

CHARTER

PREAMBLE

We, the people of the City of Imlay City, by virtue of the authority of the Constitution and Public Act 279 of 1909, do hereby ordain and establish this home rule charter for the Village of Imlay City.

CHAPTER 1: NAME OF BOUNDARIES

Section 1.1 Name and Boundaries:

The name of this City shall be the City of Imlay City. It shall include within its limits the territory hereinafter described, together with such territory as may from time to time be annexed thereto, and less such territory as may from time to time be detached therefrom, in accordance with statute:

The South three-fourths (3/4) of Section 17, and the North one-half (1/2) of Section 20, all in Town 7 North, Range 12 East, Lapeer County, Michigan.

CHAPTER 2: MUNICIPAL POWERS

Section 2.1 General Powers:

Unless otherwise provided or limited in this charter, the City and its officers shall possess and be vested with any and all powers, privileges and immunities, expressed or implied, which cities and their officers are, or hereafter may be permitted to exercise or to provide for in their charters under statute and constitution, including all powers, privileges and immunities which cities are, or may be, permitted to provide in their charters under the Constitution and statute, including all the powers, privileges and immunities granted to cities and their officers by Public Act 3 of 1909 as amended, as fully and completely as though their powers, privileges and immunities were specifically enumerated and provided for in this charter, and in no case shall any enumeration of particular powers, privileges or immunities herein be held to be exclusive.

The city and its officers shall have power to exercise all municipal powers in the management and control of municipal property and in the administration of the municipal government, whether such powers be herein expressly enumerated or not; to do any act to advance the interest of the city, the good government and prosperity of the municipality and its inhabitants; to make all laws which shall be necessary and proper for carrying into execution the foregoing powers and all other powers vested by the constitution in cities, except where forbidden, or where the subject is covered exclusively by a general law.

Section 2.2 Further Definition of Powers:

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

(a) The regulation of trades, occupations, and amusements within its boundaries including the sale of intoxication liquors and the number of licenses to be issued therefor; and for the prohibition of such trades, occupations, and amusements as are detrimental to the health, morals or welfare of its inhabitants;

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

(c) The acquisition by purchase, gift, condemnation, lease, construction, or in any manner permitted by statute, of private property of every type and nature for public use, which property may be located within or without the County of Lapeer 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;

(d) For the maintenance, development, operation, leasing and disposal of city property subject to any restrictions placed thereon by statute or this charter; provided, specifically, that if it shall become necessary to take and appropriate private property for the public uses or purposes specifically in this section, the right to occupy and hold the same and the ownership therein and thereto, may be acquired by the city in the manner and with like effect, as provided by the general laws of this state relating to the taking of private property for public use in cities and villages, including Chapter XIII of Public Act 3 of 1895;

(e) The selling and delivering of water, heat, power and light within and without its corporate limits in an amount not to exceed that permitted by statute and the Constitution;

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

(g) The use, control and regulation of streams, water and water courses within its boundaries, but not so as to conflict with the laws or actions thereunder where a navigable stream is bridged or dammed;

(h) The enforcement of all such local, police, sanitary and other regulations as are not in conflict with the general laws;

(i) The 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;

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

(k) Regulating, restricting and limiting the number and location of oil and gasoline stations and storage in bulk plants;

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

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

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

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

(p) The requiring, as a condition of approving plats of land or premises hereafter laid out, divided or platted into streets and alleys within the city, that all streets shown on said plat be graded and graveled or otherwise improved, that all ditches, drains and culverts necessary to make such streets usable be constructed, and that cement sidewalks be constructed in the proper places, all in accordance with city specifications. The Commission may accept a bond conditioned upon the installation of such of the foregoing improvements as it requires within such time as it determines;

(q) The regulating and control of the collection and disposal of garbage and rubbish within its boundaries;

(r) The requiring of an owner of real property within the city to maintain sidewalks abutting on such property, and if the owner fails to comply with such requirements or if the owner is unknown, to construct and maintain such sidewalks and assess the cost thereof against the abutting property in accordance with Chapter 11;

(s) The requiring of an owner of real property within the city to abate public hazards and nuisances which are dangerous to the health or safety of inhabitants of the city within a reasonable time after the Commission notifies him that such hazard or nuisance exists, and if the owner fails to comply with such requirements, or if the owner is unknown, to abate such hazard or nuisance and assess the cost thereof against such property in accordance with Chapter 11;

(t) The compelling of owners of real property within the city to keep sidewalks abutting upon their property clear from snow, ice or other obstructions, and if the owner fails to comply with such requirements; to remove such snow, ice or other obstructions and assess the cost thereof against the abutting property in accordance with Section 11.4;

(u) The control over all trees, shrubs and plants in the public streets, highways, parks or other public places in the city, all dead and diseased trees on private property and trees on private property overhanging the street, sidewalk or public places, and the removal thereof and assess the cost thereof against the abutting property in accordance with Section 11.4;

Section 2.3 Further Definition of Powers:

In accordance with the authority granted in Section 25 of Public Act 279 of 1909 as amended, powers granted which are not in conflict with the provisions of this Charter, are hereby adopted as part of this Charter by reference thereto, but the city shall not be subject to any limitations or restrictions of said Act except as provided in this Charter.

Section 2.4 Intergovernmental Contracts:

The city shall have the power to join with any governmental unit or agency, or with any number or combination thereof, by contract or otherwise as may be permitted by law, to have performed (a) jointly, or (b) by one or more of them for or on behalf of the other or others, or by any other person, firm or corporation, any function which is permitted to be so performed by law by such governmental unit or agency.

Section 2.8 Outside Fire Protection:

In the exercise of the powers contained in Section 2.1, the Commission shall have the right to contract with persons, firms, corporations or governing bodies to furnish fire, police and ambulance services to property and persons outside the city boundaries for a fair consideration, if the Commission shall find that the financial interests of the city are advanced by obtaining payments therefor; or that the prosperity of the municipality and the inhabitants are advanced through preventing a conflagration which might spread within the city or through protecting from fire industrial or commercial properties at which residents of the city are employed.

CHAPTER 3: ELECTIONS**Section 3.1 Election Districts; Voting Precincts:**

The City shall constitute one ward and two voting precincts, except that the Election Commission may establish additional precincts not in excess of the number required by law. The Election Commission shall fix the location of the polling places.

Section 3.2 Qualification of Electors:

The residents of the city having the qualification of electors in the State of Michigan shall be electors of the city.

Section 3.3 Election Procedures:

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

Section 3.4 Election Dates:

A regular city election shall be held on the first Tuesday after the first Monday in May in each odd-numbered year.

(Amended 5-8-07)

Section 3.5 Elective Officers and Terms of Office:

The elective officers of the City shall be a City Commission of 7 members, one of whom shall in turn be elected by the commission as City Mayor. At each regular city election, four commissioners shall be elected on a single ballot. Each elector shall be entitled to vote for not more than four candidates. The three candidates receiving the highest number of votes shall be elected for a term of four years and the candidate receiving the fourth highest number of votes shall be elected for a term of two years, all such terms to commence on the Tuesday next following the date of such election.

No commissioners shall serve more than 2 consecutive terms (See pg 17)

Section 3.6 Nominations:

The method of nomination of the elective officers shall be by petition signed by not less than twenty-five nor more than fifty qualified electors of the city. No person shall sign his name to a greater number of petitions for office than there will be persons elected to said office at said election. Where the signature of any individual appears on more petitions than he is so permitted to sign, such signatures shall be counted only to the extent he is so permitted to sign in the order of the respective dates of filing the petitions containing such signatures.

Nominating petitions shall be filed with the City Clerk by 5:00 p.m. on the seventh Tuesday preceding the election. The Clerk shall publish notice of the last day so permitted for filing petitions at least one week before, and not more than three weeks before, such last day.

