

**CITY COUNCIL
CITY OF GRAND HAVEN
Ottawa County, Michigan**

RESOLUTION NO. 21-244

Council Member Fritz, supported by Council Member Dora, moved the adoption of the following resolution:

**A RESOLUTION TO APPROVE AND SUBMIT THE LANGUAGE OF VARIOUS
PROPOSED AMENDMENTS OF THE CHARTER OF THE CITY OF GRAND HAVEN,
MICHIGAN**

WHEREAS, Act 279, Public Acts of Michigan, 1909, as amended ("Act 279"), provides that a home rule city may amend its charter in accordance with the provisions of Act 279; and

WHEREAS, Section 7.13 of the City Charter provides that a city hospital shall be a department of the City, which is no longer accurate; and

WHEREAS, Section 7.17(a) of the City Charter provides that a city library shall be a department of the City, which is no longer accurate; and

WHEREAS, Chapter 11 of the City Charter gives the City representation on the Ottawa County Board of Supervisors, which is no longer accurate; and

WHEREAS, Chapter 12 of the City Charter establishes "The Municipal Court of the City of Grand Haven," which no longer exists; and

WHEREAS, the City Charter uses many gender biased pronouns, such as he/she, his/hers, him/her; and

WHEREAS, Section 7.6(d) of the City Charter requires the City Attorney to attend all meetings of the City Council, which is no longer the practice; and

WHEREAS, the City Council believes these outdated provisions of the City Charter should be updated; and

WHEREAS, it is necessary for the qualified electors of the City to vote on proposed amendments to update these provisions of the City Charter; and

WHEREAS, Section 21 of Act 279 requires that the form in which proposed amendments to the City Charter shall be submitted on the ballot shall be determined by resolution of the City Council.

NOW, THEREFORE, IT IS RESOLVED that:

1. The City Council, by a unanimous vote of its members, proposes that Section 7.13, Section 7.17(a), Chapter 11, and Chapter 12, as described above, be eliminated from the City Charter.
2. The City Council, by a unanimous vote of its members, proposes that gender biased pronouns in the City Charter be deleted and replaced with gender neutral pronouns.
3. The City Council, by unanimous vote of its members, proposes that Section 7.6(d) of the City Charter be restated to provide that the City Attorney shall be available for guidance during City Council meetings.
4. A proposed Charter amendment referenced in this Resolution shall be placed on the ballot in the following form, with a provision for voting "yes" or "no" for its adoption:

**PROPOSED CHARTER AMENDMENT
TO ELIMINATE INACCURATE LANGUAGE**

Grand Haven City Council proposes the text in the following provisions of the City Charter be deleted and the provisions left blank: Section 7.13 establishing a city hospital as a department of the City; Section 7.17(a) establishing a city library as a department of the City; Chapter 11 giving the City representation on the Ottawa County Board of Supervisors; and Chapter 12 creating "The Municipal Court of the City of Grand Haven."

5. A proposed Charter amendment referenced in this Resolution shall be placed on the ballot in the following form, with a provision for voting "yes" or "no" for its adoption:

PROPOSED CHARTER AMENDMENT TO
ELIMINATE GENDER BIASED PRONOUNS

Grand Haven City Council proposes that gender biased pronouns in the City Charter (such as he/she, his/hers, him/her) be deleted and replaced with gender neutral pronouns (such as they/their/them).

6. A proposed Charter amendment referenced in this Resolution shall be placed on the ballot in the following form, with a provision for voting "yes" or "no" for its adoption:

PROPOSED CHARTER AMENDMENT TO
ELIMINATE MANDATORY ATTENDANCE OF THE CITY ATTORNEY AT CITY COUNCIL MEETINGS

Grand Haven City Council proposes that Section 7.6(d) of the City Charter be restated to eliminate mandatory attendance of the City Attorney at all City Council meetings, and to instead state: "They shall be available for guidance during meetings of the council."

7. The foregoing ballot language and proposed Charter Amendments referenced in this Resolution shall be submitted to the electors, the Governor of the State of Michigan, and the Attorney General of the State of Michigan, as required by law.

8. A certified copy of this Resolution shall be submitted to the Governor of the State of Michigan for approval or disapproval of these Charter Amendments, and to the Attorney General, for review of the proposed ballot language.

9. The foregoing Charter amendments shall be submitted to the electors for their adoption or rejection at an election to be held on November 2, 2021.

10. The City Clerk shall give notice of such election as required by law. The notice shall include the proposed amendments to the City Charter with the existing Charter provisions that would be altered or abrogated. The City Clerk shall also post the Charter Amendments as required by law.

11. The City Manager, the City Clerk, and City Attorneys are authorized and directed to take any and all action needed to seek voter approval of the Charter Amendments.

12. The attached Exhibit A shows the current City Charter language and proposed amendments highlighted, overstricken, or underscored.

BE IT FURTHER RESOLVED that this Resolution shall take effect upon passage by the City Council.

YEAS:	Council Members	<u>Dora, Cummins, Scott, Fritz, and Monetza</u>
NAYS:	Council Members	<u>NONE</u>
ABSTAIN:	Council Members	<u>None</u>
ABSENT:	Council Members	<u>None</u>

RESOLUTION DECLARED ADOPTED.

CERTIFICATION

As its duly appointed Clerk, I certify that this is a true and complete copy of a resolution adopted by the City Council of the City of Grand Haven, Ottawa County, Michigan, at a regular meeting held on August 2, 2021.

Date: August 2, 2021



Linda L. Browand
Linda L. Browand, City Clerk

PART I – CHARTER ^[1]

Footnotes:

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Editor's note— *Printed herein is the Grand Haven Charter as adopted by the electors on April 6, 1959. Amendments have been inserted and are indicated by history notes in parentheses following the amended sections. Obvious misspellings have been corrected. Other changes made for clarity are indicated by brackets.*

State Law reference— Home rule cities generally, MCL 117.1 et seq.; power to adopt and amend Charter, Mich. Const. 1963, Art. VII, § 22.

CHAPTER 1. - INCORPORATION AND BOUNDARIES

Sec. 1.1. - Municipal corporation; official name.

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

Sec. 1.2. - Boundaries.

The city shall embrace the territory constituting the city of Grand Haven, on the effective date of this charter, as last described by the legislature in Act No. 427 of the Local Acts of 1901 as follows:—'Commencing at low water mark on Lake Michigan, at a point where the section line between sections twenty-nine and thirty-two, in township eight north, range sixteen west, touches said low water mark, thence running east along said section line and the section line on the south side of sections twenty-eight and twenty-seven, to the north and south quarter line of said section twenty-seven, thence north along said quarter line through the center of said section twenty-seven to the channel of Grand River, thence following down said channel to a point one hundred and fifty feet above the present (as in existence in 1901) highway and swing bridge across Grand River, connecting the city of Grand Haven with the township of Spring Lake and the village of Spring Lake, thence northerly and parallel with the said bridge two hundred feet northerly from the north bank of Grand River, thence westerly and parallel with the said channel of Grand River, three hundred feet, thence southerly and parallel with said bridge to the channel of Grand River, thence down said channel to the intersection of the north boundary of sections twenty and nineteen, thence west along the north line of said sections to the low water mark of Lake Michigan, and thence southerly along the low water mark of Lake Michigan to place of beginning.'—together with such annexations thereto and less any detachments therefrom that may be made from time to time. Upon the annexation or detachment of territory, the boundaries shall be deemed thereby to be changed without amendment of this section. The clerk shall maintain and keep available in ~~his~~ their office for public inspection and distribution an official description and map of the current boundaries of the city.

[Exhibit A](#)

Sec. 1.3. - One ward.

The city shall constitute one ward.

State Law reference— Mandatory that Charter provide for establishment of one or more wards, MCL 117.3(e).

CHAPTER 2. - DEFINITIONS AND GENERAL PROVISIONS

Sec. 2.1. - Records; maintenance, public inspection.

All records of the city shall be public, unless otherwise provided by law; shall be kept in city offices, except when required for official reasons or for purposes of safekeeping to be elsewhere; and shall be available for inspection at all reasonable times.

State Law reference— Mandatory that Charter provide that all records of the municipality shall be public, MCL 117.3(l); freedom of information act, MCL 15.231 et seq.

Sec. 2.2. - Records; prima facie evidence.

All papers, books, or other records of any matter required by law, or by the provisions of any ordinance or regulation, to be kept in any of the city departments shall be deemed public records, and they, or copies duly certified by the custodian thereof, shall be prima facie evidence of their contents in all suits at law or in equity or in other proceedings.

Sec. 2.3. - Definitions and interpretations.

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

- (1) The word "city" shall mean the city of Grand Haven;
- (2) The word "council" shall mean the city council of the city of Grand Haven;
- (3) The word "constitution" shall denote the constitution of the state of Michigan, as it is in effect at the time the provision containing the word "constitution" is to be applied;
- (4) The word "law" shall denote applicable federal law, the constitution and statutes of Michigan, the applicable common law, and this charter;
- (5) The word "officer" shall include, but shall not be limited to, the mayor, the members of the council, ~~the municipal judges,~~¹² and, as hereinafter provided, the

[Exhibit A](#)

administrative officers, deputy administrative officers, and members of city boards created by or pursuant to this charter; ~~Provided, that city representatives on the board of supervisors* of Ottawa county shall not, by virtue of being such representatives, be officers within the meaning of this charter;~~

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

(7) The words "printed" and "printing" shall include type-writing, printing, engraving, stencil duplicating, lithographing, Photostating, or any similar method;

(8) The words "publish" or "published" shall include publication in the manner provided by law, or, where there is no applicable law, in one or more newspapers of the city qualified by law for the publication of legal notices, or by posting in at least one public place in each election precinct;

(9) The words "public utility" shall include all common carriers in the public streets; water, sewage disposal, electric light, gas, electric power, including in each case municipal utilities; telephone and telegraph lines and systems, wharfs and docks, garbage collection, garbage disposal and reduction plants, municipal airport facilities, ~~city hospitals~~, and such other and different enterprises as the council may from time to time determine to be or designate as public utilities;

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

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

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

Footnotes:

~~(2)~~

~~Editor's note - Municipal courts were abolished by MCL 600.9921. Election and appointment of members of the board of supervisors is governed by MCL 46.401 et seq.~~

Sec. 2.4. - Officers; acts required, performance by others authorized.

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

[Exhibit A](#)

Sec. 2.5. - Boards, commissions; quorum, majority vote required.

Except as otherwise expressly provided in this charter, or by statute, a quorum of any board or commission created by or under authority of this charter shall consist of a majority of the number of its members, as established by this charter, by statute, or by the ordinance creating such board or commission. The concurring vote of a majority of such established number of members of each such board or commission shall be necessary for official action by it. No member of any such board or commission shall vote upon any question before the board or commission in which ~~he~~ **they** **have**s a financial interest, other than as a citizen of the city.

Sec. 2.6. - Sundays, holidays; acts required; performance, time.

Except as otherwise expressly provided in this charter, whenever the date fixed by law or ordinance for the doing or completion of any act falls on a Sunday or legal holiday, such act shall be done or completed on the next succeeding day which is not a Sunday or legal holiday.

Sec. 2.7. - Charter violations, penalty.

Any person found guilty of any violation of this charter may be punished by a fine which, in addition to court costs charged to ~~him~~ **them**, shall not exceed five hundred dollars or imprisonment for not more than ninety days, or by both such fine and imprisonment, in the discretion of the court. Imprisonment for violations of this charter may be in the city or the county jail, or in any workhouse of the state which is authorized by law to receive prisoners of the city. This section shall not operate to limit or prejudice the power to remove officers or discharge employees as provided in this charter.

Sec. 2.8. - Headings not part of charter.

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

Sec. 2.9. - Amending charter, procedure; conflict determination.

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

State Law reference— Power to adopt and amend Charter. Mich. Const. 1963, Art. VII, [§ 22](#); Charter amendment procedure, MCL 117.21 et seq.

Sec. 2.10. - Severability of provisions.

If any provision, section, or clause of this charter, or the application thereof to any person or circumstance, is held invalid, such invalidity shall not affect any remaining portion or

[Exhibit A](#)

application of the charter, which can be given effect without the invalid portion or application, and, to this end, this charter is declared to be severable.

CHAPTER 3. - MUNICIPAL POWERS AND LIABILITIES

Sec. 3.1. - General powers.

(a) *State law; enumeration of specific powers not exclusive.* Unless otherwise provided or limited in this charter, the city shall possess and be vested with all the powers, privileges, and immunities, expressed or implied, which cities are 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) *Health, safety and general welfare.* The city shall have power to manage and control its finances, rights, interests, buildings, and property, to enter into contracts, to do any act to advance the interests, good government, and prosperity of the city and its inhabitants, and to protect the public peace, morals, health, safety, and general welfare. 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 shall not be limited to, the following:

State Law reference—Mandatory that Charter provide for the public peace and health, and for the safety of persons and property, MCL 117.3(j); city may exercise all municipal powers in the management and control of municipal property and in the administration of the municipal government, MCL 117.4j(3).

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

(2) *Public welfare.* To provide for the public welfare by:

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

State law reference—Permissible that Charter provide for regulation of trades, occupations and amusements, MCL 117.4i(d).

(b) *Foods, drugs, beverages.* Regulating the preparation, storage, transportation, and sale of foods, drugs, and beverages for human consumption;

(c) *Garbage and rubbish.* Collecting and disposing of garbage and rubbish;

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(d) *Vehicles for public hire.* Licensing and regulating the number of vehicles which carry persons or property for hire, fixing the rates of fare and charges, and determining the location of stands for such vehicles;

(e) *Billboards and advertising.* Licensing and regulating billboards and advertising signs and the locations thereof;

State law reference—Permissible that Charter provide for regulation of billboards, MCL 117.4i(f).

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

(g) *Zoning.* 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;

State law reference—Permissible that Charter provide for zoning, MCL 117.4i(c).

(h) *Fire prevention.* Regulating, limiting, and prohibiting the construction and use of buildings and lands in order to promote the public safety and to prevent fires;

(i) *Streams, waters, water courses.* Regulating and controlling the use of streams, waters, and water courses within the city.

State law reference—Permissible that Charter provide for regulation of water courses, MCL 117.4h(4).

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

State law reference—Permissible that Charter provide for regulation of public ways, MCL 117.4h(1).

(a) *Creating, vacating public ways.* Creating and vacating the same and acquiring and disposing of land, or any interest in land, required therefor;

(b) *Plan for streets, alleys.* Providing a plan of streets and alleys within the city and for a distance of not more than three miles beyond its limits;

State law reference—Permissible that Charter provide for plan of streets and alleys within 3 miles of city, MCL 117.4h(3).

(c) *Sidewalks.* 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;

| [Exhibit A](#)

(d) *Areas between curbs and sidewalks.* Compelling all persons to care for the untraveled portions of streets lying between the curbs and sidewalks, 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, to cut and remove such weeds and remove such objects and assess the cost thereof against such property as a special assessment;

(e) *Snow, ice, obstructions.* 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 offensive or hazardous to the public health or safety, and, upon failure to do so, to cut and remove such weeds and remove such objects and to assess the cost thereof against such property as a special assessment;

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

(g) *Vehicles, trains, locomotives.* 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;

(h) *Lighting.* Providing for and regulating the lighting of streets and alleys;

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

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

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

(l) *Use by utilities, compensation.* Providing for the use, by others than the owners, 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;

State law reference—Permissible that Charter provide for joint use of public property, MCL 117.4h(2).

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(m) *Trees and shrubs.* Providing for the planting, removal, 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 city manager.

(4) *Public improvements.* To undertake any public work or make any public improvement or any repair or replacement thereof, either directly or by contract with 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) *Public facilities; construction, maintenance, etc.* To construct, provide, maintain, extend, operate, and improve:

(a) *Public buildings.* Within the city: A city hall; city office buildings; community buildings; police stations; fire stations; civic auditoriums; public libraries; and polling places; and,

(b) *Grounds, parks, plants, systems, water, sewage, etc.* Either within or without the corporate limits of the city or of Ottawa county: Public parks; recreation grounds and stadiums; municipal camps; public grounds; zoological gardens; museums; airports and landing fields; facilities for the landing of helicopters; cemeteries; public wharves and landings upon navigable waters; levees and embankments 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; public heating plants and systems; waterworks and systems; sewage disposal plants and systems; storm sewers; garbage disposal facilities; refuse and rubbish disposal facilities; market houses and market places; public transportation facilities; facilities for the storage and parking of vehicles; ~~hospitals~~; facilities for the docking of pleasure crafts and hydroplanes; and any other structure or facility which is devoted to or intended for public purposes within the scope of the powers of the city.

(6) *Acquisition of property.* To acquire by purchase, gift, condemnation, construction, lease, or otherwise, real and personal property, and interests in property, either within or without the corporate limits of the city or of Ottawa 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.

State law reference—Permissible that Charter provide for condemnation, MCL 117.4e(2).

(7) *Joint governmental action authorized.* To join with any other 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.

[Exhibit A](#)

CHAPTER 4. - OFFICERS

Sec. 4.1. - City officers enumerated.

(a) The elective officers shall be the mayor, the four councilmen, ~~the municipal judges~~⁽³⁾ and members of the board of light and power.

