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of bonds by the city shall be void if such bonds shall not be issued within four years from the date of such authorization.

## Chapter 11 Special Assessments

### General Power Relative to Special Assessments:

Section 11.1. The Council shall have the power to determine by resolution that the whole or any part of the expense of any public improvement be defrayed by special assessment of the property specially benefited in proportion to the benefits derived or to be derived.

### Detailed Procedure to Be Followed by Ordinance:

Section 11.2. The Council shall prescribe by ordinance the complete special assessment procedure governing the initiation of projects, preparation of plans and cost estimates, creation of districts, making and confirming of assessment rolls, correction of errors in the collection of assessments and any other matters concerning the making of improvements by the special assessment method.

Such ordinance shall be subject to the following provisions:

- (1) No resolution finally determining to proceed with establishing any special assessment of the property for a public improvement shall be made until cost estimates have been prepared and a public hearing has been held on the advisability of so proceeding, which hearing shall be held not less than ten days after notice thereof has been published and sent by first class mail to all property owners in the proposed district as shown by the current assessment roll of the city.

- (2) No public improvement to be financed in whole or part by special assessment shall be made before the confirmation of the special assessment roll for such improvement.

### Special Assessment Powers:

Section 11.3. Assessments due to the other improvements which the city may make and finance in whole or in part by special assessments, the city may:

- (a) Construct, establish and extend facilities for the storage and parking of vehicles within its corporate limits as a public improvement and finance the same in whole or in part by the special assessment method;
- (b) Install a boulevard lighting system on any street and finance the same in whole or in part by special assessment upon lands abutting thereon, provided that property so assessed shall have no other special assessment on such street or property to be so improved shall petition therefor.
- (c) Install and connect sewers and waterworks on and to property within the city.

### Disposition of Excessive Special Assessments:

Section 11.4. The excess by which any special assessment exceeds the actual cost of the improvement and expenses incidental thereto may be placed in the general fund of the city if such excess is five per cent or less of the assessment, but should the assessment prove larger than necessary by more than five per cent the entire excess shall be refunded on a pro rata basis to the owners of the property assessed as shown by the current assessment roll of the city. Such refund shall be made by credit against future unpaid installments to the extent such installments then exist and the balance of such refund shall be in cash. No refunds may be made which contravene the provisions of any outstanding evidence of indebtedness secured in whole or part by such special assessment.

### Additional Assessments; Corrections of Invalid Special Assessments:

Section 11.5. Assessments made at a rate in excess of the rate at which any special assessment roll proves insufficient to pay for the improvement for which it was levied and the expenses incidental thereto, provided that the additional pro rata assessment shall not exceed twenty-five per cent of the assessment as originally confirmed unless a meeting of the Council shall be held to review any additional assessment, for which meeting notices shall be published and mailed as provided in the case of review of the original special assessment roll.

Whenever any special assessment shall, in the opinion of the Council, be invalid by reason of irregularity or informality in its proceedings, or if the Council of competent jurisdiction shall judge 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 improvement 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 no refund has been made, the Council may, in its discretion, assess the sum 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 date of completion of the special assessment roll a notice is given to the Council of intention to file such suit or action stating the grounds on which it is claimed such assessment is illegal, and (2) unless such suit or action shall be commenced within sixty days after confirmation of the roll.

### Lien and Collection of Special Assessments:

Section 11.7. Lien. Upon the confirmation of each special assessment roll the special assessment shall become a debt of the city from the persons to whom they are assessed and shall until paid be a lien upon the property assessed for the amount of such assessments and all interest and charges thereon. Such lien shall be of the same character and to be created by this charter for the first time on the date. Special assessments shall become due on such date as the Council shall prescribe.

**Installment Payment.** Any assessment may be made payable in yearly installments not to exceed fifteen in number. The initial installment shall be due on such date as the Council shall prescribe. Subsequent yearly installments shall be spread on the annual city tax roll. The second installment shall be collected as part of the first city tax roll which becomes due six months or more after the date of the initial installment. All unpaid installments, from such date as the Council shall prescribe, shall bear interest at a rate not exceeding six per cent per annum, which interest computed to the date of the September 1st city tax roll shall be paid by the city together as one item with the amount of the installment then being spread. The Council may provide for advance payment of unpaid installments with interest computed to such date as the Council prescribes.

**Collection Fees.** Each special assessment, or the initial installment of such assessment when installment payments are provided for, shall be collected without charge by the city until the date of the city tax roll on the last day of the second month following the due day thereof. On the first day of the third month following such due date, the Treasurer shall add to such assessment or initial installment paid thereafter a collection fee of four per cent of the amount thereof. On the last day of the second month following the due date, the collection fee shall be collectible in the same manner as the collection of fee on city taxes.

