

# City of Plymouth



## CITY CHARTER

*November, 2007*



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CHARTER**

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## CHARTER

### PREAMBLE

We, the people of the City of Plymouth, mindful of the ideals and labors of our fathers in founding and developing this community, grateful for the blessings of freedom, peace, and justice in a free and democratic state and nation, and desirous of further securing these blessings to ourselves and our posterity, do hereby ordain and establish this Charter for the City of Plymouth.

### CHAPTER 1. BOUNDARIES AND SUBDIVISION OF THE CITY

#### Section 1.1. Boundaries.

The corporate boundaries of the City of Plymouth shall be those as established on the date this Charter takes effect, provided that the City shall have the power to change its boundaries in a matter provided by law. The City Clerk shall maintain complete records of the existing boundaries on the date this Charter takes effect and each change thereafter, which shall be available for public inspection.

#### Section 1.2. Wards.

The City shall consist of one ward for the purposes of elections.

#### Section 1.3. Election Precincts.

The election precincts of the City shall remain as they existed on the date that this Charter became law, until altered by the Commission as provided and required by State law.

### CHAPTER 2. GENERAL MUNICIPAL POWERS

#### Section 2.1. General Powers of the City.

The City of Plymouth and its officers shall possess and be vested with each and all the powers, privileges, and immunities, expressed or implied, which cities and their officers are, or hereafter may be, permitted to exercise under the constitution and laws of the State of Michigan. It is the intent of the Charter Commission in framing this Charter and of the people of the City in adopting it, to include all such powers, privileges, and immunities within the scope of the powers granted to the City of Plymouth by the provisions of this Charter. The City and its officers shall have power to exercise each and all such municipal powers in the management and control of municipal property and in the administration of the municipal government, whether they be expressly enumerated or not; to do any act to advance the interests of the City, the good government and prosperity of the municipality and its inhabitants, and, through its regularly constituted authority, to pass and enforce all ordinances, and resolutions relating to its municipal concerns, subject to the constitution and general laws of the state and the provisions of this Charter.

In addition to the powers possessed by the City of Plymouth under the constitution and general laws of the State of Michigan, and those set forth in this Charter, the City shall have power with respect to, and may by ordinance or other appropriate and lawful acts, provide:



1. For the use, regulation, improvement, and control of the surface of its streets, alleys, and public ways, and of the space above and beneath them;
2. For the use, by others than the owner, of property located in streets, alleys, and public places of the City in the operation of a public utility, subject to any limitations imposed by State law;
3. For a plan of streets and alleys within the City and for a distance of not more than three (3) miles beyond its limits;
4. For the use, control, and regulation of streams, waters, and water courses within its boundaries, subject to any limitations imposed by law;
5. For the installation and connection of sewers and water works on and to property within the City; for assessing the cost thereof to the several properties and making the same a lien thereon;
6. For maintaining the peace within the City, and preventing and punishing the disturbance of any meeting which is assembled for any lawful purpose;
7. For the acquiring, establishment, operation, extension, and maintenance of facilities for the storage and parking of vehicles within its corporate limits, including the fixing and collection of charges for services and use thereof on a public utility basis, and for such purpose to acquire by gift, purchase, condemnation, or otherwise, the land necessary therefore;
8. For the acquisition of the following improvements, including the necessary lands therefore, by purchase, gift, condemnation, lease, construction or otherwise, either within or without its corporate limits and either within or without the corporate limits of the county in which it is located, viz.: City hall, police stations, fire stations, boulevards, streets, alleys, public parks, recreation grounds, municipal camps, public grounds, zoological gardens, museums, libraries, airports, cemeteries, public wharves and landings upon navigable waters, levees and embankments, watch-houses, City prisons and work houses, penal farms, institutions, hospitals, quarantine grounds, electric light and power plants and systems, gas plants and systems, waterworks plants and systems, sewage disposal plants and systems, City dumps, garbage disposal plants or facilities, pounds, community buildings, stadia, convention halls, auditoria, dormitories, hospitals, market houses and market places, office buildings for City officers and employees, public works, and public buildings of all kinds; and for the costs and expenses thereof.
9. For the acquisition by purchase, gift, condemnation, lease, or otherwise of private property either within or without its corporate limits, and either within or without the corporate limits of the county in which it is located, for any public use of purpose within the scope of its powers whether herein specifically mentioned or not, subject to the limitations contained in Section 5.16. If condemnation proceedings are resorted to for the acquisition of private property outside the corporate limits of such city, such condemnation proceedings may be brought under the provisions of Act No. 149 of the Public Acts of Michigan of 1911 (MCL 213.21 et seq., as amended or as may be amended), entitled "An Act to provide for acquisition by purchase, condemnation, and otherwise by state agencies and public corporations of private property for the use or benefit of the public and to define the terms "public corporations," "state agencies" and

“private property” as used herein,” or such other appropriate Acts therefore as exist or shall be made by law;

10. For the maintenance, development, and operation of its property, and, upon the discontinuance thereof, to lease, sell, or dispose of the same subject to any restrictions placed thereupon by law;

11. For regulating, restricting, and limiting the number and locations of oil and gasoline stations;

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

13. For the regulation of trades, occupations, and amusements within the City, not inconsistent with State and Federal laws, and to prohibit such trades, occupations, and amusements as are detrimental to the health, morals, or welfare of its inhabitants;

14. For preventing injury or annoyance to the inhabitants of the City from anything which is dangerous, offensive, or unhealthful, and to prevent and abate nuisances and punish those occasioning them or neglecting or refusing to abate, discontinue, or remove the same;

15. For licensing, regulating, restricting, and limiting the number and locations of advertising signs or displays and billboards within the City;

16. For establishing, acquiring, and operating airports, either within or without its corporate limits, and for regulating all airports located within its boundaries, and, for the purpose of promoting and preserving the public peace, safety, and welfare, for the control and regulation of the use of the air above the City by aircraft of all types, subject to any limitations imposed by law. Provided, however, that the City shall not, directly or indirectly, acquire, establish, operate, construct, maintain or own an airport either within or without its boundaries, or enter into or perform any intergovernmental agreement to accomplish any of the foregoing, unless approved by the majority of the qualified electors of the City voting thereon;

17. For the prohibition or regulation of the use, occupancy, sanitation, and parking of house trailers within the City, to the extent permitted by state law, and the right of the City to so regulate any house trailer shall not be abrogated because of any detachment thereof from its wheels or because of placing it on, or attaching it to the ground by means of any temporary or permanent foundation, or in any manner whatsoever;

18. For the creation and maintenance of a juvenile advisory commission which shall consult and cooperate with the educational, recreation, judicial, and law enforcement agencies of the City, the County of Wayne, and the State of Michigan with respect to the programs, undertakings, and actions of such agencies affecting or pertaining to the youth of the City;

19. For the creation and maintenance of a cemetery board which shall have and perform such powers and duties with respect to the cemetery or cemeteries of the City as the Commission shall prescribe.

### **Section 2.2. Exercise of Powers.**

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

### **Section 2.3. Intergovernmental Contracts.**

The City shall have power to join with any municipal corporation, or with any number or combination thereof, by contract, or otherwise, as may be permitted by law, for the ownership, operation, or performance, jointly, or by any 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 shall have the right to contract with any person or with any other municipal corporation to furnish to property, outside the corporate limits of the City, for an adequate consideration, and within limitations imposed by law, any lawful municipal service which it is furnishing to property within its corporate limits. Provided, however, that the City shall not, directly or indirectly, acquire, establish, operate, construct, maintain or own an airport, either within or without its boundaries, or enter into or perform any intergovernmental agreement to accomplish any of the foregoing, unless approved by the majority of the qualified electors of the City voting thereon.

### **Section 2.4. Continuation of Rights and Liabilities.**

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

## **CHAPTER 3. INTERPRETIVE AND LIMITING PROVISIONS**

### **Section 3.1. City Records.**

All records of the City shall be made available to the general public in compliance with the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

### **Section 3.2. Tense.**

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

### **Section 3.3. Number and Gender.**

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

### **Section 3.4. Definitions.**

(a) The word "person" may extend and be applied to bodies corporate and politic and to partnerships, associations, and joint adventures, as well as to individuals,

(b) The words "printed" and "printing" shall include reproductions by printing, engraving, stencil duplicating, lithographing, or any similar method of reproducing or recording language,

- (c) Except in reference to signatures, the words "written" and "in writing" shall include printing, typewriting, and teletype and telegraphic communications,
- (d) The words "statute" and "state law" shall mean the statutes and laws, including the Constitution of Michigan.
- (e) The word "default" shall mean, but not be limited to, the failure of making timely payments of any monetary obligation to the City.

**Section 3.5. Headings.**

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

**Section 3.6. No Estoppel by Representation.**

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

**Section 3.7. Effect of Illegality of Any Part of Charter.**

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

**Section 3.8. Amendments.**

This Charter may be amended at any time in the manner provided in Act No. 279 of the Public Acts of Michigan of 1909 (MCL 117.1 et seq., MSA 5.2071 et seq.), as amended. Should any two or more amendments, adopted at the same election, have conflicting provisions, the one receiving the largest affirmative vote shall prevail as to those provisions, or as otherwise provided by statute or law.

**CHAPTER 4. GENERAL PROVISIONS AFFECTING OFFICERS OF THE CITY**

**Section 4.1. Officers to be Elected.**

The elective officers of the City shall be seven Commissioners. Each such officer shall be elected by the vote of the electors of the City at large.

**Section 4.2. Officers to be Appointed.**

The appointive officers of the City shall be a City Manager, a City Attorney, a Clerk, a Treasurer, an Assessor, a Director of Public Safety, a Director of Municipal Services, the members of the Board of Review and members of other necessary boards and commissions provided for or permitted to be created by this Charter or by State law. Upon the recommendation of the City Manager, and to assure the proper administration of City affairs, the Commission may create additional appointive offices, boards, or commissions, or may combine any administrative offices, boards, or commissions in any manner not inconsistent with state law, and prescribe the duties thereof: Provided, however, That the offices of City Manager, Clerk, and Treasurer shall not be combined one with another in any manner, but each may be combined with any other City office. The creation of any additional administrative office or combination thereof shall not

directly or indirectly abolish or diminish the office of City Manager, or the responsibilities of that office as set forth in this Charter. Upon the recommendation of the City Manager, any board or commission, created under authority of this section, may be abolished by the Commission.

#### **Section 4.3. City Employees.**

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

#### **Section 4.4. Eligibility for Office in the City.**

Except as otherwise provided below, or elsewhere in this Charter, an elector of the City shall be eligible to hold elective office, if the elector shall have been a resident of the City for a minimum of one year immediately prior to the last day for filing for the primary election. Failure of an elector to be and remain a resident of the City during the term of office to which an elector has been elected shall create a vacancy in that office.

- (a) In the case of any appointed officer of the City to any appointed office created in this Charter or by ordinance, including without limitation any board or commission, the appointee shall be a resident of the City and shall remain a resident of the City during the term of office of the appointee, failing which the office shall be deemed vacant.
- (b) In the case of the City Manager, City Attorney, City Clerk, City Treasurer, City Assessor, Director of Public Safety, Director of Municipal Services or other appointed officer who shall be deemed to be an employee of the City, such person may reside either in the City or reside within a distance not greater than 20 miles from the nearest boundary of the City; however if the employee is married and the employee's spouse is employed by another public employer and the employee's spouse is subject to a condition of employment or promotion which requires the spouse to reside a distance of less than 20 miles from the nearest boundary of the spouse's public employer, then the 20 miles restriction upon the residency of the City's employee shall not apply.
- (c) Further, in the case of all public employees of the City, the commission may waive the residency requirement at the time of employment by a two-thirds vote of the commission, provided that each employee for which a residency requirement is waived at time of employment shall satisfy the residency requirement for a public employee set forth herein within one year following the date of employment and shall continue to satisfy the residency requirement set forth herein during the entire time of employment by the City, failing such compliance the employee shall be terminated from employment by the City.
- (d) Notwithstanding the foregoing, a person who is not a resident of the City but who resides within a distance not greater than 20 miles from the nearest boundary of the City and who has an interest in property located within a business district of a Downtown Development Authority created by the City pursuant to Public Act Number 197 of the Public Acts of 1975, as amended, may be appointed as a member of the board of the governing body of that authority subject to all other requirements of state law.

