

CHARTER



City of Harrison

**Clare County
Michigan**



Approved March 24, 1969

Price \$1.50

City of Harrison

Home Rule Charter

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CHARTER OF THE CITY OF HARRISON

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PREAMBLE

We, the people of the City of Harrison, Clare County, Michigan invoke the blessing of Almighty God, in order to establish justice, provide for the common good, promote the general welfare, do ordain and establish this Home Rule Charter for the City of Harrison by virtue of the authority of the Constitution and Statutes of the State of Michigan.

CHAPTER 1

NAMES AND BOUNDARIES

Section 1.1. The name of the organized city is the "City of Harrison". It is a body corporate organized as a city and embraces the following described territory in Clare County, State of Michigan, together with such ter-

ritory as may from time to time be attached thereto and less such territory as may from time to time be detached therefrom in accordance with law:

Entire Sections of 20, 21, 28 and 29 all in Township nineteen (19) North, Range Four (4) West, Clare County, Michigan.

Section 1.2. The City of Harrison shall consist of one (1) ward and one election precinct. The Council may by ordinance, establish convenient election precincts.

CHAPTER 2

GENERAL MUNICIPAL POWERS

POWERS OF THE CITY:

Section 2.1. Unless otherwise provided or limited in this charter, the City of Harrison and its officers shall 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 their charters under the Constitution and laws of the State of Michigan, and of the United States of America, including all the powers, privileges and immunities which cities are permitted to exercise or may provide in their charter by Act No. 279 of the Public Acts of 1909, as amended, as fully and completely as though those powers, privileges and immunities were specifically enumerated in and provided for in this charter, and in no case shall any enumeration of any particular powers, privileges or immunities in this charter be held to be exclusive.

The City and its officers shall have the 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 or not; to do any act to advance the interests of the city, the good government and prosperity of the municipality and its inhabitants; and through its regularly constituted authority, to pass and enforce all laws, ordinances, and resolutions relating to its municipal concerns, subject to the constitution and general laws of the state and the provisions of this charter.

FURTHER DEFINITION OF POWERS

Section 2.2. 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 the Constitution and Statutes of the State of Michigan, but this list shall not be exclusive:

(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 City of Harrison and which may be required for or incidental to the present or future exercise of the purposes, powers and duties of the City, either proprietary or otherwise;

(b) The maintenance, de-

velopment, operation, leasing and disposal of City property subject to any restrictions placed thereon by statute or this charter;

(c) Refunding money advanced or paid on special assessments for water main extensions; for borrowing money for such refunding, and for issuing bonds therefor, at an interest rate not to exceed statutory limits;

(d) 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;

(e) 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;

(f) 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;

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

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

(i) 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;

(j) 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;

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

(l) Preventing injury or annoyance to the inhabitants of the City from anything which is dangerous, offensive or unhealthful, and to prevent and abate nuisances and punish those occasioning them or neglecting or refusing to abate, discontinue, or remove the same;

(m) 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;

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

(o) 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;

(p) Requiring an owner of real property within the City to construct sidewalks abutting upon such property, and if owner fails to comply with such requirements, to construct such sidewalks and assess the cost thereof against the property abutting upon said sidewalks;

(q) 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 said owner that such hazard or nuisance exists, and if the owner fails to comply with such requirements, or if the owner is unknown, to abate such hazard or nuisance and assess the cost thereof against the property;

(r) The requiring as a condition of approving plats of land or premises hereafter laid out, divided, subdivided or platted into lots, streets, alleys and/or parks, that any and/or all streets and alleys shown on said plat be graded, drained, graveled and/or paved or otherwise improved, that all ditches, drains, storm drains and culverts needed therefor be constructed, that cement sidewalks be constructed, that public sanitary sewers and water facilities,

including fire hydrants, be installed within said plat, all in accordance with City specification. The Council may accept a bond conditioned upon the installation of such of the foregoing improvements as it requires within such time as it determines;

(s) Regulating and prohibiting the use of firearms, fireworks, combustible or explosive substances or materials within the City, and to regulate and prohibit the making of fires in the streets or other open spaces in the City;

(t) Regulating the height and construction and location of all fences now or hereafter to be built within the City;

(u) Regulating traffic and the parking of automobiles and other vehicles, regulating the speed of vehicles, upon or across the streets within the provisions and limitations of law, and the stopping and parking of the same upon the streets and at street crossings, and to provide for impounding all vehicles parked in violation of such regulations;

(v) Licensing and regulating junk yards and places for the dismantling, wrecking and disposing of the junk and/or refuse material of automobiles; prescribing rules, regulations and conditions for the operation of the same; providing penalties for the operation of the same without a license and for the violation of any rule, regulation or condition;

(w) Providing, maintaining and regulating one or more pounds and to authorize the impounding of all vehicles, beasts, and fowls found in the streets or otherwise at large, contrary to any ordinance of the City, prescribing the fees

for impounding, and the amount or rate of expense for keeping, and the charges to be paid by the owner or keeper of the vehicles, beasts, or fowls, for the payment of such fees, expenses and charges, and for penalties incurred, and impose penalties for rescuing any beasts, or fowl impounded;

(x) Acquiring, owning, erecting, maintaining, managing and controlling real estate, buildings, institutions, and works without the corporate limits of the City and to enforce beyond the corporate limits of the City and over such lands, buildings, institutions and property all ordinances and police regulations that may be necessary for the care, protection, control and management thereof in the same manner and to the same extent as if it were located within the City;

(y) Licensing hawkers, peddlers and pawnbrokers, and hawking and peddling to regulate, license or prohibit the sale or peddling of goods, wares, merchandise, refreshments or any kind of property or thing by persons going about from place to place in the City for that purpose, or from any stand, cart, vehicle or other device, in or upon the streets, highways, alleys, sidewalks, open places or spaces, public grounds or buildings in the City;

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

(z.1) To regulate, limit or prohibit the private keeping, storing and/or accumulation of ashes, rubbish, garbage, junk and parts of old automobiles or other refuse material

upon the streets or alleys of the City or on unenclosed private property, and to provide for declaring the same to be a public nuisance;

(z.2.) To regulate, limit, or prohibit the construction, erection, alteration, equipment, repair, moving, removal, use and demolition of buildings and structures and their appurtenances and service equipment; and create and enforce fire zones or districts in the City for the diminishing and control of the hazards of fire in such zones or districts;

(z.3.) Collecting and disposing of garbage and rubbish and licensing, regulating and prohibiting the same when done by others than the City;

(z.4.) The establishment and vacation of streets, alleys, public ways, and other places and of the space above and beneath them.

FIRE PROTECTION

Section 2.3. To provide for fire protection for all property within the City, public or private;

(a) By establishing and providing a fire department together with all its need and requirements; or

(b) By contracting with other corporations, firms or persons, municipal, public or private for the furnishing of adequate fire protection.

OUTSIDE

FIRE PROTECTION:

Section 2.4. In the exercise of the powers contained in Section 2.1. herein, the Council shall have the right to contract with persons, firms, corporations, or governing bodies to furnish fire protection to property outside the corporate limits of the City

for a fair consideration, if the Council shall find that the financial interests of the City are advanced by obtaining payments therefor; and/or that the prosperity of the municipality and inhabitants are advanced through preventing a conflagration which might spread within the limits or through protecting from fire, industrial or commercial properties which employ residents of the City.

INTERGOVERNMENT CONTRACTS:

Section 2.5. The City may join with any other Municipal Corporation or with any number or combinations thereof, by contracts or otherwise, as may be permitted by law, for the ownership, operation or performance, jointly or by any one or more, on behalf of all, of any property, facility or service which each would have the power to own, operate or perform separately.

ACQUISITION AND SALE OF REAL ESTATE

Section 2.6. The City shall have power to purchase, appropriate and own such real estate as may be necessary for public grounds, parks, boulevards, markets, public buildings, public works and other purposes necessary or convenient for the public good and for the execution of the powers conferred in this charter or by the statutes of this state; and such buildings and grounds or any part thereof may be sold at public sale or leased as occasion may require; provided, however, no property of the value in excess of \$1.00 per capita according to the last preceding United States census nor

any park nor any real estate used in carrying on a public utility or any part thereof shall be sold unless such sale be first approved by three-fifths (3/5) of the electors voting thereon at any general or special election.

CHAPTER 3

ELECTIONS AND APPOINTMENTS

ELIGIBILITY FOR OFFICE IN CITY:

Section 3.1. No person shall be eligible for an elective office of the City unless he shall be a qualified elector of the City, and shall have been a resident of the City for at least Twelve (12) months immediately prior to the date of his election or appointment, and shall have real or personal property assessed for taxes in the City in his name. Appointive offices will likewise as near as possible be limited to residents of the City.

VACANCIES IN OFFICE:

Section 3.2. (a) A City office shall become vacant upon the occurrence of any of the following events: (1) Expiration of the term of office; (2) Death of the incumbent; (3) Resignation; (4) Removal from office; (5) Ceasing to possess the qualifications or eligibility required by this charter for election or appointment to office, subject to subsection (b) of this section; (6) Conviction of an infamous crime, or of an offense involving a violation of an oath of office; (7) A decision of a competent tribunal declaring the officer's election or appointment void; (8) Failure to take the oath or file or have furnished for him

the bond required for the office within ten days from the date of election or appointment, or within such other time, not exceeding twenty days thereafter, as the Council may fix; (9) In the case of Councilmen and Mayor, absence from four consecutive regular meetings of the Council, unless such absences be excused by the Council at the time they occur or at or prior to the fourth such absence, or absences from twenty-five per cent of such meetings in any fiscal year, unless such absences shall be excused by the Council and the reason therefor entered in the proceedings of the Council at the time of each absence; (10) Absence from the City or failure to perform the duties of his office for sixty days, unless such absence from the City or failure to perform the duties of office shall be excused by the Council prior to the expiration of such sixty day period; or (11) Any other event which, by law, creates a vacancy.

