

Petersburg City Charter

PREAMBLE

We, the people of the City of Petersburg, pursuant to authority granted by the Constitution and laws of the State of Michigan, in order to secure the benefits of self-government, and to provide for the public peace and health for the safety of persons and property, do hereby ordain and establish this Charter for the City of Petersburg.

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CHAPTER 1

BOUNDARIES OF THE CITY

Boundaries

Section 1.1 The following described territory, together with all territory that may be annexed thereto, shall constitute the territory and be known as the City of Petersburg, and shall be subject to the municipal control thereof:

A part of Section 3, 4 and 9 described as follows: Commencing at the N.E. corner of Section 9, T. 7 S., R. 6 E., proceeding thence S. along the E. line of Section 9, 33.01 feet; thence S. 87 degrees 31' W. parallel to the N. line of Section 9, 532.39 feet, thence S. 0 degrees 01' W. 118.07 feet; thence S. 68 degrees 28' E, 59.06 feet; thence S. 56 degrees 08' W. 177.54 feet to the center of Sylvania Petersburg Road; thence N. 40 degrees 07' W. along the centerline of said Sylvania Petersburg Road 337.69 feet; thence S. 49 degrees 36' W. 183.00 feet; thence N. 40 degrees 24' W. 30.00 feet; thence S. 49 degrees 36' W. 150.00 feet; thence S. 40 degrees 24 E. 130.00 feet; thence S. 49 degrees 36 W. 200.00 feet; thence S. 40 degrees 24 E. 666.97 feet; thence S. 87 degrees 51 W. 800.91 feet; thence N.Os degrees 11 W. 1170.35 feet to the S. line of Section 4; thence W. along the S. line of Said Section 4, to the N. and S. 1/4 line of said. Section 4; thence N. along said N. and S. 1/4 line of Section 4 to the S. edge of the River Raisin; thence Easterly and Northerly along the Southerly and Easterly edge of the River Raisin, to the South Easterly edge of the Old Mill Race; thence North Easterly along the South Easterly edge of the Old Mill Race to the South Westerly edge of the River Raisin; thence Easterly downstream along the Southerly edge of the River Raisin to the W. line of Section 3; thence N. along the W. line of Section 3 to the N. line of the S.W. 1/4 of the N.W. 1/4 of said Section 3; thence E. along said N. line of the S.W. 1/4 of the N.W. 1/4 of said Section 3 to the E. line of the W. 1/2 of the N.W. 1/4 of the N.W. 1/4 of Section 3; thence S. along the E. line of the W. 1/2 of the N.W. 1/4 of Section 3 to the E. and the W. 1/4 line of Section 3; thence continuing S. along the E. line of the W. 1/2 and the S.W. 1/4 of said Section 3 to the S. line of the N. 45 acres of the W. 1/2 of the S.W. 1/4 of said Section 3; thence W. along the S. line of said N. 45 acres of the W. 1/2 of the S.W. 1/4 of said Section 3 to the E. line of Section 4; thence S. along the E. line of said Section 4, to the point of beginning.

Section 1.2 Upon annexation or detachment of territory, the boundaries of the City 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 copies of the official boundary description and map of the current boundaries of the City.

Section 1.3 The City shall consist of and constitute one single ward.

CHAPTER 2

GENERAL MUNICIPAL POWERS

Section 2.1 (a) Unless otherwise provided or limited in this Charter, the City and its officers shall possess and be vested with all the powers, privileges, and immunities, expressed or implied, which cities are, or hereafter may be, permitted by law to exercise or to include in their Charters. The enumeration of particular powers, privileges, or immunities in this section or elsewhere in this Charter shall not be held to be exclusive.

(b) The City and its officers shall have the power to manage and control its finances, rights, interests, buildings, and property, to enter into contracts, to do any act to advance the interest, good government, and prosperity of the City and its inhabitants, to protect the public peace, health, safety, and general welfare, and to restrain and prevent crime and vice. In the exercise of such powers, the City may enact ordinances, rules, and regulations and take such other action as may be required, not inconsistent with law. The power of the City shall include, but not be limited to, the following:

(1) To declare as a hazard or nuisance any act or condition, upon public or private property, or both, including, but not limited to, the accumulation of rubbish and the growing of noxious weeds, which is, or may be dangerous to the health, safety, or welfare of the inhabitants of the City; to provide for the abatement thereof, and to provide that the cost of such abatement shall be charged as a special assessment against the real property on which the hazard, or nuisance is located.

(2) To provide for the public welfare by:

(a) Regulating trades, occupations, and amusements within the City, and prohibiting trades, occupations, and amusements which are detrimental to the safety, health or welfare of its inhabitants.

(b) Regulating the preparation, storage, transportation, and sale of goods, drugs, and beverages for human, consumption;

(c) Collecting and disposing of garbage and rubbish;

(d) Regulating and restricting the locations of oil and gasoline stations;

(e) Licensing, and regulating the number of vehicles, which carry persons or property for hire, fixing the rates of fare and charges, and determining the locations of stands for such vehicles;

(f) Licensing and regulating billboards and advertising signs and the location thereof;

(g) Regulating the construction, erection, alteration, equipment, repair, moving, removal and demolition of buildings and structures and their appurtenances and service equipment;

CHAPTER 2 - GENERAL MUNICIPAL POWERS (CONT'D)

(h) Establishing zones within the City and regulating therein the use and occupancy of lands or structures; the height, area, size and location of buildings; the required open spaces for light and ventilation of buildings, and the density of population;

(i) Regulating, limiting, and prohibiting the construction and use of buildings and lands in order to promote the public safety and to prevent fires;

(j) Regulating and controlling the use of rivers, streams, and water courses within the City in any manner consistent with the provisions of law.

(3) To establish and reasonably control streets, alleys, bridges, and public places, and the space above and beneath them, and the use thereof by:

(a) Creating and vacating the same and acquiring and disposing of land, or any interest in land, required therefor, including any surplus land which may be incidental to or necessary for the purchase of land required;

(b) Providing for a plat of streets and alleys within and for a distance of not more than three miles beyond the limits of the City:

(c) Requiring the owners of real property to build and maintain public sidewalks in the area of streets immediately adjacent to such property, and, upon the failure of any owner to do so, constructing and maintaining such sidewalks and assessing the cost thereof against such property as a special assessment;

(d) Compelling all persons to care for the untraveled portions of streets lying between the traveled portion and the property line which abut upon premises owned, controlled, or occupied by them, and to keep the same free from weeds and from objects which are offensive or hazardous to public health and safety, and, upon the failure to do so, cutting and removing such weeds and removing such objects and assessing the cost thereof against such property as a special assessment;

(e) Compelling all persons to keep sidewalks which are in the area of streets immediately adjacent to the premises owned, controlled, or occupied by them, free from snow, ice, dirt, wood, weeds, shrubbery, or any other object which obstructs such sidewalks, or which makes the same hazardous or offensive to the public health and safety, and upon failure to do so, to cut and remove such weeds and remove such objects and assess the cost thereof against such property as a special assessment;

(f) Providing for the grade of streets and requiring public utility users of streets to conform thereto with respect to their tracts or facilities located on, above, or under the streets or alleys; requiring railroads to keep their tracks and the street surface between the tracks, and for a distance of one and one-half feet on each side of them in reasonable repair at all times,

(g) Regulating the speed of vehicles, trains and locomotives upon or across the streets within the provisions and limitations of law, and the stopping and parking of the same upon the streets and at street crossings;

CHAPTER 2 - GENERAL MUNICIPAL POWERS (CONT'D)

(h) Providing for and regulating the lighting of streets and alleys, whether such lights be located on public or private property;

(i) Preventing and abating the encumbering of streets and alleys or any part thereof;

(j) Regulating the location of buildings and structures and of trees and shrubbery at and near corners and street intersections with alleys and driveways, so as to provide for the public safety and welfare in the use of the streets and alleys;

(k) Providing for and regulating the numbering of buildings upon property abutting streets and alleys and compelling the owners thereof to affix numbers thereto;

(l) Providing for the use by other than the owner of property located on, above, or under the streets, alleys and public places, in the operation of a utility, upon the payment of a reasonable compensation therefor to the owner thereof;

(m) Providing for the planting and general care and protection of trees and shrubbery within the streets and public places of the City and preventing the cutting of limbs and branches for the placing and maintenance of utility wires without the consent of the designated officer or agency of the City.

(n) Prohibiting or regulating the use, occupancy, sanitation and parking of house trailers within the City, the right of the City to so regulate any house trailer shall not be abrogated thereof because of any detachment 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.

(o) Providing for 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 as a special assessment.