#### **Section 4.5. Certain Elective Officers Ineligible.**

No person who holds or has held the office of Commissioner, by election or appointment, or both, for three consecutive terms shall be eligible to succeed themselves in such office. The holding of the office of Commissioner, either by election or by appointment, for a period of two years or more shall be deemed to be for a term. No person who holds or has held the office of Commissioner shall be eligible for appointment to any office, for which compensation is provided, or any post of employment, until one year has elapsed following the term for which they were elected, except as otherwise provided in this Charter.

#### **Section 4.6. Appointment and Removal of Appointive Officers.**

(a) All appointive officers of the City, [except the City Manager, the City Attorney, and members of the Board of Review and the Personnel Service Appeal Board, and other boards and commissions provided for or permitted to be created by this Charter or the general laws of the State], shall be appointed by the City Manager, by and with the advice and approval of the Commission. The City Manager shall announce each appointment to fill appointive offices of the City to the Commission at a regular or special meeting thereof. If the Commission shall not approve any such appointment at the meeting at which such announcement is made, such appointment shall be probationary for a period of thirty days, unless approved by the Commission prior to the expiration of that time. During such thirty-day period, the Commission may approve or disapprove such appointment. If the Commission shall take no action to approve or disapprove any such appointment during such thirty-day period, the appointment shall be deemed to have been approved by it.

(b) Each appointive officer of the City, except members of the Board of Review and other boards and commissions of the City, shall hold office for an indefinite term.

(c) The City Manager may remove any appointive officer of the City whose appointment has been or may be made by him/her. The City Manager shall announce the removal of any appointive officer from the office held by him/her to the Commission at any regular or special meeting of the Commission. If, within five days after such announcement, such officer shall file a petition with the Mayor requesting a hearing on his/her removal, the Commission shall hear him/her at its next regular meeting which is held within not less than five nor more than thirty days following the filing of such petition. At such hearing, such officer and the City Manager may present to the Commission all facts and circumstances which are germane to the reasons for the removal of such officer from office by the City Manager. After such hearing, the Commission may sustain the removal made by the City Manager or reinstate the officer to the office held by him/her.

(d) The Mayor shall appoint to and remove from office the City Attorney and members of the Board of Review and the Personnel Service Appeal Board, and of other boards and commissions of the City. Such appointments and removals by the Mayor shall be made in the same manner and subject to the same procedures as are herein prescribed for the appointment and removal of appointive officers by the City Manager.

#### **Section 4.7. Compensation of Appointive Officers.**

The Commission shall fix the compensation of the City Manager, the City Attorney, and the members of the Board of Review, the Personnel Service Appeal Board, and other boards and commissions of the City. The City Manager shall fix the compensation of all other appointive officers, within and subject to budget appropriations.

#### **Section 4.8. Vacancies in Office.**

Any City office shall become vacant for any one or more of the following reasons:

(a) The occurrence of any event or the doing of any act specified by State law to create a vacancy;

(b) Removal from office by the Governor of Michigan;

(c) The absence from the City of any officer continuously for more than sixty days without permission of the Commission;

(d) In the case of the Mayor and Commissioners, absence from four consecutive regular meetings of the Commission or twenty-five percent of such meetings in any fiscal year of the City, unless such absence shall be excused by the Commission at the time it occurred and the reason therefore entered in to the proceedings of the Commission;

(e) Assumption by the officer of any office which is incompatible with the City office held by him/her.

#### **Section 4.9. Removals from Office by the Commission.**

The Commission may remove any elective or appointive officer of the City for any one or more of the following reasons:

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

(b) When it shall be satisfied from sufficient evidence submitted to it that such officer has been guilty of official misconduct, wilful neglect of, or gross inefficiency in, the performance of his/her duties as an officer of the City. The Commission shall take no action under this provision upon any charges against any officer of the City, until certified copies of such charges and of all supporting affidavits and exhibits have been personally served upon such officer and an opportunity, after at least fifteen days notice, given him/her to be heard in his/her defense. No officer who has been removed from office under authority of this provision shall be eligible to election or appointment to any City office for a period of three years from the date of such removal. Any elector of the City may prefer charges of official misconduct, wilful neglect of, or gross inefficiency in office against any appointive officer of the City. Such charges shall be made in writing and shall set forth the grounds therefore, reciting specific instances of such official misconduct, wilful neglect, or gross inefficiency, which recitals shall be supported by affidavits of persons having knowledge thereof, and shall be filed with the Clerk who shall place the same before the Commission at its next regular meeting following his/her receipt thereof. After such charges have been filed with the Commission, it shall take such action thereon as it shall deem fit and may provide for and hold a hearing thereon. If any such charges be also supported by a petition, demanding that the Commission hold a hearing thereon which contains the signatures of registered electors of the City equal to or greater than ten percent of the number of votes cast in the City for the office of Governor of the State of Michigan at the last biennial fall election, the Commission shall take action thereon by calling and holding a public hearing before the Commission upon such charges. At such public hearing, all persons having an interest in the subject matter and purpose of such hearing shall be heard and may be represented by counsel, if such person so chooses. Within fifteen days after such hearing, the Commission shall make a determination upon the charges made against such officer. Such determination of the Commission shall be final. If the Commission determines that the charges were supported by competent evidence at such hearing and that the same are sufficient justification therefor, it shall remove the person complained against from the office held by him/her.

#### **Section 4.10. Resignations.**

Resignations of elective officers, the City Manager, and the City Attorney shall be made in writing and filed with the Clerk and shall be acted upon by the Commission at its next regular meeting following receipt thereof by the Clerk. Resignations of appointive officers, other than the City Manager and City Attorney, shall be made in writing to the City Manager and shall be promptly acted upon by him/her.

#### **Section 4.11. Recall.**

Any elective official may be removed from the office by the electors of the City by recall, in the manner provided by the general laws of the state. A vacancy created by the recall of any elective official shall be filled in the manner prescribed by law. The board of county canvassers in the county where the petition is filed shall conduct the canvass of the recall election. If a board of canvassers determined that a majority of the votes are in favor of recall, the board of canvassers immediately upon the determination shall certify the result to the officer with whom the recall petition was filed. Upon certification, the office is vacant. The officer with whom the recall

petition was filed shall immediately upon receipt of the certification notify the Clerk.

**Section 4.12. Filling Vacancies.**

Except in case of recall, if a vacancy occurs in any elective office, the Mayor shall appoint within twenty-eight (28) days after such vacancy occurs, a person who possesses the qualifications required of holders of said office to fill such vacancy. After said appointment is made by the Mayor, the City Commission shall confirm and approve such appointment at its next regularly scheduled meeting. Any person so appointed to the office of Commissioner shall hold that office for the remainder of the term of the office that was vacated. In the event a vacancy occurs in the office of Commissioner within thirty days prior to a regular City election such vacancy shall not be filled by the Commission until the first meeting after its organization meeting following such election.

If a vacancy occurs in any appointive office, the person, board, or commission responsible for the appointment of such person under this Charter shall, within twenty-eight (28) days after such vacancy occurs, appoint a person who possesses the qualification required of holders of said office to fill such vacancy. The appointment of any such person shall be subject to and be required to comply with any and all provisions contained in this Charter which require approval by the City Commission of said Appointment.

**Section 4.13. Term of Office Cannot be Shortened or Extended.**

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

**Section 4.14. Increase or Decrease of Compensation.**

No salary of any elected officer shall be increased or decreased after his/her election during any fixed term of office for which he/she was elected.

**Section 4.15. Oath of Office and Bond Requirement.**

Every officer, elected or appointed, before entering upon the duties of the office, and each of such employees as the Commission shall designate, before entering upon employment, shall take and subscribe to the oath prescribed by the Constitution of the State, and shall file the same with the Clerk. Such persons shall also furnish or fulfill the requirements for any bond which may be required by this Charter or by the Commission to give. In case of failure to comply with the provisions of this section within ten days from the date of the election, appointment, or employment, such office or employment shall thereupon become vacant, unless the Commission shall, by resolution, extend the time in which such officer or employee may qualify.

**Section 4.16. Surety Bonds.**

Except as otherwise provided in this Charter, the Commission may require any officer or employee to give or fulfill the requirements for a bond, to be approved by the Commission, conditioned upon the faithful and proper performance of the duties of the office or employment concerned, in such sum as the Commission shall determine. All such officers or employees who receive, distribute, or are responsible for City funds shall be bonded. The resignation, removal, or discharge of any officer or employee, or appointment of another person to such office or employment, shall not exonerate such officer or employee or any sureties of such officer or employee from any liability incurred by such officer, employee, or sureties. All official bonds shall be corporate surety bonds and the premiums thereon shall be paid by the City. Unless



otherwise determined by a two-thirds vote of the Commission, bonds required by this section shall not be renewed upon the expiration of the terms for which issued, but, in each case, a new bond shall be furnished. No official bond shall be issued for a term exceeding five years. The bonds of all officers and employees shall be filed with the Clerk, except that of the Clerk, which shall be filed with the Treasurer.

**Section 4.17. Business Dealings with City.**

- a) **Public Contracts:** No officer of the City of Plymouth shall be a party, directly or indirectly, to any contract between the officer and the City of Plymouth unless permitted by State law.
- b) **Other Business Dealings with the City:** Any Officer of the City of Plymouth who intends to have business dealing with the City, other than by way of a public contract either directly or indirectly, whereby the officer may acquire from the City of Plymouth an income or benefits other than that provided as remuneration for the officer's official duties, shall file with the City Clerk a statement, under oath, setting forth the nature of the Officer's interest therein and that his/her or her participation therein is to the general welfare and benefit of the City of Plymouth. Such statement shall be forwarded to the Commission, placed on the regular agenda of the Commission, and voted upon for approval. Any such approval shall require a two-thirds affirmative vote by the Commission.
- c) **Voidable Contract or Obligation:** In the event this Section is violated, any contract or obligation entered into or assumed on the part of the City of Plymouth shall be voidable.

**Section 4.18. Giving of Surety Bonds Forbidden.**

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

**Section 4.19. Delivery of Office and Its Effects by Officer or Employee to His/Her Successor.**

Whenever any officer or employee shall resign, or be removed from office, or the term of office for which he/she has been elected or appointed has expired, he/she shall, immediately, deliver to his/her successor in the office or to his/her superior, all books, papers, moneys, and effects in his/her custody which were obtained as a part of, or were necessary to the performance of his/her duties as such officer or employee.

**CHAPTER 5. THE CITY COMMISSION**

**Section 5.1. City Governing Body.**

All legislative or policy forming powers of the City shall be vested in, exercised, and determined by a City Commission consisting of the Mayor and the six Commissioners of the City. In all cases where the word Commission is used in this Charter, the same shall mean the City Commission of the City of Plymouth and shall be synonymous with any term employed in any State or Federal law referring to legislative or governing bodies of cities. The Commission shall not grant or surrender the powers herein granted to any person, firm, association, or corporation.

**Section 5.2. Nomination, Election, and Terms of Office.**

At each regular City election there shall be elected four Commissioners from the City at large. Each Commissioner shall hold office for a term of four years, except that the person elected to the office of Commissioner at each regular City election who receives the least number of votes shall

hold office for a term of two years. Such terms of office shall commence on and date from the Monday next following the date of the regular City election at which they are elected.

