

CHARTER



CITY OF NORTHVILLE MICHIGAN

MUNICIPAL COURT AMENDMENT - NOVEMBER 3, 1964

CHARTER AMENDMENTS - NOVEMBER 15, 1971

NORTHVILLE CITY CHARTER
SECTIONS SUPERSEDED BY STATE STATUTE

- ❖ Chapter 3, Section 3.9 Nominations [superceded by MCL 168.644e as amended under PA 44 of 2010 and PA 276 of 2012]

- ❖ Chapter 3, Section 3.15 Canvass of Votes [MCL 168.24a(1), 168.307, 308, 323, 347, 355, 426c, 426f, 426l, 792, 806, 809, 822, 823, 826, 866, 867, and 868 as amended under PA 51 of 2013.]

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**CHAPTER 1
NAME AND BOUNDARIES:**

Name and Boundaries:

Section 1.1. The name of this organized city is "The City of Northville". It is a body corporate, and embraces the following described territory in the township of Northville, Wayne County, and the township of Novi, Oakland County, State of Michigan, constituting the former Village of Northville, together with such territory as may from time to time be attached thereto, and less such territory as may from time to time be detached therefrom, in accordance with law:

Beginning at the Southeast Corner of Section 3, T. 1 S., R. 8 E, Northville Township, Wayne County, Michigan, Running thence Westerly along the south line of said Section, six (6) courses as follows:

S. 88° 52' 20" W., 265.73 feet
and S. 86° 55' 25" W., 378.78 feet
and S. 87° 28' 50" W., 400.00 feet
and S. 87° 33' 30" W., 1278.32 feet
and S. 87° 27' 03" W., 1312.23 feet
and S. 88° 01' 09" W., 1316.90 feet
to the southwest corner of said Section 3; thence S. 87° 31' 29" W., along the south line of Section 4, T., 1 S., R. 8 E., a distance of 691.85 feet; thence N. 3° 10' 05" W., along the west line of and southerly extension thereof, of Orchard Heights Subdivision (Liber 40 of Plats on Page 32 Wayne County Record), a distance of 2467.95 feet to the East and West Quarter line of said Section 4; thence N. 88° 29' 54" E., along said quarter line, a distance of 699.46 feet to the West Quarter Corner of said Section 3; thence along the west line of said Section 3, N. 2° 19' 40" W., 960.42 feet and N. 2° 38' 05" W., a distance of 1442.46 feet to the Northwest Corner of said Section 3; thence N. 87° 21' 13" E., along the north line of said Section 3, a distance of 2486.60 feet to the North Quarter Corner of said Section 3; thence N. 87° 56' 30" E., a distance of 183.63 feet to the west line of Oakwood Subdivision (Liber 30 of Plats Page 1, Oakland County Records); thence N. 2° 05' 25" W., along the west line of said Oakwood Subdivision 2055.75 feet to the north line of said Oakwood Subdivision; thence N. 87° 59' 06" E., along said north line, a distance of 1330.80 feet; thence S. 2° 05' 25" E., along the east line of said Oakwood Subdivision a distance of 2054.00 feet

to the northline of said Section 3; thence N. 87° 56' 30" E., along said north line 985.20 feet to the Northeast Corner of said Section 3; Thence Southerly along the east line of said Section, S. 2° 09' 00" E., 713.34 feet and S. 2° 24' 01" E., 1500.88 feet and S. 2° 24' 21" E., 2648.11 feet to the Point of Beginning.

**CHAPTER 2
MUNICIPAL POWERS**

General Powers:

Section 2.1. Unless otherwise provided or limited in this charter, the city and its officers shall possess and be vested with any and all powers, privileges and immunities, expressed or implied, which cities and their officers are, or hereafter may be, permitted to exercise or to provide for in their charters under the Constitution and statutes of the State of Michigan, including all powers, privileges and immunities which cities are, or may be permitted to provide in their charters by Act No. 279 of the Public Acts of 1909, as fully and completely as though these powers, privileges and immunities were specifically enumerated in and provided for in this charter, and in no case shall any enumeration of particular powers, privileges or immunities herein be held to be exclusive.

The city and its officers shall have power to exercise all municipal powers in the management and control of municipal property and in the administration of the municipal government, whether such powers be expressly enumerated herein or not; to do any act to advance the interest of the city, the good government and prosperity of the municipality and its inhabitants, and through its regularly constituted authority, to pass and enforce all laws, ordinances and resolutions relating to its municipal concerns, subject to the general laws of the state and the provisions of this charter.

Further Definition of Powers:

Section 2.2 In addition to the powers possessed by the city under the Constitution and statutes of the State of Michigan, and those set forth throughout this charter, the city shall have power with respect to and may by ordinance and other lawful acts of its officers, provide for the following, subject to any specific limitations placed thereon by this charter.

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

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

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

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

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

f) The use, regulation, improvement and control of the surface of its streets, alleys, public ways and other public places and of the space above and beneath them.

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

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

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

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 services and use thereof on a public utility basis, and for such purpose to acquire by gift, purchase, condemnation or otherwise, the land necessary therefor;

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

l) Establishing of districts or zones within which the use of land and structures, the type, character, height, area, 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) Regulating of trades, occupations and amusements within the city, not inconsistent with state and federal laws, and for the prohibition of such trades, occupations and amusements as are detrimental to the health, morals or welfare of its inhabitants;

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

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

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

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

r) Prohibiting or regulating the use, occupancy, sanitation and parking of house trailers within the city, and the right of the city to so regulate any house trailer 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;

s) Requiring an owner of real property within the city to construct and maintain sidewalks abutting upon such property, and if the owner fails to comply with such requirements or if the owner is unknown, to construct and maintain such sidewalks and assess the cost thereof against the property in accordance with Section 11.9;

t) Requiring an owner of real property within the city to abate public hazards and nuisances which are dangerous to the health or safety of inhabitants of the city within a reasonable time after the Council notifies him that such hazard or nuisance exists, and if the owner fails to comply with such requirements, or if the owner is unknown, to abate such hazard or

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nuisance and assess the cost thereof against such property in accordance with Section 11.9;

j) 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 11.9;

v) Control over all trees, shrubs and plants in the public streets, highways, parks or other public places in the city, all dead and diseased trees on private property and trees on private property overhanging the street, sidewalk, or public places including the removal thereof and assessing the cost thereof against the abutting property according to Section 11.9.

Exercise of Power:

Section 2.3. Where no procedure is set forth in this charter for the exercise of any power granted to or possessed by the city or its officers, the procedure set forth for the exercise of such power in any statute of the State of Michigan, including statutes passed for the government of any public body, shall govern. If alternative procedures are to be found in different statutes, the Council shall select that procedure which it deems to be most expedient and to the best advantage of the city and its inhabitants. Where no procedure for the exercise of any power of the city or its officers is set forth, either in this charter or in any statute of the State of Michigan, the Council shall prescribe a reasonable procedure for the exercise thereof by ordinance.

Inter-governmental Contracts:

Section 2.4 The city shall have power to join with any governmental unit or agency, or with any number or combination thereof by contract or otherwise as may be permitted by law to have performed (a) jointly, or (b) by one or more of them for or on behalf of the other or others, or (c) by any other person, firm or corporation, any power or duty which is permitted to be so performed by law or which is possessed by, or imposed upon, each such governmental unit or agency.

Outside Fire Protection:

Section 2.5 In exercise of the powers contained in Section 2.1 herein, the Council shall have the right to contract with persons, firms corporations or governing bodies to furnish fire protection to property outside the corporate limits of the city for a fair consideration, if the Council shall find that the financial interests of the city are advanced by obtaining payments therefor; and/or that the prosperity of the municipality and its inhabitants are advanced through preventing a conflagration which might spread within the city limits or through protecting industrial or commercial properties at which residents of the city are employed from fire.

**CHAPTER 3
ELECTIONS**

Qualifications of Electors:

Section 3.1. The residents of the city having the qualifications of electors in the State of Michigan, and no others, shall be electors of the city.

Election Procedure:

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

Wards and Precincts:

Section 3.3. The City of Northville shall consist of one ward. The Council shall from time to time establish by ordinance convenient election precincts. The precincts into which the Village is divided on the effective date of this charter shall be the precincts of the city until otherwise provided for by the Council.

Election Date:

Section 3.4. A regular city election shall be held on the first Tuesday after the first Monday in November and every two years thereafter.

Elective Officers and Terms of Office:

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Section 3.5. The elective officers of the city shall be a Mayor, four Councilmen and the Justice of the Peace. At each regular city election there shall be elected from the city at large a Mayor for a term of office of two years and two Councilmen for a term of office of four years, and such additional numbers as are required to fill vacancies in accordance with provisions of Section 5.4, all such terms to commence on the Monday next following such election.

At the regular city election in 1957 and every second regular city election thereafter there shall also be elected the Justice of the Peace for a term of four years commencing on the fourth day of July next following such election. Vacancies in office of Justice of the Peace shall be filled in accordance with Section 5.5 of this charter.

Special Elections:

Section 3.6. Special city elections shall be held when called by resolution of the Council at least thirty days in advance of such election or when required by this charter or the general laws of the state. Any resolution calling a special election shall set forth the purpose of such election. No more than two special city elections shall be called in any one year.

Notice of Elections:

Section 3.7 Notice of the time and place of holding any city election and of the officers to be nominated or elected and the questions to be voted upon shall be given by the Clerk in the same manner and at the same time as provided in the state election law for the giving of notice by township or City Clerks.

Voting Hours:

Section 3.8. The polls of all elections shall be opened and closed at the time prescribed by law for the opening and closing of polls at state elections, subject to any statutory right of the Council to adjust these hours to local time.

Nominations:

Section 3.9. The method of nomination of all officers provided for in this charter which are to be filled by the electors of the city shall be by petition. Such petitions for each candidate shall be signed by not less than fifty nor more than

seventy-five registered electors of the city. No person shall sign his name to a greater number of petitions for any one office than there are persons to be elected to said office at said election. Where the signature of any individual appears on more petitions than there are candidates to be elected to said office, the signature of such individual on all such petitions shall be invalidated.

Nomination petitions shall be filed with the City Clerk at his office not earlier than September first and not later than October first preceding the date for holding the regular annual city election, and in case of a special election to fill a vacancy, not later than 30 days prior to the date of the special election. No nomination petition shall be received after 5:00 o'clock P.M., prevailing time on the last day fixed for receiving nomination petitions. [NOTE: The charter language pertaining to filing nominating petitions for regular city elections is superseded by Michigan Election Law MCL 168.644e as amended under PA 276 of 2012. The candidate nomination petition filing deadline is 4pm the 15th Tuesday prior to the November election. (City Council Resolution #17-33)]

Form of Petition:

Section 3.10. The form of petition shall be substantially as that designated by the Secretary of State for the nomination of non-partisan judicial officers. A supply of official petition forms shall be provided and maintained by the Clerk.

Approval of Petition:

Section 3.11. The Clerk shall accept only nomination petitions which conform with the forms provided and maintained by him, and which, considered together, contain the required number of valid signatures for candidates having those qualifications required for the respective elective city offices by this charter. All petitions shall be accompanied by the affidavit of qualifications provided for in Section 5.1. When a petition is filed by persons other than the person whose name appears thereon as a candidate, it may be accepted only when accompanied by the written consent of the candidate. The Clerk shall forthwith after the filing of a petition, notify in writing any candidate whose petition is then known not to meet the requirements of this section, but the

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failure to so notify any candidate shall in no way prevent a final determination that the petition does not meet such requirements. Within five days after the last date for filing petitions, the Clerk shall make his final determinations as to the validity and sufficiency of each nomination petition and whether or not the candidate has the qualifications required for his respective elective city office by this charter and shall write his determinations thereof on the face of the petition and shall notify in writing the candidate whose name appears thereon of his determinations. However, no petition shall be determined to be valid unless the affidavit of qualifications provided for in Section 5.1 shall be filed with such petition. 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 at the next special election for the filling of vacancies in office, as the case may be.

