

**CHARTER**

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**CITY OF  
KEEGO HARBOR, MICHIGAN**

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This pamphlet is a reprint of the Charter, of the Code of Ordinances of the City of Keego Harbor, Michigan, published by order of the City Council.

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MUNICIPAL CODE CORPORATION  
Tallahassee, Florida 2000

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**CHARTER\***

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**\*Editor's note**-Printed in this part is the Charter of the City of Keego Harbor, Michigan as adopted by the electors of the City of Keego Harbor, Michigan, on April 19, 1955. Amendments to the Charter are indicated by parenthetical history notes which indicate the date of the referendum at which the electors approved the amendment, following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original Charter. Obvious misspellings have been corrected without notation. For stylistic purposes, a uniform system of headings, catch lines and citations to state statutes has been used. Additions made for clarity are indicated by brackets.

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### **Resolution of Adoption**

**PREAMBLE**

We, the electors of the City of Keego Harbor, Oakland County, Michigan, under authority of the constitution and laws of the State of Michigan, in order to promote, maintain and better provide for the interest and welfare of all our inhabitants, do ordain, adopt and establish the following as the Charter of said city:

**ARTICLE 1. NAME AND BOUNDARIES****Section 1.1. Name of City.**

The official name and title of the city shall be “City of Keego Harbor.”

**Section 1.2. Boundaries.**

It is a body corporate, and embraces the following described territory situated in the Township of West Bloomfield, Oakland County, Michigan, together with such territory as may from time to time be attached thereto, and less such territory as may from time to time be detached there from, in accordance with law:

Parts of Sections 1, 2, 11 and 12, described as follows:

1. That part of West  $\frac{1}{2}$  of West  $\frac{1}{2}$  of Section 1 lying northerly of northerly line of Grand Trunk Railroad right-of-way.
2. That part of East  $\frac{1}{2}$  of Section 2, lying east of “Venice of the Lakes” subdivision, East of Cass Lake, and east of most easterly limits of the Village of Orchard Lake.
3. That part of Northeast  $\frac{1}{4}$  Section 11 lying east of centerline of Orchard Lake Road and northerly of northerly line of Grand Trunk Railroad right-of-way.
4. That part of Northwest  $\frac{1}{4}$  Section 12 lying northwesterly of northerly line of Grand Trunk Railroad right-of-way.

Said premises are more particularly described as beginning at northwest corner of Section 1, Town 2 North, Range 9 East; thence East along section line to northeast corner of West  $\frac{1}{2}$  of West  $\frac{1}{2}$  of Section 1; thence southerly along  $\frac{1}{8}$  line (same being west limits of City of Sylvan Lake) to the northerly line of Grand Trunk Railroad right-of-way; thence southerly along said right-of-way line to west line of Section 12; thence continuing along said right-of-way to the intersection of said line with the centerline of Orchard Lake Road in Section 11, said point being the southwest corner of east half of Southeast  $\frac{1}{4}$  Section 2; thence north along center [of] said road and  $\frac{1}{8}$  line to the intersection of said  $\frac{1}{8}$  line with the southerly shore of Cass Lake (said line also being the most easterly limits of the Village of Orchard Lake); thence in an easterly, corner of “Venice of the Lakes” subdivision; thence northerly along easterly line of said subdivision to north line of Section 2, thence east along section line to beginning.

**ARTICLE 2. GENERAL MUNICIPAL POWERS****Section 2.1. General Powers.**

The City of Keego Harbor shall be a body corporate and politic, shall have perpetual succession, shall have a corporate seal, may sue and be sued, and may contract and be contracted with.

**State law reference** – Each organized city shall be a body corporate, MCL 117.1, MSA 5.2071.

**Section 2.2. [Granted.]**

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 laws of the State of Michigan, including all powers, privileges and immunities which cities are, or may be, permitted to provide in their charters by Public Act No. 279 of 1909 (MCL 117.1 et seq., MSA 5.2071 et seq.) of the State of Michigan, as amended, as fully and completely as though these powers, privileges and immunities were specifically enumerated in and provided for in this Charter, and in no case shall any enumeration of particular powers, privileges or immunities herein be held to be exclusive.

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

**Section 2.3. Further Definition of Powers.**

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

- (a) The acquisition by purchase, gift, condemnation, lease, construction, or otherwise, in any manner provided or permitted by law, of private property of every type and nature for public use, which property may be located within or without the County of Oakland and which may be required for, or incidental to, the present or future exercise of the purposes, powers and duties of the city, either proprietary or otherwise;
- (b) The maintenance, development, operation, leasing and disposal of city property subject to any restrictions placed thereon by statute or this Charter;
- (c) The refunding of money advanced or paid on special assessments for water main extensions;

- (d) The installation and connection of conduits for the service of municipally owned and operated electric lighting plants;
- (e) The purchase or condemnation of the franchises, and of the property used in the operation of companies or individuals engaged in the cemetery, hospital, almshouse, electric light, gas, heat, water and power business;
- (f) The establishment and vacation of streets, alleys, public ways and other public places, and the use, regulation, improvement and control of the surface of such streets, alleys, public ways and other public places, and of the space above and beneath them;
- (g) The use, by others than the owner, of property located in streets, alleys and public places, in the operation of a public utility, upon the payment of a reasonable compensation to the owners thereof;
- (h) A plan of streets and alleys within and for a distance of not more than three (3) miles beyond the municipal limits;
- (i) The use, control and regulation of streams, waters and water courses within its boundaries, subject to any limitations imposed by statute;
- (j) The acquiring, establishment, operation, extension and maintenance of facilities for the storage and parking of vehicles within its corporate limits, including the fixing and collection of charges for services and use thereof on a public utility basis, and for such purpose to acquire by gift, purchase, condemnation, lease, or otherwise, the land necessary therefore;
- (k) Regulating, restricting and limiting the number and location of oil, gasoline and bottled gas stations;
- (l) The acquiring, constructing, establishment, operation, extension and maintenance of facilities for the docking of watercraft, hydroplanes and seaplanes, within its corporate limits, including the fixing and collection of charges for use thereof, and for such purpose or purposes, to acquire by gift, purchase, condemnation, or otherwise, the land necessary therefore;
- (m) The establishing of districts or zones within which the use of land and structures, the heights, the area, the size and location of buildings and required open spaces for light and ventilation of such buildings, and the density of population may be regulated by ordinance in accordance with statutory provisions governing zoning;
- (n) The regulating of trades, occupations and amusements within the city, not inconsistent with state and federal laws, and for the prohibiting of such trades, occupations and amusements as are detrimental to the health, morals and welfare, or any of them, of its inhabitants;
- (o) Licensing, regulating, restricting and limiting the number and locations of advertising signs or displays and billboards within the city;

- (p) The preventing of injury or annoyance to the inhabitants of the city from anything which is dangerous, offensive, or unhealthful, and for preventing and abating nuisances, and punishing those occasioning them, or neglecting or refusing to abate, discontinue or remove the same;
- (q) The prescribing of the terms and conditions upon which licenses may be granted, suspended or revoked; requiring payment of reasonable sums for licenses; and requiring the furnishing of a bond to the city for the faithful observance of the conditions under which licenses are granted, and otherwise conditioning such licenses as the council may prescribe;
- (r) The regulating of all airports located within its boundaries, and, for the purpose of promoting and preserving the public peace, safety and welfare, controlling and regulating the use of the air above the city by aircraft of all types;
- (s) The prohibiting or regulating of the use, occupancy, sanitation and parking of house trailers within the city, and the right of the city to so regulate any house trailer shall not be abrogated because of an detachment thereof from its wheels, or because of placing it on, or attaching it to, the ground by means of any temporary or permanent foundation, or in any manner whatsoever;
- (t) The requiring of an owner or occupant of real property within the city to maintain sidewalks abutting upon such property, and if such owner or occupant fails to comply with such requirements, or if the owner is unknown, to construct and maintain such sidewalks and assess the cost thereof against the abutting property in accordance with section 14.17 of this Charter;
- (u) The requiring of an owner or occupant of real property within the city to abate public hazards and nuisances which are dangerous to the health or safety of inhabitants of the city within a reasonable time after the council, or other authorized officials of the city, shall notify such owner or occupant that such hazard or nuisance exists, and if the owner or occupant fails to comply with such requirements, or if the owner is unknown, to abate such hazard or nuisance and assess the cost thereof against such property in accordance with section 14.16 of this Charter;
- (v) The compelling of owners or occupants of real property within the city to keep sidewalks abutting upon their property clear from ice, snow or other obstructions, and if the owner or occupant fails to comply with such requirements, to remove such snow, ice or other obstructions and assess the cost thereof against the abutting property in accordance with section 14.17 of this Charter;
- (w) The requiring, as a condition of approving plats of lands, or premises hereafter laid out, divided, or platted into streets and alleys within the city, that all streets shown on said plat be graded, graveled, hard surfaced or otherwise improved; that all ditches, drains and culverts necessary to make such streets usable be constructed, that cement sidewalks be constructed in the proper places, all in accordance with city specifications; the council may accept a bond conditioned upon the installation of such of the foregoing improvements as it requires within such time as it shall

determine, or may accept an amount equal to the cost of making such improvement from the owners and thereafter make such improvement;

- (x) To establish any department that it may deem necessary for the general welfare of the city; provide, however, that this provision shall not extend to and include public schools;
- (y) To enact a building code and a housing ordinance; to regulate the erection and repair of buildings; to prevent the erection of unsafe buildings and to provide for the removal of any such buildings; to require building permits for all buildings and structures erected or moved in the city; and to regulate the maintenance and occupancy of buildings insofar as the same affects health and safety;
- (z) To establish and maintain definite fire limits, and to prohibit within such limits the construction of buildings or other structures of wood and other materials easily inflammable;
- (aa) To enact and enforce ordinances in relation to the prevention and suppression of fires, and to provide for the inspection of private property for the purpose of determining the existence [existence] of a fire hazard;
- (bb) To prescribe by ordinance or resolution the limits of districts within which shall be prohibited the location of shops, the prosecution of any trade or business, the storing of lumber, wood or other easily inflammable material in open places, or the carrying on of any other trade, business or occupation, or the storing of any material in any manner or circumstances which may increase the danger of fire;
- (cc) To regulate the construction of cellars and basements so far as the same in any manner affects the public safety or health;
- (dd) To provide for taking a census of the city;
- (ee) To provide for and regulate the numbering of buildings upon the streets and highways of the city;
- (ff) to regulate the planting and setting of trees, shrubs, flowers and plants in the streets of the city, and to exercise jurisdiction over all diseased or noxious trees, shrubs and plants;
- (gg) To regulate and control the disposition and handling of garbage, ashes, dead animals, tin cans, glass and refuse or sewage in the city, or any other thing detrimental to public health or good sanitation;
- (hh) To regulate and control traffic and the parking of automobiles and other vehicles upon the public streets or alleys of the city; to prohibit parking on designated highways, streets and alleys or parts thereof; to provide for the impounding of vehicles parked in violation of such regulation or prohibitions, and of vehicles abandoned and left on the streets, highways and alleys of the city; and to provide for the sale of any impounded vehicle which shall not be claimed an the impounding and other charges paid;

- (ii) To make and enforce all such local, police, sanitary and other regulations as are not in conflict with the general laws;
- (jj) To inspect, regulate and control all weights and measures and the use thereof, and to seize and destroy inaccurate or fraudulent weights and measures;
- (kk) To regulate and license taxicabs, jitneys, buses, and all kinds of vehicles used for the conveyance of persons and property for hire; and to regulate, license and control the drivers of such taxicabs, jitneys, buses and other vehicles above mentioned;
- (ll) To regulate and license hotels, rooming houses, restaurants, bowling alleys, and to restrict the number and location thereof;
- (mm) To regulate and license theaters, motion picture shows, public shows, exhibitions and other amusements; to regulate and license public dances or to prohibit the same;
- (nn) To regulate and license auctioneers, pawnbrokers, hawkers, peddlers, solicitors, transient merchants, junk dealers and junkyards;
- (oo) To license dogs and other animals, and to prevent their running at large;
- (pp) To provide for the inspection, and to regulate and license the manufacture, sale and keeping for sale, of provisions, foods, food supplies and beverages;
- (qq) To establish and maintain a fire department, to make rules and regulations in relation thereto; to provide equipment and fire stations, and make contracts or arrangements with any municipality for fire protection, and to furnish fire protection to any adjoining municipality;
- (rr) To provide for a system of civil service for its employees, including the employees of any city board of health;
- (ss) To provide for a system of compensation for its employees and their dependents in case of disability, injury or death of such employees;
- (tt) To regulate or prohibit the use, selling, storing and transportation of firearms and fireworks;
- (uu) To regulate and license billiard and pool tables, and rooms, and bowling alleys, and to restrict the number and location thereof.

**State law references** - Similar provisions, MCL 117.4e(2), MSA 5.2078, (2); MCL 117.4e(3), MSA 5.2078, (3); MCL 117.4b(1), MSA 5.2075, (1); MCL 117.4b(3), MSA 5.2075, (3); MCL 117.4h(1), MSA 5.2081, (1); MCL 117.4h(2), MSA 5.2081, (6); MCL 117.4h(3), MSA 5.2081, (3); MCL 117.4h(4), MSA 5.2081, (4); MCL 117.4h(6); MSA 5.2082, (6); MCL 117.4i(4), MSA 5.2082, (4); MCL 117.4i(5), MSA 5.2082, (5) MCL 177.4j(1), MSA 5.2083, (1); MCL 117.4i(9), MSA 5.2082, (9); MCL 117.4i(7), MSA 5.2082, (7); MCL 117.4i(8), MSA 5.2082, (8).

**ARTICLE 3. GENERAL PROVISIONS AFFECTING OFFICERS OF THE CITY****Section 3.1. Governing Body.**

There is hereby created a governing body, consisting of five (5) members, to be known as the “council,” and elected as hereinafter provided. Such council shall constitute the legislative body of the city, and, except as herein otherwise provided, shall have full power and authority to exercise all the powers conferred upon the city. In all cases where the word “council” is used in this Charter. The same shall mean and shall be synonymous with the terms “commission,” “common council,” “board of aldermen,” “governing body,” or “legislative body,” or any other synonymous term as the same may be used in any state or federal law in reference to the legislative or governing bodies of cities.

**Section 3.2. Officers To Be Elected.**

In the manner and at such times as is prescribed in this Charter, there shall be elected at large in the City of Keego Harbor, the following elective officers, namely: five (5) councilmen, one (1) justice of the peace, and one (1) constable.

**Editor’s note** – The office of justice of the peace was abolished pursuant to MCL 600.9921, MSA 27A.9921.

**State law reference** – Charter shall provide for the election of a legislative body and such other officers as deemed necessary, MCL 117.3(a), MSA 5.2073, (a).

**Section 3.3. Terms of Elected Officers.**

The terms of office of the first elective officers to be elected at the time of the adoption of this Charter are specified in the schedule. Thereafter the terms of office of the elective officers of the city shall be as follows: councilman three (3) years; justice of the peace, four (4) years, and constable two (2) years, and shall, with the exception of the justice of the peace, commence on and date from the first Monday following the election at which they were elected. The term of office of the justice of the peace shall commence on the date from the 4<sup>th</sup> day of July following his election.

**Editor’s note** - The office of justice of the peace was abolished pursuant to MCL 600.9921, MSA 27A.9921. The office of constable was abolished pursuant to MV+CL 117.32, MSA 5.2112.