**Delinquent Assessments.** Special assessments or initial installments which become due other than on July first shall, if unpaid for thirty 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 as one item with accrued collection fees thereon and such interest and penalties as may be provided in said ordinance.

**Collection When Part of Tax Roll.** Special assessments, or installments thereof which become due on July first of any year, and delinquent assessments together with accrued collection fees, interest and penalties thereon which have been placed upon the city tax roll, shall be collected in all respects as are city taxes due on such date and shall be returned to the Council Treasurer with such taxes if not paid on the following March first.

### 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 or maintenance of any sidewalk, the abatement of any hazard or nuisance shall be made pursuant to Section 2.3 (1) or Section 2.3 (u), or for the cost of removing snow, ice or other obstructions from sidewalks to be made pursuant to Section 2.3 (v), shall be made by resolution of the Council. Notice of the time at which the Council shall meet to consider such assessment shall be given by first class mail to all property owners in the district to be assessed as shown by the current tax roll of the city. For the purpose 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 due to the city at the time 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 shall not invalidate any special assessment or special assessment roll.

## Chapter 12 Purchasing — Contracts — Leases

### Purchase and Sale of Property:

Section 12.1. The City Manager shall be responsible for the purchase and sale of city property. Comparative prices shall be obtained for the purchase or sale of all materials, supplies and public improvements except (1) in the employment of professional services and (2) when the Purchasing Agent (or the Council as hereinafter provided) shall determine that no advantage to the city would result.

In all sales or purchases in excess of one thousand dollars, (1) the sale or purchase shall be approved by the Council (2) formal sealed bids shall be obtained unless the Council by formal unanimous resolution of those present, based upon the written report of the City Manager, determines that no advantage to the city would result from competitive bidding, and (3) the requirements of Section 12.2 shall be complied with. No sale or purchase of land or improvements, or of any other city property, shall be made by public improvements or the performance of any other city work by any city agency without competitive bidding.

Purchases shall be made from the lowest competent bidder; sales shall be made to the bidder whose bid is most advantageous to the city.

All purchases and sales shall be evidenced by written contract or purchase order. The purchase and sale of all city property shall be subject to the provisions of Section 5.9.

Detailed purchasing, sale and contract procedures shall be established by the Council.

No city property may be sold, leased, conveyed or any part thereof except in accordance with restrictions placed thereon by statute.

The city may not purchase or sell any real estate or any interest therein except by the affirmative vote of three members of the Council.

### Contracts:

Section 12.2. The authority to contract on behalf of the city is vested in the Council and shall be exercised in accordance with the provisions of statute and of this charter, provided that purchases and sales may be made by the City Manager subject to the provisions of Section 12.1. The Council shall establish procedures for the letting and making of contracts, but no contract except (1) an agreement of employment or (2) an agreement for the purchase or sale of goods, services or materials in an amount of one thousand dollars or less, 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 officer charged with maintaining the accounting system of the city shall first have certified that an appropriation is 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 excess of one hundred dollars, 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 entered into by the city shall be filed in the office of the City Clerk. No contract shall be divided for the purpose of evading the dollar value limitation contained in this section.

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.

### Restriction on Powers to Lease Property:

Section 12.3. Any agreement or contract for the renting or letting of public property for a period longer than three years shall be subject to the same restrictions as are provided in the case of ordinances passed by the Council but any petition for such referendum shall be filed within thirty days after publication of the proceedings of the meeting of the Council at which such agreement or contract is authorized.

No transfer or assignment of any agreement or contract for the renting or letting of public property may be made only upon approval of the Council but approval of such transfer shall not be subject to referendum.

## Chapter 13 Municipally Owned Utilities

### General Powers Respecting Utilities:

Section 13.1. The city shall possess and hereby reserves to itself all the powers granted to cities by Constitution and statute 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 statute and Constitution.

### Management of Municipally Owned Utilities:

Section 13.2. All municipally owned utilities shall be administered as a regular department of the city government under the management and supervision of the City Manager.

### Rates:

Section 13.3. 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 13.4. 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 owned 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 service 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 or charges.

With respect to the collection of such rates or charges, the city shall have the powers granted to cities by Public Act 178 of 1939 of the State of Michigan.

### Disposal of Utility Plants and Property:

Section 13.5. Unless approved by a three-fifths majority vote of the electors voting thereon at a regular or special election, the

city shall not sell, exchange, lease or in any way dispose of any property, equipment, plant, or other asset belonging to or owned by the city, appertaining to any municipally owned public utility which is needed to continue operating such utility. All contracts, negotiations, leases, grants, leases or other forms of transfer in violation of this section shall be null and void, and no contract or agreement for the sale 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 utility, be replaced by new and improved machinery or equipment.

