

**CHARTER**  
of the  
**CITY OF STEPHENSON**  
Menominee County  
Michigan  
**2021**

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## **PREAMBLE**

We, the people of the City of Stephenson, Michigan for the common welfare of all its citizens, through established authority vested in the Constitution of the State of Michigan and the laws of the United States, to secure good and efficient government and to provide such other benefits and services for the future, do hereby establish and adopt this Charter of Home Rule for the City of Stephenson.



**Chapter I**  
**NAMES and BOUNDARIES**

**§1.1 Name:**

The name of this organized City is “City of Stephenson.” It is a body corporate and embraces the following described territory in the township of Stephenson, County of Menominee, in the State of Michigan, including, that territory constituting the former Village of Stephenson, together with such territory as may from time to time be attached thereto, and, less such territory as may from time to time be detached therefrom, in accordance with law.

**§1.2 Boundaries:**

The corporate boundaries of the City 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 the manner 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.

## Chapter II

### DEFINITIONS and GENERAL PROVISIONS

#### §2.1 Records to be Public:

All records of the City shall be public, unless otherwise provided by law; shall be kept in City offices except when required for official reasons or for purposes of safekeeping to be elsewhere. To the extent that is reasonable, electronic copies shall be made and stored off site.

#### §2.2 Definitions and Interpretations:

Except as otherwise specifically provided or indicated by the context or is further extended and defined words shall have their ordinary dictionary meaning:

- A. All words used in this Charter indicating the present tense shall not be limited to the time of the adoption of this Charter, but shall extend to and include the time of the happening of any event or requirement for which provision is made herein.
- B. The singular number shall include the plural, the plural number shall include the singular and masculine gender shall extend to and include the feminine gender and the neuter.
- C. The word "person" may extend and be applied to an individual, partnership, corporation, association, other legal entities, or a combination of them.
- D. The word "printed" and "printing" shall include reproductions by photocopying, printing, engraving, stencil duplicating, lithographing or any similar reproduction method.
- E. Except in reference to signatures, the words "written" and "in writing" shall include printing and typewriting and any other currently acceptable similar method.
- F. The word "officer" shall include the Mayor and other members of the Council and administrative officers.
- G. The word "employee" shall mean those persons not holding elective or appointive office, one who is generally subordinate to the officer and performs only those duties specifically assigned by a contract, department head, or other governmental body.
- H. The word estoppel shall mean "as being estopped or prevented from denying or asserting something, on the ground that to do so contradicts what has already been admitted or denied, either explicitly in words or implicitly by actions."
- I. The word "default" shall include being delinquent in payment of taxes or municipal utility charges or other debt to the municipality for more than thirty (30) days unless the default is being tested in a court or tribunal.
- J. The word "statute" shall denote the Public Acts of the State of Michigan and any amendments thereto in effect at the time the provision of the Charter containing the word "statute" is to be applied.
- K. All references to specific Public Acts of the State of Michigan shall be to such acts as are in effect at the time the reference to such act is to be applied.
- L. The words "state law" shall denote the statutes of the State of Michigan and the applicable common law, as amended from time to time.
- M. All reference to section numbers shall refer to section numbers of this Charter.
- N. The word "city" or "municipality" shall mean the City of Stephenson.

- O. The word “council” shall mean the City Council of the City of Stephenson.
- P. The words “public utility” shall include all common carriers in the public streets; water; sewage disposal; electric light and power; gas; telephone and telegraph lines and systems; cable television; garbage and refuse collection and disposal and reduction plants; and such other and different enterprises as the Council may determine or designate.
- Q. For the purpose of this Charter, the offense of “misconduct in office” includes doing a wrongful act, doing a lawful act in a wrongful manner, and failure to perform an act required by the duties of the office or by rule established by the City Council.
- R. “Public record” means any writing prepared, owned, used, in the possession of, or retained by a public body in the performance of an official function, from the time it is created. Public record does not include computer software. A Public record is subject to the Freedom of Information Act, MCL 15.231 to 15.246.
- S. The word “family” shall include: spouse, child, grandchild, father, mother, grandmother, grandfather, sister, half-sister, brother, half-brother and spouse of any of them, and all such relationships arising from adoption.
- T. The term “member of the council” shall mean all elected or appointed members of the Council.
- U. “Department Head” shall include any Police Chief, any Fire Chief, any Public Safety Director, any DPW Superintendent, any WWTP Superintendent, any Zoning Administrator and the head of any other department that may exist or be established by the Council.

### **§2.3 Publication and Mailing Of Notices, Ordinances and Proceedings**

- A. Unless as otherwise required by law, the requirement contained in this Charter for the publishing or publication of notices, ordinances or proceedings of City Council or other City boards, commissions or authorities, shall be met by publishing:

1. at least once in a newspaper published in the English language for news of general character, with general circulation at regular intervals in the City for at least one year immediately prior to the publication,
  2. by posting in at least three conspicuous places within the City,
  3. by posting on the City's website, cable site and/or the internet, or
  4. in any other manner established by ordinance.
- B. Prima facie evidence of such publication shall be in the form of an affidavit of the printer or publisher of the newspaper, or their foreman or principal clerk attached to a copy of the notice.
- C. In the case in which this Charter requires the mailing or posting of notices around the City or on the internet, the affidavit of the officer or employee responsible for such mailing or posting, that such notice was mailed or posted shall be prima facie evidence of such mailing or posting.

#### **§2.4 Official Performance:**

Whenever this Charter requires the performance of an act by an officer, the act may be performed by a deputy or by a subordinate, under the officer's directions unless otherwise provided by law.

#### **§2.5 Quorum:**

Except as otherwise expressly provided in this Charter, a quorum of any Board created by or under authority of this Charter, shall consist of a majority of the number of its members, elected or appointed as established by this Charter, or by the ordinance or resolution creating such Commission or Board. The concurring vote of a majority of such established number of members of each such Board shall be necessary for official action by it or as otherwise provided for in this Charter.

#### **§2.6 Sundays and Holidays:**

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

#### **§2.7 Estoppel:**

No estoppel may be invoked against the City.

#### **§2.8 Penalties for Violation of Charter:**

Any person or officer of the City found guilty by a court of competent jurisdiction of any violation of this Charter may be punished by a fine, which, in addition to Court costs charged that shall not exceed an amount provided by law or imprisonment for not more than a term as provided by law, or both such fine and imprisonment, in the discretion of the Court. For an

officer of the City the punishment provided in this section shall be in addition to that of having the office declared vacant as provided in this Charter. This section shall not operate to limit or prejudice the power to remove officers or discharge employees as provided in this Charter.

**§2.9 Chapters and Section Headings:**

The Chapter and section headings used in this Charter are for convenience only, and shall not be considered as part of this Charter.

**§2.10 Amendments:**

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

**§2.11 Severability of Charter Provisions:**

If any provision, section, or clause of this Charter, or the application thereof to any person or circumstances, shall be found to be invalid, such invalidity shall not affect any remaining portion or application of the Charter, which can be given effect without the invalid portion or application, and, to this end this Charter is declared to be severable.

**§2.12 City Liability:**

The City shall have all the governmental immunities from claims for damages for injury to persons or property as may be permitted by state law. The procedures in regard to filing of claims and disposition of the same shall be as permitted by state law.

## Chapter III

### MUNICIPAL POWERS

#### §3.1 General Powers:

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

#### §3.2 Exercise of Power:

Where no procedure is set forth in this Charter for the exercise of any power granted to or possessed by the City and its officers, resort may be had to any procedure set forth in any statute of the State of Michigan, which was passed for the government of cities or in any other law. Where no procedure for the exercise of any power of the City is set forth, either in this Charter or in, any statute of the State of Michigan, the Council may prescribe by ordinance a reasonable procedure for exercise thereof. The City may join any municipal corporation or with any other unit of government, or with any number or combination thereof, by contract or otherwise, as may be permitted by law in the ownership operation or performance, jointly, or by one or more on behalf of all, of any property, facility or service which each would have the power to own, operate or perform separately.

## **Chapter IV**

### **ELECTIONS**

#### **§4.1 Nonpartisan Elections:**

The nomination and election of all City officers shall be on a nonpartisan basis.

#### **§4.2 Election Procedure:**

Except as such statute relate to political parties or party or partisan procedure and except as otherwise provided in this Charter, the general election statutes shall apply and control, as near as may be, all procedures relating to City elections, including but not limited to: Qualifications of electors, establishment of precincts, verification of petitions, registration of voters, dates for elections, and voting hours. The Clerk shall give public notice of each City election in the same manner as is required by law for the general elections in the state.

#### **§4.3 Wards:**

The City of Stephenson shall consist of one (1) ward.

#### **§4.4 Regular Elections:**

A regular City election shall be held in November of every even numbered year.