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

Section 3.7 Approval of Petitions; Additional Nominations by Commission:

The Clerk shall accept only nomination petitions which conform with the form provided and maintained by him and which, considered together, contain the required number of valid signatures for candidates having those qualifications required for elective office by this charter. When a petition is filed by persons other than the person whose name appears thereon as 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 charter, 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 three days after the last day for filing petitions, the Clerk shall make his final determination as to the validity and sufficiency of each nomination petition and whether or not the candidate has the qualifications required for office by this charter and shall write his determinations thereof on the face of the petition. The Clerk shall immediately notify in writing the candidate whose

name appears thereon of his determinations. Such notice to any candidate whose petition is found invalid or insufficient shall be delivered by personal messenger if possible. Any candidate whose petition is so found invalid or insufficient shall be allowed to file supplementary or replacement petitions before five o'clock in the afternoon on the fifth day after the last date for filing original petitions; thereafter no further petitions may be filed.

The names of the candidates who file valid and sufficient nomination petitions shall be certified by the Clerk to the Election Commission to be placed upon the ballot for the next subsequent regular city election or the next special election for the filling of vacancies in office, as the case may be.

In the event that the number of petitions filed for any election does not equal or exceed twice the number of such offices to be filled at such election, the commission shall, by resolution, nominate such additional qualified persons as may be necessary to make the number of candidates equal to twice the number of offices to be filled. Such resolution shall be passed within one week after the last day for filing supplementary petitions for such election. Persons so nominated by the Commission shall qualify as candidates only if they file with the Clerk within three days after such nomination their written consent thereto.

Any candidate may withdraw by filing a signed statement to such effect with the city clerk not later than Tuesday noon following the deadline for filing the original petition.

Section 3.8 Public Inspection of Petitions:

All nomination petitions shall be open to public inspection in the office of the Clerk beginning five (5) days after the final filing date for such petitions.

Section 3.9 Election Commission:

An election commission is hereby created, consisting of the clerk and two members of the Commission who are not candidates for office. The Clerk shall be chairman. The commission shall have charge of all activities and duties required of election commissions in cities by state law and this charter, relating to the conduct of electors in the city. The compensation of election personnel shall be determined in advance by the Commission. In any case where election procedure is in doubt, the election commission shall prescribe the procedure to be followed.

Section 3.10 Election Inspectors:

The election commission shall before each election appoint for each precinct of the City a board of inspectors of election consisting of not less than three qualified electors, and shall fix their compensation. Election inspectors shall have qualifications which comply with the state law.

Section 3.11 Notice of Election:

Notice of the time and place of holding any City election and of the officers to be elected and the questions and propositions to be voted upon shall be given by the Clerk by publishing such notice not less than ten days prior to such election.

Section 3.12 Voting Hours:

The polls of all elections shall be opened and closed at the time prescribed by statute for the opening and closing of polls at state elections.

Section 3.13 Form of Ballot:

The form, printing and numbering of ballots in all city elections shall conform as nearly as may be to that prescribed by statute, except that no party designation or emblem shall appear. In all elections, the names of qualified candidates shall be rotated systematically in the manner prescribed by statute for rotation of names.

Section 3.14 Special Elections:

Special city elections shall be held when called by resolution of the Commission at least forty-five days in advance of such election with the concurrence of the County Election Scheduling Committee, or when required by this charter or statute. Any resolution calling a special election shall set forth the purpose of such election. The Commission shall not call more special elections within any year than the number permitted by statute.

Section 3.15 Canvass of Votes:

In accordance with State Law the Lapeer County Board of Canvassers shall serve all city elections.

Section 3.16 Recount:

A recount of the votes cast at any city election for any office or upon any proposition may be had in accordance with election statutes. Unless otherwise required by statute, (1) a recount petition shall be filed with the Clerk by five o'clock in the afternoon on the second full day after the board of canvassers has made its official report, (2) any counter-petition shall be filed by five o'clock in the afternoon on the next full day thereafter, and (3) no officer shall be qualified to take office until the final determination of any recount of the votes cast for such office. In case of recount a written notice of such recount shall be filed with each candidate on the ballot.

Section 3.17 Recall:

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

Section 3.18 Tie Vote:

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 Commission shall name a date for the appearance of such person for the purpose of determining the election of such candidate 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 Commission, such determination shall be made by lot in his or their absence and under the supervision of the Commission. Such determination shall, in any event, be final.

Section 3.19 Absentee Ballot:

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

CHAPTER 4: ORGANIZATION OF GOVERNMENT

Section 4.1 The Commission:

There shall be a Commission of seven members, one of whom shall serve as Mayor. The commission shall constitute the legislative and governing body of the city and shall have power and authority, except as otherwise provided in this charter or by statute, to exercise all powers conferred upon or possessed by the city and shall have the power and authority to adopt such laws, ordinances and resolutions as it shall deem proper in the exercise thereof. In all cases where the word "Commission" is used in this charter, the same shall be synonymous with any other term used in any statute or federal law in referring to municipal legislative or governing bodies.

Section 4.2 Remuneration of Members of the Commission:

The City Commission shall, by resolution, establish the salary that the Mayor receives and that each City Commissioner shall receive for his or her services to the City per meeting actually attended by him or her. The Mayor and Commissioners shall be paid semi-annually and such payments shall constitute the only salary or remuneration which may be paid for services performed by the Mayor or any Commissioner for the discharge of any official duty for or on behalf of the City during their term of office. Upon authorization of the Commission, reasonable expense may be allowed when actually incurred on behalf of the City.

(Amended 5-8-07)

Section 4.3 Selection of Mayor and Mayor Pro Tem:

The Commission shall at its first regular meeting following each regular city election, elect one (1) of its members to serve as Mayor and one (1) 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 Commission. The Mayor Pro Tem shall preside over the meetings of the Commission at the call of the Mayor. In the event of a vacancy occurring in the office of Mayor or Mayor Pro Tem, the Commission shall appoint one of its elected members to fill such vacancy.

Section 4.4 Duties of Mayor:

The duties of the Mayor shall be as follows:

- (a) Insofar as required by statute, and for all ceremonial purposes, he shall be the executive head of the city;
- (b) He shall have a voice and vote in the proceedings of the Commission equal with that of the other members of the Commission, but shall have no veto power. He shall be the presiding officer of the Commission.
- (c) He shall be the conservator of the peace and may in emergencies exercise within the city the powers conferred upon sheriffs to suppress riot and disorder, and shall have the authority to command the assistance of all able-bodied citizens to aid in the enforcement of the ordinances of the city and to suppress riot and disorder.
- (d) He shall execute or authenticate by his signature such instruments as the commission, this charter or any statute or law of the United States shall require.
- (e) He shall exercise only such powers as this charter or the commission shall specifically confer upon him, except as may be required by statute.

Section 4.5 City Manager:

All administrative powers, duties, and functions of the city shall be vested in the City Manager, except as otherwise provided in this charter. He shall be appointed by the Commission on the basis of training and ability in the work which would qualify him for the position of City Manager, and shall hold office at the pleasure of the Commission. He need not be a resident of the city at the time of his appointment but shall, unless excused by the Commission, become a resident of the City within ninety (90) days after his appointment and so remain throughout his tenure of office. The City Manager, may, with the approval of the Commission designate an administrative officer or employee of the city to perform the duties of the City Manager during his temporary absence or incapacity. The Commission shall designate a qualified person to perform the duties of City Manager during a vacancy in the office. No person acting as City Manager in a temporary capacity, whether during the absence or disability of the City Manager or during a vacancy in that office, shall make any change in the administrative officers of the City without the consent of the Commission. No person who holds or has held any elective city office shall be eligible for appointment as City Manager or acting City Manager, nor shall any such person perform the duties of the City Manager during a vacancy in that office until two (2) years have elapsed following the expiration of the term for which he was elected.

