

PART I CHARTER¹

Preamble

- Ch. 1. Name and Boundaries, § 1.1
 - Ch. 2. Municipal Powers, §§ 2.1-2.3
 - Ch. 3. Elections, §§ 3.1-3.18
 - Ch. 4. Organization of Government, §§ 4.1-4.19
 - Ch. 5. General Provisions Regarding Officers and Personnel of the City, §§ 5.1-5.13
 - Ch. 6. The Council: Procedure and Miscellaneous Powers and Duties, §§ 6.1-6.8
 - Ch. 7. Legislation, §§ 7.1-7.14
 - Ch. 8. General Finance-Budget, Audit, Purchasing, §§ 8.1.-8.8
 - Ch. 9. Taxation, §§ 9.1-9.19
 - Ch. 10. Borrowing Power, §§ 10.1-10.5
 - Ch. 11. Special Assessments, §§ 11.1-11.10
 - Ch. 12. Municipally Owned Utilities, §§ 12.1-12.6
 - Ch. 13. Franchises-Contracts-Leases, §§ 13.1-13.7
 - Ch. 14. Court, §§ 15.1-15.15
 - Ch. 15. Miscellaneous, §§ 16.1-16.12
 - Ch. 16. Schedule, §§ 17.1-17.9
- Resolution of Adoption

PREAMBLE

We, the people of the City of Grosse Pointe Park, Wayne County, Michigan, formerly known as the Village of Grosse Pointe Park, by virtue of authority of the Constitution and of Public Act 279 of 1909 of the State of Michigan [MCL 117.1 et seq., MSA 5.2071 et seq.], do hereby ordain and establish this home rule Charter for the City of Grosse Pointe Park.

In ordaining and establishing this Charter we do hereby declare that this community is, and always has been, predominantly a suburban residential area and we do hereby counsel all officials of the city to discharge their official duties in such manner as to protect and further such residential character of the community.

¹ **Editor's note**-Printed herein is the Grosse Pointe Park Charter as adopted by the electors on December 11, 1950. 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 references-Home rule cities generally, MCL 117.1 et seq., MSA 5.2071 et seq.; power to adopt and amend Charter, Mich. Const. 1963, Art. VII, § 22.

Charter – Grosse Pointe Park

CHAPTER 1. NAME AND BOUNDARIES**Section 1.1. Name and boundaries.**

The name of this organized city is "City of Grosse Pointe Park." It is a body corporate, and embraces the following described territory in the County of Wayne constituting the former Village of Grosse Pointe Park, together with such territory as may from time to time be detached there from, in accordance with law:

That part of Private Claims 570, 126, 127, 379, 391, 502, 692, 695, 111, 585 and 568 in the Township of Grosse Pointe, Wayne County, Michigan, lying south of the center line of Mack Avenue, so-called, and extending to the harbor line of Lake St. Clair, and being bounded on the West by the East line of the City of Detroit, and on the East by the West line of the City of Grosse Pointe (formerly the Village of Grosse Pointe), and more particularly described as follows: Starting at a point on the center line of Mack Avenue, so-called, said point being a distance of two hundred (200) feet more or less, East of the East line of Alter Road; thence easterly and along the aforesaid center line of Mack Avenue to a point on the center line of Cadieux Road; thence southerly and along the aforesaid center line of Cadieux Road to a point on the South side of Jefferson Avenue; thence continuing in the aforesaid southerly direction to the harbor line of Lake St. Clair; thence westerly and along the aforesaid line of Lake St. Clair to a point on the East line of the City of Detroit, said point being a distance at right angles of two hundred (200) feet more or less, of the East line of Alter Road, as extended; thence northerly in a straight line and parallel to Alter Road to the place of beginning.

CHAPTER 2. MUNICIPAL POWERS**Section 2.1. General powers.**

(a) Unless otherwise provided or limited in this Charter, the city and its officers shall possess and be vested with any and all powers, privileges and immunities, expressed or implied, which cities and their officers are, or hereafter may be, permitted to exercise or to provide for in their charters under the Constitution and statutes of the State of Michigan, including all powers, privileges and immunities which cities are, or may be, permitted to provide in their charters by Public Act 279 of 1909 of the State of Michigan [MCL 117.1 et seq., MSA 5.2071 et seq.], as fully and completely as though these powers, privileges and immunities were specifically enumerated in and provided for in this Charter, and in no case shall any enumeration of particular powers, privileges or immunities herein be held to be exclusive.

(b) The city and its officers shall have power to exercise all municipal powers in the management and control of municipal property and in the administration of the municipal government, whether such powers be expressly enumerated herein or not; to do any act to advance the interests of the city, the good government and prosperity of the municipality

and its inhabitants, and through its regularly constituted authority, to pass and enforce all laws, ordinances and resolutions relating to its municipal concerns, subject to the general laws of the state and the provisions of this Charter.

State law reference-Permissible that Charter provide that the city may exercise all municipal powers in the management and control of municipal property and in the administration of the municipal government, MCL 117.4 j(3), MSA 5.2083(3).

Section 2.2. Further definition of powers.

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

State law reference-Restrictions on city powers, MCL 117.5, MSA 5.2084.

(a) The acquisition by purchase, gift, condemnation, lease, construction or in any manner permitted by statute, of private property of every type and nature for public use, which property may be located within or without the County of Wayne and which may be required for or incidental to the present or future exercise of the purposes, powers and duties of the city, either proprietary or otherwise;

State law reference-Permissible that Charter provide for condemnation, MCL 117.4e(2), MSA 5.2078(2)

(b) The maintenance, development, operation, leasing and disposal of city property subject to any restrictions placed thereon by statute or this Charter;

State law reference-Permissible that Charter provide for maintenance and disposition of city property, MCL 117.4e(1), MSA 5.2078(1).

(c) The refunding of money advanced or paid on special assessments for water main extensions;

State law reference-Permissible that Charter provide for water main extensions, MCL 117.4b(1), MSA 5.2075(1).

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

State law reference-Permissible that Charter provide for electric lighting plants, MCL 117.4b(3), MSA 5.2075(3).

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

State law references-Authority to operate utilities, Const. 1963, Art. VII, § 24; permissible Charter provisions concerning public utilities, MCL 117.4c, 117.4f, MSA 5.2076, 5.2079.

Charter – Grosse Pointe Park

(f) The use, regulation, improvement and control of the surface of its streets, alleys, public ways and other public places and of the space above and beneath them, whether such be located within or without the limits of the city;

State law reference-Permissible that Charter provide for regulation of public ways, MCL 117.4h(1), MSA 5.2081(1).

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

State law reference-Permissible that Charter provide for joint use of public property, MCL 117.4h(2), MSA 5.2081(2).

(h) A plan of streets and alleys within the municipal limits;

State law reference-Permissible that Charter provide for plan of streets and alleys within 3 miles of city, MCL 117.4h(3), MSA 5.2081(3).

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

State law reference-Permissible that Charter provide for regulation of water courses, MCL 117.4h(4), MSA 5.2081(4).

(j) The securing by condemnation, by agreement of purchase, or by any other means, of an easement in property abutting or adjacent to any navigable body of water for the purpose of securing the privilege and right to construct, own and maintain along or adjacent to any navigable body of water an elevated structure of one or more levels for use as a vehicular or pedestrian passageway, or for any other municipal purpose;

State law reference-Permissible that Charter provide for easements along navigable streams, MCL 117.4h(5), MSA 5.2081(5).

(k) The acquiring, establishment, operation, extension and maintenance of facilities for the storage and parking of vehicles within its corporate limits, including the fixing and collection of charges for services and use thereof on a public utility basis, and for such purpose to acquire by gift, purchase, condemnation or otherwise, the land necessary therefore;

State law reference—Permissible that Charter provide for vehicle parking facilities, MCL 117.4h(6), MSA 5.2081(6).

(l) The acquiring, constructing, establishment, operation, extension and maintenance of facilities for the docking of water craft, hydroplanes and seaplanes, within its corporate limits, including the fixing and collection of charges for use thereof, and for such purpose or purposes, to acquire by gift, purchase, condemnation or otherwise, the land necessary therefore;

State law reference-Permissible that Charter provide for docking facilities, MCL 117.4h(7), MSA 5.2081(7).

(m) Regulating, restricting and limiting the number and locations of oil and gasoline stations;

State law reference-Permissible that Charter provide for regulating gas stations, MCL 117.4i(2), MSA 5.2082(2).

(n) Establishing of districts or zones within which the use of land and structures, the height, the area, the size and location of buildings and required open spaces for light and ventilation of such buildings, and the density of population may be regulated by ordinance in accordance with statutory provisions governing zoning;

State law reference-Permissible that Charter provide for zoning, MCL 117.4i(3), MSA 5.2082(3).

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

State law reference-Permissible that Charter provide for regulation of trades and occupations, MCL 117.4i(4), MSA b.2082(4).

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

State law reference-Permissible that Charter provide. for regulation of billboards, MCL 117.4i(5), MSA 6..2082(5).

(q) Preventing injury or annoyance to the inhabitants of the city from anything which is dangerous, offensive or unhealthful, and preventing and abating nuisances and punishing those occasioning them or neglecting or refusing to abate, discontinue or remove the same;

(r) Prescribing the terms and conditions upon which licenses may be granted, suspended or revoked; requiring payment of reasonable sums for licenses; and requiring the furnishing of a bond to the city for the faithful observance of the conditions under which licenses are granted, and otherwise conditioning such licenses as the Council may prescribe;

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

(t) Prohibiting or regulating the use, occupancy, sanitation and parking of house trailers within the city, and the right of the city to so regulate any house trailer shall not be abrogated because of any detachment thereof from its wheels or because of placing it on, or attaching it to, the ground by means of any temporary or permanent foundation, or in any manner whatsoever;

(u) Requiring an owner of real property within the city to construct and maintain sidewalks abutting upon such property, and if the owner fails to comply with such

Charter – Grosse Pointe Park

requirements or if the owner is unknown, to construct and maintain such sidewalks and assess the cost thereof against the abutting property in accordance with Section 11.9;

(v) Requiring an owner of real property within the city to abate public hazards and nuisances which are dangerous to the health or safety of inhabitants of the city within a reasonable time after the Council notifies him that such hazard or nuisance exists, and if the owner fails to comply with such requirements, or if the owner is unknown, to abate such hazard or nuisance and assess the cost thereof against such property in accordance with Section 11.9;

(w) The appointment of one or more financial institutions;

- (1) as depository of funds under municipal control,
- (2) as bond and coupon paying agent,
- (3) as safekeeping agent for safekeeping of securities belonging to the city,
- (4) as fiscal agent for the purpose of executing transactions in securities; and in each case the authority shall be such as may be conferred by the resolution of appointment;

(x) The control over all trees, shrubs and plants in the public streets, highways, parks or other public places in the city, all dead and diseased trees on private property and trees on private property overhanging the street, sidewalk or public places, and the removal thereof.

Editor's note-Alphabet letters for Section 2.2 were changed to numbers to provide conformity, at the discretion of the editor.

Section 2.3. Inter-governmental contracts.

The city shall have power to join with any governmental unit or agency; or with any number or combination thereof by contract or otherwise as may be permitted by law to have performed (1) jointly, or (2) by one or more of them for or on behalf of the other or others, or (3) by any other person, firm or corporation, any power or duty which is permitted to be so performed by law or which is possessed by, or imposed upon, each such governmental unit or agency. **Editor's note**-Alphabet letters for Section 2.3 were changed to numbers to provide conformity, at the discretion of the editor.

CHAPTER 3. ELECTIONS²

Section 3.1. Qualifications of electors.

The residents of the city having the qualifications of electors in the State of Michigan, and no others, shall be electors of the city. State law reference-Qualifications for registration as elector, MCL 168.492, MSA 6.1492.

Section 3.2. Election procedure.

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

State law references-Mandatory that Charter provide for registration of electors, MCL 117.3(c), MSA 5.2073(c); registration of electors generally, MCL 168.491 et seq., MSA 6.1491 et seq.

Section 3.3. Wards and precincts.

The City of Grosse Pointe Park shall consist of one ward. The Council shall from time to time establish by ordinance convenient election precincts. The precincts into which the Village of Grosse Pointe Park is divided by the Township of Grosse Pointe as they exist on the effective date of this Charter shall be the precincts of the city until the Council shall have established precincts.

State law references-Mandatory that Charter provide for one or more wards, MCL 117.3(e), MSA 5.2073(e); election precincts, MCL 168.654 et seq., MSA 6.1654 et seq.

Section 3.4. Election date.

A regular city election shall be held on the first Monday in April of 1953 and of each odd-numbered year thereafter, but if some other date in the months of March, April or May is fixed by law for the holding of the state biennial spring election, then the regular city election shall be held on the date so fixed.

Section 3.5. Elective officers and terms of office.

(a) The elective officers of the city shall be a Mayor, six Councilmen and the Municipal Judge (justice of the peace). At each regular city election there shall be elected from the city at large a Mayor for a term of office of two years and three Councilmen for a term of office of four years, all such terms to commence on the Monday next following the date of such election.

² **State law references**-Michigan election laws, MCL 168.1 et seq., MSA 6.1001 et seq.; mandatory that Charter provide for the time, manner and means of holding elections, MCL 117.3(c), MSA 5.2073(c).

Charter – Grosse Pointe Park

(b) At the regular city election in 1953, and every second regular city election thereafter, there shall also be elected the Municipal Judge (justice of the peace) for a term of four years commencing on the fourth of July next following such election.

State law reference-Mandatory that Charter provide for election of certain officers, MCL 117.3(a), MSA 5.2073(a).

Section 3.6. Non-partisan primary election.

(a) A non-partisan city primary election shall be held on the third Monday in February of each year in which a regular city election is to be held, but if some other date in the months of February, March or April is fixed by law for the holding of the primary for the state biennial spring election, then the city primary election shall be held on the date so fixed.

(b) If, upon the expiration of the time for filing nomination petitions for any elective office, petitions have been filed for no more than twice the number of candidates for such office to be elected at such city election, then no primary election shall be held in respect to such office, and the Clerk shall publish notice of this fact as part of, or at the time provided for, the publication of notices for such primary election. Candidates equal in number to twice the number of persons to be elected to each city office at such election who receive the highest number of votes at any such primary election shall be declared the nominees for election to the respective offices. The names of such nominees, together with the names of persons for whom petitions have been filed for offices, with respect to which no primary election was held, shall be certified by the Clerk to the Election Commission to be placed upon the ballot for the next subsequent regular city election.

Section 3.7. Special elections.

Special city elections shall be held when called by resolution of the Council at least thirty days in advance of such election, or when required by this Charter or the general laws of the state. Any resolution calling a special election shall set forth the purpose of such election. No more than two special city elections shall be called in any one year.

State law reference-Special election approval, MCL 168.631, 168.639; MSA 6.1631, 6.1639.

Section 3.8. Notice of elections.

Notice of the time and place of holding any city election and of the officers to be nominated or elected and the questions to be voted upon shall be given by the Clerk in the same manner and at the same time as provided in the state election law for the giving of notice by city clerks.