Public Inspection of Petitions:

Section 3.12. All nomination petitions filed shall be open to public inspection in the office of the Clerk.

Election Commission:

Section 3.13. An Election Commission is hereby created, consisting of the Clerk, the Attorney and one member of the Council who shall not be a candidate for elective office at the election for which he serves as a member of the Election Commission, such member to be appointed by the Council not less than fifteen days before each election. The members shall serve without compensation. The Clerk shall be chairman and two members of such board shall be a quorum. The Commission shall appoint the Board of Election Inspectors for each precinct and have charge of all activities and duties required of it by statute and this charter relating to the conduct of elections in the city. The compensation of the election personnel shall be determined in advance by the Council. In any case where election procedure is in doubt, the Election Commission shall prescribe the procedure to be followed.

Form of Ballot:

Section 3.14. The form, printing and numbering of ballots or the preparation of the voting machines used in any city election shall conform as nearly as may be to that prescribed by statute, except that no party designation or emblem shall appear. In all city elections, the names of qualified candidates for each office shall be listed under a separate heading and shall be rotated systematically in the manner prescribed by statute for rotation of names.

If two or more candidates for the same office have the same or similar surnames, the Election Commission shall print the occupation and residence address under the respective names of each of such candidates on the ballots (or on labels or slips to be placed on voting machines when used), provided, that for any of such candidates who is an incumbent of such office, the occupation shall be designated as "Incumbent". Except as provided in this section there shall be no supplementary identification of candidates on the ballot.

Canvass of Votes:

Section 3.15. The Clerk and the members of the City Council shall be the board of canvassers to canvass the votes at city elections; except that if any of such persons are candidates for office at the election to be canvassed such person shall not serve as a canvasser at such election. A majority of the members of such board shall be a quorum. The board of canvassers shall convene on the Thursday next succeeding each city election at the usual time and place of meeting of the Council and determine the results of the city election upon each question and proposition voted upon and what persons are duly elected to the several offices respectively at said election, and shall notify in writing the successful candidates of their election. The number of candidates for each office equal to the number to be elected to such office who receive the highest number of votes shall be elected to such office. The Clerk shall make under the corporate seal of the city duplicate certificates of the determination of the board and shall file one certificate the County Clerk and the other in his own office. [NOTE: The charter language pertaining to local canvass boards is superseded by Michigan Election Law MCL 168.24a(1), 168.307, 308, 323, 347, 355, 426c, 426f, 426l, 792, 806, 809, 822, 823, 826, 866, 867, and 868 as amended under PA 51 of 2013. Canvassing duties for all elections are assigned to the county board of canvassers. (City Council resolution #17-33)]

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Recounts:

Section 3.16. A recount of the votes cast at any city election for any office or upon any proposition may be had in accordance with the general election laws of the state. Unless otherwise provided by statute the petition for a recount of the votes cast at any city election shall be filed with the Clerk within six days after the board of canvassers has made its official report of the result of the election at which such votes were cast, and any counter petition shall be filed within twenty-four hours thereafter.

Recall:

Section 3.17. Any elected official may be recalled from office by the electors of the city in the manner provided by statute. A vacancy created by the recall of any elected official shall be filled in the manner prescribed by statute.

**CHAPTER 4
ORGANIZATION OF GOVERNMENT**

The City Council:

Section 4.1. There shall be a City Council of five members consisting of the elected Councilmen and the Mayor, who shall be deemed a member of the Council for all purposes. The Council shall constitute the legislative and governing body of the city and shall have power and authority, except as otherwise provided in this charter or by statute, to exercise all powers conferred upon or possessed by the city, and shall have the power and authority to enact and adopt such laws, ordinances, and resolutions as it shall deem proper in the exercise thereof. In all cases where the word "Council" is used in this charter, the same shall be synonymous with the word "Commission", or any other term used in any statute or federal law referring to municipal legislative or governing bodies.

Qualifications of Mayor and Councilmen:

Section 4.2. The Mayor and Councilmen shall meet the eligibility requirements contained in Section 5.1 of this charter. The Council shall be the sole judge of the election and qualification of its own members, subject only to review by the courts.

Compensation of Mayor and Councilmen:

Section 4.3. The Mayor and each Councilman shall receive as compensation \$500 per year. The Mayor shall, in addition, receive the sum of one hundred dollars per year.

Such salaries shall be paid quarterly and, except as otherwise provided in this charter, shall constitute the only compensation which may be paid the Mayor or Councilman for the discharge of any official duty for or on behalf of the city during their term of office. However, the Mayor and Councilmen, may, upon order of the Council be paid such necessary bona fide expenses incurred in service in behalf of the city as are authorized and itemized.

Election of Mayor Pro Tem:

Section 4.4. The Council shall at its first meeting following each regular city election, elect one of its members to serve as Mayor Pro Tem. for a term expiring at the first Council meeting following the next regular city election. In the event of absence or disability of both the Mayor and Mayor Pro Tem, the Council may designate another of its members to serve as Acting Mayor during such absence or disability.

Duties of Mayor:

Section 4.5. (a) Insofar as required by law, and for all ceremonial purposes, the Mayor shall be the executive head of the city. He shall have an equal voice and vote in the proceedings of the Council, but shall have no veto power. He shall be the presiding officer of the Council.

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

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

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

(e) In the absence or disability of the Mayor, the Mayor Pro Tem shall perform the duties of

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Mayor. In the absence or disability of both, the designated Acting Mayor shall perform such duties.

Administrative Officers / City Manager:

Section 4.6. (A) The Administrative officers of the city shall be the City Manager, Clerk, Treasurer, Assessor, Attorney, Engineer, Chief of Police and Fire Chief and such additional administrative officers as may be created by Ordinance. The council may combine any administrative offices in any manner it deems necessary or advisable for the proper and efficient operation of the city.

(B) The attorney for the city shall be appointed by the council for an indefinite period, shall serve at the pleasure of council and shall have his compensation fixed by council.

(C) Except as may be otherwise provided by statute or this charter, the Council shall establish by ordinance such departments of the city as it deems necessary or advisable and shall prescribe therein the functions of each department and the duties, authorities and responsibilities of the officers of each department.

(D) All personnel employed by the city who are not elected officers of the city or declared to administrative officer by, or under the authority of this section shall be deemed to be employees of the city. Any employee who has been discharged or suspended, following review and confirmation of such action by the City Manager and any administrative officer may within ten days thereafter petition the Council to hear the facts regarding their discharge, and in any such case the Council may, in its sole discretion, hold a hearing and inquire into such facts and may make such recommendation in the matter as it considers proper.

(E-1) **City Manager:** Appointment; Qualifications; Compensation; Authority; Responsibilities. The Council shall appoint a City Manager for an indefinite term and fix compensation. The manager shall be appointed solely on the basis of his executive and administrative qualities. He need not be a resident of the City or State at the time of his appointment, but may reside outside the City while in office only with the approval of Council.

(E-2) **Removal;** The Council may remove the manager from office in accordance with the following procedures:

a. The Council shall adopt by affirmative vote of a majority of all its members a preliminary

resolution which must state the reasons for removal and may suspend the manager from duty for a period not to exceed 45 days. A copy of the resolution shall be delivered promptly to the manager.

b. Within five days after a copy of the resolution is delivered to the Manager he may file with the council a written request for a Public Hearing. This hearing to be held at a council meeting not earlier than 15 days or later than 30 days after the request has been filed. The Manager may file with the council a written reply not later than 5 days before the hearing.

c. The council may adopt a final resolution of removal which may be effective immediately by affirmative vote of a majority of all its members at any time after 5 days from the date a copy of the preliminary resolution was delivered to the Manager if he has not requested a public hearing, or at any time after the public hearing if he has requested one.

The Manager shall continue to receive his salary until the effective date of final resolution of removal. The action of the council in suspending or removing the manager shall not be subject to review by any court or agency.

(E-3) **Power and Duties of the City Manager:** The City Manager shall be chief administrative officer of the city. He shall be responsible to the council for the administration of all city affairs placed in his charge or under his charge. He shall have the following powers and duties:

a. He shall appoint and when he deems it necessary for the good of the city suspend, demote, discharge, or take such other disciplinary action against all city employees, without confirmation by council, except as provided by law, this charter, or personnel rules adopted pursuant to this charter. He may authorize any administrative officers he has subject to his direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency.

b. All administrative officers of the city, except the attorney, shall be placed under the administrative direction of the City Manager. He shall have the same authority over them as over other city employees. Subject to the privilege of appeal to council as hereinbefore set forth. Provided, however, that with respect to the Clerk, Treasurer, Assessor and Board of Review, said administrative officers can only be discharged by Council.

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c. He shall direct and supervise the administration of all departments, officers and agencies of the city, except as otherwise provided by this charter or by law.

d. He shall attend all council meetings and it is his right to take part in discussion, but may not vote.

e. He shall see that all laws, provisions of this charter and resolutions of the council subject to enforcement by him or by officers subject to his direction and supervision are faithfully executed.

f. He shall prepare and submit the annual budget and capital program to the council and make available to the public a complete report on the finances and administrative activities of the city as of the end of each fiscal year.

(* Section G does not exist. Typographical error on original.)

h. He shall make such other reports as the council may require concerning the operations of city departments, officers and agencies, subject to his direction and supervision.

i. He shall keep the council fully advised as to the financial condition and future needs of the City and make such recommendations to the council concerning the affairs of the city as he deems desirable.

j. He shall perform such other duties as are specified in this charter or may be required by the council.

(E-4) Any vacancy in the office of the City Manager shall be filled within sixty days after the effective date of such vacancy, or as soon thereafter as practicable.

(E-5) The council may appoint or designate an acting City Manager during the period of vacancy in the office or during the absence of the City Manager from the city and shall fix his compensation.

Clerk: Functions and Duties

Section 4.7 (a) The Clerk shall be the Clerk of the Council and shall attend all meetings of the Council and shall keep a permanent journal of its proceedings in the English language.

(b) He shall be custodian of the city seal and shall affix it to all documents and instruments requiring the seal, and shall attest the same. He shall also be custodian of all papers, documents, and records pertaining to the city the custody of which is not otherwise provided for. He shall give to the proper department or officials ample

notice of the expiration or termination of any franchises, contracts or agreements.

(c) He shall certify by his signature all ordinances and resolutions enacted or passed by the Council.

(d) He shall provide and maintain in his office a supply of forms for all petitions required to be filed for any purpose by the provisions of this charter.

(e) He shall be responsible for the maintenance of a system of accounts of the city which shall conform to any uniform system required by law and by the Council and to generally accepted principles and procedures of governmental accounting. He shall make monthly financial statements to the Council. The Council may however, provide for the responsibility of the maintenance of accounts of the city by some officer other than the Clerk.

(f) He shall have power to administer oaths of office.

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

Treasurer: Functions and Duties:

Section 4.8 (a) The Treasurer shall have the custody of all moneys of the city and all evidences of indebtedness belonging to the city or held in trust by the city.

(b) He shall collect all moneys of the city the collection of which is not provided for elsewhere by charter or ordinance. He shall receive from other officers and employees of the city all money belonging to and receivable by the city that may be collected by such officers and employees, including fines, license fees, taxes, assessments and all other charges.

All money shall be turned over to the treasurer after collection or receipt, and he shall in all cases give a receipt therefor. He shall disburse all city funds in accordance with the provisions of state law, this charter and procedures to be established by the Council.

(c) He shall keep and deposit all money or funds in such manner and only in such places as the Council may determine and shall report the same in detail to the Clerk.

(d) 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 conferred by law upon township treasurers in connection with state,

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county, township and school district taxes upon real and personal property.