#### **§4.5 Elective Officers and Terms of Office:**

- A. The elective officers of the City shall be six (6) Councilmembers and one (1) Mayor, all of whom shall be elected from the City at large.
  - 1. Three Councilmembers and the Mayor whose terms expire in 2022 shall be elected at the November election in 2022.
  - 2. Three Councilmembers whose terms expire in 2024 shall be elected at the November election in 2024.
- B. Except as herein provided, Councilmembers and Mayor shall be elected for a term of four (4) years or until their successors are elected and qualified.
- C. No one shall be elected Councilmember or Mayor for more than two consecutive four (4) year terms, but shall be eligible for election at the next non-consecutive election.
- D. This section of the Charter shall be reviewed by the City Council in 2028 and every seven years thereafter, to determine if this section shall be modified.
- E. All such terms shall commence at 8:00 PM at the then prevailing local time on the Monday next following the election at which they are elected.
- F. Elective officers of the City of Stephenson shall qualify as provided in 6.1.

#### **§4.6 Special Elections:**

Special City elections shall be held pursuant to law.

**§4.7 Election Conduct:**

The City Clerk shall be in charge of the conduct of elections in the City. The Clerk shall appoint such election inspectors and members of the election board as are necessary and provided for by the applicable state law.

**§4.8 Nominations:**

The method of nominations for all candidates for City elections shall be by petition. A petition for each candidate shall be signed by not less than ten registered electors of the City. Nominating petitions submitted by candidates for the office of Council member shall be signed by ten registered voters of the City. No person shall sign their name to a greater number of petitions for any one office than there are persons to be elected to said office at said election. When the signature of any one individual appears on more petitions than there are candidates to be elected to said office at said election, the signature of such individual on all such petitions shall be invalidated, except that the signature dated earliest shall be valid. The City Clerk shall publish notice of the last day, time, and place permitted for filing nomination petitions and filing fees at least one week and not more than three weeks before such day.

**§4.9 Form of Petitions:**

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

**§4.10 Public Inspection of Petitions:**

All nominating petitions filed shall be open to public inspection in the office of the Clerk, except during a period exempted by the Freedom of Information Act or the Election Laws.

**§4.11 Form of Ballot:**

- A. The form, printing and numbering of ballots or the preparation of the voting machines or voting devices used in any City election shall conform as nearly as may be to the provisions of law.
- B. Except as provided by law there shall be no supplementary identification of candidates or nominees on the ballot.

**§4.12 Election of Candidates:**

The person receiving the highest number of votes for City offices shall be elected to the designated office.

**§ 4.13 Canvass of Votes:**

The Board of Canvassers as constituted by state law shall canvass the votes cast in all elections.



**§ 4.14 Breaking Ties:**

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

**§ 4.15 Recount:**

A recount of the votes cast at any City election for any office or upon any proposition may be had as provided by law.

**§4.16 Recall:**

An elective officer of the City may be recalled by registered electors as provided by law.

## Chapter V

### ORGANIZATION of GOVERNMENT

#### **§5.1 Mayor and the Council:**

There shall be a Mayor and six Councilmembers who shall be nominated and elected by the electors of the City at large. The Council shall be composed of seven members consisting of a Mayor and six Councilmembers. The Mayor shall be the executive head of the City. The Council shall constitute the legislative body of the City and shall have power and authority, except as otherwise provided, in this Charter or by statute, to exercise all powers conferred upon or possessed by the City, and shall have the power and authority to adopt such ordinances and resolutions as it shall deem proper in the exercise thereof.

#### **§5.2 Qualifications of Councilmembers:**

Members of the Council shall meet the eligibility requirements contained in Section 6.1 of this Charter. The Council shall be the sole judge of the election and qualification of its own members, subject only to review by the Court.

#### **§5.3 Compensation for Elective Officers:**

The elective officers of the City shall be entitled to receive as full compensation for their services, the following annual salary:

- A. The Council shall set the compensation for elected officials.
- B. Except as otherwise provided in this Charter, compensation, as defined by this section, shall constitute the only compensation which may be received by the Mayor and Councilmembers for the discharge of any official duty for and on behalf of the City during their tenure of office.
- C. The Mayor and Councilmember may be reimbursed for expenses actually incurred by them on City business or in the interest of the City when such reimbursement is approved by the Council.
- D. Compensation shall be paid per meeting, for scheduled and special meetings of the Council attended, but not including sub-committee, social gatherings, chance or similar meetings, and for meetings for which they were excused, for good cause, by the Council.
- E. The Mayor shall receive additional compensation for performing the duties of Mayor.
- F. The amount of the compensation for elected officials may be set by a Local Officers Compensation Commission, as may be adopted by ordinance.

#### **§5.4 The Mayor's Duties:**

Under the provisions of this Charter, the Mayor shall, in addition to any powers and duties otherwise provided by law, have powers and duties as follows:

- A. Shall be the executive head of the City.
- B. Shall have a voice and vote in all proceedings of the Council equal with that of the other members of the Council, but shall have no veto power.
- C. Shall be the presiding officer of the Council.
- D. Shall be the conservator of the peace and in emergencies may exercise within the City the powers conferred by law.
- E. Shall execute or authenticate by signature such instruments as this Charter or any statutes of the State of Michigan or the laws of the United States shall require.
- F. Shall see that all terms and conditions imposed in favor of the City or its inhabitants, in any public utility franchise or any contract, are faithfully kept and performed.
- G. Shall see that all laws and ordinances are enforced.
- H. Shall be responsible for the submission of the annual budget.
- I. Shall recommend to the Council, for adoption, such measures as they may deem necessary or expedient.
- J. Shall be responsible for the co-ordination of all departments of the City government.
- K. Every employee shall be appointed by the Mayor in the manner required by this Charter and shall serve at the will of the Mayor unless otherwise indicated in this Charter.
- L. Shall have such other powers and perform such other duties as may be prescribed by law, this Charter, or as may be required of them, by ordinance or direction of the Council.

#### **§5.5 Administrative Services:**

The appointive administrative officers of the City shall be the City Clerk, City Treasurer, City Assessor, City Attorney, Fire Chief, Director of Public Works, and such additional administrative officers or departments as may be created by the Council as permitted by State Law. The Council may create additional administrative offices and departments, by ordinance, contract for services, and may combine any administrative offices and departments, except those offices required by statute, in any manner it deems necessary or advisable for the proper and efficient operation of the City, to the extent permitted by State Law, and shall prescribe the functions of each office and department and the duties, authorities and responsibilities of the officers of each department, except as otherwise provided in this Charter.

#### **§5.6 Appointment of Officers:**

Except as hereinafter provided, all administrative officers and department heads of the City Government whose office is subject to appointment, however made, shall be appointed by the Mayor and approved by an affirmative vote of not less than five (5) members of the Council.

#### **§5.7 Term of Administrative Officers:**

The appointive administrative officers and the department heads shall be responsible to the Mayor and shall serve at their discretion and shall have their compensation fixed by the Mayor within budget allowances therefor.

### **§5.8 Combination and Separation of Administrative Offices:**

The appointive administration offices and the department shall be combined or separated by ordinance and adopted by two-thirds (2/3) of the Councilmembers elect.

### **§5.9 City Clerk:**

The Clerk shall be the Clerk of the Council and shall:

- A. Attend all meetings of the Council.
- B. Keep a permanent journal of its proceedings and sessions in the English language.
- C. Keep a public record of all proceedings of the Council and shall authenticate the same by signature.
- D. Certify by signature all ordinances and resolutions enacted or adopted by the Council.
- E. Be custodian of all papers, documents, bonds and records pertaining to the City, unless otherwise provided by law or this Charter, keeping them in an orderly and safe manner for the duration required by law or this Charter.
- F. Be custodian of the City seal and shall affix it to documents and attest the same.
- G. Give notice to the proper officials of the expiration or termination of each franchise and contract to which the City is a party.
- H. Give notice to City officers, personally of the expiration of the terms of their respective offices and of any official bonds required of them.
- I. Under authority of the Council, sign or countersign all contracts, deeds, licenses, or other public documents, on behalf of the City and shall keep a record thereof.
- J. Publish and post all notices, proceedings, and other matters required to be published or posted by law, this Charter, or ordinance.
- K. Be the chief election officer of the City.
- L. Have the power to administer oaths of office.
- M. Perform such other duties as may be required by law, this Charter, the Mayor and/or the ordinances and resolutions of the Council.

### **§5.10 City Treasurer:**

The Treasurer shall:

- A. Have custody of all moneys, funds, and securities of the City, keep accounts thereof.
- B. Deposit same in the manner and in the places designated by the Council.
- C. Report, no less than monthly, the same, in detail to the Council.

- D. Maintain the system of accounts, here provided for, in a manner conforming to governmental accounting practices and to such uniform system as may be required by law.
- E. Except as otherwise provided by this Charter or by ordinance, collect all moneys of the City, including charges for water and sewer services.
- F. Receive from other officers and employees all moneys belonging to and receivable by the City that may be collected by them, and shall give receipts therefor, for the collection of taxes, shall have and shall exercise all of the powers and immunities which are granted and reserved by this Charter and by law.
- G. Perform such other duties as may be prescribed by law, this Charter, the Mayor and or ordinances or resolutions of the Council.

