

THE CHARTER OF THE CITY OF WIXOM

INTRODUCTION

Wixom is "A Community with Character," settled in 1832 and chartered in 1958, with over a century of historical progress. Wixom has continued with its excellent planning, incorporating industry, business and its people. This revised charter continues on with that Wixom tradition.

We, the people of Wixom, in our endeavor to perpetuate safe, healthful and pleasant surroundings for our posterity, endorse and encourage, with this charter, a rededication of our citizenry and representative officials to the principles of responsible government, a well-planned community, respect for our heritage, and protection of the natural environment characteristic of our City.

CHAPTER 1 NAMES AND BOUNDARIES

Sec. 1.1. Names and boundaries.

The name of this organized city is "City of Wixom." It is a body corporate and embraces the following described territory in the County of Oakland, together with such territory as may from time to time be attached, and less such territory as may from time to time be detached, in accordance with law:

Commencing at the Northwest corner of Section 30, Commerce Township; thence East along North line of Sections 30 and 29 to the South quarter corner of Section 20; thence North along the North/South quarter line to the Northwest corner of the Southwest quarter of the Southeast quarter of Section 20; thence North 00 degrees, 27 minutes, 40 seconds East 288.70 feet along the North/South quarter line to the Northwest corner of Gilbert C. Willis Park; thence South 79 degrees, 54 minutes, 35 seconds East 129.29 feet; thence along a curve to the left, radius 851.51 feet, chord bears South 71 degrees, 58 minutes, 45 seconds East 549.41 feet; thence North 89 degrees, 12 minutes, 00 seconds East 675 feet to the Northeast corner of Gilbert C. Willis Park; thence South 00 degrees, 28 minutes, 30 seconds East 87.02 feet to the Northwest corner of the Southeast quarter of the Southeast quarter of Section 20; thence East along the North line of the Southeast quarter of the Southeast quarter of Section 20 to the Northeast corner of the Southeast quarter of the Southeast quarter of Section 20; thence South along the East Line of Section 20 to the Southeast corner of Section 20; thence East along the North line of Section 28 to the Northeast corner of the Northwest quarter of the Northwest quarter of Section 28; thence South along the East line of the West half of the Northwest quarter of Section 28; to the Southeast corner of the Southwest quarter of the Northwest quarter of Section 28; thence East to the center of Section 28; thence South along the North/South quarter line of Section 28 to the South quarter corner of Section 28; thence North 89 degrees, 58 minutes, 20 seconds West 1324.74 feet along South line of Section 28; thence South 00 degrees, 47 minutes, 32 seconds West 212.18 feet; thence South 89 degrees, 35 minutes, 38 seconds West 1315.23 feet to the East line of Section 32; thence South along the East line of Section 32 to the Southeast corner of Section 32; thence Westerly to the Northwest corner of Section 4, Novi Township; thence Southerly along the West line of Section 4 to the Northwest corner of the Southwest quarter of the Northwest quarter of Section 4; thence East along the North line of the Southwest quarter of the Northwest quarter to the East line of the

Southwest quarter of the Northwest quarter Section 4; thence Southerly along the East line of the West half of the West half of Sections 4 and 9 to the Southeast corner of the West half of the Southwest quarter of Section 9; thence Westerly along the South line of Sections 9, 8 and 7 to the Southwest corner of Section 7; thence Northerly along the West line of Sections 7 and 6 to the Northwest corner of Section 6, the same being the Northwest corner of Novi Township; thence Northerly along Sections 31 and 30, Commerce Township, to beginning.

5777.67 acres /9.0276 square miles

CHAPTER 2 MUNICIPAL POWERS

Sec. 2.1. General powers.

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

Sec. 2.2. Further definition of powers.

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

- A. The acquisition by purchase, gift, condemnation, lease, construction or in any manner permitted by statute, of private property of every type and nature for public use, which property may be located within or without the County of Oakland, and which may be required for or incidental to the present or future exercise of the purposes, powers and duties of the City, either proprietary or otherwise;
- B. The maintenance, development, operation, leasing and disposal of City property subject to any 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 use, regulation, improvement and control of the surface of such streets, alleys and public ways, and of the space above and beneath them;
- G. The use, by other 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 miles beyond the municipal limits;
- I. The use, control and regulation of streams, waters and watercourses within its boundaries, subject to any limitations imposed by statute;
- J. The installation of parking meters on streets within the corporation limits, provided same is done by referendum only;
- K. The acquiring, establishment, operation, extension and maintenance of facilities for the storage and parking of vehicles within its corporate limits including also the fixing and collection of charges for services and use thereof on a public utility basis, and for such purpose to acquire by gift, purchase, condemnation or otherwise, the land necessary therefor;
- L. Regulating, restricting location of oil and gasoline stations;
- M. The control over all trees, shrubs and plants in the public streets, highways, parks or other public places in the City, all dead and diseased trees on private property, and trees on private property overhanging the street, sidewalk or public places, and the removal thereof, and the assessing cost thereof against the property in accordance with Chapter 11, Section 9;
- N. For regulating shipping, dockage, storage, warehousing and all other commercial and/or other industrial waterfront uses, and the regulating, restricting and limiting the number and location of boat liveries;
- O. The establishing of districts or zones within which the use of land and structures, the height, the area, the size and location of buildings and 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;

- P. The regulating of trades, occupations and amusements within the City, not inconsistent with state and federal laws, and for the prohibiting of such trades, occupations, and amusements as are detrimental to the health, morals or welfare of its inhabitants;
- Q. Licensing, regulating, restricting and limiting the number and locations of advertising signs or displays and billboards within the City;
- R. 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;
- S. 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;
- T. The regulating of all airports located within its boundaries, and, for the purpose of promoting and preserving the public peace, safety and welfare, controlling and regulating the use of air above the City by aircraft of all types;
- U. The prohibiting or regulating of the use, occupancy, sanitation and parking of house trailers within the City, and the right of the City to so regulate any house trailer shall not be abrogated because of any detachment thereof from its wheels or because of placing it on, or attaching it to, the ground by means of any temporary or permanent foundation, or in any manner whatsoever;
- V. The requiring of an owner of real property within the City to maintain sidewalks abutting upon such property, and if the owner fails to comply with such requirements, or if the owner is unknown, to construct and maintain such sidewalks and assess the cost thereof against the abutting property in accordance with Chapter 11, Section 9;
- W. The requiring of an owner of real property within the City to abate public hazards and nuisances which are dangerous to the health or safety of inhabitants of the City within a reasonable time after the Council notifies the owner that such hazard or nuisance exists, and if the owner fails to comply with such requirements, or if the owner is unknown, to abate such hazard or nuisance and assess the cost thereof against such property in accordance with Chapter 11, Section 9;
- X. The compelling of owners of real property within the City to keep sidewalks abutting upon their property clear from snow, ice or other obstructions, and if the owner fails to comply with such requirements, to remove such snow, ice or other obstructions and assess the cost thereof against the abutting property in accordance with Chapter 11, Section 9;

- Y. Requiring the platting of all land or premises within the City hereafter subdivided, in accordance with the terms and conditions as may be provided by ordinance, subject to any limitations imposed by statute.

Sec. 2.3. Intergovernmental contracts.

The City shall have power to join with any governmental unit or agency, or with any number or combination thereof by contract or otherwise as may be permitted by law to have performed (a) jointly, or (b) by one or more of them for or on behalf of the other or others, or (c) by any other person, firm or corporation, any power or duty which is permitted to be so performed by law or which is possessed by, or imposed upon, each such governmental unit or agency. Any such contract or contracts shall not unduly bind the City.

CHAPTER 3 ELECTIONS

Sec. 3.1. Qualifications of electors.

The residents of the City having the qualifications of electors in the State of Michigan shall be electors of the City.

- A. No person shall hold any elective office of the City unless they have been a resident of the City for at least one year immediately prior to the last day for filing original petitions for such office or prior to the time of their appointment to fill a vacancy. No person shall hold any elective office unless they are a qualified and registered elector of the City such last day for filing or at such time of appointment and throughout their tenure of office.

Sec. 3.2. Election procedure.

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

The Clerk shall give public notice of the time and place of holding each City election and of the officers to be elected and the questions to be voted upon, in the same manner as is required by statute for the giving of public notice of general elections in the state.

The polls at all elections shall be opened and closed at the time prescribed by law for the opening and closing of polls at state elections, subject to the statutory right of the Council to adjust these hours to local time.

Sec. 3.3. Wards and precincts.

The City of Wixom shall consist of one ward. The precincts into which the City is divided on the effective date of this Charter shall remain the precincts of the City until changed, pursuant to this charter. The Election Commission, as created in Section 3.12, shall from time to time establish convenient election precincts.

Sec. 3.4. Regular city elections.

The Regular City Election, to be known as the "Odd-Year General Election," shall be held on the Tuesday succeeding the first Monday in November in every odd-numbered year. All odd-year Primary and General Elections shall be conducted in the manner elections for State and County offices are conducted.

Sec. 3.5. Special elections.

Special City Elections shall be held when called by resolution of the Council at least sixty (60) days in advance of such election, or when required by this charter or by statute. 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 permitted by statute.

Sec. 3.6. Elective officers and terms of office.

The elective officers of the City shall be a Mayor and six Councilpersons, all of whom shall be nominated and elected from the City at large. At each regular City election, there shall be elected a Mayor for a term of office of two years, three Councilpersons for a term of office of four years, and such additional number of Councilpersons as may be required to fill vacancies, pursuant to the provisions of Section 4.11 of this Charter. All of such terms of office shall commence at 12:00 Noon on January 1st following the Election. Vacancies in the office of Mayor shall be filled in accordance with Section 4.11 of this Charter.

Sec. 3.7. Primary elections.

A nonpartisan primary election to be known as the "odd year primary election" shall be held on the Tuesday following the first Monday in August of each odd-numbered year except that a City Council may provide by ordinance adopted not less than seven months preceding the date of any regularly scheduled City odd year general election that all regularly scheduled City odd year primary elections shall be held on the Tuesday following the second Monday in September.

If, upon the expiration of the time for filing nomination petitions for any elective City office, valid petitions have been filed for no more than twice the number of candidates for the respective offices to be elected at the following regular City elections, then no primary shall be held with respect to such offices. If no primary is to be held for one or more offices, the Clerk shall publish notice of the fact and the reason therefor as part of, or at the time provided for, the publication of notices for such primary election.

Candidates, equal in number to twice the number of persons to be elected to each City office at the next subsequent regular City election, who receive the highest number of votes at any such primary election shall be declared the nominees for election to the respective offices for which they are candidates. The nomination petitions for any office for which no primary election was held, shall be certified by the Clerk to the Election Commission as nominees for the next subsequent regular City election.

Sec. 3.8. Nominations.

