular and special meetings of the Council shall be open to the public and citizens shall have a reasonable opportunity to be heard under such rules and regulations as the Council may prescribe.

Quorum:

Adjournment of Meeting:

Section 6.5. A majority of the members of the Council in office at the time shall be a quorum for the transaction of business at all Council meetings, but in the absence of a quorum a lesser number may adjourn any meeting to a later time or date, and in the absence of all members the Clerk may adjourn any meeting for not longer than one week.

Compulsory Attendance and Conduct at Meetings:

Section 6.6. Any three or more members of Council may by vote either request or compel the attendance of its members and other officers of the city at any meeting of the Council. Any member of the Council or other officer who when notified of such request for his/her attendance fails to attend such meeting for reasons other than confining illness or absence from the Oakland County shall be deemed guilty of misconduct in office unless excused by the Council. The presiding officer shall enforce orderly conduct at meetings and any member of the Council or other officer who shall fail to conduct himself/herself in an orderly manner at any meeting shall be deemed guilty of misconduct in office.

Any police officer designated by the presiding officer of the meeting shall serve as the Sergeant-at-arms of the Council in the enforcement of the provisions of this section.

Chapter 6, Section 6.7.

Section 6.7. The Council shall determine its own organization, rules and order of business subject to the following provisions:

(a) A journal of the proceedings of each meeting shall be kept in the English language by the Clerk and shall be signed by the presiding officer and Clerk of the meeting.

(b) A vote upon all ordinances and resolutions shall be taken by “Yes” and “No” vote and entered upon the records, except that where the vote is unanimous it shall only be necessary to so state.

(c) No member of the Council shall vote on any question in which he/she has a financial interest, other than the common public interest, or on any question concerning Chapter 6, Section 7(c) (continued)

his/her own conduct, but on all other questions each member who is present shall vote when his/her name is called unless excused by the unanimous consent of the remaining members present. Any member refusing to vote except when not so required by this paragraph shall be guilty of misconduct in office.

(d) In all roll call vote the names of the members of the Council shall be called in alphabetical order and the name to be called first shall be advanced one position alphabetically in each successive roll call vote.

(e) The proceedings of the Council, or a brief summary thereof, shall be published within the fifteen days following each meeting. Any such summary shall be prepared by the Clerk and approved by the Mayor and shall show the substance of each separate proceeding of the Council.

(f) There shall be no standing committees of the Council.

Investigations:

Section 6.8. The Council or any person or committee authorized by it for the purpose, shall have the power to inquire into the conduct of any department, office or officer and to make investigations as to matter in which the municipality has an interest. The Council for the purpose stated herein, may summon witnesses, administer oaths and compel the attendance of witnesses and the production of books, papers and other evidence.

Failure on the part of any officer to obey such summons or to produce books, papers and other evidence as ordered under the provisions of this section shall constitute misconduct in office. Failure on the part of any employee or other person to obey such summons or to produce books, papers or other evidence as ordered under the provisions of this section shall constitute a violation of this charter and such person when found guilty of such violation by a competent tribunal may be punished by a fine of not to exceed five hundred or imprisonment not to exceed ninety days, or both, in the discretion of the court.

It is provided further that, in case of failure on the part of any person to obey such summons or to produce such books, papers and other evidence as so ordered, the Council may invoke the aid of the Circuit Court of Oakland County in requiring obedience of such summons or production of such books, papers and other evidence. The Circuit Court of Oakland County, in case of contumacy or refusal to obey such summons or to produce such books, paper and other evidence, may issue an order requiring such person to obey such summons or to produce such books papers and other evidence, and to give evidence touching the matter in question, and any failure to obey such order of the Court may be punished by such Court as contempt thereof.

Providing for Public Health and Safety:

Section 6.9. The Council shall see that provision is made for the public peace and health, and for the safety of persons and property. The Council shall constitute the Board of Health of the city, and it and its officers shall possess all powers, privileges and immunities granted to boards of health by statute.

CHAPTER 7 LEGISLATION

Ordinances and Resolutions:

Section 7.1. All official action of the Council shall be by ordinance, resolution, motion or order. Action by resolution, motion or order shall be limited to matters required or permitted to be so done by this charter or by state or federal law or 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. Each ordinance shall be identified by a short title and by a number and by a code section number if and when the codification of ordinances is completed.

Each proposed ordinance shall be introduced in written or printed form. The style of all ordinances shall be: "The City of Walled Lake ordains:".

Enactment: Amendment, Repeal and Effective Date of Ordinances:

Section 7.2. Subject to the statutes and to the exceptions which follow hereafter, (a) ordinances may be enacted by the affirmative vote of not less than a majority of the members elect of the Council, (b) no ordinance shall be amended or repealed except by an ordinance adopted as aforesaid, (c) no ordinance shall be enacted at the meeting at which it is introduced nor until after the publication of the proceedings or summary thereof of such meeting (which proceedings or summary shall include a statement of its title and purpose), (d) the effective date of all ordinances shall be prescribed therein but the effective date shall not be earlier than 20 days after enactment nor before publication thereof.

It is provided, however, that an ordinance which is declared therein to be an emergency ordinance which is immediately necessary for the preservation of the public peace, health or safety may be enacted at the meeting at which it is introduced or before publication of the proceedings of the meeting at which it is introduced, or may be given earlier effect than twenty days after its enactment, or all three, by five affirmative votes if six or seven members of the Council are present at the meeting at which it is enacted or by four affirmative votes if four or five members of the Council are present at the meeting at which it is enacted.

In case an ordinance is given effect earlier than twenty days after its enactment, the requirements for publication before such ordinance becomes operative may be met by posting copies thereof in conspicuous locations in three or more public places in the city, other provisions of this charter notwithstanding; and the Clerk shall, immediately after such posting, enter in the Ordinance Book under the record of the ordinance a certificate under his/her hand stating the time and place of such publication by posting of the

ordinance, but the failure to do so record and authenticate such ordinance shall not invalidate it or suspend its operation. Such ordinance shall also be published in accordance with Section 7.3. but not as a requirement for the effectiveness thereof.

No ordinance granting any public utility franchise shall be enacted except in accordance with the provisions of Section 14.2.

No ordinance shall be amended by reference to its title only, but the revised sections of the ordinance, as amended, shall be reenacted and published in full. However, an

Chapter 7, Section 2 (continued)

ordinance or section thereof may be repealed by reference to its title and ordinance or code number only.

Publication and Recording of Ordinances:

Section 7.3. Each ordinance shall be published within twenty days after its enactment as defined in Section 17.4. Provided, however, notwithstanding any provision contained herein to the contrary, in cases of ordinances over four hundred words in length, exclusive of title, a digest, synopsis or summary of the ordinance, approved by the City Council, may be published including with such newspaper publication a notice that printed copies of the full text of the ordinance are available for inspection and distribution to the public at the office of the City Clerk.

All ordinances shall be 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 records by their official signature thereon but the failure to so record and authenticate any such ordinance shall not invalidate it or suspend its operation.

Penalties for Violations of Ordinances:

Section 7.4. Any ordinance may provide for the punishment of those who violate its provisions. The punishment for the violation of any ordinance shall not exceed a fine of five hundred dollars or imprisonment for ninety days, or both in the discretion of the court.

Special Requirements for Certain Council Actions:

Section 7.5. (a) Action to vacate, discontinue or abolish any highway, street, lane, alley or other public place, or part thereof, shall be subject to the provisions of statute and shall be by resolution. After the introduction of such resolution and before its final adoption, the Council shall hold a public hearing thereon and shall post or publish notices of such hearing at least one week prior thereto.

(b) The following actions shall require the affirmative vote of five members of the Council for the effectiveness thereof:

- (1) Vacating, discontinuing or abolishing any highway, street, lane, alley or other public place or part thereof.
- (2) Purchasing, selling or leasing of any real estate or interest therein;

- (3) Authorizing the condemning of private property for public use;
- (4) Creating or abolishing any office;
- (5) Appropriating any money;
- (6) Imposing any tax or assessment;
- (7) Reconsidering or rescinding any vote of the Council.

Chapter 7, Section 5 (continued)

- (c) The Council shall not have power to engage in any business enterprise requiring an investment of money in excess of the amount permitted to be so invested by statute unless approved by a three-fifth vote of the electors voting thereon at any general or special election.

Enactment of Codes by Reference:

Section 7.6. In accordance with statute, the Council may enact technical codes by reference thereto in an enacting ordinance without publishing such codes in full.

Severability of Ordinances:

Section 7.7. Unless an ordinance shall expressly provide to the contrary, if any portion of an ordinance or the application thereof to any person or circumstances shall be found to be invalid by a court, such invalidity shall not affect the remaining portions or applications of the ordinance which can be given effect without the invalid portion or application, provided such remaining portions or applications are not determined by the court to be inoperable, and to this end ordinances are declared to be severable.

