

DOWAGIAC, MICHIGAN

CITY
CHARTER



ADOPTED NOVEMBER 3, 1964
EFFECTIVE APRIL 12, 1965

P R E A M B L E

We, the people of the City of Dowagiac, pursuant to authority granted by the constitution and laws of the State of Michigan, in order to obtain the benefits of local home rule, to encourage more direct and efficient methods in the transaction of our municipal affairs, to provide for the public peace and health and for the safety of persons and property; and otherwise to promote our common welfare, do ordain and establish this charter for our city.

CHAPTER I
INCORPORATION AND GENERAL PROVISIONS

Incorporation.

Section 1.1. The organized city now existing as a Michigan municipal corporation known as the City of Dowagiac, shall be and continue a body corporate under the name "City of Dowagiac".

Boundaries.

Section 1.2. The city shall embrace the territory constituting the City of Dowagiac on the effective date of this charter, together with such annexations thereto and less any detachments therefrom that may be made from time to time. Upon annexation or detachment of territory, the boundaries shall be deemed to be changed without amendment of this section. The Clerk shall maintain and keep available in his office for public inspection and distribution an official description of the current boundaries of the city.

Definitions and Interpretations.

Section 1.3. Except as otherwise specifically provided or indicated by the context of this charter:

- (1) "assessed value" or "assessed valuation" means the assessed value of all real and personal property in the city, as last equalized by the State of Michigan;
- (2) "board" includes the word "commission";
- (3) "city" means the City of Dowagiac;
- (4) "Council" means the City Council or governing body of the City of Dowagiac;
- (5) "employee" means any person employed by the city who is not an officer;
- (6) "law" denotes applicable federal law, the Constitution and statutes of Michigan, the applicable common law, and this charter;
- (7) "lien" includes security interest as defined by law or as brought into being by operation of law, or both;
- (8) "officer" means the Mayor, the members of the Council, the administrative officers and deputy administrative officers, and members of the city boards created by or pursuant to this charter;

- (9) "person" may extend and be applied to bodies politic and corporate and to partnerships and associations, as well as to individuals;
- (10) "printed" and "printing" includes all forms of written alphabetical communication in the English language, and reproductions thereof;
- (11) "publish" and "published" means the setting forth of any matter for public notice in any manner provided or permitted by law, or where there is no applicable law, in one or more newspapers of general circulation in the city, qualified by law for the publication of legal notices, or, as an alternate therefor, when not in contravention of law, posting in at least one public place in each ward of the city;
- (12) "sign" or "signature" means the affixing of a person's signature, or, when authorized by the Council, the facsimile of his signature;
- (13) "written" and "in writing" shall not be limited to hand written script, but shall include printing, typewriting, teletype and telegraphic communications, and other forms of graphic English language readable by the average literate person, as well as hand written script;
- (14) Words and phrases which are not herein defined shall be taken in their ordinary signification and import and when there is doubt thereof, the meaning given in the latest edition of Webster's Standard Unabridged Dictionary, extant at the time the meaning is required, shall govern;
- (15) All words indicating the present tense shall not be limited to the time of the adoption of this charter, but shall extend to and include the time of the happening of any event or requirement to which the provision is applied;
- (16) The singular shall include the plural, the plural shall include the singular, and the masculine gender shall extend to and include the feminine gender and the neuter.

Records to be Public.

Section 1.4. All papers, books, or other records of any matter pertaining to the conduct of the affairs of the city shall be public records unless otherwise provided by law, shall be kept in city offices, except when required for official reasons or for purposes of safekeeping to be elsewhere, and shall be available at city offices for inspection, copying,

or reproduction at all reasonable times. Such records, or copies duly certified to be true copies by the Clerk, shall be prima facie evidence of their contents.

Official Performance.

Section 1.5. Whenever this charter requires the performance of an act by an officer, the act may also be performed by a deputy, or by a subordinate under the officer's direction, unless otherwise provided or required by law.

Quorum.

Section 1.6. Except as otherwise expressly provided in this charter, a quorum of any board established by or under authority of this charter shall consist of a majority of the number of its members, as established by this charter or by the ordinance establishing such board. The concurring vote of a majority of such established number of members of each such board shall be necessary for official action by it.

Sundays and Holidays.

Section 1.7. Except as otherwise expressly provided in this charter, whenever the date fixed by law or ordinance for the doing or completion of any act falls on a Sunday or legal holiday, such act shall be done or completed on the next succeeding day, which is not a Sunday or legal holiday.

Publication of Notices, Proceedings, and Ordinances.

Section 1.8. Notices or proceedings requiring publication, and all ordinances passed by the Council, shall, unless otherwise provided by this charter, be published either once in an established newspaper which is published or is of general circulation in the city, to be selected by the Council, or the Council may order such notices, proceedings, or ordinances to be printed and posted prominently at the usual place of meeting of the Council. Immediately after such publication, the Clerk shall enter in his records a certificate of publication made by the printer of the newspaper in which the same was inserted or by some person in his employ knowing the facts, or by the person who did the posting, if such publication was made by posting, stating the date and the name of the newspaper in which, or list the places where such publication was made. The certificate of publication of ordinances shall be entered in the Ordinance Book in a blank space which shall be left for such a purpose just following the ordinance to which it refers. Such

certificate shall be prima facie evidence of the due publication of such notice, proceedings, or ordinance.

Penalties for Violations of Charter.

Section 1.9. Any person found guilty of any violation of this charter may be punished by a fine which, in addition to court costs, shall not exceed five hundred dollars, or imprisonment for not more than ninety days, or by both such fine and imprisonment in the discretion of the court. Imprisonment for violations of this charter may be in the city or the county jail, or in any correctional institution which is authorized by law to receive prisoners of the city. This section shall not operate to limit or prejudice the power to remove officers or discharge employees as provided in this charter.

Chapter and Section Headings.

Section 1.10. The chapter and section headings used in this charter are for convenience only, and shall not be considered as part of this charter.

Amendments.

Section 1.11. This charter may be amended at any time in the manner provided by law. Should two or more amendments adopted at the same election have conflicting provisions, the amendment receiving the largest affirmative vote shall prevail as to those provisions.

Severability of Charter Provisions.

Section 1.12. If any provision, section, or clause of this charter, or the application thereof to any person or circumstance, is held invalid, by any court of competent jurisdiction, such invalidity shall not affect any remaining portion or application of the charter, which can be given effect without the invalid portion or application, and, to this end, this charter is declared to be severable. This rule shall apply equally to ordinances of the city.

CHAPTER 2

MUNICIPAL POWERS AND LIABILITIES

General Powers.

Section 2.1. (a) Unless otherwise provided or limited by law, the City of Dowagiac shall be vested with and possess all the powers, functions, privileges, and immunities, expressed or implied, to which cities are, or hereafter may be, entitled under and in the spirit of Michigan law, including such as are granted to cities of the fourth class by Act 215, P.A., 1895, and the home rule traditions of the State, and may exercise all powers which are not prohibited by and are not in contravention with law. In the exercise of such powers, functions, and privileges, the city shall manage and control its finances, rights, interests, buildings, and property; enter into contracts; acquire by purchase, grant, lease, or condemnation, hold, and utilize any property, both within and without the limits of the city; acquire, own, and operate any utility, unless the power to do so is denied by law; do any act to advance the interests, good government, and prosperity of the city and its inhabitants; and shall protect the public peace, morals, health, and general welfare, and the safety of persons and property.

(b) The city may join with any municipal corporation or with any other unit of government, or with any number or combination thereof, by contract, or otherwise as may be permitted by law, in the ownership, operation, or performance, jointly, or by one or more on behalf of all, of any property, facility, or service which each would have the power to own, operate, or perform separately. The city may also, as permitted by law, transfer any of its health powers or functions to the county in which it is located unless such power or functions are specifically provided to be executed and performed by the city.

(c) The enumeration or particular powers, privileges, or immunities in this chapter or elsewhere in this charter shall not be held or interpreted to be exclusive.

(d) The powers of the city, from whatever source derived, shall be liberally construed in favor of the city.

Permitted and Other powers.

Section 2.2. Under authority of Act No. 279 of the Public Acts of 1909, as amended, and other provisions of law, it is hereby provided in this charter and the power of the city shall include, but shall not be limited to, the following:

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

(2) To provide for the public welfare by:

- (I) Regulating trades, occupations, and amusements within the city and prohibiting trades, occupations, and amusements which are detrimental to the safety, health, morals or welfare of its inhabitants;
- (II) Regulating the preparation, storage, transportation, and sale of foods, drugs, and beverages for human consumption;
- (III) Collecting and disposing of garbage and rubbish;
- (IV) Regulating and restricting the locations of oil and gasoline stations;
- (V) Licensing and regulating the number of vehicles which carry persons or property for hire, fixing the rates of fare and charges, and determining the locating of stands for such vehicles;
- (VI) Licensing, regulating, restricting, and limiting the number billboards and advertising signs and the locations thereof;
- (VII) Regulating the construction, erection, alteration, equipment, repair, moving, removal, and demolition of buildings and structures and their appurtenances and service equipment;
- (VIII) Establishing zones within the city and regulating therein the use and occupancy of lands or structures; the height, area, size, and location of buildings, and the density of population;
- (IX) Regulating, limiting, and prohibiting the construction and use of buildings and lands in order to promote the public health and safety and to prevent fires;

(X) Regulating and controlling the use of streams, water and water courses within the city in any manner not in conflict with the provisions of law.

(3) To establish and reasonably control streets, alleys, and public places, and the space above and beneath them, and the use thereof by:

- (I) Creating and vacating the same and acquiring and disposing of land, or any interest in land, required therefor, including any surplus land which may be incidental to or necessary for the purchase of land required;
- (II) Providing a plan of streets and alleys within and for a distance of not more than three miles beyond the limits of the city;
- (III) Requiring the owners of real property to build and maintain public sidewalks in the area of street immediately adjacent to such property, and, upon the failure of any owner to do so, constructing and maintaining such sidewalks and assessing the cost thereof against such property as a special assessment;
- (IV) Compelling all persons to care for the untraveled portions of streets lying between the curbs and property lines which abut upon premises owned, controlled, or occupied by them, and to keep the same free from weeds and from objects which are offensive or hazardous to public health and safety, and, upon the failure to do so, cutting and removing such weeds and removing such objects and assessing the cost thereof against such property as a special assessment;
- (V) Compelling all persons to keep sidewalks which are in the area of streets immediately adjacent to the premises owned, controlled, or occupied by them, free from snow, ice, dirt, wood, weeds, shrubbery, or any other object which obstructs such sidewalks, or which makes the same offensive or hazardous to the public health or safety, and upon failure to do so, to cut and remove such weeds and remove such objects and assess the cost thereof against such property as a special assessment;
- (VI) Providing for the grade of streets and requiring public utility users of the streets to conform thereto;

- (VII) Regulating the speed of vehicles, trains, and locomotives upon or across the streets and the stopping and parking of the same upon the streets and at street crossings, within the provisions and limitations of law;
- (VIII) Providing for and regulating the lighting of streets and alleys, whether such lights be located on public or private property;
- (IX) Preventing and abating the encumbering of streets and alleys or any part thereof;
- (XI) Regulating the location of buildings and structures and of trees and shrubbery at and near street corners and street intersections with alleys, so as to provide for the public safety and welfare in the use of streets and alleys;
- (XII) Providing for and regulating the numbering of buildings upon property abutting the streets and alleys and compelling the owner and occupants thereof to affix numbers thereto;
- (XIII) Providing for the use by other than the owner, of property located in, above, or under the streets, alleys, and public places, in the operation of a utility, upon the payment of a reasonable compensation therefor to the owner thereof;
- (XIV) Providing for the planting and general care and protection of trees and shrubbery within the streets and public places of the city and preventing the cutting of limbs and branches for the placing and maintenance of utility wires without the consent of the designated officer or agency of the city.

(4) To undertake any public work or make any public improvement or any repair or replacement thereof, either directly or by contract with public bodies or private persons; and to participate in any public work or public improvement under any lawful plan by which the whole or partial support of such work or improvement is provided by another governmental unit or agency;

- (5) To construct, provide, maintain, extend, operate, and improve:
 - (I) Within the city: a city hall, city office buildings, community building, police stations, fire stations, civic auditoriums, public libraries, and polling places; and
 - (II) Either within or without the corporate limits of the city or of Cass County, public parks, recreation grounds and stadiums, municipal camps, public grounds, zoological gardens, museums, airports and landing fields, cemeteries, public wharves and

landings upon navigable waters, levees, embankments, and structures for flood control and other purposes related to the public health, safety, and welfare, electric light and power plants and systems, public heating plants and systems, water works and water treatment plants and systems, sewage disposal plants and systems, storm sewers, garbage collection and disposal facilities, refuse and rubbish collection and disposal facilities, market houses and market places, public transportation facilities, facilities for the storage and parking of vehicles, hospitals, facilities for the landing of helicopters, and air vehicles having like landing characteristics; and any other structure or facility which is devoted to or intended for public purposes within the scope of the powers of the city.

(6) Acquiring by purchase, gift, condemnation, lease, or otherwise, real and personal property, and interest in property, either within or without the corporate limits of the city or of Cass County, for any public use or purpose within the scope of its powers, including, but not by way of limitation the uses and purposes set forth in this section.

(7) Receiving and holding any property, whether real, personal, or intangible, in trust for city hospital, library, park, cemetery, or any other municipal purposes and apply the same to the execution of such trust, subject only to the cy pres doctrine.

CHAPTER 3

ELECTIONS

Qualifications of Electors.

Section 3.1. Each person who has the constitutional qualifications of an elector in the State of Michigan, or who will have such qualifications at the next ensuing regular or special election, shall be entitled to register as an elector of the City of Dowagiac.

Election Procedure.

Section 3.2. The general election laws of the state shall apply to and control, as near as may be, all procedure relating to registration and city elections, except as otherwise provided in this charter.

Regular Elections.

Section 3.3. A regular city election shall be held on the first Monday in April of each odd numbered year for the election of city officers as hereinafter enumerated. (Changed to first Tuesday in November/01/18/71)

Special Elections.

Section 3.4. Special city elections shall be held when called by resolution of the Council at least forty-five days in advance of such election, or when required by this charter or the general laws of the state. Any resolution calling a special election shall set forth the purpose of such election,

Notice of Election.

Section 3.5. Notice of the time and place of holding any city election and the officers to be elected and the questions to be voted upon shall, except as herein otherwise provided, be given by the Clerk in the same manner and at the same time as provided in the state election laws for giving of notices in state elections.

Wards and Election Districts.

Section 3.6. The City of Dowagiac shall contain three wards, whose boundaries shall be fixed by the City Council. Each ward shall be divided into such number of election districts as required by law.

Voting Hours.

Section 3.7. The polls of all elections shall open at such time and shall remain open for such period of time as provided by the State election laws.

Nominating Petitions and Election Procedure.

Section 3.8. Elective officers of the city shall be nominated, and elected at regular city elections in the same manner as judicial officers are nominated and elected in the County of Cass under Chapter XX of the Michigan Election Law, except that (1) no primary election shall be held, (2) the number of signers of nominating petitions shall be based upon the number of votes cast for secretary of state in the city rather than the county, and (3) nomination by affidavit is not adopted herein as an alternate method of nominating candidates for city offices. In the case of officers to be elected by the electors of the city at-large nominating petitions may be signed by electors of the entire city. In the case of officers to be elected from the wards of the city nominating petitions shall be signed by only the electors of the wards from which they seek to be elected. All nominating petitions shall be filed with the Clerk not later than 5:00 o'clock, P.M., on the seventh Monday prior to the date of the regular city election. At least one week before, and not more than three weeks before, the last day of filing nominating petitions, the Clerk shall publish notice to that effect. Official blank nominating petitions shall be prepared and furnished by the Clerk. Before the Clerk shall furnish official blank nominating petitions to any person, he shall enter thereon with typewriter or in ink the name of the person who is to be nominated as a candidate, and the name of the office for which he is to be a candidate. No petition which has been altered with respect to such entries shall be received by the Clerk for filing. Nominating petitions for the purpose of filling a vacancy shall so state in connection with the name of the office for which they are to be used. No person shall sign his name to a greater number of petitions for any one office than there are candidates to be elected to said office. Where any name appears on more petitions than there are candidates to be elected to said office, such name shall not be counted upon any petition for that office.

Approval of Petitions.