The method of nomination of all candidates for the City elections shall be by petition. Such petitions for each candidate shall be signed by not less than forty (40) nor more than sixty (60) registered electors of the City. No person shall sign their name to a greater number of petitions for any one office than there are persons to be elected to said office at the following regular City election. Where the signature of any individual appears on more petitions than they are permitted to sign, such signatures shall be counted only to the extent they are permitted to sign in the order of the respective dates and hour of filing the petitions containing such signatures.

Nomination petitions shall be filed with the Clerk up to 4:00 P.M. on the seventh Tuesday prior to the odd-year primary election or any special election for the filling of vacancies in office.*

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

***Note**—The charter language pertaining to filing nominating petitions for regular city elections is superseded by Michigan Election Law MCL 168.644e as amended under PA 276 of 2012. The candidate nomination petition filing deadline is 4:00 p.m. the fifteenth Tuesday prior to the odd year primary election. (Res. No. 2017-51, 10-24-2017)

Sec. 3.9. Form of petition.

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

- A. Each candidate for elective office shall file with their petition, their affidavit that they possess the qualifications for such office provided in this charter. Failure to file such affidavit shall invalidate their petition.

Sec. 3.10. Approval of petition.

The Clerk shall accept only nomination petitions which conform substantially with the forms provided by statute and which contain the required number of signatures for candidates having those qualifications required for the respective elective city offices as set forth in this charter. The Clerk shall forthwith, following the last date for filing of the petitions, notify in writing any candidate whose petition is then known not to meet the requirements of this section, but the failure to so notify any candidate shall in no way prevent a final determination that the petition does not meet such requirements.

Withdrawal of a candidate's name from consideration on the ballot must be made by a signed writing and in conformance with the time allowed by statute.

Sec. 3.11. Public inspection of petitions.

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

Sec. 3.12. Election commission.

The Election Commission is hereby created consisting of the Clerk, Attorney and the Assessor. The members shall serve without compensation. The Clerk shall be the Chairperson. The Commission shall appoint the Board of Election Inspectors for each precinct, and have charge of all activities and duties required of it by state law and this charter relating to the conduct of elections in the City. The compensation of election personnel shall be determined in advance by the Council. In any case where election procedure is in doubt the Election Commission shall prescribe the procedure to follow.

Sec. 3.13. Form of ballot.

The ballots for all elections under this charter shall conform to the printing and numbering of ballots as required by statute, except that no party designation or emblem shall appear on any City ballot.

Sec. 3.14. Canvass of votes.

The Board of Canvassers designated by statute as being permitted to cities for canvass of votes on candidates and issues shall canvass the votes of all City elections in accordance with statute. The Clerk shall notify in writing the successful candidates of their election and do so upon receipt of the results from the Board of Canvassers.

Sec. 3.15. Tie vote.

If at any City Election there shall be no choice between candidates by reason of two (2) or more candidates having received an equal number of votes, then the procedure for determination of the election of such candidate shall be as prescribed by state statute.

Sec. 3.16. 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.

Sec. 3.17. Recall.

Any elective official may be removed from office by the registered 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 state law. Recall shall be based upon either the commission of a wrongful act or the failure to perform the duties of office.

CHAPTER 4 THE CITY COUNCIL

Sec 4.1. Composition.

There shall be a Mayor and six (6) Councilmembers elected by the qualified voters of the City at large.

Sec. 4.2. Qualifications.

No person shall hold any elective office of the City unless they have been a resident of the City for at least one year immediately prior to the last day for filing original petitions for such office or prior to the time of their appointment to fill a vacancy. No person shall hold any elective office unless they are a qualified and registered elector of the City on such last day for filing or at such time of appointment and throughout their tenure of office.

All officers of the City shall be United States citizens.

Sec. 4.3. Judge of qualifications.

The Council shall be the judge of the election and qualifications of its members and of the grounds for forfeiture of their office and, for that purpose, shall have power to subpoena witnesses, administer oaths and require the production of evidence. Failure to comply with a subpoena or request for evidence, without just cause, will constitute a violation of this Charter. Any person found guilty of such a violation, by a competent tribunal, may be punished by a fine of not more than one hundred dollars (\$100.00) or imprisonment of not more than ninety (90) days, or both.

Sec. 4.4. Forfeiture of office; right to hearing.

A member charged with conduct constituting grounds for forfeiture of their office shall be entitled to a public hearing on demand, and notice of such hearing shall be published in one or more newspapers of general circulation in the City at least one week in advance of the hearing. Decisions made by the Council under this Section shall be subject to review by the Courts.

Sec. 4.5. Oath of office.

Every officer, elective or appointive, before entering upon the duties of their office shall take the Oath of Office prescribed for public officers by the State Constitution for an Officer of the State, which shall be filed and kept in the Office of the Clerk.

Sec. 4.6. Compensation.

The Council may determine the annual salary of Councilmembers and Mayor by ordinance, but no ordinance increasing or decreasing such salary shall become effective until the date of commencement of the terms of Councilmembers elected at the next Regular Election, provided that such election follows the adoption of such ordinance by at least six months. Councilmembers shall receive their actual and necessary expenses incurred in the performance of their duties of office.

Sec. 4.7. Mayor.

The Mayor shall be a member of the Council. In addition, the Mayor shall preside at meetings of the Council and vote at such meetings as any other member of the Council. The Mayor shall be recognized as head of the City government for all ceremonial purposes and by the Governor for purposes of military law, but shall have no administrative duties unless expressly authorized by this Charter or statute. The Council shall elect from among its members a Deputy Mayor who shall

act as Mayor during the absence or disability of the Mayor and, if a vacancy occurs, shall become Mayor for the remainder of the unexpired term.

Sec. 4.8. General powers and duties.

The Council shall constitute the Legislative Body of the City and shall have power and authority, except as otherwise provided in this charter, state constitution, or by statute, to exercise all powers conferred upon or possessed by the City, and shall have the power and authority to adopt such ordinances and resolutions as it shall deem proper.

Sec. 4.9. City clerk.

The Council shall appoint the City Clerk, to serve at the pleasure of the Council, who shall:

- A. Be the Clerk of the Council and shall attend its meetings and keep its journal.
- B. Keep a public record of all proceedings of the Council and shall authenticate the same by signature.
- C. Certify by signature all ordinances and resolutions enacted or adopted by the Council.
- D. Be custodian of all papers, documents, bonds, and records pertaining to the City, unless the custody thereof is otherwise provided by law or this charter.
- E. Be custodian of the City seal and shall affix it to documents and attest the same.
- F. Give notice to the proper officials of the expiration or termination of each franchise and contract to which the City is a party and to City officers, personally, of the expiration of the terms of their respective offices and of any official bonds required of them.
- G. Under authority of the Council, sign or countersign all contracts, deeds, licenses, or other public documents, on behalf of the City, and keep a record.
- H. Publish and post all notices, proceedings, and other matters required to be published or posted by law, this charter, or ordinance.
- I. Be the chief elections officer of the City.
- J. Perform such other duties as may be required by law, this charter, or the ordinances and resolutions of the Council.

Sec. 4.10. Prohibitions.

- A. No elective officer may be appointed to any other City office or be employed by the City during the time they hold office unless an elective officer is required by law to fill a specified position.
- B. Neither the Council nor any of its members shall be authorized to dictate the appointment or removal of any City administrative officers or employees whom the Manager or any of the

Manager's subordinates are empowered to appoint, but the Council may openly express its views and fully and freely discuss with the Manager anything pertaining to appointment and removal of such officers and employees.

- C. Except for the purpose of information, the Council and its members shall deal with the administrative service solely through the Manager, and neither the Council nor any member shall give orders to any of the subordinates of the Manager except by ordinance or resolution.

Sec. 4.11. Vacancies; forfeiture of office; removal; filing of vacancies.

- A. The office of Councilperson or other elected official shall become vacant upon their death, resignation, removal from office in any manner authorized by law or forfeiture of their office.
- B. An elected official shall forfeit their office within sixty (60) days of verification that the elected official:
 - 1. Lacks at any time during their term of office any qualification for the office prescribed by this charter or by law,
 - 2. Violated any express prohibition of this charter,
 - 3. Is convicted of a crime involving moral turpitude, or
 - 4. Failed to attend three consecutive regular meetings of the Council without providing prior notification.
- C. An elected official shall be removed by Council for any act declared by this charter to constitute misconduct in office. Such removals by the Council shall be made only after hearing of which such officer has been given notice by the Clerk at least ten (10) days in advance, either personally or by delivering the same at their last known place of residence. Such notice shall include a copy of the charges against such officer. The hearing shall afford an opportunity to the officer, in person or by attorney, to be heard in their defense, to cross-examine witnesses and to present testimony. If such officer shall neglect to appear at such hearing and answer such charges, their failure to do so may be deemed cause for their removal. A majority vote of the members of the Council in office at the time, exclusive of any member whose removal may be being considered, shall be required for any such removal.
- D. Vacancies occurring in the office of Mayor shall be filled for the balance of the unexpired term of the Mayor by the Deputy Mayor, and vacancies occurring in the office of Deputy Mayor shall be filled for the balance of the unexpired term of the Deputy Mayor by appointment of a member of the Council. Such appointment shall create a vacancy in the office of Councilperson for the unexpired term of the office of Mayor.
- E. Vacancies occurring in the office of Council for more than one hundred twenty (120) days before the next regular City election shall be filled within sixty (60) days by a majority vote of the remaining members of the Council, said appointee to hold office until January 1 at 11:59 a.m. following such election, at which election such vacancies shall be filled as provided in Chapter 3, Section 6, for any balance of original unexpired term.

Any vacancies which occur for one hundred twenty (120) days or less before the next regular City election, shall not be filled.

If any vacancy in the office of Council which the Council is authorized to fill is not so filled within sixty (60) days after such vacancy occurs, or if three or more vacancies exist simultaneously in the office of Council, such vacancies shall be filled for the respective unexpired terms at a special election. In connection with any special election to fill a vacancy or vacancies in any elective office, no primary election shall be held; candidates shall be nominated by petitions in a manner identical to that provided in chapter 3, Sections 8 to 11 inclusive; the names of all qualified candidates who file sufficient valid nomination petitions thirty (30) days before each special election shall be certified to the Election Commission and placed on the ballot; and all other provisions of this charter, not inconsistent with this Section shall govern.

F. The provisions of this Section shall not apply to the filling of vacancies resulting from recall.

Sec. 4.12. Independent boards and commissions.

A. The Council may not create any board or commission, other than those provided for in this charter, statute and constitution, to administer any activity, department or agency of the City government.

B. The Council is authorized to create a board or commission to administer:

1. A municipal hospital,
2. A municipal cemetery,
3. Recreation, or
4. Any activity which by statute is required to be so administered.