(b) The appointive officers shall be those named in [section 7.1](#), and members of any boards or commissions created by or under authority of this charter.

State Law reference— Mandatory that Charter provide for election of certain officers, MCL 117.3(a).

Footnotes:

--- (3) ---

Editor's note— *Municipal courts were abolished by MCL 600.9921.*

Sec. 4.2. - Elective officers, qualifications.

Except as otherwise provided in this charter, a person is eligible to hold an elective city office if ~~he~~ they is are:

(1) Over twenty-one years of age;

(2) A registered elector of the city; and

(3) A resident of the city or of territory annexed to the city, or both, for at least six months immediately preceding ~~his~~ their election or appointment, if a person be appointed to fill a vacancy in an elective office.

(Amd. by electors on 6-14-82)

Case law references— ~~A two-year residency requirement for the municipal judge was held violative of equal protection, *Grano v. Ortisi*, 86 Mich. App. 482, 272 N.W.2d 693 (1978).~~

A two-year residency requirement for city officers was held violative of equal protection, *Green v. McKean*, 335 F.Supp. 630 (E.D. Mich. 1971), aff. by 468 F.2d 883 (6th Cir. 1972).

A one-year residency requirement for city officers was upheld, *Joseph v. City of Birmingham*, 510 F.Supp. 1319 (E.D. Mich. 1981).

State Law reference— Mandatory that Charter provide for qualifications of its officers, MCL 117.3(d).

[Exhibit A](#)

Sec. 4.3. - Officers, disqualifications.

- (a) A person who is in default to the city shall not be eligible to hold any city office.
- (b) A person who holds or has held an elective city office shall not be eligible for appointment to an appointive office or employment, for which compensation is paid by the city, until two years have elapsed following the term for which ~~he~~ they was were-elected or appointed in case of a vacancy.

Sec. 4.4. - Terms of office.

- (a) The terms of office of the mayor shall be for two years, and that of members of the council shall be for four years, ~~of the municipal judges⁽⁴⁾ shall be six years~~, and of members of the board of light and power shall be six years.
- (b) Each appointive officer, except members of boards, shall serve for an indefinite term.
- (c) Terms of office of persons appointed to fill vacancies on boards and commissions shall commence at the time of appointment, and shall continue until the end of the term of office vacated.
- (d) With the consent of the council, and for so long as the council shall permit, an elective officer may continue in the office held by ~~him~~ them after the expiration of ~~his~~ their term until ~~his~~ their successor has been elected or appointed and has qualified for the office.

Footnotes:

~~(4)~~

~~Editor's note — Municipal courts were abolished by MCL 600.9921.~~

Sec. 4.5. - Election, appointment; notice required.

Within three days after the canvass of the vote of the election at which a person has been elected to office, or after the council has made or confirmed an appointment, the clerk shall mail to the person elected or appointed a certificate of such election or appointment.

Sec. 4.6. - Compensation.

The council shall fix the compensation for all officers, except as otherwise provided by law. They shall receive no other compensation from the city. Within budget appropriations, reasonable expenses may be allowed to officers when actually incurred and after they have been audited by the finance director.

[Exhibit A](#)

State Law reference— Mandatory that Charter provide for compensation of its officers, MCL 117.3(d).

Sec. 4.7. - Oath required, state law.

Every officer, before entering upon ~~his- their~~ duties, and all employees designated by the council, before entering upon their employment, shall take the oath prescribed by section 2 of article XVI of the constitution, ^[5] and shall file the same with the clerk.

Footnotes:

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Editor's note— *The present provisions are located in Article XI, § 1 of the 1963 Constitution.*

Sec. 4.8. - Surety bonds.

The council may require any officer or employee to give a bond, to be approved by the city attorney, in such sum as the council determines. The bond shall be conditioned upon the faithful and proper performance of the duties of the office or employment concerned. All officers and employees who receive, distribute, or are responsible for city funds or investments shall be bonded. The resignation, removal, or discharge of any officer or employee, or the appointment of another person to the office or employment, shall not exonerate the officer or employee or ~~his- their~~ sureties from any liability incurred by them. All official bonds shall be corporate surety bonds and the premiums thereof shall be paid by the city. No official bond shall be issued for a term exceeding three years, except bonds which are required of officers serving terms of office which are longer than three years. The terms of bonds required by this section shall not be extended by the renewal thereof. Upon the expiration of the term of any such bond, a new bond shall be furnished. The bonds of all officers and employees shall be filed with the clerk, except that the clerk's bond shall be filed with the treasurer. The requirements of this section may be met by the purchase by the city of one or more blanket corporate surety bonds covering all or any group or groups of the officers and employees of the city. Any officer or employee who is covered by a blanket surety bond need not be bonded individually for the purpose of qualifying for office.

Sec. 4.9. - Bail, recognizance, surety bonds, insurance, prohibitions.

Except for ~~himself themselves~~ or ~~his- their~~ immediate family, no officer shall give or furnish any bail or recognizance in connection with any complaint or warrant charging the violation of this charter or any ordinance of the city. No officer or employee of the city shall give or become a surety, nor shall ~~he- they~~ be the agent of any surety or insurer in connection with any bond or insurance required by the council, this charter, or any ordinance of the city.

Sec. 4.10. - Declaring vacancies in office, causes enumerated.

A city office shall become vacant upon the occurrence of any of the following events:

[Exhibit A](#)

- (1) Expiration of the term of office, except as provided in [section 4.4\(d\)](#);
- (2) Death of the incumbent;
- (3) Resignation;
- (4) Removal from office;
- (5) Ceasing to be an inhabitant of the city;
- (6) Conviction of an infamous crime, or of an offense involving a violation of oath of office;
- (7) Default to the city, unless such default is eliminated within thirty days after written notice thereof by the clerk upon the direction of the council, or, unless the officer in good faith contests, by recognized means of legal procedures, ~~his~~ their liability for the default;
- (8) A decision of a competent tribunal declaring the officer's election or appointment void;
- (9) Failure to take the oath or file the bond required for the office within ten days from the date of election or appointment or within such other time thereafter, as the council may fix;
- (10) In the case of councilmen, the mayor and members of the board of light and power, absence from four consecutive regular meetings of the council, or board, as the case may be, unless such absences, with reasons therefor stated at the time and appearing in the journal of the meeting from which the member was absent, be excused, or twenty-five per cent of such meetings in any calendar year, unless such absences are so excused;
- (11) Absence from the city or failure to perform the duties of such office for sixty consecutive days, unless such absence from the city or failure to perform the duties of office shall be excused by the council prior to the expiration of such sixty day period; or
- (12) Any other event which, by law, creates a vacancy.

Sec. 4.11. - Resignations, procedure.

Resignations of elective officers shall be made in writing to the clerk. Resignations of appointive officers shall be made in writing to the appointing authority. The appointing officer or the clerk, as the case may be, shall announce the resignation of any officer to the council or the board of light and power, as the case may be, at its next meeting.

[Exhibit A](#)

Sec. 4.12. - Recall, state law.

An elective officer may be recalled, and the vacancy so created shall be filled, in the manner prescribed by law.

State Law reference— Permissible that Charter provide for recall of its officers, MCL 117.4i(g); recall generally, MCL 168.951 et seq. See also Mich. Const. 1963, Art. II, [§ 8](#).

Sec. 4.13. - Filling vacancies.

(a) If a vacancy occurs in the office of any councilman, ~~or the municipal judge or associate municipal judge,~~⁽⁶⁾ the council shall, within thirty days thereafter, fill the vacancy until the Monday following the next regular city election. In the event of a vacancy on the board of light and power, the council shall fill such vacancy in the same manner and for the same period of time.

(b) Except as otherwise provided in this charter, if a vacancy occurs in an appointive office, such vacancy shall be filled within thirty days thereafter in the manner provided for making the original appointment. Such time may be extended once, for not to exceed sixty days, by resolution of the council setting forth the reasons therefor. If no appointment has been made within such time and the extension thereof, the council may appoint a committee of three of its members to make such appointment in the stead of the officer required by this charter to make such appointment.

Footnotes:

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Editor's note— *Municipal courts were abolished by MCL 600.9921.*

Sec. 4.14. - Books, papers, etc.; delivery to successor in office.

Whenever an officer or employee resigns or is removed from office, or ~~his- their~~ tenure in office expires, ~~he- they~~ shall deliver forthwith, to ~~his- their~~ successor in the office or to the clerk, all books, papers, moneys, and effects in ~~his- their~~ custody which were necessary to or were obtained as a part of the performance of ~~his- their~~ duties.

CHAPTER 5. - THE CITY COUNCIL

Sec. 5.1. - City council; composition, term of office, compensation.

The council shall consist of five members, one of whom shall be the mayor. The term of office of the mayor shall be two years, and of each other councilman shall be four years, from the

[Exhibit A](#)

Monday next following ~~his- their~~ election, except that, in the case of appointments to fill vacancies made under [section 4.13\(a\)](#) of this charter, an appointee shall qualify for and assume the duties of ~~his- their~~ office within ten days after ~~his- their~~ appointment. The council shall exercise all of the legislative and policymaking powers of the city, except as otherwise provided by law. The compensation of each member of the council, other than that of the mayor, shall be \$250.00 per year. ^[7]

State Law reference— Mandatory that Charter provide for election of a body vested with legislative power, MCL 117.3(a).

Footnotes:

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Editor's note— *Compensation of the council has been superseded by Code of Ordinances Section 2-90 et seq., which creates the Local Officers Compensation Commission.*

Sec. 5.2. - Mayor, powers and duties.

(a) Insofar as required by law, and for all ceremonial purposes, the mayor shall be recognized as the executive head of the city, and shall preside over all meetings of the council and preserve order thereat, and shall have and exercise all powers granted to mayors of cities by state law or by this charter.

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

(c) ~~He- They~~ shall have an equal voice and vote with other members of the council upon all matters before the council for consideration, but shall not have the power to veto.

(d) ~~He- They~~ shall authenticate by ~~his- their~~ signature such instruments as ~~he- they is-are~~ required to authenticate by the council or by law.

(e) The compensation of the mayor shall be \$300.00 per year, payable monthly. ^[8]

Footnotes:

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Editor's note— *Compensation of the mayor has been superseded by Code of Ordinances Section 2-90 et seq., which creates the Local Officers Compensation Commission.*

[Exhibit A](#)

Sec. 5.3. - Organization of the council.

The council shall meet and organize on the first Monday following each regular city election. At such meeting, or within one week thereafter, the council shall elect a mayor pro tem and do such other acts as may be required for its organization and the conduct of its business.

Sec. 5.4. - Mayor pro tem, powers and duties.

The mayor pro tem shall act in the stead of the mayor during the temporary absence or disability of the mayor, and shall succeed to the office of the mayor in case of a vacancy in that office. Acts of the mayor pro tem in connection with the appointment of a person to an office or the removal of a person from an office when ~~he- they is-are~~ acting during the temporary absence or disability of the mayor shall be provisional until confirmed by the mayor upon ~~his- their~~ return to the duties of ~~his- their~~ office, or within three weeks thereafter. If the mayor shall take no action on any such appointment within the said three week period, such appointment shall be deemed to have been confirmed and shall be valid as though the mayor had made the appointment in the first place. In case the mayor, in writing, shall deny any such confirmation, the term of office of the person appointed by the mayor pro tem shall terminate upon the filing of such written denial with the clerk.

Sec. 5.5. - Council meetings.

(a) The council shall meet in regular session in the established council chamber or in such other place as shall be established by ordinance not less than twice in each calendar month at 7:30 o'clock p.m.

(b) ⁽⁹⁾ Special meetings of the council shall be held at its regular meeting place. Special meetings shall be called by the clerk on the written request of the mayor, the city manager, or any two members of the council, on at least six hours' notice, stating the time and purpose of such meeting, to each member of the council by the clerk or by someone designated by him. In case of emergency, any special meeting at which all members of the council are present or in writing waive the requirement that notice be given at least six hours prior to the time of the holding of such meeting shall be a legal and proper meeting whether or not notice of the meeting has been given as herein required. Notice shall also be given to [a] newspaper printed and published in the city and to any radio station in the city conducting regularly scheduled programs, but such notice shall not be jurisdictional to the holding of any special meeting. Proof of the giving of notices required by this section shall be entered in the journal of such meeting.

(c) No business shall be transacted at any special meeting of the council, except that stated in the notice of the meeting.

(d) All regular and special meetings of the council shall be public meetings and the public shall have a reasonable opportunity to be heard. If action is taken by the council at any meeting other than a public meeting, the same shall be void. The council shall keep a

[Exhibit A](#)

journal, in the English language, of its meetings and its proceedings, or a synopsis thereof prepared by the clerk and approved by the mayor shall be published within fifteen days after the date of the meeting at which the same occurred. The public shall have access to the minutes and records of all meetings of the council.

(e) Three members of the council shall be a quorum for the transaction of business at all of its meetings. In the absence of a quorum, any number less than a quorum may adjourn a meeting to a later date.

(f) The council shall determine its own rules and order of business. The vote upon the passage of all ordinances, and upon the adoption of all resolutions shall be taken by "Yes" or "No" votes and shall be entered in the journal of the meeting, except that, where the vote is unanimous, it shall only be necessary to so state.

(g) There shall be no standing committees of the council, except there shall be an auditing committee to review bills to be presented by the council.

(h) The city manager shall prepare an agenda of business to be considered at each regular council meeting, and, except when this rule is waived by the affirmative vote of four members of the council, no item of business shall be placed on the agenda after 5:00 o'clock p.m. on the Thursday preceding each such meeting. The council shall prescribe by rule the items of routine business which shall be placed on each agenda. This subsection shall not apply to items of business presented at a meeting by any members of the public.

(i) Each member of the council shall attend all council meetings. The council may compel the attendance of its members and of all other officers and department heads of the city at its meetings, and may enforce fines for non-attendance in such amount and manner as it may, by ordinance, prescribe. The police chief, or such other person as the council shall designate, shall serve as the sergeant-at-arms of the council in the enforcement of the provisions of this section.

(j) Each member shall vote on each question before the council for a determination, unless excused therefrom by the affirmative vote of at least four of the members. No member of the council shall vote on any question upon which ~~he~~ they has-have a private or financial interest other than as a citizen of the city. If a question is raised under this section at any council meeting, such question shall be determined before the main question shall be voted on, but the council member affected shall not vote on such determination.

(k) Except in those cases where a larger majority is required by law, no ordinance or resolution shall be adopted or passed by the council, nor shall any other official action be taken, except by the affirmative vote of at least three members.

State Law reference— Mandatory that Charter provide that all meetings of the council be open to the public, MCL 117.3(l); open meetings act, MCL 15.261 et seq., mandatory that Charter provide for keeping of a journal of every session, MCL 117.3(m).

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Footnotes:

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Editor's note— *This subsection is partially superseded by the open meeting law with respect to notice. See MCL 15.266.*

Sec. 5.6. - Council; health powers.

To the extent and during the time that the health functions of the city are joined with or absorbed by the health department of the county of Ottawa as provided or permitted by law, the powers normally exercised by boards of health in cities shall be exercised for the city by such health department. In the event that the health department of Ottawa county shall cease to exist or to exercise and perform any of such health functions of cities, the council shall constitute the board of health of the city and shall exercise and perform such functions.

Sec. 5.7. - Council powers; restrictions enumerated.

The council shall not have the power to make any contract with or give any official position to any person who is in default to the city. The council shall not have the power to sell any park, cemetery, or any part thereof, except where such park is not required under an official master plan of the city, or to engage in any business enterprise requiring an investment of money in excess of ten cents per capita, except in accordance with the restrictions imposed by law. The contacts of the members of the council with the administrative officers and employees of the city shall be through the city manager or ~~his~~ their office, and neither the council nor any committee or member thereof shall direct the acts of any administrative officer or employee, except through the city manager or ~~his~~ their office. The council shall not create any policy determining or [sic] administrative board or commission, except that it may create such as are specifically authorized by statute.

CHAPTER 6. - CITY LEGISLATION ^[10]

Footnotes:

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State Law reference— *Mandatory that Charter provide for ordinances, MCL 117.3(k); general authority relative to adoption of ordinances, Mich. Const. 1963, Art. VII, § 22.*

Sec. 6.1. - Legislative power.

The legislative power of the city is vested exclusively in the council, except as otherwise provided by law.

State Law reference— *Mandatory that Charter provide for body vested with legislative power, MCL 117.3(a).*

Sec. 6.2. - Prior legislation continued, exception.

All ordinances, resolutions, rules and regulations of the council and of each administrative agency of the city, to the extent that they are consistent with the provisions of this charter, which are in force on the effective date of this charter, shall continue in full force, until repealed or amended.

Sec. 6.3. - Ordinances; style; adoption, amendment, repeal; numbering, recording.

(a) Each proposed ordinance shall be introduced in written form. The style of all ordinances passed by the council shall be, "The city of Grand Haven ordains:"

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

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

(d) If a section of an ordinance is amended, it shall be reenacted and published at length: Provided, that this requirement shall not apply to zoning ordinance amendments or to the schedules of one way streets and of parking limitations contained in any traffic ordinance.

