

# **CHARTER**

## **CITY OF GRANDVILLE**

**KENT COUNTY, MICHIGAN**

.....  
**APPROVED**

**NOV. 4**  
**1958**

.....  
**AND AMENDED**  
**THROUGH**  
**SEPTEMBER**  
**1981**



**CITY OF**  
**GRANDVILLE**

## NOTICE

Several sections, or parts thereof, of the City Charter are now obsolete, superceded by state statutes, or invalidated or modified by court decisions. In that regard, certain information has been included in [ ] in this reprinted edition of the City Charter. Material contained in [ ] is not part of the City Charter and does not necessarily represent all sections of the City Charter which have become obsolete, superceded, invalidated or modified. In addition, any section of the City Charter or the information contained in [ ] could be superceded by events subsequent to the reprinting of the City Charter. Thus, if there is any question as to the applicability of any section of the City Charter to your specific situation, you are urged to consult an attorney.

## PREAMBLE

We, the people of the City of Grandville, Michigan, in order to provide for the good government and welfare of its people, do hereby adopt, ordain and establish this charter for the City of Grandville, Michigan.

## CHAPTER I INCORPORATION AND BOUNDARIES

### Continuation of Existing Corporation:

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

### Boundaries:

Section 1.2. The City shall embrace the territory constituting the City of Grandville, on the effective date of this charter, together with such annexations thereto and less any detachments

therefrom that may be made from time to time. Upon annexation or detachment of territory, the boundaries shall be deemed thereby to be changed without amendment of this section. The Clerk shall maintain and keep available in his office for public inspection and distribution an official description of the current boundaries of the city.

## CHAPTER II DEFINITIONS AND GENERAL PROVISIONS

### Vested Rights Continued:

Section 2.1. (a) 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 it under and by virtue of the previous city charter.

(b) 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.

### Records to Be Public:

Section 2.2. 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 for inspection at all reasonable times.

### Definitions and Interpretations:

Section 2.3. Except as otherwise specifically provided or indicated by the context of this charter:

(a) The word "city" shall mean the City of Grandville;

(b) The word "council" shall mean the City Council of the City of Grandville;

(c) The word "law" shall denote applicable federal law, the Constitution and statutes of Michigan, the applicable common law, and this charter;

(d) The word "officer" shall include, but shall not be limited to, the Mayor, the members of the Council, and, as hereinafter provided, the administrative officers, deputy administrative officers, and members of city boards created by or pursuant to this charter, and the Justice of the Peace;

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

(f) The words "printed" and "printing" shall include printing, engraving, stencil, duplicating, lithographing, typewriting, photostating, or any similar method;

(g) Except in reference to signatures, the words "written" and "in writing" shall include hand written script, printing, typewriting, and teletype and telegraphic communications;

(h) All words indicating the present tense shall not be limited to the time of the adoption of this charter, but shall extend to and include the time of the happening of any event or requirement to which the provision is applied;

(i) The singular shall include the plural, the plural shall include the singular, and the masculine gender shall extend to and include the feminine gender and the neuter.

(j) The words "assessed value" or "assessed valuation" shall mean the local assessment as approved

or changed and corrected through the process of county and state equalization.

#### **Publication of Notices. Mailing of Notices:**

Section 2.4. (a) 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 had 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 his 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 evidence of such publication.

(b) 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 evidence of such mailing.

#### **Trusts:**

Section 2.5. 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 and for no other purposes except in cases where the *cy pres* doctrine shall apply.

#### **Quorum:**

Section 2.6. 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.

#### **Sundays and Holidays:**

Section 2.7. Whenever the date fixed by this charter or by ordinance for 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.

#### **Penalties for Violations of Charter:**

Section 2.8. Any officer of the city found guilty by a court of competent jurisdiction of any act declared by this charter to constitute misconduct in office may be punished by a fine of not to exceed five hundred dollars or imprisonment for not to exceed ninety days or both, in the discretion of the court. The punishment provided in this section shall be in addition to that of having the office declared vacant as provided in this charter.

#### **Chapter and Section Headings:**

Section 2.9. The chapter, section and sub-section headings used in this charter are for convenience only and shall not be considered as part of the charter.

#### **Amendments:**

Section 2.10. This charter may be amended at any time in the manner provided by law. Should two or more amendments adopted at the same election have conflicting provisions, the one receiving the largest affirmative vote shall prevail as to those provisions.

#### **No Estoppel:**

Section 2.11. No estoppel may be created against the city.

#### **Severability of Charter Provisions:**

Section 2.12. If any provision, section, article or clause of this charter or the application thereof 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.

#### **City Liability:**

[Several aspects of this section have been modified or superceded by court decisions and state statutes.]

Section 2.13. The city shall not be liable for damages sustained by any person either to his person or property by reason of the negligence of the city, its officers or employees, nor by reason of any defective condition of or obstruction in any public place unless such person shall serve or cause to be served upon the Clerk, within sixty 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 damage 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 thereof. No person shall bring any action against the city for any such damages until such claim shall have been filed with the Clerk and until the Council shall have been given reasonable 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.

#### Processes Against City:

Section 2.14. All process against the city shall run against the city in the corporate name thereof and may be served by leaving a true copy with the Mayor, Clerk or Attorney.

### CHAPTER III MUNICIPAL POWERS

#### General Powers:

Section 3.1. 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 pro-

vide in their charters by Public Act 279 of 1909, 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 the state and the provisions of this charter.

#### Further Definition of Powers:

Section 3.2. 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 Kent 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, for borrowing money for such refunding, and for issuing bonds therefor;

(d) The installation and connection of conduits for the service of municipally owned and operated electric lighting plants;

(e) The purchase or condemnation of the franchises and of the property used in the operation of companies or individuals engaged in the cemetery, hospital, almshouse, electric light, gas, heat, water and power business;

(f) The establishment and vacation of streets, alleys, public ways and other public places, and the use, regulation, improvement and control of the surface of such streets, alleys, public ways and other public places and of the space above and beneath them;

(g) The use, by others than the owner, of property located in streets, alleys and public places, in the operation of a public utility, upon the payment of a reasonable compensation to the owners thereof;

(h) A plan of streets and alleys within and for a distance of not more than three miles beyond the municipal limits;

(i) The use, control and regulation of streams, waters and water courses within its boundaries, subject to any limitations imposed by statute;

(j) The acquiring, establishment, operation, extension and maintenance of facilities for the storage and parking of vehicles within its

corporate limits, including the fixing and collection of charges for services and use thereof on a public utility basis, and for such purpose to acquire by gift, purchase, condemnation or otherwise, the land necessary therefor;

(k) Regulating and restricting the location of oil and gasoline stations;

(l) 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;

(m) Licensing, regulating, restricting and limiting the number and locations of advertising signs or displays and billboards within the city;

(n) The regulating of trades, occupations and amusements within the city, not inconsistent with state and federal laws, and for the prohibiting of such trades, occupations, and amusements as are detrimental to the health, morals or welfare of its inhabitants;

(o) 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;

(p) 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;

(q) The regulating of all airports located within its boundaries, and for the purpose of promoting and preserving the public peace, safety and welfare, controlling and regulating the use of the air above the city by aircraft of all types;

(r) 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;

(s) The requiring of an owner of real property within the city to construct and 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 sidewalk and assess the cost thereof against the abutting property.

(t) 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 him 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.

(u) 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.

(v) 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, including the removal thereof and assessing the cost thereof against the abutting property.

#### Exercise of Power:

Section 3.3. Where no procedure is set forth in this charter for the exercise of any power granted to or possessed by the city or its officers, the procedure set forth for the exercise of such power in any statute of the State of Michigan, including statutes passed for the government of any public body, shall govern. If alternative procedures are to be found in different statutes, the Council shall select that procedure which it deems to be most expedient and to the best advantage of the city and its inhabitants. Where no procedure for the exercise of any power of the city or its officers is set forth, either in this charter or in any statute of the State of Michigan, the Council shall prescribe a reasonable procedure for the exercise thereof by ordinance.

#### Inter-Governmental Contracts:

Section 3.4. 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 perform jointly, or by one or more of them, for or on behalf of the other or others any power or duty which is permitted to be so performed

by law or which is possessed or imposed upon each such governmental unit or agency.

## CHAPTER IV ELECTIONS

### Non-Partisan Elections:

Section 4.1. The nomination and election of all city officers shall be on a non-partisan basis.

### Election Procedure:

Section 4.2. Except as such statutes relate to political parties or party or partisan procedure and except as otherwise provided in this charter, the general election statutes shall apply and control, as near as may be, all procedures relating to city elections, including but not limited to: qualifications of electors, establishment of precincts, verification of petitions, registration of voters, and voting hours. The Clerk shall give public notice of each city election in the same manner as is required by law for the giving of public notice of general elections in the state.

### Ward Divisions:

Section 4.3. The City of Grandville shall be divided into three wards as follows:

First Ward, all that part of the City of Grandville lying North of Buck Creek and West of a line described as beginning at the intersection of Buck Creek and the North and South one-quarter (¼) line of Section Seventeen (17), thence North to the centerline of Prairie Street, thence West along said centerline to the intersection of the centerlines of Prairie and Barrett Streets, thence North along the centerline of Barrett Street (and as extended to the North) to the North limits of the City of Grandville.

Second Ward, all that part of the City of Grandville lying North

of Buck Creek which is not a part of the First Ward.

Third Ward, all that part of the City of Grandville lying South of Buck Creek.

### Alteration of Ward Boundaries: New City Territory:

Section 4.4. (a) In the event that the population of any ward or wards shall be shown to exceed that of any other ward by fifty per cent, according to the last preceding regular or special federal census, the Council shall, at the next regular city election following the publication of the official figures of such census, submit to the electorate of the city an amendment to this charter proposing to redefine the boundaries of the wards of the city in such a manner as to reasonably equalize the population thereof.

(b) Whenever any territory is annexed to the city, the Council shall forthwith provide by ordinance for the inclusion of such territory in one of the three wards of the city. If the annexed territory is contiguous to only one ward, it shall be included in such ward. If the annexed territory is contiguous to more than one ward, it shall be added to whichever contiguous ward has the smallest population according to the last preceding regular or special federal census. However, the annexed territory may be divided and the parts added to more than one ward if such division produces more equal population in the several wards.

### Primary Election:

"Section 4.5. A regular City primary election shall be held on the third Monday in February of each year, except as hereinafter provided."

[Amended Feb. 15, 1965]

If upon the expiration of the time for filing nominating peti-

tions for any elective city office, valid petitions have been filed for no more than twice the number of candidates for such office to be elected at the following regular city election, then no primary election shall be held with respect to such office.

Candidates, equal in number to twice the number of persons to be elected to each 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 names of such candidates, together with the names of candidates who filed valid nominating petitions for any office for which no primary was held, shall be certified by the Clerk to the Election Commission as nominees for the next subsequent regular city election.

#### **Regular City Election:**

Section 4.6. A regular city election shall be held on the first Monday in April of each year, but if some other date in the months of March, April, or May is fixed by law for the holding of the state biennial spring election, then the regular city election shall be held on the date so fixed.

#### **Special Elections:**

Section 4.7. Special city elections shall be held when called by resolution of the Council at least forty-five days in advance of such election, or when required by law. Any resolution calling a special election shall set forth the purpose of such election. No more special city elections shall be called in any one year than the number permitted by law.

#### **Elective Officers:**

Section 4.8. (a) The elective offi-

cers of the City shall be a Mayor and six Councilmen.

Section 4.8. (b) All elective officers shall be nominated and elected from the City at large.

Section 4.8. (c) At each regular City election three Councilmen shall be elected.

Section 4.8. (d) Commencing with the 1981 regular City election, the Mayor shall be elected at every third regular City election.

[Amended April 7, 1980, Apr. 6, 1970, and Apr. 6, 1964]

#### **Terms of Elective Officers:**

Section 4.9. Commencing with the 1981 regular City election, the term of office of the Mayor shall be for three years. The terms of office for Councilmen shall be for two years. The terms of office of the Mayor and the Councilmen shall commence at 8:00 o'clock p.m., on the Monday next following the regular City election at which they were elected.