**Section 3.4. Eligibility for Office in City.**

No person shall be elected or appointed to any office who is in default to the city. The election or appointment of any such defaulter shall be void. No person shall be eligible to any elective office of the city unless he shall be an elector and a taxpayer to the city, or exempt from taxes by operation of law, and shall have been a resident of the city for at least one (1) year immediately prior to the date of his appointment to any elective office or the election at which he is a candidate for office.

**State law reference** – Charter shall provide for the qualifications of city officers, MCL 117.3(d), MSA 5.2073, (d).

**Section 3.5. Vacancies in Office.**

A vacancy in any elective office shall be deemed to exist and it shall be the duty of the council to so determine and declare that a vacancy exists in any elective office when any ground specified by state law for creating a vacancy exists, or when any such officer dies, resigns, is removed from office, moves from the city, is convicted of a felony or of misconduct in office

under this Charter, is judicially declared to be mentally incompetent, or, in case of any member of the council, is absent from three (3) consecutive regular meetings of the council, unless excused by the council for cause to be stated in the record of the council proceedings.

### **Section 3.6. Resignations.**

Resignations of elected officers and officers appointed by the council shall be made in writing to the council, be filed with the clerk, and acted upon by the council at its next meeting following receipt thereof by the clerk. Resignations of officers appointed by the city manager, in the event of the office of city manager shall be created, shall be made in writing to the city manager, or to the council in the event of a vacancy in the office of city manager. Such resignation shall be acted upon within two (2) weeks following receipt of such resignation by the city manager or council.

### **Section 3.7. Filling Vacancies.**

(a) If a vacancy occurs in any elective office, the council shall, within thirty (30) days after such vacancy occurs, appoint a person who possesses the qualifications required of holders of said office, which person, so appointed, shall hold office until the next regular city election.

(b) If a vacancy occurs in an appointive office to which appointments are made by the council, the council shall, as soon as possible and in any event within sixty (60) days after such vacancy occurs, appoint a qualified person to fill such vacancy in the manner provided for making the original appointment.

(c) If a vacancy occurs in any appointive office other than those appointed by the council the city manager shall, within thirty (30) days thereafter, appoint a qualified person to fill such vacancy in the manner required for making the original appointment.

### **Section 3.8. Term of Office Cannot Be Shortened or Extended.**

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

### **Section 3.9. Increase or Decrease of 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 or the contract entered into. Nor shall the salary of any city officer, elective or appointive, be increased or decreased after his election or appointment during any fixed term of office for which he was elected or appointed.

**Section 3.10. Oath of Office and Bond.**

Every officer, elected or appointed, before entering upon the duties of his office, shall take the following oath of office:

STATE OF MICHIGAN        )  
  )  
  )        SS:  
COUNTY OF OAKLAND     )

I do solemnly swear (or affirm) that I will support the Constitution of the United States and the constitution of this state and I will faithfully discharge the duties of the office of \_\_\_\_\_ of the City of Keego Harbor according to the best of my ability.

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ A.D. 20\_\_.

Notary Public \_\_\_\_\_ County,  
My commission expires \_\_\_\_\_

and file the same with the clerk, except that the oath of the clerk and/or treasurer shall be filed with the mayor. Such officer shall also file with the clerk any bond or bonds required by this Charter or by the council; provided that the bond of the clerk and/or treasurer shall be filed with the mayor; provided further, that any bond furnished by any official covering the collection and handling of state, county or school taxes shall be filed as required by law. All bonds as required by this Charter or by the council, shall be in such amount as required by this Charter, and in the event no amount shall be specified in the Charter, then in such amount as shall be specified by the council.

**Section 3.11. Surety and Fidelity Bonds.**

Except as otherwise provided in this Charter, the council may require any officer or employee to give a bond, to be approved by the council, conditioned upon the faithful and proper performance of the duties of his office or employment, in such sum as the council shall determine. All elective officials and all officers or employees receiving, disbursing, or responsible for the city funds shall be bonded. The resignation or removal of any bonded officer or employee shall not, nor shall the appointment of another to the office or employment, exonerate such officer or employee or his sureties from any liability incurred by him or them. All official bonds shall be corporate surety bonds and the premiums thereon shall be paid by the city, except as otherwise provided in this Charter. No bond required by this section shall be renewed upon its expiration or in the event of the reappointment of any officer or employee to a position for which a bond is required, but a new bond shall be furnished. No bond, except those of the justice of the peace, shall be issued for a term exceeding three years.

**Section 3.12. Delivery of Office and Its Effects by Officer to His Successor.**

Whenever any officer or employee required by this Charter to be a resident, shall cease to be a resident of the city, resign, or be removed from office, or the term for which any officer has been

elected or appointed has expired, he shall, on demand, deliver to his successor in office or to his superior all the books, papers, moneys, and effects in his custody as such officer or employee, and which in any way appertain to his office or employment. Every person violating this provision shall be deemed guilty of a misdemeanor, and may be proceeded against in the same manner as public officers generally for a like offense under the general laws of the state, now or hereafter in force and applicable thereto. Every officer and employee of the city shall be deemed an officer within the meaning and provisions of such general laws of the state for the purpose of this section.

### **Section 3.13. Councilmen Not To Vote on Contracts in Which Interested.**

No member of the council shall vote in the matter of any contract, franchise, job, work or service, or the purchase or sale of any property, in which such member may be interested directly or indirectly, nor shall he at any time take any official action in such matters, but all such transactions shall be made by the authority of a majority of the councilmen elect, the member interested not voting. The reason for such member not voting shall be entered on the record.

## **ARTICLE 4. THE CITY COUNCIL**

### **Section 4.1. Organization Meeting; Selection of Mayor and Mayor pro tem.**

The council shall hold its organization meeting on the Tuesday immediately preceding the third Thursday in the month of the regular city election year at 7:00 o'clock p.m. at the place where council meetings are held, at which time one of its members shall be selected by the council to serve as mayor and one to serve as mayor pro tem, for the ensuing year. Such meetings shall be called to order and be presided over by the clerk until the mayor is chosen. The mayor and mayor pro tem shall serve as such until their successors have been chosen and have qualified as herein provided. In the event of vacancy occurring in the office of mayor or mayor pro tem, the council shall elect from its membership members to fill such vacancy or vacancies. (Ref. of 11-7-1995, 1)

**State law reference** – Charter shall provide for the election or appointment of a mayor, MCL 117.3(a), MSA 5.2073, (a).

### **Section 4.2. Duties of Mayor**

(a) Insofar as required by law, and for all ceremonial purposes, the mayor shall be the chief executive officer of the city. He shall have an equal voice and vote in the proceeding of the council, but shall have no veto power.

(b) He shall be a conservator of the peace, and may exercise within the city the powers conferred upon sheriffs to suppress disorder, and shall have the power to command the assistance of all able-bodied citizens to aid in the enforcement of the ordinances of the city, and to suppress riot and disorderly conduct.

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

(d) He shall exercise only such powers as the state laws, this Charter, or the council shall specifically confer upon or require of him.

**State law reference** – Charter shall provide for the duties of officers, MCL 117.3(d), MSA 5.2073, (d).

#### **Section 4.3. Duties of Mayor pro tem.**

The mayor pro tem shall preside over the meetings of the council at the call of the mayor, or, when, on account of absence from the city, disability, or otherwise, the mayor is temporarily unable to perform the duties of his office, and in case of vacancy in the office of mayor, until such vacancy is filled by the council.

**State law reference** – Charter shall provide for the duties of officers, MCL 117.3 (d), MSA 5.2073, (d).

#### **Section 4.4. Compensation of mayor and councilmen.**

As remuneration for his services to the city, the mayor shall receive the sum of twenty-five (\$25.00) dollars per year, or proportionally for any part thereof when he shall not remain in office for the entire year, and in addition thereto the sum of five (\$5.00) dollars for each meeting of the council attended by him, but not exceeding the total sum of one hundred (\$100.00) dollars for attendance at meetings. The other members of the council shall each receive the sum of five (\$5.00) dollars for each meeting of the council attended by such member, but not exceeding the sum of one hundred (\$100.00) dollars during any fiscal year. Such salaries shall be payable quarterly, and except as otherwise provided in this Charter, shall constitute the only compensation which may be paid to the mayor or councilmen for the discharge of any official duty for or on behalf of the city during their term of office. However, the mayor and councilmen may, upon order of the council, be paid such necessary bonafide expenses incurred on behalf of the city as are authorized and itemized.

**State law reference** – Charter shall provide for the compensation of officers, MCL 117.3 (d), MSA 5.2073, (d).

#### **Section 4.5. Judge Qualification of Members.**

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

#### **Section 4.6. Meetings of the council.**

(a) *Regular meetings.* The council shall provide by resolution for the time and place of its regular meeting, and shall hold at least one regular meeting each month. An organizational meeting shall be held on the Monday following each regular city election.

(b) *Special meetings.* Special meetings shall be called by the clerk on the written request of the mayor, the city manager or any two members of the council, on at least twenty-four (24) hours' written notice to each member of the council, served personally or left at his usual place of residence; but a special meeting may be held on shorter notice if all members of the council are present, or have waived notice thereof in writing.

(c) *Shall Be Open to the Public.* All regular and special meetings of the council shall provide that citizens shall have a reasonable opportunity to be heard

(d) *Quorum.* Three (3) 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, the mayor or two (2) members may adjourn any regular or special meeting to a later date, not exceeding one week.

(e) *To Determine Rules and Order of Business.* The council shall determine its own rules and order of business and shall keep a journal of all its proceedings in the English language which shall be signed by the mayor and the clerk. The vote upon the passage of all ordinances, and upon the adoption of all resolutions shall be taken by "Yes" and "No" votes and entered upon the record; except that where the vote is unanimous, it shall only be necessary to so state. Each member of the council who shall be recorded as present shall vote on all questions decided by the council unless excused by the unanimous consent of the other members present. Any citizen or taxpayer of the city shall have access to the minutes and records of all regular and special meetings of the council at all reasonable times.

**Editor's note**—The open meetings act, Public Act No. 267 of 1976 (MCL 15.261 et seq., MSA4.1S00(II) et seq.), has superseded all local charter provisions, ordinances or resolutions which relate to requirements for meetings of local bodies to be open to the public.

**State law references**—Charter shall provide for keeping in the English language a written or printed journal of each session of the legislative body, MCL 117.3(m), MSA 5.2073, (in); Charter shall provide that all records of the municipality be made available in compliance with the freedom of information act, MCL 1.5.231 et seq., MSA4.1S01(l) et seq.; Charter shall provide for the compensation of officers, MCL 117.3(d), MSA 5.2073, (d); Charter shall provide that the business the legislative body may perform shall be conducted in conformance with the open meetings act, MCL 117.3(1), JVISIA 5.2073, (U.

#### **Section 4.7. Restrictions on Powers of the Council.**

(a) There shall be no standing committees of the council.

(b) The council shall not have the power to make any contract with or give any official position to any person who is in default to the city. Further, the council shall not have the power to sell any property of value in excess of two (\$2.00) dollars per capita according to the last preceding federal census, or any park, cemetery, or any part thereof or any property bordering on a waterfront, or vacate any street or public place leading to a waterfront, or engage in any business enterprise requiring an investment of money in excess of ten cents per capita, unless approved by three-fifths (3/5) of the electors voting thereon at any general or special election.

(c) Except as otherwise provided in this Charter, no ordinance or resolution shall be adopted or passed except by the affirmative vote of at least three (3) members of the council.

**Section 4.8. Investigations.**

The council, or any person or committee authorized by it for the purpose, shall have power to inquire into the conduct of any department, office, or officer of the city and to make investigations as to municipal affairs, and for that purpose may subpoena witnesses, administer oaths, and compel the production of books, papers, and other evidence. Failure on the part of any officer of the city to obey such subpoena or to produce books, papers, or other evidence as ordered under the provisions of this section shall constitute misconduct in office. If such failure shall be on the part of any employee of the city, the same shall constitute a misdemeanor.

**ARTICLE 5. POLICE POWERS OF THE COUNCIL****Section 5.1. Intergovernmental Contracts.**

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

**Section 5.2. Parks and Recreational Facilities.**

The council shall have power to enact all ordinances deemed necessary for the establishment, maintenance and protection of all parks and recreational facilities, together with the improvements thereon and appurtenances thereto, owned or hereafter acquired by the city either within or without its corporate limits.

**Section 5.3. Cemetery Regulations.**

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

**Section 5.4. Trusts.**

The council may, in its discretion, receive and hold any property in trust for park, cemetery or other municipal purposes and shall apply the same to the execution of such trusts and for

no other purposes whatsoever. All trusts established for cemetery, park or other municipal purposes shall be used and continued in accordance with the terms of such trusts, subject to the common law cy pres doctrine.

#### **Section 5.5. House Trailers.**

The council shall, by ordinance, provide for the prohibition or regulation of the use, occupancy sanitation and parking of house trailers, and temporary structures, within the city. The right of the council to so regulate any house trailer shall not be abrogated because of any detachment thereof from its wheels or because of placing it on, or attaching it to, the ground by means of any temporary or permanent foundation, or in any manner whatsoever

**State law reference**—Mobile home commission act, MCL 125.2301 et seq., MSA 19.855(101) et seq.

#### **Section 5.6. Streets and Alleys.**

The council shall have power to establish, to vacate, subject to limitations provided by state law and by the provisions of this Charter, and to use, and to control and regulate the use of its streets, alleys, bridges and public places, whether such public places be located within or without the limits of the city, and the space above and beneath them. Such power shall include, but not be limited to, the proper policing and supervision thereof and to the licensing and regulation, or the prohibition of the placing of signs, awnings, awning posts and other things which are of such nature as to impede or make dangerous the use of sidewalks or streets, upon or over the sidewalks or streets of the city, and the licensing and regulation of the construction and use of openings in the sidewalks or streets, and of all vaults, structures, and excavations under the same.

#### **Section 5.7. Appropriation of Private Property.**

Private property may be taken and appropriated., either within or without the city, for any public use in connection with any acquisition, enlargement, or extension of municipal public utilities for supplying water, light, heat, power, gas, sewage treatment and garbage disposal, or any of them; for the purpose of opening, widening, altering and extending streets, alleys, and avenues; for the construction of bridges, for public buildings, and for other public structures, for public grounds, parking spades, parks and market places; for improvement of waters and watercourses within the city; for sewers, drains and ditches; for public hospitals, pest houses, quarantine grounds, and public cemeteries; and for other lawful and necessary public uses. The ownership of such property shall be acquired by the city by negotiation and purchase, or in any other manner permitted by the general laws of the state for the taking of private property for public use.

**State law reference**—Charter may provide for condemnation of private property, MCL 117.4e(2), MSA 5.2078, (2).

#### **Section 5.8. City Planning.**

The council may appoint and maintain a city planning commission in accordance with and having the powers and duties granted by the provisions of the state law relating to such commissions.

The council shall appropriate the necessary funds and provide all needed rules, regulations and ordinances for carrying into effect the work and purposes of such commission.

### **Section 5.9. Zoning.**

The council shall also maintain a zoning ordinance in accordance with the provisions of state law relating to such ordinances.