(4) To undertake any public work or make any public improvement or any repair or replacement thereof, either directly or by contract with public bodies or private persons; and to participate in any public work or public improvement under any lawful plan by which the whole or partial support of such work or improvement is provided by another governmental unit or agency;

(5) To construct, provide, maintain, extend operate and improve;

(a) Within the City: a city hall, city office buildings, community auditoriums, public libraries, and polling places; and

(b) Either within or without the corporate limits of the City or Monroe County: Public parks, recreation grounds, and stadiums, municipal camps, public grounds, zoological gardens, museums, airports and landing fields, cemeteries, levées, embankments, boat docks, and structures for flood control and other purposes related to the public health, safety, and welfare; electric light and power plants and systems, gas plants and systems, waterworks and water treatment plants and systems, sewage disposal plants and systems, storm sewers, garbage

CHAPTER 2 - GENERAL MUNICIPAL POWERS (CONT'D)

collection and disposal facilities, refuse and rubbish collection and disposal facilities, market house and market places, facilities for storage and parking of vehicles, hospitals, facilities for the landing of helicopters and air vehicles having like landing characteristics, and any other structures or facility which is devoted to or intended for public purposes within the scope of the powers of the City.

(6) To acquire by purchase, gift, condemnation, lease or otherwise, real and personal property, and interests in property, either within or without the corporate limits of the City or of Monroe County, for any public use or purpose within the scope of its powers, including, but not by way of limitation, the uses and purposes set forth in this section;

(7) To join with any municipal corporation or with any other unit or agency of government, or with any number or combination thereof, by contract or otherwise, as may be permitted by law, in the ownership, operation, or performance, jointly or by one or more on behalf of all, of any property, facility, or service which each would have the power to own, operate, or perform separately.

CHAPTER 3

ELECTIONS

Qualifications of Electors

Section 3.1 The residents of the City having the qualifications of electors in the state of Michigan shall be electors of the City.

Election Procedure

Section 3.2 The election of all City officers shall be on a non-partisan basis. The general election statutes shall apply to and control as near as may be, all procedures relating to registration and City election, except as such statutes relate to political parties or partisan procedure and except as otherwise provided in this charter.

Wards and Precincts

Section 3.3 The City of Petersburg shall consist of one ward. The election Commission shall from time to time establish convenient election precincts.

Regular City Elections

Section 3.4 A regular City election shall be held on the 1st Tuesday following the 1st Monday in November.

Special Elections

Section 3.5 Special City elections shall be held when called by resolution of the Council at least forty-five (45) days in advance of such election or when required by this charter or by statute. Any resolution calling a special election shall set forth the purpose of such election. No more special elections shall be called in any one year than permitted by statute.

Election Commission

Section 3.6 An Election Commission is hereby created consisting of the Clerk, Treasurer, and the Assessor, who shall serve without compensation.

The Clerk shall be the chairman. The Commission shall appoint the Board of Election Inspectors for each precinct and have charge of all activities and duties required of it by state law and this charter relating to the conduct of elections in the City. The compensation of election personnel shall be determined in advance by the Council. In any case, where the election procedure is in doubt, the Election Commission shall prescribe the procedure to be followed.

CHAPTER 3 - ELECTIONS (CONT'D)

Primary Elections

Section 3.7 (Deleted by amendment 11/6/1984)

Nominations

Section 3.8 (Added by amendment 11/6/1984) The mode of nomination of all elective officers provided for by this charter shall be by petition. The name of any elector of the City shall be printed upon the ballot when a petition in the form prescribed in Section 3.9 shall have been filed on his behalf with the election authorities. Such a petition shall be signed by at least thirty and not more than forty electors of the City. A 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, such signature, shall be counted only to the extent he is permitted to sign in the order of the respective dates and hour of filing the petitions containing such signatures.

Nominating petitions shall be filed with the Clerk at forty-nine days and not more than sixty-three days prior to the date of holding the election with respect to which petition is filed. No petition shall be accepted by the Clerk after 12:00 noon at the then prevailing local time on the forty-ninth day preceding any election for which the said petition is filed.

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

Form of Petition

Section 3.9 The form of 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.

Approval of Petitions

Section 3.10 The Clerk shall accept only nomination petitions which conform with the form provided and maintained by him and which, considered together, contain the required number of valid signatures for candidates having those qualifications required for the filing of a petition. When a petition is filed by persons other than the person whose name appears thereon as candidates, it may be accepted only when accompanied by the written consent of the candidate. The Clerk shall, forth-with 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.

CHAPTER 3 - ELECTIONS (CONT'D)

Approval of Petitions (Cont'd)

Within three days after the last date for filing petitions, the Clerk shall make his final determination 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 determination thereof on the face of the petition. The Clerk shall immediately notify in writing the candidate whose petition is found invalid or insufficient. Such notice to any candidate whose petition is so found invalid shall be delivered by personal messenger, if possible. Any candidate whose petition is so found invalid or insufficient shall be allowed to file supplementary replacement petitions before four o'clock in the afternoon on the fifth day after the last date for filing original petitions. The names of the candidates for the respective elective City offices who file valid and sufficient nomination petitions shall be certified by the Clerk to the Election Commission to be placed upon the ballot for the next subsequent City election or the next City election for the filling of vacancies in office as the case may be.

Public Inspection of Petitions

Section 3.11 All nomination petitions shall be open to the public inspection in the office of the Clerk.

Form of Ballot

Section 3.12 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.

If two or more candidates 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, provided that any candidate who is an incumbent of such office shall be designated as "incumbent" rather than by occupation.

Recount

Section 3.13 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 3.14 Any elected official, may be recalled from office by the electors of the City in the manner provided by statute.

CHAPTER 3 - ELECTIONS (CONT'D)

Officers to be Elected, Terms of Office

Section 3.15 (a) The elective officers of the City shall be six councilmen, a mayor and three members of the Board of Review.

(b) At each regular City election beginning in 1971, three councilmen shall be elected to serve for a term of four years, a mayor shall be elected to serve for a term of two years, and one member of the Board of Review to serve for a term of six years.

(c) The term of office of the mayor, councilmen and members of the Board of Review shall commence at 8:00P.M. on the Monday following the regular City election at which they were elected.

Chapter 4

ORGANIZATION OF GOVERNMENT

City Governing Body

Section 4.1 The six councilmen and mayor shall constitute the legislative governing body of the City; they shall be elected from the City at large.

Compensation of Mayor and Councilmen

Section 4.2 (a) The compensation of the Mayor and Councilmen shall be set by Ordinance, based upon the number of Council Meetings attended; provided, however, that compensation shall not exceed \$10.00 per regular meeting attended by the Mayor and shall not exceed \$8.00 per regular meeting attended by the Councilmen; provided further, the Mayor and Councilmen shall not be paid for more than 24 regular meetings per year in the office.

(b) The Mayor and Councilmen may, upon order of the Council, be reimbursed such necessary bona fide expenses incurred in services of the City as are itemized and authorized by the Council.

Mayor Pro-Tem

Section 4.3 (a) At the first meeting of the Council following each City election, the Council shall organize and elect one of its members to the office of Mayor Pro-tem.

(b) In the case of the absence or disability of the mayor, the Mayor Pro-tem shall perform the duties of the mayor during such period.

Administrative Officers, Appointment, Term of Office, Compensation

Section 4.4 The appointive administrative officers of this City shall be the Clerk, Treasurer, Assessor, Attorney and Constable, and such other administrative officers as may be established by the Council.

The administrative officers, and any additional administrative officers that are created by ordinance, shall be appointed by the Council after nomination by the Mayor, provided, however, that in the event an administrative office is vacant for more than sixty (60) days, the Council may nominate the officer. Administrative officers shall serve at the pleasure of the Council and shall have their compensation fixed by ordinance.

Mayor

Section 4.5 The Mayor, shall, in addition to any powers and duties otherwise provided by law, have powers and duties as follows:

CHAPTER 4 - ORGANIZATION OF GOVERNMENT (CONT'D)

Mayor (Cont'd)

- (a) He shall be the executive head of the City.
- (b) He shall have a voice and vote in all proceedings of the Council, but shall have no veto power.
- (c) He shall be the presiding officer of the Council.
- (d) He shall be the conservator of the peace and in emergencies may exercise within the City, the powers conferred upon sheriffs to suppress riot and disorders, and shall have authority to command the assistance of all able bodied citizens to aid in the enforcement of the ordinances and regulations of the Council and the authority of the City government.
- (e) He shall see that all the laws and ordinances are enforced.
- (f) He shall nominate appointive administrative officers in accordance with Section 4.4.
- (g) He shall prepare and administer the annual budget under policies formulated by the Council, and he shall keep the Council informed as to the financial condition and needs of the City.
- (h) He shall be responsible for the efficient administration of all departments in the City.
- (i) He shall employ all City employees, coordinate and supervise the personnel policies and practices of the City subject to the terms of any employment ordinance that the City may hereafter adopt.

City Clerk

Section 4.6 (a) The Clerk shall be the Clerk and clerical officer of the Council. He shall attend all meetings of the Council, and shall keep its journal.

- (b) He shall keep the record of all actions of the Council at its regular and special meetings.
- (c) He shall have the power to administer all oaths required by law and by the ordinances of the City.
- (d) He shall be the custodian of the City seal, and shall affix the same to documents required to be sealed. He shall also be custodian of all papers, documents, and records pertaining to the City, the custody of which is not otherwise provided for by this Charter.
- (e) He shall give to the proper officials ample notice of the expiration or termination of any official bonds, franchises, contracts or agreements to which the City is part.
- (f) He shall notify the Council of the failure of any officer or employee required to take an oath of office or to furnish any bond required of him.
- (g) He shall certify all ordinances and resolutions adopted by the Council.
- (h) He shall perform such other duties in connection with his office as may be required of him by law, the ordinances or resolutions of the Council.