**§5.11 City Assessor:**

The Assessor shall:

- A. Possess all the powers vested in and shall be charged with the duties imposed upon assessing officers by statute.
- B. Prepare all regular and special assessment rolls in the manner prescribed by law, this Charter, or ordinance.
- C. Perform such other duties as may be prescribed in this Charter or by the Council.

**§5.12 Fire Chief:**

The Fire Chief shall:

- A. Be the administrative head of the Fire Department.
- B. Will keep up to date and maintain information for the department.
- C. All Fire Department records shall be maintained and kept at the Fire Department's main headquarters.
- D. Be accountable and responsible to the Mayor for the performance of their duties.
- E. Perform all duties as may be prescribed for them by law, this Charter, the Mayor, and/or ordinances, or resolution of the Council.

**§5.13 Personnel:**

Personnel of the City:

- A. The personnel, other than elected and appointed officers, shall be deemed City employees.
- B. The City may contract for services, to the extent not prohibited by law, this Charter and or ordinances.

**§5.14 Mayor Pro Tem:**

- A. At the first meeting of the Council following each City election, the Council shall organize and elect one of its members to the office of Mayor Pro Tem.
- B. The Mayor Pro-Tem shall act in place of the Mayor in the absence or disability of the Mayor and serve as Mayor on an interim basis in the case of a vacancy in that office until the Mayor returns to office or the vacancy is filled pursuant to provisions of Section 6.5.
- C. Whenever a vacancy in the office of Mayor Pro-Tem shall occur the senior member of the Council from the standpoint of continuous service shall act as Mayor Pro Tem. As between persons of equal seniority, the person who received the highest number of votes at the time of their election shall act.

## Chapter VI

### OFFICERS and PERSONNEL

#### **§6.1 General Provisions Regarding Officers and Personnel of the City, Eligibility for Office and Employment in City:**

- A. No person shall hold any elective office of the City unless they have been a resident of the City for at least 180 days immediately prior to the last day for filing original petitions for such office or prior to the time of appointment to fill a vacancy. No person shall hold any elective office unless they are a qualified and registered elector of the City on such last day for filing or at such time of appointment and throughout the tenure of office.
- B. No person shall be eligible for any elective or appointive office who is in default to the City, or who shall have been found guilty by a competent tribunal of the commission of a felony violating the public trust.
- C. Conviction of a felony, while holding an office or appointment by the City, shall create a vacancy for the balance of the term of that office.
- D. The holding of office by any person who is in such default shall create a vacancy unless such default shall be eliminated within thirty days after written notice thereof has been served upon them by the Council or unless such person shall in good faith be contesting the liability of such default.

#### **§6.2 Vacancies in Office:**

Any elective City office shall be declared vacant by the Council upon the occurrence of any of the following events before the expiration of the term of such office:

- A. For any reason specified by law as creating a vacancy in office.
- B. If no person is elected to, or qualified for, the office at the election at which such office is to be filled.
- C. If the officer shall be found guilty by a court of competent jurisdiction of any act constituting a violation of this Charter.
- D. If any officer ceases to have the qualification for eligibility for such office recognized by this Charter.
- E. If any officer is absent continuously from the City for more than sixty days in any one calendar year without permission of the Council.
- F. In the case of members of the Council, if such officer shall miss four consecutive regular meetings of the Council or be absent from seven regular meetings in any calendar year, unless such absence be excused by the Council at the time they occur.
- G. If the officer is removed from office by the Council in accordance with the provisions of § 6.10.

#### **§6.3 Vacancies in Boards and Commissions:**

The office of any member of any Board or Commission created by this Charter shall be declared vacant by the Council:

- A. For any reason specified by law as creating a vacancy in office.
- B. If the officer shall be found guilty by a court of competent jurisdiction of an act constituting misconduct in offices or violation of this Charter.
- C. If the person was convicted of a felony involving dishonesty, deceit, fraud, or a breach of the public trust and the conviction was related to the person's official capacity while the person was holding any elected or appointed office or position of employment of the City.
- D. If the officer is removed from office by the Council in accordance with the provisions of Section 6.10.

**§6.4 Resignations:**

Resignations of elective officers and of members of Boards and Commissions shall be made in writing and filed with the Clerk and effective when accepted by the City Council.

**§6.5 Filling Vacancies:**

- A. The City Council shall fill a vacancy in the elective offices of City by giving public notice, soliciting applicants, and appointment of a qualified, registered elector within sixty days from the date the vacancy was created. The appointment shall be for the balance of the term if the vacancy occurs within thirty months of the expiration of the term. If the unexpired term exceeds thirty months, the appointee shall hold office only until the first City Council meeting following the certification of the next regular City election, at which election the office shall be filled for the remainder of the term.
- B. Vacancies in appointive offices shall be filled in the manner provided for making the original appointment. In the case of members of boards and commissions appointed for a definite term, such appointments shall be for the unexpired term.

**§6.6 Increase or Decrease in Compensation:**

The Council shall not grant or authorize extra compensation to any City officer, elective or appointive, or to any employee, agent, or contractor after the service has been rendered, nor, shall the salary of any officer, elective or appointive, be increased or decreased after their election or appointment during any fixed term for which they were elected or appointed.

**§6.7 Oath of Office:**



- A. Every officer, elected or appointed, before entering upon the duties of their office, shall take the oath of office prescribed by the Michigan Constitution and shall file the forms with the Clerk, together with any bond required by this Charter or by the Council.
- B. In case of failure to comply with the provisions of this section within ten days from the date of their election or appointment, such officer shall be deemed to have declined the office and such office shall thereon be vacant, unless the Council shall, by resolution, extend the time in which such officer may qualify as set forth above.

#### **§6.8 Security Bonds:**

- A. Except as otherwise provided in this Charter, the Council may require any officer or employee of the City to give a bond to be approved by the Council, conditioned upon the faithful and proper performance of the duties of the office or employment concerned, in such sums as the Council may determine.
- B. All such officers or employees who receive, distribute, or are responsible for City funds or investments shall be bonded.
- C. 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 surety of such office or employee from any liability incurred by such officer, employee or surety.
- D. All official bonds shall be corporate surety bonds and the premiums thereon shall be paid by the City. Bonds required by this section shall not be renewed upon the expiration of the terms for which issued, but, in each case, a new bond shall be furnished. No official bond shall be issued for a term exceeding three years, unless the term of the officers concerned exceeds three years.
- E. The bonds of all officers and employees shall be filed with the Clerk, except that the Clerk's bond (unless they're covered within the scope of a blanket surety bond) shall be filed with the Treasurer.
- F. The requirements of this section may be satisfied by the purchase, by the City, of one or more blanket corporate surety bonds, covering all or any group or groups of officers and employees of the City.
- G. Any officer or employee who is covered by a blanket surety bond need not be bonded individually for the purpose of qualifying for office.

#### **§6.9 Nepotism:**

Unless the Council shall by majority vote, which vote shall be recorded as part of the official proceedings, determine that the best interests of the City shall be otherwise served, the following relatives of any elective or appointive officer are disqualified from holding any appointive office or City employment during the term for which elective or appointive officer was elected or appointed: spouse, child, parent, grandchild, grandparent, brother, sister, half-brother, half-sister or spouse of any of them. All relationships shall include those arising from adoption. This section shall in no way disqualify such relatives of their spouses who are bona fide appointive officers or employees of the City at the time of the election or appointment of said official.

**§6.10 Removal from Office:**

- A. Removal by the Council of elective or appointive officers or members of the Boards or Commissions may be made for any of the following reasons:
  - 1. For any reason specified by law for removal of City officer by the Government.
  - 2. For any act constituting a violation of this Charter.
  - 3. A person is ineligible for election or appointment to any elective office of this City and ineligible to hold a position in public employment in this City that is policy-making or that has discretionary authority over public assets if, within the immediately preceding 20 years, the person was convicted of a felony involving dishonesty, deceit, fraud, or a breach of the public trust and the conviction was related to the person's official capacity while the person was holding any elective office or position of employment in local, state, or federal government. This requirement is in addition to any other qualification required under the constitution or by law.
- B. Such removal by the Council shall be made only:
  - 1. After a hearing of which such officer has been given notice by the Clerk at least ten days in advance, either personally or by sending the same by registered mail to their last address, or known place of residence according to the records of the City.
  - 2. Such notice shall include a copy of the charges against the officer.
  - 3. The hearing shall afford an opportunity to the officer, in person or by attorney, to be heard in their defense, to cross examine witnesses and to present testimony.
  - 4. If such officer shall neglect to appear at such hearing and answer such charges, their failure to do so may be deemed cause for their removal.
  - 5. A majority vote of the members of the Council in office at the time, exclusive of any member whose removal may be being considered, shall be required for any such removal.