Section 3.9. The Clerk shall accept for filing only nominating petitions on official blanks furnished by him. At the time of, and as a prerequisite for, filing any nominating petition, there shall also be filed an affidavit signed by the person named as a candidate in the petition, or by someone in his behalf, stating under oath that the person named in the petition possesses the qualifications required by law for eligibility to assume and hold the elective office for which the petition is filed. Such affidavit shall be on a form provided by the Clerk. Within five days after the filing of a petition, the Clerk shall determine the sufficiency of the number of genuine signatures on the petition. If he finds that any petition does not contain the required number of genuine signatures of registered electors of the city, he shall immediately notify the candidate in writing, of the insufficiency of his petition. No additional signatures on any petition shall be received by the Clerk after the final date and time fixed for filing nominating petitions.

Public Inspection of Petitions.

Section 3.10. All nominating petitions shall be open to public inspection after being filed in the office of the Clerk, in accordance with such reasonable rules and regulations as shall be prescribed by him.

Nominations to Fill Vacancy in Elective Office.

Section 3.11. Whenever it shall be necessary at any city election to elect an officer to fill a vacancy for an unexpired term, such fact shall be stated in the petitions filed for the purpose of nominating candidates to fill such vacancy.

Names on Ballots.

Section 3.12. The form of the ballot used in any city election shall conform as nearly as may be to that prescribed by the general laws of the state, except that no party designation or emblem shall appear upon any city ballot. The names of qualified candidates for each office shall be rotated on the ballots in the manner required by law for the type of ballot or voting machine used. In all other respects the printing and numbering of ballots shall conform to the general laws of the state, relating to elections. For city elections, the ballots to be used by absentee voters may be in the same form and arrangement as the city ballot as it appears on the voting machines when the same are used.

Election Commission.

Section 3.13. An Election Commission is hereby created, consisting of the Clerk, the Treasurer, and the City Attorney. The Clerk shall be Chairman. The Commission shall have charge of all activities and duties required of it by state law and this charter relating to the conduct of city elections. The compensation of the election personnel shall be determined in advance by the Commission, and shall be a fixed amount for each election. Such compensation shall not exceed the amount appropriated for elections in the budget, unless such excess shall first have been approved by the Council as are other increases in appropriations for any department or function. In the event of a conflict in election procedure as between the general election laws of the state and the provisions of this charter, or in any case where election procedure is in doubt the Election Commission shall prescribe the procedure to be followed.

Canvass of Votes.

Section 3.14. All votes cast at city elections shall be canvassed as provided by law by a city board of canvassers established in accordance with Chapter II of the Michigan Election Law. If said board of canvassers shall fail or refuse to declare the result of any city election as required by law, the Clerk shall declare the result thereof at 2:00 o'clock p.m., on the Monday following such election and the declaration of the Clerk shall stand, unless reversed by the said board of canvassers.

Tie Vote.

Section 3.15. If at any city election there shall be no choice between candidates because two or more persons received an equal number of votes, the Election Commission shall name a date for the appearance of such persons for the purpose of determining the election of one of them by lot. Should any person fail or refuse to appear, in person or by representative, to determine the result of any tie at the time and place named, such determination shall be made by lot in his absence, at the direction and under the supervision of the Election Commission. Such determination shall be final.

Recount.

Section 3.16. A recount of the votes cast at any city election for any office or upon any proposition may be had in accordance with the provisions of law.

Recall.

Section 3.17. Any elective official may be recalled from office by the electors of the city in the manner provided by the general laws of the state. A vacancy created by the recall of any elective official shall be filled by election in the manner prescribed by and subject to the provision of law.

CHAPTER 4

ELECTIVE OFFICERS OF THE CITY: GENERAL

Elective Officers.

Section 4.1. In the manner and at such times as there are prescribed in this charter, there shall be elected in the City of Dowagiac, one Mayor, one Supervisor at large, one Clerk, one Treasurer, six Councilmen, being two Councilmen from each of the City's three wards, two Justices of the Peace, three Supervisors, being one from each ward, and three Constables, being one from each ward.

Eligibility for Office.

Section 4.2. A person shall be eligible to any elective office who is a duly registered elector in the city and has been a resident of the city for one year immediately prior to the election at which he is a candidate for office. Each Councilman, Supervisor, and Constable nominated from a Ward shall be a resident of that ward. No person shall be eligible for office who is in default to the City. The election or appointment of any person to an elective office contrary to the provision of this section shall be void.

Terms of Office.

Section 4.3. The Mayor, the Treasurer, one Councilman from each of the city's three wards, one Justice of the Peace, the Supervisor of the first Ward, the Supervisor of the third ward, and the Constable of the second ward shall be nominated and elected at the regular city election to be held in the year 1965, and in every fourth year thereafter. The Clerk, one Councilman from each of the City's three wards, one Justice of the Peace, the Supervisor at-large, the Supervisor from the second ward, the Constable from the first ward, and the Constable from the third ward shall be nominated and elected at the regular city election held in the year 1967, and in every fourth year thereafter. Each officer elected as in this section provided shall hold office for a period of four years from the second Monday following the regular city election in which he was elected, except that Justices of the Peace shall hold office from the 4th day of July following their election.

Oath of Office.

Section 4.4. Each officer of the city, before entering upon the duties of his office and within the time specified in this charter shall take and subscribe to the oath or affirmation of office prescribed by the State Constitution for officers of the State. The oath or affirmation of office of each officer of the city shall be filed and kept in the office of the Clerk.

Surety Bonds.

Section 4.5. The Council shall require appropriate surety bonds on all officers and employees when necessary and in such amount as to fully protect the city and the public. The premium of such bonds shall be paid by the city. No surety bonds shall be renewed upon its expiration, but a new bond shall be furnished. No surety bond shall be furnished for a term of more than three years, except those required of elected officers, which shall be for four years. A blanket bond or bonds may be used to cover two or more city officers and employees.

Notice of Election.

Section 4.6. Notice of election or appointment of any officer of the city and of the requirements of any official bond to be given by such officer, shall be given to him by the Clerk, in writing, within five days after the canvass of the vote by which he was elected or the date of his appointment, as the case may be. If, within ten days from the date of notice, such officer shall not have taken, subscribed to, and filed with the Clerk his oath of office, or shall not execute or file with the Clerk the required bond, such neglect shall be deemed a refusal to serve and the office shall thereupon be deemed vacant, unless the Council shall, for good cause and upon application of the officer, extend the time in which such officer may qualify as above set forth.

Vacancies in Office.

Section 4.7. (a) An elective city office shall become vacant upon the occurrence of any of the following events:

(1) Expiration of the term of office; (2) Death of an incumbent; (3) Resignation; (4) Removal from office; (5) Ceasing to be an inhabitant of the city or, in the case of an officer elected from a ward, the ward from which he was elected; (6) Conviction of an infamous crime, or of an offense involving a violation of oath of office; (7) Default to the city, unless

such default in eliminated within thirty days after written notice thereof by the Clerk upon the direction of the Council, or, unless the officer in good faith contests, by recognized means of legal procedures, his liability for the default; (8) A decision of a competent tribunal declaring the officer's election or appointment void; (9) Failure to take the oath or file the bond required for the office as required in Sections 4.4 and 4.5; (10) In the case of a Councilman, including the Mayor, absence from four consecutive regular meetings of the Council, unless such absences were excused by the Council, with reasons therefor stated at the time and appearing in the journal of the meeting from which the Councilman was excused; (11) Any other event which, by law, creates a vacancy.

Filling of Vacancies.

Section 4.8. Except as otherwise provided in this charter, any vacancy occurring in any elective office shall be filled by the Council, or the remainder of its members, even though such remainder be less than a quorum, within thirty days after such vacancy shall have occurred. Said appointee shall serve until the second Monday following the next regular city election following his appointment. In all cases where the term of office in which a vacancy occurs extends beyond the second Monday following the next regular city election following the occurrence of such vacancy, the vacancy shall be filled at such regular city election for the balance of the term. Any person elected or appointed to fill any vacancy shall take and subscribe to the usual oath or affirmation of office and furnish any bond required of him of the same type and in the same manner as regularly elected officers.

CHAPTER 5

ELECTIVE OFFICERS OF THE CITY: DUTIES

The Council.

Section 5.1. The government of the city, and all the powers thereof, except the judicial powers, shall be vested in the Council. The Council shall exercise such powers in the manner and through the agencies provided by law; shall exercise the management and control of all municipal property and the administration of the municipal government whether or not such powers be expressly enumerated in this charter. It shall pass upon and secure the performance of any act necessary to advance the interests of the city, the good government and prosperity of the municipality and its inhabitants; and shall pass all laws and ordinances which may be necessary and proper for carrying into execution the powers granted to the city by law.

The Mayor and Mayor Pro-Tempore.

Section 5.2. (a) On the third Monday of November in each year, the Council shall meet and choose one of its members as Mayor pro-tempore, who shall hold office for a term of one year from said date.

(b) Insofar as it is required by law, and for all ceremonial purposes, and for the purposes of military law and service of legal process upon the city, the Mayor shall be chief executive of the city.

(c) He shall preside at meetings of the Council and shall have a voice in its proceedings, but no vote, except in case of a tie, and no veto power.

(d) He shall be a conservator of the peace and may exercise, within the city, the powers conferred upon sheriffs to suppress disorder and to maintain order in times of emergency or disaster.

(e) He shall authenticate, by his signature, such instruments as require such action by law or ordinance.

(f) The Mayor pro-tempore shall perform the duties of the Mayor during the absence or disability of the Mayor. In the absence of both the Mayor and the Mayor pro-tempore, the Council shall select one of its members to act in the stead of the Mayor.

(g) The Council may provide, by ordinance, for the continuity of the functions of the Council and of other officers and agencies of the city in the event of disaster or other event which may reduce the membership to less than a quorum or impair the ability of the city to normally conduct its affairs.

Compensation.

Section 5.3. Each member of the Council shall be compensated in the amount of one-hundred dollars annually, excepting the Mayor who shall receive three-hundred dollars annually. (Changed to \$300 for Council / \$600 for Mayor; Approved by election - 11/8/66, approved by Governor of Michigan - 2/3/67) (Changed to \$600 for Council/\$1000 for Mayor; approved by LOCC - 1/23/92)
Regular Meetings.

Section 5.4. The Council shall meet at the usual place of holding Council meetings at 7:30 P.M. Eastern Standard Time, on the second Monday next following each regular city election, at which session the newly elected members of the Council shall be qualified and assume the duties of their office. Regular meetings shall be held at least twice each month for the transaction of business, at such time and place within the city as the Council shall prescribe by ordinance.

Special Meetings.

Section 5.5. Special meetings of the Council may be called by the Clerk on the written request of the Mayor, the City Manager, or a majority of the members of the Council, with at least twenty-four hours mailed notice to each member of the Council, or six hours written notice served personally on each member by the Clerk or some person designated by him; but any special meeting at which all members of the Council are present or when the absent members have waived the requirement of notice in writing shall be a legal meeting for all purposes without such notice.

Quorum.

Section 5.6. Four members of the Council shall be a quorum for the transaction of business and, except when a different vote is required by law, the affirmative vote of four members shall be required for any official action of the Council.

Rules.

Section 5.7. The Council shall determine its own rules and order of business and shall keep a journal in the English language of all its proceedings, which shall be signed by the Mayor and the Clerk. There shall be no standing committees of the Council. On all votes, the yes and no vote of each member shall be recorded by roll call and published in the regular proceedings, except that, where the vote is unanimous, it shall only be necessary to so state.

Meetings of the Council to be Public.

Section 5.8. All regular and special meetings of the Council shall be open to the public and the rules of the Council shall provide that the citizens shall have a reasonable opportunity to be heard.

Discipline.

Section 5.9. The Council shall be the judge of the election and qualifications of its own members, subject to the review by the courts in cases of appeal from the decision of the Council. The Council may, by a vote of not less than three of its members, compel the attendance of its members and other officers of the city at its meetings and enforce orderly conduct therein. Any member of the Council or other officer of the city who refuses to attend such meetings and conduct himself in an orderly manner shall be subject to the penalties provided by this charter for misconduct in office.

Investigations.

Section 5.10. The Council or any person or committee authorized by it shall have power to inquire into the conduct of any department, office, or officer of the city and to make investigations as to matters in which the municipality has an interest, and, for that purpose, may require the appearance of witnesses, administer oaths, and compel the production of books, papers, and other evidence. Each person required to appear before the Council or to produce any books, papers, and other evidence shall so do as directed. Failure to obey such requirement to appear or to produce books, papers, or other evidence as ordered under the provisions of this section shall constitute a violation of this charter.

Clerk.

Section 5.11. (a) The Clerk shall perform the duties required of city clerks by law and the ordinances of the city.

(b) He shall keep and preserve the corporate seal and all documents, official bonds, papers, files, and records of the city, not by law or the ordinances of the city entrusted to some other officer.

(c) He shall be Clerk of the Council and shall record and preserve all the proceedings and resolutions of the Council.

(d) He shall sign or countersign all bonds issued and all licenses granted by the city.

(e) He shall, under seal of the city, make and certify copies of papers and records filed and kept in his office when needed and shall have authority to administer oaths and affirmations,

(f) All claims against the city shall be filed with him for adjustment. After examination thereof, he shall report the same, with all accompanying vouchers and counter-claims of the city, and the true balance as found by him to the City Manager who shall, if the same be in order, certify such claims to the Council for approval of the payment thereof.

(g) He shall account for all moneys belonging to the city which have been received by him and shall, forthwith, deposit any such moneys with the Treasurer.

(h) He shall be responsible for the calling and conduct of elections in the city as required by law.

Duties of the Treasurer.

Section 5.12. (a) The Treasurer shall be charged with the custody of all public moneys of the city and shall be responsible for all moneys turned over to him by other city officials or deposited by them in the name of the city in the depository or depositories designated by the Council.

(b) He shall keep all the accounts of the city government and shall report to the Council thereon quarterly in the months of March, June, September, and December, and when otherwise requested by the Council.

(c) He shall further perform such duties as shall be required of him by law and by city ordinances.

System of Accounts and Central Accounting.

Section 5.13. The system of accounts of the city shall be governed by law. Such accounts shall be made and maintained under the supervision and responsibility of the City Manager. If no such law exists, and to the extent that such law does not apply to any accounting requirement of the city, the Council shall provide therefor by resolution.

Duties of Constable.

Section 5.14. Each Constable shall have like powers and authorities in matters of civil and criminal nature and in relation to the service of process, civil and criminal, as are conferred by law on Constables in townships. He shall have power also to serve all process issued for breaches of ordinance of the city.

Bond of Constable.

Section 5.15. The bond of the Constable shall be that required of constables in townships.

Compensation of Constable.

Section 5.16. The only compensation of the Constable shall be the usual fees of that office as fixed by law or under authority of law.

Establishment of Court.

Section 5.17. There is hereby established a Justice Court in the City of Dowagiac to be presided over by two Justice of the Peace. One Justice shall be nominated and elected from the city at-large at the regular city election each odd numbered year, and shall hold office for a term of four years from and after the Fourth day of July next following his election, and shall be elected in accordance with the provisions of Chapter 2 of this charter.

Justices of the Peace.

Section 5.18. The Justices of the Peace in office at the time of the adoption of this charter shall remain in office until the expiration of the terms for which they were elected, but shall have the powers and duties prescribed in this charter for Justice of the Peace.

Compensation and Bond of Justices.

Section 5.19. (a) The Justices of the Peace shall receive as their compensation the same compensation as is provided by law for justices of the peace in townships. In the event that such compensation may cease to be provided by law, the Council shall provide therefor by ordinance.

(b) Before entering upon the duties of their office, the Justices of the Peace shall give bonds to the City of Dowagiac, in such sum as is required by the Council. Such bond shall be subject to the provisions of Section 4.5 of this charter.

Power and Jurisdiction: General.

Section 5.20. The Justices of the Peace of the city shall have and 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 law and shall be subject to such laws relating to such justices, except as otherwise provided in this charter. They shall have concurrent jurisdiction with other Justices in the county as to all crimes, offenses, and misdemeanors when alleged to have been committed within the county whether within the limits of the city or without.

Jurisdiction in Charter and Ordinance Cases.

Section 5.21. The Justices of the Peace shall have exclusive authority to hear, try, and determine all suits and prosecutions for the recovery and enforcing of fines, penalties, and forfeiture of office imposed by this charter and the ordinances of the city, and to punish offenders for misconduct in office, the violation of this charter and the ordinances of the city as, in such charter or ordinances prescribed and directed.