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

(f) Each ordinance shall be recorded by the clerk forthwith in the ordinance book, and the enactment of such ordinance shall be certified by ~~him~~ them therein by ~~his~~ their signature.

Sec. 6.4. - Ordinances; publication required; effective date.

(a) Before an ordinance may become effective, it shall be published in one or more newspapers of general circulation in the city. Such publication may be as a part of the proceedings of the meeting at which it was adopted. The effective date of an ordinance shall be stated therein, but shall not be less than twenty days from the date of its adoption, unless it is declared by the affirmative vote of not less than four members of the council to be an emergency ordinance.

(b) In the event of the codification or compilation of the ordinances, the deposit of two hundred printed copies in the office of the clerk, available for public inspection and sale at cost, shall constitute publication thereof.

State Law reference— Mandatory that Charter provide for publication of all ordinances before they become operative, MCL 117.3(k).

[Exhibit A](#)

Sec. 6.5. - Ordinance violations, penalty.

The council shall provide in ordinances adopted by it for the punishment of violations thereof. Such punishment may be by a fine of not to exceed five hundred dollars or imprisonment for not more than ninety days, or both, in the discretion of the court. Imprisonment for violations of ordinances may be in the city or county jail, or in any workhouse of the state which is authorized by law to receive prisoners of the city.

State Law reference— Limitation on penalties, MCL 117.4i(k).

Sec. 6.6. - Ordinance violations; prosecution, time limitation.

No prosecution for the violation of an ordinance shall be commenced after the expiration of two years after the commission of the offense.

Sec. 6.7. - Ordinance violations; prosecution procedure, state law.

Except as may be inconsistent with or otherwise provided in chapter 12 of this charter, all proceedings relative to the arrest, custody and trial of persons accused of the violation of ordinances shall be governed by and conform as nearly as may be with the provisions of law relating to proceedings in criminal cases cognizable by justices of the peace.

State Law reference— Criminal procedure for ordinance violations, MCL 764.9a et seq.

Sec. 6.8. - Initiative and referendum.

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

State Law reference— Permissible that Charter provide for initiative and referendum, MCL 117.4i(g).

Sec. 6.9. - Initiatory, referendary petitions.

An initiatory or a referendary petition shall be signed by not less than fifteen per cent of the registered electors of the city on the date of the filing of such petition. The clerk shall provide and make available to any registered elector of the city general petition forms upon which any initiatory or referendary petition may be set forth by such elector or others interested therein. Such petition may be the aggregate of two or more petition papers. Each signer of a petition shall sign ~~his- their~~ name, and shall place thereon, after ~~his- their~~ name, the date and ~~his- their~~ place of residence by street and number. To each petition paper there shall be attached a sworn affidavit by the circulator thereof, stating that each signature thereon is the genuine signature of the person whose name it purports to be, and that it was signed in the presence of the affiant. Such petition shall be filed with the clerk who shall, within ten days, canvass the signatures thereon to determine the genuineness and the sufficiency thereof. Any signature obtained more than ninety days before

[Exhibit A](#)

the filing of such petition with the clerk shall not be counted. If found to contain an insufficient number of genuine signatures of registered electors of the city, or to be improper as to form or compliance with the provisions of this section, the clerk shall notify, forthwith, the person filing such petition, and ten days from such notification shall be allowed for the filing of supplemental petition papers. When found sufficient and proper, the clerk shall present the petition to the council at its next regular meeting.

Sec. 6.10. - Same; council procedure.

Upon receiving an initiatory or referendary petition from the clerk, the council shall, within sixty days, either:

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

Sec. 6.11. - Same; submission to electors.

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

Sec. 6.12. - Same; status of ordinances adopted.

An ordinance adopted by the electorate through initiatory proceedings may not be amended or repealed by the council for a period of two years after the date of the election at which it was adopted. Should two or more ordinances, adopted at the same election, have conflicting provisions, the one receiving the largest affirmative vote shall prevail as to those provisions.

Sec. 6.13. - Same; ordinance suspended.

The certification by the clerk of the sufficiency of a referendary petition within thirty days after the passage of the ordinance to which such petition refers shall automatically suspend the operation of the ordinance in question pending repeal by the council or final determination by the electors.

CHAPTER 7. - THE ADMINISTRATIVE SERVICE

Sec. 7.1. - Administrative officers enumerated; appointments, prohibitions.

[Exhibit A](#)

(a) Subject to the provisions of this charter, the administrative officers of the city shall be the city manager, assessor, city attorney, clerk, treasurer, finance director, and the department heads. The council may, by resolution, upon the recommendation of the city manager, create such additional administrative offices, or combine any administrative offices, in any manner not inconsistent with law, and prescribe the duties thereof as it may deem necessary for the proper operation of the city government. No creation of any administrative office, or combination thereof one with another, shall abolish the office of city manager, nor diminish any of the duties or responsibilities of that office as set forth in this charter.

(b) In making appointments of administrative officers, the appointing authority shall consider only the good of the public service and the fitness of the appointee for, and ~~his~~ their ability to discharge the duties of the office to which ~~he~~ they is are appointed, subject to the prohibitions set forth in [section 7.21](#) of this chapter.

State Law reference— Mandatory that Charter provide for election or appointment of a clerk and treasurer, MCL 117.3(a).

Sec. 7.2. - Administrative officers; appointment, terms, compensation.

(a) The city manager, the attorney, and the clerk shall hold office by virtue of appointment by the council, which body shall also set their compensation. They shall hold office at the pleasure of the council.

(b) The assessor, the treasurer, the finance director, when the council separates that position from the office of the clerk ^[11], and all officers of the city who are not appointed by the council, the mayor, or an administrative board, under the provisions of this charter, shall be appointed by the city manager, subject to the confirmation of the council. The city manager may, at any time, remove any officer of the city who is appointed by him. Each such removal shall constitute a suspension from office until confirmed by the council.

(c) All persons employed by the city who are not elective or administrative officers, or members of a board created by this charter, or declared to be administrative officers by or under authority of this section shall be deemed to be employees of the city.

(d) The compensation of all administrative officers except that of the city manager, the attorney, and the clerk, shall be set by the city manager in accordance with budget appropriations.

State Law reference— Mandatory that Charter provide for compensation of officers, MCL 117.3(d).

[Exhibit A](#)

Footnotes:

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Editor's note— *The finance director has been separated from the office of the clerk.*

Sec. 7.3. - City manager; qualifications; powers and duties.

(a) To be eligible for appointment as city manager, a person must have had training for or previous experience in city, public, or business administration.

(b) The city manager shall be the administrative agent of the council, shall be vested with all administrative powers of the city, except as otherwise provided by this charter, and shall perform the duties of ~~his~~ their office under the authority of, and be accountable to the council. Except as otherwise provided in this charter, all administrative officers, other than members of city boards and commissions, shall be responsible to ~~him~~ them for the performance of their duties.

(c) It shall be the duty of the city manager to:

(1) Supervise and coordinate the work of the administrative officers and departments of the city, except as otherwise provided in this charter, and except the work of the clerk insofar as set forth and required of ~~him~~ them by [section 7.4\(a\)](#) of this chapter;

(2) Prepare and submit to the council the annual budget proposals of the city, together with supporting information in explanation thereof;

(3) Establish and maintain a central purchasing service for the city;

(4) Except as otherwise provided under authority of [section 7.22](#), establish, supervise, and coordinate the personnel policies and practices of the city;

(5) Keep informed and report to the council concerning the work of the several offices and departments of the city, and, to that end, ~~he~~ they may secure from the officers and heads of all administrative departments such information and periodic or special reports as ~~he~~ they or the council may deem necessary;

(6) In case of conflict of authority between officers and administrative departments, or in case of absence of administrative authority, occasioned by inadequacy of charter or ordinance provisions, resolve the conflict or supply the necessary authority, so far as may be consistent with law and the ordinances of the city, and direct the necessary action to be taken in conformance therewith, making a full report immediately to the council;

(7) Attend all meetings of the council, with the right to be heard in all council proceedings, but without the right to vote;

[Exhibit A](#)

(8) Recommend to the council, from time to time, such measures as ~~he~~ they deems necessary or appropriate for the improvement of the city or its services;

(9) Prepare and maintain an administrative code which, when adopted by the council, shall supplement this charter in establishing the duties and functions of each officer and department of the city;

(10) Furnish the council with information concerning city affairs and prepare and submit such reports as may be required or which the council may request, including an annual report, which shall consolidate the reports of the several departments;

(11) Supervise the maintenance of safety measures along the waterfront; appoint the harbor master, if any; provide for filing all records and reports pertaining to the harbor; and make recommendations for the upkeep, improvement, and development of the city's waterfront property; and

(12) Possess such further powers and perform such additional duties as may be granted to or required of ~~him~~ them, from time to time, by the council, so far as may be consistent with the provisions of law.

(d) None of the provisions of this section shall give to the city manager any power or authority with respect to the board of light and power or any of its functions.

State Law reference— Mandatory that Charter provide for the qualifications, duties and compensation of its officers, MCL 117.3(d).

Sec. 7.4. - City clerk; powers and duties.

(a) The clerk shall be clerk of the council, of the board of light and power, and of each appointive board and commission of the city, except as otherwise provided by this charter. ~~He~~ they shall attend all meetings of the council, and shall keep a permanent journal, in the English language, of its proceedings.

(b) ~~He~~ They shall keep a record of all ordinances, resolutions, and actions of the council.

(c) ~~He~~ They shall have power to administer all oaths required by law and the ordinances of the city.

(d) ~~He~~ They shall be custodian of the city seal, and shall affix it to all documents and instruments requiring the seal, and shall attest the same. ~~He~~ They 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. ~~He~~ They 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 a party.

(e) ~~He~~ They shall certify all ordinances and resolutions enacted or passed by the council.

[Exhibit A](#)

(f) ~~He- They~~ shall perform such other duties in connection with ~~his- their~~ office as may be required of ~~him- them~~ by law, ordinances, or resolutions of the council.

State Law reference— Mandatory that Charter provide for duties of city officers, MCL 117.3(d).

Sec. 7.5. - Finance director; powers and duties.

(a) The finance director shall be the general accountant of the city, shall keep the books of account of the assets, receipts, and expenditures, and shall keep the council and the city manager informed as to the financial affairs. ~~He- They~~ shall provide the accounting system of the city and each of its departments. The system of accounts of the city shall conform to such uniform systems as may be required by law.

(b) ~~He- They~~ shall compile for the city manager the budget requests of the officers and departments of the city.

(c) ~~He- They~~ shall maintain an inventory of city-owned property.

(d) ~~He- They~~ shall balance all the books of account of the city at the end of each calendar month, and shall make a report thereon to the city manager.

(e) ~~He- They~~ shall, at any time upon direction of the city manager, examine and audit all books of account kept by any official or department of the city. ~~He- They~~ shall examine and test-check all books of account of the treasurer and the municipal court ^[12] at least once each month.

(f) ~~He- They~~ shall perform such other duties as the council, or the city manager with the approval of the council, shall direct.

(g) Until such time as the council shall provide for an independent finance director, by ordinance adopted upon the recommendation therefor by the city manager, the clerk shall be and perform the duties of the finance director. ^[13]

Footnotes:

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Editor's note— *Municipal courts were abolished by MCL 600.9921.*

--- (13) ---

Editor's note— *An independent finance director has been provided for.*

State Law reference— *Mandatory that Charter provide for duties of city officers, MCL 117.3(d).*

Sec. 7.6. - City attorney; powers and duties.

[Exhibit A](#)

- (a) The attorney shall act as the legal advisor of and be responsible to the council. ~~He~~ They shall advise the city manager concerning legal problems affecting the city administration and the clerk, treasurer, and assessor concerning their statutory and charter duties, when so requested, and shall file with the clerk a copy of all written opinions given by him.
- (b) ~~He~~ They shall prosecute ordinance violations and shall represent the city in cases before courts and other tribunals.
- (c) ~~He~~ They shall prepare or review all ordinances, regulations, contracts, bonds, and such other instruments as may be required by this charter or by the council, and shall promptly give ~~his~~ their opinion as to the legality thereof.
- (d) ~~He~~ They shall ~~attend the~~ be available for guidance during all meetings of the council.
- (e) ~~He~~ They shall be the attorney for the several boards and commissions of the city.
- (f) ~~He~~ They shall perform such other duties as may be prescribed for ~~him~~ them by this charter or the council.
- (g) Upon the attorney's recommendation, or upon its own initiative, the council may provide for an assistant to the city attorney and may retain special legal counsel to handle any matter in which the city has an interest, or to assist the attorney.

State Law reference— Mandatory that Charter provide for duties of city officers, MCL 117.3(d).

Sec. 7.7. - City treasurer; powers and duties.

- (a) The treasurer shall have the custody of all moneys of the city, the clerk's bond, and all evidences of value belonging to or held in trust by the city.
- (b) ~~He~~ They shall keep and deposit all moneys or funds in such manner and only in such places as the council may determine.
- (c) ~~He~~ They shall have such powers, duties, and prerogatives in regard to the collection and custody of state, county, school district, and city taxes and moneys as are conferred by law.
- (d) ~~He~~ They shall perform such other duties as may be prescribed by law or by the council, and by the city manager with the approval of the council.

State Law reference— Mandatory that Charter provide for duties of city officers, MCL 117.3(d).

Sec. 7.8. - Clerk, treasurer, finance director; deputies, appointment.

[Exhibit A](#)

The clerk, the treasurer, and the finance director may appoint and remove their deputies, subject to the budget allowances therefor and the approval of the city manager. Each deputy shall possess all the powers and authorities of ~~his- their~~ superior officer except as the same may be, from time to time, limited by ~~his- their~~ superior.

Sec. 7.9. - Assessor; powers and duties.

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

(b) ~~He- They~~ shall make and prepare all regular and special assessment rolls in the manner prescribed by law.

(c) ~~He- They~~ shall perform such other duties as may be prescribed by law or the council, or by the city manager with the approval of the council.

State Law reference— Mandatory that Charter provide for duties of city officers, MCL 117.3(d).

Sec. 7.10. - City engineer; powers and duties.

(a) The city engineer, if there be one, shall be appointed by and responsible to the city manager. ~~He- They~~ shall be qualified by law for performing engineering design and supervision of public works and by training and experience in the field of sanitary and public works engineering. ~~He- They~~ shall be the official surveyor of the city and shall perform such duties on behalf of the city as are required by law to be performed by an engineer.

(b) The city engineer or the city manager shall preserve in ~~his- their~~ office records concerning the boundaries of the city, the location of city streets, alleys, and public places, and the location of all utility and sewer mains, lines, conduits, manholes, valves, junctions, and appurtenances located therein or thereon.

(c) The city engineer or the city manager shall make, or cause to be made, all necessary surveys, maps, plats, diagrams, plans, and specifications for all public improvements, buildings, and grounds of the city. The council and the board of light and power, with the approval of the council, shall each have the power to employ the engineering services of any qualified engineer or engineering firm in connection with any specific engineering work. Such services may be performed in conjunction with or independently of the city engineer, but a copy of all final plans and specifications provided by such engineer or engineering firm shall be filed with the city engineer or the city manager.

State Law reference— Mandatory that Charter provide for qualifications and duties of city officers, MCL 117.3(d).

Sec. 7.11. - Police department.

(a) The police department shall be in charge of the chief of police, who shall be appointed by and responsible to the city manager.

(b) Police officers shall have all the powers, immunities, and privileges granted to peace officers by law for the making of arrests, the preservation of order, and the safety of persons and property in the city. Any person arrested shall be taken before the proper magistrate or court for examination or trial, without unnecessary delay. Police officers shall make and sign complaints to or before the proper officers and magistrates against any person known to be, or, upon complaint or information, believed to be guilty of any violation of this charter or ordinances of the city, or of the penal laws of the state for which a penalty is provided. For purposes of making arrests, violations of city ordinances shall be deemed to be misdemeanors.

Sec. 7.12. - Fire department.

(a) The fire department shall be in charge of the fire chief, who shall be appointed by and responsible to the city manager.

(b) The fire department shall be responsible for the prevention and extinguishment of fires and the protection of persons and property against damage and accident resulting therefrom. The fire chief shall be responsible for the use, care, and management of the city's fire fighting apparatus and property. ~~He~~ They shall conduct supervisory and educational programs to diminish the risk of fires within the city. ~~He~~ They, or any of ~~his~~ their authorized subordinates, may command any person present at a fire to aid in the extinguishment thereof, and to assist in the protection of life or property. If any person willfully disobeys any such lawful requirement, ~~he~~ they shall be deemed guilty of a violation of this charter.

(c) The fire chief or any of ~~his~~ their authorized subordinates, with the concurrence of the mayor, or the city manager, or of any two councilmen, may cause any building to be pulled down or destroyed, when deemed necessary in order to arrest the progress of a fire. In such case no action shall be maintained against the city or any person therefor. If any person having an interest in such building shall apply to the council within three months after the fire for damages or compensation for such building, the council may pay ~~him~~ them such compensation as it may deem just. The council may ascertain the amount of such damage or compensation by agreement with the owner of the property, or by the appraisal of a jury selected in the same manner as in the case of juries selected to appraise damages for the taking of property for public use. No compensation shall be paid on account of any loss which would probably have occurred to a building, if it had not been pulled down or destroyed under authority of this section.