## Chapter VII

### PROCEDURES and MISCELLANEOUS POWERS and DUTIES

#### **§7.1 Meetings of the Council:**

The Council shall provide by resolution for the time and place of its regular meetings and shall hold at least one such meeting in each month, in compliance with the Open Meetings Act, MCL. 15.261 *et seq.*

#### **§7.2 Special Meetings:**

Special meetings shall be called by the Clerk on the written request of the Mayor or any three members of the Council on at least eighteen hours written notice to each member of the Council, served personally or left at their usual place of residence. Said written notice to each member of the Council shall designate the time, place, and purpose of such special meeting, but a special meeting may be held on shorter notice if all members of the Council are present or have waived notice.

#### **§7.3 Business of Special Meetings:**

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

#### **§7.4 Meeting to be Public:**

All regular and special meetings of the Council shall be open to the public to the extent required by the Open Meetings Act, MCL.15.261 *et seq.*

#### **§7.5 Quorum: Adjournment of Meeting:**

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

#### **§7.6 Rules of the Council:**

- A. The Council shall determine its own rules and order of business, which shall be adopted at the first session of each new Council and made available to the public.
- B. Shall keep a journal in the English language of all of its proceedings, which shall be signed by the Mayor and the Clerk.
- C. The vote upon the passage of all ordinances, and upon the adoption of all resolutions shall be by a “yes” or “no” vote and entered upon the record, except that where the vote is unanimous, it shall only be necessary to so state.
- D. The people shall have access to the minutes and records of all regular and special meetings of the Council at all reasonable times, to the extent required by the Open Meeting Act, MCL.15.261 *et seq.* and the Freedom of Information Act, MCL 15.231 *et seq.*

**§7.7 Members Interest in Question:**

Except as otherwise provided in this Charter, a member of the Council shall not vote on any question in which they shall have a direct personal interest, other than as a citizen of the community, but on all other questions they shall vote, unless excused therefrom by a vote of at least four members of the Council.

**§7.8 Public Health and Safety:**

The Council shall insure that provisions are made for the public peace and health, and for the safety of persons and property.

**§7.9 Trusts:**

The Council may, in its discretion, receive and hold any property in trust for park, cemetery, or other municipal purpose. Any trusts now existing for the benefit of the City of Stephenson shall be continued in full force in accordance with the *cy pres* doctrine.

**Chapter VIII**  
**LEGISLATION**

**§8.1 Prior Legislation:**

All valid ordinances, other than the ordinance establishing the Local Officers Compensation Commission, of the City of Stephenson which are consistent with this Charter, and which are in full force and effect at the time of the effective date of this Charter, shall continue in full force and effect until repealed or amended. If any such ordinance provides for the appointment of any officers or any members of any boards or commissions by the Mayor and/or Council, such officers or members of any boards or commissions shall, after the effective date of this Charter, be appointed in accordance with the provisions of this Charter.

**§8.2 Ordinances, Referendums, Initiative and Referendum Petitions**

Any ordinance may be initiated by petition or a referendum on an enacted ordinance may be made by petition:

- A. An initiative or referendum petition shall be signed by not less than ten percent (10%) of the registered electors of the City, as of the date of the last regular City election, and all signatures on said petitions obtained more than within forty-five days before the date of filing the petition with the City Clerk shall not be counted.
- B. Any such petition shall be addressed to the City Council and may be the aggregate of two or more petition papers identical as to contents and simultaneously filed by one person.
- C. An initiative petition shall set forth in full the ordinance it proposes to initiate, and no petition shall propose to initiate more than one ordinance.
- D. A referendum petition shall identify the ordinance or part thereof it proposes to have repealed.
- E. Each signer of a petition shall be a registered elector of the City and shall sign their name thereon and after their name, the date and their place of residence by street and number, or by other customary designation.
- F. To each petition paper there shall be attached a sworn affidavit by the circulator thereof, stating the number of signers thereof, and that each signature thereon is the genuine signature of the person whose name it purports to be, and that it was made in the presence of the affiant.
- G. Such petitions shall be filed with the City Clerk who shall, within fifteen days, verify the signatures thereon.
- H. If the petition does not contain a sufficient number of signatures of registered electors of the City, the City Clerk shall notify forthwith the person filing such petition and fifteen days from such notification shall be allowed for the filing of supplemental petition papers.
- I. When a petition with sufficient signatures is filed within the time allowed by this section, the City Clerk shall present the petition to the City Council at its next regular meeting.

- J. Upon receiving an initiative or referendum petition from the City Clerk, the City Council shall, within thirty days, unless otherwise provided by law:
  - 1. Adopt the ordinance as submitted by initiative petition;
  - 2. Repeal the ordinance, or part thereof, referred to by a referendum petition; or
  - 3. Determine to submit the proposal provided for in the petition to the electors.
- K. Should the City Council decide to submit the proposal to the electors, it shall be submitted at the next election held in the City for any other purpose, or, at the discretion of the City Council, at a special election called for that specific purpose.
- L. In the case of an initiative petition, if no election is to be held in the City for any other purpose within one hundred fifty days from the time the petition is presented to the City Council and the City Council does not adopt the ordinance, then the City Council shall call for a special election within ninety-eight days or as soon thereafter as an election may be permitted by law, from such time for the submission of the initiative petition.
- M. In the case of a proposal submitted to the electors, the result shall be determined by a majority vote of the electors voting thereon, except in cases where otherwise required by law.
- N. The presentation to the City Council by the City Clerk of a valid referendum petition shall automatically suspend the operation of the ordinance in question pending repeal by the City Council or final determination by the electors.
- O. An ordinance adopted by the electorate through initiative proceedings may not be amended or repealed for a period of one year after the date of the election at which it was adopted, and an ordinance repealed by the electorate may not be re-enacted for a period of one year after the date of the election at which it was repealed.
- P. If two or more ordinances adopted at the same election shall have conflicting provisions, the provisions in the ordinance receiving the highest number of affirmative votes shall govern.

**§8.3 Publication and Recording of Ordinances:**

- A. In addition to other acts required by law or by specific charter provisions to be done by ordinance, those City Council acts shall be by ordinance which:
  - 1. Adopt or amend an administrative code or establish, alter or abolish any City department, office or agency;
  - 2. Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed;
  - 3. Grant, renew or extend a franchise;
  - 4. Adopt, with or without amendment, ordinances proposed under the initiative power and;
  - 5. Amend or repeal any ordinance previously adopted, except as otherwise provided by this Charter with respect to repealing ordinances reconsidered under the referendum power.
- B. Acts, other than those referred to in subsection A, above, may be done either by ordinance or resolution.
- C. No ordinance shall be adopted at the same meeting at which it is introduced, except as identified as an emergency ordinance.

- D. No ordinance shall be adopted without an affirmative vote of four Council members unless otherwise provided by this Charter or State Law.
- E. An ordinance may be repealed by reference to its number and title.
- F. No ordinance shall be enacted, amended or repealed until after publication of the proposed ordinance or amendment or repeal, or summary thereof, except as identified as an emergency ordinance.
- G. A public hearing on all proposed ordinances shall be held at the next regularly scheduled City Council meeting after it has been proposed, except as identified as an emergency ordinance.
- H. An emergency ordinance shall:
  1. Be enacted only to meet a public emergency affecting public peace, health, safety or welfare of persons or property;
  2. Be introduced in the form and manner required for ordinances generally, except that it shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms;
  3. Be adopted at the meeting at which it is introduced by an affirmative vote of two-thirds of Council members present, with an affirmative vote of a minimum of three Council members, and may be given immediate effect upon publication.
  4. Any emergency ordinance shall also be published;
  5. Be in effect for not more than sixty days or may be renewed for an additional sixty days upon affirmative vote of two-thirds of Council members present, with an affirmative vote of a minimum of three Council members, and;
  6. Not levy taxes; grant, renew or extend a franchise; regulate the rate charged by any public utility for its services; make or amend a grant; or other special privilege.
- I. An ordinance, when enacted, shall be recorded by the City Clerk in the City Code.
- J. It shall be the duty of the Mayor and the City Clerk to authenticate such record by their official signatures.
- K. No ordinance is effective until it is published. An ordinance, when enacted, shall be published by the City Clerk in the manner provided by this Charter for publication of notices, or as otherwise provided by law.
- L. The City Clerk's certificate shall be entered as to the manner and date of publication under each ordinance in the City Code.
- M. The City Council may adopt any detailed technical regulations as a City ordinance by reference to any recognized standard code, official or unofficial, to the extent permitted by law.
- N. To the extent permitted by law and, if such a code be written in detail for the City and adopted as an ordinance, the printing of a sufficient number of copies in booklet form, available for public distribution at cost, and the publication of a notice of the availability of same to the public at the office of the City Clerk, shall be sufficient publication of such ordinance, and any amendment to or revision of such adopted code or detailed technical ordinance may be published in the same manner.

#### **§8.4 Penalties for Violating of Ordinances:**

The Council may provide in any ordinance for the punishment of those who violate its provisions. The punishment for the violation of any City ordinance shall not exceed the fine or imprisonment permitted by law.