Extended Jurisdiction.

Section 5.22. The Justices of the Peace shall also have:

- (1) Concurrent jurisdiction to the amount of \$500.00 in all civil matters ex contractu and ex delictu with such exceptions and restrictions as are provided by law;
- (2) Such power and authority as can under Act 279 of P.A. 1909 be conferred by this charter to set aside the verdict or judgment in any civil cause and grant a new trial therein, to be exercised in such manner and on such conditions as provided in said act; and the filing of a motion for a new trial or to set aside a verdict

or judgment shall have such an effect on the time for taking an appeal from any judgment and upon the issuance and levy of execution or other similar process and sale thereunder and on other proceedings in said cause as provided in said act;

- (3) Such additional powers and authority as may now or hereafter be conferred upon city justices of the peace by law,

Procedure in Justice Court.

Section 5.23. The proceedings in all suits and actions before the Justices and in the exercise of the powers and duties conferred upon and required of them shall, except as otherwise provided in this charter, be according to and governed by the statutes applicable to Justice Courts and to the proceedings before such courts.

Transfer of Cases.

Section 5.24. (a) In case of the absences, disability, or disqualification of both Justices, any other Justice of the Peace of the county shall be qualified to act in the place of and for the Justice in the performance of any of the duties imposed upon him by statute or this charter.

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

Fees, Fines, and Penalties.

Section 5.25. (a) All fines, penalties, and forfeitures for misconduct in office, violations of the charter, and for violations of city ordinances, collected or received by the Justices of the Peace, shall be paid over to the City Treasurer on or before the tenth day of the next month after the collection or receipt thereof; and the court shall take a receipt of the Treasurer therefor and file the same with the Clerk; failure of any judge to comply with the foregoing provisions shall constitute misconduct in office. All other moneys received by the Justices of the Peace shall be paid over and accounted for as required by law.

(b) The expenses of prosecution before the Justices for violations of penal laws of the state, and in punishing the offenders, shall be paid by the county.

Docket.

Section 5.26. The Justices of the Peace shall keep, at the place of holding court, a docket in the manner required by law. Failure to comply with the requirements of this section shall constitute misconduct in office.

Violations Bureau.

Section 5.27. The Council shall have power and authority to establish by ordinance, a Violations Bureau under the direction of the Justice Courts for the handling of vehicular traffic cases, other than failure to stop in event of an accident, driving while under the influence of intoxicating liquors or narcotics, or reckless driving, and for the handling of such other ordinance violations as shall not be contravention of law. In such Bureau, any person who has received any notice to appear in answer to a charge or summons under the ordinances of the city may, within the time specified in the notice, answer at the Violations Bureau to the charges set forth in such notice by paying a prescribed fine which cannot be waived by the Bureau and, in writing, pleading guilty to the charge, waiving a hearing in court and giving power of attorney to the person in charge of the Bureau to make such a plea and pay such fine in court. Acceptance of the prescribed fine and the power of attorney by the Bureau shall be deemed to be complete satisfaction for the violation and the violator shall be given a receipt which so states. The creation of such a Bureau by the Council shall not operate so as to deprive any person of a full and impartial hearing in court should the person so choose.

Compensation.

Section 5.28. The compensation of elective officers of the city shall be determined by the Council, except as otherwise provided in this charter.

Supervisors.

Section 5.29. The supervisors of the City of Dowagiac shall have the same powers and duties as the supervisors in townships, except as otherwise provided in this charter. If any representative of the city on the County Board of Supervisors shall be unable to attend any meetings of the Board of Supervisors, the Mayor shall appoint some other qualified person to discharge the duties of the office during such absence or disability and shall certify such appointment to the said Board of Supervisors.

Representatives of the city on the County Board of Supervisors shall be entitled to retain any compensation paid to them by the County of Cass as members of such board.

CHAPTER 6

LEGISLATION

Legislative Power.

Section 6.1. The legislative power of the city is vested exclusively in the Council, except, as otherwise provided by law. When this charter requires the adoption of an ordinance for any purpose, the existence of an ordinance accomplishing such purpose shall suffice.

Prior Legislation Preserved.

Section 6.2. All ordinances, resolutions, rules, and regulations of the Council and of each administrative agency of the city, to the extent that they are consistent with the provisions of this charter, which are in force on the effective date of this charter, shall continue in full force, until repealed or amended.

Form and Adoption of Ordinances.

Section 6.3. Each ordinance shall be identified by a number and a short title. The style of all ordinances shall be, "The City of Dowagiac Ordains!". The effective date of each ordinance shall be prescribed therein. At least two weeks shall elapse between the introduction and enactment of ordinances, except that the Council may pass any ordinance which is immediately necessary for the preservation of the public peace, health, or safety, by an affirmative vote of five or more members of the Council as an emergency ordinance at any time. Any ordinance passed as an emergency ordinance shall recite such fact. No ordinance making or amending a grant, renewal, or extension of a franchise or other special privilege shall be passed by the Council as an emergency ordinance. Ordinances shall be amended and repealed only by ordinances adopted for such purposes. No ordinance shall be revised, altered, or amended by reference to its title only, but the section or sections of the ordinance revised, altered, or amended shall be re-enacted and published in full, except as otherwise provided in this charter. An ordinance may be repealed by reference to its number and title only. No ordinance shall be effective until after the publication thereof.

Ordinance Record.

Section 6.4. All ordinances, when enacted shall be recorded by the Clerk in a book called, "The Ordinance Book", and it shall be the duty of the Mayor and the Clerk to authenticate such record by their official signatures.

Publication of Ordinances.

Section 6.5. Except as otherwise provided in this charter, ordinances, when enacted, shall be published forthwith by the Clerk. The Clerk shall enter his certificate as to the manner and date of publication after each ordinance in the ordinance book. If the Council shall direct the Clerk to make a digest of any ordinance or amendment which is more than one thousand words in length, and in its opinion not of general public application, the Council may approve such digest and order its publication. The publication of such digest shall be deemed to be sufficient publication of such ordinance or amendment under this section. The Council shall make available at the office of the Clerk not less than fifty copies of the full text of any ordinance which is published by digest for free distribution to the public. The Council may adopt any detailed technical regulations contained in any recognized standard code, official or unofficial, as a city ordinance or code by reference thereto and publication thereof may be made by providing to the public not less than fifty copies in book or booklet form, available for public inspection and distribution at cost, in the office of the Clerk. Any amendment to or revision of any such adopted code or detailed technical ordinance may be published in the same manner.

Revision and Codification.

Section 6.6. The Council may, by resolution, order a general revision or codification of ordinances. Each such codification shall be published in the manner permitted by law.

Initiative and Referendum.

Section 6.7. Any act which may be done by the Council by ordinance or resolution may be initiated by petition; or a referendum on any such act of the Council may be had by a petition, as hereinafter provided.

Initiatory or Referendary Petitions.

Section 6.8. An initiatory or a referendary petition shall be signed by not less than fifteen percent of the registered electors of the city on the date of the filing of such petition. The Clerk shall provide and make available to any registered elector of the city general petition forms upon which any initiatory or referendary petition may be set forth by such elector or others interested therein. Such petition may be the aggregate of two or more petition papers. Each signer of a petition shall sign his name, and shall, himself, place thereon after his name the date of his signing and his place of residence by street and number. The name of a person who does not comply with this requirement shall not be counted by the Clerk when he canvasses the signatures on petition forms after the same have been filed with him. To each petition paper there shall be attached a sworn affidavit by the circulator thereof, stating that each signature thereon is the genuine signature of the person whose name it purports to be, and that it was signed in the presence of the affiant. Such petition shall be filed with the Clerk who shall, within ten days, canvass the signatures thereon to determine the genuineness and the sufficiency thereof. Any signature obtained more than sixty days before the filing of such petition with the Clerk shall not be counted. If an initiatory petition be found to contain an insufficient number of genuine signatures of registered electors of the city, or to be improper as to form or compliance with the provisions of this section, the Clerk shall notify, forthwith, the person filing such petition, and ten days from the time of such notification shall be allowed for the filing of supplemental petition papers. When an initiatory or referendary petition is found to be sufficient and proper, the Clerk shall present the petition to the Council at its next regular meeting.

Council Procedure.

Section 6.9. Upon receiving a certified initiatory or referendary petition from the Clerk, the Council shall, within thirty days, either

- (1) If it be an initiatory petition, adopt the ordinance;
- (2) If it be a referendary petition, repeal the ordinance; or
- (3) In either case, determine to submit the proposed to the electors.

Submission to Electors.

Section 6.10. Should the Council decide to submit the proposal to the electors, it shall be submitted at the next election held in the city for any other purpose or, in the discretion of the Council, at a special election. The result shall be determined by a majority vote of the electors voting thereon, except in cases where otherwise required by law.

General Provisions.

Section 6.11. The certification by the Clerk of the sufficiency of a referendary petition within twenty days after the passage of the ordinance to which such petition refers shall automatically suspend the operation of the ordinance in question pending repeal by the Council or final determination by the electors, as the case may be. No referendum shall be had on any ordinance or resolution making or based on any appropriation for the conduct of the government or business of the city, a franchise, or a contract, unless referendary petitions are filed within ten days after the passage of such ordinance or resolution, unless a provision therefor is specifically provided for therein or by law. An ordinance adopted by the electorate through initiatory proceedings, may not be amended or repealed by the Council for a period of two years, and, after that period, only by the affirmative vote of not less than five Councilmen. Should two or more ordinances, adopted at the same election, have conflicting provisions, the one receiving the highest affirmative vote shall prevail as to those provisions.

CHAPTER 7

ADMINISTRATIVE OFFICERS OF THE CITY

Statement of Policy.

Section 7.1. It is hereby declared to be the policy of this charter that, except as otherwise provided herein, all matters relating and pertaining to the administration of the city government shall be performed by the administrative officers and personnel of the city who shall function without administrative interference from the Council. In every case where appointment of administrative officers is made by other than the City Manager, the body making the appointment shall seek the advice and recommendation of the City Manager.

Administrative Officers.

Section 7.2. The administrative officers of the city shall be a City Manager, a Clerk, a Treasurer, an Assessor, a City Attorney, a Police Chief, a Fire Chief, a Health Officer, and all heads of departments. Such officers shall be selected with reference only to their qualifications and fitness and for the good of the public services. Each appointed administrative officer shall be and remain a resident of the city or, if not a resident of the city at the time of his appointment, shall become a resident within six months after his appointment. Until such an appointed officer becomes a resident of the city his appointment shall be provisional and subject to termination if he fails to become a resident of the city as herein required. The Council may, by ordinance, create such additional offices as it may deem necessary for the operation of the city government. No such created office shall invade the functions of the officers named in this section as set forth in this charter. The Council may combine any such offices in one or more persons in any manner not inconsistent with the provisions of law. Except in the performance of duties imposed upon them by State law relating to the holding of elections other than city elections and the collecting and accounting for county and school taxes, all administrative officers of the city shall perform the duties of their respective offices under the direction and supervision of the City Manager. The Council may provide, by ordinance, for the continuity of the administrative functions of the city in the event of disaster or other event which may impair the ability of the city to conduct such functions.

Direction of Appointive Officers.

Section 7.3. Neither the Council nor any of its members shall direct or request the appointment of any person to or his removal from office or employment by the City Manager or any of his subordinates. Except for the purpose of inquiry, the Council and its members shall deal with the administrative service solely through the City Manager, and neither the Council nor any member thereof shall give orders, directly, to any subordinate of the City Manager, either publicly or privately. Any violation of this section by a Councilman shall constitute misconduct in office.

City Manager.

Section 7.4. The Council shall, within ninety days after the effective date of this charter, appoint a City Manager who shall be responsible to the Council. The first City Manager shall not be a resident of the City of Dowagiac at the time of appointment. The City Manager shall be the chief administrative officer of the city government, under the direction and supervision of the Council. He shall be selected on the basis of his fitness and ability alone, and need not be a resident of the city at the time of his appointment, but shall become a resident of the city as required by Section 7.2. and shall maintain residence in the city during his tenure in office. The City Manager may designate an officer or other employee of the city to perform his duties during his temporary absence or incapacity. The Council shall designate some qualified person to perform the duties of the City Manager during a vacancy in the office. Any vacancy in the office of City Manager shall be filled within ninety days after the effective date of such vacancy. Except for reason of gross misconduct in office, no City Manager shall be removed within ninety days following the date of any regular city election. No person who has been elected a member of the Council shall be eligible for appointment as City Manager or Acting City Manager until two years have elapsed following the expiration of the term for which he was elected.

Salary of City Manager.

Section 7.5. The Council shall fix the salary of the City Manager.

Removal of City Manager.

Section 7.6. If the Council removes the City Manager, it shall enter upon the journal of its proceedings a statement of the reasons for such

removal, and, if the City Manager within two weeks after his removal shall submit a statement in reply to the statement of the Council, his statement shall also be entered upon the journal of the proceedings of the Council. The action of the Council in removing the City Manager shall be final, it being the intent of this charter to vest all authority for such removal in the Council.

Functions of The City Manager.

Section 7.7. The functions of the City Manager shall be:

- (1) He shall see that all laws and ordinances are enforced;
- (2) He shall appoint, with the approval of the Council, all administrative officers of the city except as otherwise may be provided by this charter;
- (3) He shall manage and supervise all public improvements, works and undertakings of the city; shall have charge of the construction, repair, maintenance, cleaning, and lighting of streets, sidewalks, bridges, pavements, sewers, and all public buildings or other property belonging to the city; shall manage and supervise all city utilities, and shall be responsible for the preservation of engineering records, plans, plats, easements, city maps, utility maps, property, tools, appliances, equipment, and machinery of the city;
- (4) He shall attend all meetings of the Council with the right to participate in discussions but without the right to vote;
- (5) He shall be a member, ex officio, of all committees of the Council and boards of the city;
- (6) He shall prepare a budget proposal for Council consideration and administer the annual budget under the policies formulated by the Council, and shall keep the Council fully advised at all times as to the financial condition and needs of the city;
- (7) He shall recommend to the Council for consideration by it such measures as he may deem necessary or expedient;
- (8) He shall be purchasing agent for the city and all purchases for the city shall be made by him and all invoices for payment of same shall be approved by him before payment thereof may be made;
- (9) He shall be responsible to the Council for the efficient administration of all departments of the city government;

(10) He shall perform such other duties as may be prescribed by this charter or as may be required of him by ordinance or by direction or appointment of the Council;

(11) He shall exercise and perform all administrative functions of the city that are not imposed by this charter or any city ordinance upon some other official.

City Attorney.

Section 7.8. (a) The City Attorney shall be appointed by and his compensation shall be set by the Council. He shall serve at the pleasure of the Council.

(b) The City Attorney, in addition to the other duties as set forth in this charter, shall be the legal advisor of the Council, and of all officers of the city in connection with the duties required of them by law and shall act as the attorney and solicitor for the corporation in all legal proceedings in which the corporation is interested, and he shall prosecute all offenses against the ordinances of the city and this charter.

(c) The Council may provide for an assistant to the City Attorney and may retain special legal counsel to handle any matter in which the city has an interest, or to assist the City Attorney in connection therewith.

Assessor.

Section 7.9. (a) The Assessor shall be the assessing officer of the city and shall prepare all of the assessment and tax rolls of the city for both general taxation and special assessments.

(b) He shall perform all the duties and have all the powers required of and possessed by assessing officers by law.

Other Administrative Officers.

Section 7.10. The powers and duties of all other administrative officers, except as otherwise provided by law, shall be prescribed by ordinance and by direction of the City Manager.

Suspensions.

Section 7.11. For cause, the Council may, by resolution, temporarily suspend the City Manager from the performance of his duties. Such resolution shall state the reasons for such suspension and the dates of commencement and termination thereof. The City Manager shall have similar powers, by

administrative order, with reference to all other appointive administrative officers and the employees of the city.

Terms of Office.

Section 7.12. All appointed administrative officers shall hold office for indeterminate terms, and except the City Attorney, their removal from office shall be by the City Manager.

Compensation.

Section 7.13. Except as otherwise provided in this charter, the compensation of all appointive administrative officers and of city employees shall be recommended by the City Manager and approved by the Council, within budget appropriations.

Appointment, Removal and Qualifications of Employees.