State law reference-Notice of election, MCL 168.653, MSA 6.1653.

Section 3.9. Voting hours.

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

State law reference-Opening and closing of polls, MCL 168.720, MSA 6.1720.

Section 3.10. Nominations.

The method of nomination of all candidates for all offices provided for in this Charter which are to be filled by the electors of the city shall be by petition. Such petitions for each candidate shall be signed by not less than twenty-five (25) nor more than fifty (50) registered electors of the city. No person shall sign his name to a greater number of petitions for any one office than there are persons to be elected to said office at said election. Where the signature of any individual appears on more petitions than there are candidates to be elected to said office, the signature of such individual on all such petitions shall be invalidated. Nomination petitions shall be filed with the Clerk at least twenty (20) days and not more than thirty (30) days prior to the date of holding the primary election. The Clerk shall publish notice of the last day permitted for filing nomination petitions and of the number of persons to be elected to each office at least one (1) week and not more than three (3) weeks before such last day.

State law references-Mandatory that Charter provide for nomination, of elective officers, MCL 117.3(b), MSA 5.2073(b); nonpartisan nominating petitions, MCL 168.544(a), MSA 6.1544(1).

Section 3.11. Form of petition.

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

Section 3.12. Approval of petition.

The Clerk shall accept only nomination petitions which conform with the forms provided and maintained by him, and which, considered together, contain the required number of valid signatures for candidates having those qualifications required for the respective elective city offices by this Charter. When a petition is filed by persons other than the person whose name appears thereon as a candidate, it may be accepted only when accompanied by the written consent of the candidate. The Clerk shall, forthwith after the filing of a petition, notify in writing any candidate whose petition is then known not to meet the requirements of this section, but the failure to so notify any candidate shall in no way prevent a final determination that the petition does not meet such requirements. Within five days after the last date of filing petitions, the Clerk shall make his final determinations as to the validity and sufficiency of each nomination petition and whether or not the candidate has the qualifications required for his respective elective city office

Charter – Grosse Pointe Park

by this Charter and shall write his determinations thereof on the face of the petition and shall notify in writing the candidate whose name appears thereon of his determinations.

Section 3.13. Public inspection of petitions.

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

Section 3.14. Election commission.

An Election Commission is hereby created, consisting of the Clerk, the Treasurer and the Attorney. The members Sec. 3.14 shall serve without compensation. The Clerk shall be chairman. The Commission shall appoint the Board of Election Inspectors for each precinct and have charge of all activities and duties required of it by state law and this Charter relating to the conduct of elections in the city. The compensation of election personnel shall be determined in advance by the Council. In any case where election procedure is in doubt, the Election Commission shall prescribe the procedure to be followed.

Section 3.15. Form of ballot.

The form, printing and numbering of ballots or the preparation of the voting machines used in any city election shall conform as nearly as may be possible to that prescribed by statute, except that no party designation or emblem shall appear. In all city elections, the names of qualified candidates or nominees for each office shall be listed under a separate heading and shall be rotated systematically in the manner prescribed by statute for rotation of names. If two or more candidates for the same office have the same or similar surnames, the Election Commission shall print the occupation and residence address under the respective names of each of such candidates on the ballots (or on labels or slips to be placed on voting machines when used), provided; that for any of such candidates who is an incumbent of such office, the occupation shall be designated as "Incumbent". Except, as provided in this section there shall be no supplementary identification of candidates on the ballot.

State law reference-Arrangement of ballot, MCL 168.706, MSA 6.1706.

Section 3.16. Canvass of votes.

The Clerk and the members of the Council shall be the board of canvassers to canvass the votes of city elections, except that if any of such persons are candidates for office or nomination at the election to be canvassed such persons shall not serve as a canvasser of such election. Those of the members of such board who are present shall constitute a quorum. The board of canvassers shall convene on the Thursday next succeeding each city election at the usual time and place of meeting of the Council and determine the results of the city election upon each question and proposition voted upon and what persons are duly elected or nominated to the several offices respectively at said election, and shall notify in writing the successful candidates or nominees of their election or nomination. The number of candidates for each office equal to the number to be elected

or nominated to such office who receive the highest number of votes shall be elected or nominated. The Clerk shall make under the corporate seal of the city duplicate certificates of the determinations of the board and shall file one certificate with the County Clerk and the other in his own office.

Section 3.17. Recount.

A recount of the votes cast at any city election for any office or upon any proposition may be had in accordance with the general election laws of the state. Unless otherwise provided by statute the petition for a recount of the votes cast at any city election shall be filed with the Clerk within six days after the board of canvassers has made its official report of the result of the election at which such votes were cast, and any counter petition shall be filed within twenty-four hours thereafter.

State law reference-Recounts, MCL 168.861 et seq., MSA 6.1861 et seq.

Section 3.18. Recall.

Any elected official may be recalled from office by the electors of the city in the manner provided by statute. A vacancy created by the recall of any elected official shall be filled in the manner prescribed by statute.

State law references-Permissible that Charter provide for recall of its officers, MCL 117.4i(6), MSA 6.2082(6); recall generally, MCL 168.951 et seq., MSA 6.1951 et seq. See also Mich. Const. 1963, Art. II, § 8.

CHAPTER 4. ORGANIZATION OF GOVERNMENT

Section 4.1. Council-manager government.

The city shall have the council-manager form of government.

Section 4.2. The City Council.

There shall be a Council of seven members, consisting of the six elected Councilmen and the Mayor, who shall be deemed a member of the Council for all purposes including voting on the confirmation of his appointments. The Council shall constitute the legislative and governing body of the city and shall have power and authority, except as otherwise provided in this Charter or by law, to exercise all powers conferred upon or possessed by the city, and shall have the power and authority to adopt such laws, ordinances and resolutions as it shall deem proper in the exercise thereof. In all cases where the word "Council" is used in this Charter, the same shall be synonymous with the word "Commission" or any other term used in any state or federal law in referring to municipal legislative or governing bodies.

State law reference-Mandatory that Charter provide for election of a body vested with legislative power, MCL 117.3(a), MSA 5.2073(a).

Charter – Grosse Pointe Park

Section 4.3. Compensation of Mayor and Councilmen.

The Mayor and Councilmen shall receive no regular compensation for their services as such. However, they may, upon order of the Council, be paid such necessary bona fide expenses incurred in service in behalf of the city as are authorized and itemized.

State law reference-Mandatory that Charter provide for compensation of officers, MCL 117.3(d), MSA 5.2073(d).

Section 4.4. Election of Mayor Pro Tem.

The Council shall at its first meeting following each regular city election, elect one of its members to serve as Mayor Pro Tem for a term expiring at the first Council meeting following the next regular city election. In the event of absence or disability of both the Mayor and Mayor Pro Tem, the Council may designate another of its members to serve as Acting Mayor during such absence or disability.

Section 4.5. Duties of Mayor.

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

(b) The Mayor shall appoint, with the confirmation of the Council:

- (1) Any committees of the Council; and
- (2) Such officers of the city whose appointment is so provided for in this Charter.

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

(d) The Mayor shall execute or authenticate by his signature such instruments as the Council, this Charter or the laws of the State of Michigan or of the United States shall require.

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

(f) In the absence or disability of the Mayor, the Mayor Pro Tem shall perform the duties of Mayor. In the absence or disability of both, the designated Acting Mayor shall perform such duties.

Editor's note-Alphabet letters for Section 4.5(b) were changed to numbers to provide conformity, at the discretion of the editor.

Section 4.6. Administrative service.

(a) The administrative officers of the city shall be the City Manager, Comptroller, Clerk, Attorney, Treasurer, Assessor, Chief of Police, Fire Chief, Engineer and such additional administrative officers as may be created by ordinance. The Council may combine any administrative offices in any manner it deems necessary or advisable for the proper and efficient operation of the city.

(b) The City Manager shall be appointed by the Council for an indefinite period, shall be responsible to and serve at the pleasure of the Council and shall have his compensation fixed by the Council.

(c) The Comptroller, Clerk, Attorney, Treasurer and Assessor shall be appointed by the Mayor with the confirmation of the Council for an indefinite term. If, after the expiration of sixty days after a vacancy occurs in any of these offices appointive by the Mayor, the Mayor has failed to appoint a person to such office or the Council has failed to confirm such an appointment to office, the appointment shall then be made by the Council. Officers appointed by the Mayor under the provisions of this section shall have their compensation fixed by the Council and may be removed at the will of the Council. (d) All administrative officers of the city whose appointment is not otherwise provided for in this Charter shall be appointed by the City Manager for an indefinite period, shall be responsible to and hold office at the pleasure of the City Manager and shall have their compensation fixed by the City Manager in accordance with budget appropriations and any pay plan adopted by the Council. Appointments of administrative officers by the City Manager shall be subject to confirmation by the Council, but the City Manager may discharge such officers without confirmation by the Council.

(e) Except as may be otherwise required by statute or this Charter, the Council shall establish by ordinance such departments of the city as it deems necessary or advisable and shall prescribe therein the functions of each department and the duties, authorities and responsibilities of the officers of each department, but the Council may not diminish the duties or responsibilities of the office of City Manager as provided in this Charter. The City Manager may prescribe such duties and responsibilities for the officers of those departments responsible to him which are not inconsistent with this Charter or with any ordinance or resolution of the Council.

(f) All personnel employed by the city who are not elected officers of the city or declared to be administrative officers by, or under the authority of, this Charter shall be deemed to be employees of the city. The head of each department shall have the power to hire or discharge the employees of his department without confirmation by the Council, subject to the provisions of Section 5.13. Section 4.7. City Manager: appointment and qualifications. The Council shall appoint a City Manager within ninety (90) days after any vacancy exists in such position. The City Manager shall hold office at the pleasure of

Charter – Grosse Pointe Park

a majority of the Council, but he shall not be removed from office during a period of thirty days following any regular city election except by the affirmative vote of five members of the Council. He shall be selected on the basis of his executive and administrative qualifications with special reference to his training and experience and without regard to his political or religious preferences. If he is not a resident of the city at the time of his appointment, he shall become a resident thereof within a reasonable time after his appointment, and shall so remain throughout his tenure in office.

Section 4.8. City Manager: functions and duties.

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

- (1) To be responsible to the Council for the efficient administration of all administrative departments of the city government;
- (2) To see that all laws and ordinances are enforced;
- (3) To appoint, with the confirmation of the Council, the heads of the several city departments whose appointment is not otherwise specified in this Charter, and to remove such department heads without the confirmation of the Council, and to direct and supervise such department heads;
- (4) To be responsible for the sale and purchase of all city property subject to the provisions of Section 8.8;
- (5) To see that all terms and conditions imposed in favor of the city or its inhabitants in any public utility franchise, or in any contract, are faithfully kept and performed;
- (6) To recommend an annual budget to the Council and to administer the budget as finally adopted under policies formulated by the Council, and to keep the Council fully advised at all times as to the financial condition and needs of the city;
- (7) To recommend to the Council for adoption such measures as he may deem necessary or expedient; and to attend Council meetings with the right to take part in discussions but not to vote;
- (8) To exercise and perform all administrative functions of the city that are not imposed by this Charter or ordinance upon some other official;
- (9) To perform such other duties as may be prescribed by this Charter or as may be required of him by ordinance or by direction of the Council.

State law reference-Mandatory that Charter provide for duties of city officers, MCL 117.3(d), MSA 5.2073(d).Editor's note-Alphabet letters for Section 4.8 were changed to numbers to provide conformity, at the discretion of the editor.

Section 4.9. Acting City Manager.

The Council may appoint or designate an Acting City Manager during the period of a vacancy in the office or during the absence of the City Manager from the city, and shall fix his compensation. Such Acting Manager shall, while he is in such office, have all the responsibilities, duties, functions and authority of the City Manager.

Section 4.10. Relationship of Council to administrative service.

Except for the purpose of study or inquiry, the Council and its members shall deal with the administrative service through the City Manager and shall not give orders to any of the subordinates of the City Manager.

Section 4.11. Comptroller: functions and duties.

The Comptroller shall be the general finance officer of the city. He shall be responsible to, and work under the supervision of, the Council. His functions and duties shall be:

- (1) To maintain a system of accounts of the city which shall conform to any uniform system required by law and by the Council and to generally accepted principles and procedures of governmental accounting;
- (2) To examine and audit all accounts and claims against the city except claims for unliquidated damages. He shall not approve the issuance of, or sign, any draft, check or warrant until he has verified the correctness of the amount for which the same is issued;
- (3) To prescribe a method of accounts and financial records for any office, department or court of the city maintaining independent accounts or financial records;
- (4) To examine and audit all books of account or financial records kept by any office, department or court of the city, at the close of each fiscal year and at any other time at his own discretion;
- (5) To present to the Council monthly financial reports showing in detail the financial condition and operations of the city;
- (6) To at all times cooperate with the City Manager and provide such information and reports and perform such duties as are requested by the City Manager so long as they are not inconsistent with the duties of his office as herein provided.

State law reference-Mandatory that Charter provide for duties of city officers, MCL 117.3(d), MSA 5.2073(d).

Editor's note-Alphabet letters for Section 4.11 were changed to numbers to provide conformity, at the discretion of the editor.

Charter – Grosse Pointe Park

Section 4.12. Clerk: functions and duties.

The Clerk shall be responsible to, and work under the supervision of, the City Manager. His functions and duties shall be:

- (1) To be the Clerk of the Council and attend all meetings of the Council and keep a permanent journal of its proceedings in the English language.
- (2) To be custodian of the city seal, and affix it to all documents and instruments requiring the seal, and attest the same. He shall also be custodian of all papers, documents and records pertaining to the city, the custody of which is not otherwise provided for. He shall give to the proper department or officials ample notice of the expiration or termination of any franchises, contracts or agreements.
- (3) To certify by his signature all ordinances and resolutions enacted or passed by the Council.
- (4) To provide and maintain in his office a supply of forms for all petitions required to be filed for any purpose by the provisions of this Charter.
- (5) To have power to administer oaths of office. (6) To perform such other duties as may be prescribed for him by this Charter, by the City Manager or by resolution or ordinance of the Council.

State law reference-Mandatory that Charter provide for duties of city officers. MCL 117.3(d), MSA 5.2073(d).

Editor's note-Alphabet letters for Section 4.12 were changed to numbers to provide conformity, at the discretion of the editor.

Section 4.13. Treasurer: functions and duties.