Compilation and Codification of Ordinances:

Section 7.8. Within two years after the effective date of the charter, and in the discretion of the Council thereafter, the Council shall direct the compilation or codification and printing in loose-leaf or pamphlet form of all ordinances of the city then in force. Such compilation or codification shall be completed within one year thereafter. Any such codification may include provisions not previously contained in ordinances of the city. All requirements for publication of such compilation or codification and of the ordinances contained therein, other provisions of the charter notwithstanding, may be met by making copies thereof available for inspection by, and distribution to, the public at a reasonable charge and by publishing notice of the printing and availability thereof.

The copies of the ordinances and of any compilation, code or codes referred to in the charter may be certified by the clerk, and when so certified shall be competent evidence in all courts and legally established tribunals as to the matter contained therein.

Initiative and Referendum:

Section 7.9. An ordinance may be initiated by petition, or referendum on an enacted ordinance may be had by petition, as hereinafter provided.

Initiatory and Referendary Petitions;

Section 7.10. An initiatory or a referendary petition shall be signed by not less than 25 per cent of the registered electors of the city, as of the date of the last regular city election, and all signatures on said petition shall be obtained within twenty-one days before filing the petition with the clerk. Any such petition shall be addressed to the Council and may be the aggregate of two or more petition papers identical as to contents and simultaneously filed by one person. An initiatory petition shall set forth in full the ordinance it proposed to initiate, and no petition shall propose to initiate more than one ordinance. A referendary petition shall identify the ordinance or part thereof, or code sections it proposed to have repealed.

Chapter 7, Section 10 (continued)

Each signer of a petition shall sign his/her name, and shall place thereon, after his/her name, the date and his/her place of residence by street and number, or other customary designation. To each petition paper there shall be attached a sworn affidavit by the circulator thereof, stating the number of signers thereof and that each signature thereon is the genuine signature of the person whose name it purports to be, and that it was made in the presence of the affiant. Such petition shall be filed with the Clerk who shall, within fifteen days, canvass the signatures thereon. If the petition does not contain a sufficient number of signatures of registered electors in the city, the Clerk shall notify forthwith by registered mail the person filing such petition and fifteen days from such notification shall be allowed for the filing of supplemental petition papers. When a petition with sufficient signatures is filed within the time allowed by this section; the Clerk shall present the petition to the Council at its next regular meeting.

Council Procedure on Initiatory and Referendary Petitions:

Section 7.11. Upon the presentation to the Council of an initiatory or referendary petition by the Clerk, the Council shall, within thirty days, unless otherwise provided by statute, either

- (a) Adopt the ordinance as submitted by an initiatory petition;
- (b) Repeal the ordinance, or part thereof, referred to by a referendary petition;
or
- (c) Determine to submit the proposal provided for in the petition to the electors.

Submission of Initiatory and Referendary Ordinances to Electors:

Section 7.12. Should the Council decide to submit the proposal to the electors, it shall be submitted at the next election held in the city for any other purpose, or, in the discretion of the Council at a special election called for that specific purpose. In the case of an initiatory petition, if no election is to be held in the city for any other purpose within one hundred fifty days from the time the petition is presented to the Council and the Council does enact the ordinance then the Council shall call a special election within sixty days from such date of presentation for the submission of the initiative proposal. The result of all elections held under the provisions of this section shall be determined by a majority vote of the electors voting thereon, except in case where otherwise required by statute or the Constitution.

Ordinance Suspended:

Miscellaneous Provisions on Initiatory and Referendary Petitions:

Section 7.13. The presentation to the Council by the Clerk of a valid and sufficient referendary petition shall automatically suspend the operation of the ordinance in question pending repeal by the Council or final determination by the electors.

An ordinance adopted by the electorate through initiatory proceedings may not be amended or repealed for a period of one year after the date of the election at which it was adopted and an ordinance repealed by the electorate may not be reenacted for a period of

Chapter 7, Section 13 (continued)

one year after the date of the election at which it was repealed; provided, however, that any ordinance may be adopted, amended or repealed at any time by appropriate referendum or of initiatory procedure in accordance with the foregoing provisions of this chapter or if submitted to the electorate by the Council on its own motion.

If two or more ordinances adopted at the same election shall have conflicting provisions, the provisions in the ordinance receiving the highest number of affirmative votes shall govern.

CHAPTER 8 GENERAL FINANCE BUDGET, AUDIT

Fiscal Year

Section 8.1. The fiscal year of the city and of all its agencies shall begin on the first day of July of each year and end on the thirtieth day of June of the following year.

Budget Procedures:

The Council shall designate the City Manager as the budget officer of the city. The budget officer shall prepare and submit to the Council on the third Monday in April of each year, at a special meeting of the Council at 8:00 P.M., of each year, a recommended budget covering the next fiscal year, and shall include therein at least the following information:

(a) Detailed estimates with his/her supporting explanations of all proposed expenditures for each department, office, and agency of the city, and for the court, showing the expenditures for corresponding items for the last preceding fiscal year in full, and for the current fiscal year to March first and estimated expenditures for the balance of the current fiscal year.

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

(c) Detailed estimates of all anticipated revenues of the city from sources other than taxes with a comparative statement of the amounts received by the city from each of the same or similar sources for the last preceding fiscal year in full, and for the current fiscal year to March first, and estimated revenues for the balance of the current fiscal year.

(d) A statement of the estimated balance or deficit 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 any available unappropriated surplus and any revenues from other sources, will be necessary to meet the proposed expenditures.

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

Chapter 8 (continued)

Budget Hearing

Section 8.2. A public hearing on the proposed budget shall be held before its final adoption at such time and place as the Council shall direct. Notice of such public hearing, a summary of the proposed budget and notice that the proposed budget is on file in the office of the Clerk shall be published at least one week in advance of the hearing. The complete proposed budget shall be on file for public inspection during office hours at such office for a period of not less than one week prior to such hearing.

Adoption of Budget:

Section 8.3. Not later than the third Monday in May in each year, the Council shall by resolution adopt a budget for the next fiscal year, shall appropriate the money needed for municipal purposes during the next fiscal year for the city and shall provide for a levy of the amount necessary to be raised by taxes upon real personal property for municipal purposes subject to the limitations contained in Section 9.1.

Budget Control:

Section 8.4. Except for purposes which are to be financed by the issuance of bonds or by special assessment, or for other purposes not chargeable to budget appropriation, no money shall be drawn from the treasury of the city except in accordance with an appropriation thereof for such specific purpose, nor shall any obligation for the expenditure of money be incurred without the appropriation covering all payments which will be due under such obligation in the current fiscal year. The Council by resolution may transfer any unencumbered appropriation balance, or any portion thereof from one account, department, fund or agency to another.

The Council may make additional appropriations during the fiscal year for unanticipated expenditures required of the city, but such additional appropriations shall not exceed the amount by which actual and anticipated revenues of the year are exceeding the revenues as estimated in the budget unless the appropriations are necessary to relieve an emergency endangering the public health, peace or safety.

Except in those cases where there is no other logical account to which an expenditure can be charged, expenditures shall not be charged directly to the contingency fund (or other similar fund). Instead, the necessary part of the appropriation for the contingency fund (or other similar fund) shall be transferred to the logical account and the expenditure then charged to such account.

At the beginning of each quarterly period during the fiscal year, and more often if required by Council, the City Manager shall submit to the Council data showing the relation between the estimated and actual revenues and expenditures to date; and if it shall appear that the revenues are less than anticipated the Council may reduce appropriations, except amounts required for debt and interest charges, to such a degree as may be necessary to keep expenditures within the revenues.

The balance in any budget appropriation which has not been encumbered at the end of the fiscal year shall revert to the general fund.

Chapter 8 (continued)

Section 8.5. The Council shall designate depositories for city funds and shall provide for the deposit of all city moneys. The Council shall provide for security for city deposits as is authorized or permitted by statute, except that personal surety bonds shall not be deemed proper security.

Independent Audit: Annual Report:

Section 8.6. An independent audit shall be made of all city accounts at least annually, and more frequently if deemed necessary by Council. Such audit shall be made by Certified Public Accountants experienced in municipal accounting selected by the Council.

The City Manager or other such officer as the Council may designate shall prepare an annual report of the affairs of the city including a financial report. Copies of such audit and annual report shall be made available for public inspection at the office of the City Clerk within thirty days after the receipt of the audit.

CHAPTER 9 TAXATION

Power to Tax: Tax Limit:

Section 9.1. The city shall have the power to annually levy and collect taxes for municipal purposes. Exclusive of any levies authorized by statute to be made beyond charter tax rate limitations, the annual ad valorem tax levy shall not exceed two per cent of the assessed value of all real and personal property subject to taxation in the city.