**State law reference**—Charter may provide for zoning, MCL 117.4i(3), MSA 5.2082, (3).

### **Section 5.10. Board of Health and Health Officer.**

The council shall constitute the board of health of the city. The board of health shall adopt rules and regulations for their own government and shall possess all powers, privileges and immunities granted to boards of health by state law. The board of health shall have supervision of all matters relating to the sanitary condition of the city and the preservation of the life and health of its inhabitants. The mayor shall be president of the board of health. The city clerk, as designated by the council, shall be the secretary and executive officer of the board of health, and shall have and exercise for the city, all the powers and authority conferred upon health officers by the general laws of the state, by this Charter and by the council.

### **Section 5.11. Plats.**

No lands or premises shall be laid out, divided and platted into lots, streets, and alleys within the city except by permission and approval of the council by resolution passed for that purpose; nor until the proprietor shall file with the clerk a correct survey, plan, and map of such ground and subdivision thereof platted and subdivided as provided by the council, and made to its satisfaction; showing also the relative position and location of such lots, streets, and alley~ with respect to the adjacent lots and streets of the city nor shall the city by reason of the approval of any such plat be responsible for the improvement, care and repairs of any streets and alleys shown thereon, excepting such of them as the council shall accept and confirm by ordinance or resolution. No plat shall be approved by the council wherein the lots mid subdivision thereof are described by metes and bounds, nor unless the same shall comply in all respects with the provisions of the state law.

### **Section 5.12. Limitation on Dedication of Streets.**

The council shall not accept dedication of streets unless and until the owners have provided facilities such as sewerage and water mains, and laterals, drains, surfacing of streets, sidewalks, and street lighting, acceptable to the council and equivalent to services already available to residents in that section of the city. The council shall establish specifications and standards of material and workmanship for all improvements required to be made under the provisions of this section and may require that all work done shall be subject to inspection and approval by the city manager, or by persons designated by him; or by the city council in the absence of a city manager. The city may refuse to accept, as compliance with the requirements of this section, any work, installation or improvement which does not conform to the specifications or standards established by it. In the installation of such facilities prior to

dedication there shall be no cost to the city. In lieu of compliance with the provisions of this section, the council may accept payment of any amount equal to the cost of complying with the provisions of this section to defray the expense of doing such work or the making of such installments or improvement by the city, or it may accept a surety bond guaranteeing completion of such improvements in compliance with this section.

### **Section 5.13. Publication.**

The council shall have power to determine the method of publication of all notices, ordinances, and proceedings required to be published by law, this Charter or by the council for which a mode of publication is not prescribed by this Charter or by law. In the event publication in a newspaper is required, then such publication shall be made in a newspaper as defined by state law and which shall be published or circulated in the city

**State law reference**—Charter shall provide for the publication of ordinances, MCL 117.3(k), IVISA 5.2073, (k).

## ARTICLE 6. CITY LEGISLATION\*

### **Section 6.1. Ordinance Enactment.**

The style of all ordinances shall be “The City of Keego Harbor Ordains.” No ordinances shall be revised, altered or amended by reference to its title only, but the section or sections of the ordinance revised, altered or amended shall be reenacted and published in full, except as otherwise provided in this Charter. An ordinance may be repealed by reference to its number and title only. The effective date of any ordinance shall be prescribed therein and shall not be less than ten (10) days after its adoption unless the council shall, upon attaching a declaration of emergency affecting the public peace, health or safety, fix an earlier date, but no ordinance imposing a penalty excepting such emergency ordinance shall take effect until at least ten (10) days after adoption, and no measure making or amending a grant, renewal or extension of a franchise or other special privilege shall ever be passed as an emergency measure. Such emergency ordinance may be made effective after publication in less than ten (10) days.

Each ordinance shall be identified by a number and a short title. All ordinances when enacted, shall be recorded by the clerk in a book to be called “Ordinances”; and it shall be the duty of the mayor and clerk to authenticate such record by their official signatures thereon.

### **Section 6.2. Technical Codes.**

The council may adopt any provision of state law or any detailed technical regulations as a city ordinance or code by citation of such provision of state law or by reference to any

**State law reference**—Charter shall provide for adopting, continuing, amending and repealing ordinances, MCL 117.3(k), MSA 5.2073, (k).

recognized standard code, official or unofficial, provided that any such provision of state law or recognized official or unofficial standard code shall be clearly identified in the ordinance adopting the same as an ordinance of the city.

**State law reference**—Adoption by reference of technical codes, MCL 117.3(k), MBA 5.2073, (k).

### **Section 6.3. Penalties.**

The council may provide in each ordinance for the punishment of those who violate its provisions. No punishment for the violation of any city ordinance, or for the commission by any officer of the city of any act declared by this Charter to constitute misconduct in office, shall exceed a fine of five hundred (\$500.00) dollars or imprisonment of ninety (90) days, or both such fine and imprisonment in the discretion of the court, except that any officer of the city found guilty of any act declared by this Charter to constitute misconduct in office, shall, in addition to such fine or imprisonment, or both, forfeit his office.

**Editor's note**—whether or not authorized by the city Charter, section 41 of Public Act No. 279 of 1909 (MCL 117.41, MBA 5.2083(2)) allows a city legislature to designate certain ordinance violations as civil infractions or municipal civil infractions.

Section 6.3 of the Charter has been superseded as to certain ordinances for which violation of have been designated by the city council punishable as a municipal civil infraction or a civil infraction.

• **State law reference**—Charter may provide for the punishment for violation of an ordinance, MCL 117.4i(10), MBA 5.2082, (10)

### **Section 6.4. Publication of Ordinances.**

Each ordinance passed by the council shall be published at least once within ten (10) days after the adoption of the ordinance by the council. Publication shall be effected by posting a copy of the same in at least three (3) public places in the city together with at least one of the following methods, to be stated in the ordinance, namely:

- (a) By publication of the ordinance in full after its final passage as a part of the published proceedings of the council in a newspaper circulated in the city~
- (b) By publication of the ordinance in full after its final passage in a newspaper circulated in the city;
- (c) By publication of a brief notice in a newspaper circulated in the city stating the date of enactment and effective date of such ordinance a brief statement as to the subject matter of such ordinance, and such other facts as the clerk shall deem pertinent, if any

The clerk shall, immediately after such publication and posting, enter in the record of ordinances, in a blank space to be left for such purpose under the record of the ordinance, a certificate under his hand, stating the time and places of publication and posting. Such certificate shall be prima facie evidence of the due publication and posting of the ordinance.

**State law reference**—Charter shall provide for the publication of all ordinances, MCL 117.8(k), MBA 5.2073, (k).

**Section 6.5. Ordinances Pertaining to Certain Public Interests.**

Every ordinance or resolution granting any franchise or right to occupy or use the streets, highways, bridges or public places in the city for any purpose for a period longer than thirty (30) days shall be complete in the form in which it is finally passed, and remain on file with the clerk for public inspection for at least one (1) week before the final passage or adoption thereof

Notice that any such proposed ordinance or resolution is so on file in the office of the clerk, stating briefly the subject matter of such ordinance or resolution, shall be given by the clerk by publication at least once in a newspaper circulated in the city, and by posting in not less than five (5) conspicuous places in the city, at least three (3) days prior to the end of such one-week period. No exclusive franchise or right to occupy or use the streets, highways, bridges or public places of the city shall ever be granted.

**Section 6.6. Compilation.**

(a) Copies of all ordinances enacted after the effective date of this Charter, and all amendments to this Charter, shall be prepared and kept on hand in the office of the clerk available for public distribution.

(b) The council shall have authority to direct the codification of ordinances adopted by the council at such time or times as shall be determined by the council.

(c) The copies of ordinances and of any compilation code, or codes referred to in this 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.

**State law reference**—Codification or ordinances, MCL 117.5b, MSA 5.2084(2).

**Section 6.7. Initiative and Referendum.**

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

**Section 6.8. Petitions—Initiatory or Referendary.**

An initiatory or a referendary petition shall be signed by not less than twenty-five (25) percent of the registered electors of the city, who have signed said petition within six (6) months before date of filing the petition with the clerk. Before being circulated for signatures, all such petitions shall be approved as to form by the clerk. No such petition need be on one paper, but may be the aggregate of two (2) or more petition papers. Each signer of a petition shall sign his name in ink or indelible pencil, and shall place thereon after his name, the date and his place of residence by street and number, or by other customary designation. To each petition paper there shall be attached a sworn affidavit by the circulator thereof, stating the number of signers thereto and that each signature thereon is the genuine signature of the person whose name it purports to be, and that it was made in the presence of the affiant. Such petition shall be filed with the clerk who shall, within ten (10) days, canvas the signatures thereon to determine the sufficiency thereof. If found to contain an insufficient number of

signatures of qualified electors of the city, or to be improper as to form or compliance with the provisions of this section, the clerk shall notify forthwith the person filing such petition, and ten (10) days from such notification shall be allowed for the filing of supplemental petition papers. When found sufficient and proper, the clerk shall present the petition to the council at its next regular meeting.

**Section 6.9. Council Procedure on Initiatory or Referendary Petition.**

Upon receiving such initiatory or referendary petition from the clerk, the council shall within thirty (30) days, either:

- (a) If it be an initiatory petition, adopt the ordinance as submitted in the petition;
- (b) If it be a referendary petition, repeal the ordinance to which the petition refers; or
- (c) Determine to submit the proposal to the electors.

**Section 6.10. Submission to Electors.**

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

**Section 6.11. Ordinance Suspended.**

The certification by the clerk of the sufficiency of a referendary petition, if signed by at least fifty (50) percent of the registered electors of the city, shall automatically suspend the operation of the ordinance in question pending repeal by the council or final determination by the electors as the case may be. An ordinance adopted by the electorate through initiatory procedure may not be amended or repealed by the council for a period of two (2) years after the date of the election at which it was adopted. Should two (2) or more ordinances, adopted at the same election, have conflicting provisions, the one receiving the highest vote shall prevail as to those provisions

**ARTICLE 7. APPOINTIVE OFFICERS AND ADMINISTRATIVE SERVICE\***

**Section 7.1. Administrative Officers, Appointment, Terms, Remuneration.**

(a) The administrative officers of the city shall be the clerk, treasurer, assessor, city attorney, health officer, chief of police, fire chief, and city manager in the event that office shall be created as hereinafter provided. The council may, by ordinance, create the office of city manager and specify the duties, authorities and responsibilities of such office. In the event

\***State law references**—Charter shall provide for the election or appointment of officers, MCL 117.3(a), MSA 5.2073, (a); Charter shall provide for the qualifications, duties and compensation of officers, MCL 117.3(d), MSA 5.2073, (d).

such office is created the council may provide that any administrative officer or department of the city except the attorney shall be placed under the administrative direction of said manager, and in such event the manager shall have the power to appoint, subject to confirmation by the council, such administrative officers of the city as are placed under his administrative direction, and shall have the power to discharge such administrative officers with the approval of the council. The council may, by resolution, create such additional administrative offices and prescribe the duties thereof as it may deem necessary for the proper operation of the city government. Any two or more, or all of such administrative officers, or any part of the powers and duties of any of them, may, by resolution of the council, be combined in any one person. No person shall be eligible to appointment as an administrative officer of the city unless he is a citizen of the United States.

(b) The city attorney, and the city manager in the event that office shall be created, shall hold office by virtue of appointment by the council, which body shall set their salaries or remuneration. They shall hold office at the pleasure of the council.

(c) All other administrative officers of the city shall likewise be appointed or selected by, and serve at the pleasure of, the city council, unless the appointment and selection of such officers, or any of them, shall be delegated to the city manager. In the event the appointment and selection of any administrative officer is delegated to the city manager, such officer shall be appointed or selected by, and serve at the pleasure to the city manager, whose appointment and discharge however shall be subject to the approval of the council.

(d) All personnel employed by the city who are not elected officers of the city, or declared to be administrative officers by or under authority of this section, shall be deemed to be employees of the city.

### **Section 7.2. City Manager and Acting City Manager.**

In the event the office of city manager shall be created, and a city manager shall be appointed, he shall be the chief administrative officer of the city government. He shall be chosen by the council solely on the basis of his executive and administrative qualifications, with special reference to his actual experience in, or his knowledge of, accepted practice in respect to the duties of his office as hereinafter set forth. At the time of his appointment he need not be a resident of the city or state, but during his tenure of office he shall reside within the city, except when excused by the council. The council may appoint an acting city manager, who shall, when directed by the council, perform the duties of the manager in case of his sickness, absence from the city, disability, suspension, removal or resignation.

**State law reference**—Employment of a chief administrative officer by a city, MCL 117.3(d), MSA 5.2073, (d).

### **Section 7.3. Compensation and Removal.**

The manager shall receive such compensation as shall be fixed by the council. If the council, for any reason, shall desire to remove the manager at any time, it shall notify him in writing, specifying the reasons for removal. Such notice may be served personally upon the manager or

it may be mailed to him by first class mail, addressed to his last known post office address He shall have ten (10) days after service of such notice upon him, or twelve (12) days after such notice shall be mailed, in the event the same shall be sent by mail, within which to request a hearing before the council. Such hearing shall be within seven (7) days thereafter and final action by the council on such removal shall be taken within thirty (30) days from the time of the commencement of such proceedings to remove him. The serving of the notice aforesaid or mailing of the same shall automatically suspend him from office pending the date fixed for the hearing. Except when removed for misconduct in office, the managers compensation shall continue during such thirty-day period, and, in the discretion of the council, for not more than an additional thirty-day period thereafter. When the manager shall be removed for misconduct in office, his compensation shall terminate immediately upon such removal.

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

In the event the office of city manager shall be created, and a city manager appointed, his functions shall be:

- (a) To see that all laws and ordinances are enforced under direction of the mayor.
- (b) To manage and supervise all public improvements, works, and undertakings of the city
- (c) To have charge of the construction, repair, maintenance, lighting, drains and cleaning of streets, sidewalks, bridges, pavements, sewers and of all public buildings or other property belonging to the city.
- (d) To manage and supervise all city utilities.
- (e) To be responsible for the preservation of property, tools, equipment and appliances of the city
- (f) To see that all terms and conditions imposed in favor of the city or its inhabitants in any public utility franchise, or in any contract, are faithfully kept and performed.
- (g) To attend all meetings of the council, with the right to take part in discussions, but without the right to vote.
- (h) To prepare and administer the annual budget under policies formulated by the council and keep the council fully advised at all times as to the financial condition and future needs of the city and make such recommendations as may seem to him advisable.
- (i) To recommend to the council for adoption such measures as he may deem necessary or expedient.
- (j) To be responsible to the council for the efficient administration of all departments of the city government.
- (k) To act as the purchasing agent for the city or delegate such duties to some other officer or employee of the city; provided, that such delegation shall not relieve him of any responsibility for the proper conduct of such duties.

- (l) To prepare and submit to the council as of the end of the fiscal year a complete report of the city's business and make the same available to the public in such form as will disclose pertinent facts concerning the activities and finances of the city government.
- (in) To conduct all sales of personal property which the council may authorize to be sold.
- (n) To assume all the duties and responsibilities as personnel director of all city employees or delegate such duties to some other officer or employee of the city; provided, that such delegation shall not relieve him of any responsibility for the proper conduct of such duties.
- (o) To perform such other duties as may be prescribed by this Charter or required of him by ordinance or by direction of the council, or which are not assigned to some other official in conformity with the provisions of this Charter.
- (p) To be a member ex officio, of all committees of the council.