(b) No person who is in default to the City shall continue thereafter to hold any City office, unless he shall eliminate the same within thirty days after notice thereof is filed with the Clerk and a copy thereof is served on him. However, when an officer contests an alleged default by recognized means of legal procedure, brought prior to or within thirty days after notice is served on him, such thirty day period shall not commence, until a determination has been made by the court or tribunal in which the existence of the default is contested.

RESIGNATIONS:

Section 3.3. Resignations of all City officers shall be made in writing and filed with the Clerk and shall be acted upon by the Council at its next regular or special meeting following receipt thereof by the Clerk.

FILLING VACANCIES:

Section 3.4. If a vacancy occurs in any elective office, the Council shall within thirty (30) days after the vacancy occurs appoint a qualified elector to fill such vacancy for the unexpired term. However, if any such vacancy is not filled by appointment within the said thirty days or if three (3) or more vacancies in the position of councilman exist simultaneously the City Clerk shall call a special election to fill such vacancy or vacancies that exist for the unexpired terms. No vacancy in an elective office shall be filled whether by appointment or special election as above provided, if the term of office vacated expires within thirty (30) days after the vacancy occurs.

OATH OF OFFICE AND BOND

Section 3.5. Every officer, elective or appointive, before entering upon the duties of his office, shall qualify by taking his oath of office prescribed for public officers by the Constitution of the State, and by filing 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 writ-

ing 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.

QUALIFICATION OF ELECTORS:

Section 3.6. The inhabitants of the City having the qualifications of electors in the State of Michigan, and no others, shall be electors of the City.

ELECTION PROCEDURE:

Section 3.7. 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, 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.

Section 3.8. **REGULAR CITY ELECTION:** A non-partisan regular City election shall be held on the first Tuesday following the first Monday in November in each even numbered year.

CITY PRIMARY ELECTION: A non-partisan City primary election shall be held on the same day of the regular fall state primary election in every even numbered year, except as hereinafter provided.

CANDIDATES NOMINATED: Candidates in number equal to twice the number of persons to be elected to each City office, who receive the highest number of votes at such primary election shall

be declared the nominees for election to the respective offices for which they are candidates.

WHEN NO PRIMARY ELECTION NECESSARY: If, upon the expiration of the time for filing nomination petitions, the number of candidates on said petitions do not exceed twice the number of candidates to be elected to such office, then no primary election shall be held in respect to such office and the Clerk shall publish notice of this fact.

SPECIAL ELECTIONS: Section 3.9. Special City elections shall be held when called by resolution of the Council at least forty-five (45) days in advance of such election, or when required by this charter or the general laws of the state. Any resolutions 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.

ELECTION COMMISSION:

Section 3.10. An election commission is hereby created, consisting of the Clerk, Mayor, and one other City Officer to be appointed by the Council, at least ninety (90) days prior to each regular City election. The Clerk shall be the chairman. The commission shall 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. Said election commission shall before each election, appoint a board of inspectors of election, which board shall consist of not less than three qualified electors of the City. When a City election is held on the same day as a national, state, or county election or primary, the same election officials shall act in both the City and the national, state, or county election or primary.

NOTICE OF ELECTIONS:

Section 3.11. Notice of the time and place of holding any City election and of the officers to be nominated or elected and the question 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 township or city clerks or as the Election Commission may prescribe.

VOTING HOURS:

Section 3.12. 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 or as the Election Commission may prescribe.

NOMINATING PETITIONS:

Section 3.13. Persons desiring to qualify as candidates for any elective office under this Charter shall file a petition therefor with the clerk signed by not less than Twenty (20) nor more than Thirty-five (35) registered electors of the City not later than the date and time for the filing of Nominating Petitions for State and County Offices. The form of the Petition shall be substantially

as that designated by the Secretary of State for the nomination of non-partisan judicial officers. A supply of official petition forms shall be provided and maintained by the Clerk. Before the Clerk shall furnish a form of nominating petition to any person, he shall enter thereon with typewriter or in ink the name of the candidate and the name of the office for which he is to be a candidate. No petition which has been altered with respect to such entries shall be received by the Clerk for filing.

In the event that the number of nomination petitions filed for candidates for any elective offices does not equal or exceed twice the number of such offices to be filled at any election, the Council may nominate, by resolution, such additional qualified citizens as may be necessary to make the number of such offices to be filled. Such resolution shall in each case be passed not later than 20 days prior to the date of the regular City election.

The Clerk shall publish notice of the last day and time for filing nomination petitions at least one (1) week before, and not more than three (3) weeks before that date.

No person shall sign his name to a greater number of petitions for any one office than there will be persons elected to said office. Where any name appears on more petitions than there are candidates to be elected to said office, such names shall not be counted upon any petitions for that office.

APPROVAL OF PETITIONS:

Section 3.14. 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 officers 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 for filing petitions the Clerk shall make his final determinations as to the validity and sufficiency of each nomination petition and whether or not the candidate has the qualifications required for those respective elective City offices 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.

PUBLIC INSPECTION OF PETITIONS:

Section 3.15. All nomination petitions filed shall be open to public inspection in the office of the Clerk.

FORM OF BALLOTS:

Section 3.16. The form of the ballots used in any City election shall conform as nearly as may be to that prescribed

scribed by the general laws of the state, except that no party designation or emblem shall appear upon any City ballot. The names of qualified nominees for each office shall be listed in a single column and shall be rotated on the ballots as prescribed by state statute.

DELIVERY OF REGISTRATION BOOKS AND SUPPLIES:

Section 3.17. The Clerk shall be responsible for the custody and safe keeping of all registration books and supplies. On election day, he shall deliver them to the respective Board of Inspectors of Election, taking their receipt therefor.

ABSENTEE BALLOTS:

Section 3.18. The electors of the City shall be entitled to vote by absentee ballots at any city election under the circumstances and in the manner provided by law.

BOARD OF CANVASSERS:

Section 3.19. The Mayor, with the advice and consent of the Council shall appoint a Board of Canvassers such as is provided by State Law, which Board of Canvassers shall have all the powers, duties and qualifications as is provided by State Law.

TIE VOTE:

Section 3.20. If, at any City election, there shall be no choice between candidates by reason of two (2) or more persons having received an equal number of votes, then the Council shall name a date for the appearance of such persons for the purpose of determining the election of such candidates by lot as provided

by State Law. Should any person or persons fail or refuse to appear, in person or by representative, to determine the result of any tie election at the time and place named by the Council, such determination shall be made by lot in his or their absence at the direction and under the supervision of the Council. Such determination shall, in any event, be final.

RECOUNT:

Section 3.21. 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 (6) 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 forty-eight hours thereafter.

RECALL:

Section 3.22. Any elective official may be removed from office by the electors of the City in the manner provided by the general laws of the state. A vacancy created by the recall of any elective official shall be filled in the manner prescribed by this charter.

CHANGE IN TERM OF OFFICE OR COMPENSATION:

Section 3.23. Except by procedures provided in this charter, the terms of the elective officials of the City shall not be shortened. The

terms of elective officers of the City may not be extended beyond the period for which any such officer was elected except that an elective officer of the City 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 City officer, agent or contractor, after the service has been rendered or the contract entered into. Nor shall the salary of any elective City officer be increased or decreased after his election during any fixed term of office for which he was elected, provided that the salary of any judge, magistrate, or justice-of-the-peace may be increased according to law.

CHAPTER 4

GOVERNMENTAL

ORGANIZATION

CITY GOVERNING BODY:

Section 4.1. The legislative and policy forming powers of the City shall be vested in a Council of six (6) members and a Mayor.

TERMS OF OFFICE:

Section 4.2. At each regular City election there shall be elected from the City at large a Mayor and three (3) Councilmen. The person elected to the office of Mayor shall hold office for two (2) years and each of the Councilmen so elected shall hold office for four (4) years. The terms of office of the Mayor and each Councilman shall commence on and date from the Monday next following the date of the regular City election at which they are elected.

QUALIFICATIONS OF COUNCILMEN:

Section 4.3. Members of the Council shall meet the eligibility requirements contained in Section 3.1. and the Council shall be sole judge of the election and qualifications of its own members.

COMPENSATIONS OF COUNCILMEN:

Section 4.4. The compensation of Mayor and Councilmen shall be determined by ordinances; provided, however, that no change in such compensation shall be effective during the term of office for which any member of the Council making the change was elected. All votes on this question shall be by roll call. Until otherwise provided by ordinance, such compensation shall be as follows: Each Councilman and the Mayor shall receive Ten Dollars (\$10.00) for each regular and special meeting which he attends but the compensation shall not exceed Three Hundred Dollars (\$300.00) in any fiscal year.

Further, said Councilmen shall upon authorization of the Council be allowed reasonable expenses, when actually incurred on behalf of the City.

FUNCTIONAL DUTIES OF THE MAYOR:

Section 4.5. (a) The Mayor shall be the executive head of the City. He shall have no vote in the proceedings of the Council, except to break a tie. He shall have veto power and shall be the presiding officer of the Council.

(b) The Mayor shall have the power to veto any ordinance or resolution adopted by the Council by writing

thereon the word "vetoed" and then signing and dating the same, at any time before the beginning of the next regular meeting. Any ordinance or resolution not so marked by the time the next regular Council meeting is called to order shall stand approved.

(c) In the event of the veto of any ordinance or resolution, the Mayor shall, during the next regular council meeting, inform the Council of such veto, and may at such time state his reasons and grounds for such veto.

(d) Any member of the Council present at such meeting or at either of the next two (2) regular meetings may make a motion to override the Mayor's veto, which motion must have an affirmative vote of five (5) of the six (6) Councilmen to prevail. If the motion prevails the ordinance or resolution shall stand as originally adopted; if not, the ordinance shall be null and void.

(e) The Mayor shall be a conservator of the peace, and may exercise within the City the powers conferred upon peace officers to suppress disorder, and shall have the power to command the assistance of all able-bodied citizens to aid in the enforcement of the ordinances of the City, and to suppress riots and disorderly conduct.

(f) The Mayor shall authenticate by his signature such instrument as the Council, this charter, or the laws of the State of Michigan or the United States shall require.

ADMINISTRATIVE SERVICES:

Section 4.6. There shall be, within the administrative services of the City, a Clerk,

Treasurer, Assessor, Chief of Police, Fire Chief, Superintendent of Public Works, Health Officer, Attorney, 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, except Clerk, Treasurer, Assessor, and Board of Review.