**Section 5.3. Judge of Qualifications of Members.**

The Commission shall be the judge of whether its members meet the qualification and eligibility requirements proscribed by this Charter and State law to be a member of the Commission. This would be subject only to review by a court of competent jurisdiction..

**Section 5.4. Remuneration of Members of the Commission.**

The compensation of the Mayor and City Commission members shall be determined by the Local Officers Compensation Commission and in accordance with the Local Officers Compensation Commission Ordinance, or as amended, as permitted by state law.

**Section 5.5. Selection of Mayor and Mayor Pro Tem.**

The Commission shall, at its first regular meeting following each regular biennial City election, select one of its members to serve as Mayor and one to serve as Mayor Pro Tem. The selection of Mayor and Mayor Pro-tem shall be based on a majority vote of the City Commission. The Mayor Pro-tem who was in office prior to the regular biennial election shall be the first person to have his/her name placed into nomination for Mayor, provided that he/she is still seated on the Commission following the regular biennial election. The person who received the highest number of votes in the regular biennial election shall be the first person to have his/her name placed into nomination for Mayor Pro-tem. If the person nominated for the office of Mayor or Mayor Pro-tem declines the nomination or if there is a vacancy in the office of Mayor Pro-tem or if the sitting Mayor Pro-tem did not carry over at the regular biennial election, then the floor shall be open for nominations for that office. If the person nominated for the office of Mayor or Mayor Pro-tem does not receive a majority of votes from the members of the City Commission then the chair shall accept additional nominations for the office of Mayor or Mayor Pro-tem. Once a nomination is placed on the floor, a vote of the City Commission shall be taken. Once a nominated person receives a majority vote from the City Commission he/she shall take the office of Mayor or Mayor Pro-Tem in accordance with this Charter. The Mayor Pro Tem shall perform the duties of the Mayor when, on account of absence from the City, disability, or otherwise, the Mayor is temporarily unable to perform the duties of his/her office, and shall succeed to the office of Mayor in case of vacancy in that office. The Mayor Pro Tem shall preside over the meetings of the Commission during the absence of the Mayor, and at the call of the Mayor. In the event that a vacancy occurs in the office of Mayor Pro Tem, through advancement to the office of Mayor, the Commission shall appoint one of its elected members to fill such vacancy. Until such time as the Commission shall so appoint a Mayor Pro Tem, the line of succession of persons who shall act as Mayor, shall be Commissioners according to their seniority in their present terms of office and, among Commissioners of equal seniority, according to the number of votes received by them at the time of their election to office.

**Section 5.6. Duties of the Mayor.**

Insofar as required by law, and for all ceremonial purposes, the Mayor shall be recognized as the executive head of the City and shall preside over all meetings of the Commission and preserve order thereat and shall have and exercise all powers granted to Mayors of cities by state law and by this Charter.

**Section 5.7. Meetings of the Commission.**

(a) The Commission shall provide by resolution for the time and place of its regular meetings and shall hold at least two regular meetings each month: Provided, That no change shall be made in the time or place of its regular meetings, until after not less than ten days following publication

of notice of such change. If any time set for the holding of a regular meeting of the Commission shall be a holiday, then such regular meeting shall be held at the same time and place on the next secular day which is not a holiday. The business of the City Commission shall be conducted at public meetings held in compliance with the open meetings act (MCL §15.261-275).

(b) Special meetings shall be called by the Clerk on request of the Mayor or any two Commission members. Written notice stating each matter to be considered at a special meeting shall be given each Commission member and the Mayor, as provided by Commission rules, unless the entire Commission and the Mayor are present and waive notice.

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

(d) The Commission shall determine its own procedural rules and order of business and shall keep a journal in the English language of all its proceedings which shall be signed by the Clerk, and by the Mayor after approval thereof by the Commission. The vote upon the passage of all ordinances, and upon the adoption of all resolutions shall be taken by "Yes" or "No" votes and entered upon the record, except that where the vote is unanimous, it shall only be necessary to so state.

(e) Each Commissioner shall be required to attend all meetings of the Commission. The Commission may compel the attendance of its members and other officers and department heads of the City, and the president or chair of each board of the City government, at its meetings, and may enforce fines for nonattendance in such amount and manner as may, by ordinance, be prescribed. Any member of the Commission, or other officer of the City, who refuses to attend such meetings, for reasons other than confining illness, or to conduct himself in an orderly manner thereat shall be deemed guilty of misconduct in office. The Police Chief, or such other person as the Commission shall designate, shall serve as the Sergeant-at-Arms of the Commission in the enforcement of the provisions of this section.

(f) Except as otherwise provided in this Charter, each commissioner present shall vote on each question before the Commission for a determination unless excused therefrom by a vote of at least a majority, plus one member of the members of the Commission present, or unless prohibited by applicable state law.

#### **Section 5.8. Public Health and Safety.**

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

#### **Section 5.9. Licenses.**

The Commission shall, by ordinance, prescribe the terms and conditions upon which licenses may be granted, suspended, or revoked, and may require and exact payment of such reasonable sums for licenses of persons receiving such licenses from the City, as it may deem proper.

#### **Section 5.10. Publication.**

The Commission shall determine the method of publication of all notices, ordinances, and proceedings for which a mode of publication is not prescribed by this Charter or by law.

#### **Section 5.11. Cemetery Regulations.**

The Commission shall have power to enact all ordinances deemed necessary for the establishment, maintenance and protection of cemeteries, together with improvements thereon and appurtenances thereto, owned or hereafter acquired by the City either within or without its corporate limits. The Commission shall, by ordinance provide a plan for the platting, sale, and perpetual care of all lots, plots, and lands within its cemeteries. All ordinances pertaining to

public health and welfare in the regulation and protection of public cemeteries shall apply equally to all cemeteries within the City belonging to or under the control of any church or religious society, or any corporation, company, or association. The City may cause any bodies buried within the City, in violation of any State law or ordinance of the City, made in respect to such burials, to be taken up and reburied in such a manner as shall conform to the ordinance of the City.

**Section 5.12. Streets, Alleys and Public Places.**

The City shall have and exercise the reasonable control of its streets, alleys, and public places. Except insofar as limited by State law and the provisions of this Charter, the Commission shall have power to establish, vacate, use, control, and regulate the use of its streets, alleys, bridges, and public places, whether such public places be located within or without the limits of the City, and the space above and beneath them. Such power shall include, but not be limited to, the proper policing and supervision thereof; the licensing and regulation, or the prohibition, of the placing of signs, awnings, awning posts, and other things which are of such nature as to impede or make dangerous the use of such streets, alleys and public places of the City; and the licensing and regulation of the construction and use of openings in its streets, alleys and sidewalks thereof, and all vaults, structures, and excavations under the same. When the Commission shall deem it advisable to vacate, discontinue, or abolish any public place, street, or alley, or any part thereof, it shall, by resolution, so declare and, in such resolution, shall appoint a time, not less than thirty days thereafter when the Commission shall meet and hear objections thereto. Notice of such hearing and of the purpose thereof shall be published by the Clerk not less than once in each of the two calendar weeks preceding such hearing in one of the newspapers published or of general circulation in the City and by posting upon not less than three official public posting boards of the City. Notices of such hearing shall be also given by the Clerk by first class mail addressed to each owner of property abutting upon such street, alley, or public place according to the last assessment roll of the City. The failure of any person to receive such notice shall not affect the validity of any proceedings taken hereunder, provided that the Clerk has a proof of service affidavit of posting and publication. Objections to such action of the Commission may be filed with the Clerk, in writing. If any such objection shall be filed, such public place, street, or alley, or part thereof, shall not be vacated, discontinued, or abolished, except by affirmative vote of at least five members of the Commission. Any property that could be excluded from the use of a public alley, street or public place shall not have the street, alley or public place vacated if it is the sole access to an existing garage.

**Section 5.13. Platting of Streets and Subdivisions.**

Lands or premises laid out, divided, and platted into lots, streets, and alleys within the City shall comply with the provisions of State law and any appropriate City ordinance and the plats thereof shall not be effective until approved by the Commission. The City shall not improve any street or alley shown on or located in any plat approved by the Commission unless such street or alley shall have been accepted by resolution of the Commission.

**Section 5.14. Gifts and Trusts.**

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

### **Section 5.15. Rights as to Property.**

In addition to the powers possessed by the City under the Constitution and statutes and those set forth throughout this Charter, the City shall have the power with respect to, and may, by ordinance and other lawful act of its officers provide for the following, subject to any specific limitation thereon by this Charter:

The acquisition by purchase, gift, condemnation, lease, construction or in any manner permitted by statute, of private property of every type and nature for public use, which property may be located within or without the County of Wayne and which may be required for or incidental to the present or future exercise of purposes, powers and duties of the City, either proprietary or otherwise. Notwithstanding any other provision of law, neither this City nor any of its subdivisions shall use eminent domain to take private property without the consent of the owner to be used for private commercial, financial, retail, or industrial enterprise, except that property may be transferred or leased (1) to private entities that are public utilities or common carriers and (2) to private entities that occupy an incidental area within a public project, such as a retail establishment on the ground floor of a public building. Further, private property acquired through eminent domain without the consent of the owner shall not be dedicated, sold, leased in substantial part, or otherwise transferred to a private person, partnership, corporation or any other private entity for a period of five (5) years following the acquisition of the property by the City, except that property may be transferred or leased (1) to private entities that are public utilities or common carriers and (2) to private entities that occupy an incidental area in a public project, such as a retail establishment on the ground floor of a public building.

### **Section 5.16. City Contracts and Purchases.**

The Commission shall be responsible for the control of letting and making of contracts and shall provide by ordinance the necessary procedures governing purchasing and making of contracts. Such ordinance shall specify an amount below which and the purposes for which purchases may be made by the City administration, either without specific authorization of the Commission or without the necessity of formal competitive bidding, or both.

### **Section 5.17. Restrictions on Powers of the Commission.**

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

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

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

### **Section 5.18. Investigations.**

The Commission, or any committee authorized by it for the purpose, shall have the power to inquire into the conduct of any department, office, or officer of the City and to make investigations as to municipal affairs, and for that purpose may summon witnesses to appear before the Commission or such committee of the Commission to give information under oath

pertinent to such inquiry, administer oaths, and require the production of books, papers, and other evidence. Any officer or employee of the City who shall fail or refuse to obey such summons or to produce books, papers, or other evidence as ordered under the provisions of this Section, shall, on conviction thereof in any court of competent jurisdiction, be subject to a fine of not more than five-hundred dollars, or imprisonment for not more than ninety days, or both, in the discretion of the court.

## **CHAPTER 6. CITY LEGISLATION**

### **Section 6.1. Status of Charter.**

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

### **Section 6.2. Prior Legislation Preserved.**

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

### **Section 6.3. City Legislation Defined.**

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

### **Section 6.4. Ordinance Enacted.**

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

### **Section 6.5. Publication of Ordinances.**

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

**Section 6.6. Penalties.**

Each person who violates any provision of this Charter shall be subject to punishment by fine or imprisonment, or by both fine and imprisonment, in the discretion of the court having jurisdiction. The Commission may provide in ordinances passed by it for the punishment of violations of the provisions thereof by fine or imprisonment, or by both fine and imprisonment. No punishment for the violation of any City ordinance, any provisions of this Charter or for the commission by any officer of the City of any act declared by this Charter to constitute misconduct in office, shall exceed a fine of five hundred dollars, or imprisonment for more than ninety days, or both, in the discretion of the court having jurisdiction.

**Section 6.7. Time Limit for Prosecution of Ordinance Violations.**

Prosecutions for violations of the Ordinances of the City shall be commenced within two (2) years after the commission of the offense unless a different period of limitation is prescribed by State law.