### **Section 7.5. City Clerk.**

- (a) The clerk shall be clerk of the council. He shall give notice of its meetings, attend all meetings of the council and shall keep a permanent journal of its proceedings in the English language. He shall keep a record of all ordinances, resolutions, and actions of the council.
- (b) He shall have power to administer all oaths required by state law, this Charter and the ordinances of the city
- (c) He shall be custodian of the city seal, and shall affix it to all documents and instruments requiring the seal and shall attest the same. He shall also be custodian of all papers, documents, and records pertaining to the City of Keego Harbor, the custody of which is not otherwise provided for by this Charter. All reports of the city shall be public and the clerk and other officers entrusted with such records shall so maintain and keep the same that they may be available to the public at all reasonable times. He shall give to the proper officials of the city ample notice of the expiration or termination of any official bonds, franchises, contracts, or agreements to which the city is a party
- (d) He shall certify by his signature all ordinances and resolutions enacted or passed by the council and perform any other duties required of him by state or federal law, this Charter; or by the council and ordinances of the city.
- (e) He shall be the general accountant of the city, shall keep the books of account of the assets, liabilities, receipts, and expenditures of the city, and shall keep the council and city manager informed as to the financial affairs of the city. The system of accounts of the city shall conform to such uniform systems as may be required by law.
- (f) He shall examine and audit all accounts and claims against the city No withdrawals shall be made from any city fund which, after deducting all prior withdrawals there from, has not a sufficient amount therein to pay such proposed withdrawal.

## CHARTER

(g) He shall, at least, quarterly, and at any time upon direction of the city manager or council, examine and audit all books of account kept by any official, board, or department of the city He shall examine and audit all books of account of the treasurer and the justice court at least once each month.

(h) He shall balance all the books of account of the city at the end of each calendar month, and shall make a report thereon to the city manager, or council.

(i) He shall keep accurate detailed accounts of

1. All taxes assessed by the city, and all moneys due the city from any and every source.
2. All moneys received and the several sources from which derived.
3. All funds of the city and disbursements made there from.

(j) He shall perform such other duties in connection with his office as may be required of him by state or federal law, this Charter, the resolutions or ordinances of the council.

**State law reference**—Charter shall provide for the election or appointment of a clerk, MCL 117.3(a), MSA 5.2073, (a).

### **Section 7.6. City Treasurer.**

(a) The treasurer shall have the custody of all moneys of the city, the clerk's bond, except in event the clerk and treasurer shall be the same person, and all evidences of value belonging to the city, or held in trust by the city.

(b) He shall receive all moneys belonging to and receivable by the city, including license fees, taxes, assessments, and all other charges belonging to and payable to the city and shall in all cases give a receipt therefore.

(c) He shall keep and deposit all moneys or funds in such manner and only in such places as the council may determine. He shall report the same in detail to the clerk.

(d) He shall have such powers, <duties, and prerogatives in regard to the collection and custody of state, county, school district, and city taxes and moneys as are conferred by law to enforce the collection of state, county, township, and school district taxes upon real and personal property.

(e) He shall perform such other duties as may be prescribed for him by state or federal law, this Charter, or the city council.

**State law reference**—Charter shall provide for the election or appointment of a treasurer, JVICL 117.3(a), MSA 5.2073, (a).

### **Section 7.7. System of Accounts.**

The council may prescribe by ordinance or resolution for a system of accounts for all city moneys, which system of accounts shall conform to any uniform system which may be required by state law.

**State law reference**—Similar provisions, MCL 117.3(n), MSA 5.2073, (n).

Section 7.8. Assessor.

(a) The assessor shall possess all the powers vested in and shall be charged with all the duties imposed upon assessing officers by the general laws of the state.

(b) He shall make and prepare all regular and special assessment rolls in the manner prescribed by this Charter and the general laws of the state.

(c) He shall perform such other duties as may be prescribed for him by state law, this Charter, or the council.

**State law reference**—Charter shall provide for the election of an assessor or board or assessors, MCL 117.3(a), MSA 5.2073, (a).

Section 7.9. City Attorney.

(a) The city attorney shall act as legal adviser to, and attorney and counsel for, the council, and shall be responsible solely to the council. He shall advise any officer or department head of the city in matters relating to their official duties when so requested, and shall file with the clerk a copy of all written opinions given by him.

(b) He need not be a resident nor an elector of the city.

(c) He shall conduct for the city all cases in all courts and before all legally constituted tribunals whenever the city is a party thereto

(d) He shall prepare, or officially pass upon, all contracts, bonds, and other instruments in writing, in which the city is concerned, and shall certify before execution as to their legality and correctness of form.

(e) He shall file in the office of the clerk the original copy of all franchises granted by the city of all contracts and agreements entered into by or in behalf of the city, and of all papers constituting a part of the proceedings in all courts or legally constituted tribunals to which the city is a party, together with the proper data and information concerning the same.

(t) He shall be charged with the responsibility of calling to the attention of the council and the city manager all matters of law and changes or developments therein affecting the city.

(g) He shall perform such other duties as may be prescribed by this Charter or by the council.

(h) Upon the recommendation of the city attorney, approved by the city manager, or upon its own motion, the council may retain special legal counsel to handle any matter to which the city is a party or in which the city has an interest, or to assist and co-counsel with the city attorney therein.

(i) the city attorney shall be paid upon the salary or per-diem basis, or both, as determined by the council.

**Section 7.10. Other Administrative Officers.**

The duty of all administrative officers, not otherwise provided for herein, shall be those established by law or ordinance for such officers, or such as shall be prescribed by the city council.

**Section 7.11. Nepotism.**

Except and unless relatives by blood or marriage of the mayor, any councilman, or the city manager, within the second degree of consanguinity or affinity, are bona fide appointive officers or employees of the city at the time of the election of such officers or appointment of such city mayor, such relatives shall be disqualified from holding any appointive office or from being regularly employed by the city, during the term for which such mayor or councilman was elected, or during the tenure of office of such city manager. If the status of relationship between any employee of the city and any officer of the city changes to a relationship prohibited hereby after one (1) year following the employment of such person or election or appointment of such officer, the provisions of this section shall not apply

**Section 7.12. Civil Service.**

The council may provide, by ordinance, for a merit system of personnel management for employees in the service of the city

**State law reference**—Charter may provide for a system of civil service, MCL 117.4i(7), MSA 5.2082, (7).

**Section 7.13. Pension Plan.**

The council may present to the people of the city at any election an ordinance, which, if approved by a majority of those voting thereon, will make available to the regular administrative officers, and employees of the city and its departments or boards, a sound pension and retirement plan.

**Section 7.14. Employee Welfare Benefits.**

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

**State law reference**—Charter may provide for a system of compensation for employees and their dependents in the case of disability, injury or death of the employee, MCL 117.4i(8), MSA 5.2082, (8).

**ARTICLE 8. JUSTICE COURT\*****Section 8.1. Establishment of Court.**

There is hereby established a justice court in the city to be presided over by the justice of the peace elected in accordance with the provisions of this Charter.

**\*Editor's note**—This article has been superseded by MCL 600.9921, MSA27A.9921, which has abolished justice courts.

**Section 8.2. Compensation of Justices.**

The justice of the peace shall receive as his compensation the usual fees of this office as provided by statute. The council may however, by ordinance, whenever it deems that the best interests of the city will be served thereby provide the justice of the peace be paid an annual salary

**Section 8.3. Power and jurisdiction: General.**

The justice of the peace of the city shall have and exercise therein and within the county the same jurisdiction, powers and duties as are or maybe conferred upon or required of justices of the peace in townships by statute and shall be subject to such general laws with respect to such justices, except as otherwise provided in this Charter. They shall have concurrent jurisdiction with other justices in the County of Oakland as to all crimes, offenses, and misdemeanors when alleged to have been committed within the County of Oakland, whether within or without the city.

**Section 8.4. jurisdiction in Charter and Ordinance Cases.**

The justice of the peace shall have authority to hear, try and determine all suits and prosecutions for the recovery and enforcing of fines, penalties and forfeitures imposed by this Charter and the ordinances of the city and to punish offenders for the violation of such Charter and ordinances as in such Charter or ordinances prescribed and directed.

**Section 8.5. Extended jurisdiction.**

The justice of the peace shall also have:

- (a) jurisdiction to the amount of \$500.00 in all civil matters ex contractu and ex delicto with such exceptions and restrictions as are provided by law.
- (b) Such power and authority as can under Public Act No. 279 of 1909 (MCL 117.1 et seq., MSA 5.2071 et seq.), as amended, be conferred by this Charter to set aside the verdict or judgment in any civil cause and grant a new trial therein, to be exercised in such manner and on such conditions as provided in said act. The filing of a motion for new trial or to set aside a verdict or judgment shall have such an affect on the time for taking an appeal from any judgment and upon the issuance and levy of execution or other similar process and sale there under and on other proceedings in said cause as provided in said act.
- (c) Such additional powers and authority as may now or hereafter be conferred upon city justices of the peace by statute.

**Section 8.6. Procedure in Justice Court.**

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

**Section 8.7. Place and Conduct of Court.**

The council shall furnish necessary supplies and a suitable place for the conducting of court by the justice. It may regulate the hours of court of said justice and may make other necessary and proper rules and regulations for the conduct of the business of the court which are not inconsistent with this Charter or the statutes.

**Section 8.8. Transfer of Cases.**

In case of the absence, disability or disqualification of the justice, any other justice of the peace or municipal judge of the County of Oakland shall be qualified to act in the place of and for the justice in the performance of any of the duties imposed upon him by statute or this Charter.

The council shall by ordinance or resolution fix the compensation to be paid to such justice or judge for such services and the procedure to be followed in calling upon him so to act. Unless the council shall so provide by ordinance, no such justice shall so act or be entitled to compensation therefore.

**Section 8.9. Fees, Fines and Penalties; Prosecution of State Penal Cases.**

At such time as the council may fix an annual salary for the justice of the peace, all fees and all fines, penalties, forfeitures and moneys collected or received by the court shall be paid over to the city treasurer on or before the first day of the next month after the collection or receipt thereof and the court shall take the receipt of the treasurer therefore and file the same with the clerk. Failure of the presiding officer to comply with the foregoing provisions shall constitute misconduct in office.

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

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

**Section 8.10. Docket.**

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

**Section 8.11. Violation Bureau.**

The council shall have the power and authority by ordinance to establish a violations bureau and to define its powers and duties. The council shall also have the power and authority to provide that any or all violations of city, ordinances, except the violations hereafter specified, may be settled at the violations bureau by payment of predetermined penalties as set forth in

such ordinances in lieu of having the violation prosecuted in court. Such ordinances shall specify the form and manner of giving notice to those who violate such ordinances, the amount of such predetermined penalties for violation of such ordinances, and the terms and conditions under which such violations may be settled at the violations bureau. Acceptance of the prescribed line or penalty by the bureau shall be deemed to be complete satisfaction and settlement of such violation, and the violator shall be given a receipt which so states. This section shall not be applicable to violations involving reckless driving, driving under the influence of narcotic drugs or liquor, permitting the driving by one under the influence of narcotic drugs or liquor, or violations required by state law to be processed through court. It shall be the duty of the violations bureau to collect designated fines and penalties, issue receipts for moneys paid in settlement of violations, notify violators, when required, of violations, and shall perform such other duties as shall be prescribed by the council, or as may be permitted by state law.

### **Section 8.12. Constables.**

Except as in this Charter otherwise provided, all the provisions of the general law applying to the election, qualifications and compensation of constables in townships shall apply to the constables elected or appointed in the City of Keego Harbor. The council may appoint one constable in addition to the elected constable, who shall serve at the pleasure of the council.

**Editor's note**—The office of constable was abolished pursuant to MCL 117.32, MSA 5.2112.

### **Section 8.13. Powers of Constable—Compensation.**

Said constables shall have like powers and authority in matters of a civil and criminal nature and in relation to the service of process, civil and criminal, as are conferred by law on constables in townships. He shall have power also to serve all process issued for breaches of ordinances of the city. The compensation of the constable shall be the usual fees of that office as provided by the general laws of the state.

**Editor's note**—The office of constable was abolished pursuant to MCL 117.32, MSA 5.2112.

## **ARTICLE 9. SUPERVISORS\***

### **Section 9.1. Number of Supervisors.**

The city shall have the maximum number of representatives on the Oakland County Board of Supervisors to which it is entitled by statute.

### **Section 9.2. Appointment of Supervisors; and Term of Office.**

The representatives of the city on the board of supervisors shall be appointed by the council for an indefinite period and may be removed at the will of the council. Such representatives

**\*Editor's note**—This article has been superseded by MCL 46.401 et seq., MSA 5859(1) et seq.

**State law reference**—Board of supervisors, Mich. Const. 1963, art. VII, § 7

shall be qualified electors of the city, shall have been residents of the city for at least two years immediately prior to their appointment and may hold other elective or appointive city office or employment. In case any representative of the city on the board of supervisors shall be unable to perform the duties of his office for reasons of physical disability, the council may appoint *another* qualified person to serve temporarily in his stead.

### **Section 9.3. Duties of Supervisors.**

Except as otherwise provided in this Charter, the representatives of the city on the board of supervisors shall perform the statutory duties of supervisors. In the performance of his duties each supervisor shall represent the city, its inhabitants and its government to the best of his ability.

### **Section 9.4. Compensation of Supervisors.**

Representatives of the city on the board of supervisors who are not full-time city officers or employees shall be entitled to retain any compensation and expense allowances paid to them by the county as members of the board of supervisors, but shall receive no compensation from the city for their work as supervisors.

## **ARTICLE 10. ELECTIONS\***

### **Section 10.1. Wards and Precincts.**

The City of Keego Harbor shall consist of one (1) ward.

### **Section 10.2. Election Precinct.**

The council shall by ordinance, establish convenient election precincts which shall comply with the provisions of the state law. Until the council shall otherwise ordain, the election precincts or precincts of the city, as established on the effective date of this Charter, shall continue as so established.

**State law reference**—Charter shall provide for the establishment of wards, MCL 117.3(a), MSA 5.2073, (a).

### **Section 10.3. Election Procedure.**

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

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**\*State law references**—Charter shall provide for the time, manner and means of holding elections and the registration of electors, MCL 117.3(c), MSA 5.2073, (c); Michigan Election Law, I4CL 168.1 et seq., MSA 6.1001 et seq.

**Section 10.4. Qualifications of Electors.**

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

**State law references**—Qualifications of electors, Mich. Const. 1963, art. II, § 1; qualified elector defined, MCL 168.10, MBA 6.1010.

**Section 10.5. Nomination Petitions.**

Candidates for any elective office, to be voted for at any municipal election under the provisions of this Charter, shall be nominated by petition in the manner hereinafter prescribed, and the names of such candidates for any such office and no others shall be placed on the election ballot to be voted for at the next regular municipal election.

In order to qualify as a candidate for any elective office under this Charter it shall be necessary that a nominating petition for such person be filed with the clerk signed by no less than twenty-five (25) nor more than fifty (50) registered electors of the city not later than 4:00 p.m. on the Tuesday following the first Monday in August prior to the date of the regular city election. All official blank petitions in substantially the same form as required by state law for state and county officers, except for references to party, shall be prepared and furnished by the clerk. Before the clerk shall furnish any nomination petitions to any person, he shall enter thereon in ink the name of the person desiring to become a candidate for office in the city, or the person in whose behalf the petition is to be circulated, and the name of the office for which he is to be a candidate. The clerk shall maintain a record of all petitions so furnished for circulation, showing thereon the name of the candidate and the office for which he seeks nomination, which record shall be open to public scrutiny. Nomination petitions for the purpose of filling a vacancy shall so state in connection with the name of the office for which the petition is to be circulated. The clerk shall publish notice of the last day and time for filing nomination petitions at least one (1) week before and not more than three (3) weeks before that date; provided, however, that failure to publish such notice shall in no way relieve compliance with this article.

