

the village treasurer, said treasurer shall mail tax statements to the several persons named therein. Failure to mail or receive any such statement shall not excuse the non-payment of any tax or assessment.

Section 14. The Village taxes when assessed shall become at once a debt to the Village from the person to whom they are assessed, and the amounts assessed on any interest in real property shall on the first day of July of the year when assessed, become a lien upon such real property, and the lien for such amounts for all interest and charges shall continue until payment thereof. And all personal taxes shall also be a first lien on all personal property of such persons so assessed, from and after the first day of July of the year when assessed, and shall so remain until paid, which said lien shall take precedence over all other claims, encumbrances and liens upon said personal property whatsoever, whether created by chattel mortgage, execution, levy, judgment or otherwise, and whether arising before or after the assessment of said personal taxes, and no transfer of personal property assessed for taxes thereon shall operate to divest or destroy such lien, except where such personal property is actually sold in the regular course of retail trade.

Section 15. If the treasurer has been unable to collect any of the Village taxes on said roll on real property before the first day of March following the date when said roll was received by him, then it shall be his duty to return all such unpaid taxes on real property to the county treasurer in the same manner and with like effect as returns by township treasurers of state and county taxes. Such returns shall include all the additional charges herein before provided, which charges shall in return be added to the amount assessed in said roll against each description. The taxes thus returned shall be collected in the same manner as other taxes returned to such county treasurer are collected under the provisions of the general tax laws of the state. The taxes on real property and all charges shall be collected thereon, and all taxes upon land so returned as delinquent shall be and remain a lien thereon until paid.

Section 16. It shall be the duty of the Village treasurer, upon request made by any party, to issue his certificate showing all unpaid taxes, and other charges which are a lien upon any specified property, and which are payable at his office, and he may upon being authorized by the Village Council charge the party requesting the same such sum as the Council shall establish, from time to time. The issue of such certificate shall not create any liability upon the part of the Village or Village treasurer, except that in the event of fraud on the part of the Village treasurer in the issuance thereof he shall be liable therefor.

Section 17. The village clerk, after the Council has determined the several amounts which they require to be raised by general tax for the funds of the Village, and the aggregate thereof, shall certify the same to the Village treasurer. When such general taxes shall be received by the treasurer, they shall be apportioned to the several funds of the Village pro rata according to the several amounts of said funds so certified.

Section 18. Money may be borrowed in anticipation of receipts from taxes for the payment of current expenses or to fund deficiencies in current revenue, by the issue of notes, but the aggregate amount of such loans at any time outstanding shall not exceed one fourth of the taxes for that year or one fourth of the unpaid taxes outstanding, whichever is the lesser. All such loans shall be subject to the provisions of the laws of the state in relation thereto. No temporary loans authorized by this section shall be made without approval of three of the members of the Council.

#### CHAPTER XI

##### THOROUGHFARES AND GROUNDS

Section 1. The Council shall have supervisory control of all public highways, streets, alleys, sidewalks and public grounds within the Village, and may regulate the use thereof, subject to the established rights of the public therein.

Section 2. The Council shall have the power to lay out, establish, construct, alter, improve and maintain all highways, streets, alleys and public grounds within the Village and acquire lands thereon, and/or close, vacate or abolish the same.

Section 3. No funds except from those from the State properly allocable thereto and funds provided in the annual budget for such purposes, shall be used for the construction, improvement, or maintenance of highways, streets, or alleys within the Village. Expenditures of any additional funds for such purposes must first be approved by two-thirds of the electors voting thereon.

Section 4. The Council shall have the authority to determine and establish the grade of all highways, streets, alleys, sidewalks, and public grounds within the Village, and may change any such established grades whenever in their opinion the public convenience will be promoted thereby.

#### CHAPTER XII

##### FRANCHISES

Section 1. No franchise shall be granted for a longer period than thirty years.

Section 2. No franchise shall be granted or become operative until approved by three-fifths of the electors voting thereon at a general or special election.

Section 3. The location of routes to be used for public utility installations, in the first instance, shall have the advance approval of the Council.

Section 4. All contracts granting, renewing, extending or amending a franchise shall be made by ordinance and not otherwise, and shall not be effective until a written acceptance is filed by the grantee with the Village clerk.

Section 5. The grant of every franchise shall be subject to the right of the Village to make and enforce all regulations which shall be necessary to secure adequate and efficient service from all public utilities operating in the Village and to protect the health, safety and welfare of the public.

#### CHAPTER XIII

##### ZONING AND PLATS

Upon adoption of this charter, all proposed subdivision plats shall be submitted to the Council for approval. No plat shall be approved unless it conforms to such laws of the State of Michigan as are applicable thereto and to such zoning ordinances of the Village as are in force and effect.