Except as hereinafter provided, all administrative Officers of the City shall be Hired by and shall serve at the Pleasure of the Council. Removal from office of any City Official must have an affirmative Vote of Five(5) of the Six (6) Councilman to prevail.

Enacted by Vote of the people at General Election on November 2, 1976

Except as may be otherwise provided by statute or this charter, the Council shall establish by ordinance a system of 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.

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 section shall be deemed to be employees of the City. The head of each department shall have the

power to hire and discharge the employees of such department with confirmation by the Council. Any employee who has been discharged may within 10 days thereafter petition the Council to hear the facts regarding such discharge, and in any such case the Council may, in its sole discretion, hold a hearing and inquire into such facts and may make such order in the matter as it considers proper.

The City may by initiatory ordinance, to be approved by a majority vote of the electors of the City, create the office of City Manager. In the event such office is created, the Council may specify the duties, authorities and responsibilities of such office and may provide that any administrative officer or department of the City except the Attorney shall be placed under the administrative direction of such Manager, and in such event the Manager shall have the power to appoint, subject to confirmation by the Council, such administrative officers of the City as are placed under his administrative direction and shall have the power to discharge such administrative officers subject to confirmation by the Council. Any administrative officer who has been discharged may within 10 days thereafter petition the Council to hear the facts regarding such discharge, and in any such case the Council may, in its sole discretion, hold a hearing and inquire into such facts and may make such order in the matter as it considers proper.

SELECTION OF MAYOR PRO TEM:

Section 4.7. The Mayor shall at the first regular meeting of the Council following each regular biennial City election appoint one of the Council members to serve as Mayor Pro Tem. The Mayor Pro Tem shall perform the duties of the Mayor, when, on account of absence from the City, disability, or otherwise, the Mayor is temporarily unable to perform the duties of his office, and in case of vacancy in the office of Mayor, until such vacancy is filled by the Council. The Mayor Pro Tem shall preside over meetings of the Council at the call of the Mayor. In the event of vacancy in the office of Mayor, the Council shall as soon as possible appoint one of its elected members or any other qualified elector to fill such vacancy, and the new Mayor shall then, within a reasonable time, appoint a Mayor Pro Tem.

The Mayor Pro Tem shall not lose his vote as a Councilman by reason of his presiding in the absence of the Mayor. He shall not have veto power.

DUTIES OF THE ADMINISTRATIVE OFFICERS:

Section 4.8. The Clerk shall be the chief accountant of the City and shall maintain a system of accounts which shall conform to such uniform system as may be required by state law. The clerk shall also be the Clerk of the Council and shall attend all meetings of the Council and shall keep a permanent journal in the English language of its proceedings. In the event of

the Clerk's absence from any regular or special meeting of the Council, the Mayor shall appoint a recording secretary for that meeting from among those persons present at said meeting.

The City Treasurer shall have such powers and duties and prerogative with regard to the collection and custody of state, county, school district, and city taxes and moneys as are conferred by law upon township treasurers in connection with state, county, township and school district taxes upon real and personal property.

The City Assessor shall have all power vested in, and shall be charged with all the duties imposed upon, assessing officers by general laws of the State. He shall prepare all regular and special assessment rolls in the manner prescribed by this Charter, by ordinance and by the general laws of the State.

All appointive officers of the City shall perform such duties as are provided for such officers by state law, this charter, the City ordinances, and the administrative directives of the Council. All such administrative officers shall be responsible to the Council in and for the performance of the duties of their several offices.

CITY OFFICERS AND EMPLOYEE BENEFITS:

Section 4.9. The Council may provide, by ordinance for a merit system of personnel management for employees in the service of the City, for the pensioning of its elective and appointive officers and employees and recognized standard plan of group life, hospital, health,

or accident insurance.

SYSTEM OF ACCOUNTS:

Section 4.10. The City through its chief accountant shall maintain a system of accounts which shall conform to such uniform system as may be required by state law.

Section 4.11. The chief accountant shall annually prepare for the Council a financial statement showing in such detail and in such form as the Council may direct all assets and liabilities and all income and disbursements of the City and its related activities.

Section 4.12. The Council through its chief accountant may require a system of accounts by each officer and each administrative division as shall be necessary to properly control the finances of the City. The chief accountant shall audit these accounts at his discretion, but not less than annually at the close of the City's fiscal year.

POLICE OFFICERS:

Section 4.13. The City Council may establish a Police Department. Police Officers of the city shall have all the powers, immunities, and privileges granted to peace officers by law for the making of arrests, the preservation of order, and the safety of persons and property in the City. All police officers of the City of Harrison shall have like powers and authority in matters of civil and criminal nature in relation to the service of process, civil and criminal as are conferred by law on peace officers in Townships. Such police officers shall have power also to serve all processes

issued for breaches of ordinances of the City. The only compensation of officers of the police force for serving processes issued by the Justice of the Peace of the City of Harrison shall be the same as those allowed the constables by state law. The cost of the bond of any police officer shall be paid by the City.

CITY REPRESENTATIVES ON BOARD OF SUPERVISORS: (Section 4.14 reserved for Board of Supervisors).

SURETY BONDS:

Section 4.15. In order to protect the city and the public, the Council may require appropriate surety bonds of officers and employees. No bond shall be renewed upon its expiration. The premium of such bonds shall be paid by the City. Blanket bonds covering two or more officers or employees, or both, may be substituted for individual bonds.

CITY LIBRARY:

Section 4.16. The City Library shall be a department of the City government under the direction of a Library Board comprised of five (5) members who shall be appointed by the Mayor, subject to confirmation by the City Council. The terms of the members of the Library Board shall be for six (6) years, commencing on January 1st and shall be so arranged that the term of one member shall expire in each year. The Library Board shall possess such powers as are conferred upon such boards by state law, and as are granted under ordinances

already enacted, or which may be enacted under the provisions of this charter.

CHAPTER 5

FUNCTIONS OF THE COUNCIL

PROVIDING FOR PUBLIC HEALTH AND SAFETY:

Section 5.1. Through the departments and agencies of the City government, the Council shall provide 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 state law.

MEETINGS OF THE COUNCIL:

Section 5.2. (a) 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.

(b) Special meetings shall be called by the clerk on the written request of the Mayor, or any two members of the Council on at least 24 hours' written notice to each member of the Council served personally or left at his usual place of residence; but any special meeting at which all members of the Council are present or have waived notice thereof in writing shall be a legal meeting.

(c) No business shall be transacted at any special meeting of the Council unless the same has been stated in the notice of such meeting. However, if all the members of the Council are present at any special meeting of the Council and consent thereto,

then any business which might lawfully come before a regular meeting of the Council may be transacted at such special meeting.

(d) All regular and special meetings of the Council shall be open to the public and the rules of order of the Council shall provide that citizens shall have a reasonable opportunity to be heard.

(e) Four (4) members of the Council shall be a quorum for the transaction of business at all meetings of the Council, but in the absence of a quorum, two (2) members may adjourn any regular or special meeting to a later date.

(f) The Council shall determine its own rules and order of business and shall keep a journal of all its proceedings in the English language which shall be signed by the Mayor and the Clerk. The vote upon the passage of all ordinances, and upon the adoption of all resolutions shall be taken by "yes" and "no" votes and entered upon the record except that where the vote is unanimous, it shall only be necessary to so state. Any citizen or taxpayer of the City shall have access to the minutes and records of all regular and special meetings of the Council at all reasonable times.

(g) The Council may by vote of not less than two (2) of its members, compel the attendance of its members and other officers of the City at its regular and special meetings and enforce orderly conduct therein, and any member of the Council or other officer of the City who refuses to attend such meetings or conduct himself in an orderly manner thereat shall be deemed guilty of miscon-

duct in the office. The Chief-of-Police shall serve as the Sergeant - at - Arms at the Council in the enforcement of the provisions of this section.

(h) No Councilman shall vote on any question in which he has a financial interest other than the common public interest or any question concerning his own conduct, but on all other questions each member who is present shall vote unless excused by unanimous consent of the remaining members present.

(i) The proceedings of the Council or a summary thereof shall be posted or published at least once within fifteen (15) days following each meeting. Any such summary of such proceedings shall be prepared by the Clerk and approved by the Mayor, and shall show the substance of each separate proceedings of the Council.

PRIOR ORDINANCES AND REGULATIONS:

Section 5.3. All by-laws, ordinances, resolutions, rules and regulations of the City which are not inconsistent with this charter and which are in force and effect on the effective date of this charter shall continue in full force and effect as by-laws, 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 of commission by the Mayor, such officers or members of any board or commission shall, after the effective date of this charter, be appointed by the Mayor with the approval of the Council.

ORDINANCE ENACTMENT:

Section 5.4. All legislation of the City of Harrison shall be by ordinance or by resolution. The word "Resolution" as used in this charter shall be the official action of the Council in the form of a motion and such action shall be limited to matters required or permitted to be done by resolution by this charter or by state or federal law and to matters 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. Ordinances may be enacted, amended or repealed by the affirmative vote of not less than four (4) Councilmen. Ordinances shall be amended or repealed only by adoption of an ordinance. Each ordinance shall be identified by a number and a short title. Each proposed ordinance shall be introduced in written or printed form. The style of all ordinances passed by the Council shall be: "The City of Harrison Ordains:". Except in the case of ordinances which are declared to be emergency ordinances, no ordinance shall be finally passed by the Council at the same meeting at which it is introduced. No ordinances shall be revised, altered, or amended by reference to its title only, but the sections or sections of the ordinance revised, altered, or amended shall be re-enacted and published at length, and all ordinances, when enacted, shall be immediately 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 record by their official signatures thereon.

PENALTIES FOR VIOLATIONS OF ORDINANCES:

Section 5.5. The Council may provide in any ordinance for the punishment of those who violate its provisions. The punishment for the violation of any City ordinance shall not exceed a fine of Five Hundred Dollars (\$500.00) or imprisonment for ninety (90) days or both in the discretion of the court. Imprisonment for the violation of this Charter or any City Ordinance may be in the County Jail or City Prison or in any workhouse or prison of the State authorized by law to receive prisoners of the City.