The Treasurer shall be responsible to, and work under the supervision of, the City Manager. His functions and duties shall be:

- (1) To have the custody of all moneys of the city, any bond pertaining solely to the Clerk, and all evidences of indebtedness belonging to the city or held in trust by the city;
- (2) To collect all moneys of the city the collection of which is not provided for elsewhere by Charter or ordinance. He shall receive from other officers and employees of the city all money belonging to and receivable by the city that may be collected by such officers and employees, including fines, license fees, taxes, assessments and all other charges. All money shall be turned over to the treasurer after collection or receipt, and he shall in all cases give a receipt therefore;

- (3) To keep and deposit all moneys or funds in such manner and only in such places as the Council may determine and report the same in detail to the Comptroller;
- (4) To disburse all city funds in accordance with the provisions of statute, this Charter and procedures to be established by the Council;
- (5) To have such powers, duties and prerogatives in regard to the collection and custody of state, county, school district and city taxes as are conferred by law upon township treasurers in connection with state, county, township and school district taxes upon real and personal property;
- (6) To perform such other duties as may be prescribed for him by this Charter, by the City Manager or by resolution or ordinance of the Council.
State law reference- Mandatory that Charter provide for duties of city officers. MCL 117.3(d), MSA 5.2073(d).
Editor's note-Alphabet letters for Section 4.13 were changed to numbers to provide conformity, at the discretion of the editor.

Section 4.14. Assessor: functions and duties.

The Assessor shall be responsible to, and work under the supervision of, the City Manager. The Assessor shall possess all the powers vested in, and shall be charged with all the duties imposed upon, assessing officers by statute. He shall prepare all regular and special assessment rolls in the manner prescribed by this Charter, by ordinance and by statute. He shall at all times cooperate with the City Manager and shall provide such information and reports and perform such duties as are requested by the City Manager so long as they are not inconsistent with the duties of his office as herein provided.

State law reference-Mandatory that Charter provide for duties of city officers, MCL 117.3(d), MSA 5.2073(d).

Section 4.15. Attorney: functions and duties.

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

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

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

Charter – Grosse Pointe Park

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

(e) He shall at all times cooperate with the City Manager and shall provide such information and reports and perform such duties as are requested by the City Manager so long as they are not inconsistent with the duties of his office as herein provided.

(f) He shall perform such other duties as may be prescribed for him by this charter or by the Council.

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

State law reference-Mandatory that Charter provide for duties of city officers, MCL 117.3(d), MSA 5.2073(d).

Section 4.16. Attorney: compensation.

The compensation set by the Council for the Attorney shall be in contemplation of the normal duties of that office. Special compensation may be provided at the discretion of the Council for appeals to, or litigation commenced in, the Federal Courts, the Circuit Court or State Supreme Court; for work requiring extensive hearings before quasi-judicial or administrative tribunals; for legal work in connection with the issuance of bonds of the city; for condemnation proceedings or for other matters outside the scope of his normal duties. No such special compensation, nor any compensation to special legal counsel, shall be paid except in accordance with an agreement between the Council and the Attorney or special counsel made before the service for which such special compensation is to be paid has been rendered.

Section 4.17. Planning commission.

The Council shall by ordinance maintain a city planning commission created in accordance with, and under the authority of statute.

State law reference-Municipal planning, MCL 125.31 et seq., MSA 5.2991 et seq.

Section 4.18. Zoning.

The Council shall maintain a zoning ordinance in accordance with, and under the authority of, statute and the Council shall be the Board of Zoning Appeals.

State law reference-Authority to regulate land use, MCL 125.581 et seq., MSA 5.2931 et seq.

Section 4.19. Independent boards.

The Council may provide by ordinance for independent boards or commissions to administer the following activities of the city and no others; planning, merit system,

recreation, hospitals and activities which by statute are required to be administered by a board or commission.

**CHAPTER 5. GENERAL PROVISIONS REGARDING
OFFICERS AND PERSONNEL OF THE CITY³**

Section 5.1. Eligibility for office in city.

(a) No person shall hold any elective office of the city unless he has been a resident of the city or Village for at least two years immediately prior to the last day for filing petitions for such office and is also a qualified and registered elector of the city on such day and throughout his tenure of office.

(b) The Municipal Judge (justice of the peace) shall, in addition, have the qualifications for that office prescribed in Section 15.3.

(c) No person shall be eligible for any elective or appointive city office who is in default to the city. The holding of office by any person who is in such default shall create a vacancy unless such default shall be cured within thirty days after written notice thereof by the Council or unless such person shall in good faith be contesting the liability for such default.

(d) The Council shall be the sole judge of the election and qualification of its own members.

(e) Each member of the city board or commission created by, or pursuant to, this Charter shall have been a resident of the city or Village for at least two years prior to the day of his appointment and shall be a qualified and registered elector of the city on such day and throughout his tenure of office.

(f) All administrative officers shall be United States citizens except:

- (1) In the case of the appointment of representatives on the County Board of Supervisors; and
- (2) As provided in Section 5.4 (b), no elective officer may be appointed to any city office or be employed by the city during the term of office for which he was elected or for two years thereafter, except that after the expiration of his term of office he may be appointed as a member of an independent board or commission or to fill a vacancy in the position of Councilman.

Case law references-A two-year residency requirement for the municipal judge was held in violation 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 in violation of equal protection, *Green v. McKeon*, 335 F.Supp. 630 (E.D. Mich. 1971), aff. by 468 F.2d 883

³ (Amend. of 11-8-2016; Section 5.14 removed)

Charter – Grosse Pointe Park

(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 qualification of city officers, MCL 117.3(d), MSA 5.2073(d).

Section 5.2. Vacancies in office; removal from office.

(a) Any elective city office shall be declared vacant by the Council upon the occurrence of any of the following events before the expiration of the term of such office:

- (1) For any reason specified by statute or by this Charter as creating a vacancy in office;
- (2) If no person is elected to; or qualifies for, the office at the election at which such office is to be filled;
- (3) If the officer shall be found guilty by a competent tribunal of any act constituting misconduct in office under the provisions of this Charter;
- (4) If the officer shall absent himself continuously from the city for more than sixty consecutive days in any one year without the permission, of the Council;
- (5) In the case of any members of the Council, if such officer shall miss four consecutive regular meetings of the Council, or twenty-five percent of such meetings in any fiscal year of the city, unless such absences shall be excused by the Council and the reason therefore entered in the proceedings of the Council at the time of each absence;
- (6) If the officer is removed from office by the Council in accordance with the provisions hereinafter set forth.

(b) The office of any member of any board or commission created by, or pursuant to this Charter shall be declared vacant by the Council:

- (1) For any reason specified by statute or by this Charter as creating a vacancy in Office;
- (2) If the officer shall be found guilty by a competent tribunal of any act constituting misconduct in office under the provisions of this Charter;
- (3) If such officer shall miss four consecutive regular meetings of such board or commission, or twenty-five per cent of such meetings in any fiscal year of the city, unless such absence shall be excused by such board or commission and the reason therefore entered in the proceedings of such board or commission at the time of each absence

- (4) If the officer is removed from office by the Council in accordance with the provisions hereinafter set forth.

(c) Removals of officers by the Council shall be made for either of the following reasons:

- (1) For any reason specified by statute for removal of city officers by the governor;
- (2) For misconduct in office under the provisions of this Charter. Such removals by the Council shall be made only after hearing of which such officer has been given notice by the Clerk at least ten days in advance, either personally or by delivering the same at his last known place of residence. Such notice shall include a copy of the charges against such officer. The hearing shall afford an opportunity to the officer, in person or by attorney, to be heard in his defense, to cross-examine witnesses and to present testimony. If such officer shall neglect to appear at such hearing and answer such charges, his failure to do so may be deemed cause for his removal. A majority vote of the members of the Council in office at the time, exclusive of any member whose removal is being considered, shall be required for any such removal.

Section 5.3. Resignations.

Resignations of elective officers shall be made in writing and filed with the Clerk and shall be acted upon by the Council at its next regular meeting following receipt thereof by the Clerk. Resignations of appointive officers shall be made in writing to the appointing officer or body, and shall be acted upon immediately.

Section 5.4. Filling vacancies in office.

(a) Vacancies in appointive offices shall be filled in the manner provided for making the original appointment. In the case of officers appointed for a definite term, such appointments shall be for the unexpired term.

(b) Vacancies occurring in the office of Mayor shall, within sixty days, be filled for the balance of the unexpired term of the Mayor by appointment by a majority vote of the Council of a member of the Council. Such appointment shall not alter such appointee's term as a member of the Council but shall create a vacancy in the office of Councilman for the unexpired term of the Mayor.

(c) Vacancies in the office of Councilman shall, within sixty days, be filled by appointment by a majority vote of the remaining members of the Council for the balance of the unexpired term of the Councilman whose office has become vacant, provided that if the vacancy arose through appointment of a Councilman to the office of Mayor the

Charter – Grosse Pointe Park

vacancy shall be filled for the unexpired term of the Mayor to whose office the Councilman was appointed.

(d) If any such vacancy in the office of Mayor or Councilman is not so filled within the said sixty days, or if four or more vacancies exist simultaneously in the Council, the Clerk shall within ten days thereafter call a special election to be held within sixty days thereafter to fill such vacancies for the unexpired terms of the officers whose offices have become vacant. In connection with any such special election, no primary election shall be held; candidates shall be nominated by petitions in a manner identical to that provided in Sections 3.10 to 3.13 inclusive; the names of all qualified candidates who file sufficient valid nomination petitions at least twenty days before such special election shall be certified to the Election Commission and placed on the ballot; and all other provisions of this Charter not inconsistent with this Section 5.4 shall govern.

(e) Notwithstanding the foregoing provision of this section, no vacancy in the office of Mayor or Councilman shall be filled either by appointment or special election if the term of office of the person whose office has become vacant expires within ninety days after the vacancy occurs.

(f) Vacancies in the office of Municipal Judge (justice of the peace) occurring:

- (1) In the period beginning on July 5, 1953, and ending on the ninetieth (90th) day before the regular city election in 1955; or
- (2) In the corresponding period beginning in any fourth (4th) year after 1953; shall be filled by appointment by a majority vote of the Council for a term expiring on the Monday following the next regular city election. At such election such vacancy shall be filled for the unexpired term of office.

(g) Vacancies in the office of Municipal Judge (justice of the peace) occurring:

- (1) In the period beginning on December 14, 1950, and ending on July 4, 1953; or
- (2) In the period beginning on the eighty-ninth (89th) day before the regular city election in 1955 and ending on July 4, 1957; or
- (3) In the corresponding period beginning in any fourth (4th) year after 1955; shall be filled by appointment by the Council for the unexpired term of office.

(h) The provisions of Section 5.4 shall not apply to the filling of vacancies resulting from recall.

Section 5.5. Change in term of office or compensation.

(a) Except by procedures provided in this Charter, the terms of office of the elective officers and of members of boards and commissions appointed for a definite term shall not be shortened. The terms of elective officers shall not be extended beyond the period for which any such officer was elected except that an elective officer shall, after his term has expired, continue to hold office until his successor is elected or appointed and has qualified. The Council shall not grant or authorize extra compensation to any officer or employee after his service has been rendered.

(b) The salary of any elective officer other than the presiding officer of the Court shall not be increased or decreased from the day he is elected until the end of the term of office for which he was elected.

(Amend. of 11-8-88)

Section 5.6. Oath of office and bond.

Every officer, elective or appointive, before entering upon the duties of his office, shall take the oath of office prescribed for public officers by the Constitution of the State and shall file the oath with the Clerk, together with any bond required by statute, this Charter or by the Council. In case of failure to comply with the provisions of this section within ten days from the date he is notified in writing of his election or appointment, such officer shall be deemed to have declined the office and such office shall thereupon become vacant unless the Council shall, by resolution, extend the time in which such officer may qualify as above set forth.

Section 5.7. Surety bonds.

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

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

Charter – Grosse Pointe Park

Section 5.8. Delivery of office.

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

Section 5.9. Financial interest prohibited.

(a) Except as permitted by this section no contract or purchase shall be made by the city in which any elective or appointive officer (except a member of a city board or commission created by or pursuant to this Charter) or any member of his family has any financial interest, direct or indirect, other than the common public interest. A "contract" shall for the purposes of this section include any arrangement or agreement pursuant to which any material, service or other thing of value is to be furnished to the city for a valuable consideration to be paid by the city or sold or transferred by the city, except the furnishing of personal services as officer or employee of the city; and the term "member of his family" shall include only spouse, child, grandchild, father, mother, sister, brother and the spouse of any of them.

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

(c) A contract in which an officer or member of his family has a financial interest may be made by the city if the members of the Council having no such interest shall unanimously determine that the best interests of the city will be served by the making of such contract and if either such contract is made after competitive prices are obtained or if the members of the Council having no such interest shall unanimously determine that the obtaining of competitive prices is not feasible in such particular case. Any Council member may evidence his participation in either determination required by this paragraph by vote at a Council meeting or by written instrument filed with the Clerk.

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

(e) No officer shall stand as surety on any bond to the city or give any bail for any other person which may be required by the Charter or any ordinance of the city. Any officer of the city who violates the provisions of this paragraph shall be guilty of misconduct in office.

State law reference-Political ethics, MCL 169.1 et seq., MSA 4.1701(1) et seq.

Section 5.10. Compensation of employees and officers.

(a) The compensation of all employees and officers of the city whose compensation is not provided for herein shall be fixed by the City Manager within the limits of budget appropriations and in accordance with any pay plan adopted by the Council.

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

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

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

Section 5.11. Retirement system.

For the purpose of providing retirement allowances for the employees of the city, the membership of the Village and city in the State Municipal Employees' Retirement System created by Public Act 135 of 1945 of the State of Michigan [MCL 38.601 et seq., MSA 5.4001 et seq.] shall continue and the conditions of such membership shall in no way be altered by the taking of effect of this Charter.

Charter – Grosse Pointe Park

Section 5.12. Participation of police and firemen in retirement system.

Police and firemen in the employ of the city, who are eligible to participate in the State Municipal Employee's Retirement System, shall be covered by Benefit Program B-2, as more fully described in Public Act 135 of 1945 [MCL 38.601 et seq., MSA 5.4001 et seq.], as amended, effective the first day of the fiscal year of the city following adoption of this amendment. (Added by referendum of 11-2-76, effective 7-1-77)

Section 5.13. Anti-nepotism.

Relatives by blood or marriage of any elective officer or of the City Manager, within the second degree of consanguinity or affinity, as defined by civil law, are hereby disqualified from holding any appointive office or any employment during the term for which said elective officer was elected or during the tenure of office of the City Manager, respectively, unless such relatives are bona fide appointive officers or employees of the city at the time of the election of said officer or at the time of the appointment of the City Manager, respectively.

**CHAPTER 6. THE COUNCIL: PROCEDURE AND
MISCELLANEOUS POWERS AND DUTIES**

Section 6.1. Regular meetings.

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

State law reference-Open meetings act, MCL 15.261, MSA 4.1800(11) et seq.
(Amend of 11-8-2016)

Section 6.2. Special meetings.

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

State law reference-Open meetings Act, MCL 15.261 et seq., MSA 4.1800(,11) et seq.

Section 6.3. Business of special meetings.

No business shall be transacted at any special meeting of the Council unless the same has been stated in the notice of such meeting. However, any business which might lawfully come before a regular meeting may be transacted at a special meeting if all the members present consent thereto and all the members absent file their written consent.

Section 6.4. Meetings to be public.

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

State law reference-Mandatory that Charter provide for public meetings, MCL 117.3(1), MSA 5.2073(1).