**Section 6.8. Proceedings for Prosecution of Ordinance Violations.**

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

**Section 6.9. Technical Codes.**

The Commission may adopt, as a City ordinance, any provision of state law or any detailed technical code or set of regulations which has been promulgated by the State of Michigan, or by departments, boards, or agencies thereof, or by any organization or association which is organized and conducted for the purpose of developing any such code or set of regulations, by reference thereto in an adopting ordinance and without publishing such technical code or set of regulations in full: Provided, That such code or set of regulations is fully identified in said ordinance and that the purpose of said code or set of regulations shall be published with the adopting ordinance and that printed copies thereof are kept in the office of the Clerk, available for distribution to the public at all times. Such publication shall contain notice to the effect that a complete copy of said code or set of regulations is available for public use and inspection in the office of the Clerk.

**Section 6.10. Compilation or Codification.**

- (a) Copies of all ordinances enacted and amendments to the City Charter adopted after the effective date of this Charter shall be available at the office of the Clerk.
- (b) After adoption of this Charter and any amendments thereto, this Charter and any amendments thereto and all City ordinances shall be available for public inspection in the office of the Clerk.
- (c) Copies of ordinances and of any compilation, code, or codes referred to in this chapter may be certified by the Clerk, and, when so certified, shall be competent evidence in all courts and legally established tribunals as to the matters contained therein.

**Section 6.11. Initiative and Referendum.**

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

**Section 6.12. Petitions.**

A petition initiating an ordinance, or requesting a referendum on an ordinance, shall be signed by not less than fifteen percent of the number of electors of the City who voted for governor of the

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

#### **Section 6.13. Commission Procedures**

Upon receiving a petition initiating an ordinance or requesting a referendum on an ordinance from the Clerk, the Commission shall, within thirty days, either:

- (a) If it be an initiatory petition, adopt the ordinance as submitted in the petition, or determine to submit the proposal to the electors of the City and provide for the holding of the election thereon; or
- (b) If it be a referendary petition, repeal the ordinance to which the petition refers or determine to submit the proposal to the electors of the City and provide for the holding of the election thereon.

#### **Section 6.14. Submission to Electors**

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

#### **Section 6.15. Ordinance Suspended.**

The certification by the Clerk of the sufficiency of a petition for referendum within thirty 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 Commission or final determination by the electors, as the case may be. An ordinance adopted through initiatory proceedings may not be amended or repealed by the Commission for a period of two years after the date of the election at which it was adopted. Should two or more ordinances, adopted at the same election, have conflicting provisions, the one receiving the highest vote shall prevail as to those provisions.



## **CHAPTER 7. THE ADMINISTRATIVE SERVICE**

### **Section 7.1. Administrative Officers.**

The administrative officers of the City shall be a City Manager, a City Attorney, a Clerk, a Treasurer, an Assessor, a Director of Public Safety, a Director of Municipal Services and the members of the Board of Review and members of such other boards and commissions and such other appointive officers as shall be provided for or permitted to be created by this Charter. The Commission and its members, shall deal with the administrative officers and employees of the City, except the City Attorney, the Clerk when acting in the capacity as Clerk of the Commission, and boards and commissions of the City, solely through the City Manager and neither the Commission nor any member thereof shall give orders to any subordinate of the City Manager as to the performance of their duties, either publicly or privately. Any violation of the provisions of this section by a Commissioner shall constitute misconduct in office.

### **Section 7.2. The City Manager.**

The Commission shall designate a qualified person to perform the duties of City Manager. He/she shall be selected for designation by the Commission on the basis of training and ability alone and shall serve at the pleasure of and be subject to removal by the Commission at any time without limitation as to hearing or other procedures which may be required by this Charter for the removal of officers. With the consent and approval of the Commission the City Manager may designate an administrative officer or employee of the City to act as City Manager if he/she is temporarily absent from the City or unable to perform the duties of his/her office. While so acting, such person shall possess and exercise all of the powers and responsibilities of the office of City Manager. No person who holds or who has held any elective City office 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/she was elected.

### **Section 7.3. Functions of City Manager.**

The City Manager shall carry out the policies formulated by the Commission. In conformity with the provisions of this Charter, he/she shall be charged with and be responsible to the Commission for the supervision and management of all the services, works, and undertakings of the City, except as otherwise provided in this Charter. He/she shall be responsible to the Commission for:

- (a) The administration of the affairs of the City;
- (b) The coordination, supervision, and active control of the departments, institutions, and agencies of the City government created by or under authority of this Charter;
- (c) The enforcement and execution of the laws of the State and the ordinances and resolutions of the Commission within the City and upon all public property owned or subject to the jurisdiction of the City, regardless of where located;
- (d) The preservation and promotion of public health, safety, and welfare; the prevention, suppression, and abatement of public nuisances; and the enforcement of the police power of the City;
- (e) The preparation of the annual budget proposal of the City and the administration of the annual budget adopted by the Commission.

### **Section 7.4. Powers of the City Manager.**

In order to carry out and perform the functions of his/her office, the City Manager shall have the following powers and duties, which shall be exercised under the general supervision of the Commission:

- (a) To attend all meetings of the Commission unless otherwise directed by the Commission, with the right to take part in all discussions, but without the right to vote, and to recommend to

that body from time to time such measures as he/she shall deem necessary or expedient for it to adopt;

- (b) To furnish the Commission with any necessary information respecting the departments of the City government under his/her control;
- (c) To prepare the annual budget document and administer the annual budget of the City in the manner and with such supporting schedules and data as may be required by this Charter and the ordinances and resolutions of the Commission;
- (d) To keep the Commission advised of the financial condition and needs of the City;
- (e) To prepare and submit to the Commission such reports as may be required by that body and to prepare and present to the Commission an annual report, which shall consolidate the special reports of the several departments;
- (f) To perform the duties and responsibilities as personnel director with respect to all City employees, subject to the provisions of this Charter and general ordinances of the Commission;
- (g) To have responsible charge, management, and supervision of all public improvements, works, undertakings, utilities, and properties of the City;
- (h) To see that the terms and conditions of all public utility franchises, of all contracts to which the City is a party, and of all trusts in favor of the City are faithfully kept and performed;
- (i) To perform the duties of purchasing agent of the City, and, under authority of the Commission, to sign all contracts and instruments required for the exercise of such function;
- (j) To perform and assume such other duties and responsibilities as may be prescribed by this Charter or required of him/her by the ordinances, resolutions, and directions of the Commission.

#### **Section 7.5. Functions of the Clerk.**

- (a) The Clerk shall be the clerk of the Commission and shall attend all its meetings and keep a permanent journal, in the English language, of every session of the Commission;
- (b) He/she shall keep a record of all ordinances, resolutions, and actions of the Commission, which record shall be public;
- (c) He/she shall have power to administer all oaths required for municipal purposes by State law, this Charter and the ordinances of the City;
- (d) He/she shall be custodian of all papers, documents, bonds, and records pertaining to the City of Plymouth, the custody of which is not otherwise provided for by this Charter;
- (e) He/she shall be custodian of the City seal and shall affix it to all documents and instruments requiring the seal of the City, and shall attest the same;
- (f) He/she shall give ample notice to the proper officials of the City of the expiration or termination of any franchise, contract or agreement to which the City is a party, and to City officers personally of the expiration of the terms of their respective offices and of any official bonds required of them;
- (g) He/she shall certify by his/her signature all ordinances and resolutions enacted or passed by the Commission and perform any other duties required by him/her by State or Federal law, this Charter, the City Manager, or the ordinances of the City;
- (h) He/she shall be the recording clerk of the Boards of the City, unless otherwise provided in this Charter, and shall attend all their meetings and keep a permanent journal, in the English language, of every session thereof;
- (i) He/she shall issue and shall have power to suspend or revoke, as provided by ordinance, all licenses required to be issued by the ordinances of the City;
- (j) He/she shall be the chief elections officer of the City;
- (k) He/she shall keep and be the custodian of the books of account of assets, receipts, and expenditures of all departments of the City;

(l) Subject to the approval of the City Manager he/she shall prescribe a method of keeping accounts for all departments and offices of the City, which method shall be uniform, as near as practicable, and shall conform to the laws of the state;

(m) He/she shall examine and verify all accounts and claims against the City, except claims for unliquidated damages. He/she shall not sign any draft, check, or warrant, until he/she has verified the correctness of the account for which the same is issued. He/she shall not allow the payment of any account, unless the money has been appropriated therefore; nor shall he/she sign any account against the City, unless sufficient money is in the fund against which it is drawn;

(n) He/she may examine and verify all books of account of the Treasurer at such times as he/she deems necessary. At the end of each fiscal year, and at any other time upon the direction of the Commission, he/she shall examine and verify all books of account kept by each officer, board, or department of the City;

(o) Under authority of the Commission, to sign or countersign, as the case may be, all contracts, deeds, or other public documents on behalf of the City;

(p) To publish and post all notices, proceedings, and other matters required to be published or posted, or both, under this Charter or state law.

#### **Section 7.6. Functions of the Treasurer.**

(a) The Treasurer shall have custody of all moneys of the City, the Clerk's bond, unless he/she is covered by a blanket bond, and all evidences of value belonging to the City, or held in trust by the City;

(b) He/she shall keep a journal of all such moneys, bonds, and evidences of value, and all disbursements, sales, and transfers thereof;

(c) Except as otherwise provided in this Charter, he/she shall receive all moneys belonging to and receivable by the City, that may be collected by any officials or employees of the City, including license fees, taxes, assessments, and all other charges belonging to and payable to the City, and shall in all cases, give a receipt therefore;

(d) He/she shall keep and deposit all moneys or funds of the City in such manner and only in such places as the Commission may determine and shall report the same forthwith in detail to the Clerk;

(e) He/she shall perform such other duties as may be prescribed for him/her by State or Federal law, this Charter, the ordinances of the City, or by the City Manager.

#### **Section 7.7. Deputies of Clerk and Treasurer.**

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

#### **Section 7.8. Functions of the Assessor.**

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

(b) He/she shall make and prepare all regular and special assessment rolls in the manner prescribed by this Charter, the ordinances of the City, or by state law;

(c) He/she shall perform such other duties as may be prescribed for him/her by state law, this Charter, the ordinances of the City, or by the City Manager.

#### **Section 7.9. Functions of the City Attorney.**

The City Attorney shall be the corporate counsel of the City. He/she shall give his/her opinion in writing when requested to do so by the Commission, or the City Manager. He/she shall act as

attorney for the City in all actions or hearings in the courts and before all legally constituted tribunals or commissions whenever the City is a party thereto or requires legal representation. The normal duties of the office of the City Attorney shall be the preparation or passing upon, in writing, before adoption or execution, the form of all ordinances, contracts, franchises, bonds, or other instruments in which the City is concerned, and the prosecution of all violations of the ordinances of the City. However, if the Commission shall so desire, the duties of the City Attorney as corporate counsel for the City, and the duties of the City Attorney as prosecutor for the City may be bifurcated and assigned to more than one attorney so retained by the City. The salary, as set by the Commission, shall be in contemplation of such normal duties of the office of City Attorney. The Commission may pay additional special compensation as agreed to by the Commission and the City Attorney before the service for which such special compensation is to be paid has been rendered.

**Section 7.10. Special Legal Counsel.**

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

**Section 7.11. City Police.**

The police force of the City shall have and exercise all the immunities, privileges, and powers of police officers under the common law and statutes of the State for the preservation of quiet, good order, and for the safety of persons and property in the City. They shall arrest upon view, and with or without process, any person found in the act of committing any offense against the laws of the State or the ordinances of the City amounting to a breach of the peace and shall forthwith take such person before the proper magistrate or court for examination or trial. The Police Chief and members of the police force of the City shall make and sign complaints to the proper officers and magistrates against any person known or believed by them to be guilty of any violation of the ordinances of the City or the penal laws of the State.