PUBLICATION OF ORDINANCES:

Section 5.6. Each ordinance passed by the Council shall be published at least once within fifteen (15) days after the adoption of the ordinance by the Council. All ordinances of the City shall become effective ten (10) days after the publication thereof, unless a date upon which an ordinance shall become effective which is subsequent to the date of the publication thereof is specifically provided in the ordinance itself. The publication of any ordinance in full after its final passage as part of the published proceedings of the Council shall constitute publication of such ordinance as required herein. An ordinance which is declared therein to be immediately necessary for the preservation of the public peace,

health or safety may be given effect before publication as otherwise required by this charter, if preliminary publication is accomplished by posting copies thereof in conspicuous locations in ten (10) 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; however, such ordinances shall also be published in the manner required for other ordinances within fifteen (15) days after its adoption.

TECHNICAL CODES:

Section 5.7. The Council may adopt any provision of state law or any detailed technical regulation or code authorized by state law as a city ordinance by citation of such provision of state law, or by reference to any such regulation or code, provided that the provisions of same shall be clearly identified in the ordinance adopting same as an ordinance of the City. Where any such code or regulation is so adopted it may be published by providing to the public not less than fifty (50) copies in book or booklet form, available for public distribution at a reasonable charge, and any amendment to or revision of such regulation or code may be published in the same manner.

INITIATIVE AND REFERENDUM:

Section 5.8. An ordinance may be initiated by petition, or a referendum on an ordi-

nance enacted by the Council may be had by a petition, as hereinafter provided.

PETITIONS:

Section 5.9. An initiatory or referendary petition shall be signed by not less than fifteen (15) per cent of the registered electors of the City who have signed said petition within six (6) months before date of filing the petition with the Clerk. Before being circulated for signatures, all such petitions may be approved as to form by the Clerk. No such petition need be on one paper but may be the aggregate of two (2) or more petition papers. Each signer of a petition shall sign his name in ink or indelible pencil, 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 thereto 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 ten (10) days, canvass the signature thereof to determine the sufficiency thereof. If found to contain an insufficient number of signatures of registered electors of the City, or to be improper as to form, or compliance with the provisions of this section, the Clerk shall notify forthwith the persons filing such petition, and ten (10) days from such notification shall be allowed for the filing of supplemental petition papers. When found sufficient and proper,

the Clerk shall present the petition to the Council at its next regular meeting.

COUNCIL PROCEDURE:

Section 5.10. Upon receiving an initiatory or referendary petition from the Clerk, the Council shall, within thirty (30) days, either:

(a) If it be an initiatory petition, adopt the ordinance as submitted in the petition or determine to submit the proposal to the electors of the City.

(b) If it be a referendary petition, repeal the ordinance to which the petition refers or determine to submit the proposal to the electors of the City.

SUBMISSION TO ELECTORS:

Section 5.11. Should the Council decide to submit the proposal to the electors, it shall be submitted at the next election held in the City for any purpose. If no election is to be held in the City for any other purpose within one hundred and fifty (150) days from the time the petition is presented to the Council and the Council does not adopt the ordinance, then the Council shall call a special election within sixty (60) days from such time for the submission of the proposal. The result shall be determined by a majority vote of the electors voting thereon, except in cases where otherwise required by the Constitution or laws of the State of Michigan.

ORDINANCE SUSPENDED:

Section 5.12. The certification by the Clerk of the sufficiency of a referendary petition filed within thirty (30)

days after the passage of the ordinance to which such petition refers shall automatically suspend the operation of the ordinance in question pending repeal by the Council or final determination by the electors as the case may be. An ordinance adopted by the electorate through initiatory proceedings may not be amended or repealed by the Council for a period of two (2) years after the date of the election at which it was adopted.

FRANCHISES, CONTRACTS AND LEASES REMAIN IN EFFECT:

Section 5.13. All franchises, contracts and leases to which the City is a party when this charter becomes effective shall remain in full force and effect in accordance with their respective terms and conditions.

GRANTING OF PUBLIC UTILITY FRANCHISES:

Section 5.14. 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 (30) years.

No franchise ordinance which is not subject to revocation at the will of the City 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 publication thereof 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 expenses of holding such election, as determined by the Council, shall have first been paid to the Treasurer by the grantee.

A franchise ordinance which is subject to a revocation at the will of the City 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 remain on file with the Clerk for public inspection for at least four (4) weeks before the final enactment thereof.

CONDITIONS OF PUBLIC UTILITY FRANCHISES:

Section 5.15. 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:

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

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

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

rates;

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

(e) To impose such other reasonable regulations as may be conducive to the health, safety and accommodation of the public;

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

(g) To pay such part of the cost of improvement or maintenance of the streets, alleys, bridges, and public places of the City, as shall arise from its use thereof, and to protect and save the City harmless from all damages arising from said use.

(h) Require the public utility to file with the City such drawings and maps of the location and nature of its facilities, as the Council may request.

SALE OR ASSIGNMENT OF FRANCHISES:

Section 5.16. The grantee of a franchise may not sell, assign, sublet, or allow another to use the same, unless the Council gives its consent. Nothing in this section shall limit the right of the grantee of any public utility franchise to mortgage its property or franchise, nor shall restrict the rights of the purchaser, upon foreclosure sale, to operate the same, except that such mortgagee or purchaser

shall be subject to the terms of the franchise and provisions of this charter.

RESTRICTION ON THE COUNCIL:

5.17. The Council shall not have the power to make any contract with or give any official position to one who is in default to the City. Further, the Council shall not have the power to sell any park, cemetery or any park thereof, or to engage in any business enterprise requiring an investment of money in excess of 10c per capita, unless these actions are approved by a three-fifth (3/5) majority of the electors voting thereon at a regular or special election.

Unless by the affirmative vote of four (4) Councilmen, no office shall be created or abolished, no tax or assessment shall be imposed, no street, alley, public ground shall be vacated, no real estate or any interest therein shall be sold or disposed of, no action shall be taken to condemn private property for public use, no money shall be appropriated, nor shall any vote of the Council be reconsidered or rescinded.

INVESTIGATIONS:

Section 5.18. The Council, or any person or committee authorized by it for the purpose, shall have the power to inquire into the conduct of any department, office, or officer of the City and make investigation as to municipal affairs, and for that purpose may subpoena witnesses, administer oaths, and compel the production of books, papers and other evidence. Failure on the part of any officer of the City to obey such sub-

poena or to produce books, papers or other evidence as ordered under the provisions of this section shall constitute misconduct in office. Anyone convicted of misconduct in office will be subject to removal from office. If such failure shall be on the part of an employee of the City, the same shall constitute a misdemeanor, and upon conviction thereof such employee may be punished by imprisonment in the County Jail for not more than ninety (90) days, or by a fine of not more than \$100.00 or by both such fine and imprisonment.

SEVERABILITY OF ORDINANCES:

Section 5.19. 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 applications, provided such remaining portions are not determined by the court to be inoperable, and to this end ordinances are declared to be severable.

CHAPTER 6

GENERAL FINANCE AND TAXATION

FISCAL YEAR:

Section 6.1. The fiscal year of the City and all of its agencies shall begin at the beginning of the first day of January each year and end at the end of the thirty-first day of December on that year, so that the fiscal year

shall be the same as the calendar year.

BUDGET PROCEDURES:

Section 6.2. The Mayor of the City shall be the Budget Officer. Each board, commission, officer and department head shall submit his recommended budget with supporting explanation for the next fiscal year to the Budget officer on or before September 15th of each year.

The Budget Officer shall prepare and submit to the Council, on or before the first regular meeting in October of each year, a budget document covering the next fiscal year tabulating the recommendations of the several department heads and officials, and shall include therein at least the following information:

- (a) Detailed estimates, with supporting explanations of all proposed expenditures for each department and office of the City, together with the expenditures for corresponding items for the last preceding fiscal year in full and for the current year to September 1st and estimated expenditures for the balance of the current fiscal year;
- (b) Statements of the bonded and other indebtedness of the City, showing the debt redemption and interest requirements, the debt authorized and unissued and the condition of sinking funds, if any;
- (c) Detailed estimates of all anticipated revenues of the City from sources other than taxes, with a comparative statement of the amounts received by the City from each of the same or similar sources

for the last preceding fiscal year in full and for the current fiscal year to September 1st and estimated revenues for the balance of the current fiscal year;

- (d) A statement of the estimated balance or deficit for the end of the current fiscal year;
- (e) An estimate of the amount of money to be raised from current and delinquent taxes and the amount to be raised from bond issues which, together with any available unappropriated surplus and any revenues from other sources, will be necessary to meet the proposed expenditures;
- (f) Such other supporting schedules as the Council may request;
- (g) The City Council shall hold a public hearing on the budget pursuant to law.

ADOPTION OF BUDGET, TAX LIMIT:

Section 6.3. Not later than the 1st regular City Council meeting in December, the Council shall, by resolution, adopt the budget for the next fiscal year and shall, in such resolution make an appropriation for the money needed for municipal purposes during the ensuing fiscal year of the City and provide for a levy of the amount necessary to be raised by taxes upon real and personal property for municipal purposes, which levy shall not exceed two (2%) per cent of the assessed valuation as equalized, of all real and personal property subject to taxation in the City.

BUDGET CONTROL:

Section 6.4. Except for purposes which are to be financed by the issuance of bonds, special assessment, or other method not requiring a budget appropriation, no money shall be drawn from the treasury of the City without an appropriation therefor, 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 may transfer any unencumbered appropriation balance, or any portion thereof, from one department, fund or agency to another. In the case of emergency arising from a pressing need other than a regular or recurring requirement and necessary to protect the public health, welfare or safety, the Council may make additional appropriations to cover unanticipated expenditures required of the City because of such emergency.

At the beginning of each quarterly period during the fiscal year, and more often if required by the Council, the officer responsible for maintenance of the City accounting system 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.