Subjects of Taxation:

Section 9.2. 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 matter provided by statute.

Exemptions:

Section 9.3. No exemptions from taxation shall be allowed except as expressly required or permitted by statute.

Tax Day:

Section 9.4. Subject to the exceptions provided or permitted by statute the taxable status of persons and property shall be determined as of the first day of January, which shall be deemed the tax day.

Preparation of the Assessment Roll:

Section 9.5. On or before the first Monday in March the Assessor shall give by first class mail a notice of any increase over the previous year in the assessed value of any property or of the addition of any property to the roll to the owner as shown by such

Chapter 9, Section 5 (continued)

assessment roll. The failure to give any notice or of the owner to receive it shall not invalidate any assessment roll or assessment thereon.

Board or Review:

Section 9.6. The Board of Review shall be composed of three freeholders of the city who shall meet the eligibility requirements for elective officers contained in Section 5.1. and who during their term of office shall not be city officers or employees or be nominees or candidates for elective city office. The filing by a member of the Board of Review of his/her nomination petition for an elective city office or the filing of a consent thereto shall constitute a resignation from the Board of Review. The appointment of members of such Board shall be based upon their knowledge in property valuation. One member of the Board shall be appointed to the Council in January 1956, and in each January thereafter for a term of three years, to replace the member whose term expires that year. The Council shall fix the compensation of the members of the Board. The Board of Review shall annually in February select its own chairman for the ensuing year, and the Assessor shall be clerk of the Board and shall be entitled to be heard at its sessions, but shall have no vote.

Meetings of the Board of Review:

Section 9.7. The Board of Review shall convene in its first session on the second Monday in March of each year at such time of day and place as shall be designated by the Council and shall remain in session for at least eight hours for the purpose of considering and correcting the roll. In each case in which the assessed value of any property is increased over the amount shown on the assessment roll as prepared by the Assessor or any property is added to such roll by the Board, or the Board has resolved to consider at its second session such increasing of an assessment or the adding of any property to such roll, the Assessor shall give notice thereof to the owners as shown by such roll by first class letter mailed not later than the second day following the end of the first session of the Board. The failure to give any such notice or of the owner to receive it shall not invalidate and assessment roll or assessment thereon. The Board of Review shall convene on its second session on the fourth Monday of March of each year at such time of day and place as shall be designated by the Council and shall continue in session until all interested persons have had an opportunity to be heard, but in no case for less than six hours. At the second session, the Board may not increase any assessment or add any property to the rolls, except in those cases in which the Board resolved at its first session to consider such increase or addition at its second session.

Notice of Meetings:

Section 9.8. Notice of the time and place of the sessions of the Board of Review shall be published by the Clerk at least ten days prior to each session of the Board.

Duties and Functions of Board of Review:

Section 9.9. For the purpose of revising and correcting assessments, the Board of Review shall have the same powers and perform like duties in all respects as are by statute conferred upon and required of boards of reviews in townships, except as otherwise provided in this charter. 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 Chapter 9, Section 9 (continued)

wrongfully assessed or omitted from the roll, the Board shall correct the roll in such manner as it seems just. In all cases the roll shall be reviewed according to the facts existing on tax day and no change in the status of any property after said day shall be considered by the Board in making its decisions. Except as otherwise provided by statute, no person other than the Board of Review shall make or authorize any change upon, or additions or corrections to, the assessment roll. It shall be the duty of the Assessor to keep a permanent record of all proceedings and to enter therein all resolutions and decisions of the Board.

Endorsement of Roll:

Section 9.10. After the Board of Review has completed its review of the assessment roll, and not later than the first Monday in April, the majority of its members shall endorse thereon and sign a statement to the effect that the same is the assessment roll of the city for the year in which it had been prepared. The omission of such endorsement shall not affect the validity of such roll.

Clerk to Certify Tax Levy:

Section 9.11. Within three days after the Council has adopted the budget for the ensuing year, the Clerk shall certify to the Assessor the total amount which the Council determines shall be raised by general ad valorem tax. He/she shall also certify all amounts of current or delinquent special assessments and all other amounts of current or delinquent special assessments and all other amounts which the Council requires to be assessed, reassessed or charged upon any property or against any person.

City Tax Roll:

Section 9.12. After the Board of Review has completed its review of the assessment roll, the Assessor shall prepare a copy of the assessment roll to be known as the "City Tax Roll", and upon receiving the certification of the several amounts to be raised, as provided in Section 9.11, the Assessor shall spread upon said tax roll the several amounts determined by the Council to be charged, assessed or reassessed against persons or property. He/she shall also spread the amounts of the general ad valorem city tax according to and in proportion to the several valuations set forth in said assessment roll. To avoid fractions in computation on any tax roll, the Assessor may add to the amount of the several taxes to be raised not more than the amount prescribed by statute. Any excess created thereby on any tax roll shall belong to the city.

Tax Roll Certified for Collection:

Section 9.13. After spreading the taxes the Assessor shall certify the tax roll, and the Mayor shall annex his/her warrant thereto directing and requiring to collect, prior to March first of the following year, from the several persons named in said tax roll the several sums mentioned therein opposite their respective names as a tax or assessment and granting to him/her, for the purpose collecting taxes, assessments on such roll, all the statutory powers and immunities possessed by township treasurers for the collection of taxes. On or before June 15th the roll shall be delivered to the Treasurer for collection.

Chapter 9 (continued)

Tax Lien on Property:

Section 9.14. On July 1st the taxes thus assessed shall become 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 become a lien upon such real property, for such amounts and for all interest and charges thereon, and all personal taxes shall become a first lien on all personal property of such persons so assessed. Such lien shall take precedence over all other claims, encumbrances and liens to the extent provided by statute and shall continue until such taxes, interest and charges are paid.

Taxes Due: Notification Thereof:

Section 9.15. City Taxes shall be due on July first of each year. The Treasurer shall not be required to call upon the persons named in the city tax roll, nor to make personal demand for the payment of taxes, but he/she shall (a) publish, between June fifteenth and July first, notice of the time when said taxes will be due for collection and the penalties and fees for late payment of the same, and (b) mail a bill to each person named in said roll, but in cases of multiple ownership of property only one bill need be mailed.

Failure on the part of the Treasurer to publish said notice or mail such bills shall not invalidate the taxes on said tax roll nor release the person or property assessed from the penalties and fees provided in this chapter in case of late payment or non-payment of the same.

Interest on Late Payment of Taxes:

Section 9.16. All taxes paid on or before the thirty-first day of August shall be collected by the Treasurer without additional charge. On September first he/she shall add to all taxes paid thereafter four percent of the amount of said taxes. Such interest shall belong to the city and constitute a charge and shall be a lien against the property to which the taxes themselves apply, collectible in the same manner as the taxes to which they are added. It is provided, however, that if delivery of the tax roll to the Treasurer, as provided in Section 9.13., is delayed for any reason by more than thirty days after June first, the application of the interest charge provided herein shall be postponed thirty days for the first thirty days of such delay and shall be postponed an additional thirty days for each additional thirty days or major fraction thereof, of such delay.

Failure or Refusal to Pay Personal Property Tax:

Section 9.17. If any person, firm or corporation shall neglect or refuse to pay any personal property tax assessed to him or them by October first, the Treasurer shall collect the same by seizing the personal property of such person, firm or corporation to an amount sufficient to pay such tax, fees and charges for subsequent sale, wherever the same may be found in the state, and from which seizure no property shall be exempt. He/she may sell the property seized to an amount sufficient to pay the taxes and all charges in accordance with statutory provisions. The Treasurer may, if otherwise unable to collect a tax on personal property, sue, in accordance with statute, the person, firm or corporation to whom it is assessed.

Chapter 9 (continued)

Delinquent Tax Roll to County Treasurer:

Section 9.18. All city taxes on real property remaining uncollected by the Treasurer on the first day of March following the date when said roll was received by him/her shall be returned to the County Treasurer in the manner and with like effect as provided by statute for returns by township treasurers, of township, school and county taxes. Such returns shall include all the additional assessments, charges and fees hereinbefore provided, which shall be added to the amount assessed in said tax roll against each property or person. The taxes thus returned shall be collected in the same manner as other taxes returned to the County Treasurer are collected, in accordance with statute, and shall be a remain a lien upon the property against which they are assessed until paid. If by change in statute or otherwise, the Treasurer of the County of Oakland is no longer charged with the collection of delinquent real property taxes, such delinquent taxes shall be collected in the manner then provided by statute for the collection of delinquent township, school and county taxes.

State, County and School Taxes:

Section 9.19. For the purpose of assessing and collecting taxes for state, county and school purposes, the city shall be considered the same as a township, and all provisions of statute relative to the collection of and accounting for such taxes shall apply. For these purposes the Treasurer shall perform the same duties and have the same powers as township treasurers under statute.