State Law reference— Fire prevention and protection act, MCL 29.1 et seq.

~~Sec. 7.13. City hospital.~~

~~(a) The city's hospital and hospital facilities and services shall constitute a department of the city government. The hospital department shall be under the control and direction of an appointed board, to be known as the hospital board of trustees. The said board shall be composed of five members who shall be appointed by the mayor, subject to the approval of the council, for terms of five years each, with the term of one member expiring in each year. No member of the hospital staff or any officer or employee of the city shall be eligible for appointment as a member of the board. The term of office of each member of the board shall commence on the first day of July next following the date of his appointment, except that the term of office of persons who are appointed to fill a vacancy shall commence on the date of their appointment. The board shall organize at its first meeting in July of each year, and shall elect one of its members chairman. The board shall hold at least one regular meeting in each month at a meeting place designated by the board with the approval of the council. Special meetings may be called at the request of the chairman or of any two members in the manner provided in this charter for calling special meeting of the council. All business meetings of the board shall be open to the public. The board shall keep a journal of its business meetings, and its proceedings shall be filed with the clerk as a public record. Members of the board shall receive no compensation for their services, but shall be allowed reasonable expenses when actually incurred by them upon authority of the board.~~

~~(b) The hospital board of trustees shall make such rules and regulations as are necessary for the conduct of the city's hospital in a manner consistent with the best practices for a hospital of its size. The board shall provide for liaison between it and the hospital staff. Such rules and regulations, and amendments thereof and additions thereto, shall become effective when approved by the council and filed with the clerk as a public record.~~

~~(c) The hospital board of trustees shall appoint the hospital administrator, and shall set his compensation, subject to budget appropriations. The hospital administrator shall serve at the pleasure of the board. As the administrative agent of the board the administrator shall have general superintendence of the city's hospital facilities, shall be responsible to the board for the economical operation and maintenance thereof, and shall be the secretary of the board. He shall have control and direction of the employees of the hospital department of the city, subject to the provisions of this charter.~~

~~(d) On or before the first day of February in each year, the hospital board of trustees shall submit to the city manager an estimate in detail of the anticipated expenditures and income of the board for the ensuing fiscal year of the city.~~

~~(e) The council shall provide in each annual budget of the city for the operation and conduct of the city's hospital and its facilities, and shall appropriate for such purpose such amounts as it deems necessary to assure the operation and maintenance of the hospital and its facilities in a manner consistent with the needs of the community.~~

[Exhibit A](#)

~~(f) In the conduct of the city's hospital and its facilities, the hospital board of trustees shall be subject to the same accounting procedures and controls in the administration of the city's hospital and its facilities, and the annual budget therefor, as are other departments of the city. All receipts of the city's hospital and its facilities shall be deposited promptly with the treasurer. No payment of any hospital debt, liability, or expense shall be made directly from any such receipts of the hospital. Such payments shall be made only in the same manner as other debts or liabilities of the city are paid.~~

~~**Editor's note**—This section is obsolete. The city now has a community hospital.~~

Sec. 7.1413. - Citizen participation; boards established.

(a) To afford citizen participation in the affairs of the city government for the purpose of determining community needs and means of meeting such needs through the government of the city, the following citizen boards are established:

- (1) An airport board;
- (2) A cemetery board;
- (3) A Community Center board;
- (4) A harbor board;
- ~~(5) A library board;~~
- (6) A parks and recreation board.

(b) Each of such boards shall be comprised of five citizens of the city who have qualifications required by this charter for elective officers of the city; provided, that, when the scope of interest of any board may extend beyond the limits of the city, one member of the board may be a nonresident of the city. ~~and provided, further, that there may be added to the library board additional members as provided in section 7.14(e) of this charter.~~ Except as otherwise provided by this charter, no person shall serve on more than one board or commission of the city. The terms of members of such boards shall be for five years, and shall be so arranged that the term of one member of each board shall expire in each year. No person shall be appointed to more than two full consecutive terms, after which terms a period of one year shall elapse before said person may be reappointed to said board. An appointment made to fill the unexpired term of another appointed person shall not be counted as a full term for the replacement appointee. The members of such boards shall be appointed by the mayor, subject to confirmation by the council, and shall receive no compensation for their services to the city, but shall be allowed reasonable and actual expenses when incurred on behalf of the city and approved by the council. The council may appoint such additional non-voting members of any such boards as the council shall deem desirable.

[Exhibit A](#)

(c) Each such board shall hold at least one meeting in each calendar month, and the minutes of each such meeting shall be filed with the clerk as a public record. If any member of a board shall fail to attend four consecutive board meetings, ~~his- their~~ membership on such board shall thereupon cease, and the vacancy for the balance of ~~his- their~~ term shall be filled as set forth in (b) above. The council may remove any member of a board for malfeasance, misfeasance, or nonfeasance. Each such board shall consider the problems and functions of the city to which its name applies, and shall, from time to time, on its own motion or at the request of the council, make investigations, reports, and recommendations thereon to the council. Unless the council shall otherwise provide by a vote of four or more of its members, all questions presented to the council concerning the acquisition, extension and improvement of ~~library-~~park, community center, cemetery, recreation, harbor and airport property, facilities, or programs shall be submitted to the appropriate board for investigation and report to the council thereon. If the council desires that any matter be investigated by more than one of the said boards, such referrals may be made for the purpose of giving the council the benefit of a full investigation of all aspects of the matter before it. In performing their duties and functions, the several boards shall be entitled to the benefit of the facilities and experience of the city manager, the planning commission, and all other sources of information in the city bearing upon the scope of such duties and functions.

(d) If any recommendation of a board shall be disallowed by the council for financial reasons, such recommendation shall be referred to in the budget statement of the city manager for the next ensuing fiscal year of the city, and the council shall give consideration to each such recommendation at the time it considers the budget covered by such statement of the city manager.

~~(e) There may be added to the library board one (1) or more representatives of other governmental units, such representatives to be appointed by their respective governing boards. No other governmental unit shall have more than one (1) member on the library board. The addition of a member from another governmental unit shall only be for the term of any contract for library services, or renewal thereof, entered into between the city and that governmental unit. The appointment of the representative of the other governmental unit, the term of office, and the removal of that representative shall all be governed by the terms and provisions of the library services contract between the city and the governmental unit. Each member on the library board representing another governmental unit shall have all rights, privileges and duties, without qualification, as any city member of the library board.~~

(Amd. by electors on 8-7-90)

Sec. 7.15 14. - City cemetery.

(a) The city's cemetery and cemetery facilities and services shall constitute a department of the city government.

[Exhibit A](#)

(b) The city manager shall appoint the cemetery director, who shall have general superintendence of the city's cemetery facilities and shall be responsible to the city manager for the operation and maintenance thereof. The cemetery director shall have the control and the direction of the employees of the cemetery department of the city, subject to the provisions of this chapter.

State Law reference— Cemeteries, MCL 128.1 et seq.

Sec. 7.16 15. - City harbor.

(a) The city's harbor and its facilities and services shall constitute a department of the city government.

(b) (1) The harbor master shall be appointed by the mayor, subject to the approval of the council, on recommendation of the harbor commission and the city manager.

(2) Until such time as the council deems necessary, that there be a harbor master, the city manager shall have the responsibility for the operation and maintenance thereof.

Sec. 7.17 16. - ~~City library and~~ City Community Center.

~~(a) The city's library and the library facilities and services shall constitute department of the city government.~~

~~(1) The city manager shall appoint the librarian, who shall have general superintendence of the city's library facilities, and shall be responsible to the city manager for the operation and maintenance thereof. The librarian shall have the control and direction of the employees of the library department of the city, subject to the provisions of this charter.~~

~~(2) The council shall provide and appropriate in each annual budget of the city for the operation and conduct of the city's library and its facilities. In no case shall the council appropriate for the library and library purposes less than three fourths of a mill in addition to the anticipated receipts of the library from non tax sources, or such larger amount as may be required by law to qualify the library for state or other aid.~~

~~(b)~~ The City's Community Center and Community Center facilities and services shall constitute a department of the city government.

(1) The city manager shall appoint a director who shall have general superintendence of the City's Community Center facilities and shall be responsible to the city manager for the operation and maintenance thereof. The director shall have the control and direction of the employees of the Community Center department of the city, subject to the provisions of this charter.

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[Exhibit A](#)

(2) The council shall provide and appropriate in each annual budget of the city for the operation and conduct of the City's Community Center and its facilities.

Editor's note— ~~On December 1, 2000, the city library ceased to operate as a department of the city and became an autonomous entity, operating as the Loutit District Library, which was approved by the state as a district library on February 24, 1999.~~

State Law reference— Libraries, MCL 397.201 et seq.

Sec. 7.~~18~~17. - Parks and recreation.

(a) The city's park and recreation properties and facilities and services shall constitute a department of the city government.

(b) The council may provide by ordinance for a director of parks and recreation as the coordinating and directing head of the department. Until such time as such office is created, the city manager shall be responsible for the proper functioning of the department. The director, if there be one, shall have general superintendence of and shall be appointed and responsible to the city manager for the operation and maintenance of the city's park and recreation properties, facilities, and programs. ~~He~~ They or the city manager, as the case may be, shall have the control and direction of the employees of the city who are assigned to or work for the department, subject to the provisions of this charter. Under and responsible to the director, if there be one, otherwise the city manager, there shall be a park superintendent who shall be responsible for the care and maintenance of the city's parks, and a recreation superintendent who shall be responsible for the recreational facilities and programs of the city.

(c) The council shall provide in each annual budget of the city for the operation and conduct of the city's parks and recreation properties, facilities, and programs, and shall appropriate for such purpose such amounts as will assure the operation and maintenance of the same in a manner consistent with the needs of the community.

(d) The city may join and cooperate with the school district of the city and with any unit of government in the operation, maintenance, and improvement of park and recreation property and facilities, and in the conduct of recreational programs.

State Law reference— Authority to operate recreation and playgrounds, MCL 123.51 et seq.

Sec. 7.~~19~~18. - Airport board.

(a) The airport properties and facilities of the city shall constitute a department of the city government.

(b) The council, with the advice of the airport board, shall provide for the administration of the affairs of the airport.

[Exhibit A](#)

(c) If at any time there be created the position of a full-time and salaried airport director, ~~he~~ they shall be appointed by the city manager with the advice and approval of the airport board.

(d) The council shall appropriate to the airport department in each annual budget such sums as will assure the care, maintenance, improvement, and extension of the city's airport facilities, consistent with the needs of the community. All receipts of the city's airport and its facilities shall be deposited promptly with the treasurer. No payment of any debt, liability, or expense shall be made directly from any such receipts.

Editor's note— The airport is called the airpark and the airport board is called the airpark board.

State Law reference— Aeronautics code, MCL 259.1 et seq.

Sec. 7.~~20~~19. - Planning commission.

There shall be a planning commission. The voting members of the planning commission shall be comprised of nine persons, who possess the qualifications required by this charter for elective officers, and by Act. No. 285 of the Public Acts of 1931 [MCL 125.31 et seq.], as amended, to be appointed by the mayor subject to the approval thereof by the council; provided, that with the consent of the council, one of such persons may be a non-resident of the city who has an interest in the planning of the general area of which the city of Grand Haven is a part. The planning commission shall possess and shall exercise all of the powers and functions granted to and required of planning commissions under the provisions of Act No. 285 of the Public Acts of 1931, and such amendments and superseding acts as may be enacted. Insofar as practicable, there shall be representation from the boards created by ~~section 7.14~~ section 7.13 on the planning commission.

Sec. 7.~~21~~20. - Citizen advisory committees.

(a) The council may create citizen advisory committees for the purpose of studying and investigating specific problems or needs of any department, function, or interest of the city where there is no board created to make such studies or investigations. Each such committee shall conduct its study in cooperation with the city manager and ~~his~~ their subordinates and submit its findings and recommendations to the council. Each such committee shall render its report to the council within two years after its creation, and shall then cease to exist unless the work of the committee is extended thereafter by the council for a period not exceeding one year.

(b) The city manager, if ~~he~~ they deems it advisable, may appoint citizen advisory committees in connection with any city department or function for which there is no board created by this charter, which committees shall report and be responsible to him. Members of such committees may be appointed for a period not to exceed two years and may be reappointed once.

[Exhibit A](#)

Sec. 7.~~2221~~. - Officers, departments; additional powers, duties; council authority.

From time to time, upon the recommendation of the city manager, the council may, by ordinance, prescribe additional powers and duties, not inconsistent with this charter, to be exercised and administered by appropriate officers and departments of the city.

Sec. 7.~~2322~~. - Nepotism.

Relatives by blood or marriage who are a brother, sister, spouse, parent, grandparent, child, or grandchild of the mayor, and councilman, the city manager, any member of the board of light and power or its director, or bear such relationship to any of their spouses, shall not be qualified to hold any appointive office or to be employed by the city during the term for which any such officers were elected, or during the tenure of office of such city manager or director, except and unless they are bona fide appointive officers or employees of the city at the time of election or appointment of such officers or director. If the status or relationship between any employee of the city and a person holding one of the positions enumerated herein changes to a relationship prohibited hereby, following employment of such employee or the election or appointment of a person holding one of the enumerated positions, the provisions of this section shall not apply.

Sec. 7.~~2423~~. - Civil service.

The council may provide, by ordinance, for a merit system of personnel management for employees in the service of the city. Whether or not a merit system plan of personnel management be adopted, the standards for employment and the salary and wage scales for comparable city positions of employment and work, and in all city departments, shall be as uniform as possible.

State Law reference— Permissible for Charter to provide for a system of civil service, MCL 117.4i(h).

Sec. 7.~~2524~~. - Employee welfare benefits.

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

CHAPTER 8. - BUDGET PROCEDURE AND GENERAL FINANCE ^[14]

Footnotes:

--- (14) ---

[Exhibit A](#)

State Law reference— *Revised municipal finance act, MCL 141.2101 et seq.*

Sec. 8.1. - Fiscal year.

The fiscal year of the city shall begin on the first day of July of each year.

Sec. 8.2. - Budget procedure.

On or before the first day of February of each year, each officer, department head, and board or commission of the city, except the board of light and power, shall submit to the city manager a complete statement of the financial needs and expected revenues of ~~his- their~~ office or department for the next fiscal year. The city manager shall assemble the statements so submitted and prepare for the council a budget proposal for the next fiscal year. Such budget proposal shall be presented to the council at its first regular meeting in April. The proposed expenditures set forth in such budget proposal shall not exceed the expected revenues of the city for the next fiscal year by an amount greater than the expected unencumbered funds remaining at the end of the current fiscal year.

Sec. 8.3. - City manager; budget proposals, statement required.

The city manager shall submit to the council with each budget proposal, a budget statement which shall explain the budget proposal and contain an outline and explanation of the proposed financial policies of the city relating to its operations for the next fiscal year.

Sec. 8.4. - Proposed budget, schedules, etc.; public inspection.

Each budget proposal, together with all supporting schedules and the city manager's budget statement, shall be a matter of public record after it is filed with the council. A copy thereof shall be available for public inspection in the office of the clerk at all reasonable times.

Sec. 8.5. - Adoption of budget.

On or before the third Monday in May, the council shall, by resolution, adopt the budget for the next fiscal year, and in such resolution shall make an appropriation of the money budgeted for municipal purposes during the next fiscal year and determine the amount to be raised by taxation. The council shall hold a public hearing on each budget proposal not less than one week before the adoption of any budget, as herein required. Not less than seven days' notice of such public hearing shall be given by the clerk.

State Law reference— Mandatory that Charter provide for an annual appropriation, MCL 117.3(h).

Sec. 8.6. - Failure to adopt budget; proposed budget deemed adopted.

[Exhibit A](#)

Should the council fail to adopt a budget for the next fiscal year by the third Monday in May, the budget proposal, as recommended to the council by the city manager shall be deemed to have been finally adopted by the council, and, without further action by the council, shall constitute an appropriation of the money needed for municipal purposes during the next fiscal year. It shall be deemed due and legal authority for a levy of the amount to be raised by taxes upon real and personal property subject to the provisions of [section 9.1](#) of this charter. 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 9.1](#) hereof, the budget and appropriations and each item thereof shall be adjusted by the city manager to conform to such limitation.

Sec. 8.7. - Effect of adoption of budget.

Upon the adoption of any budget, the several amounts stated therein as proposed expenditures shall be appropriated to the several and respective objects and purposes named therein. A copy of the budget so adopted, certified by the clerk, shall be filed in ~~his~~ ~~their~~ office. Copies of the budget, as adopted, or of appropriate portions thereof, shall be furnished by the clerk to each officer and department head, and, upon request, shall be furnished, at cost, to interested citizens and civil organizations. No transfer shall be made from one fund to another, except by the council.

Sec. 8.8. - Transfer of operating appropriations.

After the budget has been adopted, no money shall be drawn from the treasury, nor shall any obligation for the expenditure of moneys be incurred for payment during the fiscal year to which such budget applies, except pursuant to an appropriation therefor. The council may, however, transfer any unencumbered operating appropriation balance, or any portion thereof, from one operating fund or account to another. At the end of each fiscal year, the council may transfer any unencumbered balance or any part thereof in any budget appropriation into one or more public improvement funds created under authority of [section 8.15](#) of this charter. If not so transferred, such balance shall revert to the general fund at the end of the fiscal year.