PURCHASING AGENT:

Section 6.5. The Council may designate one of the administrative officers of the City as Purchasing Agent, and he shall be responsible for the purchase of City personal property within budget limitations and the sale of all City property except real estate. In all sales or purchases in excess of \$500.00, the sale or purchase shall be approved by the Council, and formal sealed bids shall be obtained unless the Council by formal unanimous resolution of those present at the meeting determine that no advantage to the City would result from competitive bidding. The Council may authorize the making of public improvements or the performance of any other City work by a City agency without competitive bidding. The Council may establish detailed purchasing, sale and contract procedure by ordinance or resolution.

DEPOSITORY:

Section 6.6. The Council shall designate the depository or depositories for City funds, and shall provide for the regular deposit of all City moneys. The Council may provide for such security for City deposits as is authorized or permitted by the general laws of the state, except that personal security bonds shall not be deemed proper security.

INDEPENDENT AUDIT:

Section 6.7. An independent audit shall be made of all accounts of the City government at the close of each fiscal year, and shall be completed within ninety (90) days thereafter. Special independ-

ent audits may be made at any time that the Council may designate. Such audit shall be made by certified public accountants. All such audits shall be reported to the Council. The results of such audit shall be made public in such manner as the Council may determine, but as a minimum, it shall be available for inspection at the office of the Clerk.

POWER TO TAX:

Section 6.8. The City shall have the power to assess taxes and levy and collect rents, tolls and excises.

SUBJECTS OF TAXATION:

Section 6.9. 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 law, city taxes shall be levied, collected and returned in this manner provided by this charter.

EXCEPTIONS:

Section 6.10. No exemptions from taxation shall be allowed, except as expressly required or permitted by statute.

TAX DAY:

Section 6.11. Subject to the exceptions provided or permitted by law, the taxable status of persons and property shall be determined as of the thirty-first day of December, or such other date as may subsequently be required by law, which shall be deemed the tax day. Values on the assessment roll shall be determined according to the facts existing on the tax day for the year for which

such roll is made, and no change in the status or location of any such property after that day shall be considered by the Assessor or the Board of Review.

PREPARATION OF THE ASSESSMENT ROLL:

Section 6.12. On or before the first Monday in March in each year the Assessor shall prepare and certify an assessment roll of all property in the City 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 records of the Assessor shall show separate figures for the value of the land, of the buildings and improvements, and of the personal property; and the method of estimating all such values shall be as nearly uniform as possible.

On or before the first Monday in March the Assessor shall give by first class mail a notice of any increase of at least ten (10%) per cent over the previous year in the assessed value of any property, where such increase does not involve additional construction, to the owner as shown by such assessment roll.

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

PERSONAL PROPERTY . . . JEOPARDY ASSESSMENT:

Section 6.13. If the treasurer finds or reasonably believes that any person, who is, or may be, liable for taxes upon personal property, the taxable status of which

was in the City on tax day, intends to depart or has departed from the City; or to remove or has removed therefrom personal property which is, or may be, liable for taxation; or to conceal or conceals himself or his property; or does any other act tending to prejudice, or to render wholly or partly ineffectual the proceedings to collect such tax, he shall proceed to collect the same as a jeopardy assessment in the manner provided by law.

BOARD OF REVIEW:

Section 6.14.

- (a) A Board of Review is hereby created composed of three members who have the following qualifications: he shall be a qualified elector of the City, and shall have been a resident of the City for at least Twelve (12) months immediately prior to the date of his election or appointment, and shall have real or personal property assessed for taxes in the City in his name.
- (b) The members of the Board of Review shall be appointed by the Council and may be removed for reasons of nonfeasance or misfeasance by the vote of five members of the Council. The first members shall be appointed during the month of January 1969 for terms expiring on January 31, 1970, 1971 and 1972. Thereafter, one member shall be appointed in the month of January of each year, for a term of three years, commencing on the following February first. The Council shall fix the

compensation of members of the Board.

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

MEETINGS OF THE BOARD OF REVIEW:

Section 6.15. The Board of Review shall convene in its first session on the second 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 eight hours for the purpose of considering and correcting the roll. In each case in which the assessed value of any property is increased over the amount shown on the assessment roll as prepared by the Assessor or any property is added to such roll by the Board, or the Board has resolved to consider at its second session such increasing of an assessment or the adding of any property to such roll, the Assessor shall give notice thereof to the owners as shown by such roll by first class letter mailed not later than the second day following the end of the first session of the Board. Such notice shall state the date, time, place and purpose of the second session of the Board.

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

The Board of Review shall convene in its second session

on the fourth 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 hours. At the second session, the Board may not increase any assessments or add any property to the rolls, except in those cases in which the Board resolved at its first session to consider such increase or addition at its second session, and ordered proper notice.

NOTICE OF MEETING:

Section 6.16. Notice of the time and place of the sessions of the Board of Review shall be posted or published in a paper circulated in said City of Harrison by the Clerk at least ten days prior to each session of the Board.

DUTIES AND FUNCTIONS OF BOARD OF REVIEW:

Section 6.17. 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 statute 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, and to make all corrections to the roll as ordered by the Board.

ENDORSEMENT OF ROLL:

Section 6.18. After the Board of Review has completed its review of the assessment roll, and not later than the first Monday in April, the majority of its members shall endorse thereon and sign a statement to the effect that the same is the assessment roll of the City for the year in which it has been prepared. The omission of such endorsement shall not affect the validity of such roll.

Section 6.19. 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 correct 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.

CITY TAX ROLL:

Section 6.20. After the Board of Review has com-

pleted 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 6.19, 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 City tax according to and in proportion to the several valuations set forth in said assessment roll. To avoid fractions in computation on any taxroll, 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 rolls shall belong to the City.

CITY TAX ROLL CERTIFIED FOR COLLECTION:

Section 6.21. After extending taxes aforesaid and not later than the fifteenth (15th) day of June in each year, the assessor shall certify said tax roll, and the Mayor shall annex his warrant thereto directing and requiring the Treasurer to collect prior to March First of the following year, from the several persons named on 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 each roll, all the powers and immunities possessed by township treasurers for the collection of taxes under the

general laws of the state.

TAX LIEN:

Section 6.22. On June 15 the taxes thus assessed shall become a debt to the City from the persons to whom they are assessed. On July 1 the amount 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.

The liens 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.

TAX DUE —

NOTIFICATION THEREOF:

Section 6.23. The Treasurer shall not be required to make personal demand for the payment of taxes, but, upon receipt of the City tax roll, he shall forthwith mail a tax statement to each person named in the tax roll, which mailed statement shall be a sufficient demand for the payment of all taxes assessed. Neither the failure on the part of the Treasurer to mail such statement, nor the failure of any person to receive the same, shall invalidate the taxes on the tax roll or release any person or property assessed from the liabilities provided in this charter in case of non-payment.

COLLECTION OF CITY TAXES:

Section 6.24. The City Taxes shall be due on the

first day of July in the fiscal year when levied. All summer City taxes paid on or before August 15th of the year in which assessed shall be collected by the City Treasurer without a collection fee. As to all City taxes paid to the Treasurer after August 15, he shall add a two per cent collection. After September 15 thru February 28 of the following year, he shall add a four per cent collection fee.

TAX ROLL TO THE COUNTY TREASURER:

Section 6.25. All taxes, special assessments, charges and collection fees on the City tax roll which remain unpaid on the first day of March following the date when said roll was received by the Treasurer shall, on that date, become delinquent and shall be returned to the County Treasurer at the time and in the same manner and with like effect as returned by Township Treasurer of Township, school and county taxes. Such returns shall be made upon a delinquent tax roll to be prepared by the Treasurer and shall include all the additional charges which shall in such return be added to the amount assessed in said tax roll against each description. The taxes, assessments, charges and fees thus returned shall be collected in the same manner as Township taxes returned to the County Treasurer are collected under statutory provisions and shall be and remain a lien upon the lands against which they are assessed until paid.

FAILURE OR REFUSAL TO PAY PERSONAL PROPERTY TAX:

Section 6.26. If any person, firm or corporation shall neglect or refuse to pay any personal property tax assessed to him or them by September First, the Treasurer shall collect the same by seizing the personal property of such person, firm or corporation to an amount sufficient to pay such tax, fees and charges for subsequent sale, wherever the same may be found in the state, and from which seizure no property shall be exempt. He may sell the property seized to an amount sufficient to pay the taxes and all charges in accordance with statutory provisions. The Treasurer may, if otherwise unable to collect a tax on personal property sue, in accordance with statute, the person or firm or corporation to whom it is assessed.

PROTECTION OF CITY LIEN:

Section 6.27. The City shall have the power to acquire by purchase any premises within the City at any tax or other public sale, or by direct purchase from the State of Michigan or the fee owner, when such purchase is necessary to protect the lien of the City, lease or sell the same for the purpose of securing therefrom the amount of such taxes or special assessments, or both, together with any incidental expenses incurred in connection with the exercise of this power. Any such procedure exercised by the City in the protection of its tax lien shall be deemed to be for a public purpose. The Council may

adopt any ordinances that may be necessary to make this section effective.

STATE, COUNTY AND SCHOOL TAXES:

Section 6.28. For the purpose of assessing taxes in the City for state, county and school purposes, the City shall be considered the same as a township, and all provisions of state law relative to the collection of such taxes and fees to be paid therefor, the accounting therefor to the appropriate taxing units, and the returning of taxes to the county treasurer for non-payment thereof shall apply to the performance thereof by the City Treasurer, who shall perform the same duties and have the same powers as township treasurers under the state law.

MUNICIPAL BORROWING POWER:

Section 6.29.

- (a) Subject to the applicable provisions of the law, the City may borrow money for any purpose within the scope of its powers or which may be permitted by law, and may issue bonds or other evidence of indebtedness therefor.
- (b) All collections on special assessment rolls or on any combination of such rolls shall be set apart in a separate fund and shall be used for the purpose for which levied, and for the payment of the principal and interest of bonds issued in anticipation of such special assessments. As to such of said bonds as are also a general obligation of the City, if there is any deficiency in any special as-

essment fund to meet the payment of the principal or interest to be paid therefrom, moneys shall be advanced from the general funds of the City to meet such deficiency, and shall be replaced in the general funds when the special assessment fund shall be sufficient therefor.