[Amended Apr. 7, 1980 and Apr. 6, 1964]

#### **Election Commission:**

Section 4.10. An Election Commission is hereby created consisting of the Clerk, Chief of Police, and Attorney, or in lieu of any thereof, the Council shall appoint not more than three qualified and registered electors of the city who are not candidates or nominees for elective office. The Election Commission shall appoint the Board of Election Inspectors for each precinct and have charge of all activities and duties required of it by law 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 be followed.

#### **Nominations:**

Section 4.11. The method of nomination for all candidates for City elections shall be by petition. Such petitions for each candidate shall be signed by not less than 25 nor more than 50 registered electors for the City. No person shall sign his 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 he is so permitted to sign, the signatures bearing the most recent dates shall be invalidated. Nominating petitions for candidates to be nominated at any regular City primary election, or to be elected at a special election held pursuant to Section 4.7, shall be filed with the Clerk before 4:00 p.m. on the seventh Monday preceding such primary or special election.

[Amended Apr. 5, 1971 and Apr. 6, 1970]

#### **Form of Petitions:**

Section 4.12. The form of nominating petition shall be substantially as that designated by the Secretary of State for the nomination of non-partisan judicial officers. A supply of official petition forms shall be provided and maintained by the Clerk and no other forms shall be used by candidates for city offices. Before the Clerk shall furnish a nominating petition to any person, he shall enter on each petition form with typewriter or in ink the name of the person to be nominated as a candidate and the name of the office for which he is to be a candidate. No petition which has been altered with respect to such entries shall be received by the Clerk for filing. Nominating petitions for the purpose of filling a vacancy shall so state.

#### **Approval of Petition:**

Section 4.13. The Clerk shall

accept only nominating petitions which are on forms provided by him and which, considered together, contain the required number of valid signatures for candidates having those qualifications required for the respective elective city offices as set forth in this charter. The Clerk shall receive no nominating petition for any person named thereon as a candidate, unless the petition is accompanied by an executed affidavit or other proofs establishing the facts which show the eligibility of such candidate for the office named in an executed affidavit. Any petition filed in the office of the Clerk which is not accompanied by such executed affidavit or other proofs shall not be valid.

(b) The Clerk shall, forthwith after the filing of a petition, 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. Within five days after the last date for filing petitions, the Clerk shall make his final determinations as to the validity and sufficiency of each nomination petition and whether or not the candidate has the qualifications required for his respective elective city office by this charter and shall write his determinations thereof on the face of the petition.

(c) The Clerk shall immediately notify, in writing, the candidate whose name appears thereon of his determinations. Such notice to any candidate whose petition is found invalid or insufficient or who is found not to be qualified shall be delivered by personal messenger or by certified or registered mail.

#### **Public Inspection of Petitions:**

Section 4.14. All nominating pe-

titions filed shall be open to public inspection in the office of the Clerk, except during a five day period immediately following the last day for filing such petitions.

#### Form of Ballot:

Section 4.15. (a) The form, printing and numbering of ballots or the preparation of the voting machines used in any city election shall conform as nearly as may be to the provisions of statute, except that no party designation or emblem shall appear. In all city elections, the names of qualified candidates or nominees for each office shall be listed under a separate heading and shall be rotated systematically in the manner prescribed by statute for rotation of names.

(b) If two or more candidates or nominees for the same office have the same or similar surnames, the Election Commission shall print the occupation and residence address under the respective names of each of such candidates or nominees on the ballots (or on labels or slips to be placed on voting machines when used), provided, that for any of such candidates who is an incumbent of such office, the occupation shall be designated as "Incumbent."

(c) Except as provided in this section there shall be no supplementary identification of candidates or nominees on the ballot.

#### Canvass of Votes:

Section 4.16. The Election Commission shall constitute the Board of Canvassers to canvass the votes cast at all elections. If any of such persons are candidates for office at an election to be canvassed, such person shall not be a member of the Board of Canvassers at such election and the

Council shall designate a person to act in his stead. A majority of the members of such board shall be a quorum for the transaction of business of the board. If a quorum is not present, a quorum may be created in the manner provided by law. The Board of Canvassers shall meet at the City Hall at 8:00 o'clock, p.m., on the day following a city election and publicly canvass the returns of such election, shall determine the vote upon all questions and propositions, and shall declare whether the same have been adopted or rejected and which persons have been nominated for or elected to office.

#### Tie Vote:

[In case of a tie vote, lots are drawn before the County Clerk. See MCLA 168.851; MSA 6.1851.]

Section 4.17. If, at any city election, there shall be no choice between candidates by reason of two or more persons having received an equal number of votes, then the City Council shall name a date for the appearance of such persons for the purpose of determining the election of such candidates by lot as provided by statute.

#### Recount:

Section 4.18. A recount of the votes cast at any city election for any office or upon any proposition may be had in accordance with election statutes.

#### Recall:

Section 4.19. Any elected official may be recalled from office by the electors of the city in the manner provided by statute. A vacancy created by such recall shall be filled in the manner prescribed by this charter and by statute.

## CHAPTER V GENERAL PROVISIONS REGARDING OFFICERS AND PERSONNEL OF THE CITY

### Eligibility for Office and Employment in City:

Section 5.1. (a) No person shall hold any elective office of the city, unless he was a resident of the city, or of territory annexed to the city, or both, for at least one year immediately prior to, and was a registered elector on, the last day for filing nominating petitions for such office or prior to the time of his appointment to fill a vacancy. A Councilman who is elected, or who is appointed to fill a vacancy, from a ward, shall have been a resident of his respective ward, or of the area then constituting part of such ward, for at least one year immediately prior to the last day for filing nomination petitions for his office or prior to the day of his appointment to fill a vacancy.

(b) The Justice of the Peace shall, in addition, have the qualifications of that office prescribed by law.

(c) No person shall be eligible for any elective or appointive city office who is in default to the city. The holding of office by any person who is in such default shall create a vacancy unless such default shall be eliminated within thirty days after written notice thereof by the Clerk upon the direction of the Council, or, unless the officer in good faith contests his liability for the default in a court or tribunal of competent jurisdiction.

(d) Each Supervisor and each member of a city board or commission created by, or pursuant to, this charter shall have been a resident of the city for a least one year immediately prior to the day

of his appointment and shall be a qualified and registered elector of the city on such day and throughout his tenure of office.

(e) Except in the case of Supervisors, no elective officer, under this charter, may be appointed to any city office or be employed by the city during the term of office for which he was elected or for one year thereafter: Provided, That, after the expiration of his term of office, he may be appointed as a member of an independent board or commission or fill a vacancy in the position of Councilman.

### Vacancies in Elective Office:

Section 5.2. Any elective city office shall be declared vacant by the Council upon the occurrence of any of the following events before the expiration of the term of such office:

(a) For any reason specified by law as creating a vacancy in office;

(b) If no person is elected to, or qualified for, the office at the election at which such office is to be filled;

(c) If the officer shall be found guilty by a court of competent jurisdiction of any act constituting a violation of the provisions of his charter;

(d) If any officer ceases to have the qualifications for eligibility for such office required by this charter;

(e) If any officer shall absent himself continuously from the city for more than thirty consecutive days in any one calendar year without permission of the Council;

(f) In the case of members of the Council, if such officer shall miss four consecutive regular meetings of the Council, unless such absences shall be excused by the Council and the reason there-

for entered in the proceedings of the Council at the time of each absence or upon missing twenty-five per cent of such meetings in any fiscal year of the city, whether or not excused;

(g) If the officer is removed from office by the Council in accordance with the provisions of Section 5.4.

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

Section 5.3. The office of any member of any board or commission created by, or pursuant to, this charter shall be declared vacant by the Council;

(a) For any reason specified by law as creating a vacancy in office;

(b) If the officer shall be found guilty by a competent tribunal of any act constituting misconduct in office or violation of this charter;

(c) If such officer shall miss four consecutive regular meetings of such board or commission, or twenty-five per cent of such meetings in any fiscal year of the city, unless such absences shall be excused by such board or commission and the reason therefor 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 of Section 5.4.

#### **Removals from Office:**

Section 5.4. Removals by the Council of elective officers or of members of boards or commissions shall be made for either of the following reasons: (a) for any reason specified by law for removal of city officers by the Governor, (b) for any act constituting a violation of this charter. 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 days in advance, either personally or by delivering the same at his last known place of residence according to the records of the city. Such notice shall include a copy of the charges against the officer. The hearing shall afford an opportunity to the officer, in person or by attorney, to be heard in his defense, to cross-examine witnesses and to present testimony. If such officer shall neglect to appear at such hearing and answer such charges, his failure to do so may be deemed cause for his 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.

#### **Resignations:**

Section 5.5. Resignations of elective officers and of members of boards and commissions shall be made in writing and filed with the Clerk. Resignations of appointive officers shall be made in writing to the appointing officer or body and shall be acted upon immediately.

#### **Filling Vacancies in Appointive Offices:**

Section 5.6. Vacancies in appointive offices shall be filled in the manner provided for making the original appointment. In the case of members of boards and commissions appointed for a definite term, such appointments shall be for the unexpired term.

#### **Filling Vacancies in Elective Offices:**

Section 5.7. (a) Any vacancy which occurs in the Council more

than ninety days before the next regular city election shall be filled within thirty days by a majority vote of the remaining members of the Council, said appointee to hold office until the Monday following such election. At such election such vacancy shall be filled as provided in Section 4.6 for any balance of the unexpired original term.

(b) Any vacancy which occurs in the Council ninety days or less before the next regular city election may not be filled until on or after the Monday next following such election and shall then be filled by the Council with like effect as though it had occurred more than ninety days before a regular city election.

Section 5.7. (c) If any vacancy in the office of Councilman which the Council is authorized to fill is not so filled within thirty days after such vacancy occurs, or if the number of vacancies existing on the Council is such as to reduce the membership below a quorum, the Clerk shall, forthwith, call a special election for the purpose of filling such vacancy or vacancies for the balance of the term or terms thereof. Candidates shall be nominated by petitions in a manner identical to that provided in Section 4.5. The names of all qualified candidates who file sufficient valid nominating petitions by the seventh Monday preceding such election shall be certified to the Election Commission and placed on the ballot. All other provisions of this charter not inconsistent with this Section shall govern.

[Amended Apr. 5, 1971]

(d) Vacancies in the office of Justice of the Peace occurring ninety days or more before any regular city election, shall be filled by appointment by a majority vote of the members of the Council then in office for a term expiring on the Monday following

the next regular city election. At such election such vacancy shall be filled for the unexpired term of office through the regular election procedure provided in Chapter IV, and the Justice of the Peace so elected shall take office on the Monday following such election.

(e) Vacancies in the office of Justice of the Peace occurring less than ninety days before any regular city election shall be filled by appointment by a majority vote of the members of the Council then in office for a term expiring on the Monday following the next succeeding regular city election. At such election such vacancy shall be filled for the unexpired term of office through the regular election procedure as provided in Chapter IV, and the Justice of the Peace so elected shall take office on the Monday following such election.

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

#### **Change in Term of Office or Compensation:**

Section 5.8. Except by procedures provided in this chapter, the terms of office of the elective officers and of members of boards and commissions appointed for definite terms shall not be shortened. The terms of elective officers of the city shall not be extended beyond the period for which any such officer was elected except that an elective officer shall, after his term has expired, continue to hold office until his successor is elected and has qualified. The salary of any elective officer shall not be increased or decreased from the time of his election or appointment until the end of the term of office for which he was elected or appointed, except as otherwise provided by law.

[Amended April 4, 1966]



#### **Oath of Office and Bond:**

[The Oath of Office is presently prescribed by Section 1 of Article XI of the Michigan Constitution of 1963.]

Section 5.9. Every officer, elected or appointed, before entering upon the duties of his office, shall take the oath of office prescribed by Section 2 of Article XVI of the Constitution of the State and shall file the same with the Clerk, together with any bond required by law or by the Council. In case of failure to comply with the provisions of this section within ten days from the date of his election or appointment, such officer shall be deemed to have declined the office and such office shall thereupon be vacant, unless the Council shall, by resolution, extend the time in which such officer may qualify as above set forth.