Sec. 8.9. - Depository; designation by council.

The council shall designate the depository or depositories for city funds, and shall provide for the regular deposit of all city monies.

State Law reference— Designation of depositories, MCL 129.12; deposit of public moneys, MCL 211.43b.

Sec. 8.10. - Budget control.

At the beginning of each month, and at other times if required by the council, the city manager shall submit to the council data showing the financial position of the city. If it appears that the income of the city is more or less than anticipated, the council may, except as to amounts required for debt and interest charges, revise or amend the budget as may be necessary.

[Exhibit A](#)

Sec. 8.11. - Contractual claims; payment, procedure; ordinance required.

All claims against the city shall be filed with the clerk. ~~He~~ ~~They~~ shall refer all such claims to the finance director or the board of light and power, as the case may be. The finance director or the board shall verify the correctness of each claim so referred and determine whether it is a proper charge against the city, and shall transmit it to the city manager. The council shall provide, by ordinance, the procedure for the payment of contractual claims against the city.

Code reference—See Code of Ordinances, § 2-154 et seq.

Sec. 8.12. - Damages; property, personal injuries; notice prerequisite, contents.

If any person intends to hold the city liable for an injury to person or property, ~~he~~ ~~they~~ shall, within one hundred twenty days after such injury occurred, serve or cause to be served upon the clerk a written notice stating that such person intends to hold the city liable for such damages. Such notices shall set forth substantially the time and place of the injury, the manner in which it occurred, the nature of the act or defect complained of, the then known extent of the injury, and the names and addresses of witnesses known to the claimant. No person shall bring action against the city for damages to person or property unless brought within the period prescribed by law. It shall be a sufficient bar to any action upon any such claim that the notice of injury required in this section was not filed within the time and in the manner herein provided.

(Amd. by electors on 6-14-82)

State Law reference—Liability for injuries, MCL 691.1401 et seq.

Sec. 8.13. - Withdrawals from treasury; checks; signatures, contents.

Unless otherwise provided by this charter, all funds drawn from the treasury shall be drawn pursuant to the authority and appropriation of the council. All checks shall be signed by the city clerk or finance director and countersigned by the city treasurer. The finance director shall examine and audit all accounts and claims against the city. ~~He~~ ~~They~~ shall not allow withdrawals from any city fund which, after the deduction of prior withdrawals therefrom does not leave a sufficient amount therein to pay the proposed withdrawal. Each check for the payment of an account or claim against the city shall specify the account or accounts from which it is payable.

Sec. 8.14. - Accounts; annual independent audit required.

An independent audit shall be made of all accounts of the city at least annually, and more frequently if the council deems necessary. The annual audit shall be made by certified public accountants employed by the council. A summary of the audit shall be made public by the council.

Sec. 8.15. - Funds for public improvements, restrictions.

The council may establish and maintain a fund or funds, including a revolving fund for special assessment projects, for the purpose of accumulating moneys to be used for making, acquiring, extending, altering, or repairing public improvement[s]. No monies so accumulated may be transferred, encumbered, or otherwise disposed of, except for the purpose of making, acquiring, extending, altering, or repairing public improvements, unless the proposition to do so be first approved by three-fifths of the electors of the city voting on the question who are owners of property assessed for taxes by the city, or who are the lawful husbands or wives of such persons.

Sec. 8.16. - Borrowing power.

(a) Subject to the applicable provisions of law, the city may borrow money for any purpose within the scope of its powers, and may issue bonds or other evidences of indebtedness therefor. Such bonds or other evidences of indebtedness shall include, but not be limited to:

- (1) General obligation bonds, the principal and interest of which are payable from taxes levied upon the taxable real and personal property in the city and for the payment of which the full faith and credit of the city are pledged;
- (2) Special assessment bonds which are issued in anticipation of the payment of special assessments, or any combination of two or more special assessments, which bonds may be either an obligation solely of the special assessment district or districts, or both an obligation of the special assessment district or districts and a general obligation of the city;
- (3) Revenue bonds, as authorized by law, which are secured only by the revenue from a public improvement and do not constitute a general obligation of the city;
- (4) Mortgage bonds for the acquiring, owning, purchasing, constructing, improving, or operating of any public utility which the city is authorized by law to finance in this manner;
- (5) Tax anticipation notes, which may be issued in anticipation of the collection of taxes in or during the current or next succeeding fiscal years of the city or any other years permitted by law;
- (6) Calamity bonds, issued in case of fire, flood, or other calamity, for the relief of the inhabitants of the city and for the preservation of municipal property, in a sum not to exceed three-eighths of one per cent of the assessed value of all the real and personal property in the city, and due in not more than five years;
- (7) Bonds for the city's share of the cost of local improvements, which bonds may be issued as a part of, or independently of, any issue of special assessment bonds which are issued for the same improvement or improvements;

[Exhibit A](#)

(8) Loans from accumulated reserves of the city when evidenced in writing and a definite plan for the repayment thereof and of interest thereon is provided by the council.

(b) All collection on each special assessment roll or combination of rolls shall be set apart in a separate fund and shall be used for the purpose for which levied and for the payment of the principal of and interest on bonds issued in anticipation of such assessments. If there is any deficiency in a special assessment fund to meet the payment of the principal or interest to be paid therefrom, monies shall be advanced from the general fund of the city to meet such deficiency and shall be replaced in the general fund when the special assessment fund shall be sufficient therefor.

(c) Each bond or other evidence of indebtedness shall contain on its face a statement specifying the purpose for which the same is issued, and no officer of the city shall use the proceeds thereof for any purpose, except that, whenever the proceeds of any bond issue, or a part thereof, remain unexpended and unencumbered for the purpose for which said bond issue was made, the council may authorize the use of such unexpended and unencumbered funds:

(1) For the retirement of such bond issue; or

(2) If such bond issue has been fully retired, then for the retirement of other bonds or obligations of the city; or

(3) For such other purpose or purposes as may be permitted by law; or

(4) If such funds cannot be used as above permitted, then in any manner approved by the council and by a majority of the electors of the city voting on the proposition at any regular or special city election.

(d) No bond or other evidence of indebtedness of the city, regardless of type or purpose, shall bear interest at a rate exceeding the maximum permitted by law.

(e) All bonds and other evidences of indebtedness of the city shall be signed by the mayor and countersigned by the clerk, under the seal of the city. Interest coupons may be executed with the facsimile signature of the clerk.

(f) A complete and detailed record of all bonds and other evidences of indebtedness shall be kept by the clerk. Upon the payment of any bond or other evidence of indebtedness, the same shall be marked 'paid'.

State Law reference— City authority to borrow money on the credit of the city and issue bonds therefor, MCL 117.4a(1); city authority to borrow money and issue bonds therefor in anticipation of the payment of special assessments, MCL 117.4a(2); revised municipal finance act, MCL 141.2101 et seq.

Sec. 8.17. - Same; restrictions.

(a) The net bonded indebtedness of the city, incurred for all public purposes, shall not at any time exceed ten per cent of the assessed value of all the real and personal property in the city. In computing such net bonded indebtedness, there shall be excluded money borrowed under the provisions of [section 8.16](#)(a) clauses (2) to (6) inclusive. 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) Except as otherwise provided by law, no bonds shall be sold to obtain funds for any purpose other than that for which they were specifically authorized.

(c) If any bonds are not sold within three years after authorization, such authorization shall be null and void as to such unsold bonds, except when delay is caused by litigation or when a bond issue has been authorized by the electors to be issued in two or more parts or series.

State Law reference— Limitation of net bonded indebtedness incurred for all public purposes, MCL 117.4a(1).

CHAPTER 9. – TAXATION ^[15]

Footnotes:

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State Law reference— *General property tax act, MCL 211.1 et seq.*

Sec. 9.1. - Power to tax; restriction.

The city shall have the power to assess taxes and to lay and collect rents, tolls and excises. The annual general ad valorem tax levy for municipal purposes shall not exceed one and one-half per cent of the assessed value of all real and personal property in the city. In addition to any tax authorized by this charter, the city may commencing with the fiscal year 1976-1977, levy a tax not exceeding one-tenth per cent of the assessed value of all real and personal property in the city for general public transportation purposes.

(Amd. by electors on 5-18-76)

State Law reference— Mandatory that Charter provide for annually levying and collecting taxes, MCL 117.3(g).

Sec. 9.2. - Subjects of taxation; procedure; state law.

[Exhibit A](#)

(a) The subjects of ad valorem taxation for municipal purposes shall be the same as for state, county, and school purposes under the general law.

(b) Except as otherwise provided by this chapter, city taxes shall be levied and collected in the manner provided by law.

State Law reference— Mandatory that Charter provide that subjects of taxation for municipal purposes shall be the same as for state, county and school purposes under general law, MCL 117.3(f); property subject to taxation, MCL 211.1 et seq.

Sec. 9.3. - Exemptions prohibited, exception.

The power of taxation shall never be surrendered or suspended by any grant or contract to which the city shall be a party. No exemptions from taxation shall be allowed, except such as are expressly required or permitted by law.

State Law reference— Property exempt from taxation, MCL 211.7 et seq.

Sec. 9.4. - Tax day; state law.

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. The taxable status of persons and property on tax day shall apply to and be used as the basis of the assessment roll for city and other taxes on property which is reviewed by the board of review during the month of March, or other date set by law, next subsequent to the said tax day.

State Law reference— Designation of tax day, MCL 211.2; time, place and method of assessment, MCL 211.10 et seq.

Sec. 9.5. - Personal property; jeopardy assessment authorized.

If the treasurer finds or reasonably believes that any person who is, or may be, liable for taxes upon personal property, the taxable situs of which was in the city on tax day, intends to depart from the city; or to remove therefrom personal property, which is, or may be, liable for taxation or to conceal ~~himself~~ themselves or ~~his~~ their property; or to do any other act tending to prejudice, or to render wholly or partly ineffectual the proceedings to collect such tax, unless proceedings therefor be brought without delay, ~~he~~ they shall proceed to collect the same as a jeopardy assessment in the manner provided by law.

State Law reference— Jeopardy assessment of personal property taxes, MCL 211.691 et seq.

Sec. 9.6. - Assessment roll; preparation; assessor, duty.

[Exhibit A](#)

Prior to the third Monday in March in each year, or such other date as may subsequently be required by law, the assessor shall prepare and certify an assessment roll of all property in the city. Such roll shall be prepared in accordance with law, and may be divided into volumes, which shall be identified by the assessor, for purposes of convenience in handling the assessment roll and for locating properties assessed therein. The attachment of any certificate or warrant required by this chapter to any volume of the roll, either as an assessment roll or as a tax roll, shall constitute the attachment thereof to the entire roll, provided the several volumes are identified in such certificate or warrant. Values of property set forth on the assessment roll shall be determined according to recognized methods of systematic assessment.

State Law reference—Mandatory that Charter provide for preparation of assessment roll, MCL 117.3(i); assessment roll, MCL 211.24 et seq.

Sec. 9.7. - Board of review; composition, term, compensation.

(a) A board of review is hereby created, composed of three members who have the qualifications for holding elective city office, as set forth in [section 4.2](#) of this charter, who are owners of property assessed for taxation in the city, and who hold no other city office or city employment. Members of the board shall serve for terms of three years, and the term of one member shall expire in each year.

(b) The members of the board of review shall be appointed by the mayor, subject to the confirmation of the council. The council shall fix their compensation.

(c) The board shall, annually, on the first day of its meeting, select one of its members chairman for the ensuing year. The assessor shall be clerk of the board, and shall be entitled to be heard at its sessions, but shall have no vote on any proposition or question.

State Law reference—Mandatory that Charter provide for a board of review, MCL 117.3(a).

Sec. 9.8. - Board of review; powers and duties.

For the purpose of revising and correcting assessments, the board of review shall have the same powers and perform like duties, in all respects, as are, by law, conferred upon and required of boards of review in townships, except as otherwise provided in this charter. At the time, and in the manner provided in the following section, it shall hear the complaints of all persons considering themselves aggrieved by assessments. If it shall appear that any person or property has been wrongfully assessed or omitted from the roll, the board shall correct the roll in such manner as it deems just. Except as otherwise provided by law, no person other than the board of review shall make any change upon, or addition or correction to, the assessment roll. The assessor shall keep a permanent record of all proceedings of the board and enter therein all its resolutions and decisions. Such record shall be filed with the clerk on or before the first day of October following the meeting of the board of review.

Sec. 9.9. - Board of review; meetings.

[Exhibit A](#)

(a) The board of review shall convene in the city hall on the third Monday in March in each year, or on such other date as may subsequently be required by law for the meeting of boards of review in cities, and shall sit for not less than three consecutive days.

(b) The board or review may examine on oath any person appearing before it respecting the assessment of property on the assessment roll. Any member of the board may administer such oath.

Code reference—Review of assessment roll by board of review, [§ 35-14](#).

State Law reference—Mandatory that Charter provide for meeting of board of review, MCL 117.3(i).

Sec. 9.10. - Same; notice of meetings; publication required.

Notice of the time and place of the annual meeting of the board of review shall be published by the assessor not less than one week nor more than three weeks prior thereto.

Sec. 9.11. - Assessment roll; review, certificate required.

After the board of review has completed its review of the assessment roll, and not later than the Tuesday following the fourth Monday in March, or such other date as may subsequently be required by law, the majority of its member[s] shall sign a certificate to the effect that the same is the assessment roll of the city for the year in which it has been prepared, as approved by the board of review. This certificate, when attached to any volume of the roll, shall constitute a conclusive presumption of the validity of the entire roll, as provided in [section 9.6](#). Any copy of the roll, when so certified, shall be equally valid. The omission of such certificate shall not affect the validity of the roll.

State Law reference—Mandatory that Charter provide for levy, collection and return of state, county and school taxes, MCL 117.3(i); completion of review of assessments prior to first Monday in April required, MCL 211.30a.

Sec. 9.12. - Assessment roll; validity, presumption; state law.

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

Sec. 9.13. - Clerk to certify levy.

Within three days after the council has made the appropriations for the ensuing year, the clerk shall certify to the assessor the total amount which the council determines shall be raised by

[Exhibit A](#)

general ad valorem tax, together with such other assessments and lawful charges and amounts which the council requires to be assessed, reassessed, or charged against the property and persons appearing upon such roll.

Sec. 9.14. - City tax roll; assessor, duty.

After the board of review has completed its review of the assessment roll, the assessor shall prepare a tax roll, or a combined assessment and tax roll, to be known as the "city tax roll". Upon receiving the certification of the several amounts to be raised, assessed, and charged for city taxes, as provided in the preceding section, the assessor shall proceed forthwith:

- (1) To spread the amounts of the general ad valorem tax according to and in proportion to the several valuations set forth in said assessment roll, except exempted property; and
- (2) To place such other assessments and charges upon the roll as are required and authorized by the council.

Sec. 9.15. - Tax roll certified for collection.

After spreading the taxes and placing other assessments and charges upon the roll, the assessor shall certify the tax roll, and attach ~~his~~ ~~their~~ warrant thereto directing and requiring the treasurer to collect, prior to March first of the following year, from the several persons named in the roll the several sums mentioned therein opposite their respective names as a tax or assessment. Said warrant shall grant to and vest in the treasurer, all the statutory powers and immunities possessed by township treasurers for the collection of taxes. The tax roll shall be delivered to the treasurer on or before the thirtieth day of June.

State Law reference— Collection of taxes, MCL 211.44 et seq.

Sec. 9.16. - Tax lien on property.

- (a) City taxes shall be due on the first day of July of each year. Such taxes shall become a debt to the city from the owner or person otherwise to be assessed on the tax day provided by law. The amounts assessed on any interest in real property shall then become a lien upon such real property, and the lien for such amounts, and for all interest and charges thereon, shall continue until payment thereof.
- (b) All personal property taxes shall also, from and after that date, be a first lien, prior, superior, and paramount, on all the personal property of such persons so assessed. Such lien shall take precedence over all other claims, encumbrances, and liens, to the extent provided by law for county and school district taxes, and shall so remain until such taxes and all interest and charges thereon are paid.

Sec. 9.17. - Taxes due; notice, publication required.

[Exhibit A](#)

The treasurer shall not be required to make personal demand for the payment of taxes, but, upon receipt of the city tax roll, ~~he- they~~ shall forthwith mail a tax statement to each person named in the tax roll, and shall give notice, by publication in a newspaper of the city, of the date upon which city taxes are due, which notice shall be a sufficient demand for the payment of all taxes assessed. Neither the failure on the part of the treasurer to give such notice, nor the failure of any person to receive the notice or the tax statement, shall invalidate the taxes on the tax roll or release any person or property assessed from the penalty provided in this chapter in case of nonpayment.

Sec. 9.18. - Tax payment schedule; ordinance required.

The council shall provide by ordinance a tax payment schedule and the amount of collection charges and interest to be added to taxes, charges, and assessments on the city tax roll which remain unpaid on the first day of August of each year. All city taxes and collection fees and charges which remain unpaid at the time the delinquent tax roll is returned to the county treasurer shall be included with the city taxes spread upon such roll and shall be collected by the county treasurer in like manner as and together with the taxes, charges, and assessments so returned.