- (c) Each bond or other evidence of indebtedness shall contain on its face a statement specifying the purpose for which the same is issued, and the proceeds thereof shall not be used for any other purpose, except that, whenever the proceeds of any bond issue, or a part thereof, remain unexpended and unencumbered for the purpose for which said bond issue was made, the Council may, by the concurring vote of not less than five (5) members, authorize the use of such unexpended and unencumbered funds:
 - (1) For the retirement of such bond issue, or
 - (2) If such bond issue has been fully retired, then for the retirement of other bonds or obligations of the City provided for by this section: Provided that in the case of special assessment bonds, such funds shall be refunded to the owners of property against which special assessments therefor were made, pro rata as provided in this charter according to payments made toward the total cost of the im-

provement for which the bonds were issued; or

- (3) For such other purposes as may be permitted by law, subject to the proviso in paragraph (2) above; or
- (4) If such funds cannot be used as above permitted, then in any manner approved by a vote of not less than five (5) members of the Council.
- (d) No bond or other evidence of indebtedness, regardless of type or purpose, shall bear interest at a rate exceeding that fixed by law.
- (e) All bonds and other evidences of indebtedness shall be signed by the Mayor and countersigned by the Clerk, under the seal of the City. Interest coupons may be executed with the facsimile signatures of the Mayor and Clerk. A complete and detailed record of all bonds and other evidences of indebtedness shall be kept by the City Treasurer. Upon the payment of any bond or other evidence of indebtedness, the same shall be marked "Cancelled" or otherwise defaced by the City Treasurer, to indicate payment.

LIMITATIONS UPON BORROWING POWER;

Section 6.30.

- (a) The net bonded indebtedness incurred for all public purposes shall not at any time exceed ten percent 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 all money borrowed which, by law, does not constitute an indebtedness of the City within any constitutional or statutory debt limitation or which is permitted by law to be in excess thereof. 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) In case of fire, flood or other calamity, the Council may borrow for the relief of the inhabitants of the City and for the preservation of municipal property, a sum not to exceed three-eighths (3/8) of 1 per centum of the assessed value of all the real and personal property in the City, due in not more than Five (5) years, even if such loan would cause the indebtedness of the City to exceed the limit otherwise fixed in this charter.
- (c) No bonds shall be sold to obtain funds for any purpose other than for which they were specifically authorized, and, if such bonds are not sold within three (3) years after authorization such authorization shall be null and void.

Section 6.31. The Council shall designate depositories for City funds in accordance with law, and shall provide for the regular deposit of all City monies.

CHAPTER 7

PUBLIC IMPROVEMENTS, COMPACTS AND UTILITIES

GENERAL POWER RELATIVE TO SPECIAL ASSESSMENTS:

Section 7.1. The Council shall have the power to determine the necessity of any local or public improvement and to determine that the whole or any part of the expense thereof shall be defrayed by special assessment upon the property especially benefited and shall so declare by resolution, provided that all special assessments levied shall be based upon or be in proportion to the benefits derived or to be derived. Such resolution shall state the estimated cost of the improvement, what proportion of the cost thereof shall be paid by special assessment, and what part, if any, shall be a general obligation of the City, and the number of installments in which assessments may be paid, and shall designate the districts or land and premises upon which special assessments shall be levied.

DETAILED PROCEDURE TO BE FIXED BY ORDINANCE:

Section 7.2. The Council shall prescribe by general ordinance the complete special assessment procedure concerning the initiation of projects, plans and specifications, estimates of costs, notice of hearings, making and confirming assessment rolls in advance of starting the improvement, and the correction of errors therein, collection of special assessments, and any other matters concerning the making of im-

provements by the special assessment methods, subject to the provision of this charter.

OBJECTION TO IMPROVEMENTS:

Section 7.3. If at or prior to final confirmation of any special assessment, more than fifty (50) per cent of the number of owners of privately owned real property to be assessed for any improvement, or in case of paving or similar improvements, more than fifty (50) per cent of the number of owners of frontage to be assessed for any such improvement, shall object in writing to the proposed improvement it shall not be made by the proceedings authorized in this charter without a five-sixths ($5/6$) vote of the members of the Council, provided that this section shall not apply to sidewalk construction.

DISPOSITION OF EXCESSIVE SPECIAL ASSESSMENTS:

Section 7.4. The excess by which any special assessment proves larger than the actual cost of the improvement and expenses incidental thereto may be placed in the general fund of the City if such excess is five (5) per cent or less of the assessment, but should the assessment prove larger than necessary by more than five (5) per cent the entire excess shall be refunded on a pro rata basis to the owners of the property assessed. Such refund shall be made by credit against future unpaid installments to the extent such installments then exist and the balance of such refund shall be in cash. No refunds may be made which contravene the provi-

sions of any outstanding evidence of indebtedness secured in whole or in part by such special assessment.

CONTESTED ASSESSMENTS:

Section 7.5. No suit or action of any kind shall be instituted or maintained for the purpose of contesting or enjoining the collection of any special assessment (1) unless within thirty (30) days after the confirmation of the special assessment roll written notice is given to the Council of intention to file such suit or action stating the grounds on which it is claimed such assessment is illegal, and (2) unless such suit or action shall be commenced within sixty (60) days after confirmation of the roll.

DELINQUENT SPECIAL ASSESSMENTS:

Section 7.6. Special assessments and all interest and charges thereon, from the date of confirmation of the roll shall be and remain a lien upon the property assessed of the same character and effects as the lien created by general law for the state and county taxes and by this charter for City taxes, until paid. From such date after confirmation as shall be fixed by the Council, the same collection fees, penalties, and interest shall be paid on delinquent special assessments and upon delinquent installments of such special assessments as are provided by this charter to be paid on delinquent City taxes.

In case any assessment or any part thereof, shall remain unpaid on the first Monday of May following the

date when the same becomes delinquent, the same shall be reported unpaid by the Treasurer to the Council and such delinquent assessments, together with all accrued interest shall be transferred and reassessed on the next annual City tax roll in a column headed "Special Assessments" with a penalty of four (4) per cent upon such total amount added thereto, and when so transferred and reassessed upon said tax roll shall be collected in all respects as provided for the collection of City taxes.

ADDITIONAL PROCEDURES:

Section 7.7. In any case where the provisions of this charter, either expressed or incorporated therein, may prove to be insufficient to carry into full effect the making of any special assessment, the Council shall provide by Ordinance any additional steps or procedures required to effect the improvement by special assessment.

DEFERRED PAYMENT IN SPECIAL ASSESSMENTS:

Section 7.8. The Council may provide by ordinance for the deferred payment of special assessments.

POWER RESERVED BY CITY:

Section 7.9. The City shall possess and hereby reserves to itself all the powers granted to cities by the Constitution and general laws of the State of Michigan to acquire, construct, own, operate, improve, enlarge, extend, repair, and maintain either within or without its corporate limits, including, but

not by way of limitation, public utilities for supplying water, lights, heat, gas, power, sewage treatment, and garbage disposal facilities and projects for the housing of its citizens, and inhabitants thereof; and also to sell and deliver water, light, heat, gas, and other public utility services without its corporate limits to those receiving such service at the time of the adoption of this Charter, to an amount not to exceed limitations set by the Constitution and laws of this state.

The City may also acquire, own, improve, maintain, construct and operate parks, boulevards, cemeteries, hospitals, alms-houses, trunk sewers and plants necessary for the disposal of sewage and garbage and all the other works which involve the public health and safety and also any land necessary for such improvement or for use in connection with any other public purpose.

POWER TO FURNISH UTILITIES WITHOUT CORPORATE LIMITS:

Section 7.10. Public utilities and services may be furnished to properties without the corporate limits of the City to new and additional users thereof. Provisions for furnishing such utilities, costs of installation, rates therefor and service charges shall be provided for in an Ordinance adopted by the City Council prior to the starting of installation thereof.

POWER TO ACQUIRE PUBLIC UTILITIES:

Section 7.11. The City shall have no power to acquire any public utility unless the proposition to acquire such public

utility shall have first received an affirmative vote of three-fifths (3/5) of the qualified electors of the City voting thereon at any regular, special or municipal election; provided, however, that only those works, improvements and utilities designated for use for the supplying heat, light, and power to the municipality and the inhabitants thereof, shall be deemed public utilities falling within the restriction of this section. The question of raising the money required for such purpose by borrowing and issuing the bonds of the City, may be submitted at the same time, either as an independent question or as part of the same question.

POWER TO FIX WATER RATES, ETC.:

Section 7.12. The Council shall have the power to fix, from time to time, such just and equitable rates as may be deemed advisable for supplying the inhabitants of the City and others with water, electricity, heat, light, power, sewer service and with such other utility services as the City may provide.

MANAGEMENT OF MUNICIPAL UTILITIES:

Section 7.13. Municipally owned utilities shall be administered as a regular department of the City government, and not by an independent board or commission.

UTILITY CHARGES COLLECTION:

Section 7.14. The Council shall provide by ordinance or resolution for the collection of all public utility charges made by the City under Act

178 of the Public Acts of 1939, as amended. When any person or persons, or any firm or corporation shall fail or refuse to pay to the City any sums due on utility bills, the utility service or services upon which such delinquency exists, may be shut off or discontinued and suit may be instituted by the City for the collection of same in any Court of competent jurisdiction. The City shall have as security for the collection of such utility rates for services furnished any person or persons, or any firm or corporation a lien upon the real property for which such utility is supplied, which lien shall become effective immediately upon the supplying of such utility service, and may be enforced in accordance with the provisions of said Act No. 178, of the Public Acts of 1939, as amended.

DISPOSAL OF UTILITY PLANTS AND PROPERTY:

Section 7.15. 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, easement, equipment, privilege or asset belonging to and appertaining to any municipally owned 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 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.

UTILITY ACCOUNTS:

Section 7.16. 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 account 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 available for inspection at the office of the Clerk.