#### **Surety Bonds:**

Section 5.10. (a) Except as otherwise provided in this charter, all officers of the city whose duties involve the custody of public property or the handling of public funds, either by way of receipt or disbursement or both, and all other officers and employees so required by the Council shall, before they enter upon the duties of their respective offices, file with the city an official bond, in such form and amount as the Council shall direct and approve. Such official bond of every officer and employee shall be conditioned that he will faithfully perform the duties of his office, and will on demand deliver over to his successor in office, or other proper officer or an agent of the city, all books, papers, moneys, effects and property belonging thereto, or appertaining to his office, which may be in his custody as an officer or employee; and such bonds may be further conditioned as the Council

shall prescribe. The official bond of every officer whose duty it may be to receive or pay out money, besides being conditioned as above required, shall be further conditioned that he will, on demand, pay over or account for to the city, or any proper officer or agent thereof, all moneys received by him as such officer or employee. The requirements of this paragraph may be met by the purchase of one or more appropriate blanket surety bonds covering all, or a group of, city employees and officers.

(b) All official bonds shall be corporate surety bonds and the premiums thereon shall be paid by the city. The Clerk shall be custodian of all the bonds of all officers or employees, except that the Treasurer shall be custodian of any bonds pertaining solely to the Clerk.

#### **Delivery of Office:**

Section 5.11. Whenever any officer or employee shall cease to hold such office or employment for any reason whatsoever, he shall within five days, or sooner on demand, deliver to his successor in office or to his superior all the books, papers, moneys, and effects in his custody as such officer or employee. Any officer violating this provision may be proceeded against in the same manner as public officers generally for a like offense under statute.

#### **Pecuniary Interest Prohibited:**

[See also state statutes regulating conflicts of interest; e.g. P.A.1968, No. 317.]

Section 5.12. (a) Except as permitted by this section, no contract or purchase involving an amount, or which, cumulative in any one calendar year, will involve an amount in excess of one thousand

dollars shall be made by the city in which any elective or appointive officer or any member of his family has any pecuniary interest, direct or indirect. A "contract" shall for the purposes of this section include any arrangement or agreement pursuant to which any material, service or other thing of value is to be furnished to the city for a valuable consideration to be paid by the city or sold or transferred by the city, except the furnishing of personal services as an officer or employee of the city; and the term "member of his family" shall include spouse, children, parent, brother, sister, and the spouse of any of them.

(b) Without limiting the generality of paragraph (a) of this section, an officer shall be deemed to have a pecuniary interest in a contract if he or any member of his family is an employee, partner, officer, director or sales representative of the person with which such contract is made or of a sales representative of such person. Ownership, individually or in a fiduciary capacity, by an officer or member of his family of securities, or of any beneficial interest in securities, of any corporation with which a contract is made or which is a sales representative of any person with which such contract is made, shall not be deemed to create a pecuniary interest in such contract, unless the aggregate amount of such securities, or interest in such securities, so owned by such officer and the members of his family, shall amount to ten per cent of any class of the securities of such corporation then outstanding.

(c) A contract in which an officer or member of his family has a pecuniary interest may be made by the city if the members of the Council in office at the time, who have no such interest, shall unani-

mously determine that the best interests of the city will be served by the making of such contract and, if either such contract is made after comparative prices are obtained or, if the members of the Council having no such interest shall unanimously determine that the obtaining of comparative prices is not feasible in such particular case. Any Council member may evidence his participation in either determination required by this paragraph, either by his vote, or by written instrument filed with the Clerk.

(d) Any officer who knowingly permits the city to enter into any contract in which he has a pecuniary interest, without disclosing such interest to the Council prior to the action of the Council in authorizing such contract, shall be guilty of a violation of this charter. Except in the instances specified in paragraph (c) of this section, the unanimous determination (by vote or written instrument) of all members of the Council, that, in a particular case, an officer or member of his family will not have a pecuniary interest in any contract or purchase to be entered into by the city shall be final and conclusive in the absence of fraud or misrepresentation.

(e) No officer shall stand as surety or be the agent of any such surety, or give any bail for any other person which may be required by the charter or any ordinance of the city. Any officer of the city who violates the provisions of this paragraph shall be guilty of a violation of this charter.

#### **Compensation of Officers and Employees:**

Section 5.13. (a) The compensation of all officers and employees of the city whose compensa-

tion is not provided for herein shall be fixed by the appointing officer or body within the limits of budget appropriations and in accordance with any pay plan adopted by the Council.

(b) The respective salaries and compensation of officers and employees as fixed by, or pursuant to, this charter shall be in full for all services to the city of such officers or employees and shall be in lieu of all fees, commissions, and other compensation receivable by such officers or employees for such services

Such fees, commissions, and compensations shall belong to the city and shall be collected and accounted for by such officers or employees, and be paid into the city treasury and a statement thereof shall be filed periodically with the City Manager. The provisions of paragraph (b) of this section shall not apply to fees, commissions, or other compensation paid by the County of Kent to any officer or employee serving as a city representative on the Board of Supervisors.

(c) Nothing contained in this section shall prohibit the payment of necessary bona fide expenses actually incurred in service in behalf of the city.

#### **Employee Welfare Benefits:**

Section 5.14. The Council shall have the power to make available to the administrative officers and employees of the city and its departments and boards any recognized standard plan of group life, hospital, health, or accident insurance either independently of, or as a supplement to, any retirement plan provided for said officers and employees.

#### **Merit System:**

Section 5.15. The Council may

provide for a merit system for city employees.

#### **Anti-Nepotism**

Section 5.16. Unless the Council shall by unanimous 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 officer are disqualified from holding any appointive office or employment during the term for which said elective or appointive officer was elected or appointed: spouse, child, parent, grandchild, grandparent, brother, sister, half-brother, half-sister or the spouses of 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 of the city at the time of the election or appointment of said official.

### **CHAPTER VI ORGANIZATION OF GOVERNMENT**

#### **The City Council:**

Section 6.1. There shall be a City Council of seven members, consisting of the elected Councilmen and the Mayor, who shall be deemed a member of the Council for all purposes. The Council shall constitute the legislative and governing body of the city and shall have the power and authority, except as otherwise provided by law, to exercise all powers conferred upon or possessed by the city, and shall have the power and authority to adopt such laws, ordinances, and resolutions as it shall deem proper in the exercise thereof.

#### **Qualifications of Councilmen:**

Section 6.2. Members of the Council shall meet the eligibility requirements contained in Section 5.1. of this charter. The Council shall be the sole judge of the election and qualification of its own members, subject only to review by the court.

#### **Compensation of Mayor and Councilmen:**

[The Council may establish a local officers compensation commission to determine the compensation of each local elected official. See MCLA 117.5c; MSA 5.2084 (3).]

Section 6.3. (a) The Mayor shall receive as compensation nine hundred sixty dollars per year; each councilman shall receive as compensation four hundred eighty dollars per year; in addition thereto each councilman shall be paid the sum of twenty dollars for each special council meeting attended by him; provided, however, that the total compensation paid to each councilman for attendance at special meetings shall not exceed the sum of two hundred dollars per year.

[Amended April 4, 1966.]

(b) Such compensation shall be prorated and paid periodically as determined by the Council, and except as otherwise provided in this charter shall constitute the only compensation which may be paid the Mayor or Councilmen for the discharge of any official duty or employment for or on behalf of the city during their tenure of office. However, the Mayor and Councilmen may, upon order of the Council, be paid such necessary bona fide expenses incurred in service in behalf of the city as are itemized by the person incurring such expenses and audited by the accounting officer.

#### **Election of Mayor Pro Tem:**

Section 6.4. The Council shall,

at its first meeting following each regular city election, after the newly elected members have taken office, elect one of its members to serve as Mayor Pro Tem for a term expiring at the first Council meeting following the next regular city election. Such elections shall be by written ballot and by majority vote of the members of the Council in office at the time.

#### **Duties of Mayor:**

Section 6.5. (a) Insofar as required by statute, and for all ceremonial purposes, the Mayor shall be the executive head of the city. He shall have a voice and vote in all proceedings of the Council equal with that of members of the Council but shall have no veto power. He shall be the presiding officer of the Council.

(b) The Mayor shall be a conservator of the peace, and in emergencies declared by the Council may exercise within the city the powers conferred upon sheriffs to suppress riot and disorder, and shall have authority to command the assistance of all able-bodied citizens to aid in the enforcement of the ordinances of the city and to suppress riot and disorder.

(c) The Mayor shall execute or authenticate by his signature such instruments as may be required by the Council or by law.

(d) Except as may be required by law, the Mayor shall exercise only such powers as this charter or the Council shall specifically confer upon him.

(e) In the absence or disability of the Mayor, the Mayor Pro Tem shall perform the duties of Mayor. In the absence or disability of both, the Council shall designate another of its members to serve as Acting Mayor during such absence or disability.

#### **Administrative Service:**

Section 6.6. (a) The administrative officers of the city shall be the City Manager, Attorney, Clerk, Treasurer, Assessor, Police Chief, Fire Chief, and such other additional administrative officers as may be established by the Council. The Council may establish additional administrative offices and may combine any administrative offices in any manner it deems necessary or advisable for the proper and efficient operation of the city, but the Council may not diminish the duties or responsibilities of the office of City Manager. The City Manager, Attorney and Assessor shall be appointed by the Council for an indefinite period, shall be responsible to and serve at the pleasure of the Council and shall have their compensation fixed by the Council.

(b) All administrative officers of the city, except the City Manager, Attorney, and Assessor, shall be appointed by the City Manager for an indefinite period, subject to confirmation by the Council. Such officers shall be responsible to the City Manager and shall have their compensation fixed by the City Manager in accordance with budget appropriations and subject to approval by the Council. Such officers may be discharged by the City Manager at his pleasure.

(c) Except as may be otherwise required by law, the Council shall establish, by ordinance, such departments of the city as it deems necessary or advisable and shall prescribe therein the functions of each department and the duties, authorities, and responsibilities of the officers of each department. The City Manager may prescribe such duties and responsibilities of the officers of those departments responsible to him which are not inconsistent with this charter or

with any ordinance or resolution adopted concerning such duties and authorities under authority of this charter.

(d) All personnel employed by the city who are not elected officers of the city or declared to be administrative officers by, or under the authority of, this charter shall be deemed to be employees of the city. The head of each department shall have the power to hire, suspend or discharge the employees of his department with confirmation by the City Manager.

#### **City Manager: Appointment and Qualifications:**

Section 6.7. The Council shall appoint a City Manager within ninety days after any vacancy exists in such position. The City Manager shall hold office at the pleasure of a majority of the Council, but he shall not be removed from office during a period of ninety days following any regular city election except by the affirmative vote of five members of the Council. He shall be selected solely on the basis of his executive and administrative qualifications with special reference to his training and experience. At the time of his appointment, he need not be a resident of the city or state, but during tenure of office he shall reside within the city.

#### **City Manager: Functions and Duties:**

Section 6.8. The City Manager shall be the chief administrative officer of the city government. His functions and duties shall be:

(a) To be responsible to the Council for the efficient administration of all administrative departments under the direction of the Attorney and the Assessor.

(b) To see that all laws and ordinances are enforced.

(c) To give to the proper department officials ample notice of the expiration or termination of any franchises, contracts or agreements.

(d) To see that all terms and conditions imposed in favor of the city or its inhabitants in any public utility franchise, or in any contract, are faithfully kept and performed.

(e) To recommend an annual budget to the Council and to administer the budget as finally adopted, under policies formulated by the Council, and to keep the Council fully advised at all times as to the financial condition and needs of the city.

(f) To attend Council meetings with the right to take part in discussions but not to vote, and to recommend to the Council for adoption such measures as he may deem necessary or expedient.

(g) To exercise and perform all administrative functions of the city that are not imposed by this charter upon some other official.

(h) To be responsible for the maintenance of a system of accounts of the city in conformance with any uniform system required by law.

(i) To perform such other duties as may be prescribed by this charter or as may be required of him by ordinance or by direction of the Council.

#### **Acting City Manager:**

Section 6.9. The Council may appoint or designate an Acting City Manager during the period of a vacancy in the office or during the absence of the City Manager from the city, or during a period of illness or disability on the part of the City Manager. Such Acting Manager shall, while he is in such office, have all the responsibilities, duties, functions

and authority of the City Manager.