Section 7.14. Within six months after the effective date of this charter the Council shall provide, by ordinance, for a merit system of personnel management for all employees of the city. The ordinance shall provide for a commission composed of three persons who shall not be eligible for any other city office during their tenure and who shall be dedicated to the fair and impartial administration of the merit system. All persons who are employees of the city on the effective date of this charter shall receive civil service status automatically. Each administrative officer or head of a department who had civil service status on the effective date of this charter shall retain such status, but his successor shall be selected and shall serve in his office as provided in this charter.

Personnel Employed.

Section 7.15. All personnel employed by the city who are not elected officers of the city or declared to be administrative officers by or under the authority of this charter shall be deemed to be employees of the city.

Notice of Appointment.

Section 7.16. Notice of appointment of any administrative officer and of the requirement of any bond to be given by any such officer, shall be given him by the Clerk, in writing, within five days after his appointment by the Council or City Manager. If, within ten days after the date of notice, such officer shall not take, subscribe, and file with the Clerk any bond required of him, such neglect shall be deemed a refusal to serve and the office shall thereupon be deemed vacant, unless, upon the request of the

appointee, the appointing authority shall extend the time in which such appointee may qualify as above set forth.

Oath of Office.

Section 7.17. Every administrative officer, before entering upon the duties of his office, shall take and subscribe to the usual oath of office as provided by the State Constitution, which shall be filed and kept in the office of the Clerk.

Books, Records, and City Property.

Section 7.18. Within ten days after any administrative officer has qualified for the office to which he has been appointed, his predecessor in such office shall surrender to him all the books, papers, records, and other city property which may be in his custody. The failure of such predecessor to reasonably comply with this provision shall constitute a violation of this charter.

Vacancy Defined.

Section 7.19. In addition to other provisions of this charter, a vacancy shall be deemed to exist in any administrative office when any such officer dies, resigns, is removed from office, moves from the city, is convicted of a felony or of misconduct in office under this charter, fails to perform the duties of his office for ninety days, unless excused by the Council, which excusing may be revoked, or is judicially declared to be mentally incompetent.

Filling Vacancies.

Section 7.20. Except as otherwise provided in this charter, in the event of a vacancy in any administrative office appointed by the City Manager, the City Manager shall, within thirty days after the occurrence of such vacancy, appoint another person to hold such office. Such time may be extended by the Council for not to exceed an additional sixty days upon application to the Council by the City Manager, setting forth his reasons therefor.

Fees.

Section 7.21. Except as otherwise provided in this charter, all fees paid to any officer in the performance of any duties as a city officer, which may be required by law or under the ordinances of the city, shall

belong to the city and shall be accounted for and deposited with the Treasurer forthwith upon receipt thereof. Failure to do so shall constitute misconduct in office.

Employee Welfare Benefits.

Section 7.22. The Council shall have power to make available to the administrative officers and employees of the city and its departments and boards, any recognized standard group plan of life, hospital, health, or accident insurance.

Pension and Retirement System.

Section 7.23. The Council may establish, by ordinance, a pension and retirement system for its employees and administrative officers. In compliance with this provision, the Council may adopt the provisions of Act 135, P.A., 1945, as amended, the "Municipal Employee's Retirement Act", or any other equally actuarially sound retirement plan.

Restriction Concerning Holding of Offices.

Section 7.24. No appointive officer or employee of the city, except the City Attorney and the Health Officer, shall seek or hold any other governmental office or employment, other than those of notary public, positions in the military services, and deputy sheriff on the part of members of the police department. If any officer or employee of the city acts contrary to the provisions of this section, his filing of a nominating petition for election to, or his acceptance of appointment to, any such office shall, forthwith, terminate his city employment or vacate his official status as a city officer, as the case may be, unless he shall have resigned from his position with the city prior thereto.

CHAPTER 8

GENERAL FINANCE: BUDGET PROCEDURE

Fiscal Year.

Section 8.1. Beginning in the year 1965 the fiscal year of the city shall commence on the first day of October and extend to the thirtieth day of September following. Such year shall constitute the budget year of the city government.

Budget Procedure.

Section 8.2. On or before the third Monday in April, each year the City Manager shall prepare and present to the Council a complete itemized budget proposal for the operation of the city for the next fiscal year.

Budget Document.

Section 8.3. The budget proposal shall present a complete financial plan for the ensuing fiscal year. It shall include at least the following information:

- (1) detailed estimates of all proposed expenditures for each department and office of the city, showing the expenditures for corresponding items for the current and last preceding fiscal years, with reasons for increases and decreases recommended, as compared with appropriations for the current year;
- (2) statements of the bonded and other indebtedness of the city, showing the debt redemption and interest requirements, the debt authorized and unissued, and the condition of the sinking funds, if any;
- (3) detailed estimates of all anticipated income of the city from sources other than taxes and borrowing, with a comparative statement of the amounts received by the city from each of the same, or similar sources for the last preceding and current fiscal year;
- (4) a statement of the estimated balance or deficit, as the case may be, for the end of the current fiscal year;
- (5) an estimate of the amount of money to be raised from current and delinquent taxes and the amount to be raised from bond issues which together with income from other sources, will be necessary to meet the proposed expenditures;
- (6) such other supporting schedules as the Council may deem necessary.

Budget Hearing.

Section 8.4. A public hearing on the proposed budget shall be held before its final adoption, at such time and place as the Council shall direct, and notice of such public hearing shall be published at least six days in advance by the Clerk. Such notice shall state the time and place of such hearing, and shall state the place where a copy of such budget is available for public inspection. A copy of the proposed budget shall be on file and available to the public during office hours at the office of the City Manager for a period of not less than one week prior to such public hearing.

Review of the Budget.

Section 8.5. The Council shall review the proposed budget document submitted by the City Manager and may make such changes therein as it shall deem advisable.

Adoption of Budget.

Section 8.6. (a) At a regular meeting held not later than the first Monday in June of each year, the Council shall, by resolution, adopt a budget for the ensuing fiscal year and make an appropriation of moneys therefor. Such resolution shall designate the sum to be raised by taxation for the general purposes of the city and for the payments of principal and interest on its indebtedness, which sum except for the purpose of the payments of principal of and interest on indebtedness, shall not exceed one and one-half percent of the assessed value of all real and personal property in the city, as finally equalized by the State of Michigan. Failure to adopt such resolution within the time herein set shall not invalidate either the budget or the tax levy therefor.

(b) In the event that the Council shall not adopt a budget for any fiscal year by the second Monday in June preceding the commencement of such fiscal year, the budget proposal for that year, as presented to the Council by the City Manager, in accordance with the provisions of this chapter, shall be deemed to be the budget for that fiscal year, and there shall be an appropriation therefor, without the necessity of Council action.

(c) A copy of the appropriation for each fiscal year, certified by the Clerk, shall be furnished to the Treasurer within ten days after the date of the adoption of the budget resolution.

Transfer of Appropriations.

Section 8.7. After the budget has been adopted, no money shall be drawn from the treasury of the city during the fiscal year to which such budget applies nor shall any obligation for the expenditure of money be incurred during such year, except pursuant to the budget appropriation therefor. Upon its own motion concerning matters involving legislative functions of the Council and upon the recommendation of the City Manager concerning the administrative functions of the city, the Council may amend the budget and may transfer any appropriation balance to any portion thereof from one department, fund, or agency to another to conform to such amendment, but may not, by so doing impair the obligation of the city concerning any contract, including obligations concerning indebtedness. The balance in any appropriation which has not been expended or encumbered at the end of the fiscal year shall revert to the general fund and be reappropriated during the next fiscal year. This section shall not be construed so as to prohibit the issuance of bonds or notes of the city or the expenditure of moneys authorized by or for the purpose for which such bonds or notes or special assessments were issued or assessed, as stated in the ordinance or resolution authorizing the same and for the legal and engineering expenses incurred therefor.

Budget Control.

Section 8.8. At the beginning of each quarterly period during the fiscal year, and more often if required by the Council, the City Manager shall submit to the Council data showing the relation between the estimated and actual city income and expenses to date; and, if it shall appear that the income is less than anticipated, the Council may reduce appropriations for any item or items, except amounts required for debt and interest charges, to such a degree as may be necessary to keep expenditures within the city income. If the revenues exceed the amounts estimated in the budget, the Council may make supplemental appropriations. The Manager may provide for monthly, quarterly, or other periodical allotments of appropriations to departments, funds, or agencies under such rules as he shall prescribe.

Disbursements of City Funds.

Section 8.9. No funds of the city, other than petty cash, shall be disbursed, except by check. The Council shall, within ninety days after the effective date of this charter, by ordinance or resolution, establish a procedure for making all disbursements of city funds, which procedure shall comply with any statutory requirements therefor.

Depository.

Section 8.10. The Council shall designate the depository or depositories for city funds, and shall provide for the regular deposit of all city moneys. The Council may provide for such security for city deposits as are permitted by law, except that personal surety bonds shall not be deemed proper security.

Special Accounts.

Section 8.11. (a) The Council may, by ordinance, establish and maintain accounts for accumulating moneys to be used for acquiring, extending, altering, constructing, or repairing public improvements as authorized in Section 2.2 (5) and other provisions of law and for the purchase of equipment of any type, in each case either for specific item or items or for future unspecified public improvements or equipment, or both.

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

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

(d) Moneys which are accumulated for the purpose of purchasing equipment, as set forth in sub-section (a) hereof, shall be expended only for the purpose provided in the ordinance establishing any such account, or as such ordinance may be amended from time to time, and when no longer required for such purpose, such moneys or any part thereof, may be transferred to the general fund by a resolution adopted by the affirmative vote of not less than five members of the Council.

Independent Audit.

Section 8.12. An independent certified audit shall be made of all accounts of the city government as required by law and at least annually and more frequently if deemed necessary by the Council. Such audit shall be made by qualified Certified Public accountants experienced in municipal accounting.

Annual Report.

Section 8.13. The City Manager shall prepare an annual report of the affairs of the city, after the completion of the annual audit. The report shall comply with the requirements of law concerning the accounting for public moneys and include condensed financial statements based upon the annual audit showing the results of city operations and the financial status of the city, including statements for each public utility owned or operated by the city. Copies of such reports shall be made available for public inspection and distribution at the office of the Clerk and by such other method as the Council may determine.

CHAPTER 9

GENERAL FINANCE: GENERAL TAXATION

Subjects of Taxation.

Section 9.1. (a) The City shall have power to assess taxes and to lay and collect rent, tolls, and excises. Except at otherwise permitted by law, the subjects of ad valorem taxation shall be the same as for state, county, and school purposes under the general law of the state. No exception from taxation upon such subjects shall be allowed, except such exemptions as are expressly prescribed or permitted by law.

(b) Subject to the exceptions provided or permitted by law, the taxable status of persons and property shall be determined as of the thirty-first day of December, or such other date as may subsequently be required by law, which shall be deemed the tax day. Except as otherwise permitted by law, values on the assessment roll shall be determined according to the facts existing on the tax day for the year for which such roll is made, and no change in the status or location of any such property after that day shall be considered by the Assessor or the Board of Review.

Taxation Procedure.

Section 9.2. An assessment of all property in the city which is subject to taxation shall be made annually by the Assessor and shall be completed and certified by him and filed with the Clerk on or before the first Monday in March. Except as otherwise provided by this charter, city taxes shall be levied, collected, and returned in the manner provided by state law.

Board of Review.

Section 9.3. (a) A Board of Review is hereby created, composed of three members who have the qualification required by this charter for elective city officers. The Council shall fix the compensation of the Board of Review on a per diem basis.

(b) The members of the Board of Review shall be appointed by the Council, and may be removed for reasons of nonfeasance or misfeasance by the vote of five members of the Council. One member shall be appointed in the month of December of each year, for a term of three years, commencing on the following January first.

(c) The Board shall, annually, on the first day of its meeting, select one of its members chairman for the ensuing year. The Assessor shall be Secretary of the Board, and shall be entitled to be heard at its sessions, but shall have no vote on any proposition or question. A copy of the proceedings of the Board of Review shall be filed with the Clerk on or before the fifteenth day of July following each meeting thereof.

Meeting of the Board of Review.

Section 9.4. The Board of Review shall convene on the Tuesday after the first Monday in March to review and correct the assessment roll and shall remain in session for at least three days. The Clerk shall call the Board of Review to order at the first meeting thereof and shall preside at such meeting until the board shall have elected one of its members as chairman. The Clerk shall turn over to the Board of Review, the assessment roll prepared by the Assessor.

Meetings, Notice of Meetings.

Section 9.5. Notice of the time and place of the sessions of the Board of Review shall be published by the Clerk at least three times, before the first meeting of the Board with the first publication made not less than twenty days prior to the first Monday in March.

Endorsement of Assessment Roll.

Section 9.6. On or before the third Monday in March, the Board of Review shall endorse the assessment roll as provided by general law. Such roll, subject to equalization procedures provided by law, shall be the assessment roll of the city for all tax purposes.

Certify Tax Levy to Assessor.

Section 9.7. Within three days after the adoption by the Council of the budget for the next fiscal year, the Clerk shall certify to the Assessor the amount of the tax levy fixed by the Council. The Assessor shall proceed to rateably assess according and in proportion to the valuations of property shown on the city assessment roll and as the same may be equalized by process of law, together with all special assessments and any other amounts which the Council may require under authority of state law or this charter or determine to be assessed, reassessed, or charged against any property or person.

Tax Lien on Property.

Section 9.8. (a) The City taxes, assessments, and charges spread and levied on the city tax roll shall be due and payable on the first day of July of each year. Such taxes shall be delinquent on the sixteenth day of September of each year, unless the tax schedule provided by the Council shall set another date therefor. Such taxes shall become a debt to the city from the owner or person otherwise to be assessed on the tax day provided by law. The amounts assessed on any interest in real property shall become a lien upon such real property on the first day of July, and the lien for such amounts, and for interest and charges thereon, shall continue until payment thereof. No taxes collected on any city tax roll shall be expended for any purpose except under authority of the budget adoption resolution by which they were authorized and appropriated.

(b) All personal property taxes shall, from and after tax day be a first lien, prior, superior, and paramount, 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 law for county and school district taxes, and shall so remain until such taxes and all interest and charges thereon are paid.

Taxes Due--Notification Thereof.

Section 9.9. The Treasurer shall not be required to make personal demand for the payment of taxes, but, upon receipt of the city tax roll, he shall, forthwith, mail a tax statement to each person named in the tax roll, and shall give notice, by publication in a newspaper of the city, of the date upon which city taxes are due, which notice shall be a sufficient demand for the payment of all taxes assessed. Neither the failure on the part of the Treasurer to give such notice, nor the failure of any person to receive the notice or the tax statement shall invalidate the taxes on the tax roll or release any person or property assessed from the penalty provided in this chapter in case of nonpayment.

Tax Payment Schedule.

Section 9.10. The Council shall provide a tax payment schedule and the amount of collection charges and interest to be added to taxes, charges, and assessments on the city tax roll which remain unpaid after the same become delinquent. When so added, such collection charges and interest shall be treated in all respects as items of taxes and collected as such

and, if returned to the county treasurer on any delinquent tax roll, shall be collected by him with the delinquent taxes to which they apply. All charges and assessments on the tax roll, and any collection charges and interest thereon, which remain unpaid at the time the delinquent tax roll is returned to the County Treasurer shall be included with the city taxes spread upon such roll and shall be collected by the County Treasurer in like manner as delinquent taxes are collected on delinquent tax rolls returned to County Treasurers under the general property tax act.

Failure or Refusal to Pay Personal Property Tax.

Section 9.11. If any person shall neglect or refuse to pay any tax on personal property assessed to him, including any collection charge and interest added thereto, the Treasurer shall collect the same by seizing any personal property of such person, to an amount sufficient to pay such tax, together with any fees and charges added thereto, wherever the same may be found in the state. No property shall be exempt from such seizure. He may sell the property seized, to an amount sufficient to pay the taxes and all collection charges, costs, and interest added thereto, in accordance with statutory provisions. The Treasurer may, if otherwise unable to collect a tax on personal property, together with collection charges, costs, and interest added thereto, sue the person to whom it is assessed, therefor, in accordance with the powers granted to him by law. Such suit shall be brought in the name of the city and the costs thereof shall be included in the costs to be collected with the taxes sued for.

State, County, and School Taxes.