CHAPTER 4 - ORGANIZATION OF GOVERNMENT (CONT'D)

City Clerk (Cont'd)

(i) He shall be the general accountant of the City, shall keep the books of account of the assets and expenditures of the City, and shall keep the Mayor and Council informed as to the financial affairs of the City. The system of accounts of the City shall conform to such a uniform system as may be required by good practice and by law.

(j) He shall balance all books of account of the City at the end of each calendar month, and shall make reports thereon as soon as practical to the Mayor and City Council.

City Treasurer

Section 4.7 (a) The Treasurer shall have the custody of all monies of the City, the Clerk's bond, and all evidence of value or indebtedness belonging to or held in trust by the City.

(b) He shall keep and deposit all monies or funds in such manner and only in such places as the Council may determine, and shall report the same in detail to the Mayor and City Council.

(c) He shall have such powers, duties and prerogatives in regard to the collection and custody of state, county, school district, and City taxes and monies as are provided by law.

(d) He shall perform such other duties in connection with his office as may be required of him by law, the ordinances or resolutions of the Council.

City Attorney

Section 4.8 (a) The Attorney shall act as legal, adviser to, and be attorney and counsel for, the Council and shall be responsible solely to the Council. He shall advise any officer of the city in matters relating to his official duty when so requested and shall file with the Clerk a copy of all written opinions given by him.

(b) The Attorney shall prosecute such ordinance violation 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 such records and files relating thereto as the Council may direct.

(c) The Attorney shall prepare and 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 prescribed for him by this Charter, by ordinance or by direction of the Council.

(f) Upon 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 thereon.

CHAPTER 4 - ORGANIZATION OF GOVERNMENT (CONT'D)

City Assessor

Section 4.9 (a) The Assessor shall possess all the power vested in and shall be charged with the duties imposed upon assessing officers by law.

(b) He shall make and prepare all regular and special assessment rolls in the manner prescribed by law or the ordinances of the City.

(c) He shall perform such other duties as may be prescribed by law or the ordinances of the City.

City Planning

Section 4.10 The Council may provide for a City Planning Commission in accordance with and have all the powers and duties granted by the provisions of Statute relating to such commissions. The citizen members of the Planning Commission shall be appointed by the Mayor, subject to confirmation by the Council, and they shall represent insofar as possible different professions or occupations. The members of the Commission shall serve without compensation.

Additional Administrative Powers and Duties

Section 4.11 From time to time upon the recommendation of the Mayor, the Council may by ordinance prescribe additional administrative power and duties or diminish any power and duties in a manner not inconsistent with this Charter to be exercised and administered by appropriate officers and departments of the City.

Merit System

Section 4.12 The Council may provide by ordinance for a merit system for personnel management of the City.

Employee Welfare Benefits

Section 4.13 The Council shall have the power to make available to the administrative officers and employees of the City and its departments and boards, an accrual pension plan, and any recognized standard group plan of life, hospital, health or accident insurance or any one or more thereof.

CHAPTER 4 - ORGANIZATION OF GOVERNMENT (CONT'D)

Volunteer Fire Department

Section 4.14 The organization and operation of the Petersburg Volunteer Fire Department shall continue so long as mutually agreeable to the Volunteer Firemen, Summerfield Township, and the City of Petersburg.

Police Department

Section 4.15 The organization of the Petersburg Police Department shall continue as presently organized and operated, subject to such changes the Council may hereafter make by majority vote.

CHAPTER 5

GENERAL PROVISIONS

Eligibility for Elective Office

Section 5.1 No person shall hold any elective office of the City unless he has been a resident of the City for at least one year immediately prior to the last day for filing original petitions for such office and shall be the owner of real estate within the City at the time of filing original petitions for such office. No person shall be eligible for appointment to fill a vacancy in an elective office unless such qualifications are held at least one year immediately prior to the time of appointment. No person shall hold any elective office unless he is qualified and registered elector of the City on the last day for filing, or at such time of appointment and throughout the tenure of office.

No person shall be eligible for any elective 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 30 days after written notice thereof by the Council, or unless such persons shall in good faith be contesting the liability for such default.

Each candidate for elective office shall file with his petition his affidavit that he possesses qualifications for such office provided for in this Section. Failure to file such affidavit shall invalidate the petition.

No incumbent elective City officer shall become a candidate for any elective City office except to succeed himself without first resigning from his then incumbent elective City office. Provided, that the provisions hereof shall not apply to any incumbent City officer whose term of office will expire with the election at which he is to be a candidate for another elective City office.

Eligibility for Appointive Office and Certain City Boards

Section 5.2 No person shall be eligible for appointment to the office of Assessor unless such person has been a resident of the City for at least one year immediately prior to appointment, and shall be the owner of real estate within the City at the time of appointment.

No councilman, except the Mayor, shall be eligible for appointment as Assessor, Clerk, Treasurer, or member of the Board of Review.

Any eligible elected officer may also hold an appointive office at the same time and receive such compensation as shall be prescribed for the office by the Council in addition to the prescribed for the elective office, provided, however, that such appointment be made by the unanimous vote of six members of the Council, excluding the vote of the interested elected officer.

CHAPTER 5 - GENERAL PROVISIONS (CONT'D)

Vacancies in Elective Office

Section 5.3 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 offices

- (a) For any reason specified by Statute of this Charter 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 filed.
- (c) If the officer shall be found guilty by a court of competent jurisdiction of any act constituting misconduct in any office under the provisions of this Charter.
- (d) If any officer ceases to have the qualifications for eligibility for such office required by this Charter for more than ninety (90) days.
- (e). If any officer shall absent himself continuously from the City for more than 60 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 meetings of the Council, unless such absences shall be for a confining illness or be excused by the Council at the time they occur.

Vacancies in Boards and Commissions

Section 5.4 The office of any member of any Board or Commission created by or pursuant to this Charter shall be declared by the Council before the expiration of the term of such office:

- (a) For any reason specified by Statute or by this Charter as creating a vacancy in office.
- (b) If the officer shall be found guilty by a competent court of any act constituting misconduct of the office under the provisions of this Charter.
- (c) If such officer shall miss four consecutive meetings of such Board or Commission or 25% of such meetings in any fiscal year of the City, unless such absences shall be excused by such Board or Commission at the time of such absences.
- (d) If the officer is removed from the office by the Council in accordance with the provisions of this Charter.

CHAPTER 5 - GENERAL PROVISIONS (CONT'D)

Removal from Office

Section 5.5 Removals by the Council of elective officers or of members of Boards or Commissions may be made for any 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;
- (c) 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 at such hearing and answer such charges, his failure to do so may be deemed cause of 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 5.6 Resignations of elective officers and of members of Boards and Commissions shall be made in writing and filed with the Clerk and shall be acted upon by the Council and its next regular meeting following receipt thereof by 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 Elective Offices

Section 5.7 (a) If a vacancy occurs in any elective City office, except the office of mayor, the Council shall, within thirty days after such vacancy occurs, appoint a person who possesses the qualifications required of holders of said office. Each such appointee to an elective office shall hold office under such appointment until the Monday following the next regular City election. A person possessing the qualifications for the office shall be elected to fill such vacancy for the remainder of the unexpired term.

CHAPTER 5 - GENERAL PROVISIONS (CONT'D)

Filling Vacancies in Elective Offices (Cont'd)

(b) In the event of a vacancy in the office of Mayor, the Council may appoint any person eligible under Section 5.1 or may appoint one of its members to fill the unexpired term and the office of the Councilman so appointed shall be declared vacant and appointment made in accordance with Section 5.7 (a); or

The Council may call a special election for the purpose of filling the remainder of the unexpired term of the office of mayor.

(c) If a vacancy occurs in any appointive office, it 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.

Change of Compensation

Section 5.8 The Council shall not grant or authorize extra compensation to any officer, elective or appointive, or to any employee, agents or contractors after his services have been rendered. The salary of any elective officer shall not be increased or decreased from the day he is elected until the end of the term of office for which he was elected or appointed.

Oath of Office

Section 5.9 Every officer, elected or appointed, before entering upon the duties of his office, shall take the oath of office prescribed by the Michigan Constitution and shall file the same with the Clerk, together with any bond required by this Charter 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 there-upon be vacant, unless the Council shall, by resolution, extend this time in which such officer may qualify as set forth above.

Surety Bonds

Section 5.10 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 this 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

CHAPTER 5 - GENERAL PROVISIONS (CONT'D)

Surety Bonds (Cont'd)

conditioned as the Council prescribes. The official bond of every officer or employee whose duty it may be to receive or pay out money, besides being 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

All official bonds shall be corporate surety bonds and the premiums thereon shall be paid by the City. All bonds of all officers or employees shall be filed with the Clerk, except that any bond pertaining solely to the Clerk shall be filed with the Treasurer.