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

Assessor: Functions and Duties:

Section 4.9. The Assessor shall possess all the powers vested in, and shall be charged with all the duties imposed upon, assessing officers by the general laws of the state. He shall prepare all regular and special assessment rolls in the manner prescribed by this charter, by ordinance and by the general laws of the state.

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

Attorney: Functions and Duties:

Section 4.10. (a) The Attorney shall act as legal adviser to, and attorney and counsel for, the Council. He shall advise any officer or department head of the city in matters relating to his official duties when so requested by the Council, and shall file with the Clerk a copy of all written opinions given by him.

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

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

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

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

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

Attorney: Compensation

Section 4.11. The compensation set by the Council for the Attorney shall be in contemplation of normal duties of that office. Special compensation may be provided at the discretion of the Council in cases of appeals to, or litigation commenced in, the Federal Courts, the Circuit Court or State Supreme Court, work requiring extensive hearings before quasi-judicial or administrative tribunals, for legal work in connection with the issuance of bonds of the city, for condemnation proceedings, or for other matters outside the scope of his normal duties. No such special compensation shall be paid except in accordance with an agreement between the city and the Attorney made before the service for which such special compensation is to be paid has been rendered.

Independent Boards:

Section 4.12. The Council may provide by ordinance for the following advisory boards or commissions: Planning, zoning, zoning appeal, cemetery, health and welfare, parks and recreation, hospital, civil service or merit system, public housing, civil defense, or other activities which by statute are required to be administered by a board or commission.

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

Eligibility for Office in the City:

Section 5.1. No person shall hold any elective office of the city unless he has been a resident of the city or village for at least two years immediately prior to the last day for filing petitions for such office and is also a qualified and registered elector of the city on such day and throughout his tenure of office.

No person shall be eligible for any elective or appointive city office who is in default to the city or to any other governmental unit of the state. The holding of office by any person who is in such default shall create a vacancy unless such

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default shall be cured within thirty days after written notice thereof by the Council or unless such person shall in good faith be contesting the liability for such default.

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

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

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

All administrative officers shall be United States citizens.

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

**Vacancies in Office;
Removal from Office:**

Section 5.2. Any elective city office shall be declared vacant by the Council upon the occurrence of any of the following events before the expiration of the term of such office:

(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 the officer shall be found guilty by a competent tribunal of any act constituting misconduct in office under the provisions of this charter;

(d) If the officer shall absent himself continuously from the city for more than thirty consecutive days in any one year without the permission of the Council;

(e) In the case of any members of the Council, if such officer shall miss four consecutive regular meetings of the Council, or twenty-five percent of such meetings in any fiscal year of the city, unless such absences shall be excused by the Council and the reason therefor entered in the proceedings of the Council at the time of each absence;

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

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

(a) For any reason specified by statute or by this charter as creating a vacancy in office;

(b) If the officer shall be found guilty by a competent tribunal of any act constituting misconduct in office under the provisions of this charter;

(c) If such officer shall miss four consecutive regular meetings of such board or commission, or twenty-five per cent of such meetings in any fiscal year of the city, unless such absences shall be excused by such board or commission and the reason therefor entered in the proceedings of such board or commission at the time of each absence.

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

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

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whose removal is being considered, shall be required for any such removal.

Resignation:

Section 5.3. Resignations of elective officers shall be made in writing and filed with the Clerk and shall be acted upon by the Council at its next regular meeting following receipt thereof by the Clerk. Resignations of appointive officers shall be made in writing to the appointing officer or body and shall be acted upon immediately.

Filling Vacancies in Elective and Appointive Offices:

Section 5.4 (a) Vacancies in elective offices other than Justice of the Peace shall be filled by appointment by the Council, of a person possessing the qualifications for the office. Any person appointed to a vacancy in any such elective offices shall hold office until such vacancy is filled at the next regular city election. If three or more vacancies exist simultaneously in the positions of Mayor and Councilmen, the Clerk shall within 10 days thereafter call a special election to be held within 60 days to fill such vacancies for the unexpired terms of the officers whose offices have become vacant.

The provisions of this Section shall not apply to filling of vacancies resulting from recall.

(b) Vacancies in appointive offices shall be filled in the manner provided for making the original appointment.

Filling Vacancies in the Office of Justice of the Peace:

Section 5.5 (a) Vacancies in the office of Justice of the Peace occurring 60 days or more before any regular city election shall be filled by appointment by a majority vote of the members of the Council then in office for a term expiring on the Monday following the next regular city election. At such election such vacancy shall be filled for the unexpired term of office through the regular election procedure as provided in Chapter 3 and the Justice so elected shall take office on the Monday following such election.

(b) Vacancies in the office of Justice of the Peace occurring less than 60 days before any regular city election shall be filled by appointment by a majority vote of the members of the Council then in office for a term expiring on the Monday following the next succeeding

regular city election. At such election such vacancy shall be filled for the unexpired term of office through the regular election procedure as provided in Chapter 3 and the Justice so elected shall take office on the Monday following such election.

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

Change in Term of Office or Compensation:

Section 5.6. Except by procedures provided in this charter, the terms of office of the elective officers and of members of boards and commissions appointed for a definite term shall not be shortened. The terms of elective officers shall not be extended beyond the period for which any such officer was elected except that an elective officer shall, after his term has expired, continue to hold office until his successor is elected and has qualified. The Council shall not grant or authorize extra compensation to any officer or employee after his service has been rendered. The salary of any elective officer shall not be increased or decreased from the time of his election until the end of the term of office for which he was elected.

Oath of Office and Bond:

Section 5.7 Every officer, elective or appointive, before entering upon the duties of his office, shall take the oath of office prescribed for public officers by the Constitution of the State and shall file the oath with the Clerk, together with any bond required by statute, this charter or by the Council. In case of failure to comply with the provisions of this section within ten days from the date he is notified in writing of his election or appointment, such officer shall be deemed to have declined the office and such office shall thereupon become vacant unless the Council shall, by resolution, extend the time in which such officer may qualify as above set forth.

Surety Bond:

Section 5.8. Except as otherwise provided in this charter, all officers of the city whose duties involve the custody of public property or the handling of public funds, either by way of receipt or disbursement or both, and all other officers and employees so required by the Council, shall, before they enter upon the duties of their

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respective offices, file with the city an official bond, in such form and amount as the Council shall direct and approve. Such official bond of every officer and employee shall be conditioned that he will faithfully perform the duties of his office, and will on demand by the Council 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 officer or employee; and such bonds may be further conditioned as the Council shall prescribe. The official bond of every officer whose duty it may be to receive or pay out money, besides being conditioned as above required, shall be further conditioned that he will, on demand, pay over or account for to the city, or any proper officer or agent thereof, all moneys received by him as such officer or employee. The requirements of this paragraph may be met by the purchase of one or more appropriate blanket surety bonds covering all, or a group of, city employees and officers.

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

Delivery of Office:

Section 5.9. Whenever any officer or employee shall cease to hold such office or employment for any reason whatsoever, he shall within five days and sooner on demand, deliver to his successor in office or to his superior all the books, papers, moneys and effects in his custody as such officer or employee.

Any officer violating this provision may be proceeded against in the same manner as public officers generally for a like offense under statute. Any employee found guilty of violating this provision by a court of competent jurisdiction may be punished by a fine of not to exceed five hundred dollar or imprisonment for not to exceed ninety days or both in the discretion of the court.

Financial Interest Prohibited:

Section 5.10. (a) Except as permitted by this section no contract or purchase involving an expenditure of city funds shall be made by the city in which any elective or appointive officer, (except a member of a city board or commission

created by or pursuant to this charter), or any member of his family has any financial interest, direct or indirect, other than the common public interest. A "contract" shall for the purposes of this section include any arrangement or agreement pursuant to which any material, service or other thing of value is to be furnished to the city for a valuable consideration to be paid by the city, or sold or transferred by the city, except the furnishing of personal services as an officer or employee of the city; and the term "member of his family" shall include only spouse, child, grandchild, father, mother, sister, brother and the spouse of any of them.

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

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

(d) Any officer who knowingly permits the city to enter into any contract in which he has a financial interest without disclosing such interest to the Council prior to the action of the Council in authorizing such contract, shall be guilty of misconduct in office. Except in the instances

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specified in paragraph (c) of this section, the unanimous determination (by vote or written instrument) of all members of the Council that in a particular case an officer or member of his family will not have a financial interest in any contract or purchase to be entered into by the city shall be final and conclusive in the absence of fraud or misrepresentation.

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

Compensation of Employees and Officers:

Section 5.11. (a) The compensation of all employees and officers of the city whose compensation is not provided for herein shall be fixed by the appointing officer or body within the limits of budget appropriations and in accordance with any pay plan adopted by the Council.

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

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

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

Employee Welfare Benefits:

Section 5.12 The Council shall have the power to adopt and make available to the administrative officers and employees of the city and its departments and boards any recognized standard plan of group life, hospital, health or accident insurance or any recognized retirement plan.

Anti-Nepotism:

Section 5.13. The following relatives and their spouses (1) of any elective official or of his spouse, or (2) of the City Manager (if and when said office has been created and filled) or of his spouse are disqualified from holding any appointive office or any employment during the term for which said elective official was elected or during the tenure of office of the City Manager, respectively: child, grandchild, parent, grandparent, brother, sister, half brother and half sister. All relationships shall include those arising from adoption. This section shall in no way disqualify such relatives or their spouses who are bona fide appointive officers or employees of the city at the time of the election of said elective official or appointment of said City Manager, respectively.

Merit System; Civil Service:

Section 5.14. The Council may provide for a merit or civil service system for city employees.

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

Regular Meetings:

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

Special Meetings:

Section 6.2. Special meetings shall be called by the Clerk on the written request of the Mayor or any two members of the Council on at least twenty-four hours written notice to each member of the Council served personally or left at his usual place of residence; but a special meeting may be held on shorter notice if all members of the Council are present or have waived notice thereof in writing.

Business of Special Meetings:

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Section 6.3. No business shall be transacted at any special meeting of the Council unless the same has been stated in the notice of such meeting. However, any business which might lawfully come before a regular meeting may be transacted at such special meeting if all the members present consent thereto and all the members absent file their written consent.

Meetings to be Public:

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

Quorum; Adjournment of Meeting:

Section 6.5. A majority of the members of the Council in office shall be a quorum for the transaction of business at all meetings of the Council but in the absence of a quorum a lesser number may adjourn any meeting to a later date, and in the absence of all members the Clerk may adjourn any meeting to a date not later than one week thence.

Compulsory Attendance and Conduct at Meetings:

Section 6.6. Any three or more members of the Council may by vote either request or compel the attendance of its members and other officers of the city at any meeting. Any member of the Council or other officer who when notified of such request for his attendance fails to attend such meeting for reasons other than confining illness or absence from the Counties of Wayne or Oakland shall be deemed guilty of misconduct in office unless excused by the Council. The presiding officer shall enforce orderly conduct at meetings and any Councilman or other officer who shall fail to conduct himself in an orderly manner at any meeting shall be deemed guilty of misconduct in office.

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

Rules and Organization of the Council:

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

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

(b) A vote upon all ordinances and resolutions shall be taken by "Yes" and "No" vote and entered upon the records, except that where the vote is unanimous it shall only be necessary to so state.

(c) No Councilman 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 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.

(d) In all roll call votes the names of the members of the Council shall be called in alphabetical order, and the name to be called first shall be advanced one position alphabetically in each successive roll call.

(e) Any standing committee of the Council shall be composed of at least two members. The Council shall not assign the administration of any department or agency of the city to any member or committee of the Council.

Providing for Public Health and Safety:

Section 6.8. The Council shall see that provision is made for the public peace and health, and for the safety of persons and property. Unless and until the Council shall by ordinance provide for a separate board of health, the Council shall constitute the Board of Health of the city, and it and its officers shall possess all power, privileges and immunities granted to boards of health by statute.