Section 6.5. Quorum; adjournment of meeting.

A majority of the members of the Council in office shall be a quorum for the transaction of business at all meetings of the Council, but in the absence of a quorum a lesser number may adjourn any meeting to a later date, and in the absence of all members the Clerk may adjourn any meeting to a date not later than one week thence.

Section 6.6. Compulsory attendance and conduct at meetings.

(a) Any three or more members of the Council may by vote either request or compel the attendance of its members and other officers of the city at any meeting. Any member of the Council or other officer who, when notified of such request for his attendance, fails to attend such meeting for reasons other than confining illness or absence from the County of Wayne shall be deemed guilty of misconduct in office unless excused by the Council. The presiding officer shall enforce orderly conduct at meetings and any member of the Council or other officer who shall fail to conduct himself in an orderly manner at any meeting shall be deemed guilty of misconduct in office.

(b) Any police officer designated by the presiding officer of the meeting shall serve as the Sergeant-at-arms of the Council in the enforcement of the provisions of this section.

Section 6.7. Rules and organization of the Council.

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

- (1) A journal of the proceedings of each meeting shall be kept in the English language by the Clerk and shall be signed by the presiding officer and clerk of the meeting;
- (2) A vote upon all ordinances and resolutions shall be taken by "Yes" and "No" vote and entered upon the records, except that where the vote is unanimous it shall only be necessary to so state;
- (3) No member of the Council shall vote on any question in which he has a financial interest, other than the common public interest, or on any question concerning his own conduct, but on all other questions each member who is present shall vote unless excused by the consent of the majority of the

Charter – Grosse Pointe Park

remaining member present. Any member refusing to vote except when not so required by this paragraph shall be guilty of misconduct in office;

- (4) The Mayor may appoint with the consent of the Council:
- a. One or more members of the Council to study, review and watch over the progress and activities of individual departments or divisions of the city government, but such member or members shall have no administrative power or authority;
 - b. Special or continuing committees of the Council for such purposes as may be deemed desirable or necessary, but no such committee shall have administrative power or authority.
- State law reference**-Mandatory that Charter provide for keeping of a journal of every session, MCL 117.3(m), MSA 5.2073(m).

Section 6.8. Providing for public health and safety.

The Council shall see that provision is made for the public peace and health, and for the safety of persons and property. The Council shall constitute the Board of Health of the city, and it and its officers shall possess all powers, privileges and immunities granted to boards of health by statute.

State law reference-Mandatory that Charter provide for public health and safety, MCL.117.3(j), MSA 5.2073(j).

Section 6.9. Investigations.

(a) The Council, or any person or committee authorized by it for the purpose, shall have power to inquire into the conduct of any department, office or officer and to make investigations as to matters in which the municipality has an interest. The Council, for the purposes stated herein, may summon witnesses, administer oaths and compel the attendance of witnesses and the production of books, papers and other evidence.

(b) Failure on the part of any officer to obey such summons or to produce books, papers and other evidence as ordered under the provisions of this section shall constitute misconduct in office. Failure on the part of any employee or other person to obey such summons or to produce books, papers or other evidence as ordered under the provisions of this section shall constitute a violation of this Charter and such employee when found guilty of such violation by a competent tribunal may be punished by a fine of not to exceed five hundred dollars (\$500.00) or imprisonment not to exceed ninety (90) days or both in the discretion of the court.

(c) It is provided further that, in case of failure on the part of any person to obey such summons or to produce such books, papers and other evidence as so ordered, the Council may invoke the aid of the Circuit Court of Wayne County in requiring obedience of such summons or production of such books, papers and other evidence. The Circuit Court of

Wayne County, in case of contumacy or refusal to obey such summons or to produce such books, papers and other evidence, may issue an order requiring such person to obey such summons or to produce such books, papers and other evidence and to give evidence touching the matter in question; and any failure to obey such order of the Court may be punished by such Court as contempt thereof.

CHAPTER 7. LEGISLATION⁴

Section 7.1. Prior ordinances and regulations.

All bylaws, ordinances, resolutions, rules and regulations of the Village which are not inconsistent with this Charter and which are in force and in effect on the effective date of this Charter shall continue in full force and effect as bylaws, ordinances, resolutions, rules and regulations of the city until repealed or amended. If any such ordinance, resolution, rule or regulation provides for the appointment of any officers or any members of any board or commission by the Village President, such officers or members of any board or commission shall, after the effective date of this Charter, be appointed by the Mayor with the confirmation of the Council.

Section 7.2. Ordinances and resolutions.

(a) All official action of the Council shall be by ordinance, resolution, motion or order. Action by resolution, motion or order shall be limited to matters required or permitted to be so done by this Charter or by state or federal law or pertaining to the internal affairs or concerns of the city government. All other acts of the Council, and all acts carrying a penalty for the violation thereof, shall be by ordinance. Each ordinance shall be identified by a serial number and short title; and shall also be given a number indicating its position in the codification of ordinances provided for in Section 7.9.

(b) Each proposed ordinance shall be introduced in written or printed form. The style of all ordinances enacted by the Council shall be: "The City of Grosse Pointe Park ordains".

Section 7.3. Enactment, amendment; repeal and effective date ordinances.

(a) Subject to the exceptions which follow hereafter:

- (1) Ordinances may be enacted by the affirmative vote of not less than four members of the Council;
- (2) No ordinance shall be amended or repealed except by an ordinance adopted as aforesaid; and

⁴ **State law references**-Mandatory that Charter provide for ordinances, MCL 117.3(k), USA 5.2073(k); general authority relative to adoption of ordinances, Mich. Const. 1963, Art. VII, § 22.

Charter – Grosse Pointe Park

- (3) The effective date of all ordinances shall be prescribed therein but the effective date shall not be earlier than ten (10) days after the enactment nor before publication thereof. It is provided, however, that an ordinance which is declared therein to be an emergency ordinance which is immediately necessary for the preservation of the public peace, health or safety may be given earlier effect than ten (10) days after its enactment by five affirmative votes if six (6) or seven (7) members of the Council are present at the meeting at which it is enacted or by four (4) affirmative votes if four
- (4) or five (5) members of the Council are present at the meeting at which it is enacted.

(b) In case an ordinance is given effect earlier than ten days after its enactment, the requirements for publication before such ordinance becomes operative may be met by posting copies thereof in conspicuous locations in three (3) public places in the city; and the Clerk shall, immediately after such posting, enter in the Ordinance Book under the record of the ordinance a certificate under his hand stating the time and place of such publication by posting, which certificate shall be prima facie evidence of such publication by posting of the ordinance. Such ordinance shall also be published in accordance with Section 7.4 but not as a requirement for the effectiveness thereof.

(c) No ordinance granting any public utility franchise shall be enacted except in accordance with the provisions of Section 13.2.

(d) No ordinance shall be amended by reference to the title only, but the section or sections of the ordinance amended shall be re-enacted and published. However, an ordinance or section thereof may be repealed by reference to its title and ordinance or code number only.

Section 7.4. Publication and recording of ordinances.

Each ordinance enacted by the Council shall be published at least once within twenty days after its adoption; either separately or as a part of any published proceedings of the Council. All ordinances and amendments thereto shall be recorded by the Clerk in a book to be called "The Ordinance Book," and it shall be the duty of the Mayor and Clerk to authenticate such records by their official signatures thereon. The Clerk shall enter in such book after the publication of each ordinance the date and method of publication, which shall be prima facie evidence of such publication but the failure to so record and authenticate such ordinance shall not invalidate it or suspend its operation.

State law reference-Mandatory that Charter provide for publication of all ordinances before they become operative, MCL 117.3(k), MSA 5.2073(k).

Section 7.5. Penalties for violations of ordinances.

The Council may provide in any ordinance for the punishment of those who violate its provisions. The punishment for the violation of any city ordinance shall not exceed a fine

of five hundred dollars (\$500.00) or imprisonment for ninety (90) days, or both in the discretion of the court.

State law reference-Limitation on penalties, MCL 117.4i(10), MSA 5.2082(10).

Section 7.6. Special procedure on vote for certain council actions.

(a) Council action to vacate, discontinue or abolish any highway, street, lane, alley or other public place or part thereof shall be by resolution. After the introduction of such resolution and before its final adoption, the Council shall appoint a time when it shall meet and hear objections thereto; and notice of the time, place and purpose of such meeting shall be published either separately or as part of any published proceedings of the Council.

(b) The following actions by the Council shall require the affirmative vote of four members of the Council for the effectiveness thereof:

- (1) Vacating, discontinuing or abolishing any highway, street, lane, alley or other public place or part thereof;
- (2) Leasing, selling or disposing of any city-owned real estate or interest therein;
- (3) Condemning private property for public use;
- (4) Creating or abolishing any office;
- (5) Appropriating any money;
- (6) Imposing any tax or assessment;
- (7) Reconsidering or rescinding any vote of the Council.

(c) The Council shall not have power to engage in any business enterprise requiring an investment of money in excess of ten (10) cents per capita unless approved by a three-fifths (3/5) vote of the electors voting thereon at any general or special election.

Section 7.7. Technical codes adopted by reference.

Subject to the provisions of this section, the Council may adopt as a city ordinance or code, by reference thereto in an adopting ordinance, in whole or part, provisions of:

- (1) Any Michigan statute; or
- (2) Any detailed technical regulations promulgated or enacted by any state or federal agency, or by any municipality, or by any organization or association which has developed a recognized standard code or set of such technical

Charter – Grosse Pointe Park

regulations. Such adopting ordinance shall clearly identify and state the purpose of the provisions or regulations so adopted. Where any ordinance or code, or amendment thereto, adopting provisions by reference is enacted, all requirements for its publication may be met, other provisions of this Charter notwithstanding; by:

- a. Publishing the ordinance citing such provisions in the manner provided by this Charter for the publication of other city ordinances, and including as part of such publication a notice that printed copies of the provisions so cited are available for inspection by and distribution to the public at the office of the Clerk; and
- b. So making copies available for public inspection and for distribution to the public at a reasonable charge.

State law reference-Authority to adopt technical codes by reference, MCL 117.3(k), MSA 5.2073(k).

Section 7.8. Severability of ordinances.

Unless an ordinance shall expressly provide to the contrary, if any portion of an ordinance or the application thereof to any person or circumstances shall be found to be invalid by a court, such invalidity shall not affect the remaining portions or applications of the ordinance which can be given effect without the invalid portion or application, provided such remaining portions or applications are not determined by the court to be inoperable, and to this end ordinances are declared to be severable.

Section 7.9. Codification of ordinances.

(a) Within two years after the adoption of this Charter the Council shall direct and complete the codification of all ordinances of the city then in force, in printed loose-leaf form, and shall cause such codification to be maintained thereafter in current form.

(b) The Council shall provide for making copies of the codification available for public inspection and for distribution to the public at a reasonable charge therefore and shall publish notice of the printing and availability of such codification before the effective date thereof. Such printing and making available of the codification and notice thereof shall constitute publication of any such codification, other provisions of this Charter for publication notwithstanding.

(c) The copies of the ordinances and of the codification thereof, and of provisions adopted by reference in accordance with Section 7.7 may be certified by the Clerk and, when so certified, shall be competent evidence in all courts and other legally established tribunals as to the matter contained therein.

State law reference-Authority to codify, MCL 117:5b, MSA 5.2084(2).

Section 7.10. Initiative and referendum.

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

State law reference-Permissible that Charter provide for initiative and referendum, MCL 117.4i(6), MSA 5.2082(6).

Section 7.11. Initiatory and referendary petitions.

(a) An initiatory or a referendary petition shall be signed by not less than fifteen per cent (15%) of the registered electors of the city, as of the date of filing the petition, and all signatures on said petition shall be obtained within twenty (20) days before the date of filing the petition with the Clerk. Any such petition shall be addressed to the Council. No such petition need be on one (1) paper, but may be the aggregate of two (2) or more petition papers identical as to contents. An initiatory petition shall set forth in full the ordinance it proposes to initiate, and no petition shall propose to initiate more than one (1) ordinance. A referendary petition shall identify the ordinance or code sections it proposes to have repealed.

(b) Each signer of a petition shall sign his name, and shall place thereon, after his name, the date and his place of residence by street and number, or by other customary designation. To each petition paper there shall be attached a sworn affidavit by the circulator thereof, stating the number of signers thereof and that each signature thereon is the genuine signature of the person whose name it purports to be, and that it was made in the presence of the affiant. Such petition shall be filed with the Clerk who shall, within fifteen (15) days, canvass the signatures thereon. If the petition does not contain a sufficient number of signatures of registered electors of the city, the Clerk shall notify forthwith the person filing such petition and fifteen (15) days from such notification shall be allowed for the filing of supplemental petition papers. When a petition with sufficient signatures is filed within the time allowed by this section, the Clerk shall present the petition to the Council at its next regular meeting.

Section 7.12. Council procedure on initiatory and referendary petitions.

Upon receiving an initiatory or referendary petition from the Clerk, the Council shall, within thirty (30) days, unless otherwise provided by law, either,

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

Section 7.13. Submission of initiatory and referendary ordinances to electors.

Should the Council decide to submit the proposal to the electors, it shall be submitted at the next election held in the city for any other purpose, or, in the discretion of the Council, at a special election called for that specific purpose. In the case of an initiatory petition, if an election is to be held in the city for any other purpose within ninety (90) days from the time the petition is presented to the Council and the Council does not adopt the ordinance, then the Council shall call a special election within sixty (60) days from such time for the submission of the initiative proposal. The result shall be determined by a majority vote of the electors voting thereon, except in cases where otherwise required by the general laws of the State of Michigan. Section 7.14. Ordinance suspended; miscellaneous provisions on initiatory and referendary ordinances.

(a) The presentation to the Council by the Clerk of a valid and sufficient referendary petition containing a number of signatures equal to twenty-five per cent (25%) of the registered electors of the city as of the date of filing the petitions and all of which signatures have been obtained within thirty (30) days before the date of filing the petition with the Clerk, shall automatically suspend the operation of the ordinance in question pending repeal by the Council or final determination by the electors.

(b) An ordinance adopted by the electorate through initiatory proceedings may not be amended or repealed for a period of one (1) year after the date of the election at which it was adopted, and an ordinance repealed by the electorate may not be re-enacted for a period of one (1) year after the date of the election at which it was repealed. It is provided, however, that any ordinance may be adopted, amended or repealed at any time by appropriate referendum or initiatory procedure in accordance with the provisions of this Charter or if submitted to the electorate by the Council on its own motion.

(c) If two (2) or more ordinances adopted at the same election shall have conflicting provisions, the provisions in the ordinance receiving the highest number of affirmative votes shall govern.

CHAPTER 8. GENERAL FINANCE-BUDGET, AUDIT, PURCHASING

Section 8.1. Fiscal year.

The fiscal year of the city and of all its agencies shall begin on the first (1st) day of July of each year and end on the thirtieth (30th) day of June of the following year.

Section 8.2. Budget procedures.