**§8.5 Special Procedure on Vote on Certain Council Actions:**

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

**§8.6 Severability of Ordinances:**

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

**§8.7 Compilation:**

- A. Copies of this Charter and all ordinances and amendments to the Charter shall be prepared and kept in the office of the Clerk, available for public distribution at a cost of no more than the actual duplication.
- B. Within ten years of this Charter's effective date, or the last codification, and at least every ten years thereafter, the City Council shall provide for preparing a general codification of City ordinances.
- C. The copies of the ordinances and of any compilation, code or codes referred to in the Charter may be certified by the Clerk, and when so certified, shall be competent evidence in all courts and legally established tribunals as to the matters contained therein.



**Chapter IX**  
**GENERAL FINANCE**

**§9.1 Fiscal Year:**

The fiscal year of the City shall begin on the first day of July and end on the last day of June of the following year. Such year shall constitute the budget year of the City government.

**§9.2 Budget Procedure:**

On or before the 15th day of March of each year a Budget Committee (consisting of the Mayor and two Councilmembers appointed by the Mayor) shall make an itemized estimate of the expected income and expenditures for the next fiscal year for all departments and activities of the City. The Budget Committee shall then prepare its budgetary recommendations and submit them to the Council at its regular April meeting. They shall inform the Council of the additions or deletions made in the departmental budget requests and their reasons for making them.

**§9.3 Budget Document:**

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

- A. Detailed estimates of all proposed expenditures for each department and office of the City showing the expenditures for corresponding items for the current and last preceding fiscal 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 year.
- D. A statement of the estimated balance or deficit, as the case may be, for the end of the current fiscal year.
- E. An estimate of the amount of money to be raised from current and delinquent taxes and the amount to be used from bond issues, which together with income from other sources, will be necessary to meet the proposed expenditures and commitments of the City government during the ensuing year.
- F. Such other supporting schedules as the Council may deem necessary.

**§9.4 Budget Hearing:**

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

#### **§9.5 Adoption of Budget:**

Not later than the regular monthly meeting in May, the Council shall, by resolution, adopt the budget for the next fiscal year and shall in such resolution, provide for a levy of the amount necessary to be raised by tax upon real and personal property for municipal purposes.

#### **§9.6 Transfers of Appropriations:**

- A. 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 except pursuant to the budget appropriations.
- B. The Council may transfer any unencumbered appropriation balance or any portion therefrom from one department fund or agency to another.
- C. The balance of any appropriation which has not been encumbered at the end of the fiscal year shall revert to the general fund and may be re-appropriated during the next fiscal year.
- D. In the case of emergency arising from a pressing need other than a regular or recurring requirement and necessary to protect the public health, welfare or safety, the Council may make additional appropriations to cover unanticipated expenditures required of the City because of such emergency.

#### **§9.7 Budget Control:**

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

#### **§9.8 Depository:**

The Council shall designate a depository or depositories for City funds, and shall provide for the regular deposit of all City moneys. The Council shall provide for such security for City deposits as is authorized or permitted by the general laws of the State, except that personal surety bonds shall not be deemed proper security. City funds may be withdrawn from such depository on the signature of such persons as the Council shall, by resolution, determine.

#### **§9.9 Independent Audit:**

- A. An independent audit shall be made of all accounts of the City government at least annually and more frequently if deemed necessary by the Council. Such audit shall be made by public accountants experienced in municipal accounting. The results of such audit shall be made public in such manner as prescribed by law.
- B. There shall be a uniform system of accounts and they shall be kept in such manner as to conform with the requirements of the laws of this State.

**Chapter X**  
**TAXATION**

**§10.1 Power of Taxation:**

In order to carry out the purposes, powers, and duties of the City government established by this Charter, and subject to state law where applicable, the City shall assess, levy and collect ad valorem taxes, rents, tolls, and excise taxes.

**§10.2 Subject of Taxation:**

- A. Exclusive of any levies authorized by law to be made beyond Charter tax rate limitations, the annual ad valorem tax levy shall not exceed one and 8-tenths per cent (18 mills) of the taxable value as equalized of all real and personal property in the City.
- B. The subjects of ad valorem taxation for municipal purposes shall be the same as for state, county, school and any other taxing entities under the general law.
- C. Except as otherwise provided by this Charter, City taxes shall be assessed, levied, collected, and returned in the manner provided by law.

**§10.3 Tax Day**

Subject to the exceptions provided or permitted by law, the taxable status of persons and property shall be determined as of December 31, or such other date as may subsequently be required by law, which shall be deemed the tax day. Values on the assessment roll shall be determined according to the facts existing on the tax day for the year for which such roll is made, and no change in the status or location of any such property after that day shall be considered by the assessor or the Board of Review.

**§10.4 Jeopardy Assessments:**

If the City Treasurer finds or reasonably believes that any person, who is, or may be, liable for taxes upon personal property, the taxable status of which was in the City on tax day, intends to depart or has departed from the City; or to remove or has removed therefrom personal property, which is, or may be, liable for taxation; or to conceal or conceals their person or their property; or does 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 City Treasurer shall proceed to collect the same as a jeopardy assessment in the manner provided by law.

**§10.5 Assessment:**

The City Assessor shall annually place a value, in accordance with law, upon all property, both real and personal, in the City, which is subject to taxation. Such valuation of property shall be in accordance with established assessment rules, techniques, and procedures. The Council shall provide for the maintenance of the records and facilities of the office of the City Assessor.

**§10.6 Assessment Roll:**

- A. Prior to the date of the first meeting of the Board of Review in each year, the City Assessor shall prepare and certify an assessment roll of all property in the City, in the manner and form provided in the general tax law of the State of Michigan. Such roll may be divided into volumes that the City Assessor shall identify by number, for the purpose of convenience in handling the assessment roll and for locating properties assessed therein. The attachment of any certificate or warrant required by this chapter to any volumes of the roll, either as an assessment roll or as a tax roll, shall constitute the attachment thereof to the entire roll, provided the several volumes are identified in such certificate or warrant. Values of property set forth on the assessment roll shall be determined according to recognized methods of systematic assessment.
- B. The City Assessor shall give notice by first class mail to each owner of property which has been added to the assessment roll or the value of which has been increased or decreased on such roll. The notice shall be addressed to the owner according to the records of the City Assessor's office and mailed not less than ten (10) days before the date of the convening of the Board of Review. Neither the failure of the City Assessor to give notice nor the failure of a person to receive notice shall invalidate any assessment roll or any assessment thereon.

**§10.7 Board of Review:**

- A. A Board of Review is hereby created and composed of three (3) members who shall have the following qualifications: A member shall be a registered elector of the City, and shall have been a resident of the City for at least one (1) year immediately prior to the date of appointment. The appointment of members of such Board shall be based upon their knowledge and experience in property valuation.
- B. The members of the Board of Review shall be appointed by the Council and may be removed for reasons of nonfeasance or misfeasance by a majority vote of the Council. The first such Board of Review appointed by the Council under the provisions of this Charter shall be made up of three (3) qualified members appointed for two (2), three (3), and four (4) year terms. Thereafter, when terms expire, the Council shall appoint a member for a three (3) year term at the first regular Council meeting in January of each succeeding year. Upon a vacancy due to resignation or otherwise, the Council shall appoint a member to fill the remainder of the vacant term. The Council shall fix the compensation of the members of the Board.
- C. An annual organizational meeting of the Board of Review shall be held on the first Monday in March to select one (1) of its members as chairperson for the ensuing year, to review the assessment roll and to examine the guidelines and practices followed in preparing the assessment roll. The City Assessor shall be the secretary of the Board, and

shall be entitled to be heard at its sessions, but shall have no vote on any proposition or question.

- D. Being elected to an office of the City while serving as a member of the Board of Review shall constitute a resignation from the Board of Review.

**§10.8 Duties and Functions of Board of Review:**

- A. The members of the board of review shall be officers of the City and shall take the oath of office, which shall be filed with the City Clerk.
- B. For the purpose of revising and correcting assessments, the board of review shall have the same powers and perform like duties, in all respects, as are, by law, conferred upon and required of boards of review, except as otherwise provided in this Charter.
- C. At the time, and in the manner provided in the following section, the board of review shall hear the complaints of all persons considering themselves aggrieved by assessments. If it shall appear that any person or property has been wrongfully assessed or omitted from the roll, the board of review shall correct the roll in such manner as it deems just. In all cases, the assessment roll shall be reviewed according to the facts existing on the most recent tax day.
- D. Except as otherwise provided by law, no person other than the Board of Review shall make any change upon, or addition or correction to, the assessment roll.
- E. The City Assessor shall make a permanent record of all proceedings of the Board of Review and enter therein all its resolutions and decisions. Such record shall be filed with the City Clerk on or before the first day of May following the meeting of the board of review.

**§10.9 Notice of Meeting:**

Notice of the time of the sessions of the board of review shall be published by the City Assessor in a newspaper having general circulation in the City at least one (1) week prior to each session of the board and printed on the assessment notice sent as described in §10.6 B. of this Charter.