Section 9.12. For the purpose of assessing and collecting State, County and school taxes, the city shall be considered the same as a township, and all provisions of law relative to the collection of, and accounting for, such taxes and the penalties and interest thereon shall apply. The Treasurer shall perform the same duties and have the same powers as township treasurers under state law.

Protection of City Lien.

Section 9.13. The city shall have power, insofar as the exercise thereof shall not conflict with or contravene the provision of law, to acquire such an interest in any premises within the city, by purchase at any tax or other public sale, or by direct purchase from or negotiation with the State of Michigan or the fee owner, as may be necessary to assure

to the city the collection of its taxes, special assessments, or charges which are levied against any lot or parcel of real property or to protect the lien of the city therefor, and may hold, lease, or sell the same. Any such procedure exercised by the city to assure the collection of its taxes or the protection of its tax or other liens shall be deemed to be for a public purpose. The Council may adopt any ordinance which may be necessary to make this section effective.

Disposition of Real Property held by the City for Tax Liens.

Section 9.14. When the city has acquired any interest in property to protect the city's tax lien thereon, the owner of any interest therein, by fee title, as mortgagee, or as vendor or vendee under a land contract shall have the right to purchase the city's interest therein upon payment to the city of the amount of money which the city has invested therein in the form of taxes, special assessments, charges, fees, penalties, interest and costs, paid by the city to protect its title in such property. After the lapse of ninety days after the date that the city acquired title to any such property, the Council may remove the same from the market by determining that such property is needed for and should be devoted to public purposes, naming such purposes, or may sell the same at a price which shall be not less than its market value, as determined and certified to the Council by the Assessor.

CHAPTER 10

SPECIAL ASSESSMENTS

General Power Relative to Special Assessments.

Section 10.1. The Council shall have the power to make public improvements within the city. As to public improvements which are of such a nature as to benefit especially any property or properties within a district, the Council shall have the power to determine, by resolution, that the whole or any part of the expense of any such public improvement shall be defrayed by special assessment upon such property, in proportion to the benefit derived or to be derived.

Detailed Procedure to be Fixed by Ordinance.

Section 10.2. (a) The Council shall prescribe, by ordinance, the complete special assessment procedure governing the initiation of public improvement projects; the preparation of plans and cost estimates; the creation of special assessment districts; notices and hearings; making of special assessment rolls; the correction of errors in such rolls; the confirming of the special assessment rolls; the number of installments in which special assessments may be paid; the collection of special assessments; the making of additional assessments where the original special assessment roll proves insufficient to pay the cost of the improvement; refunds of excessive assessments; Provided, That, when such excess is less than five per cent of the total amount of the assessment roll, the excess may be placed in the general fund, and any other matters concerning the making and financing of improvements by the special assessment method. Such ordinance shall include provisions for the following:

- (1) The procedure for filing petitions for public improvements;
- (2) A survey and report by the City Manager concerning the need for, desirable extent of, and probable cost of such proposed public improvement;
- (3) A public hearing by the Council on the necessity of the making of such public improvement, with a publication of notice of such hearing: Provided, That no such public hearing shall be required when a petition for a public improvement is signed by all of the owners of property to be assessed therefor;

- (4) A resolution of the Council determining to proceed or not to proceed with the proposed public improvement;
- (5) A public hearing by the Council on the special assessment roll for the project with a publication of notice of such hearing;
- (6) A resolution of the Council confirming the special assessment roll for public improvements and stating the date upon which the special assessment therefor, or the first installment thereof if installment payments be allowed, shall be due and payable, the number of annual installments, if allowed, in which the special assessment may be paid, and the rate of interest to be charged upon such deferred installments;
- (7) That no additional assessment for any public improvement which exceeds 10% of the original assessment shall be made, unless such additional assessment be reviewed at a meeting of the Council, for which meeting notices shall be published as provided in the case of review of the original special assessment roll;
- (8) That, in any case when the main purpose of a sidewalk is to provide travel convenience to and from a school, factory, or other institution, public or private, and not for the benefit of the property in a district, except incidentally, the city shall pay not less than one-half of the cost of such sidewalk;
- (9) If, under item (4) above, the determination is to proceed, determining the probable life of the improvement, finally fixing the special assessment district therefor, and ordering the Assessor to prepare a special assessment roll therefor: Provided, That if prior to the adoption of the resolution to proceed with the making of the public improvement, written objections thereto have been filed by the owners of property in the district, which, according to the City Manager's report will be required to bear more than fifty per cent of the cost thereof, or by a majority of the owners of property to be assessed, no resolution determining to proceed with the improvement shall be adopted while such objections remain, except by the affirmative vote of five members of the Council;
- (10) Publication of notices required by this section shall be given in a newspaper published in the city not less than seven days prior to the hearing to which it applies. Notice of all hearings in special assessment proceedings shall also be given by first class mail to the persons and in the manner provided in Act 162, P.A., 1962.

(11) In the event that funds are on hand or a revolving fund exists to defray the expense of any public improvement prior to the completion thereof, the special assessment roll therefor may be made within sixty days after the improvement is completed and shall be based upon the actual cost thereof.

(b) When the city may, by law, participate in intergovernmental improvements, the cost of which may be defrayed in whole or in part by special assessments, the procedure therefor shall be as provided by the law permitting the same. If such procedure is not so provided, the procedure established by and under authority of this chapter shall govern.

Reconsideration of Petitions.

Section 10.3. In the event that the Council shall fail to make any public improvement petitioned for under the provisions of the special assessment ordinance during the calendar year during which any petition is filed, such petition shall be reconsidered by the Council prior to the first day of March of the succeeding calendar year for the purpose of determining whether such improvement should be made during such calendar year.

Condemnation Costs.

Section 10.4. The cost of condemning or otherwise acquiring property needed for any public improvement shall constitute a part of the cost of the improvement, but in no case shall the amount of such cost which is included in any special assessment for any public improvement cause the assessment to exceed the amount of the benefit received by any property assessed therefor through the making of the improvement.

Limitation on Suits and Actions.

Section 10.5. No suit or action of any kind shall be instituted or maintained for the purpose of contesting or enjoining the collection of any special assessment or additional special assessment, (1) unless, within thirty days after the confirmation of the special assessment roll, written notice be filed with the Clerk of intention to file such suit or action, stating the grounds on which it is claimed such assessment is illegal, and (2) unless such suit or action shall be commenced within sixty days after the confirmation of the roll.

Lien for and Collection of Special Assessments.

Section 10.6. (a) Upon the confirmation of each special assessment roll, the special assessments thereon shall, until paid, constitute a personal obligation to the city of the owner of the property against which it is assessed and shall be and continue to be a lien upon the property assessed for the amount of such assessments and all interest and collection charges which may accrue thereon. Such lien shall be of the same character and effect as that which is created by this charter for city taxes. Such special assessments or the installments thereof, as the case may be, shall be charged against the owners of the property assessed, according to the records of the assessor's office at the time the special assessment or installment thereof, as the case may be, is due for payment. All special assessments, or installments thereof, made in any calendar year which remain unpaid on the first day of March of the succeeding calendar year, together with the collection charges and interest which have accrued thereto, shall be placed upon the delinquent tax roll of the city as required in Chapter 9 of this charter and shall be collected, or the collection thereof enforced, in the same manner as are delinquent taxes on the city. For this purpose, the word "assessments" used in Chapter 9 shall include special assessments authorized by this chapter.

(b) In addition to the procedures established in sub-section (a) hereof for the collection of special assessments levied against property, the city may recover them in a suit in any court of competent jurisdiction. In any such suit, the confirmed special assessment roll upon which the special assessment concerned appears shall be prima facie evidence of the existence of the special assessment, of the regularity of the proceedings in making the special assessment, and of the right of the city to recover judgment therefor.

Hazards and Nuisances.

Section 10.7. When any lot, or premises, building, or structure within the city, because of age or dilapidation, the accumulation of refuse or debris, the uncontrolled growing of noxious weeds, or because of any other condition or happening becomes, in the opinion of the Council, a public nuisance, or hazard which is dangerous to the health, safety, or welfare of the inhabitants of the city or of those residing or habitually going near such lot or premises, or such building, or structure, the Council may, after

investigation, give notice to the owner or owners of the land upon which such nuisance or hazard exists or to the owner or occupant of the land or the building or structure itself, by posting notice upon the premises, by personal service, or by registered or certified mail addressed to the address set forth in the current assessment roll of the city, or the records of the assessor, specifying the nature of the nuisance or hazard and requiring such owner or occupant to alter, repair, tear down, abate, or remove the nuisance or hazard within a time to be specified by the Council which shall be commensurate with the nature of the nuisance or hazard. If, at the expiration of the time limit in said notice, the owner has not complied with the requirements thereof, or in any case where the owner of the land or of the building or structure itself is not known or cannot be found, the Council may order such nuisance or hazard to be abated by the proper department or agency of the city which is qualified to do the work required, or may do the work by contract or by hire, and the cost of such abatement may be assessed against the lot, premises, or description of real property upon which such nuisance or hazard is located, by special assessment.

Boulevard Lighting.

Section 10.8. The Council may provide a system of boulevard lighting for the city or any part or parts thereof, and may assess the cost thereof on any street for which such lighting is provided against the lands abutting thereon if the property owners of a majority of the frontage on such streets, or part thereof so to be improved, shall petition therefor.

All Real Property Liable for Special Assessments.

Section 10.10. Moneys raised by special assessment for any public improvement shall be credited to a special assessment account, and shall be used to pay the special assessment portion of the cost of the improvement for which the assessment was levied and of expenses incidental thereto, including the repayment of the principal of and interest on money borrowed therefor, and to refund excessive assessments, if refunds be authorized.

Certain Postponements of Payments.

Section 10.11. The Council may provide that any person who, in the opinion of the assessor and Council, by reason of poverty is unable to contribute toward the cost of the making of a public improvement, by special assessment, may execute to the city an instrument creating a lien for the benefit of the city on all or any part of the real property owned by him

and benefited by any public improvement, which lien will mature and be effective from and after the execution of such instrument, shall be recorded with the Register of Deeds of Cass County, and shall not be discharged or released until the terms thereof are met in full. The Council shall establish the procedure for making this section effective.

CHAPTER 11

BORROWING POWER

Municipal Borrowing Power.

Section 11.1. (a) Subject to the applicable provisions of law, the city may borrow money for any purpose within the scope of its powers or which may be permitted by law, and may issue bonds or other evidences of indebtedness thereof. Such bonds or other evidences of indebtedness shall include, but not be limited to the following types:

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

interest thereon at a rate which shall not exceed six per cent annum;

- (8) Calamity bonds, issued in case of fire, flood, or other calamity for the relief of the inhabitants of the city and for the preservation of municipal property, in a sum not to exceed three-eighths of one per cent of the assessed value of the real and personal property in the city, which shall become due in not more than five years.

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

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

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

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

- (1) For the retirement of such bond issued, or
- (2) If such bond issue has been fully retired, then for the retirement of other bonds or obligations of the city provided for by this section: Provided, That in the case of special assessment bonds, such funds shall be refunded to the owners of property against which special assessments therefor were made, or placed in the general fund of the city in accordance with the provisions of Section 10,2 of this charter, and
- (3) For such other purposes as may be permitted by law, subject to the proviso in paragraphy (2) above; or
- (4) If such funds cannot be so used, then in any manner approved by the vote of not less than five members of the Council.

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

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

Limitations Upon Borrowing Power.

Section 11.2. (a) The net bonded indebtedness incurred for all public purposes shall not at any time exceed ten per cent of the assessed value of all the real and personal property in the city: Provided, That,

in computing such net bonded indebtedness, there shall be excluded money borrowed under the provisions of Section 11.1. (a) clauses (2), (3), and (4) of this chapter, and any other bonds which are not, by law, subject to the debt limitation of the city. The resources of any debt retirement or sinking fund pledged for the retirement of any outstanding bonds which are subject to the debt limitation herein established, shall also be deducted from the amount of the bonded indebtedness.

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

CHAPTER 12

POLICE POWERS

General.

Section 12.1. The city shall have and possess all of the police powers possessed and exercised by cities in the State of Michigan, which powers shall include, but not be limited to the prohibition, suppression, and punishing of boisterous, noisy, and disorderly conduct within the city; the enactment and enforcement of a zoning ordinance; and the enforcement of all local police, sanitary, and other regulations of the city. The Council shall provide, by ordinance, for the public peace and health and for the safety of persons and property.

Streets and Alleys.

Section 12.2. The right to use, and to control and regulate the use of its streets, alleys, bridges, and public places, and the space above and beneath them, is hereby reserved to the city. Such right shall include, but not be limited to the licensing and regulation, or the prohibition of the placing of signs, awnings, awning posts, and things which are of such nature as to impede or make dangerous the use of the streets, including sidewalks, upon or over the streets and sidewalks of the city, and the licensing and regulation, or the prohibition of the construction and the use of openings in the sidewalks and of all vaults, structures, and excavations under the same.

Fire Department.

Section 12.3. The Council shall have the power to enact such ordinances and establish and enforce such regulations as it shall deem necessary to guard against the occurrence of fires, and to protect the property and persons of the inhabitants of the city against damages and accident resulting therefrom. For this purpose, the Council may establish and maintain a fire department, organize and maintain fire companies; provide for the employment and appointment of firemen; make and establish rules and regulations for the government of the department, employees, firemen and officers thereof, acquire and provide for the care and management of engines, apparatus, property, and buildings pertaining to the department, and prescribe the duties and powers of such employees, firemen,

and officers, all consistent with and not in contravention of the merit system ordinance required by Section 7.14 of this charter. Until otherwise provided, by ordinance passed by a five-sixths vote of the Council, the fire department of the City of Dowagiac shall be and remain as now organized.

Water and Water Courses.

Section 12.4. For the benefit of the public morals, peace, health, and welfare, the city shall have and possess the power to use and to control and regulate the use of all streams, waters, and water courses within its limits.

Health.

Section 12.5. The Council shall enact such ordinances as are deemed necessary for the preservation and protection of the health of the inhabitants of the city. The Council shall be the Board of Health of the city and shall have and exercise the powers and authority conferred on such boards by Chapter 327 of the Michigan Compiles Laws of 1948, as amended, and such other provisions of law as apply to Board of health in cities.

CHAPTER 13

PARKS - PUBLIC PLACES - ELECTRIC FACILITIES - CEMETERIES

Citizenship Participation.

Section 13.1. (a) To afford citizenship participation in the affairs of the city government for the purpose of determining community needs and means of meeting such needs through the government of the city, the following citizen boards shall be continued or established under this charter:

1. Airport Board
2. Cemetery Board
3. Library Board
4. Park and Recreation Board
5. Electric Facilities Board

(b) Each of such boards shall be comprised of five citizens of the city who shall have the qualifications required by this charter for elective officers of the city: Provided, That, when the scope of interest of any board may extend beyond the limits of the city, not more than two members of the board may be non-resident of the city. Except as otherwise provided by this charter, no person shall serve on more than one board or commission of the city. The terms of members of such boards shall be for five years and shall be so arranged in appointment that the term of one member of each board shall expire each year. The members of such boards shall be appointed by the Mayor at the first regular Council meeting in May and shall be subject to confirmation by the Council. They shall receive no compensation for their services to the city, but shall be allowed reasonable and actual expenses when incurred on behalf of the city and approved by the Council. The Council may appoint such additional non-voting members of any of such boards as the Council shall deem desirable.

(c) Each such board shall hold at least one meeting in each calendar quarter, and the minutes of each such meeting shall be filed with the Clerk as a public record. If any member of a board shall fail to attend three consecutive board meetings, the Council may terminate his membership on such board and the vacancy for the balance of the term shall be filled as set forth in (b) above. The Council may remove any member of a board for malfeasance, misfeasance, or nonfeasance. Each such board shall consider the problems and functions of the city to which its

name applies and shall from time to time on its own motion make investigations, reports, and recommendations thereon to the Council. Unless the Council shall otherwise provide by a vote of five or more of its members, all questions presented to the Council concerning the acquisition, extension, and improvement of library, park, electric facilities, cemetery, recreation, and airport property, facilities, or programs shall be submitted to the appropriate board for investigation and report to the Council thereon. If the Council desires that any matter be investigated by more than one of the said boards, such referrals may be made for the purpose of giving the Council the benefit of a full investigation of all aspects of the matter before it. In performing their duties and functions, the several boards shall be entitled to the benefit of the facilities and experience of the City Manager, the Planning Commission, and all other sources of information in the city bearing upon the scope of such duties and functions.