#### **Relationship of Council to Administrative Service:**

Section 6.10. Neither the Council nor any of its members or committees shall dictate the appointment of any person to office by the City Manager or in any way interfere with the City Manager or other city officer to prevent them from exercising their free judgment in the appointment or employment of officers and employees in the administrative service. Except for the purpose of inquiry, the Council and its members shall deal with the administrative service solely through the City Manager, and neither the Council nor any member or committee thereof shall give orders or directions to any of the subordinates of the City Manager.

#### **Clerk: Functions and Duties:**

Section 6.11. (a) The Clerk shall be the Clerk of the Council, shall attend all meetings of the Council, and shall keep a permanent journal in the English language, of its proceedings.

(b) The Clerk shall be custodian of the city seal, shall affix it to all documents and instruments requiring the seal, and shall attest the same. He shall also be custodian of all papers, documents, and records pertaining to the city, the custody of which is not otherwise provided for in this charter.

(c) The Clerk shall certify by his signature all ordinances and resolutions enacted or passed by the Council.

(d) The Clerk shall provide and maintain in his office a supply of forms for all petitions required to be filed for any purpose by the provisions of this charter or any ordinance of the Council.

(e) The Clerk shall have power

to administer oaths of office.

(f) The Clerk shall perform such other duties as may be prescribed for him by this charter, by the Council, or by the City Manager.

**Treasurer: Functions and Duties:**

Section 6.12. (a) The Treasurer shall have the custody of all moneys of the city, any bond pertaining solely to the Clerk and all evidences of indebtedness belonging to the city or held in trust by the city.

(b) The Treasurer shall collect all moneys of the city the collection of which is not provided for elsewhere by charter or ordinance. He shall receive from other officers and employees of the city all money belonging to and receivable by the city that may be collected by such officers and employees, including fines, license fees, taxes, assessments and all other charges. All money shall be turned over to the Treasurer after collection or receipt, and he shall in all cases give a receipt therefor.

(c) The Treasurer shall keep and deposit all moneys or funds in such manner and only in such places as the Council may determine and shall report the same in detail to the accounting officer of the city.

(d) The Treasurer shall disburse all city funds in accordance with the provisions of statute, this charter and procedures to be established by the Council.

(e) The Treasurer shall have such powers, duties and prerogatives in regard to the collection and custody of state, county, school district and city taxes as are conferred by statute upon township treasurers in connection with state, county, township and school district taxes upon real and personal property.

(f) The Treasurer shall perform

such other duties as may be prescribed for him by this charter, by the Council or by the City Manager.

**Assessor: Functions and Duties:**

Section 6.13. The Assessor shall possess all the powers vested in, and shall be charged with all the duties imposed upon, assessing officers by statute. He shall prepare all regular and special assessment rolls in the manner prescribed by law or by ordinance. He shall perform such other duties as may be prescribed for him in this charter or by the Council.

**Attorney: Functions and Duties:**

Section 6.14. (a) The Attorney shall act as legal advisor to, and be attorney and counsel for, the Council and shall be responsible solely to the Council. He shall advise any officer or department head of the city in matters relating to his official duties when so requested and shall file with the Clerk a copy of all written opinions given by him.

(b) The Attorney shall prosecute all ordinance violations and he shall conduct for the city such cases in court and before other legally constituted tribunals as the Council may request. He shall file with the Clerk copies of all records and files relating thereto as the Council may direct.

(c) The Attorney shall prepare or review all ordinances, contracts, bonds and other written instruments which are submitted to him by the Council and shall promptly give his opinion as to the legality thereof.

(d) The Attorney shall call to the attention of the Council all matters of law, and changes or developments therein, affecting the city.

(e) The Attorney shall perform such other duties as may be pre-

scribed for him by this charter or by the Council.

(f) Upon the recommendation of the Attorney, or upon its own initiative, the Council may retain special legal counsel to handle any matter in which the city has an interest, or to assist and counsel with the Attorney therein.

**Compensation of Attorney and Special Counsel:**

Section 6.15. The compensation of the Attorney shall be set by the Council. No compensation to special legal counsel shall be paid except in accordance with an agreement between the Council and the Attorney or Special Counsel made before the service for which such compensation is to be paid has been rendered.

**Deputy Administrative Officers:**

Section 6.16. The Clerk and Treasurer may appoint their own deputies subject to the written confirmation of the City Manager and may terminate the status of their deputies at their pleasure, upon written notice to the City Manager. Such deputies shall, in each case, possess all the powers and authorities of their superior officers except as the same may be from time to time limited by their superiors or by the City Manager.

**Independent Boards and Commissions:**

Section 6.17. The Council may not create any board or commission, other than those provided for in this charter, to administer any activity, department or agency of the city government except (a) a municipal hospital, (b) recreation or (c) any activity which by statute is required to be so administered. The Council may, however, establish (a) quasi-judicial appeal boards and (b) boards or commis-

sions to serve solely in an advisory capacity.

**Planning Commission:**

Section 6.18. (a) The Council shall establish and maintain a City Planning Commission and shall provide for the making of a comprehensive plan for the City. The Council may, by ordinance, in addition to the powers and functions herein provided, delegate to the Planning Commission other powers and functions permitted by law concerning city planning.

(b) The Planning Commission shall consist of seven members who shall be appointed by the Council. One member so appointed shall represent the school district of the City of Grandville, one member shall be a member of the Council, and five members shall be appointed from the city at large and shall, insofar as possible, represent different professions and occupations having an interest in the growth and development of the city. The City Manager shall also serve as an additional member of the Planning Commission and shall have all rights of membership thereon except the right to vote. The term of office of each member of the Planning Commission, except the Councilman member, shall be three years, or until his successor takes office. The Councilman member shall be appointed for a one year term and shall cease to be a member of the Planning Commission if he ceases to be a member of the Council. Vacancies occurring otherwise than through the expiration of term shall be filled by the Council for the unexpired term. The terms of office of the first Planning Commission appointed hereunder shall be fixed by the Council so that the terms of three members, including the Council-

man, will be for one year, two for two years, and two for three years. Members of the Planning Commission shall serve without compensation.

(c) The Planning Commission shall organize annually at its first meeting following the first day of July, by electing one of its members chairman. The Planning Commission shall hold at least one regular meeting each month, and shall adopt rules for the transaction of its business.

(d) It shall be the function and duty of the Planning Commission to advise the Council in regard to the proper development of the City of Grandville and to recommend annually a program of public structures and improvements for the ensuing five years, which program shall show those public structures and improvements in the general order of their priority.

(e) The Council shall not determine or alter zoning boundaries, or impose or amend zoning regulations, until thirty days after a report on such changes or amendments has been requested from the Planning Commission by the Council and any action by the Council contrary to the advice contained in the report of the Planning Commission shall require the affirmative vote of not less than five councilmen.

[The Kent County Circuit Court has invalidated that part of this section which requires the affirmative vote of five council members to take action contrary to the advice of the Planning Commission. See Kent County Circuit Court Case No: 79-28383-CE.]

## CHAPTER VII THE COUNCIL: PROCEDURE AND MISCELLANEOUS POWERS AND DUTIES

### Regular Meetings:

Section 7.1. The Council shall

provide by resolution for the time and place of its regular meeting and shall hold at least two regular meetings each month. An organizational meeting shall be held on the Monday following each regular city election.

### Special Meetings:

[Notice requirements for special meetings, as well as for regular meetings, are governed by Open Meetings Act, P.A.1976, No. 267.]

Section 7.2. Special meetings shall be called by the Clerk on the written request of the Mayor, or any two members of the Council on at least six hours written notice to each member of the Council, served personally or left at his usual place of residence; but a special meeting may be held on shorter notice if all members of the Council are present or have waived notice thereof in writing.

### Business at Special Meetings:

Section 7.3. 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, if all the members of the Council are present at any special meeting of the Council and consent thereto, any business which might lawfully come before a regular meeting of the Council may be transacted at such special meeting.

### Meetings to Be Public:

[Certain meetings of the Council may be closed meetings pursuant to the Open Meetings Act, P.A.1976, No. 267.]

Section 7.4. All regular and special meetings of the Council shall be open to the public and citizens shall have a reasonable opportunity to be heard under such rules and regulations as the Council may prescribe.

### Quorum: Adjournment of Meeting:

Section 7.5. A majority of the members of the Council in office at the time 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.

### Compulsory Attendance and Conduct at Meetings:

Section 7.6. (a) Any two or more members of the Council may by vote either request or compel the attendance of its members and other officers of the city at any meeting. Any member of the Council or other officer who when notified of such request for his attendance fails to attend such meeting for reason other than those approved by the Council shall be deemed guilty of misconduct in office unless excused by the Council.

(b) The presiding officer shall enforce orderly conduct at meetings and any member of the Council or other officer who shall fail to conduct himself in an orderly manner at any meeting shall be deemed guilty of misconduct in office.

(c) Any police officers 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.

### Organization and Rules of the Council:

Section 7.7. The Council shall determine its own organization, rules, and order of business subject to the following provisions:

(a) A journal of the proceedings of each meeting shall be kept in the English language by the Clerk

and shall be signed by the presiding officer and clerk of the meeting.

(b) 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.

(c) No member of the Council shall vote on any question in which he has a financial interest, other than the common public interest, or on any question concerning his own conduct, but on all other questions each member who is present shall vote when his name is called, unless excused by the unanimous consent of the remaining members present. Any member refusing to vote except when not so required by this paragraph shall be guilty of a violation of this charter.

[See also state statutes regulating conflicts of interest; e.g. P.A.1968, No. 317.]

(d) 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 vote.

(e) The proceedings of the Council, or a summary thereof, shall be published within fifteen days following each meeting. Any such summary shall be prepared by the Clerk and approved by the Mayor and shall show the substance of each separate proceeding of the Council.

[Certain aspects of the production and retention of minutes are governed by the Open Meetings Act, P.A.1976, No. 267.]

(f) There shall be no standing committees of the Council.

### Investigations:

Section 7.8. (a) 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 the purpose stated herein, may summon witnesses, administer oaths and compel the attendance of witnesses and the production of books, papers, and other evidence.

(b) Failure on the part of any officer or employee to obey such summons or to produce books, papers and other evidence as ordered under the provisions of this section shall constitute a violation of this charter.

#### **Providing for Public Health and Safety:**

Section 7.9. The Council shall see that provision is made for the public peace and health, and for the safety of persons and property. Unless and until a board of health is established for the city by ordinance, the Council shall constitute the board of health of the city, and it and its officers shall possess all powers, privileges and immunities granted to boards of health by statute.

### **CHAPTER VIII LEGISLATION**

#### **Prior City Legislation:**

Section 8.1. (a) All valid ordinances, resolutions, rules and regulations of the city which are not inconsistent with this charter and which are in force and effect at the time of the effective date of this charter shall continue in full force and effect, until repealed or amended. If any such ordinance, resolution, rule or regulation provides for the appointment of any officers or any members of any board or commission by the Mayor, such officers or members of any

board or commission shall, after the effective date of this charter, be appointed by the Council.

(b) Those provisions of any effective valid ordinance, resolution, rule, or regulation which are inconsistent with this charter are hereby repealed.

#### **Ordinance and Resolutions:**

Section 8.2. All official action of the Council shall be by ordinance or resolution adopted by not less than four members of the Council, unless otherwise required by law. All actions of the Council which do not constitute ordinances shall be deemed to be resolutions. Action by resolution shall be limited to matters required or permitted to be so done by law or pertaining to the internal affairs or concerns of the city government. All other acts of the Council and all acts carrying a penalty for the violation thereof, shall be by ordinance. Each ordinance shall be identified by a short title and by a number.

#### **Enactment, Amendment, Repeal, and Effective Date of Ordinances:**

Section 8.3. (a) Each proposed ordinance shall be introduced in written or printed form. The style of all ordinances shall be:

#### **THE CITY OF GRANDVILLE ORDAINS**

(b) No ordinance shall be passed at the same meeting at which it is introduced, unless the same is declared to be an emergency ordinance by a vote of not less than five members of the Council.

(c) An ordinance may be repealed or amended only by an ordinance passed in the manner provided in this section. An ordinance may be repealed by reference to its number and title only.