#### CHAPTER XIV

##### VILLAGE UTILITIES

Public sewers, drains, lighting and water systems

shall not be constructed, provided, or maintained, unless the proposed sewers, drains, lighting and water systems shall first have been approved by a three-fifths of the electors voting thereon.

#### CHAPTER XV

##### INTERIM LEGISLATION

The valid provisions of all by-laws, ordinances, resolutions, rules and regulations of the Township of Farmington which are not inconsistent with this charter and which are in force and effect and lawfully applicable to the territory of the Village of Quakertown, except such ordinances, resolutions, rules and regulations as pertain to the formation of and the delegation of powers to a Planning Board, at the time of the effective date of this charter shall continue in full force and effect and be administered by and for the Village until and unless repealed or amended under provisions hereof or otherwise by law, provided, however, that, if any such by-law, ordinance, resolution, rule or regulation provides for the appointment by the township board or supervisor or any officer or member of a board or commission, future appointments of such persons shall be made by the Council. Fees originally payable to the township under such provision as to said territory hereafter shall be paid to the Village of Quakertown.

Any reference in any such by-law, ordinance, resolution, rule or regulation to a Township Board or Commission shall be construed to refer instead to the Village Council.

Within 60 days after the effective date hereof, the Clerk under direction of the Council shall procure and enter and maintain a book called "Treatise on Legislation," a copy of each existing township by-law, ordinance, resolution, rule and regulation disclosed by the public records of the township; and the Council shall, within 60 days after such entry, determine by resolution the provisions thereof which apply to said territory under authority of this section. The application of such provisions to this Village shall terminate six (6) months after the effective date of this charter. In the interim, as a substitute for such township provisions, the Council shall enact whatever it deems necessary as Village legislation, with notices and hearings thereon as required by this charter.

#### CHAPTER XVI

##### MISCELLANEOUS

Section 1. Whenever used in this charter, the word "state" shall mean the "State of Michigan"; the word "county" shall mean the "County of Oakland"; the word "village" shall mean the "Village of Quakertown"; the word "clerk" shall mean the "Village Clerk"; unless from the context the contrary shall plainly appear; words referring to the several officers when not preceded by the word "village" shall be deemed to mean such officers of the Village unless the context implies otherwise; the word "resolution" shall be deemed to include official action in form of a motion as well as in form of resolution; the terms "commission" and "Village commission" shall be construed as meaning "the Council" or "Common Council" for the purpose of such general laws of the state as use one or the other of such latter terms in referring to the legislative body of the Village; words imparting the singular number only, may extend to and embrace the plural number and words imparting the plural number may be applied and limited to the singular number, words imparting the masculine gender only, may extend and be applied to those of the feminine or neuter gender.

Section 2. Eastern standard time shall be the official time of the Village until otherwise changed by the Council. Any references herein to time shall be construed to be according to the official time of the Village.

Section 3. Words purporting to give joint authority to two or more public officers or other persons either as a board or otherwise shall be construed as giving such authority to a majority of such officers or other persons unless it shall be otherwise expressly declared.

Section 4. The word "person" may extend and be applied to bodies corporate as well as individuals. The words "written" and "in writing" may be construed to include printing, engraving, typewriting and lithography, and this rule shall not apply to provisions requiring written signatures, unless it be otherwise expressly provided.

Section 5. Should any portion of this charter be declared void, illegal or unconstitutional, such finding shall not invalidate the remainder of the charter.

Section 6. All records of the Village shall be public and open to inspection at all reasonable times.

Section 7. All books, papers, records, and accounts of any officer elected or appointed, or of any office or department of the Village, shall be the property of the Village and shall at all times be subject to audit, examination or inspection by any member of the Council, or by any person employed or designated by the Council for that purpose. And all such books, papers, records, files and accounts shall be kept in such place as may be designated by the Council.

Section 8. When, by the provisions of this charter, or the laws of the state, notice of any matter or proceedings is required to be published in a newspaper or posted on affidavit of the publication or posting on the same, made by the printer of the newspaper in which the same was inserted, or by some person in his employ knowing the facts, or by the person posting the same when required to be by posting, shall be prima facie evidence of the fact therein contained. Such affidavit of publication or posting shall be filed with the village clerk.

Section 9. The Village shall not be liable in damages sustained by any person in the Village, or otherwise, either to his person or property, by reason of any matter or thing, unless such person shall serve or cause to be served, within sixty days after such injury shall have occurred, a notice in writing, upon the president or clerk or deputy clerk of the Village, which notice shall set forth substantially the time when and place where such injury took place, the nature of the defect, the manner in which it occurred, and the extent of such injury as far as the same has become known, the names of the witnesses known at the time by the claimant, and that the person receiving such injury intends to hold the Village liable for such damages as may have been sustained by him, and shall also, within ninety days next after such injury, present to the Village clerk his claim in writing and under oath, setting forth particularly the nature and extent of such injury and the amount of damages claimed by reason thereof, which claim

shall be presented to the Council by the clerk at the next regular meeting of such Council.

