

# Proposed Charter For The City Of Farmington

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## Preamble

We, the people of the City of Farmington, Oakland County, Michigan, by virtue of authority of the Constitution and of Public Act 279 of 1908 of the State of Michigan, do hereby ordain and establish this home rule charter for the City of Farmington.

## Chapter 1 Name and Boundaries

**Name and Boundaries:**  
Section 1.1. The name of this organized city is "City of Farmington." It is a body corporate, and embraces the following described territory in the Township of Farmington in the County of Oakland, State of Michigan, 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.

The East—seventh (27) of Section Twenty-Eight (28), all of Section Twenty-Eight (28) of Town One North, Range Nine East, all being in the Township of Farmington, Oakland County, Michigan.

Also the following described territory annexed by Special Election held December 1, 1935:  
Part of the S. W. 1/4 of Section 26 and part of the N. W. 1/4 of Section 35, T. 1 N., R. 9 E., Farmington Township, Oakland County, Michigan, described as beginning at the S. W. corner of Section 26; thence along the West line of Section 26, due North (assumed bearing), 254.24 feet to the West 1/4 corner of Section 26; thence along the E. and W. 1/4 line of Section 26, S. 89° 55' 52" E. 1481.41 feet; thence along a line lying 132 feet east of and parallel to the East line of Hawthorne Avenue, S. 0° 06' 24" West 2085.80 feet to the S. E. corner of Lot 23 of "Regal Orchards Subdivision," thence S. 15° 31' 40" E. 23.35 feet to the N. E. corner of Lot 108 of "Supervisor's Subdivision No. 4, Farmington Twp.," thence along the easterly line of said lot 106, and said line produced to the center line of Grand River Avenue, S. 31° 43' 24" N. 145.61 feet; thence along said center line of Grand River Avenue, S. 35° 21' 38" W. 1142.95 feet to the line common to Sections 26 and 25; thence along said common line, S. 89° 21' 36" West 434.70 feet to the point of beginning, containing 97.091 acres more or less.

## Chapter 2 Municipal Powers

**Continuation of Powers of Former Charter:**  
Section 2.1. All powers, privileges and immunities not inconsistent with the provisions of this charter possessed by the City of Farmington by virtue of its incorporation as such and enumerated in the charter of the city adopted on February 15, 1926, including all amendments thereto in effect on the day preceding the effective date of this charter, are hereby expressly retained by the city and shall constitute a part of the powers of the city even though not expressly enumerated herein.

**General Powers:**  
Section 2.2. Unless otherwise provided or limited in this charter, the city and its officers shall possess or 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 possess under the 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 1908, 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 interests of the city, the good government and prosperity of the municipality, and to pass any ordinance, resolution, regulation or resolution relating to its municipal concerns, subject to the general laws of the state and the provisions of this charter.

**Further Definition of Powers:**  
Section 2.3. 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 the right to exercise the powers, privileges and immunities of its officers, provide for the following, subject to any specific limitations placed thereon by this charter:

- The acquisition by purchase, gift, condemnation, lease, construction, or in any manner permitted by statute, of private property for public use, and the right to acquire such property, which property may be located within or without the County of Oakland and which may be required for or incidental to the present or future exercise of the powers, and duties of the city, either proprietary or otherwise;
- The maintenance, development, operation, leasing and disposal of city property subject to any restrictions placed thereon by statute or this charter;
- The refunding of money advanced or paid on special assessments for water main extensions;
- The installation and connection of conduits for the service of municipally owned and operated electric lighting plants;
- 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, water and power business;
- The use, regulation, improvement and control of the surface of the streets, alleys, public ways and other public places and of the space above and beneath them, whether such be located within or without the limits of the city;
- 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;
- A plan of survey and maps within and for a distance of not more than three miles beyond the municipal limits;
- The use, control and regulation of streams, waters and water courses within its boundaries, subject to any limitations imposed by statute;
- 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 or purposes, to acquire by gift, purchase, condemnation, or otherwise the land necessary therefor;
- The acquiring, construction, establishment, operation, extension and maintenance of facilities for the docking of water craft, hydroplanes and seaplanes, within its corporate limits, including the fixing and collection of charges for use thereof, and for such purpose or purposes, to acquire by gift, purchase, condemnation, or otherwise, the land necessary therefor;