Delivery of Office and its Effects by Officer to His Successor

Section 5.11 Whenever any officer or employee shall resign, or be removed from office, or the term of office for which he has been elected or appointed has expired, he shall, on demand, deliver to his successor in the office or to the superior, all books, papers, monies and effects in his custody as such officer or employee, and which in any way may appertain to his office or employment.

Anti-Nepotism

Section 5.1.2 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's 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 in no way disqualifies such relatives or their spouses who are bona fide appointive officers or employees for the City at the time of the election or appointment of said official.

Financial Interest Prohibited

Section 5.13 (a) Except as permitted by this section, no contract or purchase shall be made by the City in which any officer or any member of his family has any financial interest, direct or indirect, nor shall any officer incur any obligation of any nature, which contract or obligation is in substantial conflict with the proper discharge of his duties in the public interest. A "contract" shall for the purposes of this section, include any arrangement pursuant to which any material, service or other thing of value is to be furnished to the City for a valuable consideration

CHAPTER 5 - GENERAL PROVISIONS (CONT'D)

Financial Interest Prohibited (Cont'd)

to be paid by the City, or is to be 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 only spouse, child, grandchild, father, mother, sister, brother, 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 financial interest in a contract if he or any member of his family is an employee, owner of a substantial portion of the entity, directly or indirectly, partner, officer, director or sales representative of the person, firm or corporation with which such contract is made or of a sales representative of such person, firm or corporation.

(c) A contract in which an officer or member of his family has a financial interest may be made by the City if the members of the Council, having no such interest shall unanimously determine that the best interests of the City would be served by the making of such contract, and if such contract is made after comparative prices are obtained.

(d) Any officer who knowingly permits the City to enter into any contract or purchase in which he has a financial interest without disclosing such interest to the Council prior to the action of the Council in authorizing such contract, shall be guilty of misconduct in office. 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 financial 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 on any bond to the City or give any bail for any other person which may be required by the Charter or any ordinance of the City. Any officer of the City who violates the provisions of this paragraph shall be guilty of misconduct in office.

Special Insert - Posted in the PETERSBURG SUN October 4, 1979
LEGAL NOTICE - Compensation Commission

CITY OF PETERSBURG

ORDINANCE NO 035

An Ordinance to establish the Compensation Commission of the City of Petersburg, which shall determine the Salaries of each elected official of the City of Petersburg.

The City of Petersburg Ordains:

SECTION 1. Local Offices Compensation Commission: Creation Membership Terms: Vacancies

- (a) A Compensation Commission shall be and is hereby created, which shall determine the salaries of each elected official of the City of Petersburg.
- (b) The Commission shall be known as the Compensation Commission of the City of Petersburg
- (c) The Commission shall consist of 5 members
- (d) The members shall be registered electors of the City
- (e) The Mayor shall appoint the members, subject to confirmation by a majority of the members elected and serving on the City Council
- (f) The terms of office shall be 5 years, except that of the members first appointed. One each shall be appointed for terms of 1, 2, 4, and 5 years.
- (g) The first members shall be appointed within 30 days after the effective date of this ordinance
- (h) Members other than the first members shall be appointed before October 1st of the year of appointment
- (i) Vacancies shall be filled for the remainder of the unexpired terms.
- (j) A member or employee of the legislative, judicial or executive branch of government or a member of the immediate family of a member or employee of the legislative, judicial, or executive branch of government shall not be a member of the Commission.

SECTION 2. DETERMINATION OF SALARIES

- (a) The Commission shall determine the salary of each elected official of the City of Petersburg.
- (b) The Commission shall submit its determination to the City Clerk by 2nd Monday in March in each odd numbered year except that in the first year, the Commission shall make and file a determination with the City Clerk by January 15, 1980.
- (c) The determination of the Commission shall be effective 30 days following its filing with the City Clerk unless rejected by the City Council.
- (d) The City Clerk shall advise the City Council of the Commission's determination of salaries at the next regularly scheduled council meeting following the filing of the determination with the City Clerk.
- (e) The City Council may reject the determination by resolution adopted by 2/3 of its members in which case the existing salary shall prevail.
- (f) The Commission may determine and change the salary of an elected official during the term of the elected official and the provision in the Charter with respect to changing salaries during the term shall be inapplicable.

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PETERSBURG SUN October 4th, 1979

LEGAL NOTICE (Cont.)

SECTION 3 Meetings; Quorum; Chairperson; Majority Vote; Session Days; Compensation

- (a) The members of the Commission shall not receive compensation, but shall be entitled to, actual, and necessary expenses incurred in the performance of official duties
- (b) The Commission shall meet, for not more than 15 session days and shall make its determination within 45 calendar days after its first meeting
- (c) The Commission shall hold its meeting not before 1st Monday in February, but not later than 1st Monday March in each odd numbered year except that the first meeting shall not be sooner than 60 days but not later than 90 days after the effective date of the ordinance.
- (d) A majority of the members of the Commission shall constitute a quorum for conducting the business of the Commission
- (e) The Commission shall not take action or or make a determination without a concurrence of a majority of the members appointed and serving on the Commission
- (f) The Commission shall elect a chairperson from among its members.

SECTION 4. OPEN MEETINGS

All meetings of the Commission shall be held in accordance with Act No. 442 of the Public Acts of 1976. This Ordinance passed final reading at Regular City Council Meeting held October 1, 1979.

- William E Perry,
City Clerk
Oct 4th

Chapter 6

REGULAR MEETINGS

Section 6.1 The Council shall provide by resolution for the time and place of its regular meetings and shall hold at least two such meetings each month. A regular meeting shall be held on the Monday following each regular City election.

Special Meetings

Section 6.2 Special meetings shall be called by the Clerk on the written request Of the Mayor or any three members of the Council on at least twenty-four hours written notice so each member of Council, served personally or left at his usual place or 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 of Special Meeting

Section 6.3 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, any business which might lawfully come before a regular meeting may be transacted at such special meeting if all members present consent thereto and all members absent file their written consent.

Meeting to Be Public

Section 6.4 All regular and special meetings of the Council shall be open to the public and citizens shall have a reasonable opportunity to be heard.

Quorum-Adjournment of Meeting

Section 6.5 Four members of the Council shall be a quorum for the transaction of business at all meetings of the Council, but in the absence of a quorum, a lesser number may adjourn any regular or special meeting to a later date.

Compulsory Attendance and Conduct at Meeting

Section 6.6 Each councilman shall be required to attend all meetings of Council unless excused in accordance with this Charter. The Council may order the attendance of members and other officers of the City at its meetings, and may prescribe by ordinance fines for non-attendance. The refusal of any member of the Council, or of any officer of the City, to attend such meetings or to conduct themselves in an orderly manner thereat shall be deemed in violation of this Charter. Any person designated by the Mayor shall serve as the sergeant-at-arms of the Council in the enforcement of the provisions of this section. The Mayor shall enforce orderly conduct at meetings.

CHAPTER 6 - REGULAR MEETINGS (CONT'D)

Organization and Rules of the Council

Section 6.7 The Council shall determine its own organization, rules and order of business subject to the following provisions:

(a) A journal of the procedure of each meeting in the English language shall be kept by the Clerk and shall be signed by the presiding officer and Clerk of the meeting.

(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 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 misconduct in office.

Investigations

Section 6.8 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 purposes stated herein, may summon witnesses, administer oaths and compel the attendance of witnesses and the production of books, papers and other evidence.

Failure on the part of any officer to obey such summons or to produce books, papers and other evidence as ordered under the provisions of this section, shall constitute misconduct in office. Failure on the part of any employee or other person to obey such summons or to produce books, papers or other evidence as ordered under the provisions of this section, shall constitute a violation of this Charter and such person when found guilty of such violation by a competent tribunal may be punished by a fine of not to exceed One Hundred Dollars (\$100.00) or imprisonment not to exceed ninety (90) days, or both, in the discretion of the Court.

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

CHAPTER 6 - REGULAR MEETINGS (CONT'D)

Public Health and Safety

Section 6.9 The Council shall see that provision is made for the public peace and health, and for the safety of persons and property. The Council may create by ordinance a board of health and until such adoption thereof, the mayor shall appoint a health officer who shall possess all powers, privileges and immunities granted to board of health by statute, and who shall perform such duties as may be prescribed by statute, the Charter, the mayor and/or the council, and whose compensation shall be fixed by the council.

CHAPTER 7

LEGISLATION

Village Ordinances and Regulations

Section 7.1 All valid ordinances, resolutions, rules and regulations of the Village of Petersburg which are not inconsistent with this Charter and which are in force and effect on the effective date of this Charter shall continue in full force and effect until repealed or amended.

Legislative Power

Section 7.2 The legislative power of the City is vested exclusively in the Council.

Introduction, Consideration and Style of Ordinances

Section 7.3 (a) Each proposed ordinance shall be introduced in written form. The style of all ordinances passed by the Council shall be the "City of Petersburg ordains:"

- (b) Each ordinance, after adoption, shall be identified by number.
- (c) An ordinance or a part of 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 only.
- (d) If a section of an ordinance is amended, the section shall be re-enacted in full.
- (e) Each ordinance shall be recorded by the Clerk forthwith in the Ordinance Book, and the enactment of such ordinance and the effective date thereof shall be certified by him therein.
- (f) The ordinances of the City shall be set forth in code form as soon as practicable after the City government is established.
- (g) No ordinance shall be finally passed by the Council at the same meeting at which it is introduced.