Section 4.6 Functions of the City Manager:

The City Manager shall be the chief administrative officer of the city government. He shall carry out the policies formulated by the Commission. He is charged with the responsibilities of supervision and management of all of the services of the city and with responsibility for the enforcement of the ordinances of the city, this charter, and applicable laws of the State. He shall make the reports to the Commission required by this Charter, and such others as may be required of him by ordinance or by

resolution of the Commission, and, in addition thereto, any which he may deem advisable. He shall prepare the budget of the city for consideration by the Commission, as in the charter provided, and upon the adoption thereof by the Commission, as in this charter provided; he shall administer the budget so adopted and keep the Commission at all times informed as to the financial affairs of the city. He shall have the right to take part in the discussion of all matters coming before the Commission, but shall have no vote. In addition to the duties prescribed by this charter, he shall perform such other duties as may be required of him by ordinance or by resolution of the Commission.

Section 4.7 Other Administrative Officers:

In addition to the City Manager, and subordinate to him in the performance of the duties of their several offices, except the Clerk, Treasurer and City Attorney insofar as their duties as clerk and treasurer of, and attorney for the Commission are concerned, the administrative officers of the City shall be the Clerk, the Treasurer, the Assessor, the City Attorney, the Police Chief, the Fire Chief, the Health Officer, the Ambulance Director and other officers included in the administrative plan approved by the Commission.

Section 4.8 Appointment of Administrative Officers and Employees of the City:

All administrative offices of the City, except the City Manager, the Clerk, the Treasurer, the Assessor, and the City Attorney, as provided in a general ordinance covering all the officers other than the Clerk, the Treasurer, the Assessor, and the City Attorney, with provision in the ordinance for the filling of vacancies by the City Manager subject to the approval of the City Commission, said ordinance shall also fix their salaries.

The City Manager, Treasurer, Clerk and Assessor and City Attorney shall hold office by virtue of appointment by the Commission which body shall also set their salaries. They shall hold offices at the pleasure of the Commission.

Section 4.9 Appointment of Other Officers, Heads of Department, and Employees:

The City Manager shall appoint such other officers, heads of departments, and employees as may be required by ordinance or resolution of the Commission. Every appointment of an administrative officer shall be for an indefinite term. Each officer or department head may name a deputy, subject to the approval of the City Manager.

Section 4.10 Duties of Administrative Officers:

All administrative officers of the city shall perform such duties as are provided for such officers by state law, this charter, the city ordinance, and the administrative directives of the City Manager. Unless the Commission shall otherwise provide by ordinance, specifying another officer of the city, the Clerk shall be the chief accountant and auditor of the city and he, or such other officer as shall be so designated by the Commission shall, subject to the direction of the City Manager, maintain a system of accounts which shall conform to a recognized or uniform system of municipal accounts as required by

law. Each city officer shall exercise and possess all of the powers, privileges, and immunities granted to city and township officers exercising the same duties for cities and townships generally under the general laws of the state.

Section 4.11 City Treasurer:

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

(b) He shall keep and deposit all moneys or funds in such manner and only in such places as the Commission may determine, and shall report the same in detail to the City Manager and Finance Officer.

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

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

Section 4.12 City Officers and Employees Benefits:

The Commission may provide by ordinance for the merit system of personnel management for employees in the service of the City, and may provide for a pension system, recognized standard plan of group life, hospital, health or accident insurance for its appointive officers and employees.

CHAPTER 5: GENERAL PROVISIONS REGARDING OFFICERS AND PERSONNEL OF THE CITY

Section 5.1 Eligibility for Office in City:

Any qualified voter who has been a resident of the City for one (1) year and is not in default thereto, shall be eligible to hold the office of commissioner.

The Commission shall be the sole judge of the election and qualification of its own members.

All administrative officers shall be citizens of the United States.

A City Commissioner shall not serve in any department of the City as a salaried or hourly wage employee.

Section 5.2 Residence Requirements for Appointive Officers:

Repealed by Resolution No. 2007-18, adopted March 6, 2007, after being submitted to and approved by the Governor of the State of Michigan.

Section 5.3 Nepotism:

Except and unless upon unanimous vote of the Commission, relatives by blood or marriage of any Commissioner, or the City Manager, within the second degree of consanguinity or affinity, are bona fide appointive officers or employees of the city at the time of the election of such officers or appointment of such City Manager, such relatives shall be disqualified from holding any appointive office or from being employed by the city during the term for which such Commissioner, was elected, or during the tenure of office of such City Manager. If the status of relationship between any employee of the city and any officer of the city changes to a relationship prohibited hereby after one (1) year following the employment of such person or election or appointment of such officer, the provisions of this section shall not apply.

Section 5.4 Vacancies in Office:

The office of any Commissioner including the Mayor shall be declared vacant by the Commission before the expiration of the term of such office;

- (a) For any reason specified by statute or by this charter as creating a vacancy in office;
- (b) If no person is elected to, or qualifies for, the office at the election at which such office is to be filled;
- (c) If he shall be found guilty by a competent tribunal of any act constituting misconduct in office under the provisions of this charter;
- (d) If he shall miss four consecutive regular meetings of the Commission or twenty-five per cent of such meetings in any fiscal year of the city unless such absence shall be excused by the commission and the reason therefor entered in its proceedings at the time of the absence;
- (e) If he is removed from office by the Commission in accordance with the provisions of Section 5.5.

The office of any member of any board or commission created by this charter shall be declared vacant for reasons (a), (c), or (e) as listed in the foregoing part of this section.

Section 5.5 Removals from Office:

Removals of Commissioners (including the Mayor) and members of boards or commissions created by this charter by the Commission shall be made for either of the following reasons: (1) for any reason specified by statute for removal of city officers by the Governor, (2) for any act declared by this charter to constitute misconduct in office. Such removals by the commission shall be made only after hearing of which such officer has been given notice by the Clerk at least ten days in advance either personally or by delivering the same at his last known place of residence. Such notice shall include a copy of the charges against such officer. The hearing shall afford an opportunity to the officer, in person or by attorney, to be heard in his defense, to cross-examine witnesses and to present testimony. If such officer shall neglect to appear at such hearing and answer such charges, his failure to do so may be deemed cause for his removal. A majority vote of the members of the Commission in office at the time, exclusive of any member whose removal is being considered, shall be required for any such removal.

Section 5.6 Resignations:

Resignations of elective and appointive officers shall be made in writing and filed with the clerk and shall be acted upon by the Commission at its next regular meeting following receipt thereof by the Clerk.

Section 5.7 Filling Vacancies:

(a) Vacancies in offices elective or appointive by the Commission shall be filled in the manner provided for the original filling of such office.

(b) Vacancies in the office of Commissioner or Mayor shall, within sixty days after such vacancy occurs, be filled for the unexpired term of the officer whose office has become vacant by appointment by a majority vote of the members of the Commission then in office of a person possessing the qualifications for the office.

If any such vacancy in the position of Commissioner is not so filled within sixty days, or if three or more vacancies exist simultaneously in such position, the Clerk shall within ten days thereafter call a special election to be held within sixty days thereafter to fill such vacancies for the unexpired terms of the officers whose offices have become vacant and the date thereof approved by the County Elections Scheduling Committee.

Notwithstanding the foregoing, no vacancy in an elective office shall be filled in any manner if the term of office of the person whose office has become vacant expires within ninety days after the vacancy occurs. The provisions of this section shall not apply to the filling of vacancies resulting from recall.

Section 5.8 No Change in Term of Office or Compensation:

Except by procedures provided in this charter, the terms of Commissioners and of members of boards or commissions appointed for a definite term shall not be shortened or extended beyond the period for which the officer was elected or appointed, except that a Commissioner shall, after his term has expired, continue to hold office until his successor is elected or appointed and has qualified. Where several terms of Commissioners expire simultaneously, the Commissioners who were elected by the highest number of votes (or any appointee who filled his position) shall be deemed to be succeeded by the candidate who received the highest number of votes, that Commissioner who was elected by the second highest number of votes, by the candidate who received the second highest number of votes, etc.