Investigations:

Section 6.9. The Council or any person or committee authorized by it for the purpose, shall have power to inquire into the conduct of any department, office or officer and to make investigations as to matters in which the municipality has an interest. The Council, for the purposes stated herein, may summon witnesses, administer oaths and compel the attendance of

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witnesses and the production of books, papers and other evidence.

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

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

**CHAPTER 7
LEGISLATION**

Prior City Ordinances and Regulations:

Section 7.1. All bylaws, ordinances, resolutions, rules and regulations of the Village which are not inconsistent with this charter and which are in force and effect on the effective date of this charter shall continue in full force and effect as bylaws, ordinances, resolutions, rules and regulations of the city until repealed or amended. If any such ordinance, resolution, rule or regulation provides for the appointment of any officers or any members of any board or commission by the Village President, such officers or members of any board or commission shall, after the effective date of this charter, be appointed by the Council.

Ordinances and Resolutions:

Section 7.2. All official action of the Council shall be by ordinance, resolution, motion or order. Action by resolution, motion or order shall be limited to matters required or permitted to be so done by the charter, or by state or federal law or pertaining to the internal affairs or concerns of the city government. All other acts of the Council, and all acts carrying a penalty for the violation thereof, shall be by ordinance. Each ordinance shall be identified by a short title and by a serial number (or a code section number if a codification of city ordinance exists).

Each proposed ordinance shall be introduced in written or printed form. The style of all ordinances passed by the Council shall be, "The City of Northville ordains:".

Enactment, Amendment, Repeal and Effective Date of Ordinances:

Section 7.3. Subject to the exceptions which follow hereafter, (1) ordinances may be enacted, amended or repealed by the affirmative vote of not less than 3 members of the Council, (2) no ordinance shall be enacted or amended or repealed by the Council until two weeks after the meeting at which it was introduced and until after publication of the proposed ordinance or amendment or repeal, or summary thereof, and (3) the effective date of all ordinances shall be prescribed therein but the effective date shall not be earlier than ten days after the enactment nor before publication thereof.

It is provided, however, that an ordinance which is declared therein to be an emergency ordinance which is immediately necessary for the preservation of the public peace, health or safety may be enacted at the meeting at which it is introduced or otherwise before publication of the proposed ordinance or amendment, or summary thereof, or may be given earlier effect than ten days after its enactment, or both, by the affirmative votes of not less than four members of the Council if four or five members of the Council are present at the meeting at which it is enacted or by the affirmative vote of not less than three members of the Council if only three members of the Council are present at the meeting at which it is enacted.

In case an ordinance is given effect earlier than ten days after its enactment, the requirements for publication before such ordinances becomes operative may be met by posting copies thereof in conspicuous location in

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three public places in each voting precinct of the city; and the Clerk shall, immediately after such posting, enter in the Ordinance Book under the record of the ordinance a certificate under his hand stating the time and place of such publication by posting, which certificate shall be prima facie evidence of such publication by posting of the ordinance. Such ordinance shall also be published in accordance with Section 7.4 but not as a requirement for the effectiveness thereof.

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

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

Publication and Recording of Ordinances:

Section 7.4. Each ordinance shall be published within ten days after its enactment in one of the following two methods: (a) The full text thereof may be published in a newspaper as defined in Section 16.7 or (b) in cases of ordinances over five hundred words in length a digest, summary or statement of purpose of the ordinance, approved by the Council may be published in a newspaper as defined in Section 16.7 either separately or as part of the published Council proceedings or summary thereof, including with such newspaper publication a notice that printed copies of the full text of the ordinance are available for inspection by and distribution to the public at the office of the Clerk; if method (b) is used, then printed copies shall promptly be so made available as stated in such notice.

All ordinances shall be recorded by the Clerk in a book to be called "The Ordinance Book", and it shall be the duty of the Mayor and Clerk to authenticate such records by their official signatures thereon but the failure to so record and authenticate any such ordinance shall not invalidate it or suspend its operation.

Penalties for Violations of Ordinances:

Section 7.5. The Council may provide in any ordinance for the punishment of those who violate its provisions. The punishment for the violation of any city ordinance shall not exceed a

fine of five hundred dollars or imprisonment for ninety days, or both in the discretion of the court.

Vacating of Public Places:

Section 7.6. Council action to vacate, discontinue or abolish any highway, street, lane, alley or other public place, or part thereof, shall be by resolution. After the introduction of such resolution and before its final adoption, the Council shall appoint a time when it shall meet and hear objections thereto; and notice of the time, place and purpose of such meeting shall be published either separately or as part of any published proceedings of the Council.

Requirement of Three Votes for Certain Actions:

Section 7.7. Unless by the affirmative vote of three members of the Council, no office shall be created or abolished, no tax or assessment shall be imposed, no street, lane, alley or other public place shall be vacated or discontinued or abolished, no real estate or any interest therein shall be sold or disposed of, no action shall be taken to condemn private property for public use, no money shall be appropriated nor shall any vote of the Council be reconsidered or rescinded.

Technical Codes Adopted by Reference:

Section 7.8 Subject to the provisions of this section, the Council may adopt as a city ordinance or code by reference thereto in an adopting ordinance, in whole or part, provisions of (a) any Michigan statute or (b) any detailed technical regulations promulgated or enacted by (1) any state or federal agency, (2) by any municipality, or (3) by any organization or association which has developed a recognized standard code or set of such technical regulations. Such adopting ordinance shall clearly identify and state the purpose of the provisions or regulations so adopted. Where any ordinance or code, or amendment thereto, adopting provisions by reference is enacted, all requirements for its publication may be met, other provisions of this charter notwithstanding, by (1) publishing the ordinance citing such provisions in the manner provided by this charter for the publication of other city ordinances and including as part of such publication a notice that printed copies of the provisions so cited are available for inspection by and distribution to the

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public at the office of the Clerk and (2) so making copies available for public inspection and for distribution to the public at a reasonable charge.

Severability of Ordinance:

Section 7.9 Unless an ordinance shall expressly provide to the contrary, if any portion of an ordinance or the application thereof to any person or circumstances shall be found to be invalid by a court, such invalidity shall not affect the remaining portions or applications of the ordinance which can be given effect without the invalid portion or application provided such remaining portions or applications are not determined by the court to be inoperable, and to this end ordinances are declared to be severable.

Compilation and Codification of Ordinances:

Section 7.10. Immediately after the effective date of this charter, and at least once in every ten years thereafter, the Council shall direct the compilation or codification and printing in loose-leaf or pamphlet form of all ordinances of the city then in force. Such compilation or codification shall be completed within one year thereafter. Any such codification may include provisions not previously contained in ordinances of the city. All requirements for publication of such compilation or codification, and of the ordinances contained therein, other provisions of this charter notwithstanding, may be met by making copies thereof available for inspection by, and distribution to, the public at a reasonable charge and by publishing notice of the printing and availability thereof.

The copies of the ordinances and of any compilation, code or codes referred to in the 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 matter contained therein.

Initiative and Referendum:

Section 7.11. An ordinance may be initiated by petition, or a referendum on an ordinance enacted by the Council may be had by petition, as hereinafter provided.

Initiatory and Referendary Petitions:

Section 7.12. An initiatory or referendary petition shall be signed by not less than ten per cent of the registered electors of the city, as of the date of filing the petition, and all signatures on said petition shall be obtained within twenty-one days before the date of filing the petition with the Clerk. Any such petition shall be addressed to the Council. No such petition need be on one paper, but may be the aggregate of two or more petition papers identical as to contents. An initiatory petition shall set forth in full the ordinance it proposes to initiate, and no petition shall propose to initiate more than one ordinance. A referendary petition shall identify the ordinance or code sections it proposes to have repealed.

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

Council Procedure on Initiatory and Referendary Petitions:

Section 7.13. Upon receiving an initiatory or referendary petition from the Clerk, the Council shall, within thirty days, unless otherwise provided by law, either;

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

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CHAPTER 8

Submission of Initiatory and referendary Ordinances to Electors:

Section 7.14 Should the Council decide to submit the proposal to the electors, it shall be submitted at the next election held in the city for any other purpose, or, in the discretion of the Council, at a special election called for that specific purpose. In the case of an initiatory petition, if no election is to be held in the city for any other purpose within one hundred and fifty days from the time the petition is presented to the Council and the Council does not adopt the ordinance, then the Council shall call a special election within sixty days from such time for the submission of the initiative proposal. The result shall be determined by a majority vote of the electors voting thereon, except in cases where otherwise required by general laws of the State of Michigan.

Ordinance Suspended; Miscellaneous Provisions on Initiatory and Referendary Ordinances:

Section 7.15. The presentation to the Council by the Clerk of a valid and sufficient referendary petition, containing a number of signatures equal to twenty-five percent of the registered electors of the city shall automatically suspend the operation of the ordinance in question pending repeal by the Council or final determination by the electors.

An ordinance adopted by the electorate through initiatory or referendary proceedings shall not be amended or repealed, nor shall an ordinance repealed by the electorate be reenacted, unless and until the electorate shall have approved any such action. Any ordinance may be adopted, amended or repealed by appropriate referendary or initiatory proceedings instituted in accordance with the provision of this chapter or upon submission to the electorate by the Council, upon its own motion.

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

**GENERAL FINANCE
BUDGET, AUDIT,
PURCHASING**

Fiscal Year:

Section 8.1. The fiscal year of the city and of all its agencies shall begin on the first day of July of each year and end on the thirtieth day of June of the following year.

Budget Procedures:

Section 8.2. The Council shall designate one of the administrative officers of the city as Budget Officer. Each board, commission, officer and department head shall submit his recommended budget with supporting explanation for the next fiscal year to the Budget Officer on or before March 15 in each year.

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

(a) Detailed estimates, with supporting explanations, of all proposed expenditures for each department and office of the city, together with the expenditures for corresponding items for the last preceding fiscal year in full and for the current fiscal year to March 1 and estimated expenditures for the balance of the current fiscal year.

(b) Statements of the bonded and other indebtedness of the city, showing the debt redemption and interest requirements, the debt authorized and unissued and the condition of sinking funds, if any;

(c) Detailed estimates of all anticipated revenues of the city from sources other than taxes, with a comparative statement of the amounts received by the city from each of the same or similar sources for the last preceding fiscal year in full and for the current fiscal year to March 1 and estimated revenues for the balance of the current fiscal year.

(d) A statement of the estimated balance or deficit for the end of the current fiscal year;

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(e) an estimate of the amount of money to be raised from current and delinquent taxes and the amount to be raised from bond issues which, together with any available unappropriated surplus and any revenues from other sources, will be necessary to meet the proposed expenditures;

(f) Such other supporting information as the Council may request.

Budget Hearing:

Section 8.3. A public hearing on the proposed budget shall be held before its final adoption at such time and place as the Council shall direct. Notice of such public hearing, a summary of the proposed budget and notice that the proposed budget is on file in the office of the Clerk shall be published at least one week in advance of the hearing. The complete proposed budget shall be on file for public inspection during office hours at the office of the Clerk for a period of not less than one week prior to such public hearing.

Adoption of Budget:

Section 8.4. Not before April fifteenth nor later than the third Monday in May in each year, the Council shall by resolution adopt a budget for the next fiscal year, shall appropriate the money needed for municipal purposes during the next fiscal year of the city and shall provide for a levy of the amount necessary to be raised by taxes upon real and personal property for municipal purposes subject to the limitations contained in Section 9.1.