**§10.10 Meetings: Examination of Persons Appearing:**

The board of review shall meet in two (2) sessions in each year at such place as shall be designated by the Council. The first session of the board shall convene on the first Monday in March of each year and may continue in session for three (3) days and as much longer as may be necessary for the purpose of considering and correcting the roll. In each case where the

assessed value is increased or any property added to the rolls by the board, the secretary of the board shall give notice to the owners thereof according to the last assessment roll of the City by first class mail as prescribed by statute. The second session of the board shall convene on the third Monday of March of each year and shall continue in session for one (1) day and as much longer as may be necessary for the purpose of hearing appeals of property assessments. The board shall remain in session during such hours as the Council may designate.

**§10.11 Certification of Roll:**

After the Board of Review has completed its review of the assessment roll, the majority of its members shall sign a certificate to the effect that the same is the assessment roll of the City for the year in which it has been prepared, as approved by the Board of Review, which certificate, when attached to any volume of the roll, shall constitute a conclusive presumption of the validity of the entire roll.

**§10.12 Validity of Assessment Roll:**

Upon the certification by the Board of Review the assessment roll, and from and after midnight ending the last day of the meeting of the Board of Review, it shall be the assessment roll of the City for county, school and City taxes, and for other taxes on real and personal property that may be authorized by law. It shall be presumed by all courts and tribunals to be valid, and shall not be set aside, except for cause set forth by law.

**§10.13 Clerk to Certify Levy:**

The City Clerk shall certify to the City Assessor the total amount which the Council determines shall be raised by general taxation, together with such other assessments and lawful charges and amounts which the county and other taxing authorities shall authorize or require to be assessed, reassessed, or charged upon the City tax roll against property or persons.

**§10.14 City Tax Roll:**

After the Board of Review has completed its review of the assessment roll, the City Assessor shall prepare a tax roll, to be known as the "City Tax Roll." Upon receiving the certification of the several amounts to be raised, assessed, and charged for City taxes, as provided in the preceding section, the City Assessor shall proceed forthwith to:

- A. Spread the amounts of the general City tax according to and in proportion to the several valuations set forth in said assessment roll;
- B. Place such other assessments and charges upon the roll as are required and authorized by the Council and;
- C. Complete other said tasks as required by law.

**§10.15 Tax Roll Certified for Collection:**

After extending the taxes and placing other assessments and charges upon the roll, the City Assessor shall certify said tax roll and attach the City Assessor's warrant, directing and requiring the City 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 the City Treasurer for the purpose of collecting the taxes, assessments, and charges on such roll, all the power and immunities possessed by City Treasurers for the collection of taxes under the general laws of the state.

**§10.16 Liens:**

All taxes thus assessed shall become a debt due the City as provided by general law and, as of the first day of July of the year of assessment, the said taxes with any applicable charges, fees or penalties shall become a lien upon the property against which they are assessed until paid.

**§10.17 Tax Payments:**

City taxes shall be due and payable on the first day of July each year and be delinquent after September 15th. Other property taxes as permitted by law shall be due December 1<sup>st</sup> and be delinquent after February 28th. Unpaid tax assessments, charges, penalties and fees shall be turned over for collection thereafter as provided under the provisions of the General Property Tax Act, Act 206 of the Public Acts of 1893, as amended and any other appropriate state law, this Charter or local ordinance.

**§10.18 Taxes Due – Notification Thereof:**

The City Treasurer shall not be required to make personal demand for the payment of taxes, but, upon receipt of the City tax roll, shall, forthwith, give notice to the taxpayers of the City by forwarding a tax statement to each person named in the tax roll, which mailed statement shall be a sufficient demand for the payment of all taxes assessed. Neither the failure on the part of the City Treasurer to mail such statement nor the failure of any person to receive the same, shall



invalidate the taxes on the tax roll or release any person or property assessed from the liabilities provided in this Charter in case of nonpayment.

**§10.19 Tax Payment Schedule:**

The Council shall, provide by ordinance, for a tax payment schedule and the amount of collection charges, penalties and interest to be added to taxes, charges, and assessments on the City tax roll. When so added, such collection charges, penalties and interest shall be treated in all respects as an item of taxes and collected as such. Any collection charges, penalties and interest shall be collectable in the same manner as taxes, assessments, and charges to which they are added.

**§10.20 Failure or Refusal to Pay Personal Property Tax:**

If any person shall neglect or refuse to pay any tax on personal property assessed to such person, the City Treasurer shall collect the same by seizing any personal property of such person, to an amount sufficient to pay such tax, together with any charges and interest added thereto, wherever the same may be found in the State of Michigan. No property shall be exempt from such seizure. The City Treasurer may sell the property seized, at an amount sufficient to pay the taxes and all charges, fees, penalties, and interest, in accordance with statutory provisions. The City Treasurer may also sue the person to whom a personal property tax is assessed, in accordance with the powers granted by law.

**§10.21 State, County, and School Taxes:**

- A. For the purpose of assessing and collecting taxes for state, county, and school purposes, the City shall be considered the same as a township, and all provisions of law relative to the collection of, and accounting for, such taxes and the penalties and interest thereon shall apply. For the purpose of collecting state, county, and school taxes, the City Treasurer shall perform the same duties and have the same powers as township treasurers under law.
- B. Council may by ordinance, establish up to one percent (1%) property tax administration fee to add to all taxes levied by other taxing jurisdictions on real or personal property within the boundaries of the City.

**§10.22 Protection of City Lien:**

The City shall have the power, insofar as the exercise thereof shall not conflict with or contravene the provisions of law, to acquire such interest in any premises within the City, by purchase at any tax or other public sale, or by direct purchase from or negotiation with the State of Michigan or the owner, as may be necessary to assure to the City the collection of its taxes, special assessments, charges and any interest thereon which are levied against any lot or parcel of real property or to protect the lien of the City therefore, and may hold, lease, or sell the same. Any such procedure exercised by the City to assure the collection of its taxes or the

protection of its tax or other liens shall be deemed to be for a public purpose. The Council may adopt any ordinance, which may be reasonably necessary to make this section effective.

**§10.23 Tax Roll to County Treasurer:**

- A. All taxes, special assessments, charges, and collection fees, on the City tax roll which remain unpaid on the first day of March following the date when said roll was received by the City 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.
- B. Such returns shall be made upon a delinquent tax roll to be prepared by the City Treasurer and shall include all the additional charges which shall, in such return, be added to the amount assessed in said tax roll against each description. The taxes, assessments, charges, and fees, thus returned shall be collected in the same manner as taxes returned to the County Treasurer are collected under the provisions of the general laws of the State of Michigan and shall be and remain a lien upon the lands against which they are assessed until paid.

**§10.24 City Income Tax:**

No City income tax shall be levied without an approving vote of a majority of City Electors voting thereon at a special or City election.

**Chapter XI**  
**BORROWING POWER**

**§11.1 General Borrowing:**

Subject to the applicable provisions of Law and this Charter, the Council by proper ordinance or resolution, may authorize the borrowing of money for the purpose within the scope of the powers vested in the City and the issuance of bonds on the City or other evidences of indebtedness therefor, and may pledge the full faith, credit, and resources of the City for the payment of the obligation created therefor.

**§11.2 Limitation on Indebtedness:**

- A. The net bonded indebtedness incurred for all public purposes shall not at any time exceed the maximum amount permitted by law, provided that in computing such bonded indebtedness there shall be excluded special assessment bonds, even though they are a general obligation of the City, mortgage bonds, revenue bonds, motor vehicle highway fund bonds, even though they are a general obligation of the City, and any other bonds or indebtedness excluded by law from such limitation. The amount of funds accumulated for the retirement of any outstanding bonds shall also be deducted from the amount of bonded indebtedness.
- B. The amount of emergency borrowing which may be incurred under the provisions of this Charter may not exceed the maximum amount permitted by law.
- C. No bonds shall be sold to obtain funds for any purpose other than that for which they were specifically authorized, and if such bonds are not sold within the time limited by law, such authorization shall be null and void.
- D. The issuance of any bonds not requiring the approval of the electorate shall be subject to applicable requirements of law with reference to public notice in advance of authorization of such issues, filing of petitions for a referendum on such issuance, holding such referendum, and other applicable procedural requirements.