(d) If a section of an ordinance

is amended, the section shall be re-enacted and published at length. This requirement shall not apply to the schedules of one-way streets and of parking limitations contained in any traffic ordinance. [In certain instances state statutes supercede the publication requirement of this subsection. See, e.g., MCLA 125.584; MSA 5.2934.]

(e) Each ordinance, after adoption, shall be identified by a number.

(f) The effective date of all ordinances shall be stated therein, but shall not be earlier than ten days after enactment, nor before publication thereof, unless it is declared by the affirmative vote of not less than five members of the Council to be an emergency ordinance.

#### **Publication and Recording of Ordinances:**

Section 8.4. (a) Each ordinance shall be published within fifteen days after its enactment by publishing the full text thereof in a newspaper as defined in Section 2.3 either separately or as part of the published Council proceedings.

[In certain instances state statutes supercede the publication requirement of this subsection. See, e.g., MCLA 125.584; MSA 5.2934.]

(b) All ordinances shall be recorded by the Clerk in a book to be called "The Ordinance Book," and it shall be the duty of the Mayor and Clerk to authenticate such records by their official signatures thereon, but the failure to so record and authenticate such ordinance shall not invalidate it or suspend its operation.

#### **Penalties for Violations of Ordinances:**

Section 8.5. Any ordinance may

provide for the punishment of those who violate its provisions. The punishment for the violation of any ordinance shall not exceed a fine of five hundred dollars or imprisonment for ninety days, or both, in the discretion of the court; said imprisonment may be in the county jail or city prison, or in any work house in the state authorized by law to receive prisoners from such city.

#### **Enactment of Codes by Reference:**

Section 8.6. The Council may adopt in whole or in part any provision of the state law or any detailed technical regulations as a city ordinance or code by citation of such provision of state law or by reference to any recognized standard code, official or unofficial, provided that any such provision of state law or recognized official or unofficial standard code shall be clearly identified in the ordinance adopting the same as an ordinance of the city. Where any code, or amendment thereto, is so adopted, all requirements for its publication may be met, other provisions of this charter notwithstanding, by (1) publishing the ordinance citing such code in the manner provided for the publication of other ordinances and (2) by making available to the public copies of the code cited therein at a reasonable charge.

#### **Severability of Ordinances:**

Section 8.7. Unless an ordinance shall expressly provide to the contrary, if any portion of an ordinance or the application thereof to any person or circumstances shall be found to be invalid by a court, such invalidity shall not effect the remaining portions or applications of the ordinance which can be given effect without the invalid portion or application, if such remaining portions or ap-

plications are not determined by the court to be inoperable, and, to this end, ordinances are declared to be severable.

#### **Initiative and Referendum:**

Section 8.8. An Ordinance may be initiated by petition, or a referendum on an enacted ordinance may be had by petition, as hereafter provided.

#### **Initiatory and Referendary Petitions:**

Section 8.9. (a) An initiatory or a referendary petition shall be signed by not less than ten per cent of the registered electors of the city, as of the date of the last regular city election, and all signatures on said petition shall be obtained within sixty 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 content, except as to signatures, 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 thereof, or code sections it proposes to have repealed.

(b) Each signer of a petition shall sign his name, and shall place thereon after his name, the date, and his place of residence by street and number, or by other customary designation. To each petition paper there shall be attached a sworn affidavit by the circulator therefor, stating the number of signers thereof and that each signature thereon is the genuine signature of the person whose name it purports to be, and that it was made in the presence of the affiant. Such petition shall

be filed with the Clerk who shall, within fifteen days, canvass the signatures thereon. If the petition does not contain a sufficient number of signatures of registered electors of the city, the Clerk shall notify forthwith, by registered or certified mail, the person filing such petition and fifteen days from such notification shall be allowed for 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.

#### **Council Procedure on Initiatory and Referendary Petitions:**

Section 8.10. Upon the presentation to the Council of an initiatory or referendary petition by the Clerk, the Council shall, within thirty days, unless otherwise provided by statute, either,

- (1) Adopt the ordinance as submitted by an initiatory petition;
- (2) Repeal the ordinance, or part thereof, referred to by a referendary petition; or
- (3) Determine to submit the proposal provided for in the petition to the electors.

#### **Submission of Initiatory and Referendary Ordinances to Electors:**

Section 8.11. 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. In the case of an initiatory petition, if no election is to be held in the city for any other purpose within one hundred fifty days from the time the petition is presented

to the Council and the Council does not enact the ordinance, then the Council shall call for a special election within ninety days from such date of presentation for the submission of the initiatory proposal. The result of all elections, held under the provisions of this section, shall be determined by a majority vote of the electors voting thereon, except in cases where otherwise required by statute or the Constitution.

#### **Ordinance Suspended; Miscellaneous Provisions on Initiatory and Referendary Petitions:**

Section 8.12. (a) The presentation to the Council by the Clerk of a valid and sufficient referendary petition, containing a number of signatures equal to twenty-five per cent of the registered electors of the city as of the date of the last regular city election, which signatures have been obtained within sixty days before the date of filing the petition with the Clerk, shall automatically suspend the operation of the ordinance in question, pending repeal by the Council or final determination by the electors.

(b) An ordinance adopted by the electorate through initiatory proceedings may not be amended or repealed for a period of two years 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 two years after the date of the election at which it was repealed. Any such ordinance may be adopted, amended or repealed at any time by appropriate referendum or initiatory procedure in accordance with the foregoing provisions of this chapter or if submitted to the electorate by the Council on its own motion.

(c) If two or more initiated 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 IX GENERAL FINANCE— BUDGET, AUDIT**

#### **Fiscal Year:**

Section 9.1. 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.

#### **Budget Procedures:**

Section 9.2. The City Manager shall prepare and submit to the Council on or before the first regular meeting in April of each year a recommended budget covering the next fiscal year, and shall include therein at least the following information:

(a) Detailed estimates with his supporting explanations of all proposed expenditures for each department, office, and agency of the city, including those for any retirement system, showing the expenditures for corresponding items for the last preceding fiscal year in full, and for the current fiscal year to March first and estimated expenditures for the balance of the current fiscal year;

(b) Statements of the bonded and other indebtedness of the city, showing the debt redemption and interest requirements, the debt authorized and unissued, and the condition of sinking funds, if any;

(c) Detailed estimates of all anticipated 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 first, 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 bond issues 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.

#### **Budget Hearing:**

Section 9.3. A public hearing on the proposed budget shall be held before its final adoption at such time and place as the Council shall direct. Notice of such public hearing, a summary of the proposed budget and notice that the proposed budget is on file in the office of the Clerk shall be published at least one week in advance of the hearing. The complete proposed budget shall be on file for public inspection during office hours at the Clerk's office for a period of not less than one week prior to such hearing.

#### **Adoption of Budget:**

Section 9.4. (a) Not later than the fourth Monday in May of each year, the Council shall, by resolution, adopt a budget for the next fiscal year, shall appropriate the money needed for municipal purposes during the next fiscal year of the city and shall 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 10.1.

(b) Should the Council fail to adopt a budget for the next fiscal year on or before the fourth Monday in May, the budget proposal as recommended to the Council by the City Manager shall be deemed to have been finally adopted by the Council and, without further action by the Council, shall constitute an appropriation of the money needed for municipal purposes during the next fiscal year. It shall be deemed due and legal authority for a levy of the amount necessary to be raised by taxes upon real and personal property subject to the provisions of Section 10.1. If any budget adopted in this manner requires an amount to be raised by taxes upon property in excess of the limitation provided in Section 10.1. the budget and appropriations and each item thereof shall be adjusted by the City Manager to conform to such limitation.

#### **Budget Control:**

Section 9.5. (a) Except for purposes which are to be financed by the issuance of bonds or by special assessment, or for other purposes not chargeable to a budget appropriation, no money shall be drawn from the treasury of the city except in accordance with an appropriation thereof for such specific purposes, nor shall any obligation for the expenditure of money be incurred without an appropriation covering all payments which will be due under such obligation in the current fiscal year. The Council, by resolution, may transfer any unencumbered appropriation balance, or any portion thereof, from one

account, department, fund, or agency to another.

(b) 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 are exceeding the revenues as estimated in the budget, unless the appropriations are necessary to relieve an emergency endangering the public health, peace, or safety.

(c) Except in those cases where there is no other logical account to which an expenditure can be charged, expenditures shall not be charged directly to the contingency fund (or other similar fund). Instead, the necessary part of the appropriation for the contingency fund (or other similar fund) shall be transferred to the logical account and the expenditure then charged to such account.

(d) At the beginning of each quarterly period during the fiscal year, and more often if required by the Council, the City Manager shall submit to the Council data showing the relation between the estimated and actual revenues 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 the revenues.

(e) The balance in any budget appropriation which has not been encumbered at the end of the fiscal year shall, subject to restrictions imposed or permitted by law, revert to the general fund.

#### **Depository:**

Section 9.6. The Council shall

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

#### **Independent Audit: Annual Report**

Section 9.7. (a) 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 Certified Public Accountants experienced in municipal accounting selected by the Council.

(b) The City Manager shall prepare 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 City Manager.

#### **Schedule of Capital Outlay:**

Section 9.8. If required by the Council, by resolution or ordinance, the City Manager shall submit to the Council, simultaneously with his recommended budget, a schedule showing all recommended capital outlay expenditures during the following five fiscal years. The City Manager shall prepare this schedule after consultation with the City Planning Commission. This schedule shall list separately each proposed acquisition of capital equipment or facility and each proposed capital expenditure program with estimates of cost, as accurate as may be made without detailed plans and specifications. It shall also include proposed capital expenditures by the public schools, library or any other organization



financed in whole or in part by city property taxes. This schedule shall be for the guidance of the Council in adoption of the regular annual budget and the Council may delete items or make such revisions as it deems appropriate and may arrange items in the order of priority for acquisition or construction. After making any desired corrections or additions, the Council shall adopt the capital outlay program at the same meeting as it adopts the regular annual budget, but such adoption shall be only for the purpose of setting up a guide for future capital expenditures and in no way shall obligate the city to carry out the programs listed nor to include any items in future budgets nor to appropriate funds for any of the items or programs. In the preparation of the annual budget, neither the City Manager nor the Council shall include or appropriate funds for any capital expenditure, unless the item was included in the capital outlay program adopted the previous year or is included in the capital outlay program submitted with the budget.

## CHAPTER X TAXATION

### Power to Tax; Tax Limit:

Section 10.1. The city shall have the power to assess taxes and to levy and collect rents, tolls, and excises. Exclusive of any levies authorized by law to be made beyond charter tax rate limitations, the annual ad valorem tax levy shall not exceed two per cent of the assessed value of all real and personal property in the city.

### Subjects of Taxation:

Section 10.2. The subjects of ad valorem taxation for municipal purposes shall be the same

as for state, county, and school purposes under the general law. Except as otherwise provided by this charter, city taxes shall be levied, collected, and returned in the manner provided by statute.

### Exemptions:

Section 10.3. No exemptions from taxation shall be allowed except as expressly required or permitted by law.

### Tax Day:

Section 10.4. Subject to the exceptions provided or permitted by law, the taxable status of persons and property shall be the same as for state, county, and school purposes under the general law.

### Preparation of the Assessment Roll:

Section 10.5. (a) On or before the first Monday in March in each year the Assessor shall prepare and certify an assessment roll of all property in the city. Such roll shall be prepared as required by the general property tax act. Values shall be estimated according to recognized methods of systematic assessment. The records of the Assessor shall show separate figures for the value of the land, and of the building improvements thereon, and of personal property. The method of estimating all such values shall be as nearly uniform as possible.

(b) On or before the first Monday in March the Assessor shall give, by first class mail, a notice of any change from the previous year in the assessed value of any property or of the addition of any property to the roll to the owner as shown by such assessment roll. The failure to give any such notice or of the owner to receive it shall not invalidate any assessment roll or assessment thereon.