The salary of any elective officer shall not be changed from the day he is elected until the end of the term of office for which he was elected. No Commissioner shall serve more than two consecutive terms.

Section 5.9 Compensation of Employees and Officers:

The compensation of all employees and officers of the city whose compensation is not provided for herein shall be fixed by the Commission by ordinance within the limits of budget appropriations.

No officers shall be paid on a fee basis. The respective salaries and compensation of officers and employees as fixed pursuant to this charter shall be in full for all official services of such officers or employees and shall be in lieu of all fees, commissions and other compensation receivable by such officers or employees for their services.

Any such fees, commissions and other compensation shall belong to the city and shall be collected and accounted for by such officers or employees and be paid into the city treasury and a statement thereof filed periodically with the Clerk.

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

Section 5.10 Oath of Office and Bond:

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

Section 5.11 Surety Bonds.

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

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

Section 5.12 Delivery of Office:

Whenever any officer or employee shall cease to hold such office or employment for any reason whatsoever, he shall within five days, or sooner on demand, deliver to his successor in office or to his

superior all the books, papers, moneys, equipment owned by city and effects in his custody as such officer or employee. Any officer violating this provision may be proceeded against in the same manner as public officers generally for a like offense under statute. Any employee found guilty of violating this provision by a competent tribunal may be punished in accordance with statute.

CHAPTER 6 FUNCTIONS OF THE COMMISSION

Section 6.1 Public Health and Safety:

Through the established departments and agencies of the City government, together with any such departments or agencies as may be created under authority of this charter, the Commission shall provide for the public peace and health and for the safety of persons and property.

Section 6.2 Police Department:

The Commission shall maintain, within the administrative division of the city, a city police force which shall be under the direction of the City Manager, to enforce all laws and ordinances which are in force in the city and to preserve peace and good order in the city.

Section 6.3 Fire Department:

The Commission shall have power to enact such ordinances and to establish and enforce such regulations as it shall deem necessary to guard against the occurrence of fires in the city and to protect the property and persons of the inhabitants of the city against damage and accident resulting therefrom. For this purpose the Commission may establish, organize, and maintain, within the administrative division of the city, a fire department. Provided, however, that until otherwise provided by ordinance passed by a five-sevenths (5/7) vote of the Commission, the fire department of the city shall be and remain as now organized and the City Manager shall be limited in his appointment of the Fire Chief to nominations made by the members of the fire department.

Section 6.4 Ambulance Service:

The Commission may maintain within the administrative division of the city an ambulance service, which shall be under the direction of the City Manager.

Section 6.5 Health:

Repealed by Resolution No. 2007-20, adopted March 6, 2007, after being submitted to and approved by the Governor of the State of Michigan.

Section 6.6 Meetings of the Commission:

(a) The Commission shall provide by resolution for the time and place of its regular meetings and shall hold at least two (2) regular meetings each month. If any time set for the holding of a regular meeting of the Commission shall be a holiday then such regular meeting shall be held on the next secular day which is not a holiday.

(b) Special meeting of the Commission shall be called by the Clerk on the written request of the Mayor or of any two (2) members of the Commission, on at least twenty-four (24) hours written notice to each member of the Commission, designating the time, place, and purpose of any meeting and served personally or left at his usual place of residence by the Clerk or someone designated by him. Notwithstanding the foregoing requirements for the calling of special meetings, any special meeting of the Commission at which all members of the Commission are present or have in writing, waived the requirement that notice be given at least twenty-four (24) hours prior to the time specified for the holding of such meeting and at which a quorum of the Commission is present, shall be a legal meeting.

(c) No business shall be transacted at any special meeting of the Commission unless the same has been stated in the notice of such meeting. However, if all members of the Commission are present at any special meeting of the Commission, then any business which might lawfully come before a regular meeting of the Commission may be transacted at such special meeting.

(d) All regular and special meetings of the Commission shall be open to the public and the rules of order of the Commission shall provide that citizens shall have a reasonable opportunity to be heard. Public notice shall be given according to state statute. Executive sessions may be held as provided by law.

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

(f) Except that there shall be no standing committees of the Commission, the Commission shall determine its own rules and order of business and shall keep a journal of all of 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. Each member of the Commission who shall be recorded as present shall vote on all questions decided by the Commission unless excused by the unanimous consent of the other members present. Any citizen or taxpayer of the city shall have access to the minutes and records of all regular and special meetings of the Commission at all reasonable times.

(g) The Commission 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 Commission or other officer of the City who refuses to attend such meetings or conduct himself in an orderly manner thereof shall be deemed guilty of misconduct in office. The Chief of Police shall serve as the Sergeant-at-Arms of the Commission in the enforcement of the provisions of this section.

Section 6.7 Investigations:

The Commission, or any person or committee authorized by it for the purpose, shall have power to inquire into the conduct of any department, office or officer of the city and to make investigations 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 subpoena or to produce books, papers, or other evidence as ordered under the provision of this section shall constitute misconduct in office. If such failure shall be on the part of any employee of the city, the same shall constitute a misdemeanor.

Section 6.8 Restriction on the Commission:

(a) Except for the purpose of inquiry, and in case of emergency during the temporary absence or disability of the City Manager, the Commission and its members shall deal with the administrative service solely through the City Manager and neither the Commission nor any member thereof shall give orders to any subordinate of the City Manager, either publicly or privately; neither shall any member of the Commission direct or request; (1) except for the election of those administrative officers required to be elected by the Commission, the appointment of any person to, or the removal of, any person from any employment or office for which the City Manager is responsible; nor (2) except at public meetings and in cases of letting of contracts, the purchase of any specific materials, supplies or equipment. It is not the intention of this provision to prevent frank discussion of the business of the City between the City Manager and the Commission or any member of the Commission at any time, but to prevent the personal favoritism or prejudice of any member of the Commission from hampering the administration of the city government as set forth in this charter.

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

CHAPTER 7: CITY LEGISLATION**Section 7.1 Ordinance Enactment:**

All legislation of the City of Imlay City shall be by ordinance or by resolution. The word "resolution" as used in this charter shall be the official action of the Commission 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 Commission, and all acts carrying a penalty for the violation thereof, shall be by 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 Commission shall be, "The City of Imlay City Ordains." Except in the case of ordinances which are declared by the Commission to be emergency ordinances, no ordinances shall be finally passed by the Commission at the same meeting at which it is introduced. No ordinance shall be revised, altered or amended by reference to its title only, but the section or sections of the ordinance revised, altered or amended shall

be reenacted and published at length and all ordinances, when enacted shall be immediately recorded by the Clerk in a book called "The Ordinance Book;" and it shall be the duty of the Mayor and Clerk to authenticate such record by their official signature thereon.

An ordinance may be repealed only by an ordinance passed in the manner provided in this section except that the ordinance to be repealed may be referred to by its number and title only.

Section 7.2 Penalties:

The commission shall provide in each ordinance for the punishment of those who violate its provisions. No punishment for the violation of any City ordinance or for the commission by any officer of the City of any act declared by this Charter to constitute misconduct in office shall exceed a fine of Five Hundred Dollars (\$500.00) or imprisonment for 90 days, or both in the discretion of the court, except that any officer of the City found guilty of any act declared by this Charter to constitute misconduct in office, shall, in addition to such fine or imprisonment, or both, forfeit his office.

Section 7.3 Publication of Ordinances:

Each ordinance passed by the Commission shall be published at least once within fifteen (15) days after its adoption by the Commission. All ordinances of the city shall become effective immediately upon 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 a part of the published proceedings of the Commission shall constitute publication of such ordinance as required herein.

Section 7.4 Special Procedure on Vote on Certain Commission Actions:

(a) Action to vacate, discontinue or abolish any highway, street, lane, alley or other public place, or part thereof, shall be by resolution. After the introduction of such resolution and before its final adoption, the Commission shall hold a public hearing thereon and shall publish notice of such hearing at least one week prior thereto.