Budget Control:

Section 8.5. Except for purposes which are to be financed by the issuance of bonds or by special assessment, or for other purposes not chargeable to a budget appropriation, no money shall be drawn from the treasury of the city without an appropriation thereof, nor shall any obligation for the expenditure of money be incurred without an appropriation covering all payments which will be due under such obligation in the current fiscal year. The Council by resolution may transfer any unencumbered appropriation balance, or any portion thereof, from one department, fund or agency to another. In the case of emergency endangering the public health, peace or safety, the Council may make additional appropriations to cover unanticipated

expenditures required of the city because of such emergency.

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

The balance in any appropriation which has not been encumbered at the end of the fiscal year shall, subject to statutory restrictions, revert to the general fund.

Depository:

Section 8.6. The Council shall designate depositories for city funds, and shall provide for the regular deposit of all city moneys. The Council shall provide for such security for city deposits as is authorized or permitted by statute except that personal surety bonds shall not be deemed proper security.

**Independent Audit:
Annual Report:**

Section 8.7. An independent audit shall be made of all city accounts at least annually, and more frequently if deemed necessary by the Council. Such audit shall be made by Certified Public Accountants experienced in municipal accounting selected by the Council

The Clerk, or such other officers as the Council may designate, shall prepare an annual report of the affairs of the city including a financial report which shall be available for inspection at the office of the Clerk.

Purchase and Sale of Property:

Section 8.8. The Council shall designate one of the administrative officers of the city as Purchasing Agent, and he shall be responsible for the purchase and sale of all city property. Competitive prices for all purchases and public improvements shall be obtained, except when no

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advantage to the city would result from such procedure. All purchases and sales shall be evidenced by written contract or purchase order. The Council shall establish by ordinance detailed procedure for purchases and sales. It may authorize the Purchasing Agent to make purchases and sales within the prescribed dollar limit established by ordinance without prior approval of the Council. In all sales or purchases in excess of the dollar limit established by ordinance, the sale or purchase shall be submitted to and approved by the Council, and in all such cases formal sealed bids shall be obtained except in cases in which the Council determines by formal unanimous resolution of those present that no advantage to the city would result from competitive bidding, and in all sales or purchases in excess of the dollar limit established by ordinance the requirements of Section 16.6 shall be complied with. The Council may authorize the making of public improvements or the performing of any other city work by any city agency or department without competitive bidding. The city may not sell any park or any part thereof unless approved by three-fifths of the electors voting thereon at any general or special election.

**CHAPTER 9
TAXATION**

Power to Tax; Tax Limit:

Section 9.1. The city shall have the power to assess taxes and levy and collect rents, tolls and excises. Exclusive of any levies authorized by statute to be made beyond charter tax rate limitations, the annual ad valorem tax levy shall not exceed two percent of the assessed value of all real and personal property subject to taxation in the city.

Subject of Taxation:

Section 9.2. The subjects of ad valorem taxation for municipal purposes shall be the same as for state, county and school purposes under the general law. Except as otherwise provided by this charter, city taxes shall be levied, collected and returned in the manner provided by statute.

Exemptions:

Section 9.3. No exemption from taxation shall be allowed except as expressly required or permitted by statute.

Tax Day:

Section 9.4. Subject to the exceptions provided or permitted by statute, the taxable status of persons and property shall be determined as of the first day of January, which shall be deemed tax day.

Preparation of the Assessment Roll:

Section 9.5. On or before the first Monday in March in each year the Assessor shall prepare and certify an assessment roll of all property in the city subject to taxation. Such roll shall be prepared in accordance with statute and this charter. Values shall be estimated according to recognized methods of systematic assessment. The roll shall show separate figures for the value of the land and of the building improvements. On or before the first Monday in March the Assessor shall give by first class mail a notice of any increase in the assessed value of any property or of the addition of any property to the roll to the owner as shown by such assessment roll. The failure to give any such notice or of the owner to receive it shall not invalidate any assessment roll or assessment thereon.

Board of Review:

Section 9.6. The Board of Review shall be composed of three freeholders who are qualified and registered electors of the city who during their term of office shall not be city officers or employees or be nominees or candidates for elective city office. The filing by a member of the Board of Review of his nomination petition for an elective city office or the filing of a consent thereto shall constitute a resignation from the Board of Review. One member of the Board shall be appointed by the Council annually in January, 1957, and each year thereafter for a term of three years, to replace the member whose term expires that year. The Council shall fix the compensation of the members of the Board.

The Board of Review shall annually in February select its own chairman for the ensuing year, and the Assessor shall be clerk of the Board and shall be entitled to be heard at its sessions. A majority

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of the member of the Board shall constitute a quorum.

Meeting of Board of Review:

Section 9.7. The Board of Review shall convene in its first session on the Tuesday following the second Monday in March of each year at such time of day and place as shall be designated by the Council and shall remain in session for at least one day for the purpose of considering and correcting the roll. In each case in which the assessed value of any property is increased or any property is added to the roll by the Board, or the Board has resolved to consider at its second session the increasing of an assessment or the adding of any property to the roll, the Assessor shall give notice thereof to the owners as shown by such roll by first class letter mailed not later than two days following the end of the first session of the Board. Such notice shall state the date, time, place and purpose of the second session of the Board. The failure to give any such notice or of the owner to receive it shall not invalidate any assessment roll or assessment thereon.

The Board of Review shall convene in its second session on the Tuesday following the fourth Monday in March of each year at such time of day and place as shall be designated by the Council and shall continue in session until all interested persons have had an opportunity to be heard, but in no case for less than six hours. At the second session, the Board may not increase any assessment or add any property to the rolls, except in those cases in which the Board resolved at its first session to consider such increase or addition at its second session.

Notice of Meetings:

Section 9.8. Notice of the time and place of the sessions of the Board of Review shall be published by the Clerk at least ten days prior to each session of the Board.

Duties and functions of Board of Review:

Section 9.9. For the purpose of revising and correcting assessments, the Board of Review shall have the same powers and perform like

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

Endorsement of Roll:

Section 9.10. After the Board of Review has completed its review of the assessment roll, and not later than the first Monday in April, the majority of its members shall endorse thereon and sign a statement to the effect that the same is the assessment roll of the city for the year in which it has been prepared. The omission of such endorsement shall not affect the validity of such roll.

Clerk to Certify Tax Levy:

Section 9.11. Within three days after the Council has adopted the budget for the ensuing year, the Clerk shall certify to the Assessor the total amount which the Council determines shall be raised by general ad valorem tax. He shall also certify all amounts of current or delinquent special assessments and all other amounts which the Council requires to be assessed, reassessed or charged upon any property or against any person.

City Tax Roll:

Section 9.12. After the Board of Review has completed its review of the assessment roll, the Assessor shall prepare a copy of the assessment roll to be known as the "City Tax Roll", and upon receiving the certification of the several amounts to be raised, as provided in Section

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9.11, the Assessor shall spread upon said tax roll the several amounts determined by the Council to be charged, assessed or reassessed against persons or property. He shall also spread the amounts of the general ad valorem city tax according to and in proportion to the several valuations set forth in said assessment roll. To avoid fractions in computation on any tax roll, the Assessor may add to the amount of the several taxes to be raised not more than the amount prescribed by statute. Any excess created thereby on any tax roll shall belong to the city.

Tax Roll Certified for Collection:

Section 9.13. After spreading the taxes the Assessor shall certify the tax roll, and the Mayor shall annex his warrant thereto directing and requiring the Treasurer to collect prior to March 1 of the following year from the several persons named in said roll the several sums mentioned therein opposite their respective names as a tax or assessment and granting to him, for the purpose of collecting the taxes, assessments and charges on such roll, all the statutory powers and immunities possessed by township treasurers for the collection of taxes. On June 15 the roll shall be delivered to the Treasurer for collection.

Tax Lien on Property:

Section 9.14. On July first, the taxes thus assessed shall become a debt due to the city from the persons to whom they are assessed and the amounts assessed on any interest in real property shall become a lien upon such real property for such amounts and for all interest and charges thereon, and all personal taxes shall become a first lien on all personal property of such persons so assessed. Such liens shall take precedence over all other claims, encumbrances and liens to the extent provided by statute and shall continue until such taxes, interest and charges are paid.

Taxes Due: Notification Thereof:

Section 9.15. City taxes shall be due on the first day of July. The Treasurer shall not be required to call upon the persons named in the city tax roll, nor to make personal demand for the payment of taxes, but he shall publish, between June 15 and July 1, notice of the time when said taxes will be due for collection and the penalties and fees for late payment of same. Failure on the part of the Treasurer to give said notice shall not

invalidate the taxes on said tax roll nor release the person or property assessed from the penalty and fees provided in this chapter in case of non-payment or late payment of the same.

Taxation:

Section 9.16. All taxes paid on or before August 31 of each year shall be collected by the Treasurer without collection fee. On September 1st he shall add to all taxes paid thereafter a collection fee of 2 percent of the amount of said taxes. Plus interest at the rate of 1/2 of 1 percent per month from September 1st to date of payment, or until the tax roll is turned over to the County for collection. Such collection fee and interest shall belong to the city and constitute a charge and shall be a lien against the property to which the taxes themselves apply, collectible in the same manner as the taxes to which they are added. It is provided, however, that if delivery of the tax roll to the Treasurer, as provided in Section 9.13 is delayed for any reason by more than thirty days after June 15, the application of the collection fee provided herein shall be postponed thirty days for the first thirty days of such delay and shall be postponed an additional thirty days for each additional thirty days, or major fraction thereof, of such delay.

Failure or Refusal to pay Personal Property Tax:

Section 9.17. If any person, firm or corporation shall neglect or refuse to pay any personal property tax assessed to him or them, the Treasurer shall collect the same by seizing the personal property of such person, firm or corporation to an amount sufficient to pay such tax, fees and charges for subsequent sale, wherever the same may be found in the state, and from which seizure no property shall be exempt. He may sell the property seized to an amount sufficient to pay the taxes and all charges in accordance with statutory provisions. The Treasurer may, if otherwise unable to collect a tax on personal property, sue the person, firm or corporation to whom it is assessed in accordance with statute.

Delinquent Tax Roll to County Treasurer:

Section 9.18. All city taxes on real and personal property remaining uncollected by the Treasurer on the first of March following the date when

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said roll was received by him shall be returned to the County Treasurer in the same manner and with like effect as provided by statute for returns by township treasurers of township, school, and county taxes. Such returns shall include all the additional assessments, charges and fees hereinbefore provided, which shall be added to the amount assessed in said tax roll against each property or person. The taxes thus returned shall be collected in the same manner as other taxes returned to the County Treasurer are collected in accordance with statute, and shall be and remain a lien upon the property against which they are assessed until paid. If by change in statute or otherwise, the Treasurers of the Counties of Wayne or Oakland are no longer charged with the collection of either delinquent real or delinquent personal property taxes, such delinquent taxes shall be collected in the manner than provided by statute for the collection of delinquent township, school and county taxes.

State, County, and School Taxes:

Section 9.19. For the purpose of assessing and collecting taxes for state, county and school purposes, the city shall be considered the same as a township, and all provisions of statute relative to the collection of and accounting for such taxes shall apply. For these purposes the Treasurer shall perform the same duties and have the same powers as township treasurers under statute.

CHAPTER 10

BORROWING POWER

Grant of Authority to Borrow:

Section 10.1. Subject to applicable provisions of law the Council may borrow money and issue bonds and other evidences of indebtedness therefor, for any purpose within the scope of powers vested in the city. Such bonds or other evidence of indebtedness shall include, but not be limited to, the following types:

(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 8.5;

(c) In case of fire, flood or other calamity, emergency obligations due in not more than five years for the relief of the inhabitants of the city and for the preservation of municipal property;

(d) Bonds issued in anticipation of special assessments, which bonds may be both an obligation of a special assessment district and general obligation of the city;

(e) Mortgage bonds for the acquiring, owning, purchasing, constructing or operating of any public utility as provided in Article Section 23, of the State Constitution; provided such bonds shall not impose any liability upon the city but shall be secured only upon the property and revenues of such public utility, including a franchise, stating the terms upon which, in case of foreclosure, the purchaser may operate the same, which franchise shall in no 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 a rate of interest not to exceed the maximum interest rate that the city can pay for these obligations under state law. 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;

(h) Revenue bonds as authorized by Public Act 94 of 1993 of the State of Michigan which are secured only by the revenues from a public improvement and do not constitute a general obligation of the city.