Publication or Posting of Ordinances

Section 7.4 (a) Before an ordinance may become effective it shall be published at least once in at least one newspaper which is of general circulation in the City. The effective date of an ordinance shall be stated therein which shall not be less than ten days after publication, unless the ordinance is declared by the Council to be an emergency ordinance necessary for the preservation of public peace, health or safety by the affirmative vote of five members of the Council.

(b) All codes and other ordinance subject matter, which are or may be permitted by law to be adopted by reference, shall be adopted and published in the manner permitted and required by law.

CHAPTER 7 - LEGISLATION (CONT'D)

Penalties

Section 7.5 The Council may provide in any ordinance for the punishment of those who violate its provisions. The punishment for the violation of any City ordinance shall not exceed a fine of five hundred dollars or imprisonment for ninety days, or both, at the discretion of the court.

Initiative and Referendum

Section 7.6 An ordinance may be initiated by petition, or a referendum on an enacted ordinance may be had by petition as hereinafter provided.

Initiatory, Referendary Petitions: Contents, Signatures: Clerk, Duties

Section 7.7 The initiatory or referendary petition shall be signed by not less than twenty-five (25) percent of the registered electors of the City as of the date of the last regular City election, and all signatures on said petitions shall be obtained within thirty days before the date of filing the petition with the clerk. Any such petition shall be addressed to the Council and may be the aggregate of two or more petition papers identical as to contents and simultaneously filed by one person. An initiatory petition shall set forth in full the ordinance it proposes to initiate, and no petition shall propose to initiate more than one ordinance. A referendary petition shall identify the ordinances or part thereof, it proposes to have repealed.

Each signer of a petition shall sign his name and place thereon after his name, the date, and his place of residence by street and number, or by other customary designation. To each petition paper there shall be attached a sworn affidavit by the circulator thereof, stating the number of signers 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 petitions 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, the person filing such petition and fifteen days from such notification shall be allowed for the filing of supplemental petition papers. When a petition with sufficient signatures is filed within the time allowed by this section, the clerk shall present the petition to the Council at its next regular meeting.

Same: Council Action Required

Section 7.8 Upon receiving an initiatory or referendary petition from the clerk, the Council shall, within 30 days, unless otherwise provided by statute, either:

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

CHAPTER 7 - LEGISLATION (CONT'D)

Same: Submission to Electors

Section 7.9 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 purpose or, in the discretion of the Council, at a special election. The result shall be determined by a majority vote of electors voting thereon, except in cases where otherwise required by law.

Referendary Petition; Submission Suspension of Ordinance, Amendment, Re-enactment, Etc., Restriction; Conflicting Provisions, Determination

Section 7.10 The presentation to the Council by the clerk of a valid and sufficient referendary petition containing a number of signatures equal to twenty-five percent of the registered, electors of the City as of the date of the last regular election shall automatically suspend the operation of the ordinance in question pending repeal by the Council or final determination by the electors.

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

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

CHAPTER 8

FISCAL YEAR

Section 8.1 The fiscal and budget year of the City and all the agencies shall begin on the first day of July of each year.

Budget Powers

Section 8.2 On or before the second Monday in March of each year, each officer and Board of the City, shall submit to the Mayor an itemized estimate of its expected income, if any, and expenditures for the next fiscal year, for the activities under their control. The Mayor shall compile and review such budget requests and shall then prepare his budgetary recommendations and submit them to the Council at its meeting nearest the third Monday in April of each year. He shall inform the Council of the additions or deletions made in the departmental budget requests, and his reasons for making them.

Budget Document

Section 8.3 The budget document shall present a complete financial plan for the ensuing year. It shall include at least the following information:

- (1) A brief and concise budget summary, showing the estimated receipts and expenditures of each fund and the total of all funds.
- (2) A statement of the detailed estimates of all proposed expenditures for each fund, itemized for each department and activity by objects of expenditures showing in parallel columns, the expenditures for the preceding year, the appropriation and expenditures for the current year, and the recommendations of the Mayor as to the appropriation to be made for the ensuing year, including any appropriation for contingencies. Expenditures for the current year shall be computed as the actual expenditures to the last day of February, or the last day of the month preceding that for which he has a financial statement available, plus the estimated expenditures from that date to the end of the current fiscal year.
- (3) Detailed statements of estimates of all anticipated income of the City from taxes and sources other than the current taxes and borrowing, compared with the amounts received by the City from each of the same or similar sources for the last preceding year and for the current year.
- (4) A statement of the estimated financial condition of each City fund reflecting the estimated surplus or deficit in each such fund and showing all transfers made from each fund.
- (5) A statement of the bonded or other indebtedness of the City showing the amount required in the ensuing year for retirement on the debt and necessary interest requirements.
- (6) A statement of outstanding delinquent taxes and delinquent special assessments which have been levied during the current and preceding fiscal years of the City and a reasonable estimate of the amount expected to be collected during the next fiscal year of the City.

CHAPTER 8 - FISCAL YEAR (CONT'D)

(7) An estimate of the amount of money proposed to be raised by taxation and the amount to be raised from bond issues which together with the estimated income from other sources will be necessary to meet the proposed expenditures.

(8) Such other information as may be required by the Council.

Budget Hearing

Section 8.4 A public hearing on the budget proposal shall be held before its final adoption. Notice of the time and place of holding such hearing shall be published by the Clerk at least one week in advance thereof. A copy of the proposed budget shall be on file and available to the public during office hours at the office of the Clerk for a period of not less than one week prior to such public hearing.

Adoption of Budget

Section 8.5 (a) At the regular meeting held not later than the third Monday in May, the Council shall by resolution, adopt a budget for the next fiscal year and make an appropriation of the money needed therefor. Such resolution shall designate the sum to be raised by taxation for the general purposes of the City and for the payments of principal and interest on its indebtedness. Failure to adopt such resolution within the time herein shall not invalidate either the budget or the tax levy therefor.

(b) Should the Council fail to adopt a budget for the next fiscal year on or before the first Monday in June, the budget proposal as recommended to the Council by the Mayor 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 Mayor to conform to such limitations.

Budget Control

Section 8.6 (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 the appropriation thereof for such specific purposes, nor shall any obligation for the expenditures 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.

CHAPTER 8 - FISCAL YEAR (CONT'D)

Budget Control (Cont'd)

(b) The Council may make additional appropriations during the fiscal year for unanticipated expenditures required of the City, such additional appropriations shall not exceed the amount by which actual and anticipated revenue 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 Mayor 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.

Funds for Public Improvement

Section 8.7 The City may establish and maintain a fund or funds for the purpose of accumulating money to be used for making, acquiring, extending, altering or repairing authorized improvements. Money so accumulated may be transferred, encumbered or otherwise disposed of only for the purpose for which they were accumulated, unless another authorized public improvement purpose is approved by a resolution concurred in by at least six members of Council after public hearing. Whenever property is acquired for any public improvement the cost of the property and of the proceedings required to acquire it may be added to the cost of the improvement.

Depository

Section 8.8 The Council shall designate the depository or depositories of City funds, and shall provide for the regular deposit of all City moneys.

CHAPTER 8 - FISCAL YEAR (CONT'D)

Independent Audit: Annual Report

Section 8.9 An independent audit shall be made of all accounts of the City government at least annually and more frequently if deemed necessary by the Council. Such audits shall be made by qualified accountants experienced in municipal accounting selected by the Council.

System of Accounts

Section 8.10 The Council shall provide for a system of accounts which shall conform to such a uniform system as may be required by law.

CHAPTER 9

BORROWING POWER

Grant of Authority to Borrow

Section 9.1 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 evidence of indebtedness therefore. Such bonds or other evidence 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 6;

(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 defaying the cost of any public improvement, or 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 distriots 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, construction, improving, or operating of any public utility which the City is authorized by this Charter to acquire or operate;

(f) Bonds for the refunding of the funded indebtedness of the City;

(g) Revenue bonds as authorized by law which are secured only by the revenues from a public improvement or public utility, and do not constitute a general obligation of the City;

(h) Bonds issued in anticipation of future payments from the Motor Highway Fund or any other fund of the State which the City may be permitted by law to pledge for the payment of the principal, and interest thereof.

Limits of Borrowing Power

Section 9.2 (a) The net bonded indebtedness incurred for all purposes shall not at any time exceed the maximum percentage permitted by statute, provided that in computing such net bonded indebtedness there shall be excluded money borrowed under the following sections of this Charter: 9.1 (b) (tax anticipated notes), 9.1 (d) (special assessment bonds even though they are also a general obligation of the City), 9.1 (e) (mortgage bonds), 9.1 (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.

(b) The amount of emergency loans which may be made under provisions of Section 9.1.

(c) may not exceed the maximum amount permitted by law, and such Loan may be made

CHAPTER 9 - BORROWING POWER (CONT'D)

Limits of Borrowing Power (Cont'd)

even if it causes the indebtedness of the City to exceed the limit of net bonded indebtedness fixed in this Charter.