CHAPTER 10 BORROWING POWER

Grant of Authority to Borrow:

Section 10.1. Subject to the applicable provisions of law and this charter, the Council may by ordinance or resolution authorize the borrowing of money for any purpose within the scope of powers vested in the city and permitted by law and may authorize the issuance of bonds or other evidences of indebtedness therefore. Such bonds or other evidences of indebtedness shall include but not be limited to the following types:

(a) General obligation bonds which pledge the full faith, credit and resources of the city for the payment of such obligations;

(b) Notes issued in anticipation of the collection of taxes, but the proceeds of such notes may be spent only in accordance with appropriations as provided by Section 8.5.;

(c) In case of fire, flood or other calamity, emergency loans due in not more than five years of the relief of the inhabitants of the city and for the preservation of municipal property;

(d) Special assessment bonds issued in anticipation of the payment of special assessments made for the purpose of defraying the cost of any public improvement, or in anticipation of the payment of any combination of such special assessments. Such special assessment bonds may be an obligation of the special assessment district or districts alone

Chapter 10, Section 1(d) (continued)

or may be both an obligation of the special assessment district or districts and a general obligation of the city;

(e) Mortgage bonds for the acquiring, owning, purchasing, constructing, improving, or operating of any public utility which the city is authorized by this charter to acquire or operate; provided such bonds shall not impose any liability upon such 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 years from the date of the sale of such utility and franchise on foreclosure. Such bonds shall be authorized by a three-fifths vote of the electors voting thereon at any general or special election. A sinking fund shall be created in the event of the issuance of such bonds, 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 bonds at maturity, unless serial bonds are issued of such a nature that no sinking fund is required;

(f) Bonds for the refunding of the funded indebtedness of the city;

(g) Revenue bonds as authorized by statute which are secured only by the revenues from a public improvement and do not constitute a general obligation of the city.

Authorization of Electors Required:

Section 10.2. (a) Except as provided in Section 10.2. (b), no bonds shall be issued without the approval of three-fifths of the electors voting thereon at any general or special election.

(b) The restriction of Section 10.2. (a) shall not apply to bonds issued under Section 10.1. (c) or 10.1. (d) or to bonds the issuance of which cannot, by law, be so restricted by this charter.

(c) No bonds not otherwise requiring the approval of the electors shall be authorized by any resolution or ordinance of the Council unless notice thereof is published at least thirty days prior to the adoption of any such resolution or ordinance, within which period a petition may be filed with the Council signed by not less than ten per cent of the registered electors in which event the Council shall submit the question of the issuance of such bonds to the electors at any regular or special election and such bonds shall not be

authorized and issued unless a three-fifths vote of the electors voting thereon shall vote in favor thereof.

Limits of Borrowing Powers:

Section 10.3. The net bonded indebtedness incurred for all public purposes shall not at any time exceed ten percent of the assessed value of all the real and personal property in the city, provided that in computing such net bonded indebtedness there shall be no excluded money borrowed under the following section: 10.1. (b) (tax anticipation notes), 10.1. (d) (special assessment bonds even though they are also a general obligation of the city), 10.1. (e) (mortgage bonds), 10.1. (g) (revenue bonds), and any other obligations excluded by statute or Constitution from such limitation. The resources of the sinking fund pledged for the retirement of any outstanding bonds shall also be deducted from the amount of bonded indebtedness.

Chapter 10, Section 3 (continued)

The amount of emergency loans which may be made under the provisions of Section 10.1. (c) may not exceed the maximum amount permitted by statute, and such a loan may be made even if it causes the indebtedness of the city to exceed the limit of net bonded indebtedness fixed in this charter. The total amount of such special assessment bonds issued under Section 10.1. (d) which are a general obligation of the city shall at no time by reason of future issues, other than issues of refunding bonds, exceed five percent of the assessed value of all real and personal property subject to taxation in the city as fixed by the last assessment roll of the city, nor shall such bonds be issued in any calendar in excess of one per cent of such assessed value unless authorized by a majority vote of the electors voting thereon at any general or special election.

Applicability of Other Statutory Restrictions:

Section 10.4. The issuance of any bonds not otherwise requiring the approval of the electors shall be subject to applicable requirements of statute with reference to public notice in advance of the authorization of such issues, filing of petitions for a referendum on such issuance, holding of such referendum and other applicable procedural requirements.

Preparation and Record of Bonds:

Section 10.5. Each bond or other evidence of indebtedness shall contain on its face a statement specifying the purpose for which the same is issued and it shall be unlawful for any officer in the city to use the proceeds thereof for any other purpose, and any officer who shall violate this provision shall be deemed guilty of misconduct in office, except that whenever the proceeds of any bond issue or part thereof shall remain unexpended and unencumbered for the purpose for which said bond issue was made, the Council may authorize the use of said funds for the retirement of bonds of such issue. All bonds and other evidences of indebtedness issued by the City shall be signed by the Mayor and countersigned by the Clerk, under the seal of the City. Interest coupons may be executed with the facsimile signature of the Mayor and Clerk. A complete and detailed record of all bonds and other evidences of indebtedness issued by the city shall be kept by the City Manager. Upon the payment of any bond or other evidence of indebtedness, the same shall be "Cancelled."

Section 10.6.

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 sold within three years, after authorization such authorization shall, as to such bonds, be null and void, and such bonds shall be cancelled.

Deferred Payment Contracts:

Section 10.7. The city may enter into installment contracts for purchase of property or capital equipment. Each of such contracts shall not extend over a period greater than five years nor shall the total amounts of principal payable under all such contracts exceed a sum equal to one-sixth of one percent of the total assessed valuation of the city in any one fiscal year of the city.

Chapter 10, Section 7 (continued)

All such deferred payments shall be included in the budget for the year in which the installment is payable.

CHAPTER 11
SPECIAL ASSESSMENTS

General Power Related to Special Assessments:

Section 11.1. The Council shall have the power to determine by resolution that the whole or any part of the expense of any public improvement be defrayed by the special assessment upon the property especially benefited in proportion to the benefits derived or to be derived.

Detailed Procedure to be Fixed by Ordinance:

Section 11.2. The Council shall prescribe by ordinance the complete special assessment procedure governing the initiation of projects, preparation of plans and cost estimates, creation of districts, making and confirming of assessment rolls, correction of errors in the rolls, collection of assessments and other matters concerning the making of improvements by the special assessment method.

Such Ordinance shall be subject to the following provisions:

(a) No resolution finally determining to proceed with establishing any special assessment district for the making of any public improvement shall be enacted until cost estimates have been prepared and a public hearing has been held on the advisability of so proceeding, which hearing shall be held not less than ten days after notice thereof has been published and sent by first class mail to all property owners in the proposed district as shown by the current assessment roll of the city.

(b) No special assessment roll shall be finally confirmed until after a meeting of the Council has been held for the purpose of reviewing such roll, which meeting shall be held not less than ten days after notice thereof has been published and sent by first class mail to all property owners in the proposed district as shown by the current assessment roll of the city.

(c) No original special assessment roll shall be confirmed except by the affirmative vote of five members of the Council if prior to such confirmation written objections to the proposed improvement have been filed by the owners of property in the district which will be required to bear more than fifty percent of the amount of such special assessment.

(d) No public improvement to be financed in whole or part by special assessment shall be made before the confirmation of the special assessment roll for such improvement.

(e) No special assessment district or districts shall be created by the Council for any one public improvement which includes property having an area in excess of twenty-five percent of the total area of the city. No public improvement project shall be divided geographically for the purpose of circumventing this provision.

Chapter 11 (continued)

Special Assessment Powers:

Section 11.3. The Council shall, in the exercise of its powers of special assessment, have power to provide for the following, but this list shall not be exclusive:

(a) For the construction of public parking facilities as a public improvement financed in whole or part by the special assessment method.

(b) For installing a boulevard lighting system on any street as a public improvement to be financed in whole or part by the special assessment upon the lands abutting thereupon, provided that the property owners of a majority of the frontage on such street or part thereof to be so improved shall petition therefore.

(c) For the payment of special assessments in annual installments not to exceed ten in number. The first such installment to be due upon confirmation of the special assessment roll, and subsequent installments to be due in July first of succeeding years and to be placed upon the annual city tax roll, if delinquent, and for an interest charge only until the due date of each such deferred installment not to exceed six percent per year, subject to the right of advance payment of any such installment with interest only to the date of payment.

(d) For making additional pro rata assessments where any special assessment roll proves insufficient to pay for the improvement for which it was levied and the expenses incident thereon, provided that the additional pro rata assessment shall not exceed 25% of the assessment as originally confirmed unless a meeting of the Council be held to review such additional assessment, for which meeting notices shall be mailed as provided in the case of review of the original special assessment roll.