### Board of Review:

Section 10.6. The Board of Review shall be composed of three freeholders of the city who shall meet the eligibility requirements for elective officers contained in Section 5.1., and who, during their term of office, shall not be city officers or employees or be nominees or candidates for elective city office. The filing by a member of the Board of Review of his nomination petition for an elective city office or the filing of a consent thereto shall constitute a resignation from the Board of Review. The appointment of members of such Board shall be based upon their knowledge and experience in property valuation. One member of the Board shall be appointed by the Council in January of each year for a term of three years, to replace the member whose term expires that year. The Council shall fix the compensation of the members of the Board. The Board of Review shall annually, in February, select its own chairman for the ensuing year, and the Assessor shall be clerk of the Board and shall be entitled to be heard at its sessions, but shall have no vote. A majority of the members of the Board shall constitute a quorum.

### Duties and Functions of Board of Review:

Section 10.7. For the purpose of revising and correcting assessments, the Board of Review shall have the same powers and perform like duties in all respects as are conferred by law upon and required of boards of review in townships, except as otherwise provided in this charter. It shall hear the complaints of all persons considering themselves aggrieved by assessments, and, if it shall appear that any person

or property has been wrongfully assessed or omitted from the roll, the Board shall correct the roll in such manner as it deems just. In all cases the roll shall be reviewed according to the facts existing on the tax day and no change in the status of any property after that day shall be considered by the Board in making its decisions. Except as otherwise provided by law no person, other than the Board of Review, shall make or authorize any change upon, or addition or corrections to, the assessment roll. It shall be the duty of the Assessor to keep a permanent record of all proceedings of the Board and to enter therein all resolutions and decisions of the Board.

### Meetings of the Board of Review:

Section 10.8. (a) The Board of Review shall convene in its first session as provided by state law each year at such time of day and place as shall be designated by the Council and shall remain in session for at least eight hours for the purpose of considering and correcting the roll. In each case in which the assessed value of any property is increased over or decreased from the amount shown on the assessment roll as prepared by the Assessor or any property is added to such roll by the Board, or the Board has resolved to consider at its second session such increasing or decreasing of an assessment or the adding of any property to such roll, the Assessor shall give notice thereof to the owner as shown by such roll, by first class mail, mailed not later than the second day following the end of the first session of the Board. Such notice shall state the date, time, place, and purpose of the second session of the Board. The failure to give any such notice or of the

owner to receive it shall not invalidate any assessment roll or assessment thereon.

(b) The Board of Review shall convene in its second session as provided by state law each year at such time of day and place as shall be designated by the Council and shall continue in session until all interested persons have had an opportunity to be heard, but in no case for less than six hours. At the second session, the Board may not increase or decrease any assessment or add any property to the rolls, except in those cases in which the Board resolves at its first session to consider such increase or addition at its second session.

**Notice of Meetings:**

Section 10.9. Notice of the time and place of the sessions of the Board of Review shall be published by the Clerk at least ten days prior to each session of the Board.

**Endorsement of Roll:**

Section 10.10. After the Board of Review has completed its review of the assessment roll, and not later than the first Monday in April, the majority of its members shall endorse thereon and sign a statement to the effect that the same is the assessment roll of the city for the year in which it has been prepared. The omission of such endorsement shall not affect the validity of such roll.

**Clerk to Certify Tax Levy:**

Section 10.11. Within three days after the Council has adopted the budget for the ensuing year, the Clerk shall certify to the Assessor the total amount which the Council determines shall be raised by general ad valorem tax. He shall also certify all amounts of current or delinquent special assess-

ments and all other amounts which the Council requires to be assessed, reassessed, or charged upon the said roll against any property or any person in accordance with the provisions of this charter or any ordinance of the city.

**City Tax Roll:**

Section 10.12. After the Board of Review has completed its review of the assessment roll, the Assessor shall prepare a copy of the assessment roll to be known as the "City Tax Roll," and upon receiving the certification of the several amounts to be raised, as provided in Section 10.11, the Assessor shall spread upon said tax roll the several amounts determined by the Council to be charged, assessed, or reassessed against persons or property. He shall also spread thereon the amounts of the general ad valorem city tax according to and in proportion to the several valuations set forth in said assessment roll. To avoid fractions in computation of any tax roll, the Assessor may add to the amount of the several taxes to be raised not more than the amount prescribed by law. Any excess created thereby on any tax roll shall belong to the city.

**Tax Roll Certified for Collection:**

Section 10.13. After spreading the taxes the Assessor shall certify the tax roll, and the Mayor shall annex his warrant thereto directing and requiring the Treasurer to collect, prior to March first of the following year, from the several persons named in said roll the several sums mentioned therein opposite their respective names as a tax or assessment and granting to him, for the purpose of collecting the taxes, assessments and charges on such roll, all the statutory powers and immunities

possessed by township treasurers for the collection of taxes. On or before June first the roll shall be delivered to the Treasurer for collection.

**Tax Lien on Property:**

Section 10.14. On July first the taxes thus assessed shall become a debt due to the city from the persons to whom they are assessed, and the amounts assessed on any interest in real property shall become a lien upon such real property, for such amounts and for all interest and charges thereon, and all personal 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.

**Taxes Due: Notification Thereof:**

Section 10.15. (a) City taxes shall be due on July first of each year. The Treasurer shall not be required to call upon the persons named in the city tax roll, nor to make personal demand for the payment of taxes, but he shall (1) publish, between June fifteenth and July first, notice of the time when said taxes will be due for collection and of the penalties and fees for the late payment thereof, and (2) mail a tax bill to each person named in said roll. In cases of multiple ownership of property only one bill need be mailed.

(b) Failure on the part of the Treasurer to publish said notice or mail such bills shall not invalidate the taxes on said tax roll nor release the person or property assessed from the penalties and fees provided in this chapter in case of late payment or non-payment of the same.

**Collection Charges on Late Payment of Taxes:**

[Interest rates on delinquent taxes are determined by state statutes. See MCLA 211.59; MSA 7.103.]

Section 10.16. All taxes paid on or before the thirty-first day of August shall be collected by the Treasurer without additional charge. On the first day of September the Treasurer shall add to all taxes paid thereafter a collection charge of four per cent of the amount of said taxes and on the first day of October and of each succeeding month he shall add an additional one-half of one per cent of said taxes for each of said months or fraction thereof that said taxes remain unpaid. Such collection charges shall not exceed six per cent and 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. If delivery of the tax roll to the Treasurer, as provided in Section 10.13, is delayed for any reason by more than thirty days after June first, the application of the collection charge provided herein shall be postponed thirty days for each thirty days or major fraction thereof of such delay.

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

Section 10.17. If any person, firm or corporation shall neglect or refuse to pay any personal property tax assessed to him or them the Treasurer shall collect the 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. He may

sell the property seized to an amount sufficient to pay the taxes and all charges in accordance with statutory provisions. The Treasurer 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.

#### **Delinquent Tax Roll to County Treasurer:**

Section 10.18. All city taxes on real property remaining uncollected by the Treasurer on the first day of March following the date when said roll was received by him shall be returned to the County Treasurer in the manner and with like effect as provided by statute for returns by township treasurers of township, school and county taxes. Such returns shall include all the additional assessments, charges and fees hereinbefore provided, which shall be added to the amount assessed in said tax roll against each property or person. The taxes thus returned shall be collected in the same manner as other taxes returned to the County Treasurer are collected, in accordance with statute, and shall be and remain a lien upon the property against which they are assessed until paid. If by change in statute or otherwise, the Treasurer of the County of Kent is no longer charged with the collection of delinquent real property taxes, such delinquent taxes shall be collected in the manner then provided by statute for the collection of delinquent township, school and county taxes.

**State, County and School Taxes:**  
Section 10.19. For the purpose of assessing and collecting taxes for state, county, and school purposes, the city shall be considered the same as a township, and all provisions of law relative to the collection of and accounting for

such taxes shall apply. For these purposes the Treasurer shall perform the same duties and have the same powers as are granted and imposed upon township treasurers by law.

### **CHAPTER XI BORROWING POWER**

#### **Grant of Authority to Borrow:**

Section 11.1. Subject to the applicable provisions of law, 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 therefor. Such 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 the 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 9.5.

(c) In case of fire, flood, or other calamity, emergency loans due in not more than five years for the relief of the inhabitants of the city and for the preservation of municipal property;

(d) Special assessment bonds issued in anticipation of the payment of special assessments made for the purpose of defraying the cost of any public improvement, or in anticipation of the payment of any combination of such special assessments; 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 to acquire or operate: Provided, such bonds shall not impose any liability upon the city, but shall be secured only upon the property and revenues of such public utility, including a franchise, stating the terms upon which, in case of foreclosure, the purchaser may operate the same, which franchise shall in no case extend for a longer period than twenty years from the date of the sale of such utility and franchise on foreclosure; such bonds shall be authorized by a three-fifths vote of the electors voting thereon at any general or special election: Provided, a sinking fund shall be created in the event of the issuance of such bonds, by setting aside such percentage of the gross or net earnings of the public utility as may be deemed sufficient for the payment of the mortgage bonds at maturity;

(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 and do not constitute a general obligation of the city.

#### **Limits of Borrowing Powers:**

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

net bonded indebtedness, there shall be excluded money borrowed under the following sections of this charter: 11.1. (a) (tax anticipation notes), 11.1. (d) (special assessment bonds even though they are also a general obligation to the city), 11.1. (e) (mortgage bonds), 11.1. (g) (revenue bonds). and any other obligations excluded by law from such limitation. The resources of the sinking fund pledged for the retirement of any outstanding bonds shall also be deducted from the amount of the bonded indebtedness.

The amount of emergency loans which may be made under the provisions of Section 11.1. (c) may not exceed the maximum amount permitted by law, and such a loan may be made even if it causes the indebtedness of the city to exceed the limit of net bonded indebtedness fixed in this charter.

The total amount of special assessment bonds issued under Section 11.1. (d) which are a general obligation of the city shall at no time by reason of future issues other than issues of refunding bonds, exceed the maximum amount permitted by law, nor shall such bonds be issued in any calendar year in excess of the maximum amount so permitted to be issued by law unless authorized by a majority vote of the electors in the manner required by law.

#### **Applicability of Other Statutory Restrictions:**

Section 11.3. The issuance of any bonds not requiring the approval of the electors shall be subject to applicable requirements of law with reference to public notice in advance of the authorization of such issues, filing of petitions for a referendum on such issuance, holding of such referen-

dum, and other applicable procedural requirements.

#### **Preparation and Record of Bonds:**

Section 11.4. Each bond or other evidence of indebtedness shall contain on its face a statement specifying the purpose for which it is issued and it shall be unlawful for any officer of the city to use the proceeds thereof for any other purpose. Any officer who shall violate this provision shall be deemed guilty of a violation of this charter, except that, whenever the proceeds of any bond issue or part thereof 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 and other evidences of indebtedness issued by the city shall be signed by the Mayor and countersigned by the Clerk, under the seal of the city. Interest coupons may be executed with the facsimile signature of the Mayor and the Clerk. A complete and detailed record of all bonds and other evidences of indebtedness issued by the city shall be kept by the Clerk or other designated officer. Upon the payment of any bond or other evidence of indebtedness, the same shall be cancelled.

#### **Deferred Payment Contracts:**

Section 11.5. The city may enter into installment contracts for the purchase of property or capital equipment. Each of such contracts shall not extend over a period greater than ten years nor shall the total amounts of principal payable under all such contracts exceed an amount equal to one-quarter of one percent of the as-

sessed value of all the real and personal property in the city in any one fiscal year.

All such deferred payments shall be included in the budget for the year in which the installment is payable.

### **CHAPTER XII SPECIAL ASSESSMENTS**

#### **General Powers Relative to Special Assessments:**

Section 12.1. The Council shall have the power to provide for assessing and re-assessing the costs, or any portion thereof, of public improvement to a special assessment district and to determine, by resolution, with or without a petition that the whole or any part of the expense of any public improvement be defrayed by special assessment upon the property especially benefited in proportion to the benefits derived or to be derived.