**Section 7.12. Firefighting and Prevention.**

Under the direction of the City Manager, the fire fighting and prevention forces for the City shall have and exercise all immunities, privileges, and powers of fire officials under common law and statutes of the State for the preservation of the public safety of persons and property.

**Section 7.13. Purchasing Agent.**

The City Manager, as the Purchasing Agent of the City, may require from the proper officials, at such times as contracts for supplies are to be let, memoranda of the quantity and kind of supplies to be paid for from appropriations of any department or agency of the City. Upon the certification, in writing, that the funds are available in the proper appropriations, such goods may be purchased and shall be paid for from the funds in the proper department for that purpose: Provided, however, That this required procedure shall not prejudice or prevent the said Purchasing Agent from purchasing goods for cash to the credit of the store or inventory account, to be furnished the several departments on requisition. Goods so furnished are to be paid for by the department furnished therewith by warrant made payable to the credit of the store account. The Purchasing Agent shall not furnish any agency of the City, unless there be to the credit of such department or agency an available appropriation balance, in excess of all unpaid obligations, sufficient to pay for such supplies. Before making any purchase or sale to an account in excess an amount established by the Commission, the Purchasing Agent shall give opportunity for competitive bidding thereon, for which all proposals shall be upon similar specifications, and under such rules and regulations as the Commission shall establish.

**Section 7.14. Functions of Other Administrative Officers.**

The duties of all administrative officers, not otherwise provided for herein, shall be those established by ordinance or resolution and an administrative plan proposed by the City Manager and approved by the Commission.

**Section 7.15. Employees Group Benefits.**

The Commission shall have the power to make available to the administrative officers and employees of the City and its departments, boards, and agencies: Federal Social Security, if available; recognized standard plans of group life, hospital, health and accident insurance; and pension or other retirement plans.

**CHAPTER 8. BUDGET PROCEDURE AND GENERAL FINANCE**

**Section 8.1. Fiscal Year.**

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

**Section 8.2. Budget Procedure.**

On or before the 15th day of February in each year, each City officer and department head shall submit to the City Manager an itemized estimate of the expenditures for the next fiscal year for the department or activities under his/her control. The City Manager shall prepare a complete itemized budget proposal for the next fiscal year of the City and shall submit it to the Commission at the first regular meeting thereof in April preceding the fiscal year.

**Section 8.3. Budget Document.**

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

- (a) Detailed estimates of all proposed expenditures for each department and office of the City, showing the expenditures for corresponding items for the current and last preceding year, with reasons for increases and decreases recommended, as compared with appropriations for the current year;
- (b) Statements of the bonded and other indebtedness of the City showing the debt redemption and interest requirements, the debt authorized and unissued, and the condition of sinking funds, if any;
- (c) Detailed estimates of all anticipated income of the City from sources other than taxes and borrowing, with a comparative statement of the amounts received by the City from each of the same or similar sources for the last preceding and current fiscal years;
- (d) A statement of the estimated balance, as the case may be, for the end of the current fiscal year;
- (e) An estimate of the amount of money to be raised from current and delinquent taxes and the amount to be raised from bond issues which, together with income from other sources, will be necessary to meet the proposed expenditures;
- (f) Such other supporting schedules as the Commission may deem necessary.

**Section 8.4. Budget Hearing.**

A public hearing on the budget shall be held before its final adoption, at such time and place as the Commission shall direct, and notice of such public hearing shall be published at least one week in advance thereof by the Clerk. A copy of the proposed budget shall be on file and available to the public for inspection during office hours at the office of the Clerk for a period of not less than one week prior to such public hearing. Public Notice should be pursuant to provisions of MCL 141.411 et. seq. and other applicable law.

**Section 8.5. Adoption of Budget Tax Limit.**

No later than the second regular meeting of the Commission in the month of June, the Commission shall, by resolution, adopt the budget for the next fiscal year and shall in such resolution make an appropriation of the money needed for municipal purposes during the ensuing fiscal year of the City and provide for a levy of the amount necessary to be raised by taxes upon real and personal property for Municipal Purposes, which levy shall not exceed one and one-half percent (15 mills) of the taxable valuation of all real and personal property in the City: Provided, That such levy may be increased from time to time for one-year periods by a majority of the electors of the City voting at the election at which the proposition to do so shall be so submitted, but such increase shall be limited to an amount which will not cause the total levy under authority of this section to exceed two percent of the assessed value of the real and personal property in the City for the year in which such increase shall be authorized, subject to the provisions of State law relative to the assessment and levy of taxes for the payment of the principal of, or the interest on, bonds or other evidence of indebtedness issued by the City.

**Section 8.6. Funds for Public Improvements.**

The Commission may establish and maintain a fund or funds for the purpose of appropriating, providing, setting aside, and accumulating moneys to be used for acquiring, extending, altering, or repairing public improvements which the City is authorized by law to acquire, alter, or enlarge. Moneys so appropriated, set aside, or accumulated shall not be transferred, encumbered, or otherwise disposed of, except for the purpose for which they were appropriated, set aside, or accumulated, unless approved by a vote of five members of the Commission, after a public hearing thereon. In no event shall any moneys, which are so set aside or appropriated, be so transferred, encumbered, or otherwise disposed of, except for the purpose of acquiring, extending, altering, or repairing public improvements. Notice shall be given of each such public hearing by publication in one of the newspapers which are published or of general circulation in the City and by posting on three or more of the official designated public posting boards of the City. Such notice shall be so published and posted not less than seven days before the date of such public hearing.

**Section 8.7. Transfer of Operating Appropriations.**

After the budget has been adopted, no money shall be drawn from the treasury of the City nor shall any obligation for the expenditure of money be incurred for payment during the fiscal year to which such budget applies, except pursuant to an appropriation therefore. The Commission may, however, transfer any unencumbered operating appropriation balance, or any portion thereof, from one City operating fund or account to another, upon the written recommendation of the City Manager. The balance in any budget appropriation, except such as may be appropriated for the payment of any debt of the City, which has not been encumbered at the end of each fiscal year shall revert, at the option of the Commission, to either or both the fund created by Section 8.6 of this chapter or to the operating fund from which the appropriations were authorized. Funds so reverted to the appropriate operating fund shall be subject to the allocations made in the budget of the next fiscal year.

**Section 8.8. Budget Control.**

At the beginning of each quarterly period during the fiscal year, and more often if required by the Commission, the City Manager shall submit to the Commission data showing the relation between the estimated and actual income and expenses to date. If it shall appear that the income of the City is less than anticipated, the Commission shall, except as to amounts required for debt and interest charges, revise or amend the budget as may be necessary to keep expenditures within the income of the City, by adoption of a resolution thereon.

**Section 8.9. Depository.**

The Commission shall designate the depository or depositories for the City funds, and shall provide for the regular deposit of all City moneys. The Commission shall provide for such security for City deposits as is authorized or permitted by the general laws of the State.

**Section 8.10. Claims Against City.**

All claims against the City for materials, services, or for any other reason or purpose shall be filed with the Clerk, or other such person as designated by the City Manager and approved by the City Commission, who shall verify the correctness thereof and prepare a schedule of such claims with supporting data indicating the authority for each such claim and the budget fund or account against which it is to be charged, if authorized. The Clerk, or other such person as designated by the City Manager and approved by the City Commission, shall present each such schedule of claims, to the auditing committee composed of two Commissioners appointed by the Mayor. The auditing committee shall review each such claim, and schedule of claims, received by it from the Clerk, or other such person as designated by the City Manager and approved by the City Commission, and present its recommendations, if any, to the Commission. No claim against the City shall be finally approved unless and until payment has been authorized by the Commission as herein provided.

**Section 8.11. Notice to City of Claim for Injuries.**

To the extent permitted by law, the City shall not be liable in damages for injury sustained by any person, either to his/her person or property, by reason of the negligence of the City, its officers or employees, or by reason of any defective highway, public work, public service improvement, or facility of the City, or by reason of any obstruction, ice, snow, or other encumbrance thereon, unless, within sixty days after such injury shall have occurred, such person, or his/her representative, shall serve or cause to be served upon the Clerk, a notice, in writing, stating that the person receiving such injury intends to hold the City liable for such damages as may have been sustained by him/her. Such notice shall set forth substantially the time and place of such injury, the manner in which it occurred, the nature of the act or defect complained of, the extent of such injury as far as the same has become known, the names and addresses of the witnesses known at the time to the claimant. No person shall bring any action against the City for any damages to person or property arising out of any of the reasons or circumstances aforesaid, unless brought within the period limited by law from the time such injury was sustained, nor unless he/she shall have first presented to the Clerk his/her claim in writing and under oath, setting forth particularly the nature and extent of such injury and the amount of damages claimed by reason thereof. Such claim shall be presented to the Commission by the Clerk and the Commission shall be given an opportunity to act thereon, either by allowing or refusing to allow the claim. It may, subject to applicable statutes and court rules, be a sufficient bar and answer in any court to any action or proceeding for the collection of any demand or claim against the City, under this section, that the notice of injury and the verified proof of claim, as in this section required, were not presented and filed within the time and in the manner as herein provided.

**Section 8.12. Withdrawal of Funds.**

Unless otherwise provided by this Charter, all funds drawn from the treasury shall be drawn pursuant to the authority and appropriation of the Commission and by checks signed by the Treasurer and counter-signed by either the Clerk or other officer properly designated by the City Commission. Each such check shall specify the fund or funds thereof from which it is payable and shall be paid from no other fund or funds.

**Section 8.13. Independent Audit.**

An independent audit shall be made of all accounts of the City government at least annually or more frequently if deemed necessary by the Commission. Such audit shall be made by certified public accountants and shall be completed and filed with the Michigan Department of Treasury consistent with statutory time requirements. The results of such audit shall be made public in such manner as the Commission may determine.

**Section 8.14. Municipal Borrowing Power.**

Subject to the applicable provisions of State law and this Charter, the Commission, by proper ordinance or resolution may authorize from time to time the borrowing of money on the credit of the City and issuing of bonds therefore, for any purpose or purposes within the scope of its powers. The net bonded indebtedness incurred for all public purposes shall not at any time exceed the limitation imposed by applicable state statute. The Commission may borrow money and issue the bonds of the City therefore in anticipation of the payment of special assessments, which bonds shall be either solely an obligation of the special assessment district, or both an obligation of the special assessment district and a general obligation of the City. All collection on special assessment rolls shall be set apart in a special fund and shall be used for the purpose for which they were levied and for the payment of the principal and interest on any bonds issued in anticipation of the payment of such special assessment. If there be any deficiency in the special assessment fund to meet the payment of any such principal and interest, moneys shall be advanced from the general funds of the City to meet such deficiency and shall be replaced in such general fund when the special assessment fund shall be sufficient therefore.

**Section 8.15. Unissued Bonds.**

No unissued bonds of the City shall be issued or sold to secure funds for any purpose other than that for which they were specifically authorized.

**CHAPTER 9. GENERAL TAXATION**

**Section 9.1. Power to Tax.**

In order to carry out the purposes, powers, and duties of the City government, established by this Charter, the City may assess, levy, and collect ad valorem taxes, rents, and tolls.

**Section 9.2. Subjects of Taxation.**

The subjects of ad valorem taxation for municipal purposes shall be the same as for state, county, and school purposes under the general law. Except as otherwise provided by this Charter, City taxes shall be levied, collected, and returned in the manner provided by State law.