(c) No bonds shall be sold to obtain funds for any purpose, other than that for which they were specifically authorized, and if such bonds are not sold within three years after authorization such authorization shall be null and void.

(d) 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 referendums, and other applicable procedural requirements.

Preparation and Record of Bonds.

Section 9.3 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 evidence of indebtedness issued by the City shall be signed by the Mayor and counter-signed 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 evidence of indebtedness issued by the City shall be kept by the Clerk or other designated officer. Upon payment of any bond or other evidence of indebtedness, the same shall be cancelled.

Deferred Payment Contracts

Section 9.4 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 a sum greater than permitted by law.

CHAPTER 10

TAXATION

Power to Tax: Tax Limit

Section 10.1 The City shall have the power to assess taxes and levy and collect rents, tolls and excises. The annual ad valorem tax levy shall not exceed one and one-half (1 1/2%) percent (15 mills) of the assessed value of all real, and personal property subject to taxation in the City, exclusive of any levies authorized by Statute to be made beyond Charter tax rate limitations.

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 determined as of the thirty-first day of December, or such other date as may subsequently be required by law, which shall be deemed the tax day.

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 such values shall be as nearly uniform as possible.

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.

CHAPTER 10 - TAXATION (CONT'D)

Board of Review

Section 10.6 The Board of Review shall annually 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 session, but shall have no vote. A majority of the members of the Board shall constitute a quorum. The Council shall fix compensation of the members of the Board. The City Attorney shall be the legal adviser for the Board of Review.

Duties and Functions of the 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 the 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 on the Tuesday next following the first Monday in March and shall remain in session for at least six 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 amounts shown on the assessment roll as prepared by the Assessor or any property added 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 on the second Monday in March 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 four hours. At the second session, the Board may not increase 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, decrease or addition at its second session.

CHAPTER 10 - TAXATION (CONT'D)

Notice of Meetings

Section 10.9 Notice of the time and place of the annual meetings of the Board of Review shall be published by the Assessor not less than one week prior to each session of the Board.

Certification of Roll.

Section 10.10 After the Board of Review has completed its review of the assessment roll, and not later than the last 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 or current or delinquent special assessments and all other amounts which the Council requires to be assessed, re-assessed, 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 attach 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

CHAPTER 10 - TAXATION (CONT'D)

Tax Roll Certified for Collection (Cont'd)

opposite their respective names as a tax or assessment and granting to him, for the purpose of collecting the taxes, assessment and charges on such roll, all the statutory powers and immunities possessed by township treasurers for the collecting 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, 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 claims, encumbrances, and liens to the extent provided by law and shall continue until such taxes, interest and charges are paid.

Tax Payment 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 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 needs to 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

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 August the Treasurer shall add to all taxes paid thereafter a penalty charge of one percent per month but not to exceed a total of six percent for all months or fractions thereof that the taxes remained unpaid. Such penalty charges shall belong to the City and constitute a charge and shall be a lien against the property to which the taxes apply, collectible in the same manner as the taxes to which they are added. If delivery of the tax roll to the Treasurer, as provided in Section 9.13 is delayed for any reason by more than thirty days after June first, the application of the penalty charge provided herein shall be postponed thirty days for each thirty days or major fraction thereof of such delay.

CHAPTER 10 - TAXATION (CONT'D)

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.

Collection of Delinquent Taxes

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 the 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 Monroe 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 11

SPECIAL ASSESSMENTS

General Powers Relative to Special Assessments

Section 11.1 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.

In addition to the other improvements which the City may make and finance in whole or in part by special assessments, the City may:

- (a) Install and connect sewers and water works on and to property within the City and finance the same in whole or in part by special assessments;
- (b) Construct, establish and extend facilities for the storage and parking of vehicles within its corporate limits as a public improvement, and finance the same in whole or in part by special assessments.
- (c) Establish, construct and extend street improvements and facilities including constructing, grading and widening and, but not limited to, the paving of streets, alleys, curbs, and gutters, storm sewers, sanitary sewers and water mains, and constructing and maintaining sidewalks;
- (d) Provide 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;
- (e) Provide 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,
- (f) For installing a boulevard lighting system on any street as a public improvement.

Property Subject to Assessment

Section 11.2 All real property, including such as is exempt from taxation by laws, shall be liable for the cost of public improvements benefiting such property, unless specifically exempted from special assessment by law.

Detailed Procedure to be Fixed by Ordinance

Section 11.3 (a) The Council shall prescribe, by ordinance, the complete special assessment procedure governing the initiation of projects, preparation of plans and cost estimated, creation of distance, 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.

CHAPTER 11 - SPECIAL ASSESSMENTS (CONT'D)

Detailed Procedure to be Fixed by Ordinance (Cont'd)

(b) Such ordinances 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 mailed 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 percent 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 11.4 (a) Additional pro rata assessments to defray the cost of any public improvement may be made then 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 evidence of obligation issued therefor; provided, that the additional pro rata assessment shall not exceed (25% 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 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 adjudge such assessment to be illegal, the Council shall, whether the improvement has been made or not, or whether any part of the assessment has 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

CHAPTER 11 - SPECIAL ASSESSMENTS (CONT'D)

Additional Assessments: Correction of Invalid Special Assessments (Cont'd)

not refunded, the payment so made shall be applied upon the reassessment or, if the payment exceeds the amount of the reassessment, refunds shall be made.

(c) No judgement or decrees 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 Excess Special Assessments

Section. 11.5 The excess by which any special assessment proves larger than the actual cost of the improvement and expense incidental thereto may be placed in the general fund of the City if such excess is five percent or less of the assessment. If the assessment should prove larger than, necessary by more than five percent, 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 ra funds may be made which contravene the provisions of any outstanding evidence of Indebtedness secured in whole or part by such special assessment.

Contested Assessments: Limitations on Suits and Actions

Section 11.6 No suit or action of any kind shall be instituted or maintained for the purpose of contesting or enjoining the collection of any special assessment; (a) unless, within thirty days after 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 the confirmation of the roll.

Special Assessment Accounts

Section 11.7 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 11.8 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.

CHAPTER 11 - SPECIAL ASSESSMENTS (CONT'D)

Deferred Payment of Special Assessments

Section 11.9 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.

Special Assessments a Lien on Property

Section 11.10 Upon confirmation of each special assessment roll, the special assessments thereon shall become a debt to the City from the persons to whom they are assessed, and, until paid, shall be a lien upon the property assessed for the amount of such assessment and all interest and charges thereon. Such lien shall be of the same character and effect as created by this Charter for City taxes.

The Council may provide by ordinance for fees, penalties or interest for late payments or nonpayment of special assessment, which fees, penalties and interest shall be a lien and shall be collected as are penalties charged on City taxes. The Council may provide that delinquent special assessments be placed upon the tax roll, together with any accrued fees, penalties and interest thereon to be collected in all respects as are City taxes or may make such other provisions for the enforcement of the lien created by such special assessment.

Hazards and Nuisances

Section 11.11 When any lot, building or structure within the City, because of age or dilapidation, the accumulation of refuse or debris, the uncontrolled growing of noxious weeds or trees, or because of any other condition or happening becomes, in the opinion of the Council, a public hazard or nuisance which is dangerous to the health, safety or welfare of the inhabitants of the City, or those residing or habitually going near such lot, building or structure, the Council shall, after investigation, give notice to the owner or occupant of the building or structure itself by posting notice upon the premises, or give notice to the owners or owners of the land upon which nuisances exists, or by registered or certified mail addressed to the address set forth in the current assessment roll of the City, or the records of the Assessor, specifying the nature of the nuisance and requiring such owner or occupant to alter, repair, tear down, abate, or remove the nuisance within a time to be specified by the Council which shall be commensurate with the nature of the nuisance. If, at the expiration of the time limit in said notice, the owner has not complied with the requirements thereof, or in any case there the owner of the land or of the building or structure itself is not known or cannot be found, the Council may order such hazard or nuisance abated by the proper department or agency of the City which is qualified to do the work required, or may do the work by contract or by hire, and the cost of such abatement may

CHAPTER 11 - SPECIAL ASSESSMENTS (CONT'D)

Hazards and Nuisances (Cont'd)

be assessed against the lot, premises, or description of real property upon which such hazard or nuisance is located, by special assessment.

CHAPTER 12

CONTRACTS

Contracting Authority of Council

Section 12.1 All contracts shall be authorized by the Council and shall be signed on behalf of the City by the Mayor and the Clerk except as to those contracts made in accordance with Section 12.2.

Purchase and Sale of Personal. Property

Section 12.2 The Council shall establish, by ordinance, the procedure for the purchase and sale of personal property for the City. The ordinance shall provide the dollar limit within which purchase of personal property may be made without the necessity of securing competitive bids, and the dollar limit within which purchases may be made without the necessity of prior Council approval. No purchase of personal property shall be made unless a sufficient unencumbered appropriation balance is available therefor.

Purchasing Officer

Section 12.3 The Mayor shall be responsible for the sale and purchase of all City property until Council shall otherwise provide by ordinance.