No person shall sign his name to a greater number of petitions for any one office than there will be persons elected to said office. Where any name appears on more petitions than there are candidates to be elected to said office, such name shall not be counted upon any petition for that office. -  
(Ref of 11-7-1995, § 3)

**State law reference**—Charter shall provide for the method of nomination of elective officers, MCL 117.3(b), MBA 5.2073, (b).

**Section 10.6. Approval of Petitions.**

The clerk shall accept for filing only nominating petitions on official blanks containing the required number of signatures for candidates having those qualifications required for elective city officers by this Charter. When petitions are filed by persons other than the person whose

name appears thereon as a candidate, they may be accepted for filing only when accompanied by the written consent of the person in whose behalf the petition or petitions are circulated. The clerk shall within three (3) days after the final filing date as above specified, determine the sufficiency of the signatures on each petition filed, and if he finds that any petition does not contain the required number of legal signatures of registered electors, he shall immediately notify the candidate in writing, either by personal service of such notice or by mailing the same by first class mail addressed to the last known post office address of such person, of the insufficiency of such petition and the candidate so notified shall be allowed five (5) days from the service of such notice or the mailing of the same in the event the same shall be mailed, to file a supplemental petition. Any candidate may withdraw his petition by so notifying the clerk in writing at any time prior to thirty (30) days before the election. The clerk shall not accept for filing any petition unless the same be accompanied by the affidavit of the person circulating such petition in substantially the following form:

“State of Michigan, County of Oakland, SS:

\_\_\_\_\_, being duly sworn, deposes and says that he or she is the circulator of the foregoing statement containing \_\_\_\_\_ signatures; that the signatures appended thereto were made in his or her presence, and are the signatures of the persons whose names they purport to be.

Signed \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_.

\_\_\_\_\_  
 Notary Public, Oakland County, Michigan.  
 My commission expires \_\_\_\_\_”

Each petition which is found by the clerk to contain the required number of signatures of registered electors for candidate shall be marked “Approved” with the date thereof and the clerk shall immediately so notify the candidate whose name appears therein in writing.

**Section 10.7. Public Inspection of Petitions.**

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

**Section 10.8. Regular City Elections.**

All elections for elective offices under the provisions of this Charter shall be by nonpartisan ballot. A regular City election shall be held annually on the Tuesday succeeding the first Monday in November beginning in 1991. To implement this provision, terms expiring April 1999 would be extended until November 1991; terms expiring April 1992 would be extended until November 1992; terms expiring April 1993 would be extended until November 1993.

(Referendum of 11-6-1990)

**Section 10.9. Special Elections.**

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

**Section 10.10. Election Commission.**

An election commission is hereby created, consisting of the clerk, mayor and one other member to be appointed by the city council. The clerk shall be the chairman. The members shall serve without compensation. The election commission shall appoint the board of election inspectors for each precinct and have charge of all activities and duties required of it by statute and this Charter relating to the conduct of elections in the city. The compensation of election personnel shall be determined in advance by the city council. In any case where election procedure is in doubt, the election commission shall prescribe the procedure to be followed.

**State law reference**—City board of election commissioners, MCL 168.25, MBA 6.1025.

**Section 10.11. Notice of Elections.**

Notice of the time and place of holding any city election and of the officers to be elected and the questions to be voted upon, shall be given by the clerk by publication at least once in some newspaper published or of general circulation in the city and, if deemed advisable by the council, by posting in two (2) or more conspicuous places in the city, not less than ten (10) days prior to such election. Notice of all other elections in the city shall be given in the same manner and at the same times as provided in the state election laws for the giving of notices in state elections.

**Section 10.12. Voting hours.**

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

**State law reference**—Voting poll hours, MCL 168.720 et seq., MSA 6.1720 et seq.

**Section 10.13. Form of Ballots.**

The form of the ballot used in any city election shall conform as nearly as may be to that prescribed by the general laws of the state except that no party designation or emblem shall appear upon any city ballot. The names of qualified nominees for each office shall be listed in a single column and shall be rotated on the ballots. In all other respects the printing and numbering of ballots shall conform to the general laws of the state relating to elections.

**State law reference**—Preparation, printing and delivery of official ballots, MCL 168.684 et seq., MBA 6.1684 et seq.

**Section 10.14. Canvass of Votes.**

The council shall be the board of canvassers to canvass the votes cast at all elections under this Charter. The council shall meet on the first Monday after each city election at 8:00 p.m.

at the regular meeting place of the city council, to publicly canvass the returns of such election, and shall determine the vote upon all questions and propositions, and declare whether the same have been adopted or rejected and what persons have been elected at such election. The candidate, or candidates, where more than one are to be elected to the same office, who shall receive the greatest number of votes, shall be declared to be elected.. In all cases where the same shall be required, a duplicate copy of such declaration or determination shall be filed with the county clerk.

**State law reference**—City board of canvassers, MCL 168.30a et seq., MSA 6.1030(1) et seq.

#### **Section 10.15. Tie Vote.**

If, at any city election, there shall be no choice between candidates by reason of two or more persons having received an equal number of votes, then the council shall name a time, date, and place for the appearance of such persons for the purpose of determining the election of such candidate by lot as provided by state law, and the result thereof shall be final in the determination of such election. Should any person or persons affected, by the provisions of this section fail or refuse to appear to determine the result of the election at the time and place named by the council, such determination shall be made in his or their absence at the discretion and under the supervision of the council and shall be final.

#### **Section 10.16. Recount.**

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

**State law reference**—Recounts, city boards of canvassers, MCL 168.861 et seq., MSA 6.1861 et seq.

#### **Section 10.17. Recall.**

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

**State law reference**—Recall, MCL 168.951 et seq., MSA 6.1951 et seq.

### **ARTICLE 11. GENERAL FINANCE AND BUDGET PROCEDURE\***

#### **Section 11.1. Fiscal and Budget Year.**

The fiscal and budget year of the city shall begin on the first day of July of each year and end on the thirtieth (30) day of June of the year following.

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**\*State law references**—Charter shall provide for an annual appropriation of money for municipal purposes MCI 117.3(h), MSA 5.2073, (h); municipal finance act, MCL 131.1 et seq., MSA 5.3188(1) et seq.; local government fiscal responsibility act, MCL 141.1201 et seq., MSA 5.3188(201) et seq.

**Section 11.2. Budget Procedure.**

Each city officer and department head shall submit to the city manager, if a city manager has been appointed, or in the absence of a city manager, then to the city clerk, upon his request an itemized estimate of the expenditures for the next fiscal year, for the department or activities under his control. The city manager, or clerk in his absence, shall prepare a complete itemized budget for the next fiscal year and shall submit it to the council on or before the regular February meeting of the council.

**Section 11.3. Budget Document.**

The budget document shall present a complete financial plan for the coming fiscal year and set forth the means of financing proposed expenditures. It shall include at least, the following information:

- (a) A budget message to the council, which shall contain an outline of the proposed financial policies of the council for the budget year and shall describe the important features of the budget plan. It shall set forth the reasons for salient changes from the previous year and shall explain any major changes in financial policy.
- (b) A budget summary by funds which need not be itemized further than by principal sources of anticipated revenue, stating separately the amount to be raised by property tax, and totals of departmental expenditures, in such a manner as to present to taxpayers a simple and clear summary of the detailed estimates of the budget.
- (c) A statement showing actual cash balance at the beginning of the preceding year, receipts and disbursements by accounts (titles used in classification of accounts) and departmental totals during that year, and the actual cash balance at the end of that year; the actual cash balance at the beginning of the current year, receipts and disbursements by accounts and departmental totals from the beginning of the year to date, and the closing balance at this date; estimated receipts and disbursements by accounts and departmental totals for the remaining part of the current year and the estimated opening cash balance, proposed budget receipts and disbursements by accounts and departmental totals, reasons for substantial increases and decreases as compared with current year, and estimated closing cash balance for the coming year.
- (d) 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
- (e) A statement of pending and proposed capital expenditures and retirements, relating the respective amounts proposed to be raised therefore by appropriations in the budget for down payments and other proposed expenditures, and the respective amounts, if any, proposed to be raised therefore by borrowing during the coming year, showing the debt redemption and interest requirements. Council shall include in the annual budget a proportional share of fixed assets replacement cost to provide a reserve for replacements.

- (f) A statement of statutory expenditures required, other than the requirements for public debt, and expenditures required for the payment of all judgments.
- (g) A statement showing any borrowing contemplated in the coming year, not included in other subsections hereof showing the debt redemption and interest requirements.
- (h) A statement of any accounts payable which must be liquidated in the coming year due to omission from disbursements of the year in which incurred.
- (i) A comparative statement of tax levies and tax collections for previous fiscal years, to be used as a basis for adequate allowance in the budget for uncollectible taxes.
- (j) Such supporting schedules, exhibits, work programs, and other explanatory material as the city manager or council may deem necessary or require.

#### **Section 11.4. 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 (1) week in advance by the clerk, as specified in the Charter. A copy of the proposed budget shall be on file and available to the public for inspection during office hours at the office of the clerk for a period of not less than one (1) week prior to such public hearing.

**State law reference**—Public hearings on budgets, Mich. Const. 1963, art. VII, § 32, MCL 141.411 et seq., MSA 5.3228(1) et seq.

#### **Section 11.5. Adoption of Budget and Tax Limit.**

Not later than the regular meeting in May, the council shall, by resolution, adopt the budget for the next fiscal year and shall, in such resolution, make an appropriation of the money needed for municipal purposes during the next fiscal year of the city and provide for a levy of the amount necessary to be raised by taxes upon a real and personal property for municipal purposes, which levy shall not exceed two (2) percent of the assessed valuation of all real and personal property subject to taxation in the city.

This amendment authorizes the annual levy of not to exceed 4.0 mills for 8 years, 2018 to 2026, for police purposes. Approval would increase the tax levy by 4.0 mills as new additional millage in excess of the limitation imposed by law. (November 7, 2017)

#### **Section 11.6. Budget Control and Amendments.**

After the budget has been adopted and become effective, 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 appropriation; provided however, that the council may amend such resolution at any time so as to authorize the transfer of any unencumbered appropriation balance or make such transfers within a department or office, or appropriate and allocate available revenues not included in the annual budget, and may make emergency appropriations as provided in the following section [11.7]. The city manager may at any time transfer any unencumbered appropriation balance or portion thereof, between general classifications or expenditures within a department or office. The balance of any appropriation, which has not been encumbered, at the end of the fiscal year shall revert to the general fund.

**Section 11.7. Emergency Appropriations.**

The council shall have the authority to make emergency appropriations to meet urgent and immediate needs at any time during the budget year. All resolutions of the council authorizing emergency appropriations shall state the purpose of the appropriation, the necessity therefore, amount of appropriation, and means of financing within the powers of the council. In the event such emergency appropriations or proposed emergency appropriations shall, during any fiscal year, aggregate more than one-half of one mill of the taxable real and personal property in the city as shown by the last preceding tax roll, then before final action shall be taken upon such appropriation, notice that the council intends to take action thereon shall be given by publication once in a newspaper circulated in the city at least seven days prior to the meeting at which action is to be taken. Such notice shall state the time and place of the meeting of the council and a brief statement as to the subject matter of the appropriation. No further notice shall be required in the event the hearing on such appropriation shall be adjourned to a subsequent meeting. In the event the council shall declare it necessary for the public health, safety and welfare of the city that the resolution providing for such appropriation be given immediate effect, then, with a favorable vote of at least four-fifths of the members of the council, the notice above provided for shall not be required, and such resolution may be given immediate effect.

**Section 11.8. Expenditures Control.**

At each regular meeting of the council, the city manager, or in his absence, the city clerk, 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 or expenditures greater 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.

**Section 11.9. Depository.**

The council shall designate the 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 or required by the council, except that personal surety bonds shall not be deemed proper security.

**State law reference**—Deposit of public moneys, MCL 211.43b, MSA 7.86.

**Section 11.10. Withdrawals of Funds.**

All funds drawn from the treasury shall be drawn pursuant to the authority and appropriation of the council and upon checks signed by two officers of the city to be designated by resolution of the council. Each such check shall specify the fund or funds from which it is payable and shall be paid from no other fund or funds.

**Section 11.11. Independent Audit.**

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 certified public accountants experienced in municipal accounting, and who shall have no personal interest, direct or indirect, in the fiscal affairs of the city government, or of any of its officers. The results of such audit shall be made public in such manner as the council may determine. An annual report of the city business shall be made available to the public by the city manager, or in his absence, the city clerk, in such form as will disclose pertinent facts concerning the activities and finances of the city government.

**ARTICLE 12. GENERAL TAXATION****Section 12.1. Power To Tax.**

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

**Section 12.2. Subjects of Taxation.**

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

**State law reference**—Similar provisions, MCL 117.3(f), MSA 5.2073, (f).

**Section 12.3. Exemptions.**

No exemptions from taxation shall be allowed except such as are expressly required or permitted to be made by state law. In the case of exemptions made to persons who, in the opinion of the assessor and board of review, by reason of poverty, are unable to contribute towards the public charges, the assessor or board of review shall require, as a condition to the grant of exemption, a trust deed or assignment to the city of all or any part of the real or personal property or insurance of the beneficiary of such exemption. Such trust deed or assignment shall be in such form as to be recordable in the office of the register of deeds of Oakland County and shall state the amount at which the property would have been assessed if it had not been exempted. No such trust deed or assignment shall deprive the owner of the property to whom tax exemption is granted of his right to freely occupy and use the property, but shall give the city, in the event that the ownership of such property is transferred to another in any manner whatsoever, such an interest therein as will provide for the payment to the city of an amount equal to all taxes, exclusive of interest, penalties, and collection fees,

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**\*State law references**—General property tax act, MCL 211.1 et seq., MSA 7.1 et seq.; Charter shall provide for the annual levying and collecting of taxes, MCL 117.3(g), MSA 5.2073, (g); rate of taxation, MCL 117.5(a), MSA 5.2084, (a).

which would have been levied by the city against the property of such owner had the exemption not been granted. Claims for exemptions shall be filed with the assessor prior to April 1 of each year.

#### **Section 12.4. Assessments.**

Unless otherwise provided by state law, the first day of January in each year shall be the assessment day for both real and personal property in the city. The council shall provide for the installation and the maintenance of a systematic or standardized plan of property assessment based upon the uniform application of established rules, techniques, and procedures, and shall annually provide funds for the proper administration and application of said plan of assessment. Such plan shall be a factor in estimating the true cash value of all real and personal property in the city

**State law reference**—Tax day MCL 211.2, MSA 7.2.

#### **Section 12.5. Time for Making Assessments Rolls.**

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

#### **Section 12.6. Valuing of Real and Personal Property.**

Said assessor shall estimate, according to state law, the value of every parcel of real property and set the same down opposite such description. He shall also estimate the value of all taxable personal property of each person and set the same down opposite the name of such person. Except in the case of uniform general increases in property assessments, in which cases notice shall be given by publication, the assessor shall give notice by first class mail of any increase in the assessment of any property to the owner thereof of record according to the last assessment roll of the city addressed to the address of such owner shown on such roll, but the failure on the part of the assessor to give any such notice or of any such owner to receive any such notice shall not invalidate any assessment roll of the city or any assessment thereon.