Disposition of Excessive Special Assessments:

Section 11.4. The excess by which any special assessment proves larger than the actual cost of the improvement and expenses incidental thereto may be placed the general fund of the city if such excess is five percent or less of the assessment, but should the assessment prove larger than necessary by more than five percent the entire excess shall be refunded on a pro-rata basis to the owners of the property assessed as shown by the current assessment roll of the city. Such refund shall be made by credit against future unpaid installments to the extent such installments then exist and the balance of such

refund shall be in cash. No refunds may be made which contravene the provisions of any outstanding evidence of indebtedness secured in whole or part by such special assessment.

Additional Assessments: Correction of Invalid Special Assessments:

Section 11.5. Whenever any special assessment shall, in the opinion of the Council be invalid by reason of irregularity or informality in the proceedings, or if any court of competent jurisdiction shall adjudge such assessment to be illegal, the Council shall, whether the improvement has been made or not, or whether any part of the assessments have been paid or not, have power to cause a new assessment to be made for the same purpose for which the assessment was made. All proceedings on such reassessment and for the collection thereof shall be conducted in the same manner as provided for the original assessment, and whenever any sum or part thereof levied upon any property in the assessment so set aside has been paid and not refunded, the payment so made shall be Chapter 11, Section 5 (continued)

applied upon re-assessment, or if the payments exceed the amount of the re-assessment refunds shall be made.

No judgment or decree nor any act of the Council vacating a special assessment shall destroy or impair the lien of the city upon the premises assessed for such amount of the assessment as may be equitably charged against the same or as by regular mode of processing might have been lawfully assessed thereupon.

Contested Assessments:

Section 11.6. No suit or action of any kind shall be instituted or maintained for the purpose of contesting or enjoining the collection of any special assessment (a) unless within thirty days after the confirmation of the special assessment roll written notice is given to the Council of intention to file such suit or action stating the grounds on which it is claimed such assessment is illegal and (b) unless such suit or action shall be commenced within sixty days after confirmation of the roll.

Collection of Special Assessments:

Section 11.7. Upon the confirmation of each special assessment roll the special assessments shall become a debt to the city from the persons to whom they are assessed and shall until paid be a lien upon the property assessed for the amount of such assessment and all interest and charges thereon. Such lien shall be of the same character and effect as created by this charter for city taxes.

Special assessments, or installments thereof, which become due on July first of any year shall be collected in all respects as are city taxes due on July 1 of the same year, and if uncollected on the following first day of March, shall be returned to the County Treasurer with unpaid taxes as provided in Section 9.18.

The initial special assessment installments which become due other than on July first shall, if unpaid for ninety days or more on May first of any year, be certified as delinquent to the Council by the Treasurer and the Council shall place such delinquent assessments on the tax roll for that year together with accrued interest to July first of that year, shall be subject to the same fees and penalties as are city taxes due on that date and if uncollected by the following March first shall be returned to the County Treasurer with unpaid taxes as provided in Section 9.18.

Special Assessment Accounts:

Section 11.8. Except as otherwise provided in this charter, moneys raised by special assessment for any public improvement shall be credited to a special account and shall be used to pay for the costs of the improvement for which the assessment was levied and expenses incidental thereto or to repay any money borrowed therefore.

Assessments for Removal of Hazards, Etc:

Section 11.9. The assessment for the cost of the construction of any sidewalk or the abatement of any hazard or nuisance to be made pursuant to Section 2.2. (u) or Section 2.2. (v), or for the cost of removing snow, ice or other obstructions from sidewalks to be

Chapter 11, Section 9 (continued)

made pursuant to Section 2.2. (w), shall be made by resolution of the Council. Notice of the time at which the Council will act thereon shall be given by first class mail to the owner of the property to be assessed as shown by the current tax roll of the city, except that no notice shall be required in the case of assessments for the removal of weeds, snow or ice. For the purpose of collection of such assessment, the adoption of such resolution shall be equivalent to the confirmation of a special assessment roll. The amount of any such assessment shall become a debt to the City upon adoption of such resolution, to the collection fees and become a lien as provided in Section 11.7. Every such assessment shall also be subject to Sections 11.4, 11.5 and 11.6.

Failure to Mail Notice:

Section 11.10. Failure to mail any notice required to be so sent by this chapter or by ordinance shall not invalidate any special assessment or special assessment roll.

CHAPTER 12 PURCHASES – CONTRACTS – LEASES

Purchase and Sale of Real Property:

Section 12.1. The officer designated by the Council shall be responsible for the purchase and sale of all city property.

Comparative prices shall be obtained for the purchase or sale in the amount not in excess of Two Thousand Five Hundred dollars of all materials, supplies and public improvements except (a) in the employment of professional services and (b) when the Officer designated by the Council shall determine that no advantage to the city would result.

In all sales or purchases in excess of Two Thousand Five Hundred dollars (a) the sale or purchase shall be approved by the Council, (b) sealed bids shall be obtained, and (c) the requirements of Section 12.2 shall be complied with. No sale or purchase shall be divided for the purpose of circumventing the dollar value limitation contained in this section. The Council may authorize the making of public improvements or the performance of any other city work by any city agency without competitive bidding.

Purchases shall be made from the lowest competent bidder meeting specifications unless the Council shall determine that the public interest will be better served by accepting a higher bid, sales shall be made to the bidder whose bid is most advantageous to the city.

All purchases and sales shall be evidenced by written contract or purchase order.

The city may not sell any park, cemetery or any part thereof except in accordance with restrictions placed thereon by statute.

The city may not purchase, sell or lease any real estate or any interest therein except by the affirmative vote of five or more members of the Council.

The purchase and sale of all city property shall be subject to the provisions of Section 5.13.

Chapter 12 (continued)

Detailed purchasing, sale and contract procedures shall be established by ordinance.

Contracts:

Section 12.2. The authority to contract on behalf of the city is vested in the Council and shall be exercised in accordance with the provisions of statute and of this charter, provided that purchases and sales may be made by the City Manager subject to the provisions of Section 12.1.

Any contract or agreement in amount of One Thousand Five Hundred dollars or more made with form or term other than the standard city purchase order form shall before execution be submitted to the Attorney and his opinion obtained with respect to its form and legality. A copy of all contracts or agreements requiring such opinion shall be filed in the office of the Clerk together with a copy of the opinion.

Before any contract, agreement or purchase order obligating the city to pay an amount of Five Hundred dollars or more is executed the accounting officer of the city shall first have certified that an appropriation has been made for payment thereof, or that sufficient funds will be available if it be for a purpose being financed by the issuance of bonds or by special assessments or for some other purpose not chargeable to a budget appropriation. In the case of a contract or agreement obligating the city for periodic payments in future fiscal years for the furnishing of a continuing service for the leasing or property, such certification need not cover those payments which will be due in future fiscal years, but this exception shall not apply to contract for the purchase or construction of a public improvement unless such purchase or construction is being financed by an installment contract under authority of Section 10.6. Certification by the accounting officer of the city shall be endorsed on each contract, agreement or purchase order requiring same or shall be filed as an attachment thereto.

No contract or purchase order shall be subdivided for the purpose of circumventing the dollar value limitations contained in this Section.

No contract shall be amended after the same has been made except upon the authority of the Council, provided that the City Manager may amend contracts for those purchases and sales made by him/her under the authority of Section 12.1.

No compensation shall be paid to any contractor except in accordance with the terms of the contract.

No contract shall be made with any person, firm or corporation in default to the city.

An individual agreement of employment shall not be deemed a contract requiring opinion by the Attorney or certification by the accounting officer of the city.

Restriction on Powers to Lease Property:

Section 12.3. Any agreement or contract for the renting or leasing of public property to any person for a period longer than three years shall be subject to the same referendum procedure as is provided in the case of ordinances passed by the Council but any petition for such referendum must be filed within thirty days after publication of the proceedings of the meeting of the Council at which such agreement or contract is authorized.

Chapter 12, Section 3 (continued)

The transfer or assignment of any agreement or contract for such renting or leasing of public property may be made only upon approval of the Council but approval of such transfer shall not be subject to referendum.

Rentals and leases and renewals thereof shall be for a fair consideration as determined by the Council.

CHAPTER 13 MUNICIPALLY OWNED UTILITIES

General Powers Respecting Utilities:

Section 13.1 The city shall possess and hereby reserves to itself all the powers granted to cities by the Constitution and statute to acquire, construct, own, operate, improve, enlarge, extend, repair, and maintain, either within or without its corporate limits, including, but not by the way of limitation, public utilities for supplying water, light, heat, power, gas, sewage treatment, garbage disposal facilities, and facilities for the storage and parking of vehicles within the corporate limits, or any of them, to the municipality and the inhabitants thereof; and also to sell and deliver water, light, heat, power, gas and other public utility services without its corporate limits to an amount not to exceed the limitation set by the Constitution and statute.