CHAPTER 13

MUNICIPAL OWNED UTILITIES

Public Utilities; City Authority; State Law

Section 13.1 Subject to the provisions of the constitution and statute, the City shall have the power to acquire, own, establish, construct, operate, improve, enlarge, extend, repair and maintain, either within or without its corporate limits, a public utility for supplying water to the municipality and its inhabitants for domestic, commercial, and municipal purposes, and may sell and deliver water without its corporate limits in an amount not to exceed the limitations set by the constitution and statutes. Subject to statutory provisions, the City shall also have the power to acquire, own, establish, construct, operate, improve, enlarge, extend, repair and maintain either within or without its corporate limits, including, but not by way of limitation, public utilities for supplying light, heat, power, gas, sewage treatment and garbage facilities for the storage and parking of vehicles within its corporate limits.

Municipal Operated Utilities, Mayor, Supervision

Section 13.2 All municipally owned or operated utilities shall be administered as a regular department of the City government under the management and supervision of the Mayor.

Same Rates, Council Authority to Set; Duties

Section 13.3 The Council shall have power to fix from time to time such just and reasonable rates as may be deemed advisable for supplying the inhabitants of the City and others with such public utility services as the City may provide. There shall be no discrimination in such rates within any classification of users thereof, nor shall free service be permitted, but higher rates may be charged outside the corporate limits of the City.

Public Utilities; Rates, Charges; Ordinance Required, Contents

Section 13.4 The Council shall provide an ordinance for the collection of all public utility rates and charges of the City. Such ordinance shall provide at least:

(a) That 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.

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

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

CHAPTER 13 - MUNICIPAL OWNED UTILITIES (CONT'D)

Municipal Utility Plants, Property; Disposition; Electors, Approval. Required: Exception

Section 13.5 Unless approved by a three-fifths majority vote 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. It is provided, however, that the provisions of this section shall not extend to vacation or abandonment of streets, as provided by statute.

Municipal Utilities; Minimum Rates, Charges, Determination

Section 13.6 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 meet at least all the costs of such utility. Depreciation costs shall not be included in the rates and charges for any municipal public utility for the furnishing of water, light, heat, power, gas or sewage treatment and garbage disposal.

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 practices for municipalities. 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 14

PUBLIC UTILITY FRANCHISES

Prior Franchises Continued

Section 14.1 All franchises to which the Village of Petersburg is a party when its Charter becomes effective, shall remain in full force and effect in accordance with their respective terms and conditions.

Public Utility Franchises, Ordinance Required; Restrictions, Revocation, Requirements

Section 14.2 Public utility franchises and all renewals and extensions thereof and amendments thereto, shall be granted by ordinance only. No exclusive franchise shall ever be granted. No franchise shall be granted for a longer period than thirty years.

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 Lectorate before thirty days after application has been filed with the Council nor until the grantor named therein has filed with the Clerk his unconditional acceptance of all terms of such franchise. No special election for such purpose shall be ordered unless the expense of holding such election, as determined by the Council shall have first been paid to the Treasurer by the grantee.

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.

Same; Conditions, Regulations

Section 14.3 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 on 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 provisions within the powers of the City to impose or requires:

(a) To repeal the same for misuse, nonuse 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, which in any event shall be at least in accordance with the rules and regulations of the Michigan Public Service Commission, or its successor;

CHAPTER 14 - PUBLIC UTILITY FRANCHISES (CONT'D)

Same; Conditions, Regulations (Cont'd)

(c) To establish reasonable standards of service and quality of products and prevent unjust discrimination in service or rates. The rates and charges shall in no event exceed the rates and charges prescribed by the Michigan Public Service Commission, or its successor;

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

(e) To use, control and regulate the use of its streets, alleys, bridges and other public places and 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.

Same Rates, Determination

Section 14.4 All public utility franchises shall make provisions 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, good will or prospective profits.

Public Utilities; Use of Public Ways; Payment Required; Determination

Section 14.5 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 by the City and other utilities insofar as such joint use may be reasonably practicable, and upon payment of reasonable rental therefor. In the absence of an 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.

Public Utilities; Temporary Permits Council Authority

Section 14.6 Temporary permits for public utilities, revocable at any time at the will of the Council, may be granted by the Council by resolution on such terms and conditions as it shall determine, provided that such permits, shall in no event be construed to be franchises or amendments to franchises.

CHAPTER 15

MISCELLANEOUS

Damages: Personal Injuries, Property: Notice of Claim Required, Contents

Section 15.1 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 damage shall have occurred a notice in writing, which notice shall set forth substantially the time and place of such injury, the manner in which it occurred, the extent of such damages as far as the same has become known, the names and addresses of the witnesses known at the time by the claimant and a statement that the person sustaining such damages intends to hold the City liable for such damages as may have been sustained by him.

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

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

Estoppel; No Defense Against City

Section 15.2 No estoppel may be created against the City.

Records Open to Public Inspection

Section 15.3 All records of the City shall be public, shall be kept in City offices except when required for official reasons or for purposes of safe keeping to be elsewhere, and shall be available for inspection at all times.

Villages, Rights, Liabilities, Continued

Section 15.4 After the effective date of this Charter, the City shall be vested with all the property, moneys, contracts, rights, credits, effects and the records, files, books and papers belonging to the Village. No right or liability, either in favor of or against the village, 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

CHAPTER 15 - MISCELLANEOUS (CONT'D)

Villages, Rights, Liabilities, Continued (Cont'd)

proceed as if no change had been made. All debts and liabilities of the village shall be the debts and liabilities of the City, and all fines and penalties imposed at the time of such change shall be collected.

Trusts; Cy Pres Doctrine

Section 15.5 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 trusts and for no other purposes, except in cases where the cy pres doctrine shall apply.

Definitions

Section 15.6 Except as otherwise specifically provided or indicated by the context:

(a) All words used in this Charter indicating the present tense shall not be limited to the time of the adoption of this Charter, but shall extend to and include the time of happening of any event or requirement for which provision is made herein.

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

(c) The word "person" may extend and be applied to bodies, political and corporate, and to partnerships as well as to individuals.

(d) The words "printer" and "printing" shall include reproductions by printing, engraving, stencil duplicating, lithographing or any similar method.

(e) The word "publish" or "publication" shall mean the insertion of a notice in a newspaper printed in the English language and circulated within the City, or the posting of a notice in at least three (3) conspicuous public places within the City.

(f) Except in reference to signatures, the words "written" and "in writing" shall include printing and typewriting.

(g) The word "village" shall mean the municipal corporation of Petersburg as it existed prior to the effective date of this Charter, including the period from and after its corporation as a City and until such effective date.

(h) The word "officer" shall include the Mayor and other members of the Council, Clerk, Treasurer, Assessor, other administrative officers, both elective and appointive members of City boards and commissions created by or pursuant to this Charter.

CHAPTER 15 - MISCELLANEOUS (CONT'D)

Definitions (Cont'd)

Acts Required on Sundays, Legal Holidays; Performance Time

Section 15.7 Whenever the date fixed by this Charter for the doing or completion of any act falls on a Sunday or legal holiday, such act shall be done or completed on the next succeeding day which is not a Sunday or legal holiday.

Chapter, Section Headings, Not Part of Charter

Section 15.8 The chapter, section and subsection headings used in this Charter are for convenience only, and shall not be considered part of the Charter.

Boards, Commissions, "Quorum" Defined

Section 15.9 Except as provided otherwise in this Charter, a quorum of any board or commission created by or pursuant to this Charter shall be a majority of the members of such board or commission in office at the time, but not less than two members.

Penalties for Violation of Charter

Section 15.10 Any person or officer of the City found guilty by a court of competent jurisdiction of an act stated herein to constitute a violation of this Charter may be punished by a fine which, in addition to Court costs charged to him, shall not exceed Five Hundred Dollars or imprisonment for not more than ninety days, or both such fine and imprisonment, in the discretion of the Court. For an officer of the City the punishment provided in this Section shall be in addition to that of having the office declared vacant as provided in this Charter. This section shall not operate to limit or prejudice the power to remove officers or discharge employees as provided in this Charter.

Amending Charter, Procedure; State Law: Conflicting Provisions, Determination

Section 15.11 This Charter may be amended at any time in the manner provided by statute. Should two or more amendments adopted at the same election have conflicting provisions, the one receiving the largest affirmative vote shall prevail as to those provisions.

Severability of Provisions

Section 15.12. 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

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CHAPTER 15 - MISCELLANEOUS (CONT'D)

Severability of Provisions (Cont'd)

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.

CHAPTER 16

SCHEDULE

Status of Schedule Chapter

Section 16.1 The purpose of this schedule is to inaugurate the government of the City under this Charter, and to accomplish the transition from village to city government, and it shall constitute a part of this Charter only to the extent and for the time required to accomplish this end.

Election on Adoption of Charter

Section 16.2 This Charter shall be submitted to a vote of the registered electors of the Village of Petersburg at a special election to be held on the 4th day of November, 1969. The Charter shall be adopted if a majority of the ballots cast thereon are in favor of adoption.