#### **Section 12.7. Board of Review—Appointment of Members.**

The board of review shall be appointed by the council and shall be comprised of three persons who are taxpayers to the city and who are, and have been residents of the city for not less than three (3) years. In the first instance, the full board shall be appointed, one (1) to serve for a term of one (1) year, one (1) to serve for a term of two (2) years, and one (1) to serve for a term of three (3) years. Thereafter, the council shall, annually in the month of February appoint one (1) member of the board to serve for the full term of three (3) years. Compensation shall be fixed by the council each year prior to the first meeting of the board of review.

**Section 12.8. Notice of Meeting.**

The clerk shall give notice to the public of the date, time and place of the first meeting of the board of review by publication at least once not less than ten (10) days immediately preceding such meeting.

**Section 12.9. Organization and Functions of the Board of Review.**

On the first day of its meeting in each year, the board of review shall elect one of its members chairman. The assessor shall be secretary of the board and shall attend its meetings with the privilege of participating therein but without the right to vote upon any decision of the board. It shall be the duty of the assessor to keep a permanent record of all proceedings, and to enter therein all resolutions and decisions of the board. A majority of the members of the board shall constitute a quorum. The members of said board shall take the constitutional oath of office which shall be filed with the clerk. For the purpose of reviewing and correcting assessments, the board of re-view shall have the same powers and perform like duties in all respects as they are by the general law conferred upon and required of boards of review in townships, in renewing assessments in townships for township, state, and county taxes. It shall hear the complaints of all persons considering themselves aggrieved by assessments, and if it shall appear that any person or property has been wrongfully assessed or omitted from the roll, the board shall correct the roll in such a manner as it shall deem just. In all cases, the assessment roll shall be reviewed according to the facts existing on the assessment day and no change of the status of any property after said day shall be considered by the board in making its decisions.

**Section 12.10. Meeting of Board of Review.**

The board of review shall meet in two sessions in each year at such time and place as shall be designated by the council. The first session of the board shall convene on the last Monday in April of each year and shall continue in session from day to day for the purpose of considering and correcting the roll for two days. In each case where the assessed value is increased or any property added to the rolls by the board, the secretary shall forthwith give notice to the owners thereof according to the last assessment roll of the city by first class mail not later than midnight of the Wednesday following the first meeting of the board, stating further the date, time, place, and purpose of the second session. The second session of the board shall convene on the first Monday of May of each year and shall continue in session for not less than eight (8) hours on said day to consider only those cases in which the assessed value of property was increased and of property which was added to the assessment roll by the board at the first session thereof. No assessment shall be changed in any way at any session of the board except by a motion regularly made and adopted by a majority of the members of said board, which motion, shall state the amount at which the assessment is fixed as reviewed by the board. Each day's proceedings of said board shall be read, approved, and signed by the chairman thereof. At the conclusion of the review of said rolls, and prior to the second Monday

in May following, said board shall prepare a signed statement, showing the final amended amount in gross and the additions or deductions made in total of assessed valuations of the real and personal property made by said board.

**Editor's note**—In accordance with MCL 211.30a, MSA 7.30(1) this section of the Charter is apparently superseded by section 20-1 of the Code.

#### **Section 12.11. Endorsement of Roll—Validity.**

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

**Editor's note**—In accordance with MCL 211.30a, MSA 7.30(1), this section of the Charter is apparently superseded by section 20-2 of the Code.

#### **Section 12.12. Clerk To Certify Tax Levy.**

After the council has adopted the budget for the ensuing year, the clerk shall certify to the assessor the total amount which the council determines shall be raised by general tax; all amounts of special assessments which the council requires to be assessed or reassessed upon any property or against any person; and all other amounts which the council may determine shall be charged, assessed, or reassessed against any person or property.

#### **Section 12.13. City Tax Roll.**

After the last day for the meeting of the board of review, the assessor shall prepare a copy of the assessment roll to be known as the "City Tax Roll," and upon receiving the certification of the several amounts to be raised, as provided in the preceding section, the assessor shall proceed forthwith to spread upon said tax roll the several amounts determined by the council to be charged, assessed, or reassessed against persons or property; and shall also proceed to spread the amounts of the general city tax according to and in proportion to the several valuations set forth in said assessment roll. For the purpose of avoiding fractions in computation on any tax roll, the assessor may add to the amount of the several taxes to be raised not more than the amount prescribed by state law. Any excess created thereby on any tax roll shall belong to the city.

#### **Section 12.14. Tax Roll Certified for Collection.**

After extending the taxes aforesaid and not later than the 15th day of June in each year, the assessor shall certify said tax roll, and the mayor shall annex his warrant thereto, directing and requiring the treasurer to collect from several persons named in said roll the several sums

mentioned therein opposite their respective names as a tax or assessment, and granting to him, for the purpose of collecting the taxes, assessments, and charges on such roll, all the powers and immunities possessed by township treasurers for the collection of taxes under the general laws of the state.

**Section 12.15. Taxes Lien on Property.**

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

**Section 12.16. Notification of Taxes Due.**

The treasurer shall not be required to call upon the persons named in the city tax roll, nor to make personal demand for the payment of taxes, but he shall give notice to the taxpayers of the city, at least ten (10) days prior to the first day of July in each year, of the time when said taxes will be due for the collection by publication, at least once in one or more of the newspapers published or circulated in the city, which notice shall be deemed sufficient for the payment of all taxes and assessments on said tax roll. Failure on the part of the treasurer to give said notice shall not invalidate the taxes on said tax roll nor release the person or property assessed from the penalty provided in this article in case of nonpayment of the same.

**Section 12.17. Collection of City Taxes.**

City taxes shall be due and payable on the first day of July of each year. To all taxes paid after September 14, there shall be added a two (2) percent penalty together with interest at the rate of three-quarter (3/4) of one (1) percent for each month or fraction of a month intervening between the first day of July and the date of payment. (November 3, 2009)

**Section 12.18. Delinquent Tax Roll to County Treasurer.**

If any of the city taxes on real property on the city tax roll remain unpaid on the first day of March following the date when said roll was received by the treasurer, it shall be his duty to return all such unpaid taxes on real property to the county treasurer in the same manner and with like effect as returns by township treasurers of township, school, and county taxes. Such returns shall be made upon a delinquent tax roll to be prepared by the treasurer and shall include all the additional charges and fees hereinbefore provided, which charges shall, in such return, be added to the amount assessed in said tax roll against each description. The taxes thus returned shall be collected in the same manner as other taxes returned to the county treasurer are collected under the provisions of the general laws of the state and shall be and remain a lien upon the lands against which they are assessed, until paid.

## KEEGO HARBOR CODE

### **Section 12.19. Protection of City Lien.**

The city shall have power to acquire by purchase any premises within the city at any tax or other public sale, or by direct purchase from the State of Michigan or the fee owner, when such purchase is necessary to protect the lien of the city for taxes or special assessments, or both, on said premises and may hold, lease, or sell the same for the purpose of securing there from the amount of such taxes or special assessments, or both, together with any incidental expenses incurred in connection with the exercise of this power. Any such procedure exercised by the city in the protection of its tax lien shall be deemed to be for a public purpose.

### **Section 12.20. State, County and School Taxes.**

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

### **Section 12.21. Apportioning of Tax on Portion of Taxed Item.**

Any person owning an undivided share or other part of any parcel of real property assessed in one description may pay on the share or part thus owned by paying an amount having the same relation to the whole tax as the value of the part on which payment is made has to the value of the whole parcel. The person making such payment shall accurately describe the part of share on which he makes payment and the receipt given and the record of the receiving officers shall show such description and by whom paid; and in case of the sale of the remaining part or share, for nonpayment of taxes, he may purchase the same in like manner as any disinterested person. The assessed values above referred to shall be determined upon the request of any interested party by the assessor, who, before making such determination, shall set a time for hearing and shall notify the interested parties by first class mail at their last known addresses, such notice to be mailed at least ten (10) days before the hearing.

## **ARTICLE 13. MUNICIPAL BORROWING POWER**

### **Section 13.1. General Borrowing.**

Subject to the applicable provisions of state law and this Charter, the council, by proper ordinance or resolution, may authorize the borrowing of money for any purpose, within the

scope of the powers vested in the city and the issuance of bonds of the city or other evidences of indebtedness therefore, and may pledge the full faith, credit, and resources of the city for the payment of the obligation created thereby.

Whenever any sum of money shall be required for the purchase of grounds, for erecting public buildings or for any other corporate purpose, and it shall be necessary to raise the same or any part thereof through the sale of general obligation bonds or any other bonds pledging the full faith and credit of the city, or both, such amount or any part thereof to the extent allowed by state law and within the limitations provided by this Charter; may be raised by loan if authorized by a three-fifths vote of the electors voting by ballot upon the question at a regular or special city election.

**State law reference**—Charter may provide for borrowing power of city, MCL 117.4a(1), MSA 5.2074, (1).

### **Section 13.2. Special Assessment Bonds.**

The council shall, subject to the applicable provisions of the general laws of the state, have authority to borrow money in anticipation of the payment of special assessments made for the purpose of defraying the cost of any public improvement, or in anticipation of the payment of any combination of such special assessments, and to issue bonds therefore. Such special assessment bonds may be an obligation of the special assessment district or districts and a general obligation of the city. All collections on each special assessment roll or combination of rolls shall be set apart in a separate fund for the payment of the principal and interest of the bonds issued in anticipation of the payment of such special assessments, and shall be used for no other purpose.

**State law reference**—Borrowing money and issuing bonds in anticipation of special assessments, MCL 117.4a(2), MSA 5.2074, (2).

### **Section 13.3. Mortgage Bonds.**

When the city is authorized to acquire, own, or operate any public utility, it may, in accordance with the provisions of Mich. Const. 1908, art. VIII, §~ 24, 25, issue mortgage bonds therefore beyond the general limit of bonded indebtedness prescribed by law in accordance with the provisions of the Michigan Constitution of 1908 pertaining thereto.

**State law reference**—Similar provisions, MCL 117.4c, MSA 5.2076.

### **Section 13.4. Other Bonds.**

The city shall have power to issue revenue or other types of bonds in the manner and for the purposes permitted by the constitution and general laws of the State of Michigan.

### **Section 13.5. Preparation and Record.**

Each bond or other evidence of indebtedness shall contain on its face a statement specifying the purpose for which the same is issued, and it shall be unlawful for any officer of the city to use the proceeds thereof for any other purpose, except that whenever the proceeds of any bond issue, or any part thereof shall remain unexpended and unencumbered for the purpose for

which said bond issue was made, the council may authorize the use of such unexpended and unencumbered funds for the retirement of such bond issue, or if such bond issue shall have been fully retired or if any of such funds remain after such retirement, then for the retirement of other bonds or obligations of the city. All bonds and other evidences of indebtedness issued by the city shall be signed by the mayor and countersigned by the clerk, under the seal of the city Interest coupons may be executed with the facsimile signatures of the mayor and clerk. A complete and detailed record of all bonds and other evidences of indebtedness issued by the city shall be kept by the clerk. Upon the payment of any bond or other evidence of indebtedness, the same shall be marked "Canceled". Any officer who shall violate the provisions of this section shall be deemed guilty of misconduct in office. No canceled bond shall be destroyed until ten (10) years have elapsed following its final retirement date.

#### **Section 13.6. Unsold Bonds.**

No issued but unsold bonds of the city shall be sold to secure funds for any purpose other than that for which they were specifically authorized, and if any such bonds are not sold within five (5) years after authorization, such authorization shall, as to such bonds, be null and void.

#### **Section 13.7. Unissued Bonds.**

No unissued bonds of the city shall be issued or sold to secure funds for any purpose other than that for which they were specifically authorized; and if any such bonds are not issued or sold within five (5) years after authorization, such authorization shall, as to such bonds, be null and void.

### **ARTICLE 14. SPECIAL ASSESSMENTS\***

#### **Section 14.1. General Power Relative to Special Assessments.**

The council shall have the power to determine the necessity of any local or public improvement, to establish special assessment districts, to determine the extent to which any special assessments district will be especially benefited by any local or public improvement, and, within the limits mentioned in this Charter, and for any part of the cost of such improvement, as determined by the council, as will not exceed the extent to which such district will be especially benefited thereby, may cause a special assessment to be levied for such improvement upon the property situated within such district and benefited thereby in proportion to the benefits received.

#### **Section 14.2. To Initiate Special Assessments.**

Proceedings for the making of public improvements within the city may be commenced by resolution of the council, on its own initiative, or by initiatory petition signed by property owners whose aggregate property in the special assessment district was assessed for not less

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\*State law reference—Charter may provide for assessing and reassessing the cost of public improvements, MCL 117.4d, MSA 5.2077.

than sixty (60) percent of the total assessed value of the privately-owned real property located therein, in accordance with the last preceding general assessment roll; provided, however, that in case of special assessments for paving or similar improvements which are normally assessed on a frontage basis against abutting property, such petitions shall be signed by owners to the extent of at least sixty (60) percent of the frontage of property to be assessed. If it shall appear that such petition was not signed by a sufficient number of property owners, then the petition shall not be presented to the council by the clerk. Such petition, in addition to the signatures of the owners, shall contain a brief description of the property owned by the respective signers thereof. Such petition shall be verified by the affidavit of one or more of the owners or by some person or persons with knowledge that said signers are such owners and that such signatures are genuine. The initiatory petition herein referred to shall be addressed to the council and filed with the clerk. Such petition shall in no event be mandatory upon the council.

#### **Section 14.8. Survey and Report.**

Before the council shall consider the making of any local or public improvement, the same shall be referred by resolution to the city manager, or to the clerk in the absence of a city manager, directing him to prepare a report which shall include necessary plans, profiles, specifications, and estimates of cost, an estimate of the life of the improvement, a description of the assessment district or districts, and such other pertinent information as will enable the council to decide the cost, extent, extent of benefits, and necessity of the improvement proposed and what part or proportion thereof should be paid by special assessments upon the property benefited and what part, if any, should be paid by the city at large. The council shall not determine to proceed with the making of any local or special improvement until such report of the city manager, or clerk in the absence of the city manager, has been filed, nor until after a public hearing has been held by the council for the purpose of hearing objections to the making of such public improvement. Notice of such public hearing shall be given by publication in a newspaper circulated in the city at least seven (7) days prior to such hearing.

#### **Section 14.4. Cost of Condemned Property Added.**

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

#### **Section 14.5. Determination on the Project, Notice.**

After the city manager, or clerk in his absence, has presented the report required in section 14.3 for making any local or public improvement as requested in the resolution of the council or petition and it has reviewed said report, a resolution may be passed determining the necessity of the improvement, setting forth the nature thereof the estimated life thereof the estimated cost thereof prescribing what part or proportion of the cost of such improvement shall be paid by special assessment upon the property benefited, which shall be in proportion to and in no event shall exceed, the benefits received, and what part, if any, shall be paid by the city at large, designating the limits of the special assessment district to be affected,

determining the extent to which each special assessment district will be especially benefited by such improvement, placing the complete information on file in the office of the clerk where the same may be found for examination; and directing the clerk to publish a notice of public hearing on the proposed improvement at which time and place opportunity will be given interested persons to be heard. Such notice shall be made by publication in a newspaper published or circulated within the city at least one (1) week prior to the holding of the hearing. The hearing required by this section may be held at any regular, adjourned, or special meeting of the council.