C. The Council may also establish:

1. Quasi judicial appeal boards, and
2. Boards or commissions to serve solely in an advisory capacity.

D. Unless otherwise provided by law or this charter, all members of the city's Boards and Commissions shall be appointed by the Mayor as each respective term expires, but such appointment shall not be effective until it is confirmed by majority vote of the City Council. If the appointment is not made, however, within 30 days from date of expiration of the said term, then the Council shall have the right to so appoint.

E. Each member of a City Board or Commission shall have been a resident of the City for at least one year prior to the date of their appointment, and shall be a qualified and registered elector of the City on such day and through their tenure of office. Exception to this residency

requirement may be granted if the reason for appointment of a particular individual conflicts with this paragraph.

Sec. 4.13. Quorum of boards or commissions.

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

Sec. 4.14. Vacancies in boards and commissions.

The office of any member of any board or commission, created by or pursuant to this charter, shall be declared vacant by the Council before the expiration of the term of such office:

- A. For any reason specified by statute or by this charter as creating a vacancy in office;
- B. If the officer shall be found guilty by a competent tribunal of any act constituting misconduct in office under the provisions of this charter;
- C. If such officer shall miss all consecutive regular meetings of such board or commission for a period of two months, or twenty-five percent of such meetings in any fiscal year of the City, unless such absences shall be excused by such board or commission, and the reason entered in the proceedings of such board or commission at the time of each absence;
- D. If the officer is removed from office by the Council in accordance with the provisions hereinafter set forth.
- E. Except as otherwise provided in this charter, if a vacancy occurs in the membership of any appointive board or commission, the authority responsible for the appointment of the person whose position has become vacant shall fill such vacancy by appointment of a qualified person for the unexpired term of such person.

Sec. 4.15. Council procedure and miscellaneous powers and duties.

- A. Regular Meetings. The Council shall provide by resolution for the time and place of its regular meetings and shall hold at least two such meetings each month.
- B. Special Meetings. Special meetings shall be called by the Clerk's Office on the written request of the Mayor or any three members of the Council on at least twenty-four hours written notice to each member of the Council, served personally or left at their 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. A meeting may be called on shorter notice, with approval of Council.
- C. Business of Special Meetings. No business shall be transacted at any special meeting of the Council unless the same has been stated in the notice of such meeting. However, other than the enactment of an ordinance, any business which may lawfully come before a regular

meeting may be transacted at a special meeting if all the members of the Council present consent and all of the members absent file their written consent.

- D. Meeting To Be Public. All regular and special meetings of the Council shall be open to the public and citizens shall have a reasonable opportunity to be heard, in accordance with rules adopted by the Council. All business of the Council shall be conducted at a public meeting held in compliance with Act 267 of the Public Acts of 1976 as amended.
- E. Quorum: Adjournment of Meeting. A majority of the members of the Council shall be a quorum for the transaction of business at all Council meetings, but in the absence of a quorum a lesser number may adjourn any meeting to a later time or date, and in the absence of all members, the Clerk may adjourn any meeting for not longer than one week.
- F. Compulsory Attendance. Any three or more members of the Council may by vote either request or compel the attendance of officers of the City at any meeting. Any member of the Council or other officer who when notified of such request for their attendance fails to attend such meeting for reason other than confining illness or absence from Oakland County, shall be guilty of misconduct in office, unless excused by the Council.
- G. Conduct at Meeting. The presiding officer shall enforce orderly conduct at meetings. Any police officer designated by the presiding officer of the meeting shall serve as the Sergeant-at-arms of the Council in the enforcement of the provisions of this section.
- H. Organization and Rules of the Council. The Council shall determine its own organization and shall adopt a set of rules and order of business subject to the following provisions:
 - 1. Minutes of the procedure of each meeting in the English language shall be kept by the Clerk and shall be signed by the presiding officer and clerk of the meeting within sixty (60) days of the time of approval.
 - 2. A vote upon all ordinances and resolutions shall be taken by "Yes" and "No" vote and entered upon the records, except that where the vote is unanimous it shall only be necessary to so state.
 - 3. No member of the Council shall vote on any question in which they or their immediate family has a direct financial interest, other than the common public interest, or on any question concerning their own conduct, but on all other questions each member who is present shall vote when their name is called, unless excused by the unanimous consent of the remaining members present. Any member refusing to vote, when required by this paragraph, shall be guilty of misconduct in office.
 - 4. In all roll call votes the names of the members of the Council shall be called in alphabetical order, and the name to be called first shall be advanced one position alphabetically in each successive roll call.
- I. 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 and to make investigations as to matters in which the municipality has an interest. The Council for such

purposes, may summon witnesses, administer oaths and compel the attendance of witnesses and the production of books, papers and other evidence. There shall be given reasonable notice and reasonable time and place.

Failure on the part of any officer to obey such summons or to produce books, papers and other evidence as ordered under the provisions of this section, shall constitute misconduct in office. Failure on the part of any employee or other person to obey such summons or to produce books, papers or other evidence as ordered under the provisions of this section, shall constitute a violation of this charter, which may be enforceable in court.

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

- J. Public Health and Safety. The Council shall see that provision is made for the public peace and health, and for the safety of persons and property. The Council may create by ordinance a Board of Health, and until such adoption, the Mayor shall appoint a Health Officer, who shall possess all powers, privileges and immunities granted to a Board of Health by statute, and who shall perform such duties as may be provided by statute, the charter and the Mayor and/or the Council. Compensation of the Board of Health and the Health Officer shall be fixed by the Council.

Sec. 4.16. Special procedure on vote on certain council actions.

- A. Action to vacate, discontinue or abolish any highway, street, lane, alley or other public place, or part thereof, shall be by resolution. After the introduction of such resolution and before its final adoption, the Council shall hold a public hearing. Notice of such hearing shall be published at least thirty (30) days prior to the hearing date.
- B. Passage of the following actions shall require the affirmative vote of at least four (4) members of the Council.
 - 1. Vacating, discontinuing or abolishing any highway, street, lane, alley or other public place, or part thereof.
 - 2. Leasing, selling or disposing of any City owned real estate or interest therein.
 - 3. Authorizing the condemnation of private property for public use.
 - 4. Creating or abolishing any office not required by the Charter.
 - 5. Adoption of budget or modifications of budget.
 - 6. Imposing any tax or assessment.

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

CHAPTER 5 CITY MANAGER

Sec. 5.1. Appointment; qualifications; compensation.

The Council shall appoint a City Manager for an indefinite term and fix the compensation. The Manager shall be appointed on the basis of their executive and administrative qualifications and experience. The Manager need not be a resident of the City or State at the time of their appointment but may reside outside the City while in office only with the approval of the Council.

Sec. 5.2. Authority and duties of the city manager.

The City Manager shall be the chief administrative officer of the City. The City Manager shall be responsible to the Council for the administration of all City affairs placed in their charge by or under this charter. The City Manager shall have the authority and duty to:

- A. Appoint and, when the City Manager deems it necessary for the good of the City, suspend or remove all City employees and appointive administrative officers provided for by and under this charter, except as otherwise provided by law, this charter or personnel rules adopted pursuant to this charter. The City Manager may authorize any administrative officer who is subject to their direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency.
- B. Direct and supervise the administration of all departments, offices and agencies of the City, except as otherwise provided by this charter or by law.
- C. Attend all Council meetings and shall have the right to take part in discussion but may not vote.
- D. See that all laws, provisions of this charter, ordinances and resolutions of the Council, subject to enforcement by the City Manager or by officers subject to their direction and supervision, are faithfully executed.
- E. Prepare and submit an annual budget and capital program to the Council.
- F. Submit to the Council and make available to the public a complete report on the finances and administrative activities of the City as of the end of each fiscal year.
- G. Make such other reports as the Council may require concerning the operations of the City departments, offices and agencies subject to the City Manager's direction and supervision.

- H. Keep the Council fully advised as to the financial condition and future needs of the City and make such recommendations to the Council concerning the affairs of the City as the City Manager deems desirable.
- I. Perform such other duties as are specified in this charter or may be required by the Council.
- J. Perform all actions in accordance with all applicable law and the constitution.

Sec. 5.3. Acting city manager.

By letter filed with the City Clerk, the Manager shall designate, subject to approval of the Council, a qualified City administrative officer to exercise the powers and perform the duties of Manager during Their temporary absence or disability. During such absence or disability, the Council may revoke such designation at any time and appoint another officer of the City to serve until the Manager shall return or their disability shall cease.

Sec. 5.4. Removal.

- A. The City Manager shall not be removed from office during a period of ninety (90) days following any regular City election except by the affirmative vote of five members of the Council.
- B. The Council shall adopt by affirmative vote of a majority of all its members a preliminary resolution which must state the reasons for removal and may suspend the manager from duty for a period not to exceed forty-five (45) days. A copy of the resolution shall be delivered promptly to the Manager.
- C. Within five (5) days after a copy of the resolution is delivered to the Manager, the Manager may file with the Clerk a written request for a hearing. This hearing shall be held at a Council meeting not earlier than fifteen (15) days nor later than thirty (30) days after the request is filed. The Manager may file with the Council a written reply not later than five (5) days before the hearing. A record of the hearing shall be kept.
- D. The Council may adopt a final resolution of removal, which may be made effective immediately, by affirmative vote of a majority of all its members at any time after five (5) days from the date when a copy of the preliminary resolution was delivered to the Manager, if the Manager has not requested a public hearing, or at any time after the public hearing if the Manager has requested one. The final resolution shall state the reason for the action.
- E. The Manager shall continue to receive their salary until the effective date of a final resolution of removal.

CHAPTER 6 ADMINISTRATIVE SERVICES

Sec. 6.1. General provisions.

- A. The Council may establish City departments, offices or agencies in addition to those created by this charter and may prescribe the functions of all departments, offices and agencies, except that no function assigned by this Charter to a particular department, office or agency may be discontinued or, unless this charter specifically provides, assigned to any other.
- B. All departments, offices and agencies under the direction and supervision of the Manager shall be administered by an officer appointed by and subject to the direction and supervision of the Manager. With the consent of Council, the Manager may either serve as the head of one or more such departments, offices or agencies or appoint one person as the head of two or more of them.
- C. The Manager shall appoint, with approval of Council, the City Attorney, City Assessor, City Treasurer, who shall be designated and referred to as the Finance Director, Chief of Police, Fire Chief and Director of Public Works and such additional appointive administrative officers or departments as may be created by ordinance, all of whom shall serve at the pleasure of the Manager.

Sec. 6.2. City attorney.

The City Attorney shall be legal officer of the City and shall serve as chief legal adviser to the Council, the Manager and all City departments, offices and agencies; shall represent the City in legal proceedings; and shall perform any other duties prescribed by this charter or by ordinance. With the consent of Council, the City Attorney may delegate other attorneys to serve as representative in specific matters.

Sec. 6.3. Finance director (city treasurer).