Form of Ballot

Section 16.3 as follows: The form of the ballot for the submission of this Charter shall be
Shall the proposed Charter of the City of Petersburg, which was framed by the Charter Commission elected on the 13th day of November 1967, and which Charter Commission was reconvened on the 25th day of June, 1968, and again reconvened, on the 4th day of March, 1969, be adopted?

Yes ()

No ()

Election Commission

Section 16.4 Such members of the Charter Commission of the City of Petersburg who are not candidates for office at the November 4, 1969 election, shall be the Election Commission for said election. The election commission shall elect its own chairman, and the Village Clerk shall act as secretary of the commission and shall perform such duties in connection with the work of the commission as are prescribed by the commission and this Charter.

Inspectors of Election

Section 16.5 The inspectors of election for this special election shall be designated by the Petersburg Village Election Commission, provided, however, that the election inspectors shall be appointed and qualified in accordance with the provisions of the Michigan Election Law.

Registration

Section 16.6 The Village Clerk shall perform all the duties of the City Clerk in this election and in the registration of the electors. The Village Clerk shall have the power and authority to select

CHAPTER 16 - SCHEDULE (CONT'D)

Registration (Cont'd)

and appoint such assistance as may be required to perform the registration of the electors. The Clerk shall be authorized to procure the necessary books, files and forms to conduct such registration.

The registration records of Summerfield Township pertaining to that portion of the Township which is incorporated as the Village of Petersburg shall constitute the registration records for the City of Petersburg, and the electors so registered with the Township need not re-register for this special election.

Notice of Registration

Section 16.7 The Village Clerk shall give public notice of the days and hours that he will be at his office or other designated place for the purpose of receiving registrations by publication in the Petersburg Sun, a newspaper of general circulation within the Village at least twice, the first publication to be made not less than ten (10) days prior to the last day for receiving registrations, and by posting written or printed notices in at least two of the most conspicuous places in each election precinct.

The last day for registration of electors shall be October 3, 1969.

Election of Officers

Section 16.8 At the election, upon the adoption of this Charter, the first elective officers of the City shall be elected, namely, the Mayor, six Councilmen and three members of the Board of Review.

Nomination of Candidates for Elective Office

Section 16.9 Candidates for the elective offices to be voted on at the special election shall be nominated by petition, in form, manner and substance as near as may be as provided in this Charter. Petitions shall be filed with the Village Clerk.

No person shall be a candidate for the first election of the City officers unless he has been a resident of the Village of Petersburg for one year prior to the last day for filing nominating petitions and is the owner of real estate within the Village of Petersburg on the last day for filing nominating petitions.

The last day for filing nominating petitions with the Village Clerk shall be September 29, 1969.

Notice of the last day, time and place for filing nominating petitions shall be given at least ten days prior to the last day by publishing notice in the Petersburg Sun, a newspaper of

CHAPTER 16 - SCHEDULE (CONT'D)

Nomination of Candidates for Elective Office (Cont'd)

general circulation within the Village, or by posting written or printed notice in at least five of the most conspicuous places within the City.

Terms of Office of the First City Officers Elected

Section 16.10 The terms of the office of the first elective officers of the City shall commence on and date from the 17th day of November, 1969, at 8:00P.M.

The first elective officers shall hold office for the following terms:

(a) The Mayor shall hold office until the election and qualification of his successor following the regular City election in April, 1971.

(b) The three (3) Councilmen receiving the highest number of votes shall hold office until the election and qualification of their successors following the regular City election in April, 1973.

(c) The three (3) Councilmen having the next highest number of votes shall hold office until the election and qualification of their successors following the regular City election held in April, 1971.

(d) The member of the Board of Review receiving the highest number of votes shall hold office until the election and qualification of his successor following the regular City election held in April, 1975;

(e) The member of the Board of Review receiving the second highest number of votes shall hold office until the election and qualification of his successor following the regular City election held in April, 1973;

(f) The member of the Board of Review receiving the third highest number of votes shall hold office until the election and qualification of his successor following the regular City election held in April, 1971.

Effective Date

Section 16.11 This Charter shall take effect on the 17th day of November, 1969 at 8:00 P.M. At such time the officers first elected under this Charter shall assemble in the Petersburg Municipal Building. Each elective officer shall take and subscribe to his oath of office as administered by the Chairman of the Charter Commission, and shall thereupon be qualified for and assume the duties of his office. At the time the elective officers of the City assume the duties of their respective offices, the Village Council of Petersburg shall cease to be, and the office of each and every member thereof shall terminate, and all other elective Village officials shall thereupon cease to act, and their respective offices shall terminate. The authority of such Village Council and Village officers shall be superseded by that of the Council and officers of the City of Petersburg.

CHAPTER 16 - SCHEDULE (CONT'D)

Effective Date (Cont'd)

All appointive officers and all employees of the Village of Petersburg shall continue in that City office or employment which corresponds to the Village office or employment which they held prior to the effective date of the Charter, as though they had been appointed or employed in the manner provided by this Charter, and shall in all respects be subject to the provisions of this Charter, excepting 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 at such pleasure, regardless of the term for which originally appointed.

Interim Financial Provisions

Section 16.12 The Council shall at its first meeting, by resolution, continue as City appropriation the unencumbered balances of the appropriation made by the previous Village Council of Petersburg, until June 30, 1970, and these appropriations shall be then deemed to be the City appropriations, and the fiscal year of the Village shall be completed by the City as though no governmental change had been made.

Township Assets and Liabilities

Section 16.13 As soon as practicable, the Council shall take all necessary and proper actions to obtain the division between the City of Petersburg and the Township of Summerfield of the assets and liabilities of such Township.

CERTIFICATE OF ADOPTION

I, Lola Forsyth, being first duly sworn, depose and say:

That at an election duly called and held in the proposed City of Petersburg on November 13, 1967, the following named persons were duly elected Charter Commissioners to frame a Charter for the proposed City:

Carl Schmid
D.J.Hayes
Lola Forsyth
Thomas Beverly, Sr.
Barbara Bird
LeRoy Burguard
John H. Fernstrom
William Gee
Earl Valentine

That said Charter Commissioners submitted a Charter to the qualified electors of the proposed City on May 27, 1968, which Charter was defeated, and that thereafter said Charter Commission was reconvened on June 25, 1968, and a new Charter submitted to the qualified electors of the proposed City on December 2, 1968, which Charter was defeated; that thereafter said Charter Commission was reconvened on March 4, 1969, as provided by Law.

That Ronald C. Petee, William C. Hewitt, Grace Moxson, Clifford G. Nault and Reverend C.A. Bormann were appointed by a legal quorum to fill the vacancies created upon the resignations of Carl Schmid, D.J.Hayes, Barbara Bird, William Gee and Earl Valentine.

That the foregoing is a true and correct copy of the proposed Charter of Petersburg as adopted on July 1, 1969, and amended on the 26th day of August, 1969, which Charter was presented to the Governor of the State of Michigan for approval and which is to be published in a newspaper of general circulation within the proposed City.

That she is the duly elected Secretary of the Charter Commission. Further Deponent sayeth not.

Lola Forsyth, Secretary
Petersburg Charter Commission

Subscribed and sworn to before me this 15 day of September, 1969.

William J. Braunlich, Jr.
Notary Public
Monroe County, Michigan
My commission Expires: April 21, 1970

Countersigned:
Lola Forsyth
LeRoy Burguard

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CERTIFICATE OF ADOPTION (Cont'd)

John H. Fernstrom
Ronald C. Petee
William C. Hewitt
Grace Moxson
Clifford G. Nault
Reverend C.A. Bormann
Thomas J. Beverly, Sr.

GOVERNOR'S APPROVAL

October 1, 1968

Notice is hereby given of my approval of the submission of the Proposed Charter of the City of Petersburg to the vote of the people.

Sincerely,
Mn. G. Milliken

NOTICE OF ELECTION

TO: QUALIFIED ELECTORS OF THE TOWNSHIP OF SUMMERFIELD RESIDING WITHIN THE VILLAGE OF PETERSBURG, MONROE COUNTY, MICHIGAN.

NOTICE IS HEREBY GIVEN that a special election will be held in the Village of Petersburg, County of Monroe, State of Michigan, on November 4, 1969, at the Petersburg Municipal Building, 24 East Center Street, in the Village of Petersburg.

The following proposition will be submitted:

"Shall the proposed Charter of the City of Petersburg, which was framed by the Charter Commission elected on the 13th day of November, 1987, and which Charter Commission was reconvened on the 25th day of June, 1988, and again reconvened on the 4th day of March, 1969, be adopted?"

In addition to the question of adopting the proposed Charter, each elector shall be entitled to vote for the first elective officers of the City of Petersburg as provided in the Charter. The officers to be elected are a Mayor, six (6) Councilmen, and three (3) members of the Board of Review.

Take further notice that the polls shall be opened at 7:00 o'clock in the forenoon and shall be continuously open until 8:00 o'clock P.M. Every qualified elector present and in line at the polls at the hour prescribed for the closing thereof shall be allowed to vote.

William E. Perry
Clerk of the Village of Petersburg



Petersburg Michigan

Document Updated 8/31/2026