**§11.3 Preparation and Record:**

- A. Each bond or other evidence of indebtedness shall contain on its face a statement of the purpose for which the same is issued and no officer of the City shall use the proceeds thereof for any other purpose, except that whenever the proceeds of any bond issue, or a part thereof, remain unexpended and unencumbered for the purpose for which said bond issue was made, the City Council may authorize the use of such unexpended and unencumbered funds as provided in this section, which use shall be subject to the approval of the Michigan Department of Treasury where required:
  - 1. For an additional extension or improvement of facility or project for which the bond issue was made;
  - 2. For the retirement of such bond issue;

3. If such bond issue has been fully retired or funds are segregated which are adequate for such purpose, then for the retirement of other bonds or obligations of the City;
  4. If there is no other indebtedness, or funds are segregated which are adequate for such purpose, then for such other purposes as may be permitted by law.
- B. All collections on each special assessment roll or combination of rolls, in anticipation of which bonds have been issued, shall be set apart in a separate fund (but not necessarily in a separate bank account) and shall be used for the purpose for which levied and for the payment of the principal and interest on such bonds. If there is any deficiency in a special assessment fund to meet the payment of the principal or interest to be paid therefrom, money shall be advanced from the general funds of the City to meet such deficiency and shall be replaced in the general fund when the special assessment fund shall be sufficient therefore.
  - C. No bond or other evidence of indebtedness of the City shall bear interest at a rate that exceeds a rate ceiling imposed by state law.
  - D. All bonds issued by the City shall be signed by the Mayor and countersigned by the City Clerk and shall bear the corporate seal of the City. Said signatures of the Mayor and the City Clerk and the seal of the City may be by facsimile if permitted by law.
  - E. The City Treasurer shall keep a detailed record of all bonds and other evidence of indebtedness. Upon payment of bonds or other evidence of indebtedness the same shall be cancelled.
  - F. Each bond or other evidence of indebtedness shall contain a statement specifying the purpose for which it is issued and it shall be unlawful for any officer of the City to use the proceeds thereof for any other purpose. Any officer who shall violate this provision shall be deemed guilty of a violation of this Charter, except that, whenever the proceeds of any bond issue or parts thereof shall remain unexpended and unencumbered for the purpose for which said bond issue was made, the City Council may authorize the use of said funds for the retirement of bonds of said issue or for any other purpose permitted by law.

#### **§11.4 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 XII**  
**SPECIAL ASSESSMENTS**

**§12.1 Power to Assess:**

The City Council shall have the power to determine, with or without a petition therefor, that the whole or any part of the expense of any public improvement or repair shall be defrayed by special assessment upon the parcels or property especially benefitted and so declared by resolution. Such resolution shall state the estimated cost of the improvement, what portion of the cost shall be paid by special assessment, what portion, if any, shall be a general obligation of the city, the number of installments in which assessments may be paid, the interest to be charged, and designate the districts or land and premises upon which special assessments shall be levied.

**§12.2 Procedure Ordinance:**

The City Council shall prescribe by general ordinance the complete special assessment procedure to be used, including the preparing of plans and specifications, estimating costs, conducting a public hearing on necessary construction following at least 10 days' notice, the preparation, hearing, correction and confirmation of the special assessment roll, the collection of special assessments, the assessment of single lots or parcels, the apportionment of assessments if land is divided, and any other matters concerning the making of improvements by the special assessment method. Said ordinance shall authorize additional assessments if the prior assessment proves insufficient to pay for the improvement and costs incident thereto or in case of invalidity in whole or in part, and it shall provide for the refund of excessive assessments, provided that if the excess is less than 5% of the total cost it may be placed in the general fund of the City.

**§12.3 Assessment Lien:**

From the date of confirmation of any assessment or reassessment roll the same shall constitute a lien upon the respective lots or premises assessed and shall also be a charge against the person to whom assessed until paid, and, in case of delinquency, may be enforced by addition to and later return to the county treasurer of regular taxes or by suit against such person.

**§12.4 Contest of Assessment:**

- A. Appeals of Special Assessments as promulgated by Section 35a(5) and (6) of the Tax Tribunal Act, MCL 205.735a(5) and (6), require that, as a prerequisite to appeal a special assessment, the property owner shall protest the special assessment at the hearing held by City Council for the purpose of confirming the special assessment.
- B. If the City Attorney submits a written opinion finding said roll illegal, in whole or in part, the City Council may revoke its confirmation, correct the illegality if possible, and reconfirm the same as amended, provided that no property which is not involved in the illegality shall be assessed more than was imposed upon the original confirmation without further notice and hearing thereon.

## Chapter XIII

### PURCHASES, SALES, CONTRACTS, AND LEASES

#### Section 13.1 AUTHORITY

- A. The power to make and to authorize the making of contracts on behalf of the City is vested in the City Council and shall be exercised in accordance with the provisions of law.
- B. The City Council shall provide by ordinance for a standard purchasing procedure to be followed in obtaining City supplies, materials, equipment, contractual services or other forms of personal property.
- C. Before making any purchase or contract to purchase personal property or contractual service, competitive bids shall be obtained, except:
  - 1. In the securing of professional services for the City;
  - 2. When the purchase is exempted by the purchasing procedure because of value or when the City Council shall determine that no advantage to the City would result from competitive bidding or;
  - 3. Upon the occurrence of an emergency.
- D. The City Council may provide in the ordinance required by this section the definition of “lowest responsible bidder,” the dollar limit within which the purchasing agent of the City may make purchases without the necessity of obtaining competitive bids, and the dollar limit within which purchases shall be made without the necessity of City Council approval.
- E. All contracts, except as otherwise provided by ordinance in accordance with the provisions of Sections 13.1C(2) and 13.1C(3), shall be authorized by the City Council and shall be signed on behalf of the City by the Mayor and the City Clerk.

#### Section 13.2 PERSONAL PROPERTY

- A. The City Council may establish, by ordinance described above, the procedure for the purchase and sale of City supplies, materials, equipment or other forms of personal property.
- B. The ordinance shall also provide the dollar limit within which purchases and sales of personal property may be made without the necessity of securing competitive bids, and the dollar limit and conditions within which purchases and sales of personal property may be made without the necessity of City Council approval and signature by the Mayor and the City Clerk.
- C. No purchase of personal property shall be made unless a sufficient unencumbered appropriation is available therefor, or for such amount of the purchase price as shall be required to be paid during the current fiscal year of the City.

### **Section 13.3 REAL PROPERTY**

- A. The City Council shall establish by ordinance the procedures for the purchase, sale, disposal, or lease of real property.
- B. The City Council's power to buy, lease, sell, or otherwise dispose of any real property shall be conditioned on the conducting of a public hearing thereon and receipt of five affirmative votes.
- C. When the proposition is to sell, lease, or dispose of any City-owned recreation parkland or cemetery, or any part thereof, the proposition to sell, lease, or dispose of the same shall also be approved by a majority vote of the electors of the City voting thereon at any general or special election.
  - 1. This provision shall not apply to the case of a utility easement, or the removal of any obsolete, dangerous structures, or any existing right-of-way, or non-exclusive leases up to six months.
  - 2. Recreational parkland includes all recreational parkland owned by the City and identified as such. Within ninety days of the adoption of this Charter, the Parks and Recreation Commission shall prepare and submit to the City Council for its review and approval a comprehensive inventory of all City-owned recreational parkland. The Parks and Recreation Commission shall promptly submit any additions to this inventory to the City Council for its review and approval.
  - 3. This provision shall not apply to the case of an intergovernmental agreement for the management of recreational parkland so long as it is maintained for that purpose.

### **Section 13.4 PROFESSIONAL SERVICES**

The City Council shall establish by resolution the methods and procedures relative to contracting for professional services. Competitive bids shall not be required for contracts for professional services.

### **Section 13.5 PUBLIC IMPROVEMENTS**

Except as provided by ordinance authorized by Section 13.1 of this chapter, each contract for the construction of public improvements shall be let after opportunity for competitive bidding. The City Council may reject any or all bids, if deemed advisable. If no bids are received or such bids as were received were not satisfactory to the City Council, the City Council may either endeavor to obtain new competitive bids or authorize the Mayor or other proper official of the City to negotiate for a contract in the open market.

### **Section 13.6 LIMITATIONS**

- A. The City Council shall only have power to enter into contracts which, by the terms thereof, will be fully executed within a period of ten years, unless such contracts shall



first receive the approval of a majority of the qualified electors of the City voting thereon at a regular or special election. This limitation shall not apply to any contract for services with a public utility, or one or more other governmental units, nor to contracts for debt secured by bonds, notes, municipal securities, installment purchase contracts, lease-purchase agreements, land contracts, leases, or other debt obligations which are permitted to be issued by the City by law.

- B. The City may enter into installment contracts for the purchase of real or personal property, capital improvements, or capital equipment. Each such contract shall not extend over a period greater than that permitted by law, nor shall the total outstanding principal amount for all such contracts exceed a sum permitted by law. Principal and interest payments for such installment contracts shall be included in the budget for the year in which each respective installment is payable.
- C. No contract shall be made with any person, firm, or corporation in default to the City.

**CHAPTER XIV**  
**MUNICIPAL UTILITIES**

**§14.1 General Powers Respecting Utilities:**

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

**§14.2 Management of Public Utilities:**

All municipally owned or operated utilities shall be administered as a regular department of the City government under the management and supervision of the Mayor.