(b) The following actions shall require the affirmative vote of five members of the Commission for the effectiveness thereof;

(1) Vacating, discontinuing or abolishing any highway, street, lane, alley or other public place or part thereof;

(2) Leasing, selling or disposing of any city-owned real estate or interest therein;

(3) Condemning private property for public use;

(4) Creating or abolishing any office;

(5) Appropriating any money;

- (6) Imposing any tax or assessment;
- (7) Reconsidering or rescinding any vote of the Commission.

Section 7.8 Technical Codes:

Ordinances and codes may be enacted by reference to the extent and in the manner provided by state law and more specifically set forth in 117.3 (K) Michigan Compiled Laws.

Section 7.6 Franchise and Contracts:

Every ordinance or resolution granting any franchise or right to occupy or use the streets, highways, bridges, or public places in the city for any purpose shall be complete in the form in which it is finally passed, and remain on file with the Clerk for public inspection for at least one (1) week before the final passage or adoption thereof. The city shall not have power to grant any exclusive right or privilege under the government of the City.

Section 7.7 Compilation:

(a) Copies of all ordinances enacted and amendments to the city charter adopted after the effective date of this charter shall be available at the office of the Clerk.

(b) Within two (2) years after the adoption of this charter and at least once in every ten (10) years the Commission shall direct and complete the compilation or codification and the publication of the charter and of all ordinances of the city then in force, in loose-leaf or pamphlet form, and may provide for a reasonable charge for copies thereof. No further publication of any such compilation or codification shall be required for the validity thereof. In case the compilation or codification of the ordinances of the city shall have been maintained current and up-to-date during any ten (10) year period, no re-compilation or re-codification of the ordinances of the city shall be required during or at the end of such period.

The copies of ordinances and of any compilation, code, or codes referred to in this charter may be certified by the Clerk, and, when so certified, shall be competent evidence in all courts and legally established tribunals as to the matters contained therein.

Section 7.8 Initiative and Referendum:

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

Section 7.9 Petitions:

An initiatory or a 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 the 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 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 signatures thereon 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 person 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 Commission at its next regular meeting.

Section 7.10 Commission Procedure:

Upon receiving an initiatory or referendary petition from the Clerk, the Commission 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; or

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

Section 7.11 Submission to Electors:

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

Section 7.12 Ordinance Suspended:

The certification by the Clerk of the sufficiency of a referendary petition within thirty (30) days after passage of the ordinance to which such petition refers shall automatically suspend the operation of the ordinance in question pending repeal by the Commission 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 Commission for a period of two (2) years after the date of the election at which it was adopted. Should two (2) or more ordinances adopted at the same election, have conflicting provisions, the one receiving the highest vote shall prevail as to those provisions.

CHAPTER 8: GENERAL FINANCE**Section 8.1 Fiscal Year:**

The fiscal year of the city shall begin on the first day of July and end on the 30th day of June of the following year. Such year shall constitute the budget year of the city government.

Section 8.2 Budget Procedure:

On or before the first Monday in March, each city officer shall submit to the City Manager an itemized estimate of the expenditures for the next fiscal year, for the department or activities under his control. The City Manager shall prepare a complete itemized budget proposal for the next fiscal year and shall submit it to the Commission at its first meeting in April.

Section 8.3 Budget Document:

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

(a) Detailed estimates of all proposed expenditures for each department and office of the city showing the expenditures for corresponding items for the current and last preceding fiscal year, with reasons for increases and decreases recommended, as compared with appropriations for the current 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 income of the city from sources other than taxes and borrowing, with a comparative statement of the amounts received by the city from each of the same or similar sources for the last preceding and current fiscal year;

(d) A statement of the estimated balance or deficit, as the case may be, 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 income from other sources, will be necessary to meet the proposed expenditures and commitments of the city government during the ensuing year.

(f) Such other supporting schedules as the Commission may deem necessary.

Section 8.4 Budget Hearing:

A copy of the budget proposal shall be on file and available to the public in the office of the Clerk during office hours for a period of not less than one (1) week prior to the adoption of the budget by the Commission. Notice of the requirement that the budget proposal is so required to be filed shall

be published by the Clerk in a legal newspaper having a bona fide list of paying subscribers not less than fifteen (15) days prior to the adoption of the budget by the Commission: Provided, however, that failure to give such notice shall not invalidate the adoption of any budget.

Section 8.5 Adoption of Budget, Tax Limit:

Not later than the second Monday in May, the Commission shall, by resolution, adopt the budget for the next fiscal year and shall, in such resolution make an appropriation of the money needed for municipal purposes during the ensuing 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) percent of the assessed valuation of all real and personal property subject to taxation in the City. The levy so provided shall be known and referred to as the Charter tax rate of the City of Imlay City and shall be subject to all provisions of State law and the Michigan Constitution pertaining thereto.

(Amended 5-8-07)

Section 8.6 Transfer of Appropriations:

After the budget has been adopted, no money shall be drawn from the treasury of the city nor shall any obligation for the expenditure of money be incurred, except pursuant to the budget appropriations. The Commission may transfer any unencumbered appropriation balance, or any portion thereof, from one department, fund, or agency to another. The balance in any appropriation which has not been encumbered at the end of the fiscal year shall revert to the general fund and be reappropriated during the next fiscal year.

Section 8.7 Budget Control:

At the beginning of each quarterly period during the fiscal year, and more often if required by the Commission, the City Manager shall submit to the Commission data showing the relation between the estimated and actual income and expenses to date; and if it shall appear that the income is less than anticipated, the Commission may reduce appropriations, except amounts required for debt and interest charges, to such a degree as may be necessary to keep expenditures within the cash income.

Section 8.8 Depository:

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

Section 8.9 Independent Audit:

An independent audit shall be made of all city accounts at least annually and more frequently if deemed necessary by the Commission. Such audit shall be made by an independent accountant experienced in public accounting to be selected by the Commission.

CHAPTER 9: TAXATION**Section 9.1 Power to Tax and Secure Revenue:**

In order to carry out the purposes, powers, and duties of the city government established by this charter, the city may assess, levy, and collect taxes, rents, tolls, and excise, or specific taxes including all powers now or hereafter granted to cities by the State of Michigan.

Section 9.2 Subjects of Taxation:

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

Section 9.3 Assessment:

Unless otherwise provided by state law, the first day of January in each year shall be the assessment day for both real and personal property in the city.

Section 9.4 Time for Making Assessment Rolls:

The Assessor shall make and complete an assessment roll of the City in the manner and form provided in the general tax law of the State, not later than the last Monday in February of each year, on which date he or she shall file such roll with the Clerk for public inspection during the normal office hours of the Clerk until the date of the convening of the Board of Review, on which date the Clerk shall turn such assessment roll over to the Board of Review.

Section 9.5 Board of Review:

The Board of Review shall be appointed by the Commission and shall be comprised of three (3) persons having the qualifications required by this charter for officers of the city, who are tax payers to the city, and have been residents of the city for not less than three (3) years. In the first instance, the full Board shall be appointed, one (1) to serve for a term of one (1) year, one (1) to serve for a term of two (2) years, and one (1) to serve for a term of three (3) years. Thereafter, the Commission shall, annually, the last Commission meeting in March appoint one (1) member of the Board to serve for a full term of three (3) years. The Commission shall set the compensation of the Board of Review.

Section 9.6 Meeting of Board of Review:

The Board of Review shall convene on such dates and times and at such place as shall, by resolution, be designated by the Commission and shall continue its session from day to day for the purpose of considering and correcting the roll for as many days as directed and designated by the Commission. The Board shall remain in session during such hours as the Commission may designate. (Amended 5-8-07)

Section 9.7 Organization and Functions of the Board of Review:

On the first day of its meeting in each year, the Board of Review shall elect one of its members chairman. The Assessor shall be Secretary of the Board and shall attend its meetings with the privilege of participating therein, but without the right to vote upon any decision of the Board. 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. Such record shall be filed with the Clerk within thirty (30) days after the adjournment of the Board. A majority of the members of the Board shall constitute a quorum.