- A. The Finance Director shall have custody of all moneys, funds and securities of the City, keep accounts thereof, deposit the same in the manner and in the places designated by the Manager, subject to applicable laws, and report the same forthwith in detail to the Manager.
- B. Except as otherwise provided by this charter or by ordinance, the Finance Director shall collect all moneys of the City. The Finance Director shall receive from other officers and employees all moneys belonging to and receivable by the City that may be collected by them, and shall give receipt.
- C. For the collection of taxes the Finance Director shall have and shall exercise all of the powers and immunities which are granted and reserved to the Finance Director by this charter and by law.
- D. The Finance Director shall disburse all City funds in accordance with the provisions of law and this charter, and shall sign or countersign all checks or warrants accordingly.

- E. The Finance Director shall perform such other duties as may be prescribed for the Finance Director by law, this charter, or ordinances or resolutions of the Council.

Sec. 6.4. Assessor.

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

Sec. 6.5. Chief of police.

The Chief of Police shall be the administrative head of the Police Department, and the Chief of Police shall be accountable and responsible to the Manager for the performance of their duties. The Chief of Police shall perform all duties as may be prescribed for them by law, this charter, the Manager and/or ordinance or resolutions of the Council.

Sec. 6.6. Fire chief.

The Fire Chief shall be the administrative head of the Fire Department and the Fire Chief shall be accountable and responsible to the Manager for the performance of their duties. The Fire Chief shall perform all duties as may be prescribed for them by law, this charter, the Manager, and/or ordinances or resolutions of the Council.

Sec. 6.7. Director of public works.

The Director of Public Works shall be the administrative head of the Department of Public Works, and the Director of Public Works shall be accountable and responsible to the Manager for the performance of their duties.

The Director of Public Works shall be responsible for the maintenance, alteration, improvement and repair of streets, highways, sewers, sewage disposal facilities, water mains and water facilities, and all other public grounds, buildings, facilities and equipment which are not placed under the charge of some other department or this Charter, the Manager, and/or Council, in accordance with the authority granted by this charter.

1. The Director of Public Works shall perform such other duties as may be prescribed by law, this charter, or as may be required of them by the Manager, and/or ordinances or resolutions of the Council.

Sec. 6.8. Personnel.

- A. The personnel of the City, other than elected and appointive officers, shall be deemed City employees. The Council may establish a merit system for the selection, tenure, promotion, demotion, discharge and discipline of City employees.

- B. In the selection, discharge and fixing of terms and conditions of employment of City employees, the City shall not discriminate in violation of any applicable provision of the constitution or law.
- C. The head of each department shall have the power to hire, suspend, discharge or otherwise take other appropriate disciplinary action with respect to the employees of their department, with confirmation of the Manager and in accordance with established merit system policy.

Sec. 6.9. Filling vacancies in appointive offices.

Vacancies in appointive administrative offices and boards and commissions shall be filled in the manner provided for making the original appointment.

Sec. 6.10. Residence requirements for appointive officers.

Any appointed administrative officer of the City, as outlined in Sections 6-1 through 6-9 of this charter, shall not be required to be a resident of the City at the time of appointment but may reside outside the City while in office only with the approval of the Council.

Sec. 6.11. Compensation.

- A. The compensation of all employees and officers of the City not provided for in this charter shall be fixed by the Council within the limits of budget appropriations, and in accordance with any pay plan adopted by the Council.
- B. No officers shall be paid on a fee basis unless the duties are provided through contractual services and the duties of the office are provided by a non-employee. Part-time officers who are non-employees may be paid on a fee basis. The respective salaries and compensation of officers and employees as fixed pursuant to this charter shall be in full for all official services of such officers or employees and shall be in lieu of all fees, commissions and other compensation receivable by such officers or employees for their services to the City. This provision shall not apply to statutory fees.
- C. Any such fees, commissions and other compensation received from other parties for services to the City shall belong to the City and shall be collected and accounted for by such officers or employees, and be paid to the Finance Director.
- D. Nothing contained in this section shall prohibit the payment of necessary bona fide expenses incurred in service on behalf of the City.

Sec. 6.12. Employee welfare benefits.

The Council shall have the power to adopt and 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 retirement plan provided for such employees and officers.

Sec. 6.13. Employee retirement system.

The Council may provide by ordinance for a retirement system for the City employees. The objective of the retirement system, if created, shall be for a sound and efficient means of providing retirement allowances for the employees of the City to the end that economy and efficiency in public service may be effected and an ordinary method of retirement be provided without hardship and prejudice to employees who have become superannuated or incapacitated. The terms and conditions of the ordinance, if enacted, shall be determined by the Council.

CHAPTER 7 LEGISLATION

Sec. 7.1. Prior legislation.

All valid by-laws, ordinances, resolutions, rules and/or regulations of the City in force at time of adoption of this Charter, which are not inconsistent with this charter, shall continue in full force until such time as they may be repealed or amended. All previous charter provisions are repealed.

Sec. 7.2. Ordinances.

Any and all proposed ordinances shall be introduced through the City Council headed "The City of Wixom Ordains."

All ordinances, including revisions, amendments or alterations shall be identified by a short title, a number and code section number.

All ordinances and ordinance amendments shall, when enacted, be recorded by the City Clerk; and it shall be the duty of the City Clerk to properly record in the "Ordinance Book" an accurate record of such action, including proper certification and time and place of publications and postings of such documents. The City Clerk shall have all such recorded entries witnessed by the Mayor or other elected official of the City.

Sec. 7.3. Enactment, amendment, repeal and effective date of ordinances.

The following provisions shall apply to ordinances:

- A. Ordinances may be enacted by the affirmative vote of the majority members of the Council, which shall be not less than four (4) affirmative votes.
- B. No ordinance shall be amended or repealed except by a subsequently adopted ordinance.
- C. No ordinance shall be enacted at a meeting at which it is introduced nor until the summary of the proposed ordinance has been published in the official newspaper of the City. Copies of the proposed ordinance shall be available at the Office of the City Clerk.
- D. The effective date of all ordinances shall be the date of publication, unless a different date is specified therein; however, the effective date shall not be earlier than ten (10) days after the enactment nor before publication.

- E. The following provision shall apply and take precedence over (a) thru (d) above:
1. An emergency ordinance which is immediately necessary for the preservation of the public peace, health or safety, may be enacted at the meeting at which it is introduced, and may be given earlier effect than ten (10) days after its enactment and before publication. Emergency reasons shall be stated.
 2. No ordinance granting any public utility franchise shall be enacted except in accordance with the provisions of Section 14.2.
 3. No ordinance shall be amended by reference to the title only. The section or sections of the ordinance to be amended shall be re-enacted and published. However, an ordinance or section may be repealed by reference to its title, or to its ordinance or code number only.

Sec. 7.4. Publication of ordinances.

- A. Each ordinance shall be published within fifteen (15) days after its enactment in one of the following two methods:
1. The full text may be published in a newspaper as defined in Section 16.2, or
 2. In cases of ordinances over five hundred words in length, a digest, summary or statement of purpose of the ordinance approved by the Council, may be published in a newspaper as defined in Section 16.2, either separately or as part of the published Council proceedings, including with such newspaper publication, a notice that printed copies of the full text of the ordinance are available for inspection by and distribution to the public, upon request, at the office of the Clerk; shall promptly be made available as stated in such notice.
- B. In case an ordinance is given effect earlier than ten (10) days after its enactment, the requirements for publication before such ordinance becomes operative may be met by posting copies in conspicuous locations in three (3) public places in the City, other provisions of this charter notwithstanding, and the Clerk shall, immediately after such posting, enter in the Ordinance Book under the record of the ordinance, a certificate under their hand stating the time and place of such publication by posting, which certificate shall be prima facie evidence of such publication by posting of the ordinance, but the failure to so record and authenticate such ordinance shall not invalidate it or suspend its operation. Such ordinance shall also be published in accordance with Section 7.4, but not as a requirement for the effectiveness.

Sec. 7.5. Penalties—Ordinance violation.

Penalties for violation of a specific ordinance must be stipulated in the ordinance.

Sec. 7.6. Technical codes adopted by reference.

The Council may adopt as an Ordinance, by reference in the adopting ordinance, in whole or in part, provisions of (a) any Michigan Statute which the City is authorized to enforce, or (b) any

detailed technical regulation promulgated or enacted by (1) any state or federal agency, or (2) any organization or association which has developed a nationally recognized standard code or set of such technical regulations. Such adopting ordinance shall clearly identify and state the purpose of the provisions or regulations so adopted. Where any ordinance or code, or amendment, adopting provisions by reference is enacted, all requirements for its publication may be met, other provisions of this charter notwithstanding, by (a) publishing the ordinance citing such provisions in a manner provided by this charter for the publication of other ordinances and including as part of such publication a notice that printed copies of the provisions so cited are available for inspection and distribution to the public at the office of the Clerk, and (b) making copies available for public inspection and for distribution to the public at a reasonable charge.

Sec. 7.7. Severability of ordinances.

Unless an ordinance shall expressly provide to the contrary, if any portion of an ordinance or the application of the ordinance to any person or circumstances shall be found to be invalid by a court, such invalidity shall not affect the remaining portions or applications of the ordinance which can be given effect without the invalid portion or application.

Sec 7.8. Compilation or codification of ordinances.

With the completion and approval of this revised charter by the electors, a compilation or current codification of ordinances shall be printed in proper form to be available two (2) years after the effective date of this charter. The codification shall be reviewed at least once in every ten (10) years, including all deletions and/or additions, revisions of ordinances of this City.

Sec. 7.9. Initiative and referendum.

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

Sec. 7.10. Initiatory and referendary petitions.

An initiatory or referendary petition shall be signed by not less than fifteen percent (15%) of the registered electors of the city, as of the date of the last regular City election. All signatures on said petitions shall be obtained within thirty (30) days before the date of filing the petition with the Clerk. Any such petition shall be addressed to the Council, and may be the aggregate of two or more petition papers identical as to contents and simultaneously filed by one person. An initiatory petition shall set forth in full the ordinance it proposes to initiate, and no petition shall propose to initiate more than one ordinance. A referendary petition shall identify the ordinance or part it proposes to have repealed.

Each signer of a petition shall sign their name and indicate the date of signing and their 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, stating the number of signers, and that each signature is the genuine signature of the person whose name it purports to be, and that it was made in the presence of the circulator. Such petitions shall be filed with the Clerk who shall, within fifteen (15) days, canvass the signatures. If the petition does not contain a sufficient number of signatures of registered electors of the City, the Clerk shall immediately notify the person filing

such petition and fifteen (15) days from such notification shall be allowed for the filing of supplemental petition papers. When a petition with sufficient signatures is filed within the time allowed by this section, the Clerk shall present the petition to the Council at its next regular meeting, accompanied by a certification that the petition complies with the requirements of this charter.