CONTRACTS:

Section 7.17. The authority to contract on behalf of the City is vested in the Council and shall be exercised in accordance with the provisions of the statutes and of this charter. 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 or more shall be made unless the same shall have first been submitted to an attorney and his opinion obtained with respect to its legality and form and unless the head official of the department to be charged therefor, certifies that sufficient funds are available or that an appropriation has been made for the payment thereof. 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 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 amended after the same has been made except upon the authority of the Council.

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

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

BUSINESS DEALINGS WITH CITY:

Section 7.18. An officer or employee of the City who intends to have contractual dealings with the City, whereby he may derive any profits, other than as provided as remuneration for his official duties, shall file with the Clerk a statement, setting forth the nature of such business dealings, and his interest therein. The statement shall be filed with the Clerk not less than ten days before the date when action may be taken by the Council or any other officer or agency of the City upon the matter involved. The statement shall be spread upon the proceedings of the Council for the meetings at which it is received. Any contracts made in violation of this section shall be void.

CHAPTER 8

STREETS AND PUBLIC GROUNDS

Section 8.1 The Council shall have supervision and control of all public highways, bridges, streets, drives, alleys, parks, cemeteries, sidewalks and public grounds within the City, and shall cause the same to be kept in repair, and free from nuisance.

The City shall not be liable in damages sustained by any person to his person or property by reason of any defective street, bridge, alley, sidewalk, crosswalk, or public highway situated in the City, or by reason of any obstruction, ice, snow or other encumbrance upon any street, bridge, alley, park, cemetery, sidewalk, crosswalk or public highway situated in the City unless such person shall serve, or cause to be served, within sixty (60) days after the event causing such injury shall have occurred, a notice in writing upon the City Clerk, which notice shall set forth substantially the time when and place where such event took place, the manner in which it occurred, and the extent of such injury as far as the same has become known, and that the person receiving such injury intends to hold the City liable for such damages as may have been sustained by him. Such notice shall also give the names and addresses of the witnesses known at the time of such notice by the claimant. Such notice shall be in writing and under oath.

No person shall bring any action for such injuries against the City for any such

damages until such claim shall have been filed with the City Clerk and until the Council shall have been given opportunity to act thereon, either by allowing or refusing to allow such claim.

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

Section 8.2 The City shall not be responsible for the care, improvement or repair of any street or alley laid out or dedicated to public use by the proprietors of any lands which had not been actually accepted, worked and used by the public as a street or alley before its incorporation as a City, nor for the improvement and repair of any street or alley laid out or dedicated by any such proprietor after such incorporation, unless the dedication shall have been accepted and confirmed by the Council by an ordinance or resolution especially passed for that purpose.

Section 8.3. The Council shall have authority to lay out, open, widen, extend, alter, straighten, close, vacate or abolish any highway, street, alley, drive, park or public grounds within the City whenever they deem the same a public improvement; and if in so doing it shall be necessary to take or use private property, the same may be acquired by purchase, gift, condemnation, lease or otherwise. The expense of such improvement

may be paid by special assessments upon the property adjacent to and benefitted by such improvements, or in the discretion of the Council, a portion of such costs and expenses may be paid by special assessment, and the balance from the general street fund.

Section 8.4. When the Council shall deem it advisable to vacate, discontinue or abolish any street, alley, or other public ground, or any part thereof, they shall by resolution so declare, and in the same resolution so declare, and in the same resolution shall appoint a time not less than four (4) weeks thereafter, when they will meet and hear objections thereto. Notice of such meeting with a copy of said resolution shall be published once at least four (4) weeks before the time appointed for such meeting, in one of the newspapers published and circulated in the City. Objections to such proposed action of the Council may be filed with the City Clerk in writing, and if any such shall be filed, the street, alley, or public ground, or any part thereof, shall not be vacated or discontinued, except by a concurring vote of two-thirds (2/3) of the Councilmen.

Section 8.5. Whenever the Council shall by resolution or other enactment open any new street, highway, or alley, or vacate any street, highway, or alley or any portion of the same or extend, widen, or change the name of any existing street, highway, or alley, it shall be the duty of the City Clerk within thirty (30) days after the adoption of such resolution or other enactment to for-

ward to the Auditor General of the State of Michigan and record with the Register of Deeds, a certified copy of the same, together with his certificate, giving the name of names of plat, subdivision or addition affected by such resolution or any other enactment, and such resolution or other enactment shall have no force or effect until so recorded.

Section 8.6. Whenever the Council shall determine that it is necessary for the health, welfare, comfort and safety of the people of the City to discontinue an existing street or alley, as platted, it may by resolution, ordinance or other enactment vacating such street or alley, reserve therein an easement for public utility purposes within the right-of-way of any street or alley so vacated.

CHAPTER 9

MISCELLANEOUS

RECORDS TO BE PUBLIC:

Section 9.1. All papers, books or other records of the City shall be public, unless otherwise provided by law; shall be kept in City offices, except when required by official reasons or for purposes of safekeeping to be elsewhere; and shall be available for inspection and copying at all reasonable times at said place of keeping.

CITY RECORDS:

Section 9.2. All books, records, compilations, etc., in and pertaining to any City office, elective or appointive, shall be and remain the property of the City.

Each officer of the City, elective or appointive, shall at the close of his tenure of

office surrender all such books, records, compilations, etc., to his successor in office or to the Clerk of the City.

EFFECT OF ILLEGALITY OF ANY PART OF CHARTER:

Section 9.3. Should any portion of this charter be declared void, illegal, and unconstitutional, such findings shall not invalidate the remainder of this charter.

AMENDMENTS:

Section 9.4. This charter may be amended at any time in the manner provided in Act Number 279 of the Public Acts of 1909, as amended. Should two (2) or more amendments, adopted at the same election, have conflicting provisions, the one receiving the largest affirmative vote shall prevail as to those provisions.

CITY LIABILITY:

Section 9.5. When applicable under statute, the City shall not be liable for damages sustained by any person to his person or property by reason of the negligence of the City, its officers or employes, 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 event causing such injury or damages shall have occurred, a notice in writing, which notice shall set forth substantially the time and place of such event, as the same has become known, the names and addresses of the witnesses known at the time by the claimant, and a state-

ment that the person sustaining such damages intends to hold the City liable for such damage as may have been sustained by him.

The City shall not be liable for any damages to person or property arising out of 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.

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 verified proof of claim as in this section required were not presented and filed within the time and in the manner as herein provided.

PROCESS AGAINST THE CITY:

Section 9.6. A process against the City shall run against the City in the corporate name thereof and may be served by leaving a certified copy with the Mayor, Clerk or Attorney.

AFTER CHARTER IS ADOPTED:

Section 9.7. After adoption of this Charter, the City shall be vested with all the property, moneys, contracts, rights, credits, effects and the

records, files, books, papers belonging to the City of Harrison (Fourth Class) and with any additional property and rights as herein prescribed. No right or liability either in favor of or against the City of Harrison (Fourth Class) 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, but the same shall stand or proceed as if no change had been made. All debts and liabilities of the City (Fourth Class), and all fines and penalties imposed at the time of such change shall be collected and all licenses issued by the City (Fourth Class), shall be and remain in the same manner as if the City (Fourth Class) had not become a Home Rule City. All acts done by the City Council and other officers pertaining to the raising of Taxes, spreading of assessment rolls, and appropriations shall be binding on the City of Harrison and the taxpayers thereof.

The status or seniority of any employee of the City of Harrison (Fourth Class) shall in no way be changed by reason of incorporation as a City.

OFFICIAL PERFORMANCE:

Section 9.8. Whenever this charter requires the performance of any act by an officer, the act may also be performed by a deputy or by a subordinate under the officer's direction, unless otherwise provided by this charter or required by law.

TRUSTS:

Section 9.9. All trusts estab-

lished 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.

DEFINITION OF PUBLICATION: MAILING OF NOTICES:

Section 9.10. All proceedings of the Council, all ordinances and all official notices of the City required by this charter or by State Law to be published shall be caused by the Clerk to be printed in a newspaper as defined by State Law, published within the City, if one is available, but if one is not available, then in a newspaper of general circulation in the City.

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 by him shall be prima facie evidence of such mailing.

SUNDAYS AND HOLIDAYS:

Section 9.11. Whenever the date fixed by this charter for the doing or completion of any act falls on a Sunday or legal holiday, such act shall be done or completed on the next succeeding day, which is not a Sunday or legal holiday.

CHAPTER AND SECTION HEADLINES:

Section 9.12. The chapter,

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

DEFINITIONS:

Section 9.13. 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 reproduction 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 type-writing;

(6) The word "City" shall mean the municipal corporation of Harrison as it existed prior to the effective date of this charter including the period from and after its incorporation as a Fourth Class City and until such effective date;

(7) The word "office" shall include the members of the Council, the administrative officers and the Justice of

the Peace;

(8) All references to statutes shall be considered to be references to such statutes as amended;

(9) The word "default" shall be defined to include being delinquent in taxes among its meanings;

(10) All references to specific Public Acts of the State of Michigan shall be to such acts as are in effect at the time the reference to such act is to be applied;

(11) The words "law" or "general laws of the state" shall denote the Constitution and the Public Acts of the State of Michigan in effect at the time the provision of the charter containing the words "law" or "general laws of the state" is to be applied, and applicable common laws;

(12) All references to section numbers shall refer to section numbers of this charter.

CHAPTER 10

SCHEDULE

STATUS OF SCHEDULE CHAPTER:

Section 10.1. The purpose of this schedule chapter is to inaugurate the government of the City of Harrison and this Charter and it shall constitute a part of this Charter only to the extent and for the time required to accomplish that end.

ELECTION ON ADOPTION OF CHARTER:

Section 10.2. This Charter shall be submitted for adoption to a vote of the electors of the City of Harrison at a Special City Election to be held on March 24, 1969 at the Municipal Building. The City Clerk shall perform all the

duties of the City Clerk in the conduction of this election and in the registration of the electors in accordance with the provisions of this Charter and the State Laws in relation thereto.

For the purpose of this initial election, the Charter Commission shall constitute the Election Commission, and Board of Canvassers of the City of Harrison shall constitute the Board of Canvassers on this initial election.