The members of said Board shall take the constitutional oath of office which shall be filed with the Clerk. For the purpose of reviewing and correcting assessments, the Board of Review shall have the same powers and perform like duties in all respects as are by the general tax law conferred upon and required of boards of review in townships, in reviewing assessments in townships for township, state and county taxes. 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 shall deem just. In all cases, the assessment roll shall be reviewed according to the facts existing on the assessment day and no change of the status of any property after said day shall be considered by the Board in making its decisions. Except as otherwise provided by state law, no person other than the Board of Review shall make or authorize any change up on or additions or corrections to the assessment roll.

Section 9.8 Endorsement of Roll - Validity:

After the Board shall complete its review of the assessment roll, and on or before the first Commission meeting in March in each year, a majority of its members shall endorse 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. Upon the completion of said roll and from and after midnight following the last day of the meeting of the Board of Review, the same shall be the assessment roll of the city for city taxes on real and personal property that may be authorized by law and under the provisions of this charter and shall be conclusively presumed by all courts and tribunals to be valid and shall not be set aside except for causes set forth in the general laws of the state.

Section 9.9 Clerk to Certify Levy:

Within three (3) days after the Commission has adopted the budget for the ensuing year, the Clerk shall certify to the Assessor the total amount which the Commission determines shall be raised by general tax; all amounts of special assessments which the Commission required to be assessed or re-assessed upon any property or against any person; and all other amounts which the Commission may determine shall be charged, assessed, or re-assessed against any person or property.

Section 9.10 City Tax Roll:

After the last day for the meeting of the Board of Review, the Assessor shall, upon receiving the certification of the several amounts to be raised, as provided in the preceding section, proceed forthwith to spread upon the assessment roll the several amounts determined by the Commission to be charged, assessed, or re-assessed against persons or property; and shall also proceed to spread the amounts of the general city tax according to and in proportion to the several valuations set forth in said assessment roll. For the purpose of avoiding fractions in computation, the Assessor may add to the amount of the several taxes to be raised not more than one (1) percent; said excess shall belong to the city.

Section 9.11 Tax Roll Certified for Collection:

After extending the taxes aforesaid and not later than the 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 from the several persons named in said roll the several sums mentioned therein opposite their respective names as a tax or assessment, and granting to him, for the purpose of collecting the taxes, assessments, and charges on such roll, all the power and immunities possessed by township treasurers for the collection of taxes under the general laws of the state.

Section 9.12 Taxes Lien on Property:

The city taxes thus assessed shall become at once a debt due to the city from the persons to whom they are assessed, and the amounts assessed on any interest in real property shall on the first day of July become a lien upon such real property, and the lien for such amounts and for all interest and other charges thereon shall continue until payment thereof. All personal taxes shall also be a first lien, prior, superior, and paramount, upon all personal property of the persons so assessed from and after the first day of July in each year and shall so remain until paid, which said tax liens shall take precedence over all other claims, encumbrances and liens upon said personal property whatsoever, whether created by chattel mortgage, execution, levy, judgment, or otherwise, and whether arising before or after the assessment of said personal taxes, and no transfer of personal property assessed for taxes thereon shall operate to divest or destroy such lien except where such personal property is actually sold in the regular course of retail trade.

Section 9.13 Taxes Due: Notification:

The Treasurer shall not be required to call upon the persons named in the city tax roll, nor to make personal demand for the payment of taxes, but he shall give notice to the tax payers of the city, by publication in a newspaper printed and published in the city at least once, which publication of notice shall be made at least ten (10) days prior to the first day of July in each year, of the time when said taxes will be due for collection, and shall give such notice of the time when said taxes will be due for collection by first class mail addressed to the owners of the property upon which taxes are assessed according to the names of such owners and their addresses as indicated on the tax roll, which notice shall be deemed sufficient for the payment of all taxes on said tax roll. Failure on the part of the Treasurer to give said notice shall not invalidate the taxes on said tax roll nor release the person or property assessed from any penalty or interest provided in this chapter in case of nonpayment of the same.

Section 9.14 Collection of City Taxes:

City taxes shall be due and payable on the 15th day of September each year. To all taxes paid after September 15th, there shall be added a four (4) percent penalty, and to all taxes paid after said date, there shall also be added interest at the rate of one-half (1/2) of one (1) percent for each month or fraction of a month intervening between said date and the date of payment, or the first day of March of the next succeeding calendar year, whichever date shall occur first. The added penalties and interest herein provided shall belong to the City, and shall constitute a charge and shall be a lien against the property to which the taxes themselves apply, collectible in the same manner as the taxes to which they are added.

(Amended 5-8-07)

Section 9.15 Delinquent Tax Roll to County Treasurer:

If the Treasurer has been unable to collect any of the city taxes on said roll on real property before the first day of March following the date when said roll was received by him, it shall be his duty to return all such unpaid taxes on real property to the county treasurer in the same manner and with like effect as returns by township treasurers 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 and fees hereinbefore provided, which charges shall, in such return, be added to the amount assessed in said tax roll against each description. The taxes thus returned shall be collected in the same manner as other taxes returned to the county treasurer are collected under the provisions of the general laws of the state and shall be and remain a lien upon the lands against which they are assessed, until paid.

Section 9.16 Protection of City Lien:

The city shall have power, insofar as the exercise thereof shall not conflict with or contravene the provisions of any general law of the State, 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 for taxes or special assessments, or both, on said premises and may hold, lease, or sell the same solely 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.

Section 9.17

For the purpose of assessing and levying taxes in the city for all purposes other than city taxes, the city shall be considered the same as a township and except as otherwise provided in this charter, all provisions of state law relative to the collection of such taxes, the accounting therefore to the appropriate taxing units, and the returning of delinquent taxes to the county treasurer for collection, shall apply, and the city treasurer shall have all of the powers and duties in connection therewith as township treasurers have.

CHAPTER 10: BORROWING POWER**Section 10.1 Grant of Authority to Borrow:**

Subject to the applicable provisions of statute and constitution, the Commission may by ordinance or resolution borrow money and issue bonds and other evidence of indebtedness therefor, for any purpose within the scope of powers vested in the city. Such bonds or other evidences of indebtedness shall include, but not be limited to, the following types:

(a) General obligation bonds which pledge the full faith, credit and resources of the City for the payment of such obligations, including bonds for the city's portion of public improvements;

(b) Notes issued in anticipation of the collection of taxes, but the proceeds of such notes may be spent only in accordance with appropriations as provided by Section 8.6.

(c) In case of fire, flood or other calamity requiring an emergency fund for the relief of the inhabitants of the city, or for the repairing or rebuilding of any of its municipal buildings, works, bridges or streets, emergency obligations therefor due in not more than three years;

(d) Bonds issued in anticipation of special assessment district, or may be both an obligation of such special assessment district or districts, and the general obligation of the city;

(e) Mortgage bonds for the acquiring, owning, purchasing, constructing or operating of any public utility as provided in Article 8, Section 23, of the Constitution; provided such bonds shall not impose any liability upon the city but shall be secured only upon the property and revenues of such public utility, including a franchise, stating the terms upon which, in case of foreclosure, the purchaser may operate the same, which franchise shall in no case extend for a longer period than twenty years from the date of the sale of such utility and franchise on foreclosure. Such mortgage bonds shall be sold to yield not to exceed six per cent per annum. A sinking fund shall be created in the event of the issuance of such bonds, by setting aside such percentage of the gross or net earnings of the public utility as may be deemed sufficient for such payment.