The Council shall, in the exercise of its powers of financing the whole or a part of the cost of public improvements by special assessments upon districts benefited thereby, have power to provide for the following, but this list shall not be exclusive:

(a) Street improvements and facilities, including constructing, grading, widening, and, but not limited to, the paving of streets and alleys, curbs and gutters, storm sewers, sanitary sewers, water mains, and constructing and maintaining sidewalks;

(b) For the construction of public parking facilities as a public improvement;

(c) For the assessment of single lots when any expenditure is made on any separate or single lot, parcel of land, or lands, or premises, which the city is authorized to charge and collect as a special assessment against the same;

(d) For the assessment of the cost of construction, removal, or abatement of any condition which the Council determines to be a public hazard or nuisance which is dangerous to the health, safety, or welfare of the inhabitants of the city;

(e) For installing a boulevard lighting system on any street as a public improvement; provided, that the property owners of a majority of the frontage on such street, or part thereof, to be so improved shall petition therefor. In each case, the special assessment district for a boulevard lighting system shall be limited to the frontage of the street or part of street upon which such system is placed.

(f) Whenever a single parcel of land will be required to pay twenty-five per cent or more of the cost of any public improvement and any portion of that property is acquired by condemnation, or otherwise, for the purpose of the public improvement, that portion of such property which is not acquired by the city may be assessed for its proportionate share of the cost of such public improvement, exclusive of that part of such cost representing damages for injury to improvements on such property and of the proceedings required to acquire such portion of property.

(g) All real property, including such as is exempt from taxation by law, shall be liable for the cost of public improvements benefiting such property, unless specifically exempted from special assessments by law.

#### **Detailed Procedure to Be Fixed by Ordinance:**

Section 12.2. (a) 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, making and confirming of assessment rolls, correction of errors in special assessment rolls, collection of assessments, refunds of excess moneys, and any other matters concerning the making and financing of improvements by the special assessment method.

(b) Such ordinance shall be subject to the following provisions:

(1) No resolution finally determining to proceed with establishing any special assessment district for the making of any public improvement shall be adopted by the Council, until cost estimates have been prepared and a public hearing has been held on the advisability of so proceeding;

(2) No special assessment roll shall be finally confirmed, until after a meeting of the Council has been held for the purpose of reviewing such roll;

(3) Ten days' notice of each meeting of the Council for a public hearing on the advisability of proceeding with any public improvement and to review any special assessment roll shall be given prior to the date and time of such meeting, which notice shall be published and sent to all property owners in the proposed district, as shown by the current assessment roll of the city, by first class mail;

(4) If, prior to the public hearing on the advisability of proceeding with the making of the improvement, written objections to the proposed improvement have been filed by the owners of property in the district which will be required to bear more than fifty per cent of the amount of such special assessment, the resolution determining to proceed with the improvement shall be adopted only

by the affirmative vote of five or more members of the council.

**Additional Assessments: Correction of Invalid Special Assessments:**

Section 12.3. (a) Additional pro rata assessments to defray the cost of any public improvement may be made when any special assessment roll and/or the proceeds of sale of special assessment bonds issued in anticipation thereof proves insufficient to pay for the improvement for which it was levied and the expenses incidental thereto, or to pay the principal and interest on bonds or other evidences of obligation issued therefor; provided, that the additional pro rata assessment shall not exceed twenty-five per cent of the assessment as originally confirmed, unless a meeting of the Council be held to review such additional assessment, for which meeting notices shall be published and mailed as provided in the case of the review of the original special assessment roll.

(b) Whenever any special assessment shall, in the opinion of the Council, be invalid by reason of irregularity or informality in the proceedings or if any court of competent jurisdiction shall adjudicate such assessment to be illegal, the Council shall, whether the improvement has been made or not, or whether any part of the assessment 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 thereof shall be conducted in the same manner as provided for the original assessment, except respecting the correction of the proceedings for the purpose of making the proceedings legal. Whenever any sum or part thereof

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 re-assessment or, if the payments exceed the amount of the re-assessment, refunds shall be made.

(c) No judgment or decree nor any act of the Council vacating a special assessment 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 as by regular mode of proceedings might have been lawfully assessed thereupon.

**Disposition of Excessive Special Assessments:**

Section 12.4. The excess by which any special assessment proves larger than the actual cost of the improvement and expenses incidental thereto may be placed in the general fund of the city if such excess is five per cent or less of the assessment. If the assessment should prove larger than necessary by more than five per cent, the entire excess shall be refunded on a pro rata basis to the owners of the property assessed as shown by the current assessment roll of the city. 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 assessment.

**Contested Assessments:**

Section 12.5. No suit or action of any kind shall be instituted or maintained for the purpose of contesting or enjoining the collection of any special assessment; (a) un-

less, within thirty 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; and (b) unless such suit or action shall be commenced within sixty days after confirmation of the roll.

**Special Assessment Accounts:**

Section 12.6. Except as otherwise provided in this charter, moneys raised by special assessment for any public improvement shall be credited to a special account and shall be used to pay for the costs of the improvement for which the assessment was levied and expenses incidental thereto and to repay any money borrowed therefor.

**Failure to Receive Notice:**

Section 12.7. Failure to receive any notice required to be so sent by this chapter or by ordinance shall not invalidate any special assessment or special assessment roll.

**Deferred Payment of Special Assessments:**

Section 12.8. The Council may provide for the deferred payment of special assessments from persons who, in the opinion of the Council and Assessor, by reason of poverty, are unable to contribute toward the cost thereof. In all such cases, as a condition to the granting of such deferred payments, the city shall require mortgage security on the real property of the beneficiary, payable upon his death.

**CHAPTER XIII  
PURCHASES - CONTRACTS  
LEASES**

**Purchase and Sale of Property:**

Section 13.1. (a) The City Manager shall be responsible for the pur-

chase and sale of all city property.

(b) Comparative prices shall be obtained for the purchase or sale in amount not in excess of one thousand dollars of all materials, supplies and public improvements except (1) in the employment of professional services or (2) when the City Manager shall determine that no advantage to the City would result.

(c) In all sales or purchases in excess of one thousand dollars, the sale or purchase shall be approved by the Council. In all such cases, sealed bids shall be obtained except when the Council shall determine by the affirmative vote of not less than five members that no advantage to the City would result either because of an anticipated lack of sufficient qualified bidders or otherwise. No sale or purchase shall be divided for the purpose of circumventing the dollar value limitation contained in this section. The Council may authorize the making of public improvements or the performance of any city work by any city agency, without competitive bidding.

(d) Purchases shall be made from the lowest competent bidder meeting specifications, unless the Council shall determine that the public interest will be better served by accepting a higher bid. Sales shall be made to the bidder whose bid is most advantageous to the City. In any case where a bid, other than the lowest, is accepted, the Council shall set forth its reasons therefor in its resolution accepting such bid.

(e) All purchases and sales shall be evidenced by written contract or purchase order.

(f) The City may not sell any park, cemetery or any part thereof, except in accordance with restrictions placed thereon by law.

(g) 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.

[Amended Apr. 5, 1971.]

**Contracts:**

Section 13.2. The authority to contract on behalf of the city is vested in the Council and shall be exercised in accordance with the provisions of law, provided that purchase and sales may be made by the City Manager subject to the provisions of Section 13.1.

Any contract or agreement in an amount of one thousand dollars or more made with form or terms other than the standard city purchase order form shall before execution be submitted to the Attorney and his 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 one thousand dollars or more is executed the accounting officer of the city shall first have certified that an appropriation has been made for the payment thereof, or that sufficient funds will be available if it be for a purpose being financed by the issuance of bonds or by special assessments 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 11.5. Certification by the accounting officer of the city shall be

endorsed on each contract, agreement or purchase order requiring same or shall be filed as an attachment thereto.

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 City Manager may amend or rescind contracts for those purchases and sales made by him under the authority of Section 13.1.

No compensation shall be paid to any contractor 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 accounting officer of the city.

**Restriction on Powers to Lease Property:**

Section 13.3. The Council may not rent or let public property for a period longer than three years unless such rental or lease agreement shall have been referred to the people at a regular or special election and shall have received the approval of a majority of the electors voting thereon at such election. No such lease shall be approved by the Council for presentation to the electorate before thirty days after application therefor has been filed with the Council nor until a public hearing has been held thereon. No such lease shall be submitted to the electors unless the party leasing or renting the property has filed with the Clerk his unconditional acceptance

of all terms of such lease or rental agreement.

**CHAPTER XIV  
MUNICIPALLY OWNED  
UTILITIES**

**General Powers Respecting Utilities:**

Section 14.1. The city shall possess and hereby reserves to itself all the powers granted to cities by law to acquire, construct, own, operate, improve, enlarge, extend, repair, and maintain, either within or without its corporate limits, including, but not by the way of limitation, public utilities for supplying water, light, heat, power, gas, sewage treatment, and garbage disposal facilities, or any of them, to the municipality and the inhabitants thereof; and also to sell and deliver water, light, heat, power, gas and other public utility services without its corporate limits to an amount not to exceed the limitations set by law.

**Management of Municipal Utilities:**

Section 14.2. All municipally owned or operated utilities shall be administered as a regular department of the city government, under the management and supervision of the City Manager.

**Rates:**

Section 14.3. The Council shall have the power to fix, from time to time, such just and reasonable rates and other charges as may be deemed advisable for supplying the inhabitants of the city and others with such public utility services as the city may provide. There shall be no discrimination in such rates within any classification of users thereof, nor shall free service be permitted. Higher rates may be charged for service outside the corporate limits of the city.

**Utility Rates and Charges—Collection:**

Section 14.4. (a) The Council shall provide by ordinance for the collection of all public utility rates and charges of the city. Such ordinance shall provide at least:

(1) That, except as otherwise provided by law, the city shall have as security for the collection of such utility rates and charges a lien upon the real property supplied by such utility, which lien shall become effective immediately upon the supplying of such utility service and shall be enforced in the manner provided in such ordinance.

(2) The terms and conditions under which utility services may be discontinued in case of delinquency in paying such rates or charges.

(3) That suit may be instituted by the city before a competent tribunal for the collection of such rates or charges.

(b) With respect to the collection of rates charged for water, the city shall have all the powers granted to cities by Act 178 of the Public Acts of 1939, as amended.

**Disposal of Utility Plants and Property:**

Section 14.5. Unless approved by the affirmative vote of three-fifths of the electors voting thereon 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. The provisions of this section shall not extend to vacation or abandonment of streets, as provided by law.

#### Utility Rates and Charges:

Section 14.6. (a) The rates and charges for any municipal public utility for the furnishing of water, light, heat, power, gas or sewage treatment and garbage disposal shall be so fixed as to at least meet all the costs of such utility including depreciation.

(b) Transactions pertaining to the ownership and operation by the city of each public utility shall be recorded in a separate group of accounts under an appropriate fund caption, which accounts shall be classified in accordance with generally accepted utility accounting practice. Charges for all service furnished to, or rendered by, other city departments or agencies shall be recorded. An annual report shall be prepared to show fairly the financial position of each utility and the results of its operation, which report shall be available for inspection at the office of the Clerk.

### CHAPTER XV

#### PUBLIC UTILITY FRANCHISES

##### Granting of Public Utility Franchises:

Section 15.1. (a) Public utility

franchises and all renewals, and extensions thereof and amendments thereto shall be granted only by ordinance. No exclusive franchise shall ever be granted.

No franchise shall be granted for a longer period than thirty years.

(b) No franchise ordinance which is not subject to revocation at the will of the Council shall be enacted nor become operative until the same shall have first been referred to the people at a regular or special election and received the affirmative vote of three-fifths of the electors voting thereon. No such franchise ordinance shall be approved by the Council for referral to the electorate before thirty days after application therefor has been filed with the Council nor until a public hearing has been held thereon, nor until the grantee named therein has filed with the Clerk his unconditional acceptance of all the terms of such franchise. No special election for such purpose shall be ordered, unless the expense of holding such election, as determined by the Council, shall have first been paid to the Treasurer by the grantee.

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

##### Conditions of Public Utility Franchises:

Section 15.2. 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 power of the city to impose or require:

(a) To repeal the same for misuse, non-use, or failure to comply with the provisions thereof;

(b) To require proper and adequate extension of plant and service and maintenance thereof at the highest practicable standard of efficiency;

(c) To establish reasonable standards of service and quality of products and prevent unjust discrimination in service or rates;

(d) To require continuous and uninterrupted service to the public in accordance with the terms of the franchise throughout the entire period thereof;

(e) To use, control, and regulate the use of its streets, alleys, bridges and other public places and the space above and beneath them;

(f) To impose such other regulations as may be determined by the Council to be conducive to the safety, welfare, and accommodation of the public.