Management of Municipal Respecting Utilities:

Section 13.2. All municipally owned or operated utilities shall be administered as a regular department of the city government and not by a Board or Commission.

Rates:

Section 13.3. The Council shall have the power to fix from time to time such just and reasonable rates and other charges as may be deemed advisable for supplying the inhabitants of the city and others with such public utility services as the city may provide. There shall be no discrimination in such rates within any classification of users thereof, nor shall free service be permitted. Higher rates may be charged for service outside the corporate limits of the city.

Utility Rates and Charges-Collection:

Section 13.4. The Council shall provide by ordinance for the collection of all public utility rates and charges of the city. Such shall provide at least:

(a) That the city shall have as security for the collection of such utility rates and charges a lien upon the real property supplied by such utility, which lien shall become effective immediately upon the supplying of such utility service and shall be enforced in the manner provided in such ordinance.

(b) The terms and conditions under which utility services may be discontinued in case of delinquency in paying such rates or charges.

(c) That suit may be instituted by the city before a competent tribunal for the collection of such rates or charges.

Chapter 13 (continued)

With respect to the collection of rates charged for water the city shall have all the powers granted to cities by Act 178 of the Public Acts of 1939.

Disposal of Utility Plants and Property:

Section 13.5. Unless approved by the affirmative vote of a three-fifths of the electors voting thereon at regular or special election, the city shall not sell, exchange, lease or in any way dispose of any property, easements, equipment, privilege or asset belonging to and appertaining to any municipally owned public utility which is needed to continue operating such utility. All contracts, negotiations, licenses, grants, leases or other forms of transfer in violation of this section shall not apply be void and of no effect as against the city. The restrictions of this section shall not apply to the sale or exchange of any articles of machinery or equipment of any city owned public utility which are worn out or useless or which have been, or could with advantage to the service be, replaced by new improved machinery or equipment to the leasing of property not necessary for the operation of the utility, or to the exchange of property or easement for other needed property or easements.

It is provided, however, that the provisions of this section shall not extend to vacation or abandonment of streets, as provided by statute.

Utility Finances:

Section 13.6. The rates and charges for any municipal public utility for the furnishing of water, light, heat, power or gas shall be so fixed as to at least meet all the costs of such utility.

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

Franchises, Contracts and Leases Remain In Effect:

Section 14.1 All franchises, contracts and leases to which the city is a party when this charter becomes effective shall remain in full force and effect in accordance with their respective terms and conditions.

Granting of Public Utility Franchises:

Section 14.2. Public utility franchises and all renewals, and extensions thereof and amendments thereto shall be granted by ordinance only. No exclusive franchise shall ever be granted. No franchise shall be granted for a longer period than thirty years.

No franchise ordinance which is not subject to revocation at the will of the Council shall be enacted nor become operative until the same shall have first been referred to the people Chapter 14, Section 2 (continued)

at a regular or special election and received the affirmative vote of three-fifths of the electors voting thereon. No such franchise ordinance shall be approved by the Council for referral to the electorate before thirty days after application therefore has been filed with the Council nor until a public hearing has been held thereon, nor until the grantee named therein has filed with the Clerk his/her unconditional acceptance of all terms of such franchise. No special election for such purpose shall be ordered unless the expense of holding such election as determined by the Council shall first been paid to the Treasurer by the grantee.

A franchise ordinance or renewal or extension thereof or amendment thereto which is subject to revocation at the will of the Council may be enacted by the Council without referral to the voters, but shall not be enacted unless it shall have been complete in the form in which it is finally enacted and shall have so been on file in the office of the Clerk for public inspection for at least four weeks after publication of a notice that such ordinance is so on file.

Conditions of Public Utility Franchises:

Section 14.3. All public utility franchise granted after the adoption of this charter, whether it be so provided in the granting ordinance or not, shall be subject to the following rights of the city, but this enumeration shall not be exclusive or impair the right of the Council to insert in such franchise any provision within the power of the city to impose or require:

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

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

(c) To establish reasonable standards of service and quality of products and prevent unjust discrimination in service 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 use, control and regulate the use of its streets, alleys, bridges, and other public places and the space above and beneath them;

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

Regulation of Rates:

Section 14.4 All public utility franchises shall make provisions therein for fixing rates, fares and charges and may provide for readjustments thereof at periodic intervals. The value of the property of the utility used as a basis for fixing such rates, fares and charges shall in no event include a value predicated upon the franchise, goodwill or prospective profits.

Chapter 14 (continued)

Use of Public Places by Utilities:

Section 14.5. Every public utility, whether it has a franchise or not, shall pay such part of the cost of improvement or maintenance of streets, alleys, bridges and other public places as shall arise from its use thereof and shall protect and save the city harmless from all damages arising from said use. Every such public utility may be required by the city to permit joint use of its property and appurtenances located in the streets, alleys and other public places of the city by the city and by other utilities insofar as such joint use may be reasonably practicable and upon payment of reasonable rental therefore. In the absence of agreement and upon application by any public utility, the Council shall provide for arbitration of the terms and conditions of such joint use and the compensation to be paid therefore, and the arbitration award shall be final.

CHAPTER 15 JUSTICE COURT

Establishment of Court:

Section 15.2. The Justice of the Peace shall receive as his/her compensation the usual fees of this office as provided by statute. The Council may, however, by ordinance whenever it deems that the best interests of the city will be served thereby, provide that the Justice of the Peace be paid an annual salary, provided the ordinance establishing such annual salary does not become effective until the expiration of the term of office of the incumbent.

Any salary provided shall be in lieu of all fees, costs and charges to which such Justice would be entitled but for the provisions of this section, except those for the performance of Marriage Ceremonies.

Bond:

Section 15.3. The Justice of the Peace shall, before entering upon the duties of his/her office, give bonds to the Treasurer of the County of Oakland in such sum as provided by statute and to the City of Walled Lake in the like amount. Such bonds shall be subject to the provisions of Section 5.11.

Power and Jurisdiction: General:

Section 15.4. The Justice of the Peace of the city shall have exercise therein and within the county the same jurisdiction, powers and duties as are or may be conferred upon or required of Justices of the Peace in townships by statute and shall be subject to such general laws with respect to such Justices, except as otherwise provided in this charter. The court shall have concurrent jurisdiction with other Justices in the County of Oakland as to all crimes, offenses and misdemeanors when alleged to have been committed within the County of Oakland, whether within or without the city.

Jurisdiction in Charter and Ordinance Cases:

Section 15.5. The Justice of the Peace shall have authority to hear, try and determine all suits and prosecutions for the recovery and enforcing of fines, penalties and forfeitures Chapter 15, Section 5 (continued)

imposed by this charter and the ordinances of the city, and to punish offenders for the violation of such charter and ordinances as in such charter or ordinances prescribed and directed.

Extended Jurisdiction:

Section 15.6. The Justice of the Peace shall also have:

(a) Jurisdiction to the amount of \$500.00 in all civil matters ex contractu and ex delicto with such exceptions and restrictions as are provided by law.

(b) Such power and authority as can under Public Act 279 of 1909 be conferred by this Charter to set aside the verdict or judgment in any civil cause and grant a new trial therein, to be exercised in such manner and on such conditions as provided in said act. The filing of a motion for a new trial or to set aside a verdict or judgment shall have such an effect on the time for taking an appeal from any judgment and upon the issuance and levy of execution or other similar process and sale thereunder and on other proceedings in said cause as provided in said act.

(c) Such additional powers and authority as may now or hereafter be conferred upon city Justices of the Peace by statute.

Section 15.7. The proceedings in all suits and actions before the Justice and in the exercise of the powers and duties conferred upon and required of him, shall except as otherwise provided in this charter be according to and governed by the statutes applicable to justices' courts and to the proceedings before such courts.

Place and Conduct of Court:

Section 15.8. The Council shall furnish necessary supplies and a suitable place for the conducting of the court by the Justice. It may regulate the hours of court of said Justice and may make other necessary and proper rules and regulations for the conduct of the business of the court which are not inconsistent with this charter of statutes.

Transfer of Cases:

Section 15.9. In case of the absence, disability or disqualification of the Justice, any other Justice of the Peace or Municipal Judge of the County of Oakland shall be qualified to act in the place of and for the Justice in the performance of any duties imposed upon him/her by statute or this charter.

The Council shall by ordinance fix the compensation to be paid any such Justice or Judge for such services and the procedure to be followed in calling upon him or her to act. Unless the Council shall so provide by ordinance, no such Justice shall so act or be entitled to compensation therefore.