(d) If any recommendation of a board shall be disallowed by the Council for financial reasons, such recommendation shall be referred to in the budget statement of the City Manager for the next ensuing fiscal year of the city, and the Council shall give consideration to each such recommendation at the time it considers the budget covered by such statement of the City Manager.

Cemetery.

Section 13.2. The city's cemetery and cemetery facilities and services shall constitute a department of the city government. The City Manager shall appoint with the approval of the Council a Cemetery Director who shall have general superintendence of the City's cemetery facilities and shall be responsible to the City Manager for the operation and maintenance thereof. The Cemetery Director shall have the control and direction of the employees of the cemetery department subject to the provisions of this charter. The Council shall provide and appropriate in each annual budget for the operation and conduct of the city's cemetery and its facilities consistent with the needs of the community.

Trusts.

Section 13.3. All trusts established for cemetery or other purposes shall be used and continued in accordance with the terms of the trusts. The city may, in its discretion, receive and hold any property in trust for cemetery, park, or other public purposes and shall apply the same to

the execution of such trusts and for no other purposes whatsoever, subject only to the cy pres doctrine. Funds held in any trust by the city may be invested and reinvested in bonds of the City of Dowagiac, and in any other manner permitted by law.

City Library.

Section 13.4. (a) The City's library and library facilities and services shall constitute a department of the city government. The City Manager shall appoint with the approval of the Council the Librarian, who shall have general superintendence of the city's library facilities and shall be responsible to the City Manager for the operation and maintenance thereof. The librarian shall have the control and direction of the employees of the Library Department of the city, subject to the provisions of this charter.

(b) The Council shall provide and appropriate in each annual budget of the city for the operation and conduct of the city's library and its facilities, consistent with the needs of the community.

Parks and Recreation.

Section 13.5. (a) The city's park and recreation properties and facilities and services shall constitute a department of the city government.

(b) The Council may provide by ordinance for a Director of Parks and Recreation as the co-ordinating and directing head of the department. Until such time as such office is created, the City Manager shall be responsible for the proper functioning of the department. The Director, if there be one, shall be appointed by the City Manager with the approval of the Council, and be responsible to the City Manager and shall have general superintendence of and be responsible for the operation and maintenance of the city's park and recreation properties, facilities, and programs. He, or the City Manager, as the case may be, shall have the control and direction of the employees of the city who are assigned to or work for the department, subject to the provisions of this charter. Under and responsible to the Director, if there be one, otherwise to the City Manager, there may be a Park Superintendent who shall be responsible for the care and maintenance of the city's park and a Recreation Superintendent who shall be responsible for the recreational facilities and programs of the city, both of which responsibilities may be given to a single person at the discretion of the City Manager with the approval of the Council.

(c) The Council shall provide in each annual budget of the city for the operation of the city's parks and recreation properties, facilities, and programs, and shall appropriate for such purpose such amounts as will assure the operation and maintenance of the same in a manner consistent with the needs of the community.

(d) The city may join and cooperate with the School District of the city and with any unit of government in the operation, maintenance, and improvement of park and recreation property and facilities, and in the conduct of recreational programs.

Airport Board.

Section 13.6. (a) The airport properties and facilities of the city shall constitute a department of the city government.

(b) The Council may provide by ordinance for an Airport Director, who shall be the directing head of the department. Until such time as such office is created, the City Manager shall be responsible for the proper functioning of the department. The Director, if there be one, shall be appointed by the City Manager with the approval of the Council and be responsible to the City Manager. He shall have the general superintendence of the operation and maintenance of the airport properties and facilities. He, or the City Manager as the case may be, shall have the control and direction of the employees of the city who are assigned to or work for the department, subject to the provisions of this charter.

(c) The Council shall appropriate to the Airport Department in each annual budget such sums as will assure the care, maintenance, improvement, and extension of the city's airport facilities, consistent with the needs of the community.

Electric Facilities Board.

Section 13.7. The city's electric facilities including the generating plant, the distribution system, and such other facilities as comprise the city's electric utility, constitute a department of the city government. The City Manager shall appoint, with the advice and consent of the Electric Facilities Board and the approval of the Council, a Director of Electric Facilities who is qualified to manage and operate the city's electric utility. The Director shall have control and direction of and shall be responsible for the supervision of all the electric light and power facilities and the properties of the city, and shall be responsible for the economic and proper

operation and maintenance thereof under the supervision of the City Manager and Electric Facilities Board. The Council shall provide and appropriate in each annual budget for the operation and conduct of the city's electric utility consistent with the needs of the community.

Distribution of Revenues of the City Electric Utility.

Section 13.8. (a) There is hereby created a public electric utility reserve fund in the amount of twenty percent of the replacement cost of the electric utility of the city, which reserve fund shall be maintained for the purpose of accumulating and holding available such money which, in addition to insurance carried by the city, shall be prudently necessary for the protection, improvement, replacement, and extension of the city's electric public utility plants and facilities. A majority of the Council and a majority of the Electric Facilities Board may increase or decrease the amount to be held and reserved in the public utility reserve fund at any time and as they deem desirable.

(b) Monies placed in the city's public utility reserve fund shall not be used for any purpose other than the purpose of the fund as stated in this section. This sub-section shall not prohibit the investment and reinvestment of such monies in any manner permitted by law.

(c) The revenues of the electric utility of the city shall be devoted to the following purposes in the order listed. FIRST, to the expense of administration and operation of the utility, and the maintenance thereof as may be necessary to preserve it and its facilities in good repair and working order; SECOND, Such of the remaining amount of the revenues as may be required for the principal of and interest on any indebtedness; THIRD, of the remaining amount of the revenue, an amount shall each year be placed in the city's utility reserve fund which shall be sufficient to maintain the said fund at the percent level established by Section 13.8 (a) of this chapter, or such higher level as may be established. In case of the depletion of the city's public utility reserve fund below the level so established, or if there exists any debt from the city to such fund, no funds shall be devoted to the next (fourth) purpose, until such level has been restored or such debt repaid, or both. FOURTH, Unless otherwise required by law, the balance of such revenues shall be used by the Council in any manner permitted by law.

Payments to the City.

Section 13.9. The Electric Facilities Board shall annually pay to the Treasurer for the use and benefit of the city, an amount to be determined by a majority of the Electric Facilities Board and a majority of the Council, and said sum shall be in recognition of and compensation for all benefits of the city in the use of city streets and facilities, and shall be considered as an operating cost under the provision of Section 13.8 (c).

Disposal of the Municipal Electric Utility Plant.

Section 13.10. (a) No action shall be taken to sell, exchange, lease, or in any way dispose of the municipal electric public utility or any property, easement, equipment, privilege, or asset needed to continue the operation of such utility, unless the proposition to do so is approved by three members of the Board and, in addition thereto, four members of the Council, and further, by a three-fifths vote of the electors of the city voting at a regular election or at a special election called for that purpose. All contracts, grants, leases, or other forms of transfer in violation of this section shall be void and of no effect as against the city. The restrictions of this section shall not apply to the sale or exchange of articles of machinery or equipment of such utility which the Electric Facilities Board has determined are no longer useful; or which are replaced by new machinery or equipment; or the sale or leasing of property, real or personal, which is not necessary for or used in the operation of the utility; or to the exchange of property for other property needed for the utility, where such exchange will not limit the operation of the utility in any manner. This provision shall apply equally to other utilities which are owned and operated by the city.

(b) In addition to the above requirements, no real property of the municipal electric utility, shall be sold, exchanged, or leased by the city, until a public hearing has been held on the proposal to do so. Notice of such public hearing shall be given by publication at least seven days prior to the date thereof.

Appropriations to Electric Facilities Board.

Section 13.11. No appropriations of money, other than from earnings of the utility itself or from bonds issued for the improvement, extension, or maintenance thereof, shall be made by the Council for the operating expenses of the city's electric utility, other than to pay for light and power actually used by the city.

Other Boards.

Section 13.12. The existing ordinances pertaining to the composition and operation of the Planning Commission and the Zoning Board shall be continued as under the previous charter and as provided for such boards by law.

CHAPTER 14

FRANCHISES -- PERMITS -- CONTRACTS

General.

Section 14.1. No franchise or grant of any privilege relating to any matter concerning the affairs of the city or to the conduct of any business in or upon the streets or public places of the city, which is not revocable at the will of the Council, shall be granted or become operative, nor shall any contract for a longer period than ten years be made, until the same shall have been referred to the people at a regular or special election and shall have received the approval of three-fifths of the electors voting thereon at such election.

Franchises.

Section 14.2. All irrevocable public utility franchises and all renewals, extensions, and amendments and repeals thereof shall be granted only by ordinance. No such ordinance shall be adopted before thirty days after it has been cast in its final form and filed with the Clerk for public inspection, nor until a full public hearing has been held thereon. No such ordinance shall become effective until it has been submitted to the electors voting thereon. No such ordinance shall be submitted to the electors at an election to be held less than sixty days after the grantee named therein has filed its unconditional acceptance of all of the terms of such franchise, and it shall not be submitted at a special election unless the expense of holding the election, as determined by the Council, shall have been paid to the Treasurer by the grantee. No exclusive franchises shall ever be granted and no franchise shall be granted for a longer term than thirty years. No such franchise shall be transferable, directly or indirectly, except with the approval of the Council.

Right of Regulation.

Section 14.3. All public utility franchises granted after the adoption of this charter, whether it be so provided in the granting ordinance or not, shall be subject to the right of the city (1) to repeal the same for misuse, or non-use, or for failure to comply with the provisions thereof; (2) to require proper and adequate extension of plant and service and maintenance thereof at the highest practicable standard of efficiency; (3) to establish

reasonable standards of service or rates; (4) to make independent audit and examination of accounts at any time and to require reports annually; (5) to require continuous and uninterrupted service to the public in accordance with the terms of the franchise throughout the entire period thereof; (6) to impose such other regulations as may be determined by the Council to be conducive to safety, welfare, and accomodation of the public.

Regulation of Rates.

Section 14.4. All public utility franchises shall make provision for fixing rates, fares, and charges, and for re-adjustments thereof at periodic intervals of not more than five years, either by direct negotiation between the city and the holder of the franchise or, if agreement between them cannot be reached, then by arbitration upon terms to be specifically set forth in the franchise. 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 predicted upon the franchise, good-will, or prospective profits.

Purchase - Condemnation.

Section 14.5. The city shall have the right to acquire by condemnation or otherwise the property of any public utility including its franchise. The price to be paid shall in no event include any value predicted upon the franchise, good-will, or prospective profits.

Revocable Permits.

Section 14.6. Temporary permits for public utilities, revocable at any time at the will of the Council, may be granted by the Council by ordinance or resolution on such terms and conditions as it shall determine, provided that such permits, shall in no event be construed to be franchises or amendments to franchises. Such grants may be authorized by and subject to any general ordinance setting the standards for the issuance of franchise permits by the Clerk.

Use of Street by Utility.

Section 14.7. Every public utility franchise shall be subject to the right of the city to use, and to reasonably control and regulate the use of its streets, alleys, bridges, and public places, and the space above and beneath them. Every public utility shall pay such part of the costs of improvement or maintenance of streets, alleys, bridges, and public places, as shall arise from its use thereof, and shall protect and save the city harmless from all damages arising from said use, and may be required by the city to

permit joint use of its property and appurtenances located in the streets, alleys, and public places of the city and other utilities insofar as such joint use may be reasonably practicable and upon payment of reasonable rental therefor. In the absence of agreement, upon application by any public utility, the Council shall provide for arbitration of the terms and conditions of such joint use and the compensation to be paid therefor, which award shall be final.

Purchase and Sale of Personal Property.

Section 14.8. The Council shall establish, by ordinance, the procedures for the purchase and sale of personal property. Such ordinance shall provide for centralized purchasing on behalf of the city. The ordinance shall also provide the dollar limit within which purchases of personal property may be made without the necessity of securing competitive bids, and the dollar limit within which purchases may be made without the necessity of Council approval. No purchase of personal property shall be made unless a sufficient unencumbered appropriation is available therefor.

Sale of Real Property.

Section 14.9. The city shall not have power to purchase, sell, lease, or dispose of any real estate unless:

- (1) Such action is approved by the affirmative roll call vote of five or more members of the Council, and unless,
- (2) In the case of real estate owned by the city, the resolution authorizing the sale, lease, or disposal thereof shall be completed in the manner in which it is to be finally passed and has remained on file with the Clerk for public inspection for not less than twenty-one days before the final adoption or passage thereof, and unless,
- (3) When the proposition is to sell any park, cemetery or part thereof, except when such park is not required under an official master plan of the city, the proposition to sell, lease, or dispose of the same shall also be approved by a three-fifths vote of the electors of the city voting thereon at any general or special election.

Contracts for Public Improvements and Property.

Section 14.10. (a) Except as provided by ordinance authorized by Section 14.8. of this chapter, each contract for construction of public improvements or for the purchase or sale of personal property shall be let after opportunity for competitive bidding. All bids shall be opened in public in the Council room by the City Manager or the Clerk at the time designated in the notice of letting, and shall be reported to the Council at its next meeting. The Council may reject any or all bids. If, after two or more opportunities for competitive bidding, no bids are received or such bids as were received were not satisfactory to the Council, the Council may either endeavor to obtain new competitive bids or may authorize the City Manager or other proper official of the city to negotiate for a contract in the open market.

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

(c) The Council shall not have power to enter into any contract which, by the terms thereof will not be fully executed within a period of ten years, unless such contract be first approved by a majority of the electors of the city voting thereon at a regular or special election. This limitation shall not apply to contracts for service with a public utility company or with any other governmental unit, to contract authorized by law, nor to contracts for debt which are authorized by law,

(d) No extra compensation shall be paid to any officer, agent, or contractor after the service has been rendered or the contract entered into,

Business and other Dealings with City.

Section 14.11. (a) An officer or employee of the city who intends to have business dealings with the city, whereby he may derive any income or benefits, other than such as are provided as remuneration for his official duties, shall file with the Clerk a statement, under oath, setting forth the nature of such business dealings and his interest therein. The statement shall be filed with the Clerk not less than ten days before the date when action may be taken by the Council or any other agency of the city upon the matter involved. The statement shall be spread upon the proceedings of the Council for the meeting at which it is received and published in full therewith. In each case where the type of dealings with the city is on a continuing basis, involving more than one or a sequence of transactions described in the statement, each such statement shall stand for and apply to such transactions

for a period of six months, and may be renewed at the end of each six months' period for so long as such transactions continue. Each such renewal shall be spread upon the proceedings of the Council and published as in the case of original statement. In the event that the interest of any officer or employee of the city in any business dealings with the city changes at any time, he shall file a statement thereof as herein required, which statement shall also be spread upon the proceedings of the Council and published as herein required. Approval of any such business dealings shall require a concurring vote of at least five members of the Council, not including any member who is otherwise disqualified from voting by this charter. Any business dealing made in violation of this section shall be void.

(b) Except for himself or his immediate family, no elective officer shall give or furnish any bail or recognizance in connection with any complaint or warranty charging the violation of this charter or any ordinance of the city. No such officer or any employee of the city shall give or become a surety, nor shall he be the agent of any surety or insurer in connection with any bond or insurance required by the Council, this charter, or any ordinance of the city.

CHAPTER 15

MUNICIPALLY OWNED UTILITIES

General Powers Respecting Utilities.

Section 15.1. (a) The city shall possess and hereby reserves to itself, all the powers granted to cities by law, to acquire, construct, own, operate, improve, enlarge, extend, repair, and maintain, either within or without its corporate limits, public utilities, including public utilities for supplying water, light, heat, power, gas, sewage, and garbage disposal facilities, or any of them, to the municipality and the inhabitants thereof; and may also sell and deliver water, light, heat, power, and gas without its corporate limits to an amount not to exceed that permitted by law.

(b) All utilities operating within the city, including those not owned by the city, shall furnish to the City Manager plans pertaining to any proposed work or construction, or of alterations of existing facilities located or to be located in the streets, alleys, or public places of the city, prior to the commencement of the work thereon, so as to permit the integration of any such work with other work of the city and for the safety of persons and property during and after such work. To assure uniformity of workmanship and the protection of persons and property, approval of the City Manager of any work, construction, or alteration, relative to any excavation in city streets, and the resurfacing thereof shall be required prior to the commencement of work thereon. If the City Manager shall refuse to give such approval, appeal may be had to the Council.

Appropriation of Private Property.