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

(g) Revenue bonds as authorized by Public Act 94 of 1933 which are secured only by the revenues from a public improvement and do not constitute a general obligation of the city;

Section 10.2 Limits of Borrowing Powers:

The net bonded indebtedness incurred for all public purposes shall not at any time exceed ten per cent of the assessed value of all the real and personal property in the city subject to taxation as shown by the last preceding assessment roll of the city provided that in computing such net bonded indebtedness there shall be excluded money borrowed under the following sections: 10.1 (b) (tax anticipation notes), 10.1 (d) (special assessment bonds even though they are also a general obligation of the city), 10.1 (e) (mortgage bonds), 10.1 (g) (revenue bonds), and any other obligations excluded by statute or constitution from such limitation. The resources of the sinking fund pledged for the retirement of any outstanding bonds shall also be deducted from the amount of the bonded indebtedness.

The amount of emergency loans which the Commission make under the provision of Section 10.1 (c) may not exceed one-fourth of one percent of the assessed value of all the real and personal property in the city (or such larger percentage as cities may by statute be permitted to provide in their charter) notwithstanding such loan may increase the indebtedness of the city beyond the limitation fixed in the preceding paragraph.

The total amount of such special assessment bonds issued under Section 10.1 (e) which are a general obligation of the city shall at no time by reason of future issues, other than issues of refunding bonds, exceed the statutory limitations thereon, nor shall such bonds be issued in any calendar year in excess of the amount so permitted to be issued by statute unless authorized by a vote of the electors in the manner provided by statute.

Section 10.3 Vote of Electors Required:

Unless approved by majority of the electors voting thereon at any general or special election, the Commission shall not have the power to authorize any issue of bonds except special assessment bonds, bonds for the city portion of local improvements, not to exceed forty percent of the cost of such improvement, refunding bonds, bonds for relief from fire, flood or calamity, for payment of judgments, revenue bonds and other bonds excluded by statute from the requirement for such vote. Only those electors having the Constitutional qualifications for voting on the approval of bond issues shall be entitled to vote on such question.

Section 10.4 Preparation and Record of Bonds:

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

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

Upon the payment of any bond or other evidence of indebtedness, the same shall be canceled.

Section 10.5 Unissued Bonds:

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

Section 10.6 Installment Payment Contracts:

The Commission may enter into installment contracts for the purchase of property or capital equipment. Each of such contracts shall not extend over a greater period than 15 years nor shall the

total amount of principal payment under all such contracts exceed the sum permitted by law. All such deferred payments shall be included in the budget for the year in which the installment is payable. (Amended 3-13-95)

CHAPTER 11: PUBLIC IMPROVEMENTS, CONTRACTS, SPECIAL ASSESSMENTS

Section 11.1 City May Perform Public Work:

The Commission shall have power to do any public work or make any public improvement by the employment of the necessary labor and the purchase of the necessary supplies and materials with separate accounting as to each improvement so made, or to do such work by contract duly let after competitive bidding. The Commission shall also have the power to do any public work or make any public improvement under any legally constituted plan under which the labor is furnished by any other governmental unit, department, or agency of the United States or the State of Michigan, or which is wholly or in part financed by them or either of them.

Section 11.2 Purchasing and Contractual Procedure:

The City Commission shall, by resolution, establish the procedures for making purchases of, and contracting for supplies, materials, equipment and services. (Amended 5-8-07)

Section 11.3 General Powers Relative to Special Assessments:

The Commission 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 shall be defrayed by special assessment upon the property especially benefitted: Provided, that such expense shall, in each case, be substantially in accordance with and in proportion to such benefits derived by such property.

Section 11.4 Cost of Acquired Property Added:

Whenever any property is acquired by condemnation, or otherwise, for the purpose of any public improvement, the cost thereof, and of the proceedings required to acquire such property, may be added to the cost of such improvement.

Section 11.5 Additional Assessments, Refunds:

When any special assessment roll shall prove insufficient to meet the costs of the improvement for which it was made, the Commission may make an additional pro rata assessment, but the total amount assessed shall not exceed the value of benefits received by any lot or parcel of land. Should the assessment prove larger than necessary to five (5) per cent or less, the Commission may place the excess in the city treasury. If more than five (5) per cent, the excess shall be refunded pro rata according to assessments. In either case, the Commission may provide by resolution that the amount

of any such excess may be allowed as a credit on the last installment where such installment still remains unpaid at the time the final cost of the improvement is determined.

Section 11.6 Lien in Collection of Special Assessments:

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

The Commission shall prescribe, by general ordinance, a complete special assessment collection procedure which shall set forth and include the date upon which such special assessment shall become due, the maximum number of annual installments, the date the initial and subsequent installment payments shall be due, the interest rates such special assessments shall bear whether paid or unpaid, and the date from which interest is computed. The City Commission may also provide by general ordinance, the collection procedure for advance payments of unpaid installments with interest computed. Further, the Commission may set forth the collection procedure for said installment payments, and the determination process under which said installment payments shall be considered delinquent and whether any additional interest shall be charged thereon.
(Amended 11-3-98)

Section 11.7 Procedure to be Fixed by Ordinance:

The Commission shall prescribe, by general ordinance a complete special assessment procedure concerning the initiation of projects, plans and specifications, estimates of costs, notice and hearings, the making and confirming of the assessment rolls and the correction of errors therein,

the financing of improvements made by special assessment procedures, the collection of special assessments, and any other matters concerning the making of such improvements.

Section 11.8 Contested Assessments:

Except and unless notice is given to the Commission in writing of an intention to contest or enjoin the collection of any special assessment for the construction of any pavement, sewer, or other public improvement, the construction of any sidewalk, or the removal or abatement of any public hazard or nuisance, within thirty (30) days after the date of the meeting of the Commission at which it is finally determined to proceed with the making of the improvement in question, which notice shall state the grounds on which the proceedings are to be contested, no suit or action of any kind shall be instituted or maintained for the purpose of contesting or enjoining the collection of such special assessment; and, regardless of whether or not any public improvement is completed in any special assessment district, no owner of real property located in such district shall be entitled to commence any suit or action for the purpose of contesting or enjoining the collection of any such special assessment after he has received a benefit from the substantial completion of that portion of such public improvement for which he is assessed.

Section 11.9 Special Assessment Accounts:

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

CHAPTER 12: MUNICIPALLY OWNED UTILITIES

Section 12.1 General Powers Respecting Utilities:

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

Section 12.2 Management of Municipally Owned Utilities:

All municipally owned utilities shall be administered as a regular department of the city government under one or more department heads appointed by, and serving at the pleasure of, the Commission and not by an independent board or commission.

Section 12.3 Rates:

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

Section 12.4 Utility Rates and Charges - Collection:

The Commission shall provide by ordinance for the collection of all public utility rates and charges made by the city. With respect to water, the city shall have all the powers granted to cities by Public Act 178 of 1939 as amended. When any person, firm or corporation shall fail or refuse to pay any sums due on utility bills, the service upon which such delinquency exists may be discontinued and suit may be instituted by the city for the collection of the same in any competent tribunal.

Section 12.5 Disposal of Utility Plants and Property:

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

Section 12.6 Utility Accounts:

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

CHAPTER 13: PUBLIC UTILITY FRANCHISES**Section 13.1 Granting of Public Utility Franchises:**

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

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

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

Section 13.2 Conditions of Public Utility Franchise:

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

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

Section 13.3 Regulation of Rates:

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

Section 13.4 Use of Public Places by Utilities:

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

CHAPTER 14: MISCELLANEOUS**Section 14.1 Advisory Committees or Boards:**

The city commission or city manager with the approval of the commission may from time to time appoint such committees or boards as are deemed appropriate to advise and consult with them, and with appropriate department heads, regarding any municipal activity. Such committees or boards shall serve at the pleasure of the commission which shall also determine what, if any, compensation shall be paid.