### Utility Accounts:

Section 13.6. 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 services furnished to, or rendered by, other city departments or agencies shall be recorded. An annual report shall be prepared to show fairly the financial position of the utility and the results of its operations, which report shall be available for inspection at the office of the City Clerk.

## Chapter 14 Public Utility Franchises

### Franchisees, Contracts and Leases Remain in Effect:

Section 14.1. All franchisees, contracts and leases to which the city is a party shall remain in effect and shall not be subject to termination in full force and effect in accordance with their respective terms and conditions.

### Granting of Public Utility Franchise:

Section 14.2. 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. No franchise shall be granted for a term longer 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 first have 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 ordinance shall be approved by the Council for referral to the electorate before thirty days after publication thereof has been filed with the Council, nor until a public hearing has been held thereon, nor until the grantee of the franchise has filed with the Council a bond in the amount named therein has filed with the Council. 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 electors shall 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 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 on file.

### Conditions of Public Utility Franchise:

Section 14.3. 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 franchise 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 charges;
- (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 14.4. All public utility franchises shall make provision therein for fixing rates, fares and charges and may provide for readjustment thereof at periodic intervals. The value of the property 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 14.5. 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 for 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 arbitration to be paid therefor, and the arbitration award shall be final.

## Chapter 15 Supervisors

### Number of Supervisors:

Section 15.1. 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 15.2. The representatives of the city on the Board 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 and may hold other elective or appointive city office or employment. In case any representative of the city on the Board 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 15.3. Except as otherwise provided in this charter, the representatives of the city on the Board of Supervisors shall perform the duties of Supervisors. In the performance of this duty, each Supervisor shall represent the city, its inhabitants and its government to the best of his ability.

### Compensation of Supervisors:

Section 15.4. Representatives of the city on the Board of Supervisors who are not full-time city officers or employees shall be entitled to retain any compensation and expense allowances paid to them by the county as members of the Board of Supervisors, but shall receive no compensation from the city for their services as Supervisors. If any of the representatives on the Board of Supervisors are full-time officers or employees of the city, the compensation and expense allowances received from the county for their duties as Supervisors shall be paid to the city. The Board of Supervisors shall be paid for the expenses directly incurred by these officers or employees for their work as members of the Board of Supervisors shall, however, be paid to them by the city.

## Chapter 16 Municipal Court

### Creation of Court:

Section 16.1. Effective July 4, 1953, the Justice of the Peace Courts of the City of Farmington are hereby abolished and the powers, jurisdiction and duties of such courts shall be consolidated and the Municipal Court to be created over by a Municipal Judge. The Municipal Court is created under the authority of Section 28 of Public Act 279 of 1909 of the State of Michigan.

Municipal Court is created under the authority of Section 28 of Public Act 279 of 1909 of the State of Michigan.

### Qualifications of Municipal Judge and Associate Municipal Judge:

Section 16.2. The Municipal Judge and the Associate Municipal Judge, in addition, shall have the eligibility requirements contained in Section 5.1 and, in addition, shall have been residents of Farmington for five years immediately prior to the last day for filing petitions for such office and shall be attorneys admitted to practice in the Supreme Court of the State of Michigan immediately preceding the date of their appointment or election. The Municipal Judge and his business partners and employees shall have no part in any case before the Municipal Court in which such Associate Municipal Judge is sitting or otherwise serving officially.

### Associate Municipal Judge:

Section 16.3. The Associate Municipal Judge shall have the same jurisdiction and powers as the Municipal Judge, and shall take the same oath of office and file the same bond or bonds. The Associate Municipal Judge shall devote such part of his time to his official duties as the work of the court shall require, or as may be required by law or ordinance. The Associate Judge shall normally act only in the case of the absence, disability or disqualification of the Municipal Judge.

### Compensation of Municipal Judge or Associate Municipal Judge:

Section 16.4. The Municipal Judge shall receive such annual compensation as shall be fixed by ordinance, but not less than fifteen hundred dollars nor more than seventy-five hundred dollars per year. The Associate Municipal Judge shall receive such annual compensation as shall be fixed by ordinance, but not less than fifteen dollars per day nor more than twenty-five dollars per day.

The ordinance fixing the salaries of the Judges may not be amended less than sixty days before the next election at which such Judge is to be elected, nor may the compensation of any Judge be changed during the term of office for which he was elected or appointed.

The Council shall, before February 1, 1953, fix by ordinance the compensation of the Municipal Judge and Associate Municipal Judge to be in effect in 1953.

The salary of the Judges provided by charter or ordinance shall be in lieu of all fees, both in civil and criminal cases, to which said Judges might be entitled but for the provisions of this section, except those for the performance of marriage ceremonies and for administering oaths in matters not connected with suits and proceedings in this court.