**Editor's note**—The notice requirements of this section are apparently superseded by MCL 2 11.741, MSA 51534(1).

#### **Section 14.6. Objections to Improvement.**

If, at or prior to such meeting of the council, more than fifty (50) percent of the number of owners of privately owned real property to be assessed for any improvement, or in case of paving or similar improvements more than fifty (50) percent of the number of owners of frontage to be assessed for any such improvement, shall object in writing to the proposed improvement, the improvement shall not be made by proceedings authorized by this article without at least a four-fifths (4/5) vote of the members of the council.

#### **Section 14.7. Determination by the Council.**

At the public hearing on the proposed improvement, all persons interested shall be given an opportunity to be heard, after which the council may modify the scope of the public improvement, if necessary, in such a manner as they shall deem to be in the best interest of the city as a whole. If the determination of the council shall be to proceed with the improvement, the resolution shall set forth the nature of the improvement, the estimated life thereof; the estimated cost thereof; designate the limits of the special assessment district to be affected, determine the extent to which each special district will be especially benefited by such improvement, prescribe what part or proportion of the cost of such improvement shall be paid by special assessment upon the property benefited, which shall be in proportion to and in no event shall exceed, the benefits received, and what part, if any, shall be paid by the city at large, specify the manner and method of paying for or financing the same in each case, and directing the assessor to prepare a special assessment roll covering that part of the cost of such improvement to be raised by special assessment.

#### **Section 14.8. Deviation From Plans and Specifications.**

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

**Section 14.9. Special Assessment Roll.**

The assessor shall make a special assessment roil of all lots and parcels of land within the designated district benefited by the proposed improvement and assess to each lot or parcel of land the amount chargeable against the same in proportion to but not exceeding the benefits received. The amount spread in each case shall be based upon the estimate of the cost thereof as determined by the council.

**Section 14.10. Assessor To Attach Certificate to Assessment Roll.**

When the assessor shall have completed such assessment roll, he shall file the same with the clerk, together with his signed certificate or endorsement in substantially the following form:

“To the City Council of the City of Keego Harbor:

I hereby certify and report that the foregoing is a special assessment roll, and the assessment made by me pursuant to a resolution of the council of said city, adopted \_\_\_\_\_ (give date) for the purpose of paying that part of the cost which the council decided should he paid and borne by special assessment for the (insert here object of the assessment); that in making such assessment I have, as near as may be, according to my best judgment, conformed in all things to the directions contained in the resolution of the council hereinbefore referred to, and the charter of the city relating to such assessment; that the total amount assessed against the property in each district, as designated by the council, is as follows: (here give amount assessed against each district); that the assessment was made upon each of the lots and parcels assessed in proportion to the benefits they would respectively receive from the same.

Date: \_\_\_\_\_ City Assessor.”

The clerk shall thereupon present the same to the council for review and certification by it.

**Section 14.11. Meeting To Review Special Assessment Roll—Objections.**

Upon receipt of such special assessment roll, the council by resolution shall accept such assessment roll and order it to be filed in the office of the clerk for public examination; shall fix the time and place the council will meet to review such special assessment roll and direct the clerk to publish a notice of a public hearing for the purpose of giving an opportunity for interested persons to be heard. Such notice shall be made by publication thereof in a newspaper circulated in the city at least one (1) week prior to the holding of the hearing. The hearing required by this section may be held at any regular, adjourned, or special meeting of the council. At this meeting all interested persons or parties shall present their objections, if any, to the assessments against them. The assessor shall be present at every meeting of the council at which a special assessment is to be reviewed.

**Editor’s note**—The notice requirements of this section are apparently superseded by MCL 211.741, MSA 5.3534(1).

**Section 14.12. Changes and Corrections in Assessment Roll.**

The council shall meet at the time and place designated for the review of such special assessment roll and at such meeting, or proper adjournment thereof shall consider all objections thereto submitted. The council may correct said roll as to any special assessment or description of any lot or parcel of land or other errors appearing therein; or it may, by resolution, annul such assessment roll and the same proceedings shall be followed in making a new roll as in the making of the original roll. If, after hearing all objections and making a record of such changes as the council deems justified, the council is satisfied with said special assessment roll, it shall thereupon pass a resolution confirming such roll, placing it on file in the office of the clerk, and directing the clerk to attach his warrant to a certified copy within ten (10) days, therein commanding the assessor to spread the various sums and amount, appearing thereon on a special assessment roll or upon the tax rolls of the city for the full amounts or in annual installments as directed by the council. Such roll shall have the date of confirmation endorsed thereon and shall from that date be final and conclusive for the purpose of the improvement to which it applies, subject only to adjustment to conform to the actual cost of the improvement, as provided in section 14.19 of this article.

**Section 14.13. Collection of Special Assessments.**

All special assessments, except installments thereon as the council shall make payable at a future time as provided in this article, shall be due and payable upon confirmation of the special assessment roll.

**Section 14.14. Partial Payments When Due.**

The council may provide for the payment of special assessments in annual installments. Such annual installments shall not exceed twenty-five (25) in number, the first installment being due not later than July 1 of the year following the year of confirmation of the roll, and the deferred installments being due annually thereafter, or, in the discretion of the council, may be spread upon and made a part of each annual city tax roll thereafter, until all annual installments have been spread. Interest shall be charged on all deferred installments at a rate not to exceed six (6) percent per annum, payable annually; the whole or any deferred installments, with interest accrued thereon to the date of payment, may be paid in advance of the due date as herein established.

**Section 14.15. Delinquent Special Assessments.**

Special assessments and all interest and charges thereon from the date of confirmation of the roll, shall be and remain a lien upon the property assessed of the same character and effect as the lien created by general law for state and county taxes, and by this Charter for city taxes, until paid. From such date after confirmation as shall be fixed by the council, the same collection fees shall be collected on delinquent special assessments and upon delinquent installments of such special assessments as are provided by this Charter to be collected on delinquent city taxes. Such delinquent special assessments shall be subject to the same penalties, shall be returned to the county treasurer for collection, and the property upon which the

same are a lien shall be subject to sale therefore, the same as are delinquent city taxes and the property upon which they constitute a lien.

#### **Section 14.16. Hazards and Nuisances.**

When any lot, sidewalk, building, or structure within the city, because of accumulation of refuse or debris, the uncontrolled growing of noxious weeds, or age or dilapidation, or because of any other condition or happening, becomes, in the opinion of the council, a public hazard or nuisance which is dangerous to the health, safety, or welfare of the inhabitants of the city or of those residing or habitually going near such lot, sidewalk, building or structure, the council may, after investigation, give notice by publication or by registered mail addressed to the last known address of the owner or owners of the land upon which such nuisance exists, or in case of a sidewalk the owner of the lands abutting upon same, or to the owner of the building or structure itself specifying the nature of the nuisance and requiring such owner to alter, repair, tear down, abate or remove the nuisance promptly and within a time to be specified by the council, which shall be commensurate with the nature of the nuisance. If, at the expiration of the time limit in said notice, the owner has not complied with the requirements thereof, or in any case where the owner of the land or of the building or structure itself is not known, the council may order such hazard or nuisance abated by the proper department or agency of the city which is qualified to do the work required, or may do the work by contract or by hire and the cost of such abatement assessed against the lot, premises, or description of real property upon which such hazard or nuisance is located, by special assessment)

#### **Section 14.17. Assessments in Isolated Cases.**

When any expense shall be incurred by the city upon or in respect to any separate or single lot, parcel of land or premises which, by the provisions of this Charter, the council is authorized to charge and collect as a special assessment against the same, and not being that class of special assessments required to be made pro rata upon several lots or parcels of land in a special assessment district, the manager shall report the same, with a description of the lot or premises upon or in respect to which the expense was incurred, and the name of the owner or person, if known, chargeable therewith, to the council in such manner as the council shall prescribe. The provisions of the preceding sections of this article with reference to special assessments generally, and the proceedings necessary to be had before making the improvements, shall not apply to assessments to cover the expenses incurred in respect to that class of improvements contemplated in this section.

#### **Section 14.15. Procedure in Such Cases.**

The council shall determine what amount or part of the expense of the improvement in any such case shall be charged, and the person if known, against whom, and the premises upon which, the same shall be levied as a special assessment; and as often as the council shall deem it expedient, it shall require all of the several amounts so reported and determined, and the several lots or premises and the persons chargeable therewith respectively to be notified by the clerk either by registered mail sent to their last known address

as shown on the assessment roll of the city or by publication. Such notice shall state the basis of the assessment, the cost thereof, and shall give a reasonable time which shall not be less than thirty (30) days, in which payment shall be made. Failure upon the part of the person to whom such notice was directed, to receive the same, will not invalidate such assessment. In all cases where payment is not made within the time limit, the same shall be reported by the clerk to the assessor, who shall spread such amounts against the several persons or descriptions of real property chargeable therewith on the next roll for the collection of city taxes.

#### **Section 14.19. Additional Assessments, Refunds.**

When any special assessment roll shall prove insufficient to meet the costs of the improvement for which it was made, the council may make an additional deficiency assessment in proportion to, but not exceeding, the benefits received. Should the assessment prove larger than necessary to five (5) percent or less, the council may place the excess in the general fund of the city. If more than five (5) percent, the excess shall be refunded pro rata according to assessments. In either case, the council may provide by resolution that the amount of any such excess may be allowed as a credit on the last installment where such installment still remains unpaid at the time the final cost of the improvement is determined.

#### **Section 14.20. Additional Procedures.**

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

#### **Section 14.21. Special Assessment Accounts.**

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

#### **Section 14.22. Contested Assessments.**

Except and unless notice is given to the council in writing of an intention to contest or enjoin the collection of any special assessment for the construction of any public improvement or the removal or abatement of any public hazard or nuisance, within twenty (20) days after the date of the resolution of the council confirming the assessment roll for such improvement, as required by section 14.12 of this article, which notice shall state the grounds on which the proceedings are to be contested, no suit or action of any kind shall be instituted or maintained for the purpose of contesting or enjoining the collection of such special assessment.

**Section 14.23. Reassessment for Benefits.**

Whenever the council shall deem any special assessment invalid or defective for any reason whatever, or if any court of competent jurisdiction shall have adjudged such assessment to be illegal for any reason whatever, in whole or in part, the council shall have power to cause a new assessment to be used for the same purpose for which the former assessment was made, whether the improvement or any part thereof has been completed or not, and whether any part of the assessment has been collected or not. All proceedings on such reassessment and for the collection thereof shall be made in the same manner as provided for the original assessment. If any portion of the original assessment shall have been collected and not refunded, it shall be applied upon the reassessment and the reassessment shall have been collected, the balance shall be refunded to the person making such payment.

**ARTICLE 15. CONTRACTS—ERANCIJISES—PERMITS****Section 15.1. City May Perform Public Work.**

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

**Section 15.2. Plans and Specifications.**

Except as otherwise provided in this Charter the responsibility for the preparation of plans and specifications, estimating of the cost, advertising for bids, supervision and approval of the work upon or for army public work or public or special improvement is vested in the city manager, or in his absence, then in the city clerk.

**Section 15.3. Contracts.**

Whenever it becomes desirable for the city to enter into a contract with a second party for any purpose whatever, such instrument shall be drawn or approved as to form by the city attorney and certified to by the clerk as to sufficiency of funds. The letting and making of such contracts is hereby vested in the council. The council, in its discretion, shall have the power to reject any or all bids. Copies of all contracts shall be filed in the office of the clerk. After approval by the council, such contracts shall be signed. by the mayor and the clerk.

**Section 15.4. Modifications in Contracts.**

When it becomes necessary in the prosecution of any work or improvement done under contract, to make alterations or modifications in such contract, such alterations or modifications shall be made only upon resolution of the council. No such order shall be effective until

the price to be paid for the material and work, or both, under the altered or modified contract shall have been agreed upon in writing and signed by the contractor and the city upon authority of the council, and a copy thereof and of the proceedings authorizing such alterations or modifications certified by the clerk, attached by the clerk to the original contract on file in his office.

#### **Section 15.5. Right of Regulation.**

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

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

#### **Section 15.6. Use of Streets by Utility.**

Every public utility franchise shall be subject to the right of the city to use, control, and regulate the use of its streets, alleys, bridges, and public places and the space above and beneath them. Every public utility shall pay such part of the cost of improvement or maintenance of streets, alleys, bridges, and public places, as shall arise from its use thereof and shall protect and save the city harmless from all damages arising from said use; and may be required by the city to permit joint use of its property and appurtenances located in the streets, alleys, and public places of the city, by the city, and other utilities insofar as such joint use may be reasonably practicable and upon payment of reasonable rental therefore; provided,

that in the absence of agreement, upon application by any public utility, the council shall provide for arbitration of the terms and conditions of such joint use and the compensation to be paid therefore, which award shall be final.

**State law references**—City control of highways, streets, alleys and public places, Mich. Const. 1963, art. VII, § 29; use of highways by public utilities, MCL 247.183 et seq., NSA 9.263 et seq.

#### **Section 15.7. Franchises.**

No franchise or grant which is not revocable at the will of the council shall be granted or become operative until the same shall have been referred to the people at a regular or special election and has received the approval of three-fifths (3/5) of the electors voting thereon at such election. All irrevocable public utility franchises and all renewals, extensions, and amendments thereof shall be granted only by ordinance. No such ordinance shall be adopted before thirty (30) days after application therefore has been filed with the council, nor until a full public hearing has been held thereon. No such ordinance shall be submitted to the electors at an election to be held less than thirty (30) days after the grantee named therein has filed with the clerk its unconditional acceptance of all of the terms of such franchise, and it shall not be submitted to a special election unless the expense of holding the election, as determined by the council, shall have been paid to the treasurer by the grantee. No exclusive franchise shall ever be granted and no franchise shall be granted for a longer term than thirty (30) years.

**State law references**—Conditions of granting a utility a franchise, Mich. Const. 1963 art. VII, § 25; submission of franchise to electors, MCL 117.5(i), NSA 5.2084, (i).

#### **Section 15.8. Control and Revocation.**

The council shall cause to be instituted such actions or proceedings as may be necessary to prosecute a public utility company for violations of its franchise, the city Charter, or ordinances of the city, and may revoke, cancel, or annul all franchises that may have been granted by the city which, for any reason, have become inoperative, illegal, or void and not binding upon the city.

#### **Section 15.9. Provisions Stated Not To Be Exclusive.**

The enumeration and specification of particular matters in this Charter which must be included in every franchise or grant shall never be construed as impairing the right of the council to insert in such franchise or grant any other and further matters, terms, or conditions as may be within the power of the city to impose or require and which the council shall deem proper to protect the interests of the people of the city.

#### **Section 15.10. Regulation of Rates.**

All public utility franchises shall make provision therein for fixing rates, fares, and charges, and for readjustments thereof at periodic intervals at the discretion of the city. 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, good will, or prospective profits.

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#### **Section 15.11. Revocable Permits.**

Temporary permits for public utilities, revocable at any time at the will of the council may be wanted by the council by ordinance 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.