Section 15.2. Private property may be taken and appropriated by the city, whether within or without the city, for any public use in connection with any acquisition, enlargement, or extension of city owned public utilities for supplying water, light, heat, power, gas, sewage and garbage disposal facilities, or any of them, for the purpose of opening, widening, altering, and extending streets, alleys, and avenues; for the construction of bridges, for public buildings, and for other public structures; for public grounds, vehicle parking spaces, parks, and market places and spaces; for the improvement of waters and water courses within the city; for sewers, drains, and ditches for public hospitals, pest houses, quarantine grounds, and public

cemeteries; and for other lawful and necessary public uses, and may hold the same. The ownership of such property shall be acquired by the city by negotiation and purchase, or in any other manner permitted by the general laws of the state for taking private property for public use. The city may sell, lease, or otherwise dispose of property which is not required for the public purposes of the city.

Control of Utilities.

Section 15.3. The Council may enact ordinances and adopt such resolutions as may be necessary for the care, protection, preservation, control, and operation of city owned or operated public utilities and of all fixtures, appurtenances, apparatus, buildings, and machinery connected therewith or belonging thereto, and to carry into effect the powers conferred upon the city by the provisions of this charter.

Improvements to Utilities.

Section 15.4. (a) In case the Council shall declare that it is expedient to acquire, construct, own, improve, enlarge, extend, or repair any public utility for the purpose of supplying electricity for light, heat, and power purposes or an adequate supply of water or any other utility services permitted to the city by law, the cost of which must be met by bond issues or loans, then the Council shall cause to be made and recorded in its proceedings an estimate of the expenses thereof, and such bonds shall be issued or loans secured as provided by and subject to the limitations of law.

(b) The Council shall authorize construction of any improvements and extensions to existing utility plants, or additional plants and facilities as the normal growth of the plants may require.

Rates.

Section 15.5. The Council shall have the power to fix, from time to time, such just and equitable rates as may be deemed advisable for supplying the inhabitants of the city and others with water and with such other utility services as the city may furnish through its plants and facilities, with the exception of those provided by city's electric utility. The Electric Facilities Board with the approval of the Council shall have the power to fix the rates for the city electric utility.

Collection of Municipal Utility Rates and Charges.

Section 15.6. (a) The Council shall provide by ordinance for the collection of rates and charges for public utility services furnished by the city. When any person fails or refuses to pay to the city any sums due on utility bills, the service upon which such delinquency exists may be discontinued and suit may be brought for the collection thereof, but such remedy shall not be exclusive or prevent the enforcement of any lien or other remedy therefor which is possessed by the city.

(b) As provided and permitted by law, the city shall have lien upon the premises to which utility services are supplied. The lien shall become effective immediately on the distribution or supplying of utility services to such premises. In each case where a lien to secure the payment of utility charges is not available to the city by operation of law or otherwise, the Council shall require that an adequate deposit be made by the person to whom city utility services are furnished, for the purpose of protecting the city against loss and guaranteeing the collection of charges for such utility services.

(c) Except as otherwise provided by law, all unpaid charges for utility services furnished to any such premises, which, on the thirty-first day of March of each year, have remained unpaid for a period of three months or more, shall be reported to the Council by the City Manager at the first meeting thereof in the month of April. The Council thereupon shall order the publication in a newspaper of general circulation in the city of notice that all such unpaid utility charges not paid by the thirtieth day of April will be spread upon the city's tax roll against the premises to which such utility services were supplied or furnished, and such charges shall then be spread upon the city's tax roll and shall be collected in the same manner as the city taxes.

Accounts.

Section 15.7. Separate accounts, subject to the provisions of law shall be kept for each public utility owned or operated by the city. Such accounts shall be kept in such manner as to show the true and complete financial result of such city ownership or operation, or both, including all assets, liabilities, revenues, and expenses. These accounts shall show the actual cost to the city of each such public utility, the cost of all expansions, additions, and improvements, all expenses of maintenance, the amounts set aside for sinking fund purposes, and all operating expenses of every description. They shall show as nearly as possible, the value of any

service furnished to or rendered by any such public utility by or to any other city department. They shall also show a proper allowance for depreciation and insurance. The Council shall annually cause to be made and printed for public distribution a report showing the financial results of such city ownership or operation, or both, which report shall give for each utility, the information specified in this section and such further information as the Council shall deem expedient.

SCHEDULE

Purpose and Status of Schedule Chapter.

Section 1. The purpose of this schedule chapter is to inaugurate the government of the City of Dowagiac under this charter and provide the transition from the government of the city under the previous charter to that under this charter. It shall constitute a part of this charter only to the extent and for the time required to accomplish its purpose.

Election to Adopt Charter.

Section 2. (a) This charter shall be submitted to a vote of the qualified electors of the territory comprising the City of Dowagiac at the election to be held in the city on Tuesday, November 3, 1964 between the hours of 7:00 o'clock, a.m. and 8:00 o'clock, p.m. All provisions for the submissions of the question of adopting this charter at such election shall be made in the manner provided by law.

(b) If so adopted, this charter shall take effect and become law at 12:01 o'clock, a.m., on the second Monday in April of the year 1965.

Form of Ballot.

Section 3. The form of the questions on submission of this charter shall be as follows:

Shall the proposed charter of the City of Dowagiac, drafted by the duly elected Charter Commission, be adopted?

YES

NO

Officers Elected on the First Monday in April, 1965.

Section 4. (a) The election held on Monday, April 5, 1965, shall be conducted under the provisions of this charter, and the officers elected in 1965 shall be officers under the provisions of this charter and shall take office under the provisions of this charter. The City Clerk shall perform all other acts required by law to carry this charter into effect by that date.

(b) As provided in Section 4.3, at the election held on Monday, April 5, 1965, there shall be elected, for terms of four years each, a mayor, a Treasurer, a Councilman from each of the city's three wards, one Justice of the Peace, a Supervisor from the first ward, a Supervisor from

the third ward, and a Constable from the second ward.

(c) At such election there shall also be elected for terms of two years each for the purpose of putting such officers on the election schedule provided in Section 4.3 a Councilman from each of the city's three wards, a Clerk, a Supervisor at-large, a Supervisor from the second ward, a Constable from the first ward, and a Constable from the third ward.

(d) Each of the officers herein provided to be elected shall qualify for and assume office on the second Monday in April, 1965, and the terms of office to which they have been elected shall commence on and date from that day.

First City Officers under this Charter.

Section 5. All city officers, including elective officers and appointive officers, who hold office on the effective date of this charter by virtue of any previous election or appointment shall continue in the offices held by them until the end of the terms for which they were elected or appointed. Such officers shall, in all respects be governed by and subject to the provisions of this charter.

Administrative Officers.

Section 6. From and after 12:01, o'clock, a.m., on the second Monday of April in 1965 the persons then holding the offices of Justices of the Peace under the provisions of the previous charter of the city, shall continue in such offices as though elected under the provisions of this charter, until the end of the terms of office to which they were respectively elected or appointed and until their successors are elected and have qualified under this charter. They shall perform their several duties and, in all respects, be subject to the provisions of this charter. The City Assessor, and all appointive officers under the previous charter of the city shall continue in such offices under this charter, until their successors are appointed and assume office under the provisions of this charter. The compensation of such officers shall remain as fixed on the effective date of this charter, until otherwise provided in accordance with this charter.

Section 7. Members of the Airport Board, Cemetery Board, Library Board, and Park and Recreation Board shall continue as members of said boards under this charter. Members of the Board of Public Works shall continue as members of the Electric Facilities Board under this charter.

Council Action.

Section 8. (a) In all cases involving the transition of the city government from that under the previous charter to that under this charter, which are not covered by this chapter the Council shall supply necessary details and procedures and may adopt such rules, regulations, and ordinances as may be required therefor.

(b) The first board of review to serve under this charter shall be appointed in the month of December, 1965, and the terms of its members shall be so fixed by the Council as to thereafter comply with the requirements of Section 9.3 (b) of this charter.

(c) Until otherwise provided by the Council, regular meetings of the Council shall be held on the first and third Mondays in each month, commencing at 7:30, o'clock p.m.

Vested Rights and Liabilities.

Section 9. After the effective date of this charter, the city and all its agencies shall be vested with all property, monies, contracts, rights, credits, effects, and the records, files, books, and papers belonging to it under and by virtue of the previous charter. No right or liability, contract, lease, or franchise, either in favor of or against the city, existing at the time this charter became effective, and no suit or prosecution under any charter, shall be affected in any manner by any change resulting from the adoption of this charter, but the same shall stand or proceed as if no change had been made. All taxes, debts, and liabilities, due to the city from any person, and all fines and penalties, imposed and existing at the time of such change, shall be collected by the city. All trusts, established by any municipal purpose, shall be continued in accordance with the terms thereof, subject to the cy pres doctrine.

I N D E X

(References are to section numbers with numbers before the decimal denoting the chapter numbers and numbers following the decimal denoting section within chapters.) Where no decimal appears, references are to the Schedule at the end of the charter.

- A -

| | |
|---|--------------|
| Accounts, special | 8.11 |
| Accounts, special assessments | 10.10 |
| Accounts, system of | 5.13 |
| Administration, statement of policy | 7.1 |
| Administrative Officers, additional | 7.10 |
| Administrative Officers, combine | 7.2 |
| Administrative Officers, compensation | 7.13 |
| Administrative Officers, disposition of fees | 7.21 |
| Administrative Officers, filling vacancies | 7.20 |
| Administrative Officers, holding other offices | 7.24 |
| Administrative Officers, listed | 7.2 |
| Administrative Officers, oaths of office | 7.17 |
| Administrative Officers, provisional appointments | 7.2 |
| Administrative Officers, qualifications | 7.2 |
| Administrative Officers, suspensions | 7.11 |
| Administrative Officers, terms of office | 7.12 |
| Advertising signs, regulating and licensing | 2.2 (2) (vi) |
| Airport Board | 13.6 |
| Airport Board, continue under this contract | 7 |

| | |
|--|----------------|
| Alleys, control | 12.2 |
| Alleys, establish and control | 2.2 (3) |
| Alleys, lighting | 2.2 (3) (VIII) |
| Alleys, prevent and abate encumbering | 2.2 (3) (IX) |
| Amendments | 1.11 |
| Amusements, regulation of | 2.2 (2) (VI) |
| Annual report | 8.13 |
| Appointive Officers under previous charter | 6 |
| Appropriation for Library | 13.4 |
| Appropriations, annual | 8.6 |
| Appropriations to Electric Facility prohibited | 13.11 |
| Assessed value | 1.3 (1) |
| Assessment roll, endorsement | 9.6 |
| Assessment roll, tax day | 9.1 (b) |
| Assessment roll, time of making | 9.2 |
| Assessor duties | 7.9 |
| Assessor Administrative Officer | 7.2 |
| Assessor, tax levy to be certified to | 9.7 |
| Assessor under previous charter continue | 6 |
| Audit, independent | 8.12 |

- B -

| | |
|--------------------------------------|--------------|
| Bail or recognizance, limited | 14.11 (b) |
| Ballot, adoption of charter | 3 |
| Beverages, regulation of | 2.2 (2) (II) |
| Billboards, regulating and licensing | 2.2 (2) (VI) |
| Board, Airport | 13.6 |
| Board, Electric Facilities | 13.7 |
| Board, synonymous with "commission" | 1.3 (2) |
| Board, Zoning | 13.12 |

| | |
|---|---------------|
| Board of Review | 9.3 |
| Board of Review, endorsement of roll | 9.6 |
| Board of Review, first under charter | 8 (b) |
| Board of Review, notice of meeting | 9.5 |
| Board of Review, time of meeting | 9.4 |
| Boards, citizen participation | 13.1 |
| Bond business limited | 14.11 (b) |
| Bonds, execution | 11.1 (g) |
| Bonds for city's share of special assessments | 11.1 (b) |
| Bonds, interest rate | 11.1 (f) |
| Bonds, limitations on issuance | 11.2 (b) |
| Bonds, purpose for which issued | 11.1 (e) |
| Bonds, to acquire and improve utilities | 15.4 |
| Bonds, unexpended funds, uses | 11.1 (e) |
| Borrowing power | 11.1 |
| Borrowing power, limitations | 11.2 |
| Boulevard lighting | 10.8 |
| Boundaries | 1.2 |
| Budget adoption | 8.6 |
| Budget, hearing | 8.4 |
| Budget, procedure | 8.3 |
| Budget, review by Council | 8.5 |
| Budget, transfer of appropriations | 8.7 |
| Buildings - authority for codes | 2.2 (2) (vii) |
| Buildings, numbering of | 2.2 (3) (xii) |
| Business dealings with city | 14.11 |
| - C - | |
| Calamity bonds | 11.1 |
| Cemetery | 13.2 |

| | |
|--|----------|
| Cemetery board under previous board | 7 |
| Cemetery property, sale of | 14.9 (3) |
| Central accounting | 5.16 |
| Chapter Headings | 1.10 |
| Charter, effective date | 2 |
| Charter provisions, severability | 1.12 |
| Citizenship participation, boards | 13.1 |
| City | 1.3 (3) |
| City administration, statement of policy | 7.1 |
| City Attorney - Administrative Officer | 7.2 |
| City Attorney, appointment | 7.8 |
| City Attorney Assistant | 7.8 (c) |
| City Attorney, compensation | 7.8 |
| City Clerk, duties of | 5.11 |
| City Council | 1.3 (4) |
| City of Dowagiac | 1.3 (3) |
| City funds, disbursement | 8.9 |
| City funds, depository | 8.10 |
| City Manager - Administrative Officer | 7.2 |
| City Manager, appointment | 7.4 |
| City Manager, functions and duties | 7.7 |
| City Manager, general provisions | 7.4 |
| City Manager, person to act in absence | 7.4 |
| City Manager, persons ineligible to be | 7.4 |
| City Manager, responsible for accounting | 5.13 |
| City Manager, removal | 7.6 |
| City Manager, salary | 7.5 |
| City Manager, solely responsible for direction | 7.3 |
| City Manager, qualifications | 7.4 |

| | |
|--|-----------|
| City Manager, vacancy to be filled | 7.4 |
| City property, books, records, to successors | 7.18 |
| City Treasurer, duties of | 5.12 |
| Claims against city, city clerk | 5.11 (c) |
| Clerk - Administration Officer | 7.2 |
| Clerk, certify levy to Assessor | 9.7 |
| Codification of ordinances | 6.6 |
| Collection of charges for municipal utility services | 15.6 |
| Commission | 1.3 (2) |
| Compensation, administrative officers | 7.13 |
| Compensation, extra, limited | 14.10 (d) |
| Compensation of certain elective officers | 5.28 |
| Compensation, officers under previous charter | 6 |
| Condemnation costs, special assessments | 10.4 |
| Condemnation, franchises | 14.5 |
| Condemnation, general applicability | 15.2 |
| Condemnation of property | 2.2 (6) |
| Condemnation, utilities | 15.2 |
| Constable, bond of | 5.15 |
| Constable, compensation of | 5.16 |
| Constable, powers and duties of | 5.15 |
| Continuity of government | 7.2 |
| Contract, City may join with others | 2.1 (b) |
| Contracts, limited to performance in ten years | 14.10 (c) |
| Contracts, public improvements | 14.10 |
| Contracts with persons in default to city | 14.10 (b) |
| Council | 1.3 (4) |
| Council, City Attorney, appoint | 7.8 |
| Council, City Attorney, compensation | 7.8 |

| | |
|---|-------|
| Council, compensation of members | 5.3 |
| Council, discipline of meetings | 5.9 |
| Council, general provisions concerning | 5.1 |
| Council, investigations by | 5.10 |
| Council, judgment of election and qualifications | 5.9 |
| Council - Legislative power | 6.1 |
| Council, meetings after adoption of charter | 8 (c) |
| Council, meetings to be public | 5.8 |
| Council, prohibited from direction, administrative officers | 7.3 |
| Council, procedure on initiatory and referendary petitions | 6.9 |
| Council, regular meetings | 5.4 |
| Council, rules of order and procedure | 5.7 |
| Council, special meetings | 5.5 |
| Council, transition to new charter | 8 |
| Council, quorum | 5.6 |
| County Supervisors | 5.29 |
| County taxes, collection | 9.13 |
| Court, establishment of | 5.17 |