Limits of Borrowing Powers:

Section 10.2. The net bonded indebtedness incurred for all public purposes shall not at any time exceed ten percent of the assessed value of all the real and personal property in the city, provided that in computing such net bonded indebtedness there shall be excluded money borrowed under the following sections: 10.1 (b) (tax anticipation notes), 10.1 (e) (mortgage bonds), 10.1 (f) (bonds issued for refunding money advanced or paid on special assessments imposed for water main extensions), 10.1 (h)

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(revenue bonds), special assessment bonds issued pursuant to Section 10.1 (d) which are not a general obligation of the city, and any other obligations excluded by law from such limitation. The resources of the sinking fund pledged for the retirement of any outstanding bonds shall also be deducted from the amount of the bonded indebtedness.

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

The total amount of such special assessment bonds issued under Section 10.1 (d) which are a general obligation of the city shall at no time exceed five per cent of the assessed value of all real and personal property in the city, nor shall such bonds be issued in any calendar year in excess of one per cent of such assessed value unless authorized by a majority vote of the electors voting thereon at any general or special election.

Applicability of Other Statutory Restrictions:

Section 10.3. The issuance of any bonds not requiring the approval of the electors shall be subject to applicable requirements of statute with regard to public notice in advance of the authorization of such issues, filing of petitions for a referendum on such issuance, holding of such referendum and other applicable procedural requirements.

Preparation and Record of Bonds:

Section 10.4. 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 evidence 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 or other designated officer.

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

Unissued Bonds:

Section 10.5. Any authorization by the electors for the issuance of bonds by the city shall be void if such bonds shall not be issued within three years from the date of authorization.

Deferred Payment Contracts:

Section 10.6. The Council may enter into installment contracts for the purchase of property or capital equipment. Each of such contracts shall not extend over a period greater than five years nor shall the total principal amounts payable under all such contracts exceed the sum of ten thousand dollars in any one fiscal year of the city.

All such deferred payments shall be included in the budget for the year in which the installment is payable.

CHAPTER 11

General Power Relative to Special Assessments:

Section 11.1. Power to Assess. The City Council shall have power to determine, with or without a petition therefore, that the whole or any part of the expense of any public improvement or repair shall be defrayed by special assessments upon the parcels or property especially benefited and so declare by resolution. Such resolution shall state the estimated cost of the improvement, what portion of the cost shall be paid by special assessment, what portion, if any, shall be a general obligation of the city, the number of installments in which assessments may be paid, the interest to be charged, and designate the districts or land and premises upon which special assessments shall be levied.

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Procedure Ordinance:

Section 11.2. The City Council shall prescribe by general ordinance the complete special assessment procedure to be used, including the preparing of plans and specifications, estimated costs, the preparation, hearing and correction of the special assessment roll, the collection of special assessments, the assessment of single lots or parcels, and any other matters concerning the making of improvements by the special assessment method. Said ordinance shall authorize additional assessments if the prior assessment proves insufficient to pay for the improvement and costs incident thereto or in case of invalidity in whole or in part, and it shall also provide for the refund of excessive assessments provided that if the excess is less than 5 per cent of the total cost it may be placed in the general fund of the city. This ordinance shall be required to contain the following mandatory requirements: A. That no special assessment district shall be created which shall encompass more than 50 per cent of the total area of the city. B. That no special assessment roll shall be finally confirmed except by the affirmative vote of four of the members of the council if prior to such confirmation written objections to the proposed improvements have been filed by the owners of property which shall be required to bear more than 50 per cent of the amount of said special assessment.

Assessment Lien:

Section 11.3. From the date of confirmation of any assessment or reassessment roll the same shall constitute a lien upon the respective lots or premises assessed and shall also be a charge against the person to whom assessed until paid and in case of delinquency, may be enforced by addition to any later return to the county treasurer of regular taxes or by suit against such person.

Contest of Assessment:

Section 11.4. No suit or action of any kind shall be instituted or maintained for the purpose of contesting or enjoining the collection of any special assessment or reassessment (A) Unless, within 30 days after the confirmation of the special assessment roll, written notice is given to the City Clerk for attention of the city council

indicating an intention to file such suit or action and stating the grounds on which it is claimed such assessment is illegal and (B) Unless such suit or action shall be commenced within 60 days after the confirmation of the roll. If the city attorney submits a written opinion finding said roll illegal, in whole or in part, the city council may revoke its confirmation, correct the illegality if possible, and re-confirm the same, provided that no property which is not involved in the illegality shall be assessed more than was imposed upon the original confirmation without further notice and hearing thereon.

Correction of Invalid Special Assessments:

Section 11.5. Whenever any special assessment shall, in the opinion of the Council, be invalid by reason of irregularity or informality in the proceedings, or if any court of competent jurisdiction shall adjudge such assessment to be illegal, the Council shall, whether the improvement has been made or not, or whether any part of the assessments have been paid or not, have power to cause a new assessment to be made for the same purpose for which the former assessment was made. All proceedings on such reassessment and for the collection thereof shall be conducted in the same manner as provided for the original assessment, and whenever any sum or part thereof levied upon any property in the assessment so set aside has been paid and not refunded, the payment so made shall be applied upon the reassessment or if the payments exceed the amount of the reassessment refunds shall be made.

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

Contested Assessments:

Section 11.6. No suit or action of any kind shall be instituted or maintained for the purpose of contesting or enjoining the collection of any special assessment (1) unless within thirty days after the confirmation of the special assessment roll written notice is given to the Council of intention to file such suit or action stating the grounds on which it is claimed such assessment is illegal, and (2) unless such suit or action shall

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be commenced within sixty days after confirmation of the roll.

Collection of Special Assessments:

Section 11.7. Upon the confirmation of each special assessment roll the special assessments shall become a debt to the city from the persons to whom they are assessed and shall until paid be a lien upon the property assessed for the amount of such assessment and all interest and charges thereon. Such lien shall be of the same character and effect as created by this charter for city taxes. Such assessments shall become due upon confirmation of the special assessment roll except as may be provided by the Council pursuant to Section 11.3 (c).

Each special assessment, or the initial installment of such assessment when installment payments are provided for, shall be collected by the Treasurer without collection fee for a period ending on the last day of the second month following the due date of such assessment or installment. On the first day of the third month following such due date the Treasurer shall add to any assessment or initial installment paid thereafter a collection fee of four per cent of the amount of the assessment.

All collection fees shall belong to the city and be collectible in the same manner as the collection fee on city taxes.

Special assessments, or installments thereof, which become due on July first of any year shall be collected in all respects as are city taxes due on such date, and if uncollected on the following first day of March, shall be returned to the County Treasurer with unpaid taxes as provided in Section 9.18.

Special assessments or initial installments which become due other than on July first shall, if unpaid for ninety days or more on May first of any year, be certified as delinquent to the Council by the Treasurer and the Council shall place such delinquent assessments on the tax roll for that year together with accrued collection fees to July first of such year. The total amount of such assessment and fees shall thereafter be collected in all respects as are city taxes due on July first of that year, shall be subject to the same fees and penalties as are city taxes due on that date and if uncollected on the following March first shall be returned to the County Treasurer with unpaid taxes as provided in Section 9.18.

Special Assessment Accounts:

Section 11.8. Except as otherwise provided in this charter, moneys raised by special assessment for any public improvement shall be segregated in a special fund or account and may be used only to pay for the costs of the improvement for which the assessment was levied and expenses incidental thereto or to repay any money borrowed therefor.

Assessments for Removal of Hazards, Etc.:

Section 11.9. The assessment for the cost of the construction of any sidewalk or the abatement of any hazard or nuisance to be made pursuant to Section 2.2 (s) or Section 2.2 (t), or for the cost of removing snow, ice or other obstructions from sidewalks or trimming and removal of hazardous trees to be made pursuant to Section 2.2 (u) or Section 2.2 (v), shall be made by resolution of the Council. Notice of the time at which the Council will act thereon shall be given by first class mail to the owner of the property to be assessed as shown by the current tax roll of the city, except that no notice shall be required in the case of assessments for the removal of weeds, snow or ice.

For the purposes of collection of such assessment, the adoption of such resolution shall be equivalent to the confirmation of a special assessment roll. The amount of any such assessment shall become a debt to the city upon adoption of such resolution, be due at such time as the Council shall prescribe, and shall be subject to the collection fees and become a lien as provided in Section 11.7. Every such assessment shall also be subject to sections 11.4, 11.5, and 11.6.

Failure to Mail Notice:

Section 11.10. Failure to mail any notice required to be so sent by this chapter or by ordinance shall not invalidate any special assessment or special assessment roll.

CHAPTER 12

General Powers Respecting Utilities:

Section 12.1. The city shall possess and hereby reserves to itself all the powers granted to cities

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by law to acquire, construct, own, operate, improve, enlarge, extend, repair and maintain, either within or without its corporate limits, including, but not by the way of limitation, public utilities for supplying water, light, heat, power, gas, sewage treatment and garbage disposal facilities, or any of them, to the municipality and the inhabitants thereof; and also to sell and deliver water, light, heat, power, gas and other public utility services without its corporate limits to an amount not to exceed the limitations set by law.

Management of Municipally Owned Utilities:

Section 12.2. All municipally owned utilities shall be administered as a regular department of the city government under the management and supervision of the officer designated by the Council.

Rates:

Section 12.3. The Council shall have the power to fix from time to time such just and reasonable rates as may be deemed advisable for supplying the inhabitants of the city and others with such public utility services as the city may provide.

Utility Rates and Charges: Collection:

Section 12.4. The Council shall provide by ordinance for the collection of all public utility rates and charges of the city. Such ordinance shall provide:

(a) That the city shall have as security for the collection of such utility rates and charges a lien upon the real property supplied by such utility, which lien shall become effective immediately upon the supplying of such utility service and shall be enforced in the manner provided in such ordinance;

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

(c) That suit may be instituted by the city in any court of competent jurisdiction for the collection of such rates and charges.

With respect to the collection of rates charged for water the city shall have all the powers granted to cities by Public Act 178 of 1939 of the State of Michigan.

Disposal of Utility Plants and Property:

Section 12.5. Unless approved by the affirmative vote of three-fifths of the electors voting thereon at a regular or special election, the city shall not sell, exchange, lease or in any way dispose of any property easements, equipment, privilege or asset belonging to and appertaining to any municipally owned public utility which is needed to continue operating such utility. All contracts, negotiations, licenses, grants, leases or other forms of transfer in violation of this section shall be void and of no effect as against the city. The restrictions of this section shall not apply to the sale or exchange of any articles of machinery or equipment of any city owned public utility which are worn out or useless or which have been, or could with advantage to the service be, replaced by new and improved machinery or equipment, to the leasing of property not necessary for the operation of the utility, or to the exchange of property or easements for other needed property or easements. It is provided, however, that the provisions of this section shall not extend to vacation or abandonment of streets, as provided by statute.

Utility Finances:

Section 12.6. The rates and charges for any municipal public utility for the furnishing of water, light, heat, power or gas shall be so fixed as to at least meet all the costs of such utility.

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 each utility and the results of its operation, which report shall be available for inspection at the office of the Clerk.

CHAPTER 13

**FRANCHISES - CONTRACTS -
LEASES**

**Franchises, Contracts and Leases Remain in
Effect:**

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Section 13.1. All franchises, contracts and lease to which the Village is a party when this charter becomes effective shall remain in full force and effect in accordance with their respective terms and conditions.