**Section 9.3. Exemptions.**

No exemptions from ad valorem taxations shall be allowed, except such as are expressly required or permitted to be made by State law. In the case of exemptions made to persons who, in the opinion of the Assessor and Board of Review, by reason of poverty, are unable to contribute towards the public charges, the Assessor or Board of Review may require, as a condition to the grant of exemption, a trust deed or assignment to the City of all or any part of the real or personal property or insurance of the beneficiary of such exemption. Each such trust deed or assignment shall be prepared by the City Attorney. Such trust deed or assignment shall not deprive the grantor thereof of his/her right to enjoy the use, occupancy, and profits of the property so deeded or assigned, but shall give to the City, in the event that the fee to such property is transferred to another, in any manner whatsoever, such an interest therein as will provide for and secure to the City the payment of an amount equal to all taxes which were or would have been assessed and



levied against such property by the City, but for such exemption or exemptions and which remain unpaid at the time the City exercises its rights under the terms of such deed or assignment. Such deed shall be in proper form for and shall be recorded in the office of the Register of Deeds of the County of Wayne.

**Section 9.4. Assessment.**

The Assessor shall place a value, in accordance with State law, upon all property, both real and personal, in the City, which is subject to taxation in accordance with established assessment rules, techniques, and procedures.

**Section 9.5. Time for Making Assessment Rolls.**

Prior to the first meeting of the Board of Review in each year, the Assessor shall make and complete an assessment roll in the manner and form provided in the general tax law of the State. In each case where the assessed valuation of any property is increased or decreased, as compared with the valuation of such property upon the assessment roll for the previous year, or added to the roll, the Assessor shall give notice to the owners thereof, according to the records of his/her office, by first class mail placed in the Plymouth, Michigan, post office not later than noon of the Saturday preceding the meeting of the Board of Review: Provided, That the failure to so mail any such notice or notices or the failure of any person to receive any such notice shall not invalidate any such assessment roll. No such notice shall be mailed as herein required where a uniform increase or decrease in valuations is made under any plan of compensating for any general City-wide change in economic conditions.

**Section 9.6. Board of Review.**

The Board of Review shall be comprised of three persons who are residents of the City. Such three members serve for three year terms, with one such member of the Board appointed to serve a full term of three years each year. Since the members of the Board of Review are appointed officers of the City, and not elected officers, the compensation of the Board of Review shall be set by the City of Plymouth City Commission consistent with applicable state law.

**Section 9.7. Meeting of Board of Review.**

The Board of Review shall meet on the first Wednesday following the first Monday in March in each year at such place as shall be designated by the Commission, and shall continue in session for two consecutive days, and as much longer as may be necessary, for the purpose of considering and correcting the roll. The Board shall remain in session during such hours as the Commission may designate, but not less than six hours on each of said two days: Provided, That the Board of Review shall on one of the days that it shall remain in session, convene at 3:00 o'clock, in the afternoon, and remain in session continuously, until 9:00 o'clock, p.m. The Board of Review shall hold a meeting on the third Monday of March, and, at that meeting, shall complete the review of the assessment roll submitted to it and shall endorse and approve the same as provided and required by law.

**Section 9.8. Notice of Meetings.**

The Clerk shall give notice to the public of the time and place of each meeting of the Board of Review by publication in a newspaper which is published or has a general circulation in the City and by posting such notice on three or more of the official designated public posting boards of the City, at least once, not less than two weeks immediately preceding such meeting.

**Section 9.9. Organization and Functions of the Board of Review.**

On the first day of its first meeting in each year, the Board of Review shall elect one of its members chair. The Assessor shall be secretary of the Board and shall attend its meetings. It shall

be the duty of the Assessor to keep a permanent record of all the proceedings of the Board and to enter therein all resolutions and decisions of the Board. The Assessor shall have the privilege of participating in all proceedings and discussions of the Board, but shall not have the right to vote. The members of said Board shall take the constitutional oath of office which shall be filed with the Clerk. A majority of the members of the Board shall constitute a quorum. For the purpose of reviewing and correcting assessments, the Board of Review shall have the same power and perform like duties in all respects as are by the general tax law conferred upon and required of boards of review in townships, in reviewing assessments for township, state, and county taxes. It shall hear the complaints of all persons considering themselves aggrieved by assessments, and, if it shall appear that any person or property has been wrongfully assessed or omitted from the roll, the Board shall correct the roll in such manner as in its judgment will make the valuation thereof relatively just and equal. To that end, said Board may examine, on oath, the person making such application, or any other person, concerning the matter. Any member of said Board may administer such oath. In all cases, the assessment roll shall be reviewed according to the facts existing on the assessment day of the year for which such roll is made and no change of the status of any property after said day shall be considered by the Board in making its decisions. Except as otherwise provided by state law, no person other than the Board of Review shall make or authorize any change upon or additions or corrections to the assessment roll.

**Section 9.10. Endorsement of Roll--Validity.**

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

**Section 9.11. City Tax Roll.**

After the last day for the meeting of the Board of Review, the Assessor shall prepare a copy of the assessment roll to be known as the "City Tax Roll", and, upon receiving the certification of the amount to be raised, as provided in the succeeding section, and subject to the process of county and state equalization, the Assessor shall proceed to spread the amounts of the general City tax according to and in proportion to the several valuations set forth in said assessment roll. For convenience, the City tax roll may be divided into volumes. Assessments and other lawful charges authorized by the Commission to be spread against or charged to property or persons upon such roll shall be so spread and charged as directed by the Commission.

**Section 9.12. Clerk to Certify Levy.**

Within three days after the Commission has adopted the budget for the ensuing year, the Clerk shall certify to the Assessor the total amount which the Commission determines shall be raised by general tax, together with such other assessments and other lawful charges as the Commission shall authorize to be spread against or charged to property and persons appearing upon such roll.

**Section 9.13. Tax Roll Certified for Collection.**

After extending the taxes aforesaid and not later than the third Monday of June in each year, the Assessor shall certify said tax roll, and annex the Assessor's warrant thereto, directing and requiring the Treasurer to collect from the several persons named in said roll the several sums mentioned therein opposite their respective names as a tax or assessment, and granting to the

Treasurer, for the purpose of collecting the taxes, assessments, and charges on such roll, all the power and immunities possessed by treasurers for the collection of taxes under the general laws of the state.

**Section 9.14. Tax Lien on Property.**

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

**Section 9.15. Personal Property--Change of Situs.**

If the Treasurer finds or reasonably believes that any person, who is or may be liable for taxes upon personal property, the taxable situs of which was in the City on tax day, designs to depart from the City; or to remove therefrom personal property, which is or may be liable for taxation; or to conceal property therein; or to do any other act tending to prejudice, or to render wholly or partly ineffectual, the proceedings to collect such tax, unless proceedings therefore be brought without delay, the Treasurer shall cause notice of such finding to be given such person, together with a demand for the immediate payment of such tax. Thereupon, such tax shall become immediately due and payable and the Treasurer shall have and exercise all the powers, privileges, and prerogatives granted by law to township and city treasurers for the collection thereof. If the exact amount of any such tax has not, at the time of such finding, been determined because the same has not, at the time, been spread upon any tax roll or tax rolls, the Treasurer shall estimate the amount of the tax upon such personal property and such estimate shall be deemed to be the amount of tax upon such property which, together with other taxes which have accrued thereon, shall become payable as hereinabove provided. The tax so estimated by the Treasurer shall, upon the giving of the notice herein provided for, become a lien upon the property liable for such tax. Such lien shall be of the same type and legal effect as the lien upon personal property provided in Section 9.14 of this chapter. If such estimate of the Treasurer shall be in excess of the amount of tax spread against such property upon the tax roll or tax rolls aforesaid, he/she shall refund such excess upon demand of the person from whom collected, or his/her legal representative. If such person furnishes evidence satisfactory to the Treasurer, by bond or otherwise, that he/she will duly pay the tax or taxes to which the Treasurer's finding relates, then such tax or taxes shall not be payable prior to the time otherwise taxed for the payment thereof.

**Section 9.16. Notification of Taxes Due.**

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

**Section 9.17. Tax Payment Schedule.**

City taxes shall be due on the first day of July of the year when levied. All taxes paid on or before the tenth day of August of such year shall be collected by the Treasurer without the addition of any fee for collection. There shall be added to all taxes remaining unpaid after the said tenth day of August, a collection fee as may be allowed by State law. All taxes not paid on or before the tenth day of September of such year shall be subject to a penalty of one percent for each and every month or fraction of a month which the same remain unpaid until the tax roll is returned to the county treasurer, as provided by State law. Such penalties and collection fees shall be collectable in the same manner as the taxes, assessments, and charges to which they are added. All such collection fees, and all penalties shall be paid into the general fund of the City.

**Section 9.18. State, County, and School Taxes.**

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

**Section 9.19. Lien for Taxes, Assessments, and Charges.**

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

**Section 9.20. Apportioning of Tax on Portion of Taxed Item.**

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

**Section 9.21. Tax Roll to County Treasurer.**

All taxes, charges, special assessments, collection fees, interest, and penalties on the City tax roll which remain unpaid on the first day of March following the date when said roll was received by the Treasurer shall, on that date become delinquent and shall be returned to the county treasurer at the time and in the same manner and with like effect as returns by township treasurers of township, school, and county taxes. Such returns shall be made upon a delinquent tax roll to be prepared by the Treasurer and shall include all the additional charges and interest which shall, in such return, be added to the amount assessed in said tax roll against each description. The taxes, assessments, charges, and interest, thus returned shall be collected in the same manner as other taxes returned to the county treasurer are collected under the provisions of the general laws of the state and shall be and remain a lien upon the lands against which they are assessed, until paid.

**Section 9.22. Protection of a City Lien.**

The City shall have power insofar as the exercise thereof shall not conflict with or contravene the provisions of any general law of the state, to acquire by purchase any premises within the City at any tax or other public sale, or by direct purchase from the State of Michigan, or the fee owner, when the purchase of such property is necessary to protect the lien of the City for taxes or special

assessments, or both, on said premises and may hold, lease, or sell the same. Any such procedure exercised by the City in the protection of its tax lien shall be deemed to be for a public purpose.

## **CHAPTER 10. ELECTIONS**

### **Section 10.1. Qualifications of Electors.**

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

### **Section 10.2. Election Procedure.**

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

### **Section 10.3. Regular City Elections.**

A nonpartisan regular City election shall be held on the first Tuesday after the first Monday in November in every odd numbered year.

### **Section 10.4. Special Elections.**

Special City elections shall be held when called by resolution of the Commission, adopted at least seventy 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. No more than two special City elections shall be held in any one calendar year unless required by State law.

### **Section 10.5. Primary Elections.**

Nonpartisan City Primary elections shall be held, if necessary, on the first Tuesday after the first Monday in August of the odd numbered year.

### **Section 10.6. Election Commission.**

An election commission, consisting of the Clerk, the Mayor and the City Attorney, is hereby created. The Clerk shall be chair. The election commission shall have charge of all activities and duties required of it by state law and this Charter relating to the conduct of elections in the City. The compensation of all election personnel shall be determined in advance by the City Commission. In any case where election procedure is in doubt, the election commission shall prescribe the procedure to follow. Should only one (1) of said officers be in attendance on the day appointed for a meeting of the board, the officer in attendance shall appoint a qualified and registered elector of the City Of Plymouth to act in the absentees' stead, during the period of non-attendance.

### **Section 10.7. Notice of City Election.**

Except as otherwise provided in this chapter, notice of the time and place of holding any City election and of the officers to be elected and the questions to be voted upon, shall be given by the Clerk in the same manner and at the same times as provided by law for the giving of notices of election by township clerks in the case of state elections, except that no second publication of notice of any election shall be required.

**Section 10.8. Voting Hours.**

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

**Section 10.9. Nomination Petitions.**

Persons desiring to qualify as candidates for any office under this Charter shall file an official petition therefore with the Clerk signed by not less than forty (40) or more than one-hundred (100) registered electors of the City. Such petitions shall be filed with the Clerk, along with such affidavit of identity that may be required by State law, not later than 4:00 p.m. on the twelfth Tuesday prior to the odd year primary election.