Should the absence of the Municipal Judge in any one calendar year exceed a number of Court days equal to one twenty-sixth of the total number of Court days in such year, then the compensation paid to the Associate Judge while serving during absence in excess of said number of Court days shall be deducted from the compensation of the Municipal Judge; provided, however, that such deduction shall not be made on account of sickness of the Municipal Judge unless such sickness exceeds seven Court days in any one year and shall not be made because of disqualification because of interest in the case or because of absence from the city on official business of the Court.

### Bond:

Section 16.5. The Municipal Judge shall, before entering upon the duties of his office, and the Associate Municipal Judge, before entering upon the duties of his office, each execute and file with the City of Farmington in like amount. Such bonds shall be subject to the provisions of Section 5.7.

### Pending Litigation:

Section 16.6. The Municipal Judge shall be empowered to receive and take from the offices of the Justice of the Peace herein abolished, all files, records and documents kept therein, appertaining to said offices of the Municipal Judge, provided, however, that such deduction according to law, upon any judgment appearing upon said dockets with the same effect as if said judgment had been rendered by him. The Municipal Judge shall have transferred to him any and all actions or proceedings pending in the Justice of the Peace Courts of the City of Farmington, and he shall have full jurisdiction to proceed with such actions or proceedings in the same manner as if they had been brought before him originally.

### Jurisdiction of Court:

Section 16.7. (1) General Jurisdiction. The Court shall have and exercise within the city and County of Oakland the same jurisdiction, powers and duties as are or may be conferred upon or required of Justices of the Peace in cities and townships by statute and shall be subject to such statutes with respect to such jurisdiction as provided in otherwise provided in this charter. The Court shall have concurrent jurisdiction with other Justices in Oakland County as to all crimes, offenses and misdemeanors alleged to have been committed within the County, whether within or without the City of Farmington. The judges in all suits and actions before the Court shall exercise as otherwise provided in this charter be according to and governed by the general laws applicable to justice courts and to the proceedings before such courts.

(2) Charter and Ordinance Cases. The Court 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 the charter or ordinances prescribed and directed.

(3) Extended Jurisdiction. The Court shall also have jurisdiction to the amount of five hundred dollars in all civil matters ex contractu and ex delicto with such exceptions and restrictions as are provided by law.

(4) Setting Aside Verdicts. Such power and authority as can under Public Act 279 of 1909 of the State of Michigan be conferred by the Court to set aside a verdict or judgment in any civil case 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 effect on the time for taking an appeal from any judgment and upon the issuance and return of any writ or other similar process as provided thereunder and on other proceedings in said cases as provided in said act.

(5) Additional Authority. The Court shall have such additional jurisdiction, powers and duties as may now or hereafter be conferred upon such courts by statute.

### Fees and Costs:

Section 16.8. The Council shall, within ninety days after July 1, 1953, by ordinance establish and fix the fees and cost which may be charged by the Municipal Court in all civil matters and in all cases for the violations of the charter or city ordinances and in such criminal cases which will not be inconsistent with statute in criminal cases.

### Disposition of Fees, Costs and Fines:

Section 16.9. Fees in civil cases shall be collected by the Municipal Court and turned over to him by the City Treasurer on the first and fifteenth of each month. Fees in criminal cases shall be charged and received to and held by the Board of Supervisors of Oakland County, in the same manner and amounts as provided by law in the case of Justices of the Peace in townships, and upon allowance by said Board, shall be paid monthly by said county to the City Treasurer for the use of said county. Fines in criminal cases shall turn over to the Oakland County Treasurer all costs and fines in state criminal cases. The Municipal Judge shall turn over to the City Treasurer all costs and fines in city ordinance or charter cases.

### Terms for Jury Trials; Instructing of Jury:

Section 16.10. The Council may by ordinance provide that jury cases may be tried on any one of the first, third, fifth, seventh, ninth or eleventh days of each month, or as soon thereafter as such trial can be reached, and may therein establish terms for the trial of jury cases, and may provide therein that a panel of jurors shall be drawn and certified to the Court Clerk in the manner provided by law for the drawing of County Court jurors, and that the provisions of the provisions of the Charter contained in Section 28 of Public Act 279 of 1909 of the State of Michigan.

It shall be the duty of the Judge to instruct the jury in all cases before the Court as to the law applicable to the case, which instructions shall be received by the jury as the law of the case.

**Place and Conduct of Court; Annual Report:**

Section 16.11. The Council shall furnish necessary supplies and suitable place for conducting Court. It may regulate the hours of Court and may make other necessary and proper rules and regulations.

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