Granting of Public Utility Franchise:

Section 13.2. Public utility franchises and all renewals and extensions thereof and amendments thereto shall be granted by ordinance only. No exclusive franchise shall ever be granted for a longer period than thirty years.

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

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

Conditions of Public Utility Franchise:

Section 13.3. All public utility franchises granted after the adoption of this charter, whether it be so provided in the granting ordinance or not, shall be subject to the following rights of the city, but this enumeration shall not be exclusive or impair the right of the Council to insert in such franchise any provision within the power of the city to impose or require.

(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 impose such other regulations as may be determined by the Council to be conducive to the safety, welfare and accommodation of the public;

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

Regulation of Rates:

Section 13.4. All public utility franchises shall make provision therein for fixing rates, fares and charges and may provide for readjustments thereof at periodic intervals. The value of the property of the utility used as a basis for fixing such rates, fares, and charges shall in no event include a value predicated upon the franchise, goodwill or prospective profits.

Use of Public Places by Utilities:

Section 13.5. Every public utility, whether it has a franchise or not, shall pay such part of the cost of improvement or maintenance of streets, alleys, bridges and 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 Council shall provide for arbitration of the terms and conditions of such joint use and the compensation to be paid therefor, and the arbitration award shall be final.

Contracts:

Section 13.6. The authority to contract on behalf of the city is vested in the Council and shall be exercised in accordance with the provisions of

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the statutes and of this charter, except that purchases and sales may be made by the Purchasing Agent subject to the provisions of Section 8.8. The Council shall establish procedures for the letting and making of contracts, but no contract (1) except an agreement of employment or (2) an agreement for the purchase or sale of goods, wares or merchandise in such amount as is determined by the Council by ordinance, shall be made unless the same shall have first been submitted to the Attorney and his opinion obtained with respect to its legality and form and unless the Budget Officer shall first have certified that an appropriation has been made for the payment thereof, or that sufficient funds will be available if it be for a purpose to be financed by the issuance of bonds or special assessments or for some other purpose not chargeable to a budget appropriation. In the case of a contract obligating the city for periodic payments in future fiscal years for the furnishing of a continuing service or the leasing of property, such certification need not cover those payments on the contract which will be due in future fiscal years, but this exception shall not apply to a contract for the construction of a public improvement. A copy of all contracts requiring such opinion and certification shall be filed in the office of the Clerk.

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

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

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

Leases:

Section 13.7 No lease of public property to any person, firm or corporation, which is not subject to revocation by the Council upon one year or less notice to the lessee, shall be made or become operative until the same shall have first been referred to the people at a regular or special election and received the affirmative vote of three-fifths of the electors voting thereon. No such lease shall be approved by the Council for referral to the electorate before thirty days after application therefor has been filed with the Council, nor until a public hearing has been held thereon, nor until the lessee named therein has

filed with the Clerk his unconditional acceptance of all terms of such lease.

CHAPTER 14

SUPERVISORS

Number of Supervisors:

Section 14.1. The city shall have the maximum number of representatives on the County Board of Supervisors to which it is entitled by statute.

Appointment of Supervisors:

Section 14.2. The representative or representatives of the city on the Boards of Supervisors shall be appointed by the Council for an indefinite period and shall serve at the pleasure of the Council. Such representatives shall be qualified electors of the city, shall have been residents of the city for at least two years immediately prior to their appointment and may hold other elective or appointive city office or employment. In case any representative of the city on the Boards of Supervisors shall be unable to perform the duties of his office for any reason, the Council may appoint another qualified person to serve temporarily in his stead.

Duties of Supervisors:

Section 14.3. Except as otherwise provided in this charter, the representative of the city on the Board of Supervisors shall perform the statutory duties of Supervisors. In the performance of his duties, each Supervisor shall represent the city, its inhabitants and its government to the best of his ability.

Compensation of Supervisors:

Section 14.4. Representatives of the city on the Board of Supervisors shall be entitled to retain any compensation and expenses allowances paid to them by the counties as members of the Board of Supervisors, but shall receive no compensation from the city for their work as Supervisors.

CHAPTER 15

JUSTICE COURT

Establishment of Court:

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Section 15.1. There is hereby established a Justice Court in the city to be presided over by a Justice of the Peace elected in accordance with the provisions of this charter.

Justice of the Peace:

Section 15.2. The Justice of the Peace elected at the time of the adoption of this charter shall meet the eligibility requirements contained in Section 5.1, shall be elected for a term expiring on July 4, 1957, and shall possess and exercise all powers and duties prescribed in this charter for the Justice of the Peace to be elected in 1957 and every fourth year thereafter.

Compensation of the Justice:

Section 15.3. The Justice of the Peace shall receive as his compensation the usual fees of this office as provided by statute. The Council may, however, by ordinance, whenever it deems that the best interests of the city will be served thereby, provide that the Justice of the Peace be paid an annual salary. Any salary provided shall be in lieu of all fees, costs and charges to which such Justices would be entitled but for the provision of this section, except those for the performance of marriage ceremonies.

Power and Jurisdiction: General:

Section 15.4. The Justice of the Peace of the city shall have and exercise the same jurisdiction, powers and duties as are or may be conferred upon or required of Justices of the Peace in townships by statute and shall be subject to such general laws with respect to such Justice, except as otherwise provided in this charter.

Jurisdiction in Charter and Ordinance Cases:

Section 15.5. The Justice of the Peace shall have authority to hear, try and determine all suits and prosecutions for the recovery and enforcing of fines, penalties and forfeitures imposed by this charter and the ordinances of the city, and to punish offenders for the violation of such charter and ordinances as in charter or ordinances prescribed and directed.

Extended Jurisdiction:

Section 15.6. The Justice of the Peace shall also have:

(a) Jurisdiction to the amount of \$500.00 in all civil matters ex contractu and ex delicto with such exceptions and restrictions as are provided by law;

(b) Such power and authority as can, under Public Act 279 of 1909 as amended, be conferred by this Charter to set aside the verdict or judgment in any civil cause and grant a new trial therein, to be exercised in such manner and on such conditions as provided in said act. The filing of a motion for new trial or to set aside a verdict or judgment shall have such an effect on the time for taking an appeal from any judgment and upon the issuance and levy of execution or other similar process and sale thereunder and on other proceedings in said cause as provided in said act;

(c) Such additional powers and authority as may now or hereafter be conferred upon city Justices of the Peace by statute.

Procedure in Justice Court:

Section 15.7. The proceedings in all suits and actions before the Justice and in the exercise of the powers and duties conferred upon and required of him shall except as otherwise provided in this charter be according to and governed by the statutes applicable to justice courts and to the proceedings before such courts.

Place and Conduct of Court:

Section 15.8. The Council shall furnish necessary supplies and a suitable place for the conducting of court by the Justice. It may regulate the hours of court of said Justice and may make other necessary and proper rules and regulations for the conduct of the business of the court which are not inconsistent with this charter or the statute.

Transfer of Cases:

Section 15.9. In case of the absence, disability or disqualification of the Justice, any other Justice of the Peace or Municipal Judge who is qualified to act may act in the place of and for the Justice in the performance of any of the duties imposed upon him by statute or this charter.

The Council shall by ordinance fix the compensation to be paid any such Justice or Judge for such services and the procedure to be

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followed in calling upon him so to act. Unless the Council shall so provide by ordinance, no such Justice shall so act or be entitled to compensation therefor.

Fees, Fines and Penalties; Prosecution of State Penal Cases:

Section 15.10. At such time as the Council may fix an annual salary for the Justices of the Peace, all fees and all fines, penalties, forfeitures and moneys collected or received by the Court shall be paid over to the City Treasurer on or before the first day of the next month after the collection or receipt thereof; and the Court shall take the receipt of the Treasurer therefor and file the same with the Clerk. Failure of the presiding officer to comply with the foregoing provisions shall constitute misconduct in office.

If the Justice be paid an annual salary, all fees and all fines, penalties, forfeitures and moneys collected in city ordinance and charter cases shall be credited to the general fund of the city. All costs and fines recovered for the violations of the penal laws of the state, when collected and paid into the city treasury, shall be disposed of as provided by statute.

The expenses of prosecution before the Justice for violation of penal laws of the state, and in punishing the offender, shall be paid as provided by statute.

Docket:

Section 15.11. The Justice of the Peace shall keep, at the place of holding court, a docket in the manner required by statute. Failure to comply with the requirements of this section shall constitute misconduct in office.

Violations Bureau:

Section 15.12. The Council shall have power and authority to establish, by ordinance, a Traffic Violations Bureau within the Court for the handling only of violations of ordinances and regulations of the city restricting the parking of vehicles. The creation of such a bureau by the Council shall not operate so as to deprive any person of a full and impartial hearing in court should such person so choose.

Constables:

Section 15.13. The Council shall appoint one or more police officers of the city as constables. Such constables shall have like powers and authorities in matters of civil and criminal nature, and in relation to the service of process, civil and criminal, as are conferred by law on constables in townships. They shall have power also to serve all process issued for breach of ordinances of the city, and shall receive the statutory fees of their office. The bond of the constables shall be that required of constables in townships and shall be paid by the city in accordance with Section 5.8.

Judicial System:

Section 15.14. The judicial branch of the City's government is, by state statute, presently a part of the 35th Judicial District. Should enabling legislation subsequently be enacted by the state legislature, which would permit the City to establish, by itself, or in conjunction with other governmental unit(s), a different judicial system, the power and authority to do so is hereby reserved. The method of creating such a judicial system would be set forth in said enabling legislation.

CHAPTER 16

MISCELLANEOUS

City Liability:

Section 16.1. The city shall not be liable for damages sustained by any person either to his person or property by reason of the negligence of the city, its officers or employees, nor by reason of any defective condition of or obstruction in any public place unless such person shall serve or cause to be served upon the Clerk within sixty days after the injury resulting in such damages shall have occurred a notice in writing, which notice shall set forth substantially the time and place of such injury, the manner in which it occurred, the extent of such damages as far as the same has become known, the names and addresses of the witnesses known at the time by the claimant and a statement that the person sustaining such damages intends to hold the city liable for such damages as may have been sustained by him.

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

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

No Estoppel:

Section 16.2. No estoppel may be created against the city.

Vested Rights Continued:

Section 16.3. After the effective date of this charter, the city shall be vested with all the property, moneys, contracts, rights, credits, effects and the records, files, books and papers belonging to the Village. No right or liability, either in favor or against the Village, existing at the time this charter becomes effective and no suit or prosecution of any character shall in any manner be affected by any change, resulting from the adoption of this charter, but the same shall stand or proceed as if no change had been made. All debts and liabilities of the Village shall be the debts and liabilities of the city and all fines and penalties imposed at the time of such change shall be collected.

Trusts:

Section 16.4. All trusts established for any municipal purpose shall be used and continued in accordance with the terms of such trust, subject to the cy pres doctrine. The Council may in its discretion receive and hold any property in trust for any municipal purpose and shall apply the same to the execution of such trust and for no other purposes except in cases where the cy pres doctrine shall apply.

Vacancies in Appointive Boards and Commissions:

Section 16.5. Except as otherwise provided in this charter, if a vacancy occurs in the membership of any appointive board or commission, the authority responsible for the appointment of the person whose position has become vacant shall fill such vacancy by appointment of a qualified person for the unexpired term of such person.

Records to Be Public:

Section 16.6. All records of the city shall be public, shall be kept in city offices except when required for official reasons or for purposes of safe keeping to be elsewhere, and shall be available for inspection at all reasonable times.