- D -

| | |
|---|--------------|
| Definitions | 1.3 |
| Depository for city funds | 8.10 |
| Director of electric facilities | 13.7 |
| Disbursement of city funds | 8.9 |
| Distribution of electric utility revenues | 13.8 |
| Drugs, regulations of | 2.2 (2) (ii) |
| Duties and functions, City Manager | 7.7 |

- E -

| | |
|---------------------|-----|
| Election procedures | 3.2 |
|---------------------|-----|

| | |
|---|----------|
| Election to adopt charter | 2 |
| Election to Office, notice of | 4.6 |
| Elections, approval of nominating petitions | 3.9 |
| Elections, canvass of votes cast | 3.14 |
| Elections, duties of City Clerk | 5.11 (h) |
| Elections, election commission | 3.13 |
| Elections, general provisions | 3 |
| Elections, granting of franchises | 14.2 |
| Elections, names on ballots | 3.12 |
| Elections, nominations for vacancies | 3.11 |
| Elections, nominating petitions | 3.8 |
| Elections, notice of | 3.5 |
| Elections, public inspection - nominating petitions | 3.10 |
| Elections, recall | 3.17 |
| Elections, recounts | 3.16 |
| Elections, regular | 3.3 |
| Elections, special | 3.4 |
| Elections, voting hours | 3.7 |
| Elections, wards and districts | 3.6 |
| Elective officers | 4.1 |
| Electors, qualifications of | 3.1 |
| Electric facilities board | 13.7 |
| Electric Facilities Board, successor to | 7 |
| Electric facilities director | 13.7 |
| Electric facilities, disposal of | 13.10 |
| Electric facilities, distribution of revenues | 13.8 |
| Electric facilities, payments to city | 13.9 |
| Electric service, rates | 15.5 |
| Electric utility, accounts | 15.7 |
| Electricity, collection of charges for | 15.6 |

| | |
|---------------------------------------|---------|
| Eligibility for elective city offices | 4.2 |
| Employee - defined | 1.3 (5) |
| Employees - defined | 7.15 |
| Employees, merit system | 7.14 |
| Employees, welfare benefits | 7.22 |
| Endorsement of assessment roll | 9.6 |

- F -

| | |
|--|--------------|
| Fees, disposition of fees received by administrative officers | 7.21 |
| Fees, fines, and penalties, violations of charter and ordinances | 5.25 |
| Feminine gender | 1.3 (16) |
| Fire Chief - Administrative Officer | 7.2 |
| Fire Department | 12.3 |
| Fire prevention - authority for regulations | 2.2 (2) (ix) |
| Fiscal year of city | 8.1 |
| Foods, regulation of | 2.2 (2) (ii) |
| Franchises and permits | 14.1 |
| Franchises, continuous service | 14.3 |
| Franchises, examination of accounts | 14.3 |
| Franchises, exclusive prohibited | 14.2 |
| Franchises, extension of plant and service | 14.3 |
| Franchises, irrevocable | 14.2 |
| Franchises, purchase or condemnation | 14.5 |
| Franchises, regulation of rates | 14.4 |
| Franchises, rights of regulations | 14.3 |
| Franchises, safety, welfare and accommodation | 14.3 |
| Franchises, standards of service | 14.3 |
| Fund, electric utility reserve | 13.8 |

- G -

| | |
|---------------------------------------|---------------|
| Garbage, collecting and disposing of | 2.2 (2) (iii) |
| Gasoline and oil stations, regulating | 2.2 (2) (iv) |
| General Obligation Bonds | 11.1 |
| General Powers of City | 2.1 (a) |
| Government, provide for continuity | 7.2 |

- H -

| | |
|--|---------|
| Hazards and Nuisances | 2.2 (1) |
| Hazards and nuisances, special assessments | 10.7 |
| Health, provide for by ordinance | 12.5 |
| Holidays | 1.7 |

- I -

| | |
|--|-----------|
| Incorporation | 1.1 |
| Independent audit | 8.12 |
| Initiary petitions - ordinances | 6.8 |
| Initiated ordinances, general provisions | 6.11 |
| Initiated ordinances, submission to electors | 6.10 |
| Initiative - Ordinances | 6.7 |
| Initiative, ordinances, Council procedure | 6.9 |
| Insurance business, limited | 14.11 (b) |
| Interest rate, bonds | 11.1 (f) |
| Interpretations | 1.3 |

- J -

| | |
|--|----------------|
| Join with other units of Government | 2.1 (b) |
| Joint use of utility facilities in streets | 2.2 (3) (xiii) |
| Justice court, compensation in cases of transfer | 5.24 |
| Justice court, docket | 5.26 |
| Justice court, procedure in | 5.23 |

| | |
|--|------|
| Justice court, transfer of cases from | 5.24 |
| Justices of the peace, charter and ordinance cases | 5.21 |
| Justices of the peace, compensation and bond | 5.19 |
| Justices of the peace, continue under charter | 6 |
| Justices of the peace, court established | 5.17 |
| Justices of the peace, extended jurisdiction | 5.22 |
| Justices of the peace, incumbents | 5.18 |
| Justices of the peace, powers and jurisdiction | 5.20 |

- L -

| | |
|--------------------------------------|---------|
| Law - defined | 1.3 (6) |
| Legislative power | 6.1 |
| Legislation, prior preserved | 6.2 |
| Liabilities, at adoption of charter | 9 |
| Liberal construction of cities power | 2.1 (d) |
| Library | 13.4 |
| Library board, previous charter | 7 |
| Lien, city, protection | 9.13 |
| Lien - defined | 1.3 (7) |
| Lien, special assessments | 10.6 |
| Lien, tax lien | 9.8 |
| Lien, of water and electric charges | 15.6 |
| Lighting, boulevard | 10.8 |

- M -

| | |
|-----------------------------|----------|
| Masculine gender | 1.3 (16) |
| Mayor and Mayor pro-tempore | 5.2 |
| Mayor, compensation | 5.3 |
| Meeting, Board of Review | 9.4 |
| Merit system for employees | 7.14 |

| | |
|--|------|
| Mortgage bonds | 11.1 |
| Motor Vehicle highway revenue bonds | 11.1 |
| Municipal utilities | 15.1 |
| Municipal utilities, accounts | 15.7 |
| Municipal utilities, collection of charges for | 15.6 |
| Municipal utilities, rates | 15.5 |

- N -

| | |
|-------------------------------|----------------|
| Notice of election to office | 4.6 |
| Notice - taxes due | 9.9 |
| Notices, publication | 1.8 |
| Nuisances, hazards and | 10.7 |
| Nuisances, powers relative to | 2.2 (1) |
| Numbering of buildings | 2.2 (3) (xiii) |

- O -

| | |
|--|-------------|
| Oath of Office | 4.4 |
| Oath of Office, administrative officers | 7.17 |
| Occupations, regulation of | 2.2 (2) (i) |
| Office, eligibility for | 4.2 |
| Office, surety bonds | 4.5 |
| Office, terms of | 4.3 |
| Office, vacancies in | 4.7 |
| Offices, holding other, restricted | 7.24 |
| Officer - defined | 1.3 (8) |
| Officers, compensation of certain | 5.28 |
| Officers, elective | 4.1 |
| Officers, first elected under charter | 4 |
| Officers, first under charter | 5 |
| Officers, terms of first elected under charter | 4 |

| | |
|--|--------------|
| Officers under previous charter | 6 |
| Official performance | 1.5 |
| Oil and gasoline stations, regulating | 2.2 (2) (iv) |
| Ordinance record | 6.4 |
| Ordinances, form and adoption | 6.3 |
| Ordinances, initiated and referendum, general provisions | 6.11 |
| Ordinances, initiative and referendum | 6.7 |
| Ordinances, initiatory petitions | 6.8 |
| Ordinances, publication | 1.8 |
| Ordinances, publication | 6.5 |
| Ordinances, procedure on initiary and referendary petition | 6.9 |
| Ordinances, referendary petitions | 6.8 |
| Ordinances, revision and codification | 6.6 |
| Ordinances, submission to electors | 6.10 |

- P -

| | |
|--|---------------|
| Park property, sale of | 14.9 (3) |
| Parking, regulation of | 2.2 (3) (vii) |
| Parks and recreation | 13.5 |
| Penalties for Violations of Charter | 1.9 |
| Penalties, violation of charter and ordinances | 5.25 |
| Performance, official | 1.5 |
| Permitted and other powers | 2.2 |
| Permits, public utilities | 14.6 |
| Person - defined | 1.3 (9) |
| Personnel, employed | 7.16 |
| Persons in default to city, contracts forbidden | 14.10 (b) |
| Petitions, initiation of, referendum on ordinances | 6.8 |

| | |
|--|--------------|
| Phrases - defined | 1.3 (14) |
| Phrases, definitions | 1.3 |
| Phrases, interpretations | 1.3 |
| Plan of streets and alley | 2.2 (3) (ii) |
| Planning Commission | 13.12 |
| Plural - defined | 1.3 (16) |
| Police Chief - Administrative Officer | 7.2 |
| Police Power - general statement | 12.1 |
| Present tense | 1.3 (15) |
| Printed - defined | 1.3 (10) |
| Printing - defined | 1.3 (10) |
| Prior legislation preserved | 6.2 |
| Proceedings, publication of | 1.8 |
| Procedure on initiary and referendary petitions | 6.9 |
| Property, acquisition of | 2.2 (6) |
| Property, holding in trust | 2.2 (7) |
| Property, tax lien on | 9.8 |
| Provisional appointments, administrative officers | 7.2 |
| Public improvements, contracts for | 14.10 |
| Public places, establish and control | 2.2 (3) |
| Public Welfare, provide for | 2.2 (2) |
| Public Works, Board of | 7 |
| Public Works, general provisions | 2.2 (5) |
| Public Works, joint and other contracts | 2.2 (4) |
| Public Utilities, franchises | 14.2 |
| Public Utilities, permits | 14.6 |
| Public Utilities, use of streets | 14.7 |
| Publication of Notices, proceedings and ordinances | 1.8 |
| Publication of ordinances | 6.5 |

| | |
|--|----------|
| Publish - defined | 1.3 (11) |
| Purchase, sale or lease of real estate | 14.9 |
| Purchasing, limits to be provided | 14.8 |
| Purchasing, procedure | 14.8 |

- Q -

| | |
|--|-----|
| Qualifications required of administrative officers | 7.2 |
| Quorum - boards | 1.6 |

- R -

| | |
|--|---------------|
| Real estate purchase, sale, lease of | 14.9 |
| Recall | 3.17 |
| Records to be Public | 1.4 |
| Recreation, and parks | 13.5 |
| Referendary petitions - Ordinances | 6.8 |
| Referendum on ordinances, council procedure | 6.9 |
| Referendum on ordinances, general provisions | 6.11 |
| Referendum on ordinances, submission to electors | 6.10 |
| Referendum - ordinances | 6.7 |
| Removal, City Manager | 7.6 |
| Reports, annual | 8.13 |
| Revenue Bonds | 11.1 |
| Rights, vested, and liabilities | 9 |
| Rubbish, collecting and disposing of | 2.2 (2) (iii) |

- S -

| | |
|---|----------|
| Salary, City Manager | 7.5 |
| Sale of park and cemetery property | 14.9 (3) |
| Sale, purchase, or lease of real estate | 14.9 |
| Schedule chapter, purpose | 1 |

| | |
|---|---------------|
| School district, join with for recreation | 13.5 |
| School taxes, collection | 9.12 |
| Section headings | 1.10 |
| Severability of Charter Provisions | 1.12 |
| Sidewalks, snow and litter | 2.2 (3) (v) |
| Sidewalks, build and maintain | 2.2 (3) (iii) |
| Sign - defined | 1.3 (13) |
| Signature - defined | 1.3 (12) |
| Snow, removal from sidewalks | 2.2 (3) (v) |
| Special accounts | 8.11 |
| Special assessments | 10.1 |
| Special assessments, accounts | 10.10 |
| Special assessments, bonds | 11.1 |
| Special assessments, boulevard lighting | 10.8 |
| Special assessments, condemnation costs | 10.4 |
| Special assessments, hazards and nuisances | 10.7 |
| Special assessments, lien for | 10.6 |
| Special assessments, limitation on suits | 10.5 |
| Special assessments, postponement of payments | 10.11 |
| Special assessment procedure | 10.2 |
| Special assessments, property subject to | 10.9 |
| Special assessments, reconsideration of petitions | 10.3 |
| Special assessments, sidewalks | 2.2 (3) (iii) |
| Special assessments, special funds for | 11.1 (d) |
| Special assessments, weeds beyond sidewalks | 2.2 (3) (iv) |
| Streams, regulating use of | 2.2 (2) (x) |
| Street corners, regulate objects near | 2.2 (3) (xi) |
| Streets and alleys - control | 1.2 |
| Streets, establish and control | 2.2 (3) |

| | |
|--|----------------|
| Streets, lighting | 2.2 (3) (viii) |
| Streets, prevent and abate encumbering | 2.2 (3) (ix) |
| Streets, providing for grade of | 2.2 (3) (vi) |
| Streets, use of by public utilities | 14.7 |
| Subjects of taxation | 9.1 |
| Sundays and Holidays | 1.7 |
| Supervisors | 5.29 |

- T -

| | |
|--|---------------|
| Tax anticipation notes | 11.1 |
| Tax levy, Clerk to certify to assessor | 9.7 |
| Tax lien, city, disposal of property | 9.14 |
| Tax lien, city, protection | 9.13 |
| Taxation, basis of assessment | 9.1 (b) |
| Taxation, procedure | 9.2 |
| Taxation, subjects of | 9.1 (a) |
| Taxation, taxable status of property | 9.1 (b) |
| Taxation, tax day | 9.1 (b) |
| Taxes, county and school, collection | 9.12 |
| Taxes, notice of due date | 9.9 |
| Taxes, payment schedule | 9.10 |
| Taxes, personal, failure or refusal to pay | 1.11 |
| Terms of office - Administrative Officers | 12.7 |
| Terms of office - Elective Officers | 4.3 |
| Terms of office, first under charter | 5 |
| Trades, provide for regulating | 2.2 (2) (i) |
| Traffic violations bureau | 5.27 |
| Trains, regulating speed of | 2.2 (3) (vii) |
| Treasurer - Administrative Officer | 7.2 |
| Treasurer, keep record of bonds | 11.1 (g) |

| | |
|-------------------------------|---------------|
| Trees, planting and care | 2.2 (3) (xiv) |
| Trusts for municipal purposes | 13.3 |
| Trust, holding propert in | 2.2 (7) |

- U -

| | |
|---------------------------------------|--------------|
| Utilities, adhere to grade of streets | 2.2 (3) (vi) |
| Utilities, bonds to acquire, improve | 15.4 |
| Utilities, city, accounts | 15.7 |
| Utilities, condemnation | 15.2 |
| Utilities, control | 15.3 |
| Utilities, municipal | 14.1 |
| Utilities, plans of systems of city | 14.1 (b) |
| Utilities, rates | 15.5 |
| Utilities, use of streets | 14.7 |
| Utility, distribution of revenues | 13.8 |
| Utility - electric | 13.7 |

- V -

| | |
|---|---------------|
| Vacancies, administrative officers | 7.19 |
| Vacancies, filling, administrative officers | 7.20 |
| Vacancies in office, creation | 4.7 |
| Vacancies in office, filling | 4.8 |
| Vacating streets, alleys and public places | 2.2 (3) (i) |
| Vacancy, City Manager, to be filled | 7.4 |
| Value, assessed - defined | 1.3 (1) |
| Vehicles for hire, regulating and licensing | 2.2 (2) (v) |
| Vehicles, regulating speed of | 2.2 (3) (vii) |
| Vested rights and liabilities | 9 |
| Violations bureau | 5.27 |

| | |
|--------------------------------------|------|
| Violations of charter and ordinances | 5.21 |
| Violations of charter, penalties | 1.9 |

- W -

| | |
|---|-------------|
| Wards | 3.6 |
| Water, collection of charges for | 15.6 |
| Water main extension bonds | 11.1 |
| Water, rates | 15.5 |
| Waters and water courses, regulating | 2.2 (2) (x) |
| Waters and water courses, use and control | 12.4 |
| Welfare, provide for | 2.2 (2) |
| Words - Definitions | 1.3 |
| Words - Interpretations | 1.3 |
| Words and Phrases | 1.3 (14) |

- Z -

| | |
|------------------------|----------------|
| Zoning - authority for | 2.2 (2) (viii) |
| Zoning Board | 13.12 |