Sec. 9.19. - Personal property taxes; failure to pay, remedy.

If any person shall neglect or refuse to pay any tax on personal property assessed to ~~him~~ ~~them~~, the treasurer shall collect the same by seizing any personal property of such person, to an amount sufficient to pay such tax, together with any fees and charges added thereto, wherever the same may be found in the state. No property shall be exempt from such seizure. ~~He- They~~ may sell the property seized, to an amount sufficient to pay the taxes and all charges, fees, penalties, and interest, in accordance with statutory provisions. The treasurer may, if otherwise unable to collect a tax on personal property, sue the person to whom it is assessed, in accordance with the powers granted to ~~him- them~~ by law.

State Law reference— Failure or refusal to pay tax, MCL 211.47.

Sec. 9.20. - State, county, and school taxes; state law.

For the purpose of assessing and collecting taxes for state, county, and school purposes, the city shall be considered the same as a township, and all provisions of law relative to the collection of, and accounting for, such taxes and the penalties and interest thereon shall apply. For the purpose of collecting state, county, and school taxes, the treasurer shall perform the same duties and have the same powers as township treasurers under state law.

State Law reference— Mandatory that Charter provide for levy, collection and return of state, county and school taxes, MCL 117.3(i).

Sec. 9.21. - Tax liens; city authority; ordinance authorized.

The city shall have the power, insofar as the exercise thereof shall not conflict with or contravene the provisions of law, to acquire such an interest in any premises within the city, by

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purchase at any tax or other public sale, or by direct purchase from or negotiation with the state of Michigan or the fee owner, as may be necessary to assure to the city the collection of its taxes, special assessments, or charges which are levied against any lot or parcel of real property or to protect the lien of the city therefor, and may hold lease, or sell the same. Any such procedure exercised by the city to assure the collection of its taxes or the protection of its tax or other liens shall be deemed to be for a public purpose. The council may adopt any ordinance which may be necessary to make this section effective.

Sec. 9.22. - Unpaid taxes; remedy; ordinance authorized.

All taxes and charges, together with fees, penalties, and interest upon real property on the tax roll, remaining uncollected by the treasurer on the first day of March following the date when the roll was received by ~~him~~ them shall be subject to one of the following procedures:

(1) The real property against which such taxes and charges are assessed shall be subject to disposition, sale, and redemption for the enforcement and collection of the tax lien against the same in the method and manner which may be provided by ordinance. The council may provide by ordinance the procedure for the sale and redemption of real property for such unpaid taxes and charges, together with fees, penalties, and interest, by judicial sale on petition filed in behalf of the city. Such procedure shall correspond substantially to the procedure provided by law for the sale by the state of tax delinquent real property and redemption therefrom, except that the acts performed by state and county officers shall be performed by appropriate city officers and that city tax sales shall be held not less than thirty nor more than ninety days prior to the dates of corresponding tax sales under the general law.

(2) If no ordinance is in effect pursuant to subsection (1) of this section, such taxes shall be returned to the county treasurer, to the extent and in the same manner and with like effect as provided by law for returns by township treasurers of township and county taxes. Such returns shall include all the additional assessments, charges, fees, penalties, and interest 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 law, and shall be and remain a lien upon the property against which they are assessed until paid.

Sec. 9.23. - Tax liens; acquisition, real property; disposition.

When the city has acquired any interest in property to protect the city's lien thereon, the owner of any interest therein, by fee title, as mortgagee, or as vendor or vendee under a land contract, shall have the right to purchase the city's interest therein, upon payment to the city of the amount of money which the city has invested therein in the form of taxes, special assessments, charges, fees, penalties, interest, and costs, paid by the city to protect its title in such property. After the lapse of ninety days after the date that the city acquires title to any such property, the council may remove the same from the market by determining that such property is needed for and

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should be devoted to public purposes, naming such purposes, or may sell the same at a price which shall be not less than its market value, as determined and certified to the council by the assessor.

CHAPTER 10. - SPECIAL ASSESSMENTS ^[16]

Footnotes:

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State Law reference— *Power re assessments, MCL 117.4a, 117.4b, 117.4d, 117.5.*

Sec. 10.1. - Public improvements; special assessments authorized.

The council shall have the power to make public improvements within the city and, as to public improvements which are of such a nature as to benefit especially any property or properties within a district, the council shall have the power to determine, by resolution, that the whole or any part of the expense of any such public improvement shall be defrayed by special assessment upon the property, in proportion to the benefits derived or to be derived.

State Law reference— Permissible that Charter provide for assessing costs of public improvements, MCL 117.4d.

Sec. 10.2. - Special assessment procedure; ordinance required, contents.

The council shall prescribe, by ordinance, the complete special assessment procedure governing the initiation of projects, preparation of plans and cost estimates, creation of special assessment districts, notices and hearings, making the confirming of special assessment rolls, correction of errors in such rolls, the number of installments in which special assessments may be paid, collection of special assessments, refunds, and any other matters concerning the making and financing of improvements by the special assessment method. Such ordinance shall provide for the following:

- (1) The procedure for filing petitions for public improvements;
- (2) A survey and report by the city manager concerning the need for, desirable extent of, and probable cost of each proposed public improvement, before any other action shall be taken thereon;
- (3) A public hearing by the council on the making of such public improvement, at which all persons within the proposed special assessment district therefor, or who own property therein, may be heard; provided, that no such hearing shall be required or notice thereof given if a petition for such public improvement is signed by all of the property owners to be assessed for the improvement;
- (4) A resolution of the council determining to proceed with the proposed public improvement, determining the probable life of the improvement, finally fixing the special

| [Exhibit A](#)

assessment district therefor, and ordering the assessor to prepare a special assessment roll therefor; provided, that, if, prior to the adoption of the resolution authorizing the making of the public improvement, written objections thereto have been filed by the owners of property in the district, which, according to estimates, will be required to bear more than fifty per cent of the cost thereof, or by a majority of the owners of property to be assessed, no resolution determining to proceed with the improvement shall be adopted except by the affirmative vote of four members of the council;

(5) A public hearing by the council on the special assessment roll for the project;

(6) Publication of notice of each hearing required by this section to be given in a newspaper published within the city, and by first-class mail to all persons owning property within the special assessment district as shown by the assessment roll of the city last approved by the board of review addressed to such persons at the addresses set forth in such roll, not less than ten days prior to the date of the hearing; provided, ^[17] that no notice by mail shall be required where a petition signed by fifty-one per cent or more of the owners of property within the special assessment district and by the owners of fifty-one per cent or more of the assessed valuation of such property has been filed for any improvements;

(7) A resolution of the council confirming the special assessment roll for public improvements and stating the date upon which the special assessment therefor, or the first installment thereof, if installment payments be allowed, shall be due and payable; the number of annual installments in which the special assessment may be paid; and the rate of interest to be charged upon each deferred installment;

(8) That whenever any property is acquired by condemnation, or otherwise, for the purpose of any public improvement, the cost thereof, exclusive of that part of such cost representing damages for injury to improvements to such property and the cost of the proceedings required to acquire such property, may be added to the cost of such improvement;

(9) That, except as provided in (10), no contract or expenditure, except for the cost of preparing necessary legal procedures and engineering plans and estimates, shall be made for the improvement, until the special assessment roll to defray the cost of the same shall have been confirmed; and

(10) That, in the event that the proceeds of a special assessment are not required to defray the expense of any public improvement prior to the completion thereof, the special assessment roll therefor may be made within sixty days after the improvement is completed and shall be based upon the actual cost thereof.

Code reference—See Code of Ordinances, [Ch. 31](#).

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Footnotes:

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Editor's note— *This provision is superseded by MCL 211.741 et seq., which provides for notice by mail in all cases.*

Sec. 10.3. - Insufficient, invalid assessments; additional assessment, correction.

(a) Additional pro rata assessments may be made when any special assessment roll proves insufficient to pay for the improvement for which it was levied and the expenses incidental thereto, or to pay the principal and interest on bonds issued in anticipation of such assessment rolls; provided, that any additional pro rata assessment shall not exceed ten per cent of the assessment as originally confirmed, unless a meeting of the council be held to review such additional assessment, for which meeting notices shall be published as provided in the case of review of the original special assessment roll.

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

Sec. 10.4. - Contesting assessments; requisites, restrictions.

No suit or action of any kind shall be maintained for the purpose of contesting or enjoining the collection of any special assessment unless, (1) within thirty days after the confirmation of the special assessment roll, written notice is given to the council of intention to file such suit or action, stating the grounds on which it is claimed such assessment is illegal, and (2) such suit or action shall be commenced within ninety days after the confirmation of the roll.

Sec. 10.5. - Special assessment liens.

(a) Upon the 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 assessments and all interest and charges thereon. Such lien shall be of the same character and effect as created by this charter for city taxes.

[Exhibit A](#)

(b) The council may provide by ordinance for fees, penalties, and interest for late payment or non-payment of special assessments, which fees, penalties, and interest shall be a lien and shall be collectible as are similar charges upon 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 on such roll or may make other provisions for the enforcement of the lien created by such special assessment.

Sec. 10.6. - Special assessment accounts; funds; use, restriction.

Monies raised by special assessment for any public improvement shall be credited to a special assessment account and shall be used to pay for the costs of the improvement for which the assessment was levied and of expenses incidental thereto, to repay any principal or interest on money borrowed therefor, and to refund excessive assessments.

Sec. 10.7. - Special assessment revolving fund.

The council may create and maintain a special assessment revolving fund, from which payment may be made for the cost of special assessment projects and into which the special assessments therefor and any interest thereon shall be paid when collected.

Sec. 10.8. - Inability to pay special assessments; council authority; ordinance required.

The council may provide that any person who, in the opinion of the assessor and council, by reason of poverty, is unable to contribute toward the cost of the making of a public improvement, may execute to the city an instrument creating a lien for the benefit of the city on all or any part of the real property owned by ~~him~~ them and benefited by any public improvement, which lien will mature and be effective from and after the execution of such instrument, and shall be enforceable in the event that title to such property is thereafter transferred in any manner whatsoever. The council shall establish by ordinance the procedure for making this section effective.

Sec. 10.9. - Property subject to special assessment; unpaid assessments; remedy, procedure.

All real property, including such as is exempt from taxation by law, shall be liable for the cost of public improvements benefiting such property, unless specifically exempted from special assessments by law, and special assessments shall be levied thereon and collected in the manner provided by ordinance. Unpaid special assessments shall be returned to the county treasurer, or otherwise collected in the same manner as unpaid city taxes, and the said premises against which unpaid special assessments exist may be sold or forfeited in the same manner as for non-payment of city taxes.

~~CHAPTER 11.— COUNTY SUPERVISORS~~^[18]

Footnotes:

~~—(18)—~~

Editor's note— *This chapter is now obsolete. The election and appointment of supervisors is governed by MCL 46.401 et seq.*

~~Sec. 11.1.— City representatives; number, state law.~~

~~The city of Grand Haven shall be entitled to such number of representatives on the board of supervisors of Ottawa county as shall be provided by law.~~

~~Sec. 11.2.— Same; designations, appointments; term of office.~~

~~The representatives of the city on the board of supervisors of Ottawa county shall be the assessor, the city attorney, the city manager, the finance director, and such number of electors of the city including officers and employees of the city, who possess the qualifications set forth in this charter for holding elective city office, as shall be required to complete the number of representatives to which the city is entitled. Such electors shall be appointed by the mayor subject to confirmation by the council at its first regular meeting in December of each even year and their terms of office shall commence on the first day of January following their appointment and shall continue for two years or until their successors are appointed and have qualified.~~

~~Sec. 11.3.— Same; temporary absences; mayor, authority; filling vacancies.~~

~~In cases of temporary absence or of the inability of any city representative on the board of supervisors to serve or perform the duties of his office, the mayor shall appoint a qualified person to serve during the absence or inability. All vacancies in the office of supervisors appointed by the mayor shall be filled within thirty days after such vacancy occurs.~~

~~Sec. 11.4.— Same; compensation; retention.~~

~~Each supervisor shall be entitled to retain any compensation and mileage paid to him by the county.~~

~~CHAPTER 12.— MUNICIPAL COURT~~^[19]

Footnotes:

~~—(19)—~~

Editor's note— *This chapter is obsolete. The municipal court was abolished by MCL 600.9921.*

~~Sec. 12.1.— Municipal court created.~~

~~(a) There is hereby created a municipal court in and for the city of Grand Haven, which shall be known as "The Municipal Court of the city of Grand Haven."~~

~~(b) The provisions of Act 269 of the Public Acts of 1933 of the state of Michigan [MCL 730.101 et seq.], as amended, or as hereafter amended, are hereby adopted and made a part of this charter, except as herein provided.~~

~~(c) Said court shall have and exercise the same jurisdiction in all suits and proceedings, both civil and criminal, to the same extent as was heretofore had and exercised by the municipal court of the city of Grand Haven, except as may be otherwise provided by law.~~

~~Sec. 12.2.— Number and election of judges.~~

~~(a) There shall be one judge of the municipal court and one associate municipal judge. The council may provide for additional associate judges as permitted by Act. No. 109 of the Public Acts of 1947 [MCL 730.321 et seq.]. Such municipal judge shall have and exercise the judicial and administrative powers and prerogatives which are set forth in Act. No. 269 of the Public Acts of 1933 [MCL 730.101 et seq.], as amended.~~

~~(b) The municipal judge and the associate municipal judge or judges shall be elected for a term of six years in the regular city election held in the year 1961, and at the regular city election held in every sixth year thereafter. The terms of office of municipal judges and associate municipal judges shall commence on the fourth day of July next following their election.~~

~~(c) Notwithstanding the provisions of this charter or of Act. No. 269 of the Public Acts of 1933 [MCL 730.101 et seq.], as amended, pertaining to the qualifications for elective city office and for election to the office of municipal judge, a person shall be eligible for election or appointment to the office of municipal judge in the city of Grand Haven if he be a regularly licensed attorney and counselor at law, licensed to practice in the state of Michigan, as provided and permitted by Act. No. 5 of the Public Acts of 1956 [MCL 730.501 et seq.], as amended.~~

~~Sec. 12.3.— Associate municipal judge or judges.~~

~~—The office of associate municipal judge is hereby created under and in accordance with Act. No. 109 of the Public Acts of 1947 [MCL 730.321 et seq.]. The provisions of that act insofar as it applies to the qualifications and election of, the jurisdiction and powers of, and the prerogatives respecting the practice of law, shall govern and control such office in all respects.~~

~~Sec. 12.4.— Jurisdiction of municipal court.~~

~~The municipal court shall have exclusive original jurisdiction in all actions involving violations of city ordinances. It shall have original jurisdiction in all civil actions wherein the debt or damages claimed does not exceed \$1,000.00, or such larger sum as may be authorized by law. It shall have concurrent jurisdiction in all civil actions wherein the debt or damages claimed does not exceed the sum of \$1,000.00, and concurrent jurisdiction in all actions of replevin wherein the value of the property involved does not exceed \$1,000.00, or, in either case, such larger sum as may be authorized or permitted by law, and no amendment of this section shall be required to authorize such larger jurisdiction.~~

~~Sec. 12.5.— Charter and ordinance offenses.~~

~~The municipal court shall have authority and the duty to hear, try, and determine all suits and prosecutions for the recovery and enforcing of fines, penalties, and forfeitures imposed by the charter and ordinances of the city. The right of appeal or certiorari from said court to the circuit court for the county of Ottawa shall be allowed to any of the parties, and the same recognizance or bond shall be given as is or may be required by law in case of appeal or certiorari from justice courts in analogous cases.~~

~~Sec. 12.6.— Court dockets and accounts.~~

~~The municipal judge shall enter or cause to be entered, in the docket kept by him, the title of all suits and prosecutions commenced or prosecuted before him for violations of the charter and ordinances, and all prosecutions and judgments rendered in such causes, and shall itemize all costs taxed or allowed therein. He shall also enter or cause to be entered the amounts and dates of payment of all fines, penalties, and forfeitures, monies, and costs received by him or the clerk of the court on account of said suits or proceedings. Such docket or dockets shall be submitted by the municipal judge at all reasonable times to the examination of any person desiring to examine the same.~~

~~Sec. 12.7.— Process servers.~~

~~Process servers shall be appointed in accordance with the provisions of Act No. 269 of the Public Acts of 1933 [MCL 730.101 et seq.]. Each such process server shall be a constable, and shall possess the powers and exercise the duties of that office as provided by law.~~

~~Sec. 12.8.— Compensation of municipal judges.~~

~~The council shall fix the compensation of the judge and associate judges, but the compensation of the municipal judge shall not be less than \$6,500 per annum. The compensation shall be in lieu of all fees, costs and charges to which said judges would otherwise be entitled, except fees for the performance of marriage ceremonies, and for administering oaths in matters not connected with suits or proceedings in the municipal court. The rate of compensation set for the municipal judge and associate municipal judge shall not be changed after the thirtieth day prior~~

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to the last date set by this charter for filing nomination petitions for election to those offices or for election to fill a vacancy therein.