The City Manager shall prepare and submit to the Council, on or before the first (1st) regular meeting in April of each year; a recommended budget covering the next fiscal year, and shall include therein at least the following information:

- (1) Detailed estimates with supporting explanations of all proposed expenditures for each department and office of the city, including those for the Retirement System, and for the Court, showing the expenditures for corresponding items for the last preceding fiscal year in full, and for the current fiscal year to March one (1) and estimated expenditures for the balance of the current fiscal year;
- (2) Statements of the bonded and other indebtedness of the city, showing the debt redemption and interest requirements, the debt authorized and unissued, and the condition of sinking funds, if any;
- (3) Detailed estimates of all anticipated revenues of the city from sources other than taxes with a comparative statement of the amounts received by the city from each of the same or similar sources for the last preceding fiscal year in full, and for the current fiscal year to March one (1), and estimated revenues for the balance of the current fiscal year;
- (4) A statement of the estimated balance or deficit for the end of the current fiscal year;
- (5) An estimate of the amount of money to be raised from current and delinquent taxes and the amount to be raised from bond issues which, together with any available un-appropriated surplus and any revenues from other sources, will be necessary to meet the proposed expenditures;
- (6) Such other supporting information as the Council may request.

Section 8.3. Budget hearing.

A public hearing on the proposed budget shall be held before its final adoption at such time and place as the Council shall direct. Notice of such public hearing, a summary of the proposed budget and notice that the proposed budget is on file in the office of the Clerk shall be published at least one (1) week in advance of the hearing. The complete proposed budget shall be on file for public inspection during office hours at such office for a period of not less than one (1) week prior to such public hearing.

Section 8.4. Adoption of budget.

Not before April fifteenth (15th) nor later than the third (3rd) Monday in May in each year, the Council shall by resolution adopt a budget for the next fiscal year, shall appropriate the money needed for municipal purposes during the next fiscal year of the city and shall provide for a levy of the amount necessary to be raised by taxes upon real and personal property for municipal purposes subject to the limitations contained in Section 9.1.

State law reference-Mandatory that Charter provide for an annual appropriation, MCL 117.3(h), MSA 5.2073(h). Section 8.5. Budget control.

Charter – Grosse Pointe Park

(a) Except for purposes which are to be financed by the issuance of bonds or by special assessment, or for other purposes not chargeable to a budget appropriation, no money shall be drawn from the treasury of the city without an appropriation thereof, nor shall any obligation for the expenditure of money be incurred without an appropriation covering all payments which will be due under such obligation in the current fiscal year. The Council by resolution may transfer any unencumbered appropriation balance, or any portion thereof, from one department, fund or agency to another. In the case of emergency endangering the public health, peace or safety, the Council may make additional appropriations to cover unanticipated expenditures required of the city because of such emergency.

(b) At the beginning of each quarterly period during the fiscal year, and more often if required by the Council, the Comptroller shall submit to the Council data showing the relation between the estimated and actual revenues and expenditures to date; and if it shall appear that the revenues are less than anticipated, the Council may reduce appropriations, except amounts required for debt and interest charges, to such a degree as may be necessary to keep expenditures within the revenues.

(c) The balance in any annual budget appropriation which has not been encumbered at the end of the fiscal year shall revert to the general fund. Section 8.6. Depository. The Council shall designate depositories for city funds, and shall provide for the regular deposit of all city moneys. The Council shall provide for such security for city deposits as is authorized or permitted by statute except that personal surety bonds shall not be deemed proper security.

State law references-Designation of depositories, MCL 129.12, MSA 3.752; deposit of public moneys, MCL 211.43b, MSA 7.86.

Section 8.7. Independent audit; annual report.

(a) An independent audit shall be made of all city accounts at least annually, and more frequently if deemed necessary by the Council. Such audit shall be made by Certified Public Accountants experienced in municipal accounting to be selected by the Council. In the selection of such auditor the Council shall not be subject to any requirements for competitive bidding.

(b) The City Manager shall prepare an annual report of the affairs of the city including a financial report.

(c) Copies of such audit as submitted by the independent accountants, and of such annual report, after approval by the Council; shall be made available for public inspection at the office of the Clerk.

Section 8.8. Purchase and sale of property.

(a) The City Manager shall be responsible for the purchase and sale of all city property. Comparative prices shall be obtained for the purchase or sale of all materials, supplies and public improvements, except:

- (1) In the employment of professional services; and
- (2) When the City Manager shall determine that no advantage to the city would result.

(b) In all sales or purchases in excess of a prescribed dollar limit established by resolution of the Council:

- (1) The sale or purchase shall be approved by the Council;
- (2) Formal sealed bids shall be obtained unless the Council by formal unanimous resolution of those present at the meeting, based upon the written recommendations of the City Manager, determines that no advantage to the city would result from competitive bidding; and
- (3) The requirements of Section 13.6 shall be complied with. No sale or purchase shall be divided for the purpose of circumventing the dollar value limitation established by the Council. The Council may authorize the making of public improvements or the performance of any other city work by any city agency without competitive bidding.

(c) Purchases shall be made from the lowest competent bidder; sales shall be made to the bidder whose bid is more advantageous to the city.

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

(e) The purchase and sale of all city property shall be subject to the provisions of Section 5.9.

(f) Detailed purchasing, sale and contract procedures shall be established by ordinance.

(g) The city may not sell any park, cemetery or any part thereof except in accordance with restrictions placed thereon by statute.

(Amend. of 8-6-85, effective 9-25-85)

Cross reference-Purchasing; contracting and selling procedure, Code of Ordinances, § 2-246 et seq.

Charter – Grosse Pointe Park

CHAPTER 9. TAXATION⁵**Section 9.1. Power to tax; tax limit.**

(a) The city shall have the power to annually levy and collect taxes for municipal purposes, including excises other than those based on payroll or income.

(b) Exclusive of any levies authorized by statute to be made beyond chapter tax rate limitations, the annual ad valorem tax levy shall not exceed two per cent of the assessed value of all real and personal property subject to taxation in the city.

State law reference-Mandatory that Charter provide for annually levying and collecting taxes, MCL 117.3(g) MSA 5.2073(g).

Section 9.2. Subjects of taxation.

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

State law references-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), MSA 5.2073(f); property subject to taxation, MCL 211.1 et seq., MSA 7.1 et seq.

Section 9.3. Exemptions.

No exemptions from taxation shall be allowed except as expressly required or permitted by statute.

State law reference-Property exempt from taxation, MCL 211.7 et seq., MSA 7.7 et seq.

Section 9.4. Tax day.

Subject to the exceptions provided or permitted by statute, the taxable status of persons and property shall be determined as of the first (1st) day of January, which shall be deemed the tax day.

State law references-Designation of tax day, MCL 211.2, MSA 7.2; time, place and method of assessment, MCL 211.10 et seq., MSA 7.10 et seq.

Section 9.5. Preparation of the assessment roll.

On or before the first (1st) Monday in March in each year the Assessor shall prepare and certify an assessment roll of all property in the city subject to taxation. Such roll shall be prepared in accordance with statute and this Charter. Values shall be estimated according to recognized methods of systematic assessment. The roll shall show separate figures for

⁵ **State law reference**-General property tax act, MCL 211.1 et seq., MSA 7.1 et seq.

the value of the land and of the building improvements. On or before the first (1st) Monday in March the Assessor shall give by first class mail a notice of any increase in the assessed value of any property or of the addition of any property to the roll to the owner as shown by such assessment roll. The failure to give any such notice or of the owner to receive it shall not invalidate any assessment roll or assessment thereon.

State law references-Mandatory that Charter provide for preparation of assessment roll, MCL 117.3(i), MSA 5.2073(i); assessment roll, MCL 211.24 et seq., MSA 7.24 et seq.

Section 9.6. Board of review.

(a) The Board of Review shall be composed of three freeholders who are qualified and registered electors of the city who during their term of office shall not be city officers or employees or be nominees or candidates for elective city office. The filing by a member of the Board of Review of his nomination petition for an elective city office or the filing of a consent thereto shall constitute a resignation from the Board of Review. One member of the Board shall be appointed by the Mayor with the confirmation of the Council annually in January 1952, and each year thereafter for a term of three (3) years, to replace the member whose term expires that year. The Council shall fix the compensation of the members of the Board.

(b) The Board of Review shall annually in February select its own chairman for the ensuing year, and the Assessor shall be clerk of the Board and shall be entitled to be heard at its sessions. A majority of the members of the board shall constitute a quorum.

State law reference-Mandatory that Charter provide for a board of review, MCL 117.3(a), MSA 5.2073(a).

Section 9.7. Meeting of board of review.

(a) The Board of Review shall convene in its first session on the Tuesday following the second (2nd) Monday in March of each year at such time of day and place as shall be designated by the Council and shall remain in session for at least one (1) full business day for the purpose of considering and correcting the roll. In each case in which the assessed value of any property is increased or any property is added to the roll by the Board, or the Board has resolved to consider at its second session the increasing of an assessment or the adding of any property to the roll, the Assessor shall give notice thereof to the owners as shown by such roll by first class letter mailed not later than the day following the end of the first session of the Board. Such notice shall state the date, time, place and purpose of the second session of the Board.

(b) The failure to give any such notice or of the owner to receive it shall not invalidate any assessment roll or assessment thereon.

(c) The Board of Review shall convene in its second (2nd) session on the Tuesday following the fourth (4th) Monday in March of each year at such time of day and place as shall be designated by the Council and shall continue in session until all interested persons have had an opportunity to be heard, but in no case for less than six (6) hours. At

Charter – Grosse Pointe Park

the second session, the Board may not increase any assessment or add any property to the rolls, except in those cases in which the Board resolved at its first (1st) session to consider such increase or addition at its second (2nd) session.

State law reference-Mandatory that Charter provide for meeting of board of review, MCL 117.3(i), MSA 5.2073(i).

Section 9.8. Notice of meetings.

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

Section 9.9. Duties and functions of board of review.

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 the general tax laws conferred upon and required of boards of review in townships, except as otherwise provided in this Charter. It shall hear the complaints of all persons considering themselves aggrieved by assessments, and if it shall appear that any person or property has been wrongfully assessed or omitted from the roll, the Board shall correct the roll in such manner as it deems just. In all cases the roll shall be reviewed according to the facts existing on the tax day and no change in the status of any property after said day shall be considered by the Board in making its decisions. Except as otherwise provided by statute, no person other than the Board of Review shall make or authorize any change upon, or additions or corrections to, the assessment roll. It shall be the duty of the Assessor to keep a permanent record of all proceedings and to enter therein all resolutions and decisions of the Board.

Section 9.10. Endorsement of roll.

After the Board of Review has completed its review of the assessment roll, and not later than the first (1st) Monday in April, the majority of its members shall endorse thereon and sign a statement to the effect that the same is the assessment roll of the city for the year in which it has been prepared. The omission of such endorsement shall not affect the validity of such roll.

State law references-Mandatory that Charter provide for levy, collection and return of state, county and school taxes, MCL 117.3(i), MSA 5.2073(i); completion of review of assessments prior to first (1st) Monday in April required, MCL 211.30a, MSA 7.30(1).

Section 9.11. Clerk to certify tax levy.

Within three days after the Council has adopted the budget for the ensuing year, the Clerk shall certify to the Assessor the total amount which the Council determines shall be raised by general ad valorem tax. He shall also certify all amounts of current or delinquent special assessments and all other amounts which the Council requires to be assessed, reassessed or charged upon any property or against any person.

Section 9.12. City tax roll.

After the Board of Review has completed its review of the assessment roll, the Assessor shall prepare a copy of the assessment roll to be known as the "City Tax Roll," and upon receiving the certification of the several amounts to be raised, as provided in Section 9.11 the assessor shall spread upon said tax roll the several amounts determined by the Council to be charged, assessed or reassessed against persons or property. He shall also spread the amounts of the general ad valorem city tax according to and in proportion to the several valuations set forth in said assessment roll. To avoid fractions in computation on any tax roll, the Assessor may add to the amount of the several taxes to be raised not more than the amount prescribed by statute. Any excess created thereby on any tax roll shall belong to the city.

State law reference-Avoidance of fractions, MCL 211.39, MSA 7.80.

Section 9.13. Tax roll certified for collection.

After spreading the taxes the Assessor shall certify the tax roll, and the Mayor shall annex his warrant thereto directing and requiring the Treasurer to collect prior to March first (1st) of the following year from the several persons named in said roll the several sums mentioned therein opposite their respective names as a tax or assessment and granting to him, for the purpose of collecting the taxes, assessments and charges on such roll, all the statutory powers and immunities possessed by township treasurers for the collection of taxes. On June fifteenth (15th) the roll shall be delivered to the Treasurer for collection.

State law reference-Collection of taxes, MCL 211.44 et seq., MSA 7.87 et seq.

Section 9.14. Tax lien on property.

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

(b) Such lien shall take precedence over all other claims, encumbrances and liens to the extent provided by statute and shall continue until such taxes, interest and charges are paid.

Section 9.15. Taxes due; notification thereof.

(a) City taxes shall be due on the first (1st) day of July. The Treasurer shall not be required to call upon the persons named in the city tax roll, nor to make personal demand for the payment of taxes, but he shall publish, between June fifteen (15) and July one (1), notice of the time when said taxes will be due for collection and the penalties and fees for late payment of same.

Charter – Grosse Pointe Park

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

Section 9.16. Collection fees.

(a) All taxes paid on or before August thirty-first (31st) of each year shall be collected by the Treasurer without collection fee. On September first (1st) he shall add to all taxes paid thereafter a collection fee of one per cent (1%) of the amount of said taxes and on the first (1st) day of October and of each succeeding month he shall add an additional one-half of one per cent (1/2%) of said taxes as a collection fee. Such collection fee shall belong to the city and constitute a charge and shall be a lien against the property to which the taxes themselves apply, collectible in the same manner as the taxes to which they are added.

(b) It is provided, however, that if delivery of the tax roll to the Treasurer, as provided in Section 9.13, is delayed for any reason by more than thirty (30) days after June fifteenth (15th), the application of the schedule of collection fees provided herein shall be postponed thirty (30) days for the first thirty (30) days of such delay and shall be postponed an additional thirty (30) days for each additional thirty (30) days, or major fraction thereof, of such delay.

Section 9.17. Failure or refusal to pay tax.

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

State law reference-Failure or refusal to pay tax, MCL 211.47, MSA 7.91.

Section 9.18. Delinquent tax roll to county treasurer.

All city taxes on real and personal property remaining uncollected by the Treasurer on the first (1st) day of March following the date when said roll was received by him shall be returned to the County Treasurer in the same manner and with like effect as provided by statute for returns by township treasurers of township, school and county taxes. Such returns shall include all the additional assessments, charges and fees hereinbefore provided, which shall be added to the amount assessed in said tax roll against each property or person. The taxes thus returned shall be collected in the same manner as other taxes returned to the County Treasurer are collected, in accordance with statute, and shall be and remain a lien upon the property against which they are assessed until paid. If by change in statute or otherwise, the Treasurer of the County of Wayne is no longer

charged with the collection of either delinquent real or delinquent personal property taxes, such delinquent taxes shall be collected in the manner then provided by statute for the collection of delinquent township, school and county taxes.