Sec. 7.11. Council procedure on initiatory and referendary petitions.

Upon receiving a duly certified initiatory or referendary petition from the Clerk, the Council shall, within sixty (60) days, unless otherwise provided by statute, either:

- A. Adopt the ordinance as submitted by initiatory petition;
- B. Repeal the ordinance, or part thereof, referred to by a referendary petition; or
- C. Determine to submit the proposal provided for in the petition to the electors.

Sec. 7.12. Submission of initiatory and referendary ordinances to electors.

- A. Should the Council decide to submit the proposal to the electors, it shall be submitted at the next election held in the City for any other purpose, or, in the discretion of the Council, at a special election called for that specific purpose.
- B. In the case of an initiatory petition, if no election is to be held in the City for any other purpose within one hundred and fifty (150) days from the time the petition is presented to the Council and the Council does not adopt the ordinance, then the Council shall set a date for a special election within sixty (60) days from the time that the petition is presented to the Council. The date of the election shall be within one hundred and twenty (120) days from the time the petition is presented to the Council.
- C. The result of the election shall be determined by a majority vote of the electors voting, except in cases where otherwise required by statute or the Constitution.

Sec. 7.13. Ordinance suspended: miscellaneous provisions on initiatory and referendary ordinance.

The presentation to the Council by the Clerk of a valid and sufficient referendary petition containing a number of signatures equal to twenty-five percent (25%) of the registered electors of the City as of the date of the last regular election shall automatically suspend the operation of the ordinance in question pending a vote by the Council or final determination by the electors.

An ordinance adopted by the electorate through initiatory proceedings may not be amended or repealed for a period of one year after the date of the election at which it was adopted, and an ordinance repealed by the electorate may not be re-enacted for a period of one year after the date of the election at which it was repealed. It is provided, however, that any ordinance may be adopted, amended or repealed at any time by appropriate referendum or initiatory procedure in accordance with the provisions of this charter or if submitted to the electorate by the Council on its own motion.

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

CHAPTER 8 GENERAL FINANCE

Sec. 8.1. Fiscal year.

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

Sec. 8.2. Budget procedure.

The City Manager shall prepare and submit to the City Council on or before the first regular meeting of April of each year, a recommended budget covering the forthcoming fiscal year and shall include all of the items required by Section 15 of Act 621 of the Public Acts of 1978, as the same may be amended or superseded, and shall include the following:

- A. Detailed estimates, with supporting explanations, of all proposed expenditures for each department and office of the City, together with the expenditures for corresponding items for the last preceding fiscal year in full and for the current fiscal year to March 1, and estimated expenditures for the balance of the current fiscal year.
- B. Statements for the bonded and other indebtedness of the City, showing the debt redemption and interest requirements, the debt authorized and unissued and the condition of sinking funds, if any.
- C. Detailed estimates of all anticipated revenues of the City from sources other than taxes, with a comparative statement of the amounts received by the City from each of the same or similar sources for the last preceding fiscal year in full and for the current fiscal year to March 1, and estimated revenues for the balance of the current fiscal year.
- D. A statement of the estimated balance or deficit for the end of the current fiscal year.
- E. An estimate of the amount of money to be raised from current and delinquent taxes and the amount to be raised from bonds issued, which, together with any available unappropriated surplus and any revenues from other sources, will be necessary to meet the proposed expenditures.
- F. Such other supporting information as the Council may request.

Sec. 8.3. Budget hearing.

A public hearing on the proposed budget shall be held before its final adoption at such time and place within the City as the Council shall direct. Notice of such public hearing shall be published at least one week in advance of the hearing, which shall also include notice that the proposed budget and the three preceding fiscal budgets are on file in the office of the Clerk. The complete proposed budget and the three preceding fiscal budgets shall be on file for public

inspection during office hours at such office for a period of not less than one week prior to such hearing.

Sec. 8.4. Adoption of activity budget.

Not later than the second regular monthly meeting in May the Council shall by resolution, adopt an activity budget for the next fiscal year and shall appropriate the money needed for municipal purposes during such year, and shall in such resolution provide for a levy of the amount necessary to be raised by taxes upon real and personal property for municipal purposes, subject to the limitations contained in Section 9.2.

Sec. 8.5. Budget control.

After the budget has been adopted and 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. The Council may transfer any unencumbered appropriation balance or any portion from one department fund or agency to another. The balance in any appropriation which has not been encumbered at the end of the fiscal year shall revert to the fund balance and be reappropriated during the next fiscal year.

The City Manager shall submit to the Council, at the beginning of each quarterly period of the fiscal year, and more often if requested, financial reports showing the relation between the estimated and actual income and expenditures to date; and if it shall appear that the revenues are less than anticipated, the Council may reduce appropriations, except amounts required for debt and interest charges, to such a degree as may be necessary to keep expenditures within income. If the revenues exceed the amounts estimated in the budget, the Council may make supplemental appropriations.

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

Sec. 8.6. Depository.

The Council shall designate depositories for the City funds. The Council shall provide for such security for City deposits as is authorized or permitted by statute, except that personal surety bonds shall not be deemed proper security.

Sec. 8.7. Independent audit: annual report.

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

The City Manager shall submit an annual report of the affairs of the City, including a financial report. Copies of such audit and annual report shall be made available for public inspection at the office of the Clerk within thirty (30) days after receipt of the audit.

Sec. 8.8. System of accounts.

The City Manager shall be responsible to establish and maintain a uniform system of accounts as required by law.

CHAPTER 9 TAXATION

Sec. 9.1. Subjects of taxation.

The subjects of taxation for municipal purposes shall be the same as for State, County and school purposes under the general law of the State.

Sec. 9.2. Taxation procedure; tax limit.

Except as otherwise provided by this Charter, City taxes shall be levied, collected and returned in the manner provided by State law. The annual general ad valorem tax levy shall not exceed eight (8) mills of the assessed value of all real and personal property, subject to taxation in the City.

There shall be allowed for the levy and collection each year, commencing July 1, 1996 and effective through and including July 1, 2010, of an additional one and fifteen hundredths (1.15) mills of the assessed value of all real and personal property subject to taxation in the City for the sole and exclusive purpose of providing additional revenues for routine and ongoing maintenance of local roads and streets under the City's jurisdiction in the City.

There shall be allowed for the levy and collection each year, commencing July 1, 2011 and effective through and including July 1, 2025, of an additional one and fifteen hundredths (1.15) mills of the taxable value of all real and personal property subject to taxation in the City for the sole and exclusive purpose of providing additional revenues for routine and ongoing maintenance of local roads and streets under the City's jurisdiction in the City.

There shall be allowed to terminate the current millage of (1.15) mills for local street maintenance on June 30, 2025, and approve a millage of up to (2.5) mills of the taxable value of all real and personal property subject to taxation in the City to be levied for ten (10) years, commencing July 1, 2025, and effective through and including July 1, 2034, for the sole and exclusive purpose of providing additional revenues for routine and ongoing local and major road and street maintenance in the City. (Approved by voters on Nov. 5, 2024)

There shall be allowed for the levy and collection each year, commencing July 1, 1996 and effective through and including July 1, 2001, of an additional three tenths (.30) mill of the taxable value of all real and personal property subject to taxation in the City for the sole and exclusive purpose of providing additional revenues for bike path construction, including property acquisition and planning therefor, in the City.

There shall be allowed for the levy and collection each year, commencing July 1, 2009 and effective through and including July 1, 2023, of an additional three tenths (.30) mill of the taxable value of all real and personal property subject to taxation in the City for the purpose of the construction, maintenance, repair and rehabilitation of safety paths and sidewalks under the jurisdiction of the City.

There shall be allowed for the levy and collection each year, commencing July 1, 2024 and effective through and including July 1, 2038, of an additional three tenths (.30) mill of the taxable value of all real and personal property subject to taxation in the City for the purpose of the construction, maintenance, repair and rehabilitation of safety paths and sidewalks under the jurisdiction of the City.

There shall be allowed for the levy and collection each year, commencing July 1, 2013 and effective through and including July 1, 2016 of an additional 3.5 mills of the taxable value of all real and personal property subject to taxation in the City to provide funds for municipal operating purposes including police and fire, public works, and parks & recreation.

There shall be allowed for the levy and collection each year, commencing July 1, 2017, and effective through and including July 1, 2020, of up to an additional 3.5 mills of the taxable value of all real and personal property subject to taxation in the City to provide funds for municipal operating purposes including police and fire, public works, and parks & recreation.

There shall be allowed for the levy and collection each year, commencing July 1, 2021, and effective through and including July 1, 2024, of up to an additional 3.5 mills of the taxable value of all real and personal property subject to taxation in the City to provide funds for municipal operating purposes including police and fire, public works, and parks & recreation. (Amended by voters on Nov. 7, 1995; Nov. 4, 2008; Nov. 6, 2012 ; Nov. 8, 2016; Nov. 3, 2020; Nov. 7, 2023)

There shall be allowed for the levy and collection each year, commencing July 1, 2026, and effective through and including July 1, 2028, of up to an additional 3.5 mills of the taxable value of all real and personal property subject to taxation in the City to provide funds for municipal operating purposes including police and fire, public works, and parks & recreation. (Amended by voters on Nov. 7, 1995; Nov. 4, 2008; Nov. 6, 2012; Nov. 8, 2016; Nov. 3, 2020; Nov. 7, 2023; Aug. 6, 2024)

Sec. 9.3. Assessment roll.

The Assessor shall, in accordance with State law, make and certify an assessment roll of all persons and property in the City liable to taxation.

Sec. 9.4. Board of review.

The Board of Review shall be composed of three (3) qualified electors of the City, but not officers or employees of the City nor candidates for office. The terms of the Board of Review members appointed under the previous charter shall continue for the balance of their respective terms. One (1) member of the board shall be appointed by the Council annually in January for a term of three (3) years. The board shall constitute a Board of Review for all tax assessments. The

Assessor shall be the clerk of the board, shall keep a record of its proceedings and may be heard at its meetings, but shall have no vote. The Council shall fix the compensation of the members of the Board of Review each year previous to the first meeting of the board. The board shall annually in February select its own chairperson for the ensuing year and determine its rules of procedure. A majority of the members of the board shall constitute a quorum.

Sec. 9.5. Meeting of board of review.

The Board of Review shall convene in accordance with statute to review and correct the assessment roll and shall remain in session for a minimum of two (2) days. Taxpayers shall have a reasonable opportunity to be heard.

Sec. 9.6. Notice of meetings.

Notice of the time and place of the sessions of the Board of Review shall be published by the Assessor at least ten (10) days prior to the meeting.

Sec. 9.7. Endorsement of assessment roll.

The Board of Review shall endorse the assessment roll as provided by general law. Such roll shall be the assessment roll of the City for all tax purposes.