Fees, Fines and Penalties: Prosecution of State Penal Cases:

Section 15.10. At such time the Council may fix an annual salary for the Justice of the Peace, all fees and all fines, penalties, forfeitures and moneys collected or received by the Court shall be paid over to the City Treasurer on or before the first day of the next month Chapter 15, Section 10 (continued)

after the collection or receipt thereof; and the court shall take the receipt of the Treasurer therefore and file the same with the Clerk. Failure of the presiding officer to comply with the foregoing provisions shall constitute misconduct in office.

If the Justice is paid an annual salary, all fees and all fines, penalties, forfeitures and moneys collected in city ordinances and charter cases shall be credited to the general fund of the city. All costs and fines recovered for the violations of the penal laws of the state, when collected and paid into the city treasury, shall be disposed as provided in statute.

The expenses of prosecution before the Justice for violations of penal laws of the state, and in punishing the offenders, shall be paid by the County of Oakland.

Docket:

Section 15.11. The Justice of the Peace shall keep, at the place of holding court, a docket in the manner required by statute. Failure to comply with the requirements of this section shall constitute misconduct in office.

Violations Bureau:

Section 15.12. The Council shall have power and authority to establish by ordinance a Violations Bureau within the Court for the handling of such violations of ordinances and regulations of the city, or parts thereof, as prescribed in the ordinance describing such Bureau. Any person who has received any notice to appear in answer to a charge of violating any such ordinances may within the time specified in the notice of such charge answer at the Violations Bureau to the charges set forth in such notice by paying a fine prescribed by ordinance which cannot be waived by the Bureau, and in writing pleading guilty to the charge, waiving a hearing in court and giving power of attorney to make such a plea and pay such fine in court. Acceptance of the prescribed fine and the power of attorney by the Bureau shall be deemed to be complete satisfaction for the violation, and the violator shall be given a receipt which so states. The creation of such a bureau shall not operate so as to deprive any person of a full and impartial hearing in Court should such person so choose.

Constables:

Section 15.13. The City Council shall appoint one or more police officers of the city as constables. Such constables shall have like powers and authorities in matters of civil and criminal nature, and in relation to the service of process, civil and criminal, as are conferred by law on constables in townships. They shall have the power also to serve all process issued for breaches or ordinances of the city. The bond of the constables shall be that required of constables in townships. The statutory fees received by such constables shall be paid into the city treasury in accordance with Section 5.14.

CHAPTER 16 MISCELLANEOUS

City Liability:

Section 16.1. The city shall not be liable for damages sustained by any person either to his/her person or property by reason of the negligence of the city, its officers or
Chapter 16 (continued)

employees nor by reason of any defective condition of or obstruction in any public place unless such person shall serve or cause to be served upon the Clerk within sixty days after the injury resulting in such damages shall have occurred a notice in writing, which notice shall set forth substantially the time and place of such injury, the manner in which it occurred, the extent of such damages as far as the same has become known, the names and addresses of the witnesses known at the time by the claimant and a statement that the person sustaining such damages intends to hold the city liable for such damages as may have been sustained by him/her.

The city shall not be liable for any damage to person or property arising out of any such injury unless there shall have first presented to the Clerk a claim in writing and under oath setting forth particularly the time, place nature, and extent of such injury and the amount of damage claimed by reason thereof. No person shall bring any action against the city for any such damages until such claim shall have been filed with the Clerk and until the Council shall have been given reasonable 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.

Record to Be Public:

Section 16.2. All records of the city shall be public, shall be kept in city offices except when required for official reasons or for purposes of safekeeping to be elsewhere and shall be available for inspection at all reasonable times.

Interpretations:

Section 16.3. Except as otherwise specifically provided or indicated by the context:

(1) 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 any event or requirement for which provision is made herein.

(2) The singular number shall include the plural, the plural number shall include the singular and the masculine gender shall extend to and include the feminine gender and the neuter.

(3) The word “person” may extend and be applied to bodies politic and corporate and to partnerships as well as to individuals.

(4) The words “printed” and “printing” shall include reproductions by printing, engraving, stencil duplicating, lithographing or any similar method.

(5) Except in reference to signatures, the words “written” and “in writing” shall include printing and typewriting.

Chapter 16, Section 3 (continued)

(6) The word “Officer” shall include the Mayor and other members of Council, the administrative officers, members of city boards and commissions created by or pursuant to this chapter, and the Justice of the Peace.

(7) The word “statute” shall denote the Public Acts of the State of Michigan in effect at the time the provision of the charter containing the word “statute” is to be applied.

(8) Except where used in Section 7.2. of this Charter, the word “Ordinance” shall not be interpreted to prohibit Council from undertaking any official action by Resolution, motion or order.

(9) All references to specific Public Acts of the State of Michigan shall be to such acts as are in effect at the time the reference to such act is to be applied.

(10) The words “law” or “general laws of the state” shall denote the Constitution and the Public Acts of the State of Michigan in effect at the time the provision of this charter containing the words “law” or “general laws of the state” is to be applied, and applicable common law.

(11) The word “default” shall be defined to include being delinquent in taxes as one of its meanings.

(12) All references to section numbers shall refer to section numbers of this charter.

Definition of Publication: Mailing of Notices:

Section 16.4. The requirements contained in this charter for the publishing or publication of notices or ordinances shall be met by publishing an appropriate insertion in a newspaper published in the English language for the dissemination of news of a general character which newspaper shall have had a general circulation at regular intervals in the city for at least two years immediately preceding the time that it is used for such publication purposes. The affidavit of the printer or publisher of such newspaper, or of

his/her foreperson or principal clerk, annexed to a printed copy of such notice, ordinance or proceeding taken from the paper in which it was published and specifying the times of publication for shall be prima facie evidence of such publication.

It is provided, however, that if at any future date there will be no newspaper designed primarily for circulation in The City Of Walled Lake, then the requirement contained in this charter for the publishing or publication of notices or ordinances shall be met by posting a copy thereof in three conspicuous places in each precinct in the city. The affidavit of the person publishing the same shall be prima facie evidence of such publication by posting.

In any case in which this charter requires the mailing of notices, the affidavit of the officer or employee responsible for such mailing that such notice was mailed shall be prima facie evidence of such mailing.

Chapter 16 (continued)

Trusts:

Section 16.5. All trusts established for any municipal purpose shall be used and continued in accordance with the term of such trust, subject to the cy pres doctrine. The Council may in its discretion receive and hold any property in trust for any municipal purpose and shall apply the same to the execution of such trust and for no other purposes except in case where the cy pres doctrine shall apply.

Quorum:

Section 16.6. Except as otherwise provided in this charter, a quorum of any board or commission created by or pursuant to this charter shall be a majority of the members of such board or commission in office at the time, but not less than two members.

Sundays and Holidays:

Section 16.7. Whenever the date fixed by this charter or by ordinance for the doing or completion of any act falls on a Sunday or legal holiday, such act shall be done or completed on the next succeeding day which is not a Sunday or a legal holiday.

Penalties for Misconduct in Office:

Section 16.8. Any officer of the city found guilty by a court of competent jurisdiction of any act declared by this charter to constitute misconduct in office may be punished by a fine to not exceed ninety days or both in the discretion of the court. The punishment provided in this section shall be in addition to that of having the office declared vacant as provided in Section 5.2.

Chapter and Section Headings:

Section 16.9. The chapter, section and sub-section headings used in this charter are for convenience only and shall not be considered as part of the charter.

Amendments:

Section 16.10. This charter may be amended at any time in the manner provided by statute. Should two or more amendments adopted at the same election have conflicting provisions the one receiving the largest affirmative vote shall prevail as to those provisions.

No Estoppel:

Section 16.11. No estoppel may be created against the city.

Processes Against the City:

Section 16.12. All process against the city shall run against the city in the corporate name thereof and may be served by leaving a true copy with the Mayor, Clerk or Attorney.

Chapter 16 (continued)

Severability of Charter Provisions:

Section 16.13. If any provisions, section, article or clause of this charter or the application thereof to any person or circumstances shall be found to be invalid by a court, such invalidity shall not effect any remaining portion or application of the charter which can be given effect without the invalid portion or application, provided such remaining portions or applications are not determined by the court to be inoperable, and to this end this charter is declared to be severable.

Restriction on Subdivision of Lands:

Section 16.14. No lands or premises shall hereafter be laid out, divided and platted into streets and alleys within the city except by permission and approval of the Council by resolution passed for that purpose, nor until the proprietor shall file with the Clerk a correct survey, plan and map of the proposed subdivision platted and subdivided as approved by the Council, which plat shall show the location of all such lots, streets and alleys, and other proposed improvements with respect to the adjacent lots and streets of the city.

Zoning:

Section 16.15. The zoning ordinances of the Township of Commerce in force at the time this charter takes effect shall be in full force and effect within the corporate boundaries of the City of Walled Lake upon the adoption of this charter, and is hereby declared to be enacted by virtue of and under the powers conferred by this charter until altered, amended, or repealed by the City Council.