State law reference-Return of delinquent taxes, MCL 211.55 et seq., MSA 7.99 et seq.

Section 9.19. State, county, and school taxes.

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 statute relative to the collection of and accounting for such taxes shall apply. For these purposes the Treasurer shall perform the same duties and have the same powers as township treasurers under statute.

CHAPTER 10. BORROWING POWER⁶

Section 10.1. Grant of authority to borrow.

Subject to the applicable provisions of law the Council may borrow money and issue bonds and other evidences of indebtedness therefore, for any purpose within the scope of powers vested in the city. Such bonds or other evidence of indebtedness shall include, but not be limited to, the following types:

- (1) General obligation bonds which pledge the full faith, credit and resources of the city for the payment of such obligations, including bonds for the city's portion of public improvements;
- (2) Notes issued in anticipation of the collection of taxes, but the proceeds of such notes may be spent only in accordance with appropriations as provided by Section 8:5;
- (3) In case of fire, flood or other calamity, emergency obligations due in not more than five (5) years for the relief of the inhabitants of the city and for the preservation of municipal property;
- (4) Bonds issued in anticipation of special assessments, which bonds may be an obligation of a special assessment district, or may be both an obligation of a special assessment district and the general obligation of the city;
- (5) Mortgage bonds for the acquiring, owning, purchasing constructing or operating of any public utility as provided in Article 8, Section 23 of the State Constitution; provided such bonds shall not impose any liability upon the city but shall be secured only upon the property and revenues of such public utility, including a franchise, stating the terms upon which, in case of foreclosure, the purchaser may operate the same, which franchise shall in no

⁶ **State law reference**-Municipal finance act, MCL 131.1 et seq., MSA 5.3188 5.3188(1) et seq.

Charter – Grosse Pointe Park

case extend for a longer period than twenty (20) years from the date of the sale of such utility and franchise on foreclosure. Such mortgage bonds be sold to yield not to exceed six per cent (6%) per annum. A sinking fund shall be created in the event of the issuance of such bonds, by setting aside such percentage of the gross or net earnings of the public utility as may be deemed sufficient for such payment;

- (6) Bonds issued for refunding money advanced or paid on special assessments imposed, for water main extensions, on the faith and credit of the city, to provide for such refunding from time to time as buildings shall be connected with such water main extensions, in an amount not to exceed one hundred thousand dollars (\$100,000.00) and at a rate of interest not to exceed six per cent (6%) per annum;
- (7) Bonds for the refunding of the funded indebtedness of the city;
- (8) Revenue bonds as authorized by Public Act 94 of 1933 of the State of Michigan [MCL 141.101 et seq., MSA 5.2731 et seq.] which are secured only by the revenues from a public improvement and do not constitute a general obligation of the city.

State law references-City authority to borrow money on the credit of the city and issue bonds therefore, MCL 117.4a(1), MSA.5.2074(1); city authority to borrow money and issue bonds therefore in anticipation of the payment of special assessments, MCL 117.4a(2), MSA 5.2074(2).

Section 10.2. Limits of borrowing powers.

(a) The net bonded indebtedness incurred for all public purposes shall not at any time exceed ten per cent (10%) of the assessed value of all the real and personal property in the city, provided that in computing such net bonded indebtedness there shall be excluded money borrowed under the following sections: 10.1(b) (tax anticipation notes), 10.1(e) (mortgage bonds), 10.1(f) (bonds issued for refunding money advanced or paid on special assessments imposed for water main extensions), 10.1(h) (revenue bonds), special assessment bonds issued pursuant to Section 10.1(d) which are not a general obligation of the city, and any other obligations excluded by law from such limitation. The resources of the sinking fund pledged for the retirement of any outstanding bonds shall also be deducted from the amount of the bonded indebtedness.

(b) The amount of emergency loans which the Council may make under the provisions of Section 10.1(c) of this Charter may not exceed three-eighths of one per cent (3/8%) of the assessed value of all the real and personal property in the city.

(c) The total amount of such special assessment bonds issued under Section 10.1(d) which are a general obligation of the city shall at no time exceed five percent (5%) of the assessed value of all real and personal property in the city, nor shall such bonds be issued in any calendar year in excess of one per cent (1%) of such assessed value unless

authorized by a majority vote of the electors voting thereon at any general or special election.

State law reference-Limitation of net bonded indebtedness incurred for all public purposes, MCL 117.4a(1), MSA 5.2074(1).

Section 10.3. Applicability of other statutory restrictions.

The issuance of any bonds not requiring the approval of the electors shall be subject to applicable requirements of statute with regard to public notice in advance of the authorization of such issues, filing of petitions for a referendum on such issuance, holding of such referendum and other applicable procedural requirements.

State law references-Bonds generally, MCL 135.1 et seq., MSA 5.3188 (21) et seq.; refunding bonds and certificates of indebtedness, MCL 136.1 et seq., MSA 5.3188(28) et seq.

Section 10.4. Preparation and record of bonds.

(a) Every bond issued by the city shall contain on its face a statement specifying the object for which the same is issued. It shall be unlawful for any officer of the city to sign or issue any such bond unless such statement is set forth on the face of the same, or to use such bonds or the proceeds from the sale thereof for any object other than that mentioned on the face of such bond. Any officer who shall violate any of the provisions of this section shall be deemed guilty of misconduct in office.

(b) Bonds and all other evidences of indebtedness issued by the city shall be signed by the Mayor and Clerk under the seal of the city. The coupons evidencing the interest upon said bonds may be executed with the facsimile signatures of the Mayor and the Clerk. A complete and detailed record of all bonds shall be kept by the Comptroller.

(c) Upon the payment of any bond or other evidence of indebtedness, the same shall be cancelled. **State law reference**-Cremation or disintegration of public obligations, MCL 129.121 et seq., MSA 3.996(1) et seq.

Section 10.5. Unissued bonds.

Any authorization by the electors for the issuance of bonds by the city shall be void if such bonds shall not be issued within three years from the date of authorization.

Charter – Grosse Pointe Park

CHAPTER 11. SPECIAL ASSESSMENTS⁷**Section 11.1. General power relative to special assessments.**

The Council shall have the power to determine by resolution that the whole or any part of the expense of any public improvement be defrayed by special assessment upon the property especially benefited in proportion to the benefits derived or to be derived.

State law reference-Permissible that Charter provide for assessing costs of public improvements, MCL 117.4d, MSA 5.2077.

Section 11.2. Detailed procedure to be fixed by ordinance.

(a) The Council shall prescribe by ordinance the complete special assessment procedure governing the initiation of projects, preparation of plans and cost estimates, creation of districts, making and confirming of assessment rolls, correction of errors in the rolls, collection of assessments and any other matters concerning the making of improvements by the special assessment method.

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

- (1) No resolution finally determining to proceed with establishing any special assessment district for the making of any public improvement shall be made until cost estimates have been prepared and a public hearing has been held on the advisability of so proceeding, which hearing shall be held not less than ten (10) days after notice thereof has been published and sent by first class mail to all property owners in the proposed district as shown by the current assessment roll of the city;
- (2) No special assessment roll shall be finally confirmed until after a meeting of the Council has been held for the purpose of reviewing such roll, which meeting shall be held not less than ten (10) days after notice thereof has been published and sent by first class mail to all property owners in the proposed district as shown by the current assessment roll of the city;
- (3) No original special assessment roll shall be confirmed except by the affirmative vote of four (4) members of the Council if prior to such confirmation written objections to the proposed improvement have been filed by the owners of property which will be required to bear more than fifty per cent (50%) of the amount of such special assessment;
- (4) No public improvement to be financed in whole or part by special assessment shall be made before the confirmation of the special assessment roll for such improvement;

⁷ **State law reference** -Power re assessments, MCL 117.4a, 117.4b, 117.4d, 117.5, MSA 5.2074, 5.2075, 5.2077, 5.2084.

- (5) Any assessment may be made payable in one (1) or more annual installments but not exceeding fifteen (15). The first (1st) installment, shall be due on such date as the Council may prescribe and shall be collected from the special assessment roll. If there is more than one installment, then all subsequent installments shall be spread on the annual city tax rolls, one each year, to be collected in the same manner as city taxes. Installment number two (2) shall be spread upon the city tax roll of the year following the year in which installment number one (1) shall become due. All unpaid installments from and after such date as the Council may prescribe shall bear interest at a rate not exceeding six per cent (6%) per annum, which interest shall be spread annually upon the city tax roll, together with the amount of the installment then being spread in one item. The interest when so spread shall be computed to September first (1st) of the year of the tax roll. Any installment, prior to the time it is spread upon the city tax roll, may be paid in full with interest computed to the following September first (1st). If installment number one (1) shall not be paid when due, then there shall be added thereto interest at the rate of one half of one per cent (1/2%) per month for each month or fraction thereof that it remains unpaid, and if not paid by the May first (1st) following its due date, it shall be spread upon the city tax roll of that year, with such interest and penalties as may be provided in said ordinance. Special assessments spread upon a city tax roll shall be collected and returned to the County Treasurer in the same manner as city taxes.

Cross reference-See Code of Ordinances Chapter 20.

Section 11.3. Special assessment powers.

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

- (a) Construct, establish and extend facilities for the storage and parking of vehicles within its corporate limits as a public improvement and finance the same in whole or in part by the special assessment method;
- (b) Install a boulevard lighting system on any street and finance the same in whole or in part by special assessment upon lands abutting thereon; provided that property owners of a majority of the frontage on such street or part thereof to be so improved shall petition therefore.

Section 11.4. Disposition of excessive special assessments.

The excess by which any special assessment proves larger than the actual cost of the improvement and expenses incidental thereto may be placed in the general fund of the city if such excess is five per cent (5%) or less of the assessment, but should the assessment prove larger than necessary by more than five per cent (5%) the entire excess shall be refunded on a pro rata basis to the owners of the property assessed as shown by

Charter – Grosse Pointe Park

the current assessment roll of the city. Such refund shall be made by credit against future unpaid installments to the extent such installments then exist and the balance of such refund shall be in cash. No refunds may be made which contravene the provisions of any outstanding evidence of indebtedness secured in whole or part by such special assessment.

Section 11.5. Additional assessments; correction of invalid special assessments.

(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 incident thereto, provided that the additional pro rata assessment shall not exceed twenty-five per cent (25%) of the assessment as originally confirmed unless a meeting of the Council be held to review such additional assessment, for which meeting notices shall be mailed 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 in the 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 or if the payments exceed the amount of the reassessment refunds shall be made.

(c) No judgment or decree nor any act of the Council vacating a special assessment shall destroy or impair the lien of the city upon the premises assessed for such amount of the assessment as may be equitably charged against the same or as by regular mode of proceeding might have been lawfully assessed thereupon.

Section 11.6. Contested assessments.

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

(1) Unless 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) Unless such suit or action shall be commenced within sixty days after confirmation of the roll. Section 11.7. Lien of special assessments. Upon the confirmation of each special assessment roll the special assessments shall become a debt to the city from the persons to whom they are assessed and shall until paid be a lien upon the property

assessed for the amount of such assessment and all interest and charges thereon. Such lien shall be of the same character and effect as created by this Charter for city taxes.

Section 11.8. Special assessment accounts.

Except as otherwise provided in this Charter, moneys raised by special assessment for any public improvement shall be segregated in a special fund or account and may be used only to pay for the costs of the improvement for which the assessment was levied and expenses incidental thereto or to repay any money borrowed therefore.

Sec. 11.9. Assessments for removal of hazards, etc.

The assessment for the cost of the construction or maintenance of any sidewalk or the abatement of any hazard or nuisance, to be made pursuant to Section 2.2(u) or Section 2.2(v) shall be made by resolution of the Council. Notice of the time at which the Council will act thereon shall be given by first class mail to the owner of the property to be assessed as shown by the current tax roll of the city, except in case of assessments for the removal of weeds or snow. For the purposes of collection of such assessment, the adoption of such resolution shall be equivalent to the confirmation of a special assessment roll. The amount of any such assessment shall become a debt due to the city upon adoption of such resolution, be payable at such time as the Council shall prescribe and shall be subject to the collection fees and become a lien as provided in Section 11.7. Every such assessment shall also be subject to Sections 11.4, 11.5 and 11.6.

Cross reference-See Code of Ordinances Chapter 15.

Section 11.10. Failure to mail notice.

Failure to mail any notice required to be so sent by this Charter shall not invalidate any special assessment or special assessment roll.

State law reference-Failure to give notice invalidates only the assessment affected by the lack of notice, MCL 211.744, MSA 5.3534(4).

CHAPTER 12. MUNICIPALLY OWNED UTILITIES⁸

Section 12.1. General powers respecting utilities.

The city shall possess and hereby reserves to itself all the powers granted to cities by law to acquire, construct, own, operate, improve, enlarge, extend, repair and maintain, either within or without its corporate limits, including, but not by the way of limitation public utilities for supplying water, light, heat, power, gas, sewage treatment and garage disposal facilities, or any of them, to the municipality and the inhabitants thereof; and

⁸ **State law references-**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, MSA 5.2076, 5.2079.

Charter – Grosse Pointe Park

also to sell and deliver water, light, heat, power, gas and other public utility services without its corporate limits to an amount not to exceed the limitations set by law.

Section 12.2 Management of municipally owned utilities.

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

Section 12.3. Rates.

The Council shall have the power to fix from time to time such just and reasonable rates as may be deemed advisable for supplying the inhabitants of the city and others with such public utility services as the city may provide.

Section 12.4. Utility rates and charges-Collection.

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

- (1) That the city shall have as security for the collection of such utility rates and charges a lien upon the real property supplied by such utility, which lien shall become effective immediately upon the supplying of such utility service and shall be enforced in the manner provided in such ordinance;
- (2) The terms and conditions under which utility services may be discontinued in case of delinquency in paying such rates or charges;
- (3) That suit may be instituted by the city in any court of competent jurisdiction for the collection of such rates or charges.

(b) With respect to the collection of rates charged for water the city shall have all the powers granted to cities by Public Act 178 of 1939 of the State of Michigan [MCL 123.161 et seq., MSA 5.2531(1) et seq.].

Section 12.5. Disposal of utility plants and property.

Unless approved by a three-fifths (3/5) majority vote of the electors voting thereon at a regular or special election, the city shall not sell, exchange, lease or in any way dispose of any property, easements, equipment, privilege or asset belonging to and appertaining to any municipally owned public utility. All contracts, negotiations, licenses, grants, leases or other forms of transfer in violation of this section shall be void and of no effect as against the city. The restrictions of this section shall not apply to the sale or exchange of any articles of machinery or equipment of any city owned public utility which are worn out or useless or which have been, or could with advantage to the service be, replaced by new and improved machinery or equipment.

Section 12.6. Utility finance; accounts.

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

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

CHAPTER 13. FRANCHISES-CONTRACTS-LEASES

Section 13.1. Franchises, contracts and leases remain in effect.