- Regulating, restricting and limiting the number and locations of oil and gasoline stations;
- Establishing of districts or zones within which the use of land and structures, the 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;
- 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;
- Licensing, regulating, restricting and limiting the number and locations of advertising signs or displays and billboards within the city;
- Preventing injury or annoyance to the inhabitants of the city from anything that 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;
- Prescribing the terms and conditions upon which licenses may be granted, suspended or revoked; requiring payment of reasonable sums for licenses; and requiring the furnishing of a bond to the city for the faithful observance of the conditions under which licenses are granted, and otherwise conditioning such licenses as the Council may prescribe;
- 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;
- Prohibiting regulating the use, occupancy, sanitation and parking of house trailers within the city, and the right of the city to so regulate any house trailer shall not be abrogated because of any detachment thereof from its wheels or because of placing on, or attaching it to, or removing it by means of any temporary or permanent foundation, or in any manner whatsoever;
- 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, and if the owner is unknown, to abate such hazard or nuisance and assess the cost thereof against such property in accordance with Section 11.9;
- Requiring an owner of real property within the city to abate public health hazards and nuisances which are dangerous to the health or safety of inhabitants of the city within a reasonable time after the Council notifies him that such hazard or nuisance exists, and if the owner fails to comply with such requirements, or if the owner is unknown, to abate such hazard or nuisance and assess the cost thereof against such property in accordance with Section 11.9;
- The compelling of owners of real property within the city to keep sidewalks abutting upon their property clear from snow, ice or other obstructions, and if the owner fails to comply with such requirements, to remove such snow, ice or other obstructions and assess the cost thereof against the abutting property in accordance with Section 11.9;
- The requiring, as a condition of approving plats of lands or premises hereafter laid out, divided, or platted into lots, streets, alleys within the city, that all streets shown on said plat be graded and gravelled or otherwise improved, that all ditches, drains and culverts necessary to make such streets usable be constructed, that cement sidewalks be constructed in proper places, and in accordance with city specifications. The Council may accept a bond conditioned upon the installation of such of the foregoing improvements as it requires within such time as it determines.

## Inter-governmental Relations:

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 formed jointly, or 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 function 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 2.2 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 is advanced through preventing a conflagration which might spread within the city limits or through protecting from fire industrial or commercial properties at which residents of the city are employed.

## 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 Farmington shall consist of one ward. The Council shall from time to time establish by ordinance convenient election precincts.

### Election Date:

Section 3.4. A regular city election shall be held on the first Monday in April of 1953 and of each odd-numbered year thereafter, but if some other date in the months of March, April or May is fixed by law for the holding of the state biennial spring election, then the regular city election shall be held on the date so fixed.

### Elective Officers and Terms of Office:

Section 3.5. The elective officers of the city shall be five Councilmen, a Municipal Judge and an Associate Municipal Judge, all of whom shall be elected from the city at large.

Three Councilmen shall be elected at each regular city election. The three receiving the highest number of votes shall each be elected for a term of office of four years and the one receiving the third highest number of votes shall be elected for a term of office of two years.

The terms of office of Councilmen shall commence at 5:00 P.M. at the then prevailing Council time on the Monday next following the regular city election at which they are elected.

At the regular city election in 1957 and every sixth year thereafter, there shall be elected one Municipal Judge and one Associate Municipal Judge for a term of office of six years commencing at noon on the first day of January next following such election.

### Special Elections:

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

### 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.

### Nominations:

Section 3.9. The method of nomination of all candidates for elective city office 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 more than one nomination for any elective city office, and no nomination shall be elected to said office at the following regular city election. Where the signature of any individual appears on more petitions than he is so permitted to sign, such names shall be counted only to the extent he is permitted to sign in the order of the respective dates of filing of the petitions containing such signatures.