## **ARTICLE 16. MUNICIPAL UTILITIES**

#### **Section 16.1. General Powers Respecting Utilities.**

The city shall possess hereby reserves to itself all the powers granted to cities by the constitution and general laws of the State of Michigan to acquire, construct, own, operate, improve, enlarge, extend, repair, and maintain, either within or without its corporate limits, public utilities, including, but not by the way of limitation, public utilities for supplying water, light, heat, 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, power, gas and other public utility services, without its corporate limits to an amount not to exceed the limitations set by state law and constitution.

**State law references**—Ownership of a public service facility by a city, Mich. Const. 1963, art. WI, § 24; Charter may provide for purchase or condemnation of utilities, MCL 117.4f; MSA 5.2079.

#### **Section 16.2. Rates.**

The council shall have the power to fix, from time to time, such just and equitable rates as may be deemed advisable for supplying the inhabitants of the city and others with water; with electricity for light, heat, and power; and with such other utility services as the city may provide.

#### **Section 16.3. Utility Charges—Collection.**

The council shall provide by ordinance for the collection of all public utility service or connection charges made by the city. With respect to water the city shall have all the power granted to cities by Public Act No. 178 of 1939 (MCL 123.161 et seq., MSA 5.2531(1) et seq.). When any person, firm or corporation shall fail or refuse to pay to the city any sums due on service, connection or utility bills, service or services upon which such delinquency exists may be shut off or discontinued, and suit may be instituted by the city for the collection of the same in any court of competent jurisdiction. The city shall also have a lien for any utility connection charges or service provided or furnished by it upon any lands, buildings or parcels of land to which such services are furnished. Such lien may be enforced in the manner prescribed in this Charter for the enforcement of tax liens, or in such other manner as shall be prescribed by ordinance. The official records of the proper officer of the city having charge of collecting such utility or service charges shall constitute notice of the pendency of such lien. Such ordinance, or ordinances, may also provide for the addition and collection of penalties for failure to pay such charges when due.

**Section 16.4. Accounts.**

Separate accounts, distinct from any other city accounts shall be kept for each public utility owned or operated by the city in such manner as to show the true and complete financial result of such city ownership or operation, or both, including all assets, liabilities, revenues and expenses. They shall show as nearly as possible, the value of any service furnished to or rendered by any such public utility by or to any other city department. The council shall annually cause a report to be made, showing the financial results of such city ownership or operation, or both, which report shall give for each utility, the information specified in this section, and such further information as the council shall deem expedient. Such report shall be on file in the office of the clerk for public inspection.

**Section 16.5. Disposal of Plants.**

The city shall not sell, exchange, lease or in any way alien or dispose of the property, easements, income, or other equipment, privileges or asset belonging to and appertaining to any utility which it may acquire, unless and except the proposition for such purpose shall first have been submitted, at an election held for that purpose in the manner provided in this Charter, to the electors of the city who are qualified to vote on questions involving the direct expenditure of money or the issuance of general obligation bonds of the city, and approved by them by a three-fifths (3/5) majority vote of the electors voting thereon. All contracts, negotiations, licenses, grants, leases or other forms of transfer in violation of this provision, shall be void and of no effect as against the city. The provisions of this section shall not, however, apply to the sale or exchange of any articles of equipment of any city-owned utility as are worn out or useless, or which could, with advantage to the service, be replaced by new and improved machinery or equipment.

**ARTICLE 17. CITY LIABILITY****Section 17.1. Notice to City of Claim for Negligent Injury.**

No action shall be brought against the city for any negligent injury to person or property unless brought within the period limited by law from the time such injury was sustained, nor unless the person or persons claiming to be so injured shall serve or cause to be served, within sixty (60) days after such injury shall have occurred, a notice in writing upon the clerk, which notice shall set forth substantially the time and place of such injury, and the nature thereof the manner in which it occurred, the extent of such injury so far as the same has become known, the names and addresses of the witnesses known at the time by claimant, and the statement that the person receiving such injury intends to hold the city liable for such damages as may have been sustained by him. No person shall bring any action against the city to recover for any negligent injury to person or property unless he shall also present to the

\***State law reference**—Governmental liability for negligence, 1VICL 691.1401 et seq., MSA 3.996(101) et seq.

clerk his claim in writing and under oath, setting forth particularly the nature and extent of such injury and the amount of damages claimed by reason thereof which claim shall be presented to the council.

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

**Editor's note**— As to public buildings, this section is apparently superseded by IVICL 691.1406, MSA 3.996(106).

### **Section 17.2. Notice to City of Claim for Injury Arising From Street Defects.**

The city shall not be liable in damages sustained by any person in the city; either to his person or property, by reason of any defective highway, street, bridge, sidewalk, crosswalk, or culvert, or by reason of any obstruction, ice, snow or other encumbrance upon such street, sidewalk, crosswalk, or public highway, situated in the city, unless such person shall serve or cause to be served, within sixty (60) days after such injury shall have occurred, a notice in writing upon the clerk, which notice shall set forth substantially the time and place of such injury, the nature of the defect, the manner in which it occurred, and the extent of such injury as far as the same has become known, the names and addresses of the witnesses known at the time by claimant, and a statement that the person receiving such injury intends to hold the city liable for such damages as may have been sustained by him. No person shall bring any action against the city for any damages to person or property arising out of any obstruction, ice, snow or other encumbrance upon such street, sidewalk, crosswalk, or public highway, situated in the city, unless he shall also present to the clerk his claim in writing and under oath, setting forth particularly the nature and extent of such injury and the amount of damages claimed by reason thereof, which claim shall be presented to the council.

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

**Editor's note**— This section is apparently superseded by MCL 691.1404, MSA 3.996(104).

### **Section 17.3. No Estoppel by Representation.**

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

## **ARTICLE 18. MISCELLANEOUS**

### **Section 18.1. Tense.**

Except as otherwise specifically provided or indicated by the context, all words used in this Charter indicating the present tense shall not be limited to the time of the adoption of this

Chaffer, but shall extend to and include the time of the happening of any event or requirement for which provision is made therein, either as a power, immunity, requirement, or prohibition.

### **Section 18.2. Headings.**

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

### **Section 18.3. Effect of Illegality of any Part of Charter.**

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

### **Section 18.4. Meaning of Certain Names and Words Used.**

Whenever used in this Charter, unless the context implies otherwise, the word “state” shall mean “State of Michigan”; the word “city” shall mean the “City of Keego Harbor”; the word “council” shall mean “common council” where the latter term is used in the state statute to designate the governing body of the city; words referring to the several officers where not preceded with the word “city” shall be deemed to mean such officers of the city; words implying the singular number only may extend to and embrace plural number, and words implying the plural number may be applied relative to the singular number; words implying the masculine gender only may extend and be applied to those of the feminine gender or neuter gender.

### **Section 18.5. Clerk To Perform Duties of City Manager in Certain Cases.**

In the event a city manager shall not be appointed, or should a vacancy at any time exist in such office, the city clerk shall perform the functions which would otherwise be performed by the city manager unless the council shall otherwise direct.

### **Section 18.6. Amendments.**

This Charter may be amended at any time in the manner provided in Public Act No. 279 of 1909 (MCL 117.1 et seq., MSA 5.2071 et seq.), as amended. Should two (2) or more amendments, adopted at the same election, have conflicting provisions, the one receiving the largest affirmative vote shall prevail as to those provisions.

## **ARTICLE 19. SCHEDULE**

### **Section 19.1. Election on Adoption of Charter.**

This Charter shall be submitted to a vote of the registered electors of the City of Keego Harbor for adoption at a special city election to be held on April 19, 1955. The secretary of this

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commission shall post a notice of such election, the location of the polling place, that on the date -fixed therefore the question of adopting such proposed Charter will be voted upon, and that the elective officers provided for in the Charter will be elected on the same date, in at least ten public places within the city not less than ten days prior to such election, and shall publish a similar notice along with the publishing of the Charter in the Inter-Lake News on March 31, 1955.

### **Section 19.2. Election Commission.**

The charter commission shall be the election commission for such special election upon the adoption of this Charter and for the election of the first elective officers of the city. The chairman of the charter commission shall be the chairman of the election commission, and the secretary of the charter commission shall act as secretary of the election commission, and shall perform such duties in connection with the work of the commission as are prescribed by the commission and this Charter.

### **Section 19.3. Inspectors of Election.**

The inspectors of election for this election shall be those persons designated by the charter commission in its meeting of February 17, 1955.

### **Section 19.4. Board of Canvassers.**

The board of canvassers of this election shall be those persons designated by the charter commission in its meeting held on February 17, 1955.

### **Section 19.5. Registration.**

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

The board of registration may on such last day for registration procure from the township clerk of the Township of West Bloomfield, Michigan, the records of the clerk of the persons who are registered township electors residing in the City of Keego Harbor and shall incorporate such records with their records and shall cause all such persons to be registered as city electors in the same manner as though such persons had then and there applied for registration and all such persons shall be deemed to be registered as city electors. Subsequent to the election, the registration records shall be delivered to the city clerk. -

**Section 19.6. Notice of Registration.**

The secretary of the election commission shall give notice for the board of registration of the days, hours and place that the registration will be conducted by publishing the same in the Inter-Lake News on March 3 and March 10, 1955. At least ten (10) days' public notice shall be given of the time and place for holding the registration.

**Section 19.7. Election Precinct.**

For the purpose of this election, the entire City of Keego Harbor shall constitute one voting precinct, notwithstanding other provisions in this Charter. The polling place for such precinct shall be at Roosevelt School, Cass Lake Road, Keego Harbor, Michigan.

**Section 19.8. Form of Ballot.**

The form of the ballot on submission of this Charter shall be substantially as follows:

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

Shall the proposed Charter for the City of Keego Harbor, framed by the charter commission which was elected on December 14, 1954, and which has been approved by the Governor of the State of Michigan, be adopted. -

~ YES

~ NO

**Section 19.9. First Election of Officers.**

At the election upon the adoption of this Charter, the first elective officers of the city under this Charter, viz: five (5) councilmen, a justice of the peace, and a constable shall be elected. The nomination and election of such first elective officers shall be conducted, as nearly as may be in the manner prescribed for the election of officers in this Charter, and candidates therefore shall be nominated by the filing of petitions, signed by not less than twenty-five (25) nor more than fifty (50) of the qualified electors of such city and filed with the secretary of this charter commission not later than 12:00 noon on March 22, 1955.

The board of canvassers shall canvass the vote on the adoption of this Charter and the election of the first elective officers there under, and determine the result of the vote at such election in each case at a meeting to be held on April 20, 1955, in conjunction with a meeting of this charter commission.

The secretary of the charter commission shall publish a notice in the Inter-Lake News giving the time within which nominating petitions may be filed for the elective officers to be voted upon at the election above mentioned.

**Section 19.10. Terms of Office of First City Officers Elected.**

The terms of office of the first elective officers elected at the time of the adoption of this Charter shall commence on and date from the 25th day of April, 1955. Such officers shall hold office for the following terms:

- (a) The two councilmen receiving the highest number of votes shall hold office until the election and qualification of their successors following the regular city election in April 1958.
- (b) The two councilmen receiving the next highest number of votes shall hold office until the election and qualification of their successors following the regular city election in April 1957.
- (c) The councilman receiving the next highest number of votes shall hold office until the election and qualification of his successor following the regular city election in April 1956.
- (d) The justice of the peace elected at such election shall hold office until July 4, 1956, and his successor shall be elected at the regular city election in April, 1956.
- (e) The constable elected at such election shall hold office until the election and qualification of his successor following the regular city election in April, 1956.

**Section 19.11. First Meeting of First City Officers.**

The council -first elected under this Charter shall assemble at 8:00 p.m. on April 25, 1955. The meeting shall be called to order by the chairman of the charter commission. At this meeting each elective officer of the city shall take and subscribe to his oath of office and shall thereupon be qualified for the office to which he was elected and shall assume the duties of such office. At this first meeting the city council shall appoint two of its members as a mayor and mayor pro tem, respectively, who shall immediately assume their respective duties.

**Section 10.12. Procedure Governing Election.**

All of the provisions of this article shall apply to the procedure for the first election of city officers. In all other respects not otherwise provided for in this article 19, the election procedure at such special election shall be in accordance with the provisions of the other articles of this Charter.

**Section 19.13. First Administrative Officers of the City.**

At such first meeting, or as soon thereafter as may be, the council shall appoint a clerk, a treasurer, an assessor, and such other of the administrative officers of the city as the council shall deem necessary for the functioning of the city government. Each appointed officer shall hold his office subject to the provisions of this Charter.

**Section 19.14. Status of Schedule Article.**

The purpose of this schedule article is to inaugurate the government of the City of Keego Harbor under this Charter, amid it shall constitute a part of this Charter only to the extent and for the time required to accomplish that end. This article shall become effective upon the adoption hereinafter set forth.

**RESOLUTION OF ADOPTION**

At a meeting of the charter commission of the City of Keego Harbor held February 22, 1955, the following resolution was offered by Commissioner Loveland and seconded by Commissioner Odell:

RESOLVED, that the charter commission of the City of Keego Harbor does hereby adopt the foregoing proposed city Charter, and the secretary of the commission is hereby instructed to transmit the same to the governor of the State of Michigan, in accordance with the provisions of the statute, for his approval, and to publish same in the Inter-Lake News on April 7, 1955.

The vote on the adoption of said resolution was as follows:

Ayes: Commissioners Abbott, Covey, Leaf, Loveland, Odell, Ross and Webb.

Nays: None.

Absent: Doyle and Moshier.

Signed: Lylla Ross, Secretary of the Charter Commission of the City of Keego Harbor.

Countersigned by the following commissioners: Warren MI. Abbott, Benjamin E. Covey, Charles M. Loaf John E. Loveland, Benjamin J. Moshier, Ralph E. Odell, Lylla Ross, Wilma Webb.

STATE OF MICHIGAN        )  
  )  
COUNTY OF OAKLAND        )        ss:

LYLLA MI. ROSS, Secretary of the Charter Commission of the City of Keego Harbor, being duly sworn, says that at an election duly called and held in the City of Keego Harbor on the 14th day of December, 1954, the following named persons were duly elected as the charter commissioners to frame a charter for the City of Keego Harbor, namely: Warren MI. Abbott Benjamin F. Covey, Lewis M. Doyle, Charles M. Leaf, John E. Loveland, Benjamin I. Moshier, Ralph F. Odell, Lylla W. Ross and Wilma Webb; that the annexed and foregoing Charter was duly framed and adopted by said charter commission by the foregoing resolution which is a true and correct copy thereof and that the said charter commission directed that said charter be presented to the electors of the City of Keego Harbor in accordance with the requirements of the laws of the State of Michigan which provide therefore.

§ 19.14

KEEGO HARBOR CODE

Lylla Ross, Secretary of the Charter Commission  
of the City of Keego Harbor.

Dated February 22, 1955

Subscribed amid sworn to before me this 22nd day of February, A.D. 1955.

John L. Estes, Notary Public, Oakland County, Michigan  
My commission expires August 6, 1958.

I do hereby certify that the above and foregoing is a true copy of the proposed Charter of the City of Keego Harbor which has this day been approved by the charter commission of the City of Keego Harbor.

Dated February 22nd, 1955.

Lylla Ross, Secretary of the Charter Commission  
of the City of Keego Harbor.

GOVERNOR'S APPROVAL

I do hereby approve the above and foregoing Charter of the City of Keego Harbor.  
Approved: G. MENNEN WILLIAMS  
Governor of the State of Michigan

Dated March 25, 1955.

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This table shows the location of the sections of the basic Charter and any amendments thereto.

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