All franchises, contracts and leases to which the Village is a party when this Charter becomes effective shall remain in full force and effect in accordance with their respective terms and conditions.

Section 13.2. Granting of public utility franchise.

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

(b) No franchise ordinance which is not subject to revocation at the will of the Council shall be enacted nor become operative until the same shall have first been referred to the people at a regular or special election and received the affirmative vote of three-fifths (3/5) of the electors voting thereon. No such franchise ordinance shall be approved by the Council for referral to the electorate before thirty (30) days after application therefore has been filed with the Council, nor until a public hearing has been held thereon, nor until the grantee named therein has filed with the Clerk his unconditional acceptance of all terms of such franchise. No special election for such purpose shall be ordered by the Council unless the expense of holding such election, as determined by the Council, shall have first been paid to the Treasurer by the grantee.

(c) A franchise ordinance which is subject to revocation at the will of the Council may be enacted by the Council without referral to the voters, but shall not be enacted nor become operative unless it shall have been complete in the form in which it is finally enacted and shall have so been on file in the office of the Clerk for public inspection for at least four (4) weeks after publication of a notice that such ordinance is so on file.

State law references-Franchises limited to thirty (30) years, Mich. Const. 1963, Art. VII, § 30; submitted to electors required if irrevocable, Mich. Const. 1963, Art. VII, §. 25; expenses of special election to be paid by grantee, MCL 117.5(i), MSA 5.2084(i).

Charter – Grosse Pointe Park

Section 13.3. Conditions of public utility franchise.

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

- (1) To repeal the same for misuse, non-use or failure to comply with the provisions thereof;
- (2) To require proper and adequate extension of plant and service and maintenance thereof at the highest practicable standard of efficiency;
- (3) To establish reasonable standards of service and quality of products and prevent unjust discrimination, in service or rates;
- (4) To require continuous and uninterrupted service to the public in accordance with the terms of the franchise throughout the entire period thereof;
- (5) To use, control and regulate the use of its streets, alleys, bridges and public places and the space above and beneath them;
- (6) To impose such other regulations as may be determined by the Council to be conducive of the safety, welfare and accommodation of the public.

Section 13.4. Regulation of rates.

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

Section 13.5. Use of public places by utilities.

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

State law reference-Permissible that Charter provide for use of public places by public utilities, MCL 117.4h(2), MSA 5.2081(2).

Section 13.6. Contracts.

(a) The authority to contract on behalf of the city is vested in the Council and shall be exercised in accordance with the provisions of statute and of this Charter, provided that purchases and sales may be made by the City Manager subject to the provisions of Section 8.8. The Council shall establish procedures for the letting and making of contracts; but no contract except an agreement of employment or an agreement for the purchase or sale of goods, wares or merchandise in an amount of one thousand dollars (\$1,000.00) or less, shall be made unless the same shall have first been submitted to the Attorney and his opinion obtained with respect to its legality and form and unless the Comptroller shall first have certified that an appropriation has been made for the payment thereof, or that sufficient funds will be available if it be for a purpose to be financed by the issuance of bonds or special assessments or for some other purpose not chargeable to a budget appropriation. In the case of a contract obligating the city for periodic payments in future fiscal years for the furnishing of a continuing service or the leasing of property, such certification need not cover those payments on the contract which will be due in future fiscal years, but this exception shall not apply to a contract for the construction of a public improvement. A copy of all contracts requiring such opinion and certification shall be filed in the office of the Clerk. No contract shall be divided for the purpose of circumventing the dollar value limitation contained in this section.

(b) No contract shall be amended after the same has been made except upon the authority of the Council.

(c) No compensation shall be paid to any contractor except in accordance with the terms of the contract.

(d) No contract shall be made with any person, firm or corporation who is in default to the city.

State law reference-Restriction on making contracts with persons in default to city, MCL 117.5(f), MSA 5.2084(f).⁹

Section 13.7. Leases.

No lease of public property to any person, firm or corporation which is not subject to revocation by the Council upon thirty days notice to the lessee shall be made or become operative until the same shall have first been referred to the people at a regular or special election and received the affirmative vote of three-fifths (3/5) of the electors voting thereon. No such lease shall be approved by the Council for referral to the electorate before thirty days after application therefore has been filed with the Council, nor until a public hearing has been held thereon nor until the lessee named therein has filed with the Clerk his unconditional acceptance of all terms of such lease.

⁹ (Amend of 11-8-2016; former Chapter 14 removed).

Charter – Grosse Pointe Park

State law reference-Permissible that Charter provide for leasing public property, MCL 117.4e(3), MSA 2078(3).

CHAPTER 14. COURT**Section 14.1. Establishment of court.**

There is hereby established a Court in the city. The presiding officer of such Court shall be a justice of the peace elected in accordance with the provisions of this Charter. This Court is created under the authority of Section 28 of Public Act 279 of 1909 of the State of Michigan [MCL 117.28, MSA 5.2107].

Section 14.2. Title of court.

(a) The Court shall be entitled "Municipal Court."

(b) The justice of the peace shall be entitled "Municipal Judge" and shall be so designated in nominating petitions, on election ballots and in all other election procedures.

(c) The Court shall be referred to in all process, pleadings and proceedings therein as the Municipal Court of the City of Grosse Pointe Park, and the justice of the peace thereof shall be referred to in such process, pleadings and proceedings as the Municipal Judge of the City of Grosse Pointe Park.

Section 14.3. Qualifications of presiding officer of court.

The presiding officer of the Court shall meet the eligibility requirements contained in Section 5.1 and, in addition, shall have been an attorney admitted to practice law in the Supreme Court of this state for a period of five (5) years immediately preceding the date of his appointment or election. Neither he nor his business partners or employees shall have any part in any case before this Court.

Case law reference-Five-year licensing requirement for a municipal judge was held invalid as a violation of equal protection, Grano, v. Ortisi, 86 Mich. App. 482, 272 N.W.2d 693 (1978).

Section 14.4. Compensation of presiding officer.

(a) The presiding officer of the Court shall receive such annual compensation as shall be fixed by ordinance, but not less than Six Thousand (\$6,000.00) Dollars nor more than Thirty Thousand (\$30,000.00) Dollars per year. The annual compensation of the office may be increased but shall not be decreased during a term of office except and to the extent of a general salary reduction applicable to all salaried officers of the City. Until otherwise provided by ordinance, the salary of the office shall be Fifteen Thousand (\$15,000.00) Dollars per year.

(b) The salary for the office provided by Charter or ordinance shall be in lieu of all fees, both in civil and criminal cases, to which the presiding officer might be entitled but for the provisions of this section, except those for the performance of marriage ceremonies and for administering oaths in matters not connected with suits and proceedings in this court.

(Amend. of 11-8-2016)

Section 14.5. Bond.

The presiding officer of the Court shall, before entering upon the duties of his office, give bonds to the Treasurer of the County of Wayne in such sum as provided by statute and to the City of Grosse Pointe Park in like amount. Such bonds shall be subject to the provisions of Section 5.7.

Section 14.6. Jurisdiction of court.

(a) General jurisdiction. The Court shall have and exercise within the City of Grosse Pointe Park and County of Wayne the same jurisdiction, powers and duties as are or may be conferred upon or required of justices of the peace in cities and townships by statute and shall be subject to such statute with respect to such justices except as otherwise provided in this Charter. The court shall have concurrent jurisdiction with other justices in Wayne County as to all crimes, offenses and misdemeanors alleged to have been committed within Wayne County, whether within or without the city. The proceedings in all suits and actions before the Court shall except as otherwise provided in this Charter be according to and governed by the general laws applicable to justice courts and to the proceedings before such courts.

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

(c) Extended jurisdiction. The Court shall also have jurisdiction to the amount of five hundred dollars (\$500.00) in all civil matters ex contractu and ex delicto with such exceptions and restrictions as are provided by law.

(d) Causes where all parties are residents of city. The Court shall have exclusive jurisdiction, concurrent jurisdiction of courts of record excepted, in causes or proceedings where all the parties to the same reside in said city at the time of the commencement of the proceeding or cause, and in case where the original cause of action existed in favor of a plaintiff and against a defendant, both residents of the city, and has been assigned to a non-resident of said city. This authority is granted pursuant to the provisions of Section 10 of Chapter LXVI of Public Act 314 of 1915 of the State of Michigan [now repealed].

Charter – Grosse Pointe Park

(e) Setting aside verdicts. Such power and authority as can under Public Act 279 of 1949 of the State of Michigan [MCL 117.1 et seq., MSA 5.2471 et seq.] be conferred by this Charter to set aside the verdict or judgment in any civil cause and grant a new trial therein, to be exercised in such manner and on such conditions as provided in said act. The filing of a motion for new trial or to set aside a verdict or judgment shall have such effect on the time for taking an appeal from any judgment and upon the issuance and levy of execution or other similar process and sale there under and on other proceedings in said cause as provided in said act.

(f) Additional authority. The Court shall have such additional jurisdiction, powers and duties as may now or hereafter be conferred upon such courts by statute.

Section 14.7. Fees and costs.

The Council shall by ordinance establish and fix the fees and costs which may be taxed by the Court in all civil matters and in all cases for the violations of the Charter or city ordinances and in such criminal cases which will not be inconsistent with the general laws of the state. Such ordinance shall be originally enacted within ninety days after the effective date of this Charter.

Section 14.8. Disposition of fees, cost and fines; fees instate criminal cases.

(a) Civil cases. All fees in civil cases shall be collected by the Court and turned over to the City Treasurer on or before the first day of the next month after collection or receipt thereof and shall be credited to the general fund of the city.

(b) State criminal cases.

(1) All fees and costs in state criminal cases shall be charged and presented to and audited by the Board of Supervisors of Wayne County, in the same manner and amounts as provided by law in the cases of justices of the peace in townships, and upon allowance by said Board, shall be paid monthly by said county to the City Treasurer for the use and benefit of the city and shall be credited to the general fund of the city. The expenses of prosecution before the Court for violations of state criminal laws and in punishing the offenders shall be paid by the County of Wayne.

(2) All fees, costs, penalties and forfeitures imposed by the Court in state criminal cases shall be paid over by the Court to the County Treasurer within thirty days after the receipt thereof.

(c) Charter and ordinance violations. All fines, costs, penalties, forfeitures and moneys collected or received by the Court on account of violations of any provisions of the Charter or ordinances of the city shall be paid over by the Court to the City Treasurer on or before the first day of the next month after collection or receipt thereof and shall be credited to the general fund of the city.

(d) Failure to comply. Failure of the presiding officer of the Court to comply with the provisions of this section shall constitute misconduct in office.

Section 14.9. Place and conduct of court; annual report.

(a) The Council shall furnish necessary supplies and a suitable place for conducting court. It may regulate the hours of court and may make other necessary and proper rules and regulations for the conduct of the business of the court which are not inconsistent with this Charter or statute.

(b) The presiding officer of the Court shall file with the Council promptly after the end of the fiscal year an annual report of the Court on such details as the Council shall prescribe.

Section 14.10. Docket.

There shall be kept at the place of holding court a docket in the manner required by statute. Failure of the presiding officer of the Court to make provision for the maintenance of such docket shall constitute misconduct in office.

Section 14.11. Substitute judge or justice.

In case of the absence, disability or other disqualification of the presiding officer of the Court, any other person qualified by law to act as a Municipal Judge may be appointed or designated to act as Municipal Judge in the manner provided by law or ordinance. No compensation shall be paid to such Judge except in accordance with an agreement between the City and the Judge made before appointment or designation of the Judge or as otherwise provided by law.

(Amend. of 11-8-88)

Section 14.12. Court clerk.

The Council may by ordinance provide for a court clerk and one or more deputy clerks to perform such duties as shall be therein prescribed. Such clerk and deputy clerks shall also, by virtue of their office, have the statutory powers to administer oaths to persons making affidavits for writs in civil causes and to issue all process and test the same in the name of the presiding officer of the Court and shall be required to collect all fees, costs, fines and other moneys paid into court and to keep a record book of the same and to pay over all such moneys to the authorities of the city or county or other persons entitled to the same as directed by this Charter, by the proper authorities or by law, and the Council shall cause such book to be audited annually.

Charter – Grosse Pointe Park

Section 14.13. Court officers.

The City Manager upon request of the presiding officer of the Court, may assign a police officer of the city to the Court who shall have all the duties and powers of court officers of the Circuit Courts of the state and shall serve in such capacity during the pleasure of the City Manager. Such officer shall receive no compensation except such as he may be entitled to as a police officer. All fees and mileage allowances received by such officer in the performance of the duties imposed upon him shall be paid into the city treasury in accordance with Section 5.10.

Section 14.14. Constables.

The City Manager shall appoint one or more police officers of the city as Constables. Such Constables shall have like powers and authority in matters of civil and criminal nature, and in relation to the service of process, civil and criminal, as are conferred by law on Constables in townships. They shall have power also to serve all process issued for breaches of ordinances of the city. The bond of Constables shall be that required of Constables in townships and shall otherwise be subject to the provisions of Section 5.7. The statutory fees received by such Constables shall be paid into the city treasury in accordance with Section 5.10.

Section 14.15. Violations bureau.

The Council shall have power and authority to establish by ordinance a Violations Bureau under the supervision of the Court for the handling of such violations of ordinances and regulations of the city, or parts thereof, as prescribed in the ordinance establishing such Bureau. Any person who has received any notice to appear in answer to a charge of violating any of such ordinances may within the time specified in the notice of such charge answer at the Violations Bureau to the charges set forth in such notice by paying a fine prescribed by ordinance which 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 make such a plea and pay such fine in court. Acceptance of the prescribed fine and the power of attorney by the Bureau shall be deemed to be complete satisfaction for the violation, and the violator shall be given a receipt which so states. The creation of such a Bureau shall not operate so as to deprive any person of a full and impartial hearing in Court should such person so choose.

CHAPTER 15. MISCELLANEOUS**Section 15.1. City liability.**

(a) The city shall not be liable for damages sustained by any person either to his person or property by reason of the negligence of the city, its officers or employees, nor by reason of any defective condition of or obstruction in any public place unless such person shall serve or cause to be served upon the Clerk within sixty (60) days after the injury resulting in such damages shall have occurred a notice in writing, which notice shall set forth

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

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

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

State law reference-City liability for damages to property and personal injuries sustained on public ways, MCL 242.1 et seq., MSA 9.591 et seq.

Section 15.2. Vested rights continued.

After the effective date of this Charter, the city shall be vested with all the property, moneys, contracts, rights, credits, effects and the records, files, books and papers belonging to the Village. No right or liability, either in favor of or against the Village, existing at the time this Charter becomes effective and no suit or prosecution of any character shall in any manner be affected by any change resulting from the adoption of this Charter, but the same shall stand or proceed as if no change had been made. All debts and liabilities of the city and all fines and penalties imposed at the time of such change shall be collected by the city. Section 16.3. Trusts. All trusts established for any municipal purpose shall be used and continued in accordance with the terms of such trust, subject to the cy pres doctrine. The Council may in its discretion receive and hold any property in trust for any municipal purpose and shall apply the same to the execution of such trust and for no other purposes except in cases where the cy pres doctrine shall apply.