**Section 10.10. Approval of Petitions.**

The Clerk shall accept for filing only nomination petitions on official blanks containing the required number of signatures for candidates having those qualifications required for elective City officers by this Charter. The Clerk shall, within five days after the final filing date, determine the sufficiency of the signatures of each petition filed, and if he/she finds that any petition does not contain the required number of signatures of registered electors, he/she shall immediately notify the candidate in writing of the insufficiency of his/her petition. Each petition which is found by the Clerk to contain the required number of signatures of registered electors for candidates shall be marked "In Order" with the date thereof, and he/she shall immediately so notify the candidate whose name appears thereon, in writing. Within 3 days after the last day on which the candidate for a City office may withdraw by written notice, the City clerk shall deliver to the county clerk of the county in which the City is located a list setting forth the name and address of each candidate for a City office. Written notice shall be served on the City Clerk not later than 4:00 p.m. of the third day after the last day for filing the petition unless the third day falls on a Saturday, Sunday or legal holiday, in which case the withdrawal may be served on the City Clerk up to 4:00 p.m. on the next secular day.

**Section 10.11. Form of Ballots.**

The names of all persons nominated for election to each City office shall be placed upon the City ballot for the election of qualified persons to fill such offices. The form of the ballot used in any City election shall conform, as nearly as may be, to that prescribed by or in accordance with state law for nonpartisan elections. The names of qualified nominees for each office shall be rotated on the ballots. In all other respects, the printing and numbering of ballots for City primaries and elections shall conform to the requirements of the general election laws of the State. The Clerk shall prepare ballots for printing and copies of each ballot shall be on file in the office of the Clerk for at least twenty days before the date of the election at which it is to be used.

**Section 10.12. Canvass of Votes.**

A 4-member board of canvassers is hereby established according to state law and shall have all of the powers granted to and duties required by law performed by the City board of canvassers. These members are responsible to canvass the votes cast at all City elections. They shall meet on the day following the election at a specified time designated by the Election Commission and determine the vote upon all questions and propositions, and declare whether the same have been adopted or rejected and what persons have been nominated for election or elected. The board shall elect one of their members chair and one vice chair. Any 3 members shall constitute a quorum but no action shall become effective unless 1 member from each political party represented concurs therein. The City Clerk shall be the clerk of the board of City canvassers. Any temporary appointee to the board of canvassers must possess all the qualifications required for regular membership on that board. The clerk of the board of canvassers shall present the

canvassers election results to the City Commission at their regular meeting following the scheduled election.

**Section 10.13. Tie Vote.**

In case it shall appear that two or more persons have an equal number of votes for the same office for which but one person is to be nominated or elected and the same shall be the highest number of votes cast therefor, the board of canvassers, after notice to each of such candidates of a time and place therefor, shall determine the successful candidate by lot and shall declare and certify the same accordingly. Such determination, however, shall not preclude the right of a defeated candidate to a recount of the votes cast as provided for by state law.

**Section 10.14. Recount.**

A recount of the votes cast at any City election for any office, or upon any proposition may be had in accordance with the election laws of the state. Unless otherwise provided by State law, a petition for the recount of votes cast at any City primary or election shall be filed with the Clerk within six days after the board of canvassers has canvassed the votes cast at such primary or election. Any counter petition shall be filed within forty-eight hours thereafter.

**CHAPTER 11. UTILITY FRANCHISE AND MUNICIPAL OWNERSHIP**

**Section 11.1. Public Utility Franchises.**

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

- (a) To repeal the same for misuse or nonuse, or for failure to comply with the provisions thereof;
- (b) To require proper and adequate extension of plant and service maintenance thereof at the highest practicable standard of efficiency;
- (c) To establish reasonable standards of service and quality of products, and prevent unjust discrimination in service or rates;
- (d) To require continuous and uninterrupted service to the public in accordance with the terms of the franchise throughout the entire period thereof;
- (e) To impose such other regulations as may be determined by the Commission to be conducive to the health, safety, welfare, and accommodation of the public;
- (f) To require the public utility to which any franchise is granted to permit joint use of its property and appurtenances located in the streets, alleys, and public places of the City, by the City, and other utilities insofar as such joint use may be reasonably practicable and upon payment of reasonable rental therefore: Provided, That in the absence of agreement, upon application by the public utility, the Commission shall provide for arbitration of the terms and conditions of such joint use and the compensation to be paid therefore;
- (g) To pay such part of the cost of improvement or maintenance of the streets, alleys, bridges, and public places of the City, as shall arise from its use thereof and to protect and save the City harmless from all damages arising from said use.

**Section 11.2. Franchise and Contracts.**

Every ordinance or resolution granting any franchise or right to occupy or use the streets, highways, bridges, or public places in the City for any purpose shall be complete in the form in which it is finally passed, and remain on file with the Clerk for public inspection for at least thirty days before the final passage or adoption thereof, or approval for referral to the electorate. No exclusive or irrevocable franchise shall be granted by the City, unless such proposition shall have first received the affirmative vote of at least three-fifths of the electors of the City voting thereon

at a regular or special election. No such franchise ordinance, or resolution, shall be approved by the Commission for referral to the electorate until a public hearing has been held thereon, nor until the grantee named therein has filed with the Clerk his/her unconditional acceptance of all terms of such franchise. No special election for such purpose shall be ordered by the Commission, unless the expense of holding such election, as determined by the Commission, shall have first been paid to the Treasurer by the grantee. A franchise ordinance, or ordinance granting or authorizing the granting of a license to use or occupy the streets of the City for public utility purposes which is subject to revocation at the will of the City, may be enacted by the Commission without referral to the voters, but shall not be enacted nor become operative unless it shall have been complete in the form in which it is finally enacted and remain on file with the Clerk for public inspection for at least four weeks before the final enactment thereof.

### **Section 11.3. General Powers Respecting Municipal Utilities and Services.**

The City shall possess and hereby reserves to itself all the powers granted to cities by the constitution and general laws of the State of Michigan to acquire, construct, own, operate, improve, enlarge, extend, repair, and maintain, either within or without its corporate limits, airports, landing fields, and aeronautical facilities, hospitals, and public utilities, including, but not by the way of limitation, public utilities for treating and supplying water, and for supplying light, heat, power, gas, sewage treatment, and garbage disposal facilities, or any of them, to the City and its inhabitants; and also to sell and deliver water, light, heat, power, gas, and other public utility services, without its corporate limits to an amount not exceeding the limitations set by the state constitution. The power to supply, as herein possessed and reserved, shall include the power to extract and process water, electricity, or gas from natural resources, to manufacture the same, or to purchase the same from others. Provided, however, that the City shall not, directly or indirectly, acquire, establish, operate, construct, maintain or own an airport, either within or without its boundaries, or enter into or perform any intergovernmental agreement to accomplish any of the foregoing, unless approved by the majority of the qualified electors of the City voting thereon.

### **Section 11.4. Management of Utilities of the City.**

The Commission shall provide by ordinance for the management, maintenance, improvement, and operation of the utilities of the City, which management and operation shall be under the general supervision and responsibility of the City Manager.

### **Section 11.5. Utility Charges.**

The Commission shall fix the rates to be charged for all public utility services under its control. When any person, firm, or corporation, shall fail or refuse to pay to the City any sums due on utility bills, such service upon which such delinquency exists may be shut off or discontinued by the proper authority or department of the City and suit may be instituted by the City for the collection of the same in any court of competent jurisdiction.

### **Section 11.6. Lien for Delinquent Utility Charges.**

Except as otherwise provided, or limited by state law, the City shall have as security for the collection of all charges, a lien upon the premises to which such utility services were supplied. Such lien shall become effective immediately upon the distribution or supplying of such utility service or services to such premises. All unpaid charges for utility services furnished to any such premises, which, on the 31st day of March of each year, have remained unpaid for a period of three months, or more, shall be reported by the Clerk to the Commission at the first meeting thereof in the month of April. The Commission thereupon shall order the publication in a newspaper published in the City, of notice to all owners of property within the City that all unpaid utility charges which have remained unpaid for a period of three months or more prior to the 31st



day of March, and which have not been paid by the 30th day of April, shall be assessed upon the City's tax roll against the premises to which the utility services, for which the unpaid charges accrued, were supplied or furnished; and that such charges shall be collected in the same manner as the City taxes on said tax roll. All such utility charges, which remain unpaid on the 30th day of April, shall be transferred to the City's tax roll and assessed against the premises to which the utility service, for which the unpaid charges accrued, was supplied or furnished, and shall be collected with, and in the same manner as, City taxes. If the same have remained delinquent and unpaid after the expiration of the time limited in the Treasurer's warrant for the collection of taxes levied in said tax roll, such charges shall be returned to the County Treasurer to be collected in the same manner as the lien created by City taxes on the delinquent tax roll of the City. In the event that any provision of this Section shall prove to be incomplete or inadequate for the carrying out of the purposes thereof, the Commission shall provide by ordinance such additional procedures as may be required for the collection of public utility charges, and, for such purpose, shall have all the powers granted to cities by applicable State law.

**Section 11.7. Disposal of Plants.**

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

**CHAPTER 12. PUBLIC IMPROVEMENTS**

**Section 12.1. City May Perform Public Work.**

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

**Section 12.2. Petitions for Local or Public Improvements.**

Petitions for the making of public improvements within the City shall be received by the Clerk and may be considered by the Commission at any time. All such petitions received by the Clerk during any calendar year in which the improvements petitioned for have not already been made shall be considered or reconsidered by the Commission during the month of January following the close of such calendar year.

**Section 12.3. General Powers Relative to Special Assessments.**

The Commission shall have the power to determine the necessity of any local or public improvement, and to determine that the whole or any part of the expense shall be defrayed by special assessment upon the property especially benefited. The Commission shall not be limited in the making of local or public improvements to those for which petitions have been filed.

Unless the cost of a public improvement is to be borne, in whole or in part, by special assessments upon the property in the City to be benefited thereby, the balance of this chapter shall not apply thereto or be required therefore.

**Section 12.4. Financing Public Improvements.**

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

**Section 12.5. Cost of Acquiring Property Added.**

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

**Section 12.6. Survey and Report.**

Before the Commission shall consider the making of any public improvement, the same shall be referred to the City Manager directing him/her to submit a report which shall include necessary plans, profiles, specifications, estimates of cost, and estimate of the life of the improvement, a description of the recommended assessment district or districts, and such other pertinent information as will permit the Commission to decide the cost, extent, and necessity of the improvement proposed, and what part or portion thereof should be paid by special assessment upon the property benefited and what part, if any, should be paid by the City at large.

**Section 12.7. Determination on the Project.**

After the City Manager has presented the report hereinbefore required and after the Commission has reviewed said report, a resolution may be passed determining the necessity of the improvement; setting forth the nature thereof; prescribing what part or proportion of the cost of such improvement shall be paid by special assessment upon the property benefited, and what part, if any, shall be paid by the City at large; designating the limits of the recommended special assessment district to be affected; the manner in which the benefits to be derived by property located in such district, through the making of such improvement, shall be measured and assessed, and placing such resolution and the report of the City Manager on file in the office of the Clerk for public examination.

**Section 12.8. Public Hearing on Necessity of Improvement.**

The Commission shall not determine to proceed with the making of any public improvement, until the report thereon has been submitted to the Commission by the City Manager, nor until after a public hearing thereon has been held by the Commission. No such public hearing shall be held by the Commission until after the report of the City Manager and the resolution of the Commission determining the necessity of the improvement shall have been on file in the office of the Clerk for at least seven days. Notice of the time and place of such public hearing and of the purpose thereof shall be published by the Clerk in a newspaper which is printed or of general circulation in the City and by posting upon three or more of the official designated public posting boards of the City, not less than ten days prior to the date thereof.