**§14.3 Rates:**

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

**§14.4 Collection of Municipal Utility Rates and Charges:**

- A. The Council shall provide by ordinance for the collection of rates and charges for public utility services furnished by the City. When any person fails or refuses to pay to the City any sums due on utility bills, the service upon which such delinquency exists, may be discontinued, except as prohibited by law, and suit may be brought for the collection thereof.
- B. Except as prohibited by law, the City shall have a lien upon the premises to which utility services are supplied and, for such purposes, shall have all the powers granted to cities by law. The lien shall become effective immediately on the distribution or supplying of utility services to such premises. In each case where a lien to secure the payment of utility charges is not available to the City by operation of law or otherwise, the Council shall require that an adequate deposit be made by the person to whom City utility services are furnished, for the purpose of guaranteeing the collection of charges for such utility services.

- C. Except as prohibited by law, all unpaid charges for utility services to any such premises, which, on the thirty-first day of March of each year, have remained unpaid for a period of six (6) months or more, shall be reported to the Council by the Mayor at the first meeting thereof in the month of April. The Council thereupon shall order the publication that all such unpaid utility charges not paid by the thirtieth day of April will be spread upon the City's tax roll against the premises to which such utility services were supplied or furnished, and such charges shall then be spread upon the City's tax roll and shall be collected in the same manner as the City taxes.

**§14.5 Disposal of Utility Plants and Property:**

The City shall not sell, exchange, lease, or in any way dispose of any Municipal public utility or any property, easement, equipment, privilege, or asset needed to continue the operation of any utility, unless the proposition to do so is approved by a three-fifth of the electors of the City. All contracts, grants, leases, or other forms of transfer in violation of this section shall be void and of no effect as against the City. The restrictions of this section shall not apply to the sale or exchange of articles of machinery or equipment of any utility, which are no longer useful or which are replaced by new machinery or equipment, or to the sale or leasing of property not necessary for the operation of the utility, or to the exchange of property or easements for other property needed for the utility.

**§14.6 Utility Finances:**

- A. The rates and charges for any municipal public utility for the furnishing of water, light, heat, electronic communications power or gas shall be so fixed as to at least meet all the costs of such utility.
- B. Transactions pertaining to the ownership and operation by the City of each public utility shall be recorded in a separate group of accounts under an appropriate fund caption, which accounts shall be classified in accordance with generally accepted utility accounting practice. Charges for all service furnished to, or rendered by, other City departments or agencies shall be recorded. An annual report shall be prepared to show fairly the financial position of each utility and the result of its operation, which report shall be available for inspection at the office of the Clerk.

**CHAPTER XV**  
**PUBLIC UTILITY FRANCHISES**

**§15.1 Franchises Remain in Effect:**

All franchises to which the City of Stephenson is a party when this Charter becomes effective, shall remain in full force and effect in accordance with their respective terms and conditions.

**§15.2 Granting of Public Utility Franchises:**

- A. Public Utility franchises and all renewals and extensions thereof and amendments thereto, shall be granted by ordinance only. No franchise shall be granted for a longer period than thirty years.
- B. No franchise ordinance which is not subject to revocation at the will of the Council shall be enacted nor become operative, until the same shall have been referred to the people at a regular or special election and received the affirmative vote of three-fifths of the electors voting thereon. No such franchise ordinance shall be approved by the Council for referral to the electorate before thirty days after application therefor has been filed with the Council nor until a public hearing has been held thereon, nor until the grantee named therein has filed with the clerk the grantee's unconditional acceptance of all terms of such franchise. No special election for such purpose shall be ordered unless the expense of holding such election, as determined by the Council shall have first been paid to the Treasurer by the grantee.
- C. A franchise ordinance or renewal or extension thereof or amendment thereto which is subject to revocation at the will of the Council may be enacted by the Council without referral to the voters, but shall not be enacted unless it shall have been complete in the form in which it is finally enacted and shall have been on file in the office of the Clerk for public inspection for at least four weeks after publication of a notice that such ordinance is so placed on file.

**§15.3 Conditions of 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 following rights of the City, but this enumeration shall not be exclusive or impair the right of the Council to insert in such franchise any provision within the powers of the City to impose or require:

- A. To repeal of the same for misuse, non-use or failure to comply with the provisions thereof.
- B. To require proper and adequate extension of plant and service and maintenance thereof at the highest practicable standards. In any event, this shall be at least in accordance with the rules and regulations of the Michigan Public Service Commission or its successors.
- C. To establish reasonable standards of service and quality or products and prevent unjust discrimination in service or rates. The rates and charges shall in no event exceed the

rates and charges so prescribed by the Michigan Public Service Commission or its successor.

- D. To require continuous and uninterrupted service to the public in accordance with the terms of the franchise throughout the entire period thereof.
- E. To use, control and regulate the use of its streets, alleys, bridges and other public places and space above and beneath them.
- F. To impose such other regulations as may be determined by the Council to be conducive to the safety, welfare and accommodation of the public.
- G. To restore as quickly as practical any disturbances or intrusions to property within the City, to a condition as good or better than before the disturbance by the franchisee.

#### **§15.4 Regulation of Rates:**

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

#### **§15.5 Use of Public Places by Utilities:**

- A. Every public utility whether it has a franchise or not shall pay such part of the cost of improvement or maintenance of streets, alleys, bridges and other public places as shall arise from its use thereof to a condition as good or better than before the disturbance or intrusion by the utility, and shall protect and save the City harmless from all damages arising from said use. Every such public utility may be required by the City to permit joint use of its property and items associated therewith, located in the streets, alleys and other public places of the City by the City and by other utilities insofar as such joint use may be reasonably practicable and upon payment of reasonable rental therefor.
- B. In the absence of agreement and upon application by any public utility or the Council, the Council shall provide for arbitration of the terms and conditions of such joint use and the compensation to be paid therefor, the cost of said arbitration shall be at the expense of the utilities involved, and the arbitration award shall be final and binding on all parties thereto.

#### **§15.6 Revocable Permits:**

Temporary permits for public utilities, revocable at any time at the will of the Council, may be granted by the Council by resolution on such terms and conditions as it shall determine, provided that such permits, shall in no event be construed to be franchises or amendments to franchises.

**CHAPTER XVI**  
**MISCELLANEOUS**

**§16.1 Amendments:**

This Charter may be amended at any time in the manner provided in the Home Rule City Act, 1909 PA 279, as amended. Should two or more amendments, adopted at the same election, have conflicting provisions, the one receiving the highest vote shall prevail as to those provisions.

**§16.2 Franchises, Ordinances and Regulations:**

All franchises, ordinances, resolutions, rules and regulations of the City which are not inconsistent with this Charter and which are in force on the effective date of this Charter shall continue in full force until repealed or amended by action of the proper authorities.

## CHAPTER XVII

### TRANSITION

#### **§17.1 Effective Date of Charter:**

Except as otherwise provided in this Chapter, this Charter shall become effective for all purposes on January 1, 2022.

#### **§17.2 Compensation of Officials and Employees:**

The initial compensation of all officials and employees shall continue as it exists on the day prior to the effective date of this Charter. Any change in compensation shall be made in the manner provided for by Charter, ordinances and resolutions.

#### **§17.3 Existing City Legislation and Rules:**

- A. All ordinances, other than the ordinance establishing the Local Officers Compensation Commission, and resolutions of the City and all rules and regulations made by any officer or agency of the City which are not inconsistent with this Charter shall remain in effect until changed by action under this Charter.
- B. All current millages, duly adopted, shall continue to exist and are not impaired by this charter.

#### **§17.4 Status of Officers Under Old Charter:**

All persons holding office, except the current Local Officers Compensation Commission members, shall continue in office or equivalent office until replaced or removed in accordance with law or the provisions of this Charter.

#### **§17.5 Succession to Rights and Property:**

The City of Stephenson under this Charter shall succeed to all of the privileges, titles, easements, rights of way, causes of action, duties, commitments, powers, obligations and be the complete successor to the City of Stephenson under the previous Charter. The City shall be vested with all property, monies, contracts, credits, effects, records, files, books and papers belonging to it under and by virtue of its previous Charter. No rights, liability contract, lease, or franchise, either in favor of the City or against the City, and no suit or prosecution of any character shall be affected in any manner by any change resulting from the adoption of this Charter; but the same shall stand or proceed, as if no change had been made. All debts and liabilities of the City shall continue to be its debts and liabilities; and all debts owing to it and fines, penalties, interest or fees imposed and existing at the time of such change shall be collected by the City.

#### **§17.6 Ordinances for Transition:**

If any question arises concerning transition from the 1969 Charter to this Charter for which this Charter has not provided, the City may resolve the question by ordinance.

**§17.7 Election to Adopt Charter:**

This Charter shall be submitted to a vote of the qualified electors of the City of Stephenson at the election to be held on Tuesday, May 4, 2021. All provisions for the submission of the question of adopting this Charter at such election shall be made in the manner provided by law.

**§17.8 Form of Question:**

The voters of the City of Stephenson shall vote on the following proposition: Shall the City Charter proposed by the Stephenson Charter Commission on February 3, 2021, be adopted?

Yes

No

**§17.9 Publication of this Charter:**

This Charter shall be published and made available as required by Law. There shall be a copy of this Charter available, at the City Clerk's office, for examination during the City Clerk's normal business hours.