Section 15.4. Vacancies in appointive boards and commissions.

Except as otherwise provided in this Charter, if a vacancy occurs in the membership of any appointive board or commission, the authority responsible for the appointment of the person whose position has become vacant shall fill such vacancy by appointment of a qualified person for the unexpired term of such person, subject to the same conditions as provided in the case of the original appointment.

Charter – Grosse Pointe Park

Section 15.5. Records to be public.

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

State law references-Mandatory that Charter provide that all records of the municipality shall be public, MCL 117.3(1), MSA 5.2073(1); freedom of information act, MCL 15.231 et seq., MSA 4.1801(1) et seq.

Section 15.6. Definition of publication; mailing of notices.

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

(b) It is provided, however, that if at any future date there be no newspaper designed primarily for circulation in the Grosse Pointe area then the requirement contained in this Charter for the publishing or publication of notices or ordinances shall be met by posting a copy thereof in one conspicuous place in each precinct of the city. The affidavit of the person publishing the same shall be prima facie evidence of such publication by posting.

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

Section 15.7. Sundays and holidays.

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

Section 15.8. Chapter and section headings.

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

Section 15.9. Interpretations.

Except as otherwise specifically provided or indicated by the context:

- (1) All words used in this Charter indicating the present tense shall not be limited to the time of the adoption of this Charter but shall extend to and include the time of the happening of any event or requirement for which provision is made herein;
- (2) The singular number shall include the plural, the plural number shall include the singular and the masculine gender shall extend to and include the feminine gender and the neuter;
- (3) The word "person" may extend and be applied to bodies politic and corporate and to partnerships as well as to individuals;
- (4) The words "printed" and "printing" shall include reproductions by printing; engraving, stencil duplicating, lithographing or any similar method;
- (5) Except in reference to signatures, the words "written" and "in writing" shall include printing and typewriting;
- (6) The word "Village" shall mean the municipal corporation of Grosse Pointe Park as it existed prior to the effective date of this Charter including the period from and after its incorporation as a city and until such effective date;
- (7) The word "officer" shall include the Mayor and other members of the Council, the administrative officers, members of city boards and commissions created by or pursuant to this Charter, the Municipal Judge (justice of the peace) and a Court Clerk if one shall be appointed;
- (8) The word "statute" shall denote the Public Acts of Michigan in effect at the time the provision of the Charter containing the word "statute" is to be applied;
- (9) All references to specific Public Acts shall be to such acts as are in effect at the time the reference to such act is to be applied;
- (10) The words "law" or "general laws of the state" shall denote the Constitution and Public Acts of Michigan in effect at the time the provision of the Charter containing the words "law" or "general laws of the state" is to be applied and applicable common law;
- (11) All references to section numbers shall refer to section numbers of this Charter.

Section 15.10. Penalties for misconduct in office.

Any officer of the city found guilty by a court of competent jurisdiction of any act declared by this Charter to constitute misconduct in office may be punished by a fine of

Charter – Grosse Pointe Park

not to exceed five hundred dollars (\$500.00) or imprisonment for not to exceed ninety (90) days or both in the discretion of the court. The punishment provided in this section shall be in addition to that of having the office declared vacant as provided in Section 5.2.

Section 15.11. Amendments.

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

State law references—Power to adopt and amend Charter, Mich. Const. 1963, Art. VII, § 22; Charter amendment procedure, MCL 117.21 et seq., MSA 5.2100 et seq.

Section 15.12. Severability of Charter provisions.

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

CHAPTER 16. SCHEDULE**Section 16.1. Election on adoption of Charter.**

(a) Date. This Charter shall be submitted to a vote of the registered electors of the City of Grosse Pointe Park at a special election to be held on Monday, December 11, 1950. At the same special election the elective officers provided for in this Charter shall also be elected as hereinafter provided. The Charter shall be adopted if a majority of the ballots cast thereon are in favor of adoption.

(b) Form of ballot. The form of the ballot for the submission of this Charter shall be as follows: Instructions: A cross (X) in the square before the word "Yes" is in favor of the proposed Charter; and a cross (X) in the square before the word "No" is against the proposed Charter.

Shall the proposed Charter for the City of Grosse Pointe Park drafted by the Charter Commission elected on March 13, 1950, be adopted?

Yes

No

(c) Precincts. For the purposes of this election the precincts shall be the precincts of the Village government as they exist on November 1, 1950.

(d) Election commission. Such members of the Charter Commission of the City of Grosse Pointe Park who are not candidates for office in the December 11, 1950, election shall be the Election Commission for said election: The Election Commission shall elect its own Chairman, and the Village Clerk shall act as Secretary of the Commission and shall perform such duties in connection with the work of the Commission as are prescribed by the Commission and this Charter.

(e) Inspectors of election. The inspectors of election for this election shall be those persons designated by the Charter Commission in its meeting on October 27, 1950. They shall receive such compensation as designated by the Charter Commission in its meeting on October 30, 1950.

(f) Board of canvassers. The board of canvassers for this election shall be William G. Stamman, Village Clerk; Charles D. Heise, Jr., Village Treasurer and Pierre V. Heftler, Village Attorney of Grosse Pointe Park. The board shall meet in the municipal building of the Village and city at 8 P.M., Tuesday, December 12, 1950, to canvass the results of such election.

(g) Registration. The persons designated to act as inspectors of this election shall constitute a board of registration for the purpose of making the first registration of qualified voters in the city. Said board shall be authorized to procure the necessary books or files and forms to conduct such registration. The last day for registration shall be November 21, 1950, the twentieth (20th) day preceding the election. The board of registration shall on such last day for registration procure from the Village Clerk the records of the Clerk of the persons who are the registered Village electors and shall incorporate such records with their records and shall cause all such persons to be registered as city electors in the same manner as though such persons had then and there applied for registration and all such persons shall be deemed to be registered as city electors. Subsequent to the election, the registration records shall be delivered to the Clerk.

(h) Notice of registration. The Secretary of the Election Commission shall give notice for the board of registration of the days, hours and place that the registration will be conducted by publishing the same in the Grosse Pointe News and Grosse Pointe Review on November 9 and November 16, 1950, said first publication being not less than ten (10) days prior to the last day for receiving registration.

(i) Notice of election. The Secretary of the Election Commission shall cause to be published on November 23, 1950, with the publication of this Charter, and again in the Grosse Pointe News and Grosse Pointe Review on November 30 and December 7, 1950, a notice of this election, the location of the polling places, that on the date fixed therefore the question of adopting such proposed Charter will be voted on and that the elective officers provided for in the Charter will be elected on the same date. He shall also post such notice in at least ten (10) public places within the Village not less than ten (10) days prior to such election.

Charter – Grosse Pointe Park

(j) Procedure governing election. In all respects not otherwise provided for in Chapter 17 of this Charter, the election procedure shall be in accordance with the provisions of the other chapters of this Charter.

Section 16.2. First election of city officers.

(a) Election. The first election of officers provided for in this Charter shall be held on Monday, December 11, 1950, in conjunction with the election on the adoption of this Charter. At this election the voters shall be entitled to vote for a Mayor, not more than six (6) candidates for Council and not more than one (1) candidate for the Municipal Judge (justice of the peace).

(b) Terms. The three (3) candidates for Council who receive the three (3) highest numbers of votes shall be declared elected for a term beginning on Thursday, December 14, 1950, and ending on the Monday next following the date of the regular city election in 1955. The three (3) candidates for Council who receive the fourth (4th), fifth (5th) and sixth (6th) highest numbers of votes shall be declared elected for a term beginning on Thursday, December 14, 1950, and ending on the Monday next following the date of the regular city election in 1953. The Municipal Judge (justice of the peace) who receives the highest number of votes shall be declared elected for a term beginning on Thursday, December 14, 1950, and ending on the fourth (4th) day of July, 1953. After this election the provisions contained in this Charter relative to elections and terms of elective officers shall govern.

(c) Nominations. There shall be no primary election for the first election of city officers. Candidates shall be nominated by petition in a manner identical to that provided for in Sections 3.10 to 3.13 inclusive, except that:

- (1) Petitions shall be filed with the Secretary of the Election Commission who shall perform all the duties in connection with such nomination petitions as are required of the Clerk by this Charter; and
- (2) Nomination petitions shall be filed not before Friday, November 24, 1950, and not after Friday, December 1, 1950, other provisions of this Charter notwithstanding.
- (3) Notice of the days permitted for filing nomination petitions and of the number of persons to be elected to each office shall be published by the Secretary of the Election Commission in the Grosse Pointe News and Grosse Pointe Review on November 16, 23 and 30, 1950, other provisions of this Charter notwithstanding. The Secretary of the Election Commission shall on November 16, 1950, make available a supply of official petition forms as required by Section 3.10. The Secretary shall make his final determinations as to the validity and sufficiency of such nomination petitions on or before Monday, December 4, 1950, other provisions of this Charter notwithstanding. The names of those candidates who file valid and

sufficient nomination petitions and have the qualifications required for their respective office shall be certified to the Election Commission to be placed on the ballot:

(d) Other election procedure. In all respects not otherwise provided for in this section, the procedure for the election of officers shall be in accordance with the provisions of Section 17.1.

Section 16.3. Effective date of Charter.

(a) For the purpose of initiating the procedure for the election on the adoption of this Charter and for nominating and electing the first city officers this Charter shall take effect on November 9, 1950. For all other purposes this Charter shall take effect on Thursday, December 14, 1950, at 8 P.M. Eastern Standard Time. At such time the officers first elected under this Charter shall assemble in the municipal Council chambers. The meeting shall be called to order by the Chairman of the Charter Commission, or, in his absence or inability to serve, by the Vice-Chairman of the Charter Commission. Each elective officer shall take and subscribe to his oath of office as administered by said Chairman or Vice-Chairman, as the case may be, and shall thereupon be qualified for, and shall assume the duties of, his office.

(b) At the time the elective officers of the city assume the duties of their respective offices, the Village Commission shall cease to be and the office of each and every member thereof shall terminate, and all other elective Village offices shall thereupon cease to be and terminate. The control of such Village Commission and Village officers and of the officers of the Township of Grosse Pointe over that territory which was formerly the Village shall cease and be superseded by that of the Council and officers of the City of Grosse Pointe Park.

Section 16.4. Continuation of appointed officers and employees.

After the effective date of this Charter all appointive officers and all employees of the Village shall continue in that city office or employment which corresponds to the Village office or employment which they held prior to the effective date of the Charter as though they had been appointed or employed in the manner provided in this Charter, and they shall in all respects be subject to the provisions of this Charter; except that the terms of office of all members of the Village Board of Review shall terminate on December 31, 1950, and except that any officer or employee who holds a position which this Charter provides to be held at the will or pleasure of the appointing officer or body shall hold such position only at such will or pleasure regardless of the term for which originally appointed.

Section 16.5. First merit system board.

(a) On or before January 20, 1961, the Mayor shall appoint with the confirmation of the Council four (4) of the first five (5) members of the Merit System Board. Two (2) of such

Charter – Grosse Pointe Park

members shall be nominated by the employees of the Fire and Police Departments in accordance with Section 5.13. One (1) of the members so nominated and one (1) of the members not so nominated shall be designated by the Mayor for a term expiring January 2, 1953. The remaining two (2) members shall be designated by the Mayor for a term expiring January 2, 1956.

(b) If the employees of the Fire and Police Departments fail by January 15, 1961, to nominate either or both of the members to be so nominated, the Mayor shall appoint such member or members with the confirmation of the Council without regard to such nomination procedure.

(c) Immediately after four (4) members of the Board have been appointed they shall take the oath of office and assume office and shall forthwith by a majority vote nominate the fifth (5th) member of the Board, who shall promptly thereafter be appointed as a member by the Mayor with the confirmation of the Council. The fifth (5) member of the Board shall be appointed for a term expiring January 2, 1954. If such Board fails to so nominate such member within fifteen (15) days after all its other members have assumed office, then the Mayor shall appoint such member with the confirmation of the Council without regard to such nomination procedure.

(d) Nothing in this Charter shall prevent a person serving until March 31, 1951, as a member of both the Merit System Board and the Fire Department Civil Service Board provided for in Section 5.13(h).

(e) Thereafter the provisions of Section 5.13 as to appointment and terms of Board members shall govern.

Section 16.6. First Board of Review.

Before February 1, 1951, the Mayor with the confirmation of the Council shall appoint a Board of Review of three (3) freeholders who meet the qualifications for such office as provided in this Charter and shall fix their compensation. One (1) such member shall be designated to serve for a term expiring in January, 1952, one for a term expiring in January, 1953, and one for a term expiring in January, 1954. Thereafter the provisions of Section 9.6 shall govern.

Section 16.7. Interim financial provisions.

(a) The Council shall, at its first meeting on December 14, 1950, by resolution continue as city appropriations the unencumbered balances of the appropriations made by the previous Village Commission of Grosse Pointe Park until March 31, 1951, and these appropriations shall then be deemed to be city appropriations and the fiscal year of the Village shall be completed by the city as though no governmental change had been made. On March 31, 1951, the balances of all annual budget appropriations not then encumbered shall revert to the general fund.

(b) The period from April 1, 1951, to June 30, 1951, inclusive, shall constitute a special interim fiscal period to accomplish the transition from the previously existing fiscal period. A budget for such special fiscal period shall be prepared and adopted and administered in accordance with Sections 8.2 to 8.5 inclusive, except that the City Manager shall submit a recommended budget to the Council on or before its first regular meeting in March, 1951, and the budget shall be adopted not later than March 31, 1951.

(c) The audit of the fiscal year ending March 31, 1951, shall be made as of June 30, 1951, and such audit shall include also the special interim fiscal period.

Section 16.8. Township assets and liabilities.

As soon as practicable the Council shall take all necessary and proper action to obtain the division between the city and the Township of Grosse Pointe of the assets and liabilities of such township.

Section 16.9. Status of schedule chapter.

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

RESOLUTION OF ADOPTION

At a regular meeting of the Charter Commission of the City of Grosse Pointe Park held on the thirtieth (30th) day of October, 1950, the following resolution was offered by Commissioner McKean:

RESOLVED, that the Charter Commission of the City of Grosse Pointe Park does hereby adopt the foregoing proposed Charter for the City of Grosse Pointe Park and the Secretary of this Commission is directed to transmit a copy of this Charter to the Governor of the State of Michigan for his approval in accordance with statute, and to cause this proposed Charter to be published in the Grosse Pointe News on November 23, 1950.

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

YES: Commissioners Belanger, Collins, Gillett, Koebbe, McKean, O'Connor, Parshall, Potter and Wehmeier.

NO: None.

ABSENT: None.

Grosse Pointe Park - Charter

Charter approved.

G. Mennen Williams,
Governor of the State of Michigan.
November 20, 1950.

Approved by Electors: December 11, 1950.