Sec. 9.8. Certify tax levy to assessor.

Within three (3) days after the adoption by the Council of the budget for the next fiscal year, the Clerk shall certify to the Assessor the amount of the tax levy fixed by the Council which the Assessor shall proceed to assess to each person and piece of property on the assessment roll, together with all special assessments as well as any other amounts which the Council may require, under authority of State law or this charter or determine to be assessed or reassessed against any property or person.

Sec. 9.9. Tax roll certified for collection.

After spreading the taxes the Assessor shall certify the tax roll and attach their warrant directing the Finance Director to collect prior to the date required by statute, from the several persons named in the roll the several sums mentioned opposite their respective names as a tax or assessment. The tax roll shall be delivered to the Finance Director for collection on or before the fifth day of June.

Sec. 9.10. Tax lien.

On July first, the taxes thus assessed shall become a debt due to the city from the persons to whom assessed, and the amounts assessed on any interest in real property shall, on such due date, become a lien upon such real property for such amounts and for all interest and charges, and all personal property taxes shall become a first lien on all personal property of such persons so assessed. Such lien shall take precedence over all other claims, encumbrances, and liens to the extent provided by law and shall continue until such taxes, interest and charges are paid.

Sec. 9.11. Taxes due: notification.

City taxes shall be due and payable on the first day of July of each year. The Finance Director shall not be required to call upon the person named in the tax roll, nor to make personal demand for the payment of taxes, but the Finance Director shall publish notice of the time when taxes will be due for collection and of the penalties and fees for the late payment and mail a tax bill to the last known owner of record. In cases of multiple ownership of property, only one bill need be mailed. Failure on the part of the Finance Director to publish notice or mail such bills shall not invalidate the taxes on the tax roll nor release the person or property assessed from the penalties and fees provided in this charter in case of late payment or nonpayment.

Sec. 9.12. Collection charges on late payment of taxes.

No penalty shall be charged for City taxes paid on or before the thirty-first (31st) day of August. The Council shall provide, by ordinance, the tax payment schedule for City taxes paid after the thirty-first (31st) day of August, and the amount of penalty, collection fee, or interest charges, if any, to be added thereafter in an amount not to exceed the limit allowed by State statute. Such charges shall belong to the City and constitute a charge and shall be a lien against the property to which the taxes apply, collectible in the same manner as the taxes to which they are added.

Sec. 9.13. Collection of delinquent taxes.

All City taxes on real property remaining uncollected by the Finance Director on the first day of March, or date established by statute, following the date when said roll was received by the Finance Director, shall be returned 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 Finance Director and shall include all the additional charges and assessments 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 provisions of the general laws of the State and shall be and remain a lien upon the property against which they are assessed, until paid.

Sec. 9.14. Failure or refusal to pay personal property tax.

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

Sec. 9.15. State, county and school taxes.

The levy, collection and return of state, county and school taxes shall be in conformity with the general laws of the State and Constitution.

CHAPTER 10 BORROWING AUTHORITY

Sec. 10.1. General borrowing.

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

- A. General obligation bonds which pledge the full faith, credit, and resources of the City for payment of such obligations.
- B. Notes issued in anticipation of the collection of taxes, but the proceeds of such notes may be spent only in accordance with appropriations as provided in Section 8.5 (Budget Control).
- C. In case of fire, flood, wind storm, or other calamity, emergency loans due in not more than five (5) years for the relief of inhabitants of the City and for the preservation of municipal property.
- D. Special assessment bonds issued in anticipation of the payment of special assessment made for the purpose of defraying the cost of any public improvement, or in anticipation of payment of any combination of such special assessments; such special assessment bonds may be an obligation of the special assessment district or districts alone, or may be both an obligation of the special assessment district or districts and a general obligation of the City.
- E. Mortgage bonds for the acquiring, owning, purchasing, constructing, improving, or operating of any public utility which the City is authorized by this charter or by law to acquire or operate.
- F. Bonds for the refunding of the funded indebtedness of the City.
- G. Revenue bonds as authorized by law which are secured only by the revenues from a public improvement or public utility and do not constitute a general obligation of the City.
- H. Bonds issued in anticipation of future payments from the Motor Vehicle Highway Fund or any other fund of the State or Federal Government which the City may be permitted by law to pledge for the payment of principal and interest thereof.
- I. Budget bonds, which pledge the full faith, credit, and resources of the City, in an amount which, in any year together with the taxes levied for the same year, will not exceed the limit of taxation authorized by this charter.

- J. Bonds which the City is, by any general law of the State, authorized to issue, now or hereafter, which shall pledge the full faith, credit, and resources of the City or be otherwise secured or payable as provided by law.

Sec. 10.2. Limits of borrowing authority.

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

Sec. 10.3. Preparation and record of bonds.

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 of the bond for any other purpose. Any officer who shall violate this provision shall be deemed guilty of a violation of this charter, except that, whenever all or a part of the proceeds of any bond issue shall remain unexpended and unencumbered for the purpose for which said bond issue was made, the Council may authorize the use of said funds for the retirement of bonds of such issue or for any other purpose permitted by law. All bonds or 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 Finance Director. Upon payment of any bond or other evidence of indebtedness, the same shall be cancelled.

Sec. 10.4. Deferred payment contracts.

The City may enter into installment contracts for the purchase of property or capital equipment, subject to the limitations specified in Chapter 12. The total amounts of outstanding

indebtedness under all such contracts shall not exceed a sum permitted by law. All such deferred payments shall be included in the budget for the year in which the installment is payable.

CHAPTER 11 SPECIAL ASSESSMENTS

Sec 11.1. General power relative to special assessments.

The Council shall have the power to determine that the whole or any part of the cost of any public improvement shall be defrayed by special assessment upon property in a special district and shall so declare by resolution. The resolution shall describe the improvement, state the estimated cost of the improvement, what proportion of the cost shall be paid by special assessment, and what part, if any, shall be a general obligation of the City, and the number of installments in which assessments shall be levied. The Council shall also have the power of reassessment with respect to any such public improvement.

Sec. 11.2. Detailed procedure to be fixed otherwise by ordinance.

The Council shall prescribe by ordinance, the complete special assessment procedure governing the initiation of projects, preparation of plans and cost estimates, creation of districts, notices and hearings, preparation and confirmation of assessment rolls, correction of errors in the rolls, set the number of installments in which assessments may be paid, collection of interest at a rate not to exceed Prime Interest Rate per year on assessments payable in installments, collection of assessments, refunds, and any other matters concerning improvements by the special assessment method.

Such ordinance shall be subject to the following specific provisions, as well as to other provisions of this Chapter:

- A. No public improvement to be financed in whole or part by special assessment shall be undertaken, or any contract let, before adoption by the Council of a resolution finally determining to proceed with such improvements and establishing a special assessment district;
- B. No resolution, finally determining to proceed with an improvement and establishing any special assessment district, shall be adopted until cost estimates have been prepared and a public hearing has been held on the advisability of so proceeding, which hearing shall be held not less than ten (10) days after notice has been published and sent by first class mail to all property owners in the proposed district, as shown by the current assessment roll of the City.
- C. No resolution, finally determining to proceed with an improvement and establishing any special assessment district shall be adopted, except by the affirmative vote of five members of the Council, if prior to such adoption, written objections to the proposed improvement have been filed by the owners of property in the district which, according to estimates, will be required to bear more than fifty per cent (50%) of the amount of such special assessment.

For the purposes of this Section:

1. In the case of tenancies by the entirety or joint tenancies, any one tenant shall be considered an owner entitled to file objections;
 2. In the case of tenancies in common, objections shall be valid only if signed by all the common tenants; and (3) in the case of property being sold under land contract, the party in whose name the property is assessed for taxation on the City's records shall be deemed to be the owner.
- D. No special assessment roll shall be finally confirmed by the Council, until after a meeting of the Council has been held for the purpose of reviewing such roll, which meeting shall be held not less than ten (10) days after notice has been published and sent by first class mail to all property owners in the proposed district as shown by the current assessment roll of the City.

Sec. 11.3. Disposition of excessive special assessments.

The excess by which any special assessment proves larger than the actual cost of the improvement and incidental expenses may be placed in the general fund of the City if such excess is five per cent (5%) or less of the assessment. Should the assessment prove larger than necessary by more than five per cent (5%), the entire excess shall be refunded on a pro-rata basis to the owners of the property assessed. Such refund shall be made by credit against future unpaid installments to the extent such installments then exist and the balance of such refund shall be in cash. No refunds may be made which contravene the provisions of any outstanding evidence of indebtedness secured in whole or part by such special assessments.

Sec. 11.4. Additional assessments: correction of invalid special assessments.

Additional pro-rata assessments may be made when any special assessment roll proves insufficient to pay for the improvement for which it was levied and the incidental expenses, or to pay the principal and interest on bonds issued in anticipation of such assessment roll. However, the additional pro-rata assessment shall not exceed twenty-five per cent (25%) of the assessment as originally confirmed, unless a meeting of the Council is held to review such additional assessment, for which meeting notices shall be published and mailed as provided in the case of review of the original special assessment roll.

Whenever any special assessment shall, in the opinion of the Council, be invalid by reason of irregularity in the proceedings, or if any court of competent jurisdiction shall adjudge such assessment to be illegal, the Council shall, whether the improvement has been made or not, or whether any part of the assessments have been paid or not, have power to cause a new assessment to be made for the same purpose for which the former assessment was made. All proceedings on such re-assessment and for the collection shall be conducted in the same manner as provided for an original assessment, and, whenever any sum or part, levied upon any property in the assessment so set aside, has been paid and not refunded, the payment so made shall be applied upon the reassessment, or if the payments exceed the amount of the re-assessment, refunds shall be made.

No action of the Council vacating a special assessment, nor any judgement which does not expressly so provide, shall destroy or impair the lien of the City upon the premises assessed for

such amount of the assessment as may be equitably charged against the same or which by regular mode of proceeding, might have been lawfully assessed thereupon.

Sec. 11.5. Limitation on suits and actions.

No suit or action of any kind shall be instituted or maintained for the purpose of contesting or enjoining the collection of any special assessment:

- A. Unless, within thirty (30) days after the confirmation of the special assessment roll, written notice is given to the Council of intention to file such suit or action, stating the grounds on which it is claimed such assessment is illegal.
- B. Unless such suit or action shall be commenced within sixty (60) days after confirmation of the roll.

Sec. 11.6. Lien and collection of special assessments.

Upon the confirmation of each special assessment roll, the special assessment shall become an obligation with respect to several properties assessed, and shall, until paid, be a lien upon each prospective property assessed for the amount of the assessment and all interest and charges apportioned to such property. Such lien shall be of the same character and effect as created by this charter for City taxes.