Section 14.2 Notice to City of Claim for Injuries:

The city shall not be liable in damages sustained by any person, either to his person or property, by reason of the negligence of the city, its officers, or employees, nor by reason of any defective highway, street, bridge, sidewalk, cross-walk or culvert, or by reason of any obstruction, ice, snow or other encumbrance upon such street, sidewalk, crosswalk or public highway, situated in the city, unless such person shall serve or cause to be served, within sixty (60) days after such injury shall have occurred, a notice in writing, upon the Clerk, which notice shall set forth substantially the time and place of such injury, the nature of the defect, the manner in which it occurred, and the extent of such injury as far as the same has become known, the names and addresses of the witnesses known at the time by claimant, and a statement that the person receiving such injury intends to hold the city liable for such damages as may have been sustained by him. No person shall bring any action against the city for any damages to person or property arising out of any obstruction, ice, snow, or other encumbrance upon such street, sidewalk, crosswalk or public highway, situated in the city unless he shall also present to the Clerk his claim in writing and under oath, setting forth particularly the nature and extent of such injury and the amount of damages claimed by reason thereof which claims shall be presented to the Commission by the Clerk.

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

Section 14.3 Publication and Mailing of Notices:

The Commission shall determine the method of publication of all notices, ordinances, and proceedings for which a mode of publication is not prescribed by this charter or by law. The Commission may determine that such publication may be made in a newspaper which is printed or circulated in the city, or that such publication may be made by posting in the office of the Clerk and in five (5) other public places in the city. In case publication is made by posting, a notice of such posting, setting forth by a descriptive phrase, the purpose of or nature of the notice, ordinance, or proceeding posted, and location of the places where posted, shall be published at least once in a newspaper published and circulated in the city within seven (7) days after such posting was done.

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

Section 14.4 No Estoppe by Representation:

No official of the city shall have power to make any representation or recital of fact in any franchise, contract, document or agreement, contrary to any public record of the city. Any such representation shall be void and of no effect as against the city.

Section 14.5 City Records:

All records of the city shall be public.

Section 14.6 Prior City Ordinances and Regulations:

All ordinances, resolutions, rules and regulations of the City of Imlay City which are not inconsistent with the provisions of this charter, in force and effect at the same time of the adoption of this charter, shall continue in full force as ordinances, resolutions, rules and regulations of the city until repealed or amended by action of the proper authorities.

Section 14.7 Headings:

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

Section 14.8 Effect of Illegality of Any Part of Charter:

Should any provision or section, or portion thereof, of this charter be held by a court of competent jurisdiction to be invalid, illegal, or unconstitutional, such holding shall not be construed as affecting the validity of this charter as a whole or of any remaining portion of such provision or section; it being hereby declared to be the intent of the Charter Commission and of the electors who voted thereon that such unconstitutionality or illegality shall not affect the validity of any part of this charter except that specifically affected by such holding. Further, it is hereby declared that it was the intent of the Charter

Commission and of the electors of the City of Imlay City, in preparing and adopting this charter, that said instrument should conform in all respects with the provisions and requirements of State Law. In the event that any provision of this charter shall conflict with or contravene the provisions of any general law of the State of Michigan, the provisions of such general law of the state shall govern.

Section 14.9 Amendments:

This charter may be amended at any time in the manner provided in Act No. 279 of the Public Acts of 1909, as amended, being M.C.L.A. § 117.1 et seq. 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.

Section 14.10 Definitions and Interpretations:

Except as otherwise specifically provided or indicated by the context:

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

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

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

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

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

(f) The word "officer" shall include the Mayor and other members of the Commission, the administrative officers, and members of city boards and commissions created by or pursuant to this charter.

(g) The word "statute" shall denote the Public Acts of the State of Michigan as in effect at the time the provision of the charter containing the word "statute" is to be applied.

(h) The word "Constitution" shall denote the Constitution of the State of Michigan as in effect at the time the provision of the charter containing the word "Constitution" is to be applied.

(i) All references to specific local or Public Acts shall be to such local or Public Acts of the State of Michigan as in effect at the time the reference to such act is to be applied.

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

Section 14.11 Trusts and Requests:

All trusts established for any municipal purpose shall be used and continued in accordance with the terms of such trust subject to the cy pres doctrine. The Commission may in its discretion receive and hold any property in trust for any municipal purpose and shall apply the same to the execution of such trust and for no other purposes except in cases where the cy pres doctrine shall apply.

Section 14.12 Sunday and Holidays:

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

Section 14.13 Penalties for Misconduct in Office:

Any officer of the city found guilty by a court of competent jurisdiction of any act declared by this charter to constitute misconduct in office may be punished by a fine of not to exceed one hundred dollars or imprisonment for not to exceed ninety days or both in the discretion of the court. The punishment provided in this section shall be in addition to that of having the office declared vacant as provided in Section 5.4.

CHAPTER 18: SCHEDULE**Section 18.1 Election on Charter:**

This charter shall be submitted to a vote of the electors of the Village of Imlay City for adoption at a special village election to be held on December 14, 1970. In connection with such election the Charter Commission and the Village Council shall perform all of the duties required by law for the giving of notice of and the conduct of said election. The last day for the registration of electors for such election shall be November 16, 1970. Proper and sufficient notice of registration and of such special election shall be given by the Village Clerk by publication and posting in the manner prescribed by law. If at said election a majority of the electors of the village, voting thereon shall vote in favor of the adoption of this charter, then the Village Clerk shall perform all other acts required by law to carry this charter into effect.

Section 18.2 Form of Ballot:

The form of the ballot on submission of this charter shall be as follows:

(Proper Instructions)

"Shall the Proposed Charter of the City of Imlay City, framed by the Charter Commission which was elected on March 30, 1970, and which has been approved by the Governor of the State of Michigan, be adopted?"

- YES
 NO

Section 18.3 Effective Date:

Except as otherwise herein provided, this charter, if adopted, shall go into effect at 12:01 a.m. on December 29, 1970, at which time the provisions hereof and the government herein shall commence functioning.

Section 18.4 First City Commission:

Concurrently with the election on adoption of this charter, an election shall be held for seven (7) members of the first Commission. Nomination petitions shall be received by the clerk not later than 5:00 p.m. November 16, 1970 and the election shall be conducted on an at-large, non-partisan basis on a single ballot and with each voter permitted to vote for up to seven (7) of the commission candidates. The four commissioners receiving the greatest number of votes shall have terms of four years and the three other commissioners shall have terms of two years. As nearly as practicable, the election shall be conducted in conformance with the terms of this proposed charter and the election laws of the state.

If this charter is adopted, the first commission shall convene, be sworn in, and organize at the Municipal Office at 7:00 p.m. on December 29, 1970, at which time the incumbent council of the present Village of Imlay City shall complete its business and then terminate and cease to exist, and all rights, duties, functions, and powers of the council shall become vested in the new commission.

Officers holding office under the previous charter, except members of the Village Council, shall continue in office until their successors are chosen or until the office is abolished in accordance with the provisions of this charter. Where questions arise concerning the responsibility and authority of officers, pending the appointment of a city manager, the commission shall temporarily fix responsibility and grant authority as is necessary to maintain the services of the city.

Section 18.5 Interim:

The Commission, on the recommendation of the City Manager, shall have authority to make any necessary interim budget required to defray the cost of government from December 29, 1970 to June 30, 1971 in order to bring the city's financial plan into conformity with the fiscal year herein provided.

Section 18.6 Status of Schedule Chapter:

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

Resolution of Adoption:

At a meeting of the Charter Commission of the City of Imlay City, held in the offices of the City of Imlay City, the usual meeting place of the Charter Commission, on August 20, 1970, the following members of the Charter Commission were present: Melvin E. Eckel, Gordon L. Bristol, Leonard A. Schaaf, Mervin W. Whiteman, Joseph C. Simons, Arthur F. Shaw, John F. Folk, Howard A. Schoenberg.

At such meeting, the following resolution was offered by Commissioner Bristol and seconded by Commissioner Whiteman:

RESOLVED, That the Charter Commission of the City of Imlay City does hereby adopt the foregoing instrument as the proposed revised Charter of the City of Imlay City and the chairman 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: 8
Nays: 0
Absent: 1
Signed: JOSEPH SIMONS
Clerk of the Charter
Commission of the City
of Imlay City