**Section 12.9. Objections to Improvements.**

If at, or prior to, the hearing of the Commission on the making of any public improvement, the owners of fifty percent or more of the privately owned real property or more than fifty percent of

the number of owners of privately owned real property, which is to be assessed for any improvement shall object in writing to the proposed improvement, the improvement shall not be made by proceedings authorized by this chapter without the affirmative vote of not less than five members of the Commission.

**Section 12.10. Determination by the Commission.**

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

**Section 12.11. Special Assessment Roll.**

The Assessor shall make a special assessment roll of all lots and parcels of land within the designated district benefited or to be benefited by the proposed improvement and assess to each lot or parcel of land the amount which each such lot or parcel of land, together with the improvements thereon is deemed to be, or capable of being, benefited by the improvement to which such special assessment roll relates, together with the amount to be collected at the time of the collection of each installment of deferred special assessment, if the decision of the Commission shall be to collect the cost of such improvement in installments. The amount spread in each case shall be based upon the estimates of cost of the City Manager as approved by the Commission: Provided, That in the event that the special assessment roll is ordered to be made after the completion of the improvement ordered to be made by the Commission, the amount so spread shall be based upon the actual cost of the improvement.

**Section 12.12. Assessor to File Assessment Roll with Clerk.**

When the Assessor shall have completed such assessment roll, he/she shall file the same with the Clerk for presentation to the Commission for review and confirmation.

**Section 12.13. Meeting to Review Special Assessment Roll.**

Upon receipt of such special assessment roll, the Commission, by resolution, shall accept such assessment roll and order it to be filed in the office of the Clerk for public examination; shall fix the time and place the Commission will meet to review such special assessment roll, and direct the Clerk to publish a notice of a public hearing thereon. Such notice shall be made by publication at least ten days prior to the holding of the hearing, in a newspaper which is published or of general circulation in the City and by posting upon three or more of the official designated public posting boards of the City.

**Section 12.14. Changes and Corrections in Assessment Roll.**

The Commission shall meet at the time and place designated in the notice thereof for the review of such special assessment roll. At such meeting, or adjourned meeting thereof, all interested persons or parties shall present their objections or other comments, if any, to the special assessment roll for such improvement. After such hearing, the Commission may adopt the special assessment roll as submitted by the Assessor; may correct said roll as to any special assessment, or description of any lot or parcel of land, or other errors appearing therein, may order a new

assessment roll to be made, in which event the same proceedings shall be followed in making a new roll as in the making of the original roll; or may abandon the making of such improvement. If, after hearing all objections and making a record of such changes in the roll, as the Commission deems justified, the Commission is satisfied with said special assessment roll, as submitted by the Assessor, or as corrected by it, it shall thereupon pass a resolution confirming such roll. Such resolution shall, further, command the Treasurer to collect the various sums appearing thereon, or to spread the same upon the tax rolls of the City for the full amounts, or, if the Commission provides for the collection of the costs of such improvement in installments, upon successive tax rolls of the City, in the annual installments ordered. Such roll shall have the date of confirmation endorsed thereon and shall, from that date, be final and conclusive for the purpose of the improvement to which it applies, subject only to adjustment to conform to the actual cost of the improvement, as provided in Section 12.20 of this Charter.

**Section 12.15. Poverty Provisions.**

In any instance where, in the opinion of the Commission, because of poverty, the owner of any property which is assessed to defray any part of the cost of making any public improvement benefiting such property, is unable to contribute toward the cost thereof, the Commission may provide that the special assessment against such property for such improvement shall be spread upon the assessment roll therefore, but shall not be respread upon any tax roll or delinquent special assessment or tax roll. As a consideration for such provision by the Commission, and to assure the City of the ultimate payment of such assessment, the beneficiary of such provision shall execute and deliver to the City a trust deed or assignment of the property benefited by such public improvement and subject to such special assessment. Each such trust deed or assignment shall be approved as to form by the City Attorney. Such trust deed or assignment shall not deprive the grantor thereof of his/her right to enjoy the use, occupancy, and profits of the property so deeded or assigned. It shall, however, give to the City, in the event that the fee to such property is transferred to another, in any manner whatsoever, such an interest therein as will provide for and secure to the City the payment of an amount equal to all special assessments which are assessed and levied against such property by the City for public improvements and remain unpaid at the time the City exercises its rights under the terms of such deed or assignment, together with all interest thereon which shall have accumulated since such special assessment or assessments were spread upon such roll or rolls, from the date of such roll or rolls to the date that the same are paid. Such deed shall be in proper form for recording and shall be recorded in the office of the Register of Deeds of the County of Wayne.

**Section 12.16. Deviation from Plans and Specifications.**

No deviation from original plans or specifications, as adopted, shall be permitted by an officer or employee of the City without authority of the Commission by resolution. A copy of the resolution authorizing such change or deviation shall be certified by the Clerk and attached to the original plans and specifications on file in his/her office.

**Section 12.17. Collection of Special Assessments.**

Except as the Commission shall order any special assessment or installments thereof to be spread upon and collected with any tax roll of the City, all special assessments, except such installments thereof as the Commission shall make payable at a future time, as provided in this chapter, shall be due and payable upon confirmation of the special assessment roll. Within ten days after such special assessment roll has been certified by the Commission, the Clerk shall deliver such roll to the Treasurer for the collection of the several sums assessed thereon.

**Section 12.18. Partial Payments--When Due.**

The Commission may provide for the payment of special assessments in annual installments. Such annual installments shall not exceed ten in number, the first installment being due upon confirmation of the roll and deferred installments being due annually thereafter or, in the discretion of the Commission, may be spread upon and made part of each annual City tax roll, until all annual installments have been spread. Interest shall be charged on all installments, from and after a date fixed by the Commission, at a rate not to exceed nine per cent per annum. The whole or any number of deferred installments, with interest accrued thereon, to the date of payment, may be paid in advance of the due dates as established therefore.

**Section 12.19. Delinquent Special Assessments.**

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

**Section 12.20. Additional Assessments, Refunds.**

The City Manager shall, within sixty days after the completion of each public improvement compile the actual cost thereof and certify the same to the Treasurer, who shall adjust the special assessment roll to correspond therewith. When any special assessment roll shall prove insufficient to meet the costs of the improvement for which it was made, the Commission shall make an additional pro rata assessment, but the total amount assessed shall not exceed the value of benefits received by any lot or parcel of land. Should the assessment prove larger than necessary by five percent or less, the Commission may place the excess in City treasury. If more than five percent, the excess shall be refunded pro rata according to assessments. In either case, the Commission may provide by resolution that the amount of any such excess may be allowed as a credit on the last installment where such installment still remains unpaid at the time the final cost of the improvement is determined.

**Section 12.21. Sidewalks.**

The Commission shall have the power to require the owners of lots and premises to build, rebuild, and repair, sidewalks in the public streets adjacent to and abutting upon such lots and premises, and to keep them in repair at all times, and to construct and lay the same upon such lines and grades, and of such width, materials, and manner of construction, and within such time as the Commission shall, by ordinance or resolution, prescribe, the expense thereof to be paid by such owner or occupant. The Commission may also provide that, if any owner or occupant shall fail or refuse to build, rebuild, or repair any such sidewalk as provided by the Commission in such ordinance or resolution, the Commission may proceed to order the building, rebuilding, or repairing of such sidewalk and charge the same to the owner or occupant as a special assessment collectable as provided in this Charter for the collection of special assessments against single lots or premises. The Commission, may, by the affirmative vote of not less than five of its members, pay such part of the expense of building or rebuilding any sidewalk as they may deem proper from the general funds of the City.

**Section 12.22. Assessments On Single Lots.**

When any expense shall be incurred by the City for sidewalks or upon or in respect to any separate or single lot, parcel of land or lands, or premises, which by the provisions of this Charter the Commission is authorized to charge and collect as a special assessment against the same, which is not of the class of special assessments required to be made pro rata upon several lots or parcels of land in a special assessment district, an account of the labor or services for which such expense was incurred, verified by the City Manager, with a description of the lot, and the name of the owner or person, if known, chargeable therewith, shall be reported to the Commission in such manner as it prescribes. The Commission shall determine what amount or part of the cost of any such expense shall be charged, and the person, if known, against whom, and the premises upon which, the same shall be levied as a special assessment. As often as the Commission shall deem it expedient, it shall require all of the several amounts so reported and determined, and the several persons chargeable therewith respectively to be notified by the Clerk either by first class mail, sent to their last known address as shown on the assessment roll of the City or by publication in a newspaper which is published or of general circulation in the City and by posting upon three or more of the official designated public posting boards of the City. Such notice shall state the basis of the assessment, the cost thereof, and shall give a reasonable time, which shall not be less than thirty days, in which payment shall be made. In all cases where payment is not made within the time limit, the same shall be reported by the Clerk to the Assessor who shall spread such amounts against the several persons or descriptions of real property chargeable therewith on the next tax roll for the collection of City taxes. The provisions of the preceding sections of this chapter, with reference to special assessments generally, and the proceedings necessary to be had before making the improvement shall not apply to assessments to cover the expenses incurred in respect to that class of improvements contemplated in this section.

**Section 12.23. Additional Procedures.**

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

**Section 12.24. Special Assessment Accounts.**

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

**Section 12.25. Nuisances.**

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

**Section 12.26. Hazards Constituting Nuisances.**

When any lot, building, or structure within the City, because of accumulation of refuse, or debris, the uncontrolled growing of noxious weeds, or of age or dilapidation, or because of any other condition or happening, becomes, in the opinion of the Commission, a public hazard or nuisance 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, building, or structure, the Commission may, after

investigation, give notice by publication or by First Class mail addressed to the last known address of the owner of the building or structure itself, specifying the nature of the nuisance and requiring such owner to alter, repair, tear down, abate or remove the nuisance promptly or within a time to be specified by the Commission, which shall be commensurate with the nature of the nuisance. If, at the expiration of the time limit in said notice, the owner has not complied with the requirements thereof, or in any case where the owner of the land or of the building or structure itself is not known, the Commission may order such hazard or nuisance abated by the proper department or agency of the City which is qualified to do the work required, or may do the work by contract or by hire. The cost of such abatement may be assessed against the real property, upon which such hazard or nuisance is located, by special assessment. The Commission shall determine the person, if known, against whom, and the premises upon which the same shall be levied as a special assessment: and as often as the Commission shall deem it expedient, it shall require all of the several amounts so reported and determined, and the several lots or premises and the persons chargeable therewith, respectively, to be notified by the Clerk, either by First Class mail sent to their last known address as shown on the assessment roll of the City or by publication. Such notice shall state the basis of the assessment, the cost thereof, and shall give a reasonable time, which shall not be less than thirty days, in which payment shall be made. In all cases where payment is not made within the time limit, the same shall be reported by the Clerk to the Assessor who shall spread such amounts charged against the several persons or descriptions of real property chargeable therewith on the next tax roll for the collection of City taxes.

**Section 12.27. Reassessment for Benefits.**

Whenever the Commission shall deem any special assessment invalid or defective for any reason whatever, or if any court of competent jurisdiction shall have adjudged such assessment to be illegal for any reason whatsoever, in whole or in part, the Commission shall have power to cause a new assessment to be made for the same purpose for which the former assessment was made, whether the improvement or any part thereof has been completed or not, and whether any part of the assessment has been collected or not. All proceedings on such reassessment and for the collection thereof shall be made in the same manner as provided for the original assessment, except that it shall not be necessary for the Commission to again determine the necessity of the improvement or to hold a hearing thereon. If any portion of the original assessment shall have been collected and not refunded, it shall be applied upon the reassessment and the reassessment shall, to that extent, be deemed satisfied. If more than the amount reassessed shall have been collected, the balance shall be refunded to the person making such payment.