Special assessment installments, which become due on July first of any year, shall be collected in all respects as are City taxes due on July first of the same year, and if uncollected on the following first day of March, shall be returned to the County Treasurer with unpaid taxes as provided in Section 9.13.

The special assessment installments which become due other than on July first shall, if unpaid for ninety (90) days or more on May first of any year, be certified as delinquent to the Council by the Finance Director, and the Council shall place such delinquent assessments on the tax roll for that year together with accrued interest to July first of such year. The total amount of such assessment and interests shall thereafter be collected in all respects as are city taxes due on July first of that year, shall be subject to the same fees and penalties as are City taxes due on that date, and if uncollected on the following March first shall be returned to the County Treasurer with unpaid taxes as provided in Section 9.13.

Sec. 11.7. Special assessment accounts.

Except as otherwise provided in this chapter, moneys raised by special assessment for any public improvement shall be credited to a separate special assessment account, and shall be used to pay for the costs of the improvement for which the assessment was levied and of incidental expenses, to repay any principal or interest on money borrowed, and to refund excessive assessments.

Sec. 11.8. Assessments for side walks, hazards, etc.

The assessment for the cost of construction or maintenance of any sidewalk or the abatement of any hazard or nuisance to be made pursuant to subsections (v), (w), and (y) of Section 2.2 or for the abatement of any hazard or nuisance, shall be made by resolution of the Council. Notice of the time at which the Council will act thereon shall be given by first class mail to the owner of the property to be assessed as shown by the current tax roll of the City. For the purposes of collection of such assessments, the adoption of such resolution shall be equivalent to the confirmation of a special assessment roll. The amount of any such assessment shall become a debt to the City, upon adoption of such resolution, and shall be subject to the collection fees and become a lien as provided in Section 11.6.

Sec. 11.9. Assessments on single lots.

Based upon the standards and procedures provided by Ordinance, whenever any expenditure is made on account of any separate or single lot, parcel of land, or lands, or premises, which, by the provisions of this charter or by law, the City is authorized to charge and collect as a special assessment against the same, and which assessment is not of that class of special assessments required to be made pro rata upon lots or parcels of land in a special assessment district, a statement of the labor or services for which such expenditure was incurred, verified by the Finance Director, with a description of the lot and the name of the owner chargeable, if known, shall be reported to the Council in the manner prescribed by it. The Council shall determine the part of such expenditure that shall be charged, and the premises upon which the same shall be levied, as a special assessment. As often as the Council deems expedient the Clerk shall give notice of the several amounts so determined and reported to the owners of the property chargeable. Such notice shall be sent by first class mail to the last known addresses of such owners as shown on the assessment roll of the City, or by publication. Such notice shall state the basis of the assessment, and the amount, and shall give a reasonable time, not less than thirty (30) days, within which payment shall be made to the Finance Director. In all cases where payment is not made within the time set, the fact shall be reported by the Finance Director to the Assessor, who shall charge such amounts, together with a penalty of ten per cent (10%) per month of such amounts, against the real property chargeable on the next tax roll.

Sec. 11.10. Failure to mail notice.

The requirement for mailing any notice required to be so sent by this charter or by ordinance, respecting any step in the special assessment procedure, shall not be a jurisdictional requirement and shall not invalidate any special assessment or special assessment roll unless it is demonstrated that such failure was intentional or part of a pattern of failing to notify.

CHAPTER 12 PURCHASES—CONTRACTS—LEASES

Sec. 12.1. Purchase and sale of property.

The City Manager shall designate an administrative officer of the City in charge of purchasing who shall be known as the purchasing officer, who shall be responsible for the purchase and sale of all City property, and shall also be responsible for the procurement, storage and distribution of all City supplies and equipment.

Comparative prices shall be obtained for the purchase of all materials, supplies and capital improvements, except (a) in the employment of professional services; (b) when the City Manager shall determine that no advantage to the City would result; or (c) when the solicitation of bids is required. Further, comparative prices shall not be required in cases where the City Manager confirms the existence of an emergency.

City owned materials, supplies and capital improvements shall be sold in a manner as prescribed by the Council.

In all purchases in excess of Ten Thousand Dollars (\$10,000), (a) the purchase shall be approved by the Council, and (b) sealed bids shall be obtained unless the Council by formal unanimous resolution of those present at the meeting determine that no advantage to the City would result from competitive bidding. Purchases shall be made from the lowest competent bidder meeting specifications, unless the Council shall determine, (a) the public interest would be better served by accepting a higher bid, or (b) rejection of all submitted bids. The Council may authorize the making of public improvements for the performance of any other City work by any City agency without competitive bidding.

No purchase shall be divided for the purpose of circumventing the dollar value limitation contained in this section.

All purchases and sales shall be evidenced by written contract or purchase order. The City may not purchase, sell or lease any real estate or any interest therein, except by the affirmative vote of five or more members of the Council.

The purchase and sale of all City property shall be subject to the provisions of Section 12.2.

Sec. 12.2. Contracts.

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

Any contract or agreement in an amount of Ten Thousand Dollars (\$10,000) or more made with form or terms other than the standard City purchase order form, as approved by the Finance Director, shall before execution be submitted to the attorney and their opinion obtained with respect to its form and legality. A copy of all contracts or agreements requiring such opinion shall be filed in the office of the Clerk together with a copy of the opinion.

Before any contract, agreement or purchase order obligating the City to pay an amount of Ten Thousand Dollars (\$10,000) or more is executed, the Finance Director of the City shall first have certified that an appropriation has been made for the payment, or that sufficient funds will be available if it is for a purpose being financed by the issuance of bonds or by special assessment, or for some other purpose not chargeable to a budget appropriation. In the case of a contract or agreement obligating the City for periodic payments in future fiscal years for the furnishing of a continuing service or the leasing of property, such certification need not cover those payments which will be due in future fiscal years, but this exception shall not apply to a contract for the purchase or construction of a public improvement, unless such purchase or construction is being

financed by an installment contract under authority of Section 10.4. Certification by the purchasing officer of the City shall be endorsed on each contract, agreement or purchase order requiring same or shall be filed as an attachment.

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

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

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

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

An individual agreement of employment shall not be deemed a contract requiring opinion by the attorney or certification by the Finance Director of the City.

Sec. 12.3. Restriction on powers to let or sell property.

Any agreement or contract for the renting or letting of public property for a period longer than three (3) years shall be subject to the same referendum procedure as provided in the case of ordinances passed by the Council. However, a summary of the terms of any such agreement or contract shall be published within ten (10) days after its approval by the Council and any petition for such referendum must be filed within thirty (30) days after such publication to be effective.

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

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

The City shall not sell all or a part of any park, or cemetery, unless approved by a majority of the electors voting at any general or special election.

Sec. 12.4. Debts.

The City shall not repudiate any debt by any change in its charter or by consolidation with any other municipality.

Sec. 12.5. Contracting authority of council.

The power to authorize the making of contracts on behalf of the City is vested in the Council, and shall be exercised in accordance with the provisions of the law. All contracts, except as otherwise provided by ordinance in accordance with the provisions of this charter, shall be authorized by the Council, and shall be signed on behalf of the City by the Mayor and the Clerk.

Sec. 12.6. Limitations on contractual power.

- A. Council shall only have power to enter into contracts which, by the terms, will be fully executed within a period of ten (10) years, unless such contract shall first receive the approval of the majority of the qualified electors voting at a regular or special election. This qualification shall not apply to any contract for services with a public utility, or one or more other governmental units, nor to contracts for debt secured by bonds or notes which are permitted to be issued by the City by law.
- B. Except as provided by ordinance authorized in this charter, each contract for construction of public improvements shall be let after opportunity for competition.
- C. All bids shall be opened and read aloud in public by the City Manager or their authorized representative at the time designated in the notice of letting, and shall be reported by him to the Council at its next regular meeting. The Council may reject any or all bids which, based upon legitimate grounds, should be rejected in the public interest. If, after ample opportunity for competitive bidding, no bids are received, or such bids as are received are not satisfactory to the Council, the Council may either endeavor to obtain new competitive bids or authorize the City Manager, or other proper officials of the City, to negotiate or contract on the open market.

Sec. 12.7. Official interest in contracts.

No person holding any elective or appointive office of the City shall take any official action on any City contract in violation of Act 317 of the Public Acts of 1968, as amended, MCL 15.321, and following Sections.

CHAPTER 13 MUNICIPAL OWNED UTILITIES

Sec. 13.1. General powers respecting utilities.

Subject to the provisions of the Constitution and statute, the City shall have the power to acquire, own, establish, construct, operate, improve, enlarge, extend, repair and maintain, either within or without its corporate limits, a public utility for supplying water to the municipality and its inhabitants for domestic, commercial and municipal purposes, and may sell and deliver water without its corporate limits in an amount not exceed the limitations set by the Constitution and statutes. Subject to statutory provisions, the City shall also have the power to acquire, own, establish, construct, operate, improve, enlarge, extend, repair and maintain, either within or without its corporate limits, including, but not by way of limitation, public utilities for supplying light, heat, power, gas, sewage treatments and garbage facilities, cable television, storm sewer and drain ditches, refuse disposal facilities, and facilities for the storage and parking of vehicles within its corporate limits.

Sec. 13.2. Acquisition of private property.

Private property may be taken and appropriated, for any public use in connection with any acquisition, enlargement or extension of public utilities for supplying water, light, heat, power, gas, and sewage and garbage disposal facilities, or any of them; for the purpose of opening,

widening, altering, and extending streets, alleys and avenues; for the construction of bridges, for public buildings and for other public structures; for public grounds, parking spaces, parks, market places and spaces; for the improvement of waters and water courses within the City; for sewers, drains and ditches; for public hospitals, and public cemeteries; for transport of solid waste and for collection and reclaiming of waste materials; and for other lawful and necessary public uses, and may hold the same. The ownership of such property shall be acquired by the City by negotiation and purchase, or in any other manner permitted by the general laws of the State for the taking of private property for public use.

Sec. 13.3. Management of municipally owned utilities.

As determined by the Council, municipally owned or operated utilities may be administered as a regular department of the City government under the management and supervision of the City Manager or may be operated by public or private organizations approved by Council.

Sec. 13.4. Rates.

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

Sec. 13.5. Utility rates—Charges—Collection.

The Council shall provide, by ordinance, for the collection of all public utility charges made by the City and for such purpose, shall have all the power granted to cities by statute. When any person or persons, or any firm or corporation, shall fail or refuse to pay to the City any sums due on utility bills, which are not covered by deposits, the utility 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. Prior to discontinuance of service, the user of the service shall be given notice at the address on the City's records, and afforded an opportunity to be heard by the City Manager, or the Manager's designate, as to why service should not be discontinued.

Sec. 13.6. Disposal of utility plants and property.

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

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

Sec. 13.7. Utility finances.