The City Clerk shall, in accordance with the State Law, publish two (2) notices of the last day of registration for this Special Election; shall post ten (10) election notices in conspicuous places in the City and shall do all other things necessary to prepare for and conduct such election. The canvassing board of the City of Harrison shall meet to canvass the results of the election on March 27, 1969 at 8:00 P.M. and shall certify the results of the election and to four (4) copies of the Charter. The Clerk of the Charter Commission shall send a Certification and Two (2) copies of the Charter both to the Secretary of State and to the County Clerk. If, at said election, a majority of the electors voting upon said Charter shall vote in favor of the adoption of said Charter, then said Charter shall be declared adopted. In all respects not otherwise provided for in this Charter, the election procedure shall be in accordance with the provisions of the other Chapters of this Charter.

FORM OF BALLOT:

Section 10.3. Form of Ballot for submission of this Charter shall be as follows:

"Shall the proposed Char-

ter of the City of Harrison framed by the Charter Commission, which was elected on April 3, 1967 and which has been approved by the Governor of the State of Michigan, be adopted?"

YES () NO ()

FIRST CITY OFFICERS:

Section 10.4. At the election to be held on March 24, 1969 for the submission of this Charter, there shall be elected the following City Officers who will become the officers of the City of Harrison, Michigan, in the event of the adoption of this Charter by the electors of said City, to-wit: A Mayor, six (6) Councilmen and a Justice of the Peace. The Mayor thus elected shall hold said office until the General City Election to be held in November, 1970, or until his successor has been elected or appointed and qualified.

Three (3) of said Councilmen shall be elected for, and hold office until the General City Election to be held in November 1970, or until their successors have been elected or appointed and qualified.

Persons desiring to qualify as a candidate for the office of Mayor and Justice of the Peace, under the provisions of this Charter shall file a petition therefor, with the City Clerk, signed by not less than fifteen (15) nor more than thirty (30) registered electors of the City of Harrison not later than 12:00 o'clock noon, Eastern Standard Time on February 3, 1969. The forms of such petitions shall be substantially as that designated by the Secretary of State for the nomination of non-partisan judicial officers. A supply of official petition

forms shall be provided and maintained by the Clerk.

Persons desiring to qualify as candidates for the three (3) members of said Council, who will hold office until the General City Election, as provided in this Charter, in November, 1970, shall file petitions therefor, with the City Clerk signed by not less than fifteen (15) nor more than thirty (30) registered electors of the City, not later than 12:00 o'clock noon, Eastern Standard Time, on February 3, 1969. The form of such petitions shall be substantially as that designated by the Secretary of State for the nomination of non-partisan judicial officers. A supply of official petition forms shall be provided and maintained by the Clerk.

Persons desiring to qualify as candidates for the three (3) members of said Council, who will hold office until the General City Election, Nov., 1972, as provided in this Charter, shall file petitions therefor, with the City Clerk signed by not less than fifteen (15) nor more than thirty (30) registered electors of the City, no later than 12:00 o'clock noon, Eastern Standard Time, on February 3, 1969. The form of such petitions shall be substantially as that designated by the Secretary of State for the nomination of non-partisan judicial officers. A supply of official petition forms shall be provided and maintained by the Clerk. No person shall sign his name to a greater number of petitions for any one office than there will be persons elected to said office.

The Clerk shall accept only such 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 elected City officers by this Charter. Within five (5) days after the last day for filing such petitions, the Clerk shall make his final determination as to the validity and sufficiency of each nomination petition, and whether or not the candidates have the qualifications required for the elective City officers, as required by this chapter of the Charter, and shall write his determination thereof on the face of the petition and notify, in writing, the candidate whose name appears thereon of his determination.

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

The form of the ballot used in the election shall conform as nearly as may be to that prescribed by the general laws of the state except that no party designation or emblem shall appear on said ballot. The names of the qualified nominees of each office shall be listed in a single column and shall be rotated on the ballot as prescribed by State Statute.

Those candidates receiving the highest number of votes for such offices shall be declared elected thereto.

The City Board of Canvassers shall meet to canvass the results of said election on the Charter itself, and shall certify the results of said election and determine the results thereof as to each of said officers and shall notify in writing, the successful candidates of the election.

All appointive officers and all employees of the City shall continue in that City

office or employment which corresponds to the City office or employment which they held prior to the effective date of the Charter as though they had been appointed or employed in the manner provided by this Charter and shall in all respects be subject to the provisions of this Charter excepting any officer or employee who holds a position which this Charter provides be held at the pleasure of the appointing officer or body shall hold such position only at such pleasure regardless of the term for which originally appointed.

EFFECTIVE DATE OF CHARTER:

Section 10.5. For the purpose of initiating the procedure for the election on the adoption of this Charter, this Charter shall take effect on the day on which the City Clerk published the first notice of the last day of registration for the Special Election on the adoption of this Charter. If the canvass of the votes thereon shows this Charter to have been adopted, it shall take effect and become law as the Charter of the City of Harrison for all purposes on the 24th day of March, 1969, at 8:00 P.M. Eastern Standard Time at which time the control of the officers of the City of Harrison over any of that part of the City included within the City shall cease and be superseded by that of the officers of the City of Harrison. At such time the first city officers shall assemble in the council chamber at the Municipal Building. The meeting shall be called to order by a member of the Charter Commission designated by it for the purpose. Each officer shall take and subscribe to

his oath of office and shall thereupon be qualified for and shall assume the duties of his office.

At the time the first officers of the City assume the duties of their respective offices, the City Council shall cease to be and all other elective City officers shall thereupon cease to be. The control of such elective City Council and City officers shall be superseded by that of the Council and officers of the City of Harrison, as provided in this Charter.

INTERIM FINANCIAL PROVISIONS:

Section 10.6. The Council shall, at its first meeting after the effective date of this Charter, by resolution, continue as city appropriation the unencumbered balance of the appropriations made by the previous City Council of Harrison for the fiscal year ending February 28, 1970 and these appropriations shall then be deemed to be City appropriations and the fiscal year of the City shall be completed by the City as though no governmental change had been made.

PUBLICATION OF CHARTER:

Section 10.7. This proposed Charter shall be published in the Clare County Cleaver on March 5, 1969, together with a notice of the election on the adoption of the Charter.

RESOLUTION OF ADOPTION

At a meeting of the Charter Commission of the City of Harrison held on May 1, 1968, the following resolution was presented by Commis-

sioner Kirk Nigro who moved its adoption. Said motion was supported by Commissioner David Harper.

Resolved, that the Charter Commission of the City of Harrison does hereby adopt the foregoing proposed City Charter, and the Clerk of this commission is hereby instructed to transmit the same to the Governor of the State of Michigan, in accordance with the provisions of the statute, for his approval.

The vote on the adoption of said resolution was as follows:

AYES: 9 NAYS: 0

Signea.

Wayne E. Bucholz
Chairman, Charter
Commission of the
City of Harrison.

John Hutchinson
Clerk, Charter
Commission of the
City of Harrison.

Countersigned by the
Commissioners:

Robert J. MacRae
Charles A. Amble
Paul K. Hoffman
Robert McCleary
David R. Harper
Ralph Carpenter
Kirk A. Nigro
Marion Roth

STATE OF MICHIGAN COUNTY OF CLARE

John Hutchinson upon oath states he is City Clerk of the City of Harrison; and that he personally knows each of the above signatories; and that the above signatures are the genuine signatures of the members of the Charter Commission duly elected by the voters of the City of Harrison

for the purpose of drafting a new City Charter, and that they did in fact serve on said Charter Commission and voted for the above resolution.

John Hutchinson, City Clerk

Subscribed and sworn to before me this 14th day of January, 1969 at Harrison, Michigan.

Marion Roth
Notary Public

My Commission expires
April 26, 1970.

All the Commissioners having attested as to said resolution as above and also having attested the copy to be signed by the Governor, the meeting adjourned, subject to the call of the Chairman.

CERTIFICATE

A meeting of the Charter Commission of the City of Harrison was duly called by the Chairman at the Municipal Building in Harrison, Michigan on January 14, 1969. All members were present and consented to the meeting.

Amendments to the proposed new City Home Rule Charter as suggested by the Governor upon advice of the Attorney General and as contained in the Governor's letter of October 30, 1968 were reviewed in detail.

Commissioner Harper moved and Commissioner Hoffman supported adoption of the following resolution:

"RESOLVED, that the amendments to the proposed new Home Rule Charter as submitted to the Governor, October 2, 1968 be agreed to, and the Charter as amended be re-submitted to the Governor for his approval according to law.

"RESOLVED FURTHER, that the signatures of the Commissioners be affixed to the amended Charter and duly certified by the Clerk as their official act."

On the motion the vote was as follows:

AYES 9 NAYS 0

The resolution was unanimously adopted.

John L. Hutchinson, Clerk

STATE OF MICHIGAN COUNTY OF CLARE

John Hutchinson, City Clerk of the City of Harrison, Clare County, Michigan being duly sworn, says that at an election held in the City of Harrison on April 3, 1967, the following named persons were elected to and comprised the Charter Commission to frame a Charter for the City of Harrison, namely: Charles A. Amble, Wayne E. Bucholz, Kirk A. Nigro, Ralph Carpenter, David R. Harper, Paul K. Hoffman, Robert J. MacRae, Robert McCleary and Marion Roth.

The members elected to said Charter Commission did meet on April 11, 1967, within the time prescribed by law, and elected Wayne E. Bucholz, Chairman of said Charter Commission. The annexed and foregoing Charter was duly framed and adopted by said Charter Commission by the foregoing Resolution of Adoption, which is a true and correct copy thereof, and that the said Charter Commission directed that said Charter be presented to the electors of the City of Harrison in accordance with the requirements of the laws of the State of Michigan.

— CHARTER — CITY OF HARRISON, MICHIGAN —

JOHN HUTCHINSON,
Clerk of the Charter Com-
mission of the City of
Harrison, Michigan.

Subscribed and sworn to
before me this 12th day of
June, 1968.

Marion Roth
Notary Public, Clare
County, Michigan
My Commission expires
April 26, 1970.

Marion Roth
Wayne Trowbridge

MEMO

MEMO