Nomination petitions shall be filed with the Clerk between the thirty-fifth day prior to, and 5:00 P.M. by the then prevailing local time on the twenty-fifth day prior to, the date of holding the regular annual city election or any special election for the filling of vacancies in office.

The Clerk shall, prior to every election, publish notice of the last day permitted for filing nomination petitions and of the number of persons to be nominated or elected to each office at least one week and not more than three weeks before such day.

### 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 contain the requisite number of valid signatures for candidates having those qualifications required for the respective city offices by this charter. All petitions shall be accompanied by the affidavit of qualification provided for in Section 3.1. When a petition is filed by persons other than the person whose name appears thereon as a candidate, it shall 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, and the failure to so notify any candidate shall in no way prevent a final determination that the petition does not meet such requirements.

Within three days after the last 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. No petition shall be determined to be valid unless the affidavit of qualifications provided for in Section 3.1 shall be filed with the petition.

The Clerk shall immediately notify in writing the candidate whose name appears thereon of his determinations. Such notice to any candidate whose petition is found invalid or insufficient shall be delivered by personal messenger, if possible. If the requisite number of valid signatures for a candidate shall be allowed to file supplementary or replacement petitions before 5:00 P.M. at the then prevailing local time on the fifth day after the last day for filing original petitions; thereafter no further petitions may be filed.

All nomination petitions shall be filed with 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 be appointed by 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 election personnel shall be determined by the Board of Election Inspectors. 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 elective city office shall be listed upon separate ballots 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 address of each candidate for elective city office of each 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 persons 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 day following 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. The Clerk shall make under the corporate seal of the city duplicate certificates of the determinations of the board of canvassers, one certificate with the County Clerk and the other in his own office.

### Recount:

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 election statutes. Unless otherwise provided by statute (1) the petition for a recount of the votes cast at any city election shall be filed with the Clerk by 5:00 P.M. by the then prevailing local time on the day following the election; (2) the board of canvassers shall file its official report of the result of the election at which such votes were cast, (2) any counter petition shall be filed by 5:00 P.M. of the next full day thereafter and (3) no officer shall be qualified to take office until final determination of any recount of the votes cast for such office.

### Recall:

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

## Chapter 4 Organization of Government

### Council-Manager Government:

Section 4.1. The city shall have the Council-Manager form of government.

### The City Council:

Section 4.2. There shall be a Council of five members, consisting of the five elected Councilmen, one of whom shall serve as Mayor. 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 the city by the state, and shall have the power and authority to adopt such laws, ordinances and resolutions as it shall deem proper in the exercise thereof. In all cases where the word "Council" is used in this charter, the same shall be synonymous with the word "Councilmen" or any other term used in any statute or federal law in referring to municipal legislative or governing bodies.

### Compensation of Mayor and Councilmen:

Section 4.3. The Council shall and the Mayor shall receive as compensation eight dollars for each regular and special meeting of the Council which he attends, but the compensation so paid shall not exceed one hundred and twenty-eight dollars in any fiscal year.

Such salaries shall be paid monthly and except as otherwise provided in this charter shall constitute the only compensation which may be paid the Mayor or Councilmen 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 for necessary hours the expenses incurred in service in behalf of the city as authorized and itemized.

### Election of Mayor and 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 and one as Mayor Pro Tem, both 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 one of its members to serve as Acting Mayor during such absence or disability.

### Duties of Mayor:

Section 4.5. (a) Insofar as required by statute, and for all ceremonial purposes, the Mayor shall be the executive head of the city. He shall have a voice and vote in all proceedings of the Council, equal with that of other members of the Council, but shall have no vote in the Council on matters of finance and on matters of discipline.

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

### Administrative Service:

Section 4.6. The administrative officers of the city shall be the City Manager, Clerk, Treasurer, Assessor, Attorney, Chief of Police, Fire Chief and Superintendent of Public Works, and if the Council deems necessary a Health Officer, City Engineer, Water Superintendent and Building Inspector. The Council may by ordinance create additional administrative offices and may by resolution combine any administrative offices in any manner it deems necessary or advisable for the proper and efficient operation of the city.