Separate accounts shall be kept for each public utility owned or operated by the City, distinct from other City accounts, and in such manner as to show the true and complete financial result of such City ownership or operation, or both, including all assets, liabilities, revenues, and expenses. These accounts shall show the actual cost to the City of each such public utility, the cost of all extensions, additions, and improvements, all expenses of maintenance, the amounts set aside for sinking fund purposes, and all operating 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. They shall also show a proper allowance for depreciation and insurance. The Council shall annually cause to be made a report showing the financial results of such city ownership or operation, or both, which report shall give for each utility, the information specified in this section, and such further information as the Council shall deem expedient; which report shall be available for inspection at the Office of the Clerk.

CHAPTER 14 PUBLIC UTILITY FRANCHISES

Sec. 14.1. Franchises remain in effect.

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

Sec. 14.2. Granting of public utility franchises.

Public utility franchises and all renewals and extensions and amendments shall be granted by ordinance only. No exclusive franchise shall ever be granted. No franchise shall be granted for a longer period than thirty (30) years.

No franchise ordinance which is not revocable at the will of the Council shall be granted or become operative until the same 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 at such election as required by law. No such franchise ordinance shall be approved by the Council for referral to the electorate before thirty (30) days after application has been filed with the Council or until a public hearing has been held, nor until the grantee named has filed with the Clerk their unconditional acceptance of all terms of such franchise. No special election for such purposes shall be ordered unless the expense of holding such election, as determined by the Council shall have first been paid to the Finance Director by the grantee.

A franchise ordinance or renewal or extension or amendment which is subject to revocation at the will of the Council may be enacted by the Council without referral to the voters, but shall not be enacted unless it shall have been complete in the form in which it is finally enacted and shall have been so on file in the office of the Clerk for public inspection for at least four (4) weeks after publication of a notice that such ordinance is so on file.

Sec. 14.3. Conditions of public utility franchises.

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

- A. To repeal the same for misuse, nonuse or material failure to comply with the provisions;
- B. To require proper and adequate extensions of plant and service and maintenance at the highest practicable standard of efficiency, which in any event shall be at least in accordance with the rules and regulations of the Michigan Public Service Commission, or its successor (or other applicable regulatory body having jurisdiction);
- C. To establish reasonable standards of service and quality of products and prevent unjust discrimination in service or rates;
- D. To make independent audit and examination of accounts at any time, and to require reports annually;
- E. To require continuous and uninterrupted service to the public in accordance with the terms of the franchise throughout the entire period;
- F. To impose such other regulations as may be determined by the Council to be conducive to the safety, welfare and accommodation of the Public;
- G. To use, control and regulate the use of its streets, alleys, bridges and other public places and the space above and beneath them.

Sec. 14.4. Regulation of rates.

The rates charged by public utilities under the supervision of State regulatory agencies shall be fixed by such agencies. The rates not pre-empted by the State for public utilities shall be set, after public hearing, by the City Council. The value of the property of the utility used as a basis for fixing such rates, fares and charges shall in no event include a value predicated upon the franchise, goodwill or prospective profits.

Sec. 14.5. Use of public places by utilities.

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

Sec. 14.6. Revocable permits.

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

Sec. 14.7. Purchase—Condemnation.

The City shall have the right to acquire by condemnation or otherwise the property of any public utility in accordance with the general laws of the State, provided that the price to be paid shall in no event include any value predicated upon the franchise, goodwill, or prospective profits.

CHAPTER 15 PLANNING AND ZONING

Sec. 15.1. Planning commission.

The Council shall establish a Planning Commission as provided by law. Members of the Commission shall hold no other City office. The Commission may make recommendations to the City Manager and the City Council on all matters affecting the physical development of the City, shall be consulted on the Master Plan and its implementation as provided in Sections 15.2 and 15.3, and shall exercise all other responsibilities as may be provided by law.

Sec. 15.2. Master plan.

- A. The Planning Commission, after review and comment by Council, shall adopt and may, from time to time, modify a master plan, setting forth, in graphic and textual form, policies to govern the future physical development of the City. Such plan may cover the entire City and all of its functions and services or may consist of a combination of plans governing specific functions and services or specific geographic areas which together cover the entire City and all of its functions and services.
- B. The master plan shall serve as a guide to all future Council action concerning land use and development regulations, urban renewal programs and expenditures for capital improvements.

Sec. 15.3. Implementation of the master plan.

- A. The Council may, by ordinance, adopt land use and development regulations, including but not limited to an official map and zoning and subdivision regulations.
- B. The Council may, by ordinance, provide for redevelopment, rehabilitation, and conservation programs to attain:
 - 1. Aesthetically appropriate development;
 - 2. The most appropriate use of land.

Sec. 15.4. Zoning board of appeals.

The Council shall establish a Zoning Board of Appeals and shall provide standards and procedures for such Board to hear and determine appeals from administrative decisions, petitions for variances, and such other matters as may be required by the Council or by law.

CHAPTER 16 MISCELLANEOUS

Sec. 16.1. Definitions and interpretations.

Except as otherwise specifically provided or indicated by the context:

- A. All words used in this charter indicating the present tense shall not be limited to the time of the adoption of this charter, but shall extend to and include the time of the happening of any event or requirement for which provision is made herein.
- B. The singular number shall include the plural, the plural number shall include the singular and the masculine gender shall extend to and include the feminine gender and the neuter.
- C. The word "person" may extend and be applied to bodies politic and corporate, and to partnerships as well as to individuals.
- D. The words "printed" and "printing" shall include reproductions by printing, engraving, stencil duplicating, lithographing or any similar method.
- E. Except in reference to signatures, the words "written" and "in writing" shall include printing and typewriting.
- F. The word "City" shall mean the municipal corporation of Wixom as it existed prior to the effective date of this charter, including the period from and after its incorporation as a City and until such effective date.
- G. The word "officer" shall include the Mayor and members of the Council, the appointive administrative officers, and the City Attorney.
- H. The word "statute" shall denote the Public Acts of the State of Michigan in effect at the time the provision of charter containing the word "statute" is to be applied.
- I. All references to specific Public Acts of the State of Michigan shall be to such acts as are in effect at the time the reference to such act is to be applied.
- J. The words "law" or "general laws of the state" shall denote the Constitution and the Public Acts of the State of Michigan in effect at the time the provision of the charter containing the words "law" or "general laws of the state" is to be applied, and applicable common law.
- K. The word "freeholder" shall include persons purchasing property on land contract.
- L. All references to section numbers shall refer to section numbers of this charter.

- M. The words "Appointive administrative officer" refer specifically to those officers outlined in Chapter 6 of this Charter.
- N. The words "Budget appropriation" shall mean the authority granted by the Council to expend money or to incur obligations for the purpose specified to operate a department, agency or function of the City.

Sec. 16.2. Definition of publication—Mailing of notices.

The requirement contained in this charter for the publishing or publication of notices or ordinances shall be met by publishing an appropriate insertion in a newspaper published in the English language for the dissemination of news of a general character which newspaper shall have a general circulation at regular intervals in the City for at least two years immediately preceding the time that it is used for such publication purposes. The affidavit of the printer or publisher of such newspaper, or of their foreman or principal clerk, annexed to a printed copy of such notice, ordinance or proceeding taken from the paper in which it was published and specifying the times of publication shall be prima facie evidence of such publication.

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

Sec. 16.3. City liability.

The City shall not be liable for damages sustained by any person either to their person or property by reason of the negligence of the City, its officers or employees, nor by reason of any defective condition or of obstruction in any public place, unless such person shall serve or cause to be served upon the Clerk within one hundred and twenty (120) days after the injury resulting in such damages shall have occurred a notice in writing, which notice shall set forth substantially the time and place of such injury, the manner in which it occurred, the extent of such damages as far as the same has become known, the names and addresses of the witnesses known at the time by the claimant and a statement that the person sustaining such damages intends to hold the City liable for such damages as may have been sustained by him.

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

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

It is not the intent of this Section to create or extend liability of the City.

Sec. 16.4. No estoppel.

No estoppel may be created against the City.

Sec. 16.5. Records to be public.

All records of the City shall be public, shall be kept in City offices except when required for official reasons or for purposes of safekeeping to be elsewhere, and shall be available to the general public in compliance of Act 442 of the Public Acts of 1976 as amended. All public records will be maintained in the English language.

Sec. 16.6. Vested rights continued.

After the effective date of this charter, the City shall be vested with all the property, moneys, contracts, rights, credits, effects and the records, files, books and papers belonging to the City. No right or liability, either in favor of or against the City, existing at the time this charter becomes effective and no suit or prosecution of any character shall in any manner be affected by any change, resulting from the adoption of this charter, but the same shall stand or proceed as if no change had been made. All debts and liabilities of the City shall continue to be the debts and liabilities of the City, and all fines and penalties imposed at the time of such change shall be collected.

Sec. 16.7. Trusts.

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

Sec. 16.8. Severability of charter provisions.

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

Sec. 16.9. Amendments.

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

Sec. 16.10. Default or felony conviction.

No person shall be eligible for any elective or appointive office who shall have been found guilty by a competent tribunal of the commission of a felony.

Sec. 16.11. Financial interest prohibited.

No person serving the City (except members of the legislature and state officers who are within the provisions of Section 10 of Article 4 of the State Constitution) shall act in any manner which violates the provisions of Act 317 of the Public Acts of 1968, as amended, MCL 15.321, and following sections.

Sec. 16.12. Anti-nepotism.

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

Sec. 16.13. Delivery of office.

Whenever any officer or employee shall cease to hold such office or employment for any reason whatsoever, they shall within five (5) days or sooner on demand, deliver to their successor in office or to their superior all the books, papers, moneys and effects in their custody as such officer or employee. Any officer violating this provision may be proceeded against in the same manner as public officers generally for a like offense under statute. Any employee found guilty of violating this provision by a competent tribunal may be punished by a fine of not to exceed one hundred dollars (\$100.00) or imprisonment for not to exceed ninety (90) days, or both, in the discretion of the court.

Sec. 16.14. Sundays and holidays.

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

Sec. 16.15. Chapter and section headings.

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

CHAPTER 17 SCHEDULE

Sec. 17.1. Status of schedule chapter.

The purpose of this schedule chapter is to amend the government of the City of Wixom.

Sec. 17.2. Election of adoption of charter.

This charter shall be submitted to a vote of the registered electors of the City of Wixom at a general election to be held on Tuesday, November 3, 1987.

Sec. 17.3. Effective date of charter.

This charter shall take effect on January 1, 1988.

Sec. 17.4. Continuation of appointed officers and employees.

Except as otherwise provided herein, after the effective date of this charter, all appointive officers and all employees of the City shall continue in that City office or employment which corresponds to the City office or employment which they held prior to the effective date of the charter as though they had been appointed or employed in the manner provided in this charter, and they shall in all respects be subject to the provisions of this charter.