Definition of Publication, Mailing of Notices:

Section 16.7. The requirement contained in this charter for the publishing or publication of notices or ordinances shall be met by publishing an appropriate insertion in a newspaper published in the English language for the dissemination of news of a general character which newspaper shall have had a general circulation at regular intervals in the city or Village for at least two years immediately preceding the time that it is used for such publication purposes. The affidavit of the printer or publisher of such newspaper, or of his foreman or principal clerk, annexed to a printed copy of such notice, ordinance or proceeding taken from the paper in which it was published and specifying the times of publication shall be prima facie evidence of such publication.

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.

Sundays and Holidays:

Section 16.8. Whenever the date fixed by this charter for the doing or completion of any act falls on a Sunday or legal holiday, such act shall be done or completed on the next succeeding day which is not a Sunday or legal holiday.

Chapter and Section Headings:

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Section 16.9. The chapter, section and sub-section headings used in this charter are for convenience only and shall not be considered part of the charter.

Interpretations:

Section 16.10. 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 provisions 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 "printer" and "printing" shall include reproductions by printing, engraving, stencil, duplicating, 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 "Village" shall mean the municipal corporation of Northville as it existed prior to the effective date of this charter including the period from and after its incorporation as a city and until such effective date.

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

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

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

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

(k) The word "freeholder" shall include persons purchasing property on land contract.

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

Penalties for Violations of Charter:

Section 16.11 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 five 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 5.2.

Amendments:

Section 16.12. This charter may be amended at any time in the manner provided by statute. Should two or more amendments adopted at the same election have conflicting provisions the one receiving the largest affirmative vote shall prevail as to those provisions.

Severability of Charter Provisions:

Section 16.13. If any provision, section, article or clause of this charter or the application thereof to any person or circumstances shall be found to be invalid by a court, such invalidity shall not affect any remaining portion or application of the charter which can be given effect without the invalid portion or application, providing such remaining portion or applications are not determined by the court to be inoperable and to this end this charter is declared to be severable.

**CHAPTER 17
SCHEDULE**

Status Of Schedule Chapter:

Section 17.1. The purpose of this schedule chapter is to inaugurate the government of the city under this charter and to accomplish the transition from Village to city government and it shall constitute a part of this charter only to the extent and for the time required to accomplish this end.

Election on Adoption of Charter:

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Section 17.2. (1) Date. This charter shall be submitted to a vote of the registered electors of the City of Northville at a special election to be held on Tuesday, December 13, 1955. At the same special election the elective officers provided for in this charter shall also be elected as hereinafter provided. The charter shall be adopted if a majority of the ballots cast thereon are in favor of adoption.

(2) Form of Ballot. The form of the ballot for the submission of this charter shall be as follows:

Instructions: A cross (X) in the square before the word "Yes" is in favor of the proposed charter, and a cross (X) in the square before the word "No" is against the proposed charter.

Shall the proposed charter for the City of Northville, drafted by the Charter Commission elected on April 4, 1955 be adopted?

Yes

No

(3) Election Commission. The Charter Commission of the City of Northville shall be the Election Commission for this election. The Chairman of the Charter Commission shall be Chairman of the Election Commission, and the Village Clerk shall act as Secretary of the Commission and shall perform such duties in connection with the work of the Commission as are prescribed by the Commission and this charter.

(4) Inspectors of Election. The inspectors of election for this election shall be those persons designated by the Charter Commission in its meeting on October 24, 1955.

(5) Board of Canvassers. The board of canvassers for this election shall be the Village President, Village Clerk and Village Treasurer of Northville. The board shall meet in the municipal building of the Village and city at 8 P.M., Wednesday, December 14, 1955, to canvass the results of such election.

(6) Registration. The persons designated to act as inspectors of this election shall constitute a board of registration for the purpose of making the first registration of qualified voters in the city. Said board shall be authorized to procure the necessary books or files and forms to conduct such registration. The last day for registration shall be November 12, 1955, the thirty-first day preceding the election. The board of registration shall on such last day for registration procure from the Village Clerk the records of the Clerk of the persons who are registered Village electors and shall incorporate such records with their

records and shall cause all such persons to be registered as city electors in the same manner as though such persons had then and there applied for registration and all such persons shall be deemed to be registered as city electors. subsequent to the election, the registration records shall be delivered to the Clerk.

(7) Notice of Registration. The Secretary of the Election Commission shall give notice for the board of registration of the days, hours and place that the registration will be conducted by publishing the same in the Northville Record on October 27, 1955 and November 3, 1955, said first publication being not less than ten days prior to the last day for receiving registration.

(8) Notice of Election. The Secretary of the Election Commission shall cause to be published with the publication of this charter, and again in the Northville Record on November 23, 1955 and December 1, 1955, a notice of this election, the location of the polling places, that on the date fixed therefor the question of adopting such proposed charter will be voted on and that the elective officers provided for in the charter will be elected on the same date. He shall also post such notice in at least ten public places within the Village not less than ten days prior to such election.

(9) Procedure Governing Election. In all respects not otherwise provided for in Chapter 17 of this charter, the election procedure shall be in accordance with the provisions of the other chapters of this charter.

First Election of City Officers:

Section 17.3. (1) Election. The first election of officers provided for in this charter shall be held on Tuesday, December 13, 1955, in conjunction with the election on the adoption of this charter. At this election the voters shall be entitled to vote for a Mayor, not more than four candidates for Council and not more than one candidate for the Justice of the Peace.

(2) Terms. The candidate for Mayor who receives the highest number of votes shall be declared elected for a term beginning on Monday, December 19, 1955, and ending on the Monday next following the date of the regular city election in 1957. The two candidates for Council who receive the two highest numbers of votes shall be declared elected for a term beginning on Monday, December 19, 1955, and ending on the Monday next following the date of the regular city election in 1959. The two

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candidates for Council who receive the third and fourth highest number of votes shall be declared elected for a term beginning on Monday December 19, 1955, and ending on the Monday next following the date of the regular city election in 1957. The Justice of the Peace who receives the highest number of votes shall be declared elected for a term beginning on Monday, December 19, 1955, and ending on the fourth day July, 1957. After this election the provisions contained in this charter relative to elections and terms of elective officers shall govern.

(3) Nomination. Candidates shall be nominated by petition in a manner identical to that provided for in Section 3.9 to 3.12, inclusive, except that (1) petitions shall be filed with the Secretary of the Election Commission who shall perform all the duties in connection with such nomination petitions as are required by this charter of the Clerk, and (2) Nomination petitions shall be filed at least fourteen days and not more than twenty-one days prior to December 13, 1955. The Secretary of the Election Commission shall, not later than November 12, 1955 make available a supply of official petition forms as required by Section 3.10. Notice of the days permitted for filing nomination petitions and the number of persons to be elected to each office shall be published by the Secretary of the Election Commission in the Northville Record on November 10, 1955, and November 17, 1955, other provisions of this charter notwithstanding. The names of those candidates who file valid and sufficient nomination petitions and have the qualifications required for their respective office shall be certified to the Election Commission to be placed on the ballot.

(4) Other Election Procedure. In all respects not otherwise provided for in this section, the procedure for the election of officers shall be in accordance with the provisions of Section 17.2.

Effective Date of Charter:

Section 17.4. For the purpose of initiating the procedure for the election on the adoption of this charter and for nominating and electing the first city officers this charter shall take effect on October 24, 1955. For all other purposes this charter shall take effect on Monday, December 19, 1955, at 8 P.M. Standard Time. At such time the officers first elected under this charter shall assemble in the municipal Council chambers.

The meeting shall be called to order by the Chairman of the Charter Commission. Each elective officer shall take and subscribe to his oath of office as administered by said Chairman, and shall thereupon be qualified for, and shall assume the duties of his office.

At the time the elective officers of the city assume the duties of their respective offices, the Village Council shall cease to be and the office of each and every member thereof shall terminate, and all other elective Village offices shall thereupon cease to be and terminate. The control of such Village Council and Village officers and of the officers of the Townships of Northville and Novi over that territory which was formerly the Village shall cease and be superseded by that of the Council and officers of the City of Northville.

Continuation of Appointed Officers and Employees:

Section 17.5. After the effective date of this charter all appointive officers and all employees of the Village shall continue in that city office or employment which corresponds to the Village office or employment which they held prior to the effective date of the charter as though they had been appointed or employed in the manner provided in this charter, and they shall in all respects be subject to the provisions of this charter; except that the terms of office of all members of the Village Board of Review shall terminate on December 19, 1955, and except that any officer or employee who holds a position which this charter provides be held at the will or pleasure of the appointing officer or body shall hold such position only at such will or pleasure regardless of the term for which originally appointed.

First Board of Review:

Section 17.6. Before January 15, 1956, the Council shall appoint a Board of Review of three freeholders who meet the qualifications for such office as provided in this charter and shall fix their compensation. One such member shall be designated to serve for a term expiring in January, 1957, one for a term expiring in January, 1958, and one for a term expiring in January, 1959.

Interim Financial Provisions:

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Section 17.7. The Council shall, at its first meeting on December 19, 1955, by resolution continue as city appropriations the unencumbered balances of the appropriations made by the previous Village Council of Northville until February 29, 1956, and these appropriations shall then be deemed to be city appropriations and the fiscal year of the Village shall be completed by the city as though no governmental change had been made. At the close of business on February 29, 1956, the balances of all appropriations not then encumbered shall revert to the general fund of the city.

The period from March 1, 1956, to June 30, 1956, inclusive, shall constitute a special interim fiscal, budget and tax period to accomplish the transition from the previously existing fiscal year. A budget for such special fiscal period shall be prepared and adopted and administered in accordance with Sections 8.2 to 8.5 inclusive, except that the Budget Officer shall submit the budget to the Council on or before February 1, 1956, and the budget shall be adopted not later than February 29, 1956. At the time of the adoption of the budget, the Council shall appropriate the money needed for municipal purposes for the four-month interim fiscal period and may provide a levy of the amount necessary to be raised by taxes upon real and personal property for such purposes. Such levy shall not exceed one-third of the annual limit of two percent of the assessed value of all real and personal property subject to taxation in the city. Such levy shall be spread on the tax roll which becomes due and payable on July 1, 1956, in addition to the regular taxes for the fiscal year beginning July 1, 1956, and the amounts of taxes for these two levies may be combined for the purpose of convenience in spreading of the roll and preparation of the tax bills. Taxes for the interim period shall be collected in all respects as provided in this charter for the collection of city taxes.

There shall be an audit of this interim fiscal period in accordance with the provisions of Section 8.7.

Township Assets and Liabilities:

Section 17.8. As soon as practicable the Council shall take all necessary and proper action to obtain the division between the city and the Townships of Northville and Novi of the assets and liabilities of such township

**RESOLUTION OF
ADOPTION**

At a regular meeting of the Charter Commission of the City of Northville held on the 24th day of October, 1955, the following resolution was offered by Commissioner Stubenvoll:

RESOLVED, that the Charter Commission of the City of Northville does hereby adopt the foregoing proposed charter for the City of Northville and the Secretary of this Commission is directed (1) to transmit copies of this charter to the Governor of the State of Michigan for his approval in accordance with statute, (2) to file with the City Clerk a copy of this charter on October 31, 1955 and (3) to cause this proposed charter to be published in the Northville Record on November 17, 1955.

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

YEAS:

T. R. Carrington, Chairman
L. C. Sullivan
G. C. Woodworth
John F. Stubenvoll
A. Malcolm Allen
Earl Reed
E. C. Welch
L. M. Eaton
Harvey P. Ritchie

NAYS: None.

ABSENT: None.

The Chairman declared the foregoing resolution carried and requested the members of the Charter Commission to authenticate said resolution and also the copies of the charter to be presented to the Governor and filed with the City Clerk by attesting their names thereto in the following manner:

T. R. Carrington, Chairman
L. C. Sullivan
G. C. Woodworth
John F. Stubenvoll
A. Malcolm Allen
Earl Reed
E. C. Welch
L. M. Eaton
Harvey P. Ritchie