#### CHAPTER XVII

##### SUBMISSION AND ELECTION

Section 1. This charter shall be submitted to the electors of the Village of Quakertown for their approval or rejection at an election to be held on Monday the 16th day of February 1959, at which election the several elective Village officers provided for in this charter shall also be elected.

Section 2. Prior to the submission of this charter, it shall be published once in a newspaper published in the County of Oakland and circulated in the Village of Quakertown not less than two weeks or more than four weeks preceding said election, together with a notice of said election, which notice shall state that at said election the question of adopting said proposed charter will be voted on and the elective officers provided for therein will be elected and shall also state the location of the polling place for such election and other matters required by law. Notice of said election shall also be posted in at least ten (10) public places within the Village not less than two weeks prior to said election.

Section 3. Candidates for the several Village offices provided for in this charter shall be nominated by petition signed by not less than ten (10) qualified electors of the Village and filed with the secretary of this charter commission on or before twelve o'clock noon Eastern Standard Time on the 17th day of January, 1959. Such petitions shall be in substantially the form provided in Chapter IV for nominating petitions. At the said election, the names of the candidates who have filed nominating petitions, and those only, shall be printed on the ballot.

Section 4. The election district shall be the entire Village of Quakertown, and the polling place for said election shall be designated by this charter commission and published as herein provided.

Section 5. The ballots for elective officers at said election shall be in the form provided in this charter for the election of officers and the form of the ballot on the question of the adoption or rejection of this charter shall be substantially as follows:

##### OFFICIAL BALLOT

Election held in the Village of Quakertown, Michigan, on February 16, 1959.

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

"Shall the proposed charter for the Village of Quakertown drafted by the charter commission elected on the 5th day of August, 1958, be adopted?"

YES

"Shall the proposed charter for the Village of Quakertown drafted by the charter commission elected on the 5th day of August, 1958, be adopted?"

NO

Section 6. The polls for said election shall be opened at 7:00 o'clock in the forenoon, Eastern Standard Time, or as soon thereafter as may be, and shall continue open until 8:00 o'clock in the afternoon, Eastern Standard Time, of the same day.

Said election shall be conducted by such inspectors and clerks as shall be hereafter designated by resolution of this charter commission.

The votes cast at said election shall be canvassed by a canvassing board of three electors to be hereafter designated by resolution of this charter commission.

Section 7. The registration of electors shall be conducted in the manner provided by law for registration in new villages. The secretary of this charter commission shall cause the ballots for said election to be printed and delivered to the polling place before the opening of the polls on said election day. The returns of the election board as to the results of said election shall be made to the canvassing board designated by this charter commission immediately after the counting of the ballots is completed. Except as is in this charter and in the general laws of the state, otherwise provided, and except as may be otherwise provided by this charter commission within the scope of its powers, said election shall be conducted as is provided in Chapter IV of this charter so far as the provisions of said chapter are applicable.

Section 8. The canvassing board appointed to canvass the votes cast at said election to be held on February 16, 1959, shall as soon as practicable after said election, meet and canvass the votes cast at said election and determine the results thereof.

Section 9. If this charter be approved at said election, then two (2) printed copies thereof, with the vote for and against the same, duly certified by the Village clerk, shall within thirty (30) days after the vote is taken be filed with each the secretary of state and county clerk of Oakland County and upon the filing thereof this charter shall become effective.

Morley E. Foster ..... Chairman

William E. Kurtz ..... Secretary

James W. Crusoe ..... Treasurer

Robert J. Clark .....

Joseph C. Martin .....

Members of the Charter Commission

Moved by Commissioner Clark

Supported by Commissioner Crusoe

Resolved, that the charter commission of the Village of Quakertown does hereby adopt the foregoing charter and the secretary is hereby instructed to transmit the same to the Governor of the State of Michigan in accordance with the provisions of the statute, for approval.

Yes: Commissioners Foster, Martin, Crusoe, Clark, Kurtz.

Nays: None

Absent: None.

I, William E. Kurtz, Secretary of the charter commission elected to frame a charter for the Village of Quakertown, do hereby certify that the above charter was adopted by said charter commission at a session held on the 30th day of October, 1958, and that the foregoing is a true and correct copy of the resolution and vote thereon by which said charter was adopted.

Date October 30, 1958.

William E. Kurtz  
Secretary of the Charter Commission  
Approved November 3, 1958.

G. Mennen Williams  
Governor of the State of Michigan