CHAPTER 17 SCHEDULE

Election on Adoption of Charter:

Section 17.1.

(a) Date: This Charter shall be submitted to a vote of the registered electors of The City of Walled Lake at a special election to be held on Tuesday, December 7, 1954. At the same special election, the elective officers provided in this Charter shall also be elected as hereinafter provided. The Charter shall be adopted if a majority of the ballots cast thereon are in favor of adoption.

(b) Form of Ballot: The form of the ballot for the submission of this charter shall be as follows:

Instruction: A cross (X) in the square before the word "Yes" is in favor of the proposed Charter, and a cross (X) in the square before the word "No" is against the proposed Charter.

Chapter 17, Section 1(b) (continued)

Shall the proposed Charter for The City of Walled Lake drafted by the Charter Commission elected on June 8, 1954, be adopted?

Yes

No

(c) Precincts: For the purpose of this election, the entire City shall constitute one voting precinct, notwithstanding other provisions of this Charter. The polling place for such precinct shall be the Fire Hall, 211 East Market Street, Walled Lake, Michigan.

(d) Election Commission: The Charter Commission of the City of Walled Lake shall be the Election Commission for this election. The Chairman of the Charter Commission shall be the Chairman of the Election Commission and the Secretary of the Charter Commission shall act as Secretary of the Commission and shall perform such duties in connection with the work of the Commission as are prescribed by the Commission and this Charter.

(e) Inspectors of Election: The Inspectors of Election for this election shall be those persons designated by the Charter Commission in its meeting on September 21, 1954.

(f) Board of Canvassers: The Board of Canvassers for this election shall be those persons designated by the Charter Commission in its meeting on September 21, 1954.

(g) Registration: The persons designated to act as inspectors of this election shall constitute a Board of Registration for the purpose of making the first registration of qualified voters in the City. Said Board shall be authorized to procure the necessary books, files and forms to conduct such registration. The last day for registration shall be the 30th day preceding the election unless such 30th day shall fall on a Saturday, Sunday or legal holiday, in which event registration shall be accepted during the next full working day.

The Board of Registration may on such last day for registration procure from the Township Clerk of the Township of Commerce, Michigan, the records of the Clerk of the persons who are registered township electors residing in the City of Walled Lake and shall incorporate such records with their records and shall cause all such persons to be registered as city electors in the same manner as though such persons had then and there applied for registration, and all such persons shall be deemed to be registered as city electors. Subsequent to the election, the registration records shall have be delivered to the City Clerk.

Notice of Registration:

Section 17.2. The Secretary of the Election Commission shall give notice for the Board of Registration of the days, hours and place that the registration will be conducted by publishing the same in the Inter-Lake News on September 30 and October 7, 1954. At least ten days public notice shall be given of the time and place for holding the registration.

Chapter 17 (continued)

Notice of Election:

Section 17.3. The Secretary of the Election Commission shall cause to be published with the publication of this Charter on November 18, 1954, in the Inter-Lake News, a notice of this election, the location of the polling place, that on the date fixed therefore the question of adopting such proposed Charter to be voted on and that the elective officers provided for in the Charter will be elected on the same date. He/she shall also post such notice in at least 10 public places within the City not less than ten days prior to such election.

First Election of City Officers:

Section 17.4.

(a) Election: The first election of officers provided for in this Charter shall be held on Tuesday, December 7, 1954, in conjunction with the election on the adoption of this Charter. At this election, the voters shall be entitled to vote for not more than seven candidates for the Council and not more than one candidate for Justice of the Peace. The names of all qualified candidates for each office shall be listed under a separate heading and shall be rotated systematically on the ballot in the manner prescribed by statute.

(b) Terms: The three candidates for Council who receive the three highest number of votes shall be declared elected for a term commencing Monday, December 13, 1954, and ending on the Monday next following the date of the regular city election in 1957. The four candidates for Council who receive the fourth, fifth, sixth and seventh highest number of votes shall be declared elected for a term commencing Monday, December 13, 1954 and ending on the Monday next following the date of the regular city election in 1956. The candidate for Justice of the Peace who receives the highest number of votes shall be declared elected for a term commencing on Monday, December 13, 1954, and ending on the 4th day of July, 1956. After this election the provisions contained in this Charter relating to elections and terms of elective officers shall govern.

(c) Nomination: Candidates shall be nominated by petition in a manner identical to that provided for it in Sections 3.9 to 3.12, inclusive, except that (1) petitions shall be filed with the Secretary of the Election Commission who shall perform all the duties in connection with such nomination petitions as are required of this Charter by the Clerk, (2) the Secretary of the Election Commission shall on or before October 28, 1954, make available a supply of official petition forms as required by Section 3.10, and (3) nomination petitions shall be filed between November 7 and November 23, 1954, inclusive. Notwithstanding other provisions of this Charter, notice of the period permitted for filing nomination petitions and the elective officers to be elected hereunder shall be published in the Inter-Lake News on October 28 and November 4, 1954. The names of those candidates who file valid and sufficient nomination petitions and have the qualifications required for their respective offices shall be certified to the Election Commission to be placed on the ballot.

Section 17.5. All of the provisions of this Chapter 18 shall apply to the procedure for the first election of city officers. In all other respects not otherwise provided for in this Chapter 17, Section 5 (continued)

Chapter 18, the election procedure at such special election shall be in accordance with the provisions of the other chapters of this Charter.

First Meeting of City Officers:

Section 17.6. The officers first elected under this Charter shall all assemble at 8:00 P.M. on Monday, December 13, 1954, at the Fire Hall, 213 E. Market Street, Walled Lake, Michigan. The meeting shall be called to order by a member of the Charter Commission and each elective officer shall take and subscribe to his/her oath of office and shall thereupon be qualified for, and shall assume the duties of his/her office.

Effective Date of Charter:

Section 17.7. For the purpose of initiating the procedure for the election on the adoption of this Charter and for nominating and electing the first city officers, this Charter shall take effect on Thursday, September 30, 1954. For all other purposes this Charter shall take effect on Monday, December 13, 1954, at 8:00 P.M. Eastern Standard Time.

Status of Schedule Chapter:

Section 17.8. The purpose of this Schedule Chapter is to inaugurate the government of the City of Walled Lake under this Charter and it shall constitute a part of this Charter only to the extent, and for the time required to accomplish that purpose.

RESOLUTION OF ADOPTION:

At a regular meeting of the Charter Commission of the City of Walled Lake, held on the 21st day of September, 1954, the following resolution was offered by Commissioner Rose:

RESOLVED, that the Charter Commission of the City of Walled Lake, does hereby adopt the foregoing proposed Charter for the City of Walled Lake and the Secretary of this Commission is directed to transmit a copy of this charter to the Governor of the State of Michigan for his approval in accordance with the statute, and to cause this proposed Charter to be published in the Inter-Lakes News on November 18, 1954.

The resolution was seconded by Commissioner Boyle and adopted by the following vote:

Yes – Commissioners Gram, Sims, Gilliam, Buffmyer, Boyle, Freebury, Fisher, Smart and Rose.

No – None.

Absent – None

The Chairman declared the foregoing resolution carried unanimously and requested the members of the Charter Commission to authenticate said resolution also a copy of the Charter to be presented to the Governor by subscribing their names as follows:

George L. Gram
Hiram Sims
Larry Gilliam

Chapter 17, Section 8 (continued)

Ralph Buffmyer
Ray A. Boyle
Fred W. Freebury
Charles H. Fisher
Clifford H. Smart
Cameron E. Rose

The meeting then adjourned subject to the call of the Chairman.

STATE OF MICHIGAN

SS

COUNTY OF OAKLAND

Clifford H. Smart, Secretary of the Charter Commission of the City of Walled Lake, being duly sworn, says that at an election duly called and held in The City of Walled Lake on the 8th day of June, 1954, the following named persons were duly elected as the Charter Commission to frame a Charter for the City, namely, George L. Gram, Hiram Sims, Larry Gilliam, Ralph Buffmyer, Ray A. Boyle, Fred W. Freebury, Charles H. Fisher, Clifford H. Smart, Cameron E. Rose, and that the annexed and foregoing resolution, which is a true and correct copy thereof, and that the said Charter Commission directed that said Charter be presented to the electors of the City of Walled Lake in accordance with the requirements of this Charter and the laws of the State of Michigan.

Further, deponent sayeth not.

Clifford H. Smart

Secretary of the Charter Commission of the City of Walled Lake.

Dated: September 21, 1954

Subscribed and sworn to me before this 21st day of September, 1954.

Raymond D. Munde
Notary Public-Oakland County, Michigan
My commission expires: February 4, 1996

Approved: G. Mennen Williams, Governor

Dated: November 4, 1954