##### Regulation of Rates:

Section 15.3. All public utility franchises shall make provision therein for fixing rates, fares, and charges and may provide for readjustments thereof at periodic intervals. The value of the property of the utility used as a basis for fixing such rates, fares, and charges shall, in no event, include a value predicated upon the franchise, goodwill or prospective profits.

##### Use of Public Places by Utilities:

Section 15.4. Every public utility, whether it has a franchise or not, shall pay such part of the cost of improvement or maintenance of streets, alleys, bridges, and other public places as shall arise from its use thereof 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 and by other public utilities insofar as such joint use may be reasonably practicable and upon payment of reasonable rental therefor. In the absence of agreement and upon application by any public utility, the Council shall provide for arbitration of the terms and conditions of such joint use and the compensation to be paid therefor, and the arbitration award shall be final.

### CHAPTER XVI SUPERVISORS

[The County Board of Supervisors has been replaced by the County Board of Commissioners established pursuant to P.A.1966, No. 261.]

##### Number of Supervisors:

Section 16.1. The city shall have the maximum number of representatives on the County Board of Supervisors to which it is entitled by law.

##### Selection of Supervisors:

Section 16.2. The representatives of the city on the Board of Supervisors shall be appointed by the Council for an indefinite period and may be removed at the will of the Council. Such representatives shall meet all requirements of Section 5.1. at the time of their appointment and may hold other elective or appointive city

office or employment. In case any representative of the city on the Board of Supervisors shall be unable to perform the duties of his office for any reason, the Council may appoint another qualified person to serve temporarily in his stead.

#### **Duties of Supervisors:**

Section 16.3. Except as otherwise provided in this charter, the representatives of the city on the Board of Supervisors shall perform the statutory duties of Supervisors. In the performance of his duties each Supervisor shall represent the city, its inhabitants and its government to the best of his ability.

#### **Compensation of Supervisors:**

Section 16.4. Representatives of the city on the Board of Supervisors shall be entitled to retain any compensation and expense allowance paid to them by the county as members of the Board of Supervisors, but shall receive no extra compensation from the city for their work as Supervisors.

### **CHAPTER XVII JUSTICE COURT**

[Justices of the Peace were abolished by Section 26 of Article VI of the Michigan Constitution of 1963. Any references to the Justice of Peace found in this chapter or any other chapter of this City Charter are obsolete.]

#### **Establishment of Court:**

Section 17.1. There is hereby established a Justice Court in the city to be presided over by the Justice of the Peace elected in accordance with Section 4.8.

#### **Justice of the Peace:**

Section 17.2. The Justice of the Peace in office at the time of the

adoption of this charter shall remain in office until the expiration of the term for which he was elected, but shall have powers and duties prescribed in this charter for the Justice of the Peace to be elected in 1962 and every fourth year thereafter.

#### **Compensation and Bond of the Justice:**

Section 17.3. The Justice of the Peace shall receive as his compensation the usual fees of this office as provided by statute. The Council may, however, by ordinance, whenever it deems that the best interests of the city will be served thereby, provide that the Justice of the Peace be paid an annual salary.

Any salary provided shall be in lieu of all fees, costs and charges to which such Justice would be entitled but for the provision of this section, except those for the performance of marriage ceremonies.

The Justice of the Peace shall, before entering upon the duties of his office, give bonds to the Treasurer of the County of Kent in such sum as is provided by statute and to the City of Grandville in like amount. Such bonds shall be subject to the provisions of Section 5.9.

#### **Power and Jurisdiction: General**

Section 17.4. The Justice of the Peace of the city shall have and exercise therein and within the county the same jurisdiction, powers and duties as are or may be conferred upon or required of Justices of the Peace in townships by statute and shall be subject to such general laws with respect to such Justices, except as otherwise provided in this charter. They shall have concurrent jurisdiction with other Justices in the County

of Kent as to all crimes, offenses, and misdemeanors when alleged to have been committed within the County of Kent whether with or without the city.

#### **Jurisdiction in Charter and Ordinance Cases:**

Section 17.5. The Justice of the Peace shall have authority to hear, try, and determine all suits and prosecutions for the recovery and enforcing of fines, penalties and forfeitures imposed by this charter and the ordinances of the city, and to punish offenders for the violation of such charter and ordinances as in such charter or ordinances prescribed and directed.

#### **Extended Jurisdiction:**

Section 17.6. The Justice of the Peace shall also have:

(a) Jurisdiction to the amount of \$500.00 in all civil matters ex contractu and ex delicto with such exceptions and restrictions as are provided by law.

(b) Such power and authority as can under Public Act 279 of 1909 be conferred by this charter to set aside the verdict or judgment in any civil cause and grant a new trial therein, to be exercised in such manner and on such conditions as provided in said act. The filing of a motion for new trial or to set aside a verdict or judgment shall have such an effect on the time for taking an appeal from any judgment and upon the issuance and levy of execution or other similar process and sale thereunder and on other proceedings in said cause as provided in said act.

(c) Such additional powers and authority as may now or hereafter be conferred upon city Justices of the Peace by statute.

#### **Procedure in Justice Court:**

Section 17.7. The proceedings in all suits and actions before the Justice and in the exercise of the powers and duties conferred upon and required of the Justice, shall, except as otherwise provided in this charter, be according to and governed by the statutes applicable to justice courts and to the proceedings before such courts.

#### **Place and Conduct of Court:**

Section 17.8. The Council may furnish necessary supplies and a suitable place for the conducting of court by the Justice. It may regulate the hours of court of said Justice and may make other necessary and proper rules and regulations for the conduct of the business of the court which are not inconsistent with this charter or the statutes.

#### **Transfer of Cases:**

Section 17.9. In case of the absence, disability or disqualification of the Justice, any other Justice of the Peace or Municipal Judge of the County of Kent shall be qualified to act in the place of and for the Justice in the performance of any of the duties imposed upon him by statute or this charter.

#### **Fees, Fines and Penalties: Prosecution of State Penal Cases:**

Section 17.10. All fees and fines, penalties, forfeitures and moneys collected or received by the Justice shall be paid over to the City Treasurer on or before the 10th day of the next month after the collection or receipt thereof; and the Justice shall take the receipt of the Treasurer therefor and file the same with the Clerk. Failure of the Justice to comply with the foregoing provision shall constitute misconduct in office.

If the Justice be paid an an-



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

The expense of prosecution before the Justice for violation of penal laws of the state, and in punishing the offenders, shall be paid by the County of Kent.

**Docket:**

Section 17.11. The Justice of the Peace shall keep, at the place of holding court, a docket in the manner required by statute. Failure to comply with the requirements of this section shall constitute misconduct in office.

**Constables:**

Section 17.12. The City Manager shall appoint one or more citizens of the city as constables. Such constables shall have like powers and authorities in matters of civil and criminal nature, and in relation to the service of process, civil and criminal, as are conferred by law on constables in townships. They shall have power also to serve all process issued for breaches of ordinances of the city. The bond of the constables shall be that required of constables in townships.

**Violation Bureau:**

Section 17.13. The Council shall have power and authority to establish by ordinance a Violations Bureau within the Court for the handling of such violations of ordinances and regulations of the city, or parts thereof, as prescribed in the ordinance establishing such bureau. Any person who has received any notice to appear in

answer to a charge of violating any of such ordinances may within the time specified in the notice of such charge answer at the Violations Bureau to the charges set forth in such notice by paying a fine, in writing pleading guilty to the charge, waiving a hearing in court and giving power of attorney to make such a plea and pay such fine in Court. Acceptance of the prescribed fine and the power of attorney by the Bureau shall be deemed to be complete satisfaction for the violation, and the violator shall be given a receipt which so states. The creation of such a Bureau shall not operate so as to deprive any person of a full and impartial hearing in Court should a person so choose.

**CHAPTER XVIII  
SCHEDULE**

**Status of Schedule Chapter:**

Section 18.1. The purpose of this schedule chapter is to inaugurate the government of the City of Grandville under this charter and it shall constitute a part of said charter only to the extent and for the time required to accomplish that end.

**Election to Adopt This Charter:**

Section 18.2. This Charter shall be submitted to a vote of the qualified electors of the City of Grandville at the general election to be held on Tuesday, November 4, 1958. This election shall be conducted by the officers under the existing City Charter charged with the conduct and supervision of elections following usual election procedure.

**Form of Ballot:**

Section 18.3. The form of the ballot for the submission of this charter shall be as follows:

Instructions: A cross (X) in the

square  before the word "Yes" is in favor of the proposed charter, and a cross (X) in the square  before the word "No" is against the proposed charter.

Shall the proposed charter for the City of Grandville, drafted by the Charter Commission elected on April 7, 1958, be adopted?

Yes

No

**Effective Date of This Charter:**

Section 18.4. For all purposes not otherwise provided for herein, this charter shall take effect on January 1, 1959 at 8:00 o'clock p.m., Eastern Standard Time.

**First Officers Under Charter:**

Section 18.5. (a) The Mayor, each Commissioner, and the Justice of the Peace who held office at the time that this charter became law as the charter of the City of Grandville shall continue in the office so held by them until their successors shall be elected and shall qualify for, assume, and hold offices to which they have been elected or appointed in accordance with the provisions of this charter.

(b) At the regular city election held in April, 1959, the Mayor and three Councilmen shall be elected for the offices held by the Mayor and Commissioners elected in April, 1957. At the regular city election in April, 1960, three Councilmen shall be elected to the offices held by the Commissioners elected in April, 1958.

(c) The constables who held office at the time this charter became law as the Charter of the City of Grandville shall continue in office for the balance of the term to which they were elected. Thereafter, their successors shall be appointed in accordance with the provisions of this charter.

**Continuation of Appointed Officers and Employees:**

Section 18.6. 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 of 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 respect be subject to the provisions of this charter; except that the terms of office of all members of the Board of Review shall terminate as provided in Section 10.6., and except that any officer or employee who holds a position which this charter provides be held at the pleasure of the appointing officer or body shall hold such position only at such pleasure regardless of the term for which originally appointed.

**First Board of Review:**

Section 18.7. The terms of all members of the Board of Review existing under the previous charter of the city shall expire on December 31, 1958. In January, 1959, the Council shall appoint a Board of Review of three freeholders who meet the qualifications for such office provided in this charter, and shall fix their compensation. One such member

shall be designated to serve for a term expiring in January, 1960, one for a term expiring in January, 1961, and one for a term expiring in January, 1962.

**Council Action:**

Section 18.8. In all cases involving the transition of the city government from that under the previous charter to that under this

charter, which are not covered by this chapter, the Council shall supply necessary details and procedures and may adopt such rules, regulations, and ordinances as may be required therefor.

#### RESOLUTION OF ADOPTION

At a regular meeting of the Charter Commission of the City of Grandville held on the 7th day of August, 1958, the following resolution was offered by Commissioner Coulter:

RESOLVED, that the Charter Commission of the City of Grandville does hereby adopt the foregoing proposed charter for the City of Grandville and the Secretary of that Commission is directed (1) to transmit copies of this charter to the Governor of the State of Michigan for his approval in accordance with statute, (2) to file with the City Clerk a copy of this charter on September 3, 1958, and (3) to cause this proposed charter to be published in The Grandville Star on October 16, 1958.

The resolution was seconded by Commissioner DeVries, and adopted by the following vote:

YEAS: 6  
NAYS: 0  
ABSENT: 3

Harry DePuit,  
City Clerk and Clerk  
of the Charter Commission  
of the City of Grandville

Countersigned by the following Commissioners:

Sidney DeVries  
Willard James Davies  
Bernard Nydam  
William VanderWiere  
Paul E. Brady

I. Wesley Becker  
Willard M. Coulter  
F. Grant MacEachron  
Acting Chairman

All of the Commissioners except Chairman Frank M. Burroughs, Jr. having attested as to said resolution and also having attested the copies to be presented to the Governor and filed with the City Clerk, the meeting adjourned, subject to the call of the Chairman or Acting Chairman.

I hereby approve the foregoing Charter of the City of Grandville, Michigan.

(s) G. Mennen Williams,  
Governor of the State  
of Michigan

Dated: 8-22-58

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