~~Sec. 12.9. Court fees.~~

~~All the provisions of law in relation to the fees chargeable in the several proceedings in the justice courts in townships shall apply to said court, and shall be collected for the use and benefit of the city. Upon the recommendation of the municipal judge, the council may set the fees to be charged in instances which are not covered by law.~~

~~Sec. 12.10. Official bonds.~~

~~The municipal judge and associate municipal judges, in addition to any security required by law to be given for the performance of their official duties, before entering upon the duties of their offices, shall give a corporate surety bond to the city in a penal sum of five thousand dollars. Such bond and the surety thereon shall be approved by the council, and shall be conditioned upon the faithful performance of the duties of office within and for the city, and for payment to the city of all monies collected or received by such judges which, by the provision of law, they shall be required to pay into the treasury of the city.~~

~~Sec. 12.11. Violations bureau.~~

~~The court shall have power to establish a violations bureau, comparable to Act. No. 85 of the Public Acts of 1953 [MCL 725.301]. In addition to violations of the traffic ordinances, the said bureau shall also assist the court in the disposition of such other ordinance violations which may be lawfully handled by such bureau as the council shall prescribe. Any person who has received notice to appear in answer to any such violations may, within the time specified in the notice, answer at the violations bureau to the charge set forth in such notice by paying a prescribed fine, which fine cannot be waived by the bureau, and, in writing, pleading guilty to the charge, waiving a hearing in court, and giving power of attorney to the person in charge of the bureau to make such a plea and pay such a fine in court. Acceptance of the prescribed fine and the power of attorney by the bureau shall be deemed to be complete satisfaction for the violation, and the violator shall be given a receipt which so states. The creation of such a bureau by the court shall not operate so as to deprive any person of the right to a full and impartial hearing in court, either with or without a jury, should such person so choose.~~

CHAPTER ~~1311~~. – ELECTIONS ^[20]

Footnotes:

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State Law reference— *Michigan election laws, MCL 168.1 et seq.; mandatory that Charter provide for the time, manner and means of holding elections, MCL 117.3(c).*

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Sec. ~~1311~~.1. - Regular city elections.

A regular city election shall be held biennially on the date of the biennial spring election established by law. A mayor and two councilmen shall be elected at each regular city election. ~~Municipal judges⁽²¹⁾ and~~ members of the board of light and power shall be elected at the times specified in sections ~~= 12.2= and =16.1~~ of this charter, ~~respectively~~.

Editor's note— The time for regular city elections expressed in this section has been superseded by MCL 168.641(1)(d) and 168.642(1)(a), which mandate that such elections be held on the first Tuesday after the first Monday in November of odd-numbered years.

Footnotes:

~~(21)~~

~~**Editor's note**— Municipal courts were abolished by MCL 600.9921.~~

Sec. ~~1311~~.2. - Special elections.

Special city elections shall be held when called by resolution of the council, adopted at least forty-five days in advance of such election. If a special election is to be held on the date of any state primary or election, such election shall be called in ample time for the giving of notice to the county clerk of questions to be voted thereat, as required by law. Any resolution calling a special election shall set forth the purpose of such election. Unless otherwise permitted by law, no more than two special city elections shall be held in any one calendar year.

State Law reference— Special election approval, MCL 168.631, 168.641(3).

Sec. ~~1311~~.3. - Primary election.

A regular city primary election shall be held on the date set by law for holding primary elections preceding biennial spring elections.

Editor's note— The time for regular primary city elections expressed in this section has been superseded by MCL 168.641(1)(c) and 168.642(1)(b), which mandate that such elections be held on the first Tuesday after the first Monday in August of odd-numbered years.

Sec. ~~1311~~.4. - Qualifications of electors.

Each person who has the constitutional qualifications of an elector in the state of Michigan, or who will have such qualifications at the next election held in the city, shall be entitled to register as an elector of the city.

State Law reference— Qualifications for registration as elector, MCL 168.492.

[Exhibit A](#)

Sec. ~~1311~~.5. - Election procedure.

All primary and general city elections for the nomination and election of officers shall be non-partisan. The general election laws of the state shall apply to and control, as nearly as may be, all procedures relating to notices for, to registrations for, and to the conduct of city elections, except as such general laws relate to political parties or partisan procedures, and except as otherwise provided by this charter. The compensation of all election personnel shall be determined by the council.

State Law reference— Mandatory that Charter provide for registration of electors, MCL 117.3(c); registration of electors generally, MCL 168.491 et seq.

Sec. ~~1311~~.6. - Election commission.

An election commission, consisting of the clerk, the assessor, and the city attorney, is hereby created. The clerk shall be chairman. The commission shall have charge of all activities and duties required of it by law relating to the conduct of elections in the city. In the absence of a quorum, the members present may create a quorum as permitted by law. In any case where election procedure is in doubt, the election commission shall prescribe the procedure to follow.

Sec. ~~1311~~.7. - Nominating petitions.

A person desiring to qualify as a candidate for any elective office under this charter shall file with the clerk an official nominating petition therefor. Official blank nominating petitions, in substantially the same form as required by law or by the secretary of state for non-partisan judicial officers, shall be prepared and furnished by the clerk. Such petition shall be signed by not less than twenty-five nor more than one hundred of the registered electors of the city. Such petitions shall be filed with the clerk not later than 5:00 o'clock in the afternoon on the seventh Monday preceding the primary election date. Before the clerk shall furnish a form of nominating petition to any person, ~~he~~ they shall enter thereon with typewriter or in ink the name of the candidate and the name of the office for which ~~he~~ they is are to be a candidate. No petition which has been altered with respect to such entries shall be received by the clerk for filing. Nominating petitions for the purpose of filling a vacancy shall so state in connection with the name of the office for which they are to be used. If any person signs ~~his~~ their name to a greater number of petitions for any office than there will be persons elected to that office, ~~his~~ their signature shall be disregarded on all petitions for that office.

Editor's note— The time for submission of nominating petitions expressed in this section has been superseded by MCL 168.644f(1), which mandates that nominating petitions be filed no later than 4:00 p.m. on the fifteenth Tuesday before the odd year primary election.

State Law reference— Mandatory that Charter provide for nomination of elective officers, MCL 117.3(b); non-partisan nominating petitions, MCL 168.544a.

Sec. ~~1311~~.8. - Approval of petitions.

[Exhibit A](#)

The clerk shall accept for filing only nominating petitions on official blanks issued by ~~him- them~~ containing the required number of signatures for candidates having those qualifications required for elective city officers by this charter. Within five days after the filing of a petition, the clerk shall determine the sufficiency of the number of genuine signatures on the petition. If ~~he- they~~ finds that any petition does not contain the required number of genuine signatures, ~~he- they~~ shall immediately notify the candidate, in writing, of the insufficiency of ~~his- their~~ petition. No additional signatures on any petition shall be received by the clerk after the final date and time fixed for filing nominating petitions. Each petition which is found by the clerk to contain the required number of genuine signatures shall be marked "Valid" with the date of such finding.

Sec. ~~1311~~.9. - Affidavit of qualification for office.

On or before the third day after the last day for filing nominating petitions, each person for whom a valid nominating petition has been filed, or someone acting on ~~his- their~~ behalf, shall file with the clerk an affidavit that ~~he- they is are~~ possessed of all of the qualifications set forth in this charter for an elective city office. Such affidavit shall be on a form provided by the clerk. If such affidavit be not filed as herein required, the candidate shall be deemed to have withdrawn and ~~his- their~~ name shall not be placed on any primary election ballot.

Sec. ~~1311~~.10. - Names of candidates on ballots.

(a) If valid petitions and affidavits have been filed for more than twice the number of candidates for an office than there will be positions filled in that office at the next regular city election, a primary shall be held with respect to that office and the names of all persons who have filed valid nominating petitions for that office shall be placed on the ballot therefor.

(b) If valid petitions for no more than twice the number of candidates for an office to be filled at the following regular city election have been filed, then no primary election shall be held with respect to such office, and the names of the candidates for such office shall be placed on the ballot for the regular city election.

(c) Candidates, equal in number to twice the number of persons to be elected to each office at the next regular city election, who receive the highest number of votes at any primary election shall be the nominees for election to the respective offices for which they are candidates, and their names shall be placed on the ballots for the regular city election.

Sec. ~~1311~~.11. - Form of ballots.

(1) The form, printing and numbering of ballots used in any city election shall conform, as nearly as may be, to that prescribed by law, except that no party designation or emblem shall appear thereon. The names of qualified nominees for each office shall be listed on the ballot under a separate heading for each office and shall be rotated on the ballots as required by law. Absentee ballots may be facsimiles of the format of the face of the voting machines used by the city.

[Exhibit A](#)

(2) Each ballot shall, above the names of the candidates for nomination or election to any office, indicate the number of persons for whom electors are entitled to vote for that office. Such number shall correspond to the number of persons who will be elected to the office.

(Amd. by electors on 9-12-61)

State Law reference— Arrangement of ballot, MCL 168.706.

Sec. ~~1311~~.12. - Delivery of registration books and supplies.

It shall be the duty of the chief of police, under the direction of the clerk, to take charge of all registration books and supplies and deliver them to the respective boards of inspectors of elections, taking their receipt therefor.

Sec. ~~1311~~.13. - Absentee ballots.

Except at any city primary election which is held at the same time as a primary or election at which state or county officers are to be voted for, the last day and time for receiving applications for absentee ballots shall be 5:00 o'clock p.m. on the Friday preceding the date of such primary or election.

Editor's note— This section has been superseded by MCL 168.761(3) which now provides the required procedure with regard to absentee ballots.

Sec. ~~1311~~.14. - Canvass of votes.

The election commission shall constitute the board of canvassers to canvass the votes cast at all elections. If any of such persons are candidates for office at an election to be canvassed, such person shall not be a member of the board of canvassers at such election, and the council shall designate a person to act in ~~his~~ their stead. A majority of the members of such board shall be a quorum for the transaction of the business of the board. The board of canvassers shall meet at the city hall at 10:00 o'clock in the forenoon on the day following each city primary and election, and publicly canvass the returns of such primary or election, and shall determine the vote upon all questions and propositions, and declare whether the same have been adopted or rejected and which persons have been nominated for or elected to office.

Editor's note— The election commission no longer serves as board of canvassers for the city. Pursuant to the requirements of MCL 168.24a(1), the Ottawa County Board of Canvassers served as board of canvassers.

Sec. ~~1311~~.15. - Recount, state law.

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

[Exhibit A](#)

State Law reference— Recounts, MCL 168.861 et seq.

Sec. ~~1311~~.16. - Tie vote, determination.

If, at any city primary or election, the outcome cannot be determined because two or more persons received an equal number of votes, the election commission shall name a date for the appearance of such persons for the purpose of determining the election of one of them by lot. Should any person fail to appear, in person or by representative, to determine the result of any tie at the time and place named, such determination shall be made by lot in ~~his- their~~ absence at the direction and under the supervision of the election commission. Such determination shall be final.

State Law reference— Determination of election by lot, MCL 168.851, 168.852.

CHAPTER ~~1412~~. - CONTRACTS

Sec. ~~1412~~.1. - Authority of council.

(a) The power to authorize the making of contracts on behalf of the city is vested in the council and shall be exercised in accordance with the provisions of law.

(b) All contracts, except as otherwise provided by ordinance in accordance with the provisions of [section ~~1412~~.2](#) hereof, shall be authorized by the council, and shall be signed on behalf of the city by the mayor and the clerk.

Sec. ~~1412~~.2. - Personal property; purchases, sales; ordinance required.

The council shall establish, by ordinance, the procedures for the purchase and sale of personal property for the city, under the direction of the city manager. 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.

Code reference—See Code of Ordinances, [§ ~~2-136~~](#) et seq.

Sec. ~~1412~~.3. - Limitations on contractual power.

(a) The council shall not purchase any real estate or any interest therein except by resolution concurred in by at least four of its members.

(b) The city shall not enter into a contract which will not be fully executed within a period of ten years, without the approval of a majority of the electors voting thereon at a regular or special election, unless such contract is with a public utility, one or more governmental units, or is necessary, as determined by resolution of the council, for the proper operation of the city's electric utility in accordance with prudent utility practices.

[Exhibit A](#)

(Amd. by electors on 12-12-78)

(c) The city shall not sell, lease, or dispose of any real estate owned by it unless:

(1) A resolution for that purpose, in the form in which it is to be finally passed, shall have been published as part of the council proceedings and have been on file with the clerk for public inspection for thirty days before the final adoption or passage thereof; and

(2) The resolution has been approved by an affirmative roll call vote of four or more members of the council. When the proposition is to sell any property constituting all or any part of a cemetery or park, except when such park or part thereof is not required under an official master plan of the city, the proposition to sell, lease, or dispose of such real estate shall also be approved by a three-fifths vote of the electors of the city voting thereon at any general or special election. When the proposition is to sell, lease or dispose of real estate abutting upon any body of water, excluding island property owned by the city on the effective date of this charter, but not excluding a rectangle in the southwest corner of the island measuring 1,250 feet along the east shore line of the Grand River and extending inland 1,000 feet along the north shore of the south channel and thence north to complete the rectangle, the vote of not less than a majority of the electors so voting shall be required to authorize such sale, lease, or disposal, and all other requirements of this section shall also be met.

(d) Except as provided by ordinance authorized by [section 4412.2](#) of this chapter, each contract for public improvements or purchase of personal property shall be let after opportunity for competitive bidding. All bids shall be opened in public in the council room by the city manager or the purchasing officer at the time designated in the notice of letting, and shall be reported by ~~him~~ them to the council at its next meeting. The council may reject any or all bids if deemed advisable. If all bids are rejected, or if no bids are received, the council may obtain new bids or authorize the purchasing officer or proper official of the city to negotiate in the open market for a contract. If the council shall accept any bid, other than the lowest bid according to specifications, the reasons for such action shall be set forth in the resolution accepting such bid.

(e) No contract shall be made with any person who is in default to the city.

(f) No extra compensation shall be paid to any agent, employee, or contractor after the service has been rendered or the contract entered into.

State Law reference— Restriction on making contracts with persons in default to city, MCL 117.5(f).

Sec. ~~4412~~.4. - Business dealings with city; officers, restriction.

[Exhibit A](#)

An officer who intends to have business dealings with the city whereby ~~he~~ they may derive any income or benefits, other than such as are provided as remuneration for ~~his~~ their official duties, shall file with the clerk a statement, under oath, setting forth the nature of such business dealings, and ~~his~~ their interest therein. The statement shall be filed with the clerk not less than ten days before the date when action may be taken by the council or any other agency of the city upon the matter involved. The statement shall be spread upon the proceedings of the council or other agency and published in full therewith. Approval of any such business dealings shall require a concurring vote of at least four members of the council or, in the case of the board of light and power, at least four of its members, not including any member who is disqualified under [section 5.5\(j\)](#) of this charter. Any business dealing made in violation of this section shall be void.

CHAPTER ~~15~~13. - PUBLIC UTILITY SERVICES ^[22]

Footnotes:

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State Law reference— *Mandates relative to public utilities, Mich. Const. 1963, Art. VII, §§ 24, 25; permissible that Charter provide for operation of utilities, MCL 117.4c, 117.4f.*

Sec. ~~15~~13.1. - Municipal utilities; general powers.

The city shall have all the powers granted by law to acquire, construct, own[,] operate, improve, enlarge, extend, repair, and maintain public utilities, either within or without its corporate limits and either within or without the corporate limits of Ottawa county. Such powers shall include, but not by way of limitation, public utilities for supplying water and water treatment, sewage disposal and treatment, electric light and power, gas, steam, heat, or any of them, to the municipality and the inhabitants thereof. The city may also sell utility services beyond its corporate limits as authorized by law.

Sec. ~~15~~13.2. - Water supply system.

The water supply system of the city shall be under the general control of the council and shall be managed by the city manager as its administrative agent.

Sec. ~~15~~13.3. - Rates and charges.

(a) The council shall fix just and reasonable rates and such other charges as may be deemed advisable for supplying water and other municipal utility services, other than light and power. Discrimination in rates by the council, within any classification of users, shall not be permitted. Increased rates, approved by the council, may be charged for service rendered or furnished to persons residing outside the corporate limits of the city.

(b) Transactions pertaining to the ownership and operation of each municipal utility shall be recorded in a separate group of accounts, which shall be classified in accordance with

[Exhibit A](#)

generally accepted accounting practices. Charges for all services furnished to other city departments or administrative units of the city, or rendered to any municipal utility by any such department or administrative unit, shall be recorded, whether collected or not. An annual report shall be prepared to show the financial position of each utility and the results of its operation. A copy of such report shall be available for inspection at the office of the clerk.

Sec. ~~15~~13.4. - Rates and charges; ordinance required.

(a) The council shall provide, by ordinance, for collection of rates and charges, when imposed, for public utility services furnished by the city. When any person fails or refuses to pay any sums due on utility bills, the service upon which such delinquency exists may be discontinued and suit may be brought for the collection thereof.

(b) Except as otherwise provided by law, the city shall have a lien upon the premises to which utility services were supplied. For such purposes, the city shall have all the powers granted to cities by law. The lien shall become effective immediately on the distribution or supplying of utility services to such premises.