The City Manager, Clerk, Treasurer, Assessor and Attorney shall be appointed by the Council for an indefinite period, shall be responsible to the Council for the management of the city and shall have the compensation fixed by the Council. All administrative officers of the city except the City Manager, Clerk, Treasurer, Assessor and Attorney shall be appointed or selected by the City Manager for an indefinite period, shall be responsible to and hold office at the pleasure of the City Manager, and shall have the compensation fixed by the Council. All administrative officers of the city except the City Manager, Clerk, Treasurer, Assessor and Attorney shall be appointed or selected by the City Manager for an indefinite period, shall be responsible to and hold office at the pleasure of the City Manager, and shall have the compensation fixed by the Council. All administrative officers of the city except the City Manager, Clerk, Treasurer, Assessor and Attorney shall be appointed or selected by the City Manager for an indefinite period, shall be responsible to and hold office at the pleasure of the City Manager, and shall have the compensation fixed by the Council.

Except as may be otherwise required by statute or this charter, the Council shall establish by ordinance such departments of the city as it deems necessary or advisable and shall prescribe therein the functions of each department and the duties, authorities and responsibilities of the officers and those departments responsible to him which are not inconsistent with this charter or with any ordinance or resolution of the Council.

All personnel employed by the city who are not elected officers of the city or declared to be administrative officers by or under the authority of this charter shall be deemed to be employees of the city. The head of each department shall have the power to hire and discharge employees of his department without confirmation by the Council. Any employee who has been discharged may within ten days thereafter petition the Council to hear the facts regarding such discharge, and in any such case the Council may, in its own discretion, hold a hearing and inquire into such facts and may make such recommendation in the manner as it considers proper.

### City Manager: Appointment and Qualifications:

Section 4.7. The Council shall appoint a City Manager within ninety days after any vacancy exists in such position. The City Manager shall hold office at the pleasure of a majority of the Council, but he shall not be removed from office during a period of thirty days following a hearing and inquiry into such facts and an affirmative vote of four members of the Council. He shall be selected on the basis of his executive and administrative qualifications with special reference to his training and experience and without regard to his political or religious preferences.

### City Manager: Functions and Duties:

Section 4.8. The City Manager shall be the chief administrative officer of the city and shall have the following duties and shall be: (a) To be responsible to the Council for the efficient administration of all administrative departments of the city government except the departments under the direction of the Clerk, Treasurer, Assessor and Attorney;

(b) To see that all laws and ordinances are enforced;

(c) To appoint, with the consent of the Council, the heads of the several city departments whose appointment is not otherwise specified in this charter, and to discharge such department heads without the consent of the Council, and to direct and supervise their activities;

(d) To give to the proper department or officials ample notice of the expiration or termination of any franchises, contracts or agreements;

(e) To see that the terms and conditions imposed in favor of the city or its inhabitants in any public utility franchise, or in any contract, are faithfully kept and performed;

(f) To recommend an annual budget to the Council and to administer the budget as finally adopted under policies formulated by the Council, and to keep the Council fully advised at all times as to the financial condition and needs of the city;

(g) To recommend to the Council for adoption such measures as he may deem necessary or expedient; and to attend Council meetings with the right to take part in discussions but not to vote;

(h) To exercise and perform all administrative functions of the city that are not imposed by this charter or ordinance upon some other official;

(i) To perform such other duties as may be prescribed by this charter, or may be required of him by ordinance or by direction of the Council.

### Acting City Manager:

Section 4.9. The Council may appoint or designate an Acting City Manager during the period of a vacancy in the office or during the absence of the City Manager from the city. Such Acting City Manager shall, while he holds office, have all the responsibilities, duties, functions and authority of the City Manager.

### Relationship of Council to Administrative Service:

Section 4.10. Neither the Council nor any of its members or

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