(c) Except as otherwise provided by law, all unpaid charges for utility services furnished to any such premises, which, on the thirty-first day of March of each year, have remained unpaid for a period of three months or more, shall be reported to the council by the finance director at the first meeting thereof in the month of April. The council thereupon shall order the publication in a newspaper of general circulation in the city of notice that all such unpaid utility charges which are not paid by the thirtieth day of April will be spread upon the city's tax roll, to be collected in the same manner as the city taxes.

Sec. ~~15~~13.5. - Municipal utility plants and property, disposition.

The city shall not sell, exchange, lease, or in any way dispose of any municipal public utility or any property, easement, equipment, privilege, or asset needed to continue the operation of any utility, unless the proposition to do so is approved by the electors or the council, as the case may be, in the same manner as was required to acquire the utility. In the case of the electric and the water utilities of the city, no action shall be taken by the council or the board of light and power to divest any interest of the city therein, unless the proposition to do so is approved by a three-fifths vote of the electors of the city voting thereon at a regular election. All contracts, grants, leases, or other forms of transfer in violation of this section shall be void and of no effect as against the city. The restrictions of this section shall not apply to the sale or exchange of articles of machinery or equipment of any utility which are no longer useful or which are replaced by new machinery or equipment, or to the sale or leasing of property not necessary for the operation of the utility, or to the exchange of property or easements for other property needed for the utility.

CHAPTER ~~16~~14. - BOARD OF LIGHT AND POWER

[Exhibit A](#)

Sec. ~~1614~~.1. - Composition, terms, compensation; meetings, journal required.

The city's electric utility facilities and services shall constitute a department of the city government. The electric utility of the city shall be under the control and direction of an elected board, to be known as the board of light and power. The board shall be composed of five members who shall be elected for terms of six years each, with the terms of two members expiring in each odd-numbered year, except that, in each third odd-numbered year, counting from 1959, the term of one member shall expire. The term of office of each member of the board shall commence on the day of the first regular meeting of the board next following the date of ~~his- their~~ election, except that the term of office of any person who is appointed to fill a vacancy shall commence on the date of ~~his- their~~ appointment. The board shall organize at its first meeting following each regular city election, and shall elect one of its members chairman. The board shall hold at least one regular meeting in each month at a meeting place designated by the board with the approval of the council. Special meetings may be called at the request of the chairman or of any two members in the manner provided in this charter for calling special meetings of the council. All meetings of the board shall be open to the public. The board shall keep a journal of its meetings, and its proceedings shall be filed with the clerk as a public record. Members of the board shall not receive any compensation, but shall be allowed reasonable expenses when actually incurred by them upon authority of the board. ^[23]

Footnotes:

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Editor's note— *Compensation of elected officers is now determined by the local officers compensation commission pursuant to MCL 117.5c. See Code of Ordinances Section 2-90 et seq.*

Sec. ~~1614~~.2. - Board of light and power; director, appointment; powers and duties.

The board shall appoint a director of light and power who shall be responsible to the board and serve at its pleasure. The board shall set ~~his- their~~ compensation. The director shall have control and direction of and be responsible for the supervision of all of the electric light and power facilities, and of such community antenna television (CATV) facilities as may be authorized by the council, and the properties of the city pertinent thereto, and shall be responsible for the economical and proper operation and maintenance thereof. As the administrative agent, ~~he- they~~ shall have the control and direction of the employees of the board, subject to the provisions of this charter.

(Amd. by electors on 11-5-74)

[Exhibit A](#)

Sec. ~~16~~14.3. - Powers and duties.

(a) Electric facilities: Subject to the general direction of the council, the board shall have charge of the city's electric services, and shall organize and conduct the affairs of the city's systems for the generation, purchase, and distribution of electric light and power in a manner consistent with the best practices therefore. The board shall make contracts concerning the electric facilities of the city, subject to the overall control of the council relating to all departments of the city. The board shall not be subject to or limited by the provisions of chapter 8, except as to its program of extensions and improvements of the city's electric facilities, and regarding sections [8.14](#), [8.16](#), and [8.17](#) thereof.

(b) Community antenna television (CATV) system: Subject to the general direction of the council, the board may, if expressly authorized by the council and subject to such terms and conditions as the council may by ordinance prescribe, operate a community antenna television (CATV) system within the city.

(Amd. by electors on 11-5-74)

Sec. ~~16~~14.4. - Same; personal property; purchases, sales; procedures.

The board of light and power shall establish the procedures for the purchase and sale of personal property which may, in whole or in part, be through the officer charged with the functions of making purchases for the city. Subject to the approval of the council, the board shall provide the dollar limit within which purchases of personal property may be made without the necessity of securing competitive bids, and the dollar limit within which purchases may be made by the director without the necessity of board approval.

(Amd. by electors on 11-5-74)

Sec. ~~16~~14.5. - Property; acquisition, disposition; limitation.

The board shall have the power to acquire property, and interests in property, both real and personal, in the name of the city, for its purposes, and shall have the power to dispose of personal property by sale, exchange, or lease. The board may dispose of real property or any interest therein by sale, exchange, lease, or otherwise, upon the approval thereof by the affirmative vote of not less than four members of the council, and subject to the limitations on the sale of property by the city contained in sections [1412.3](#) and [1513.5](#) of this charter.

Sec. ~~16~~14.6. - Rates and charges; minimum required.

The board shall have full power and authority to fix all rates for electricity, which shall become effective thirty days after the same have been filed with the clerk as a public record. Such

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rates shall not be fixed any lower than will produce the revenue required to pay all operating, maintenance, depreciation, obsolescence and debt service expenses of the city's electric utility system, including the payments required by [section 4614.9](#) of this charter, together with a sufficient amount to provide for necessary plant expansions. The city shall be charged and shall pay for light and power used at the same rates as are or would be charged to and paid by other customers using like amounts of electricity. The board and the council shall agree upon rates and conditions upon which the board will furnish electricity and services for street lighting.

(Amd. by electors on 12-12-78)

Sec. ~~4614.7~~. - Free service, appropriation prohibited; services furnished to city, charges.

No appropriations of money shall be made by the council for the operating expenses of the city's electric utility, other than to pay for light and power actually used by the city. No free service shall be furnished by the city's electric utility to any person, public or private, or to any public agency or instrumentality, including the city. In all cases where the cost of any public utility services to the city cannot be metered, the same shall be estimated and the annual cost thereof shall be paid by the city. Such cost may be pro rated and paid monthly.

Sec. ~~4614.8~~. - Receipts, funds; use, restriction; checks, signatures.

Subject to the provisions of this charter and any ordinance adopted pursuant to the provisions of Act. No. 94 of the Public Acts of 1933 [MCL 141.101 et seq.], as amended, or the provisions of any other legislative authority authorizing the issuance of bonds based upon the revenues of a public utility, and the general accounting procedures of the city which shall be consistent with and meet any requirements of law, the board shall have and exercise full control over all of its funds. Such funds and revenues shall be in a bank account separate from other city funds. Except as provided in sections [4614.9](#) to [4614.12](#) inclusive of this charter, such funds shall be used only to defray the cost of operating the city's electric plant or plants and distribution system, and such community antenna television (CATV) facilities as may be authorized by the council, including necessary overhead, plant and system extensions, debt service, and other incidental and pertinent expenses of operating, maintaining, improving, extending, and changing the plant and system, and such community antenna television (CATV) facilities as may be authorized by the council, including allowance for depreciation and obsolescence. All checks or warrants drawn for the payment of money, under authority of the board, shall be signed by the city clerk or finance director and countersigned by the city treasurer.

(Amd. by electors on 11-5-74; amd. by electors on 12-12-78)

Sec. ~~4614.9~~. - Transfers to the city.

From the revenues of the electric utility of the city, there shall be paid within 30 days after the end of each month or such other period as may be required by law, to the city treasurer for deposit in the general fund of the city, an amount equal to 5 per cent of the dollar amount of gross

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retail sales of the electric utility during such month or such other period to all electric customers located upon the electric utility's distribution system. This percentage may be reduced by the council for such time period as the council, in its discretion, shall determine by resolution.

(Amd. by electors on 12-12-78)

Sec. ~~16~~14.10. - Loans to or by the board of light and power.

(a) The council shall have power to loan money to the board from funds of the city which are not appropriated or budgeted for expenditure within the term of such loan. Each such loan shall be based upon the payment of reasonable interest by the board, to be determined by the council, and the repayment thereof to the city in substantially equal annual or monthly installments.

(b) Notwithstanding other provisions of this chapter, the board shall have power to loan or transfer to the city such sums of money as it may deem proper, which loan or transfer shall be for such purpose or to such fund of the city as the board and the council shall mutually agree. Each such loan shall be based upon the payment of reasonable interest by the city, to be determined jointly by the board and the council, and the payment thereof by the city in substantially equal annual or monthly installments.

Sec. ~~16~~14.11. - Utility reserve fund; use, restriction.

(a) There is hereby created a public utility reserve fund, which reserve fund shall be maintained for the purpose of accumulating and holding available funds for the protection, improvement, replacement, and extension of the city's electric public utility plants and facilities.

(b) Monies placed in the city's public utility reserve fund shall not be used for any purpose other than the purpose of the fund, as stated in this section, unless the proposition to do so is approved by a majority of the electors of the city voting on such proposition at a regular or special election. This subsection shall not prohibit the investment and reinvestment of such monies in any manner permitted by law.

(Amd. by electors on 12-12-78)

Sec. ~~16~~14.12. - Receipts, revenue; distribution, disposition.

(a) The revenues of the electric utility of the city shall be devoted to the following purposes in the order listed:

First, to the expense of administration and operation of the utility as well as the maintenance thereof as may be necessary to preserve it and its facilities in good repair and working order;

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Second, such of the remaining amount of the revenues as may be required for the principal and interest on any indebtedness;

Third, of the remaining amount of the revenues, to the city treasurer for deposit in the general fund the amount required to be paid, pursuant to [section 1614.9](#) of this charter;

Fourth, subject to the next paragraph, the remaining amount of revenues shall, each year, be placed in the public utility reserve fund established by [section 1614.11](#) of this charter.

If, at any time, there are insufficient revenues to pay in full all amounts to be paid pursuant to [section 1614.9](#) of this charter for any month or such other period as may be required by law, then no revenues shall be placed in the public utility reserve fund established by [section 1614.11](#) until any deficiency with respect to amounts due under [section 1614.9](#) for such month or such other period has been paid in full.

(b) In the event that the city shall issue bonds under the provisions of Act. No. 94 of the Public Acts of 1933 [MCL 141.101 et seq.], as amended, or under the provisions of any other legislative authority authorizing the issuance of bonds based upon the revenues of a public utility, the provisions of this section, and of sections [1614.9](#) and [1614.11](#) shall be subject to any ordinance adopted pursuant to the provisions of such act or other legislative authority.

(Amd. by electors on 12-12-78)

Sec. ~~1614.13~~. - Deleted by electors on 12-12-78.

Sec. ~~1614.14~~. - Annual report; contents, publication.

An annual report shall be prepared by the board within sixty days after the completion of the annual audit, made under the provisions of [section 8.14](#) of this charter, which report shall clearly show the financial position of the electric utility system of the city by a profit and loss statement, balance sheet, and such other information as may be pertinent thereto. Such annual report shall be published in a manner determined by the board, and one copy thereof shall be filed with the city clerk, one with the public library, and one with each newspaper published in the city.

CHAPTER ~~1715~~. - FRANCHISES

Sec. ~~1715.1~~. - Public utility franchises.

The city may grant a franchise to any person for the use of the streets, alleys, bridges, and other public places of the city for the furnishing of any public utility service to the city and its inhabitants. Franchises and renewals, amendments, and extensions thereof shall be granted only by ordinance. Public utility franchises shall include provisions for fixing rates and charges, and

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may provide for readjustments thereof at periodic intervals. The city may, with respect to any public utility franchise granted after the effective date of this charter, whether or not so provided in the granting ordinance:

- (1) Revoke the same for the violation of any of its provisions, for the misuse or non-use thereof, for failure to comply with any provision thereof, or any regulation imposed under authority of this section;
- (2) Require proper and adequate extension of plant and the maintenance thereof at the highest practicable standard of efficiency;
- (3) Establish reasonable standards in service and quality of products, and prevent discrimination in service or rates;
- (4) Require continuous and uninterrupted service to the public in accordance with the terms of the franchise throughout the entire period thereof;
- (5) Impose other regulations determined by the council to be conducive to the health, safety, welfare, and convenience of the public;
- (6) Require the public utility to permit joint use of its property and appurtenances located in the streets, alleys, bridges, and public places, by the city and other utilities, insofar as such joint use may be reasonably practicable and upon payment of reasonable rental therefor, and, in the absence of agreement, upon application by the public utility, provide for arbitration of the terms and conditions of such joint use and the compensation to be paid therefor;
- (7) Require the public utility to pay any part of the cost of improvement or maintenance of streets, alleys, bridges, and public places that arises from its use thereof, and to protect and save the city harmless from all damages arising from such use;
- (8) Require the public utility to file with the clerk such reports concerning the utility and its financial operation and status as the council may request.

Sec. ~~1715~~.2. - Granting franchises; restrictions; state law.

No franchise shall be granted by the city for a term exceeding thirty years, and no exclusive franchise shall ever be granted. Each franchise shall include a provision requiring the franchise to take effect within one year after the adoption of the ordinance granting it, except in the case of grants to take effect at the end of an existing franchise. Neither an irrevocable franchise or any extension or amendment of such a franchise nor any franchise for any utility service in competition with a utility service furnished by the city shall be granted by the city, unless it has first received the affirmative vote of at least three-fifths of the electors of the city voting thereon at a regular or special city election. An irrevocable franchise ordinance may be approved by the council, for referral to the electorate, only after a public hearing has been held thereon and after the grantee named therein has filed with the clerk ~~his~~ their unconditional acceptance of all the terms of the

[Exhibit A](#)

franchise. No special election for such purpose may be ordered by the council, unless the expense of holding such election has first been paid to the treasurer by the grantee.

State Law reference— Franchises limited to thirty (30) years, Mich. Const. 1963, Art. VII, [§ 30](#); submittal to electors required if irrevocable, Mich. Const. 1963, Art. VII, [§ 25](#); expenses of special election to be paid by grantee, MCL 117.5(i).

Sec. ~~4715~~.3. - Same; procedure.

Every ordinance granting a franchise, license, or right to occupy or use streets, alleys, bridges, or public places shall remain on file with the clerk for public inspection in its final form for at least thirty days before the final adoption thereof, or the approval thereof for referral to the electorate.

Sec. ~~4715~~.4. - Franchises; assignment, sale.

The grantee of a franchise may not sell, assign, sublet, or allow another to use the same, unless the council consents. Nothing in this section shall limit the right of the grantee of any public utility franchise to mortgage its property or franchise nor shall restrict the right of the purchaser, upon foreclosure sale, to operate the same, except that such mortgagee or purchaser shall be subject to the terms of the franchise and provisions of this chapter.

CHAPTER ~~1816~~. - CITY EMPLOYEE RETIREMENT SYSTEM ^[24]

Footnotes:

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Editor's note— A charter amendment of Nov. 2, 1982, amended Ch. 18 in its entirety to read as herein set forth. Formerly, Ch. ~~18-16~~ contained the city employee retirement system, §§ ~~1816.1—1816.34~~, and had been revised in its entirety by the electors on Apr. 5, 1971, and amended in part on Nov. 4, 1980. Subsequently, Ord. No. 84-6, adopted July 9, 1984 provided for the establishment of a retirement system. Said ordinance has been codified in Ch. 26.5 of the Code.

Sec. ~~1816~~.1. - City to establish and maintain; administration by board of trustees; contributions.

(a) Ordinance. The city shall provide by ordinance for the establishment and maintenance of a retirement system for eligible city employees.

(b) Continuation of existing plan. The retirement system in effect immediately prior to this Charter amendment shall in all respects continue exactly as before unless changed by this Charter amendment or until changed by ordinance.

[Exhibit A](#)

(c) Board of trustees. The retirement system shall be administered by a board of trustees consisting of two (2) members of city council to be selected by and to serve at the pleasure of city council; two (2) members of the retirement system to be elected by the members of the retirement system under such rules and regulations as the board of trustees shall from time to time adopt; and a citizen who: (1) is a resident of the city, (2) holds no other office or employment in city government, (3) possesses the qualifications set by the Charter for holding an elective office, and (4) is selected by the other trustees.

(d) City contributions. The board of trustees shall annually certify to the city council the amount to be contributed to the retirement system. The amount shall be computed according to generally accepted actuarial principles, on the basis of rates of interest and tables of experience as the board of trustees shall from time to time adopt.

(Amd. by electors on 11-2-82)

CHARTER COMPARATIVE TABLE

The original charter, §§ [1.1](#) through 18.34, is set out as adopted on April 6, 1959. The following table shows the disposition of amendments adopted subsequent thereto.

Adoption Date	Section Amended
9-12-61	13.11(2)
4- 5-71	Ch. 18(note)
11- 5-74	16.2, 16.4, 16.8, 16.13(b)
5-18-76	9.1
12-12-78	14.3(b), 16.6, 16.8, 16.9, 16.11, 16.12, 16.13
11- 4-80	18.16(b)
6-14-82	4.2, 8.12
11- 2-82	18.1
8- 7-90	7.14