

CHARTER OF THE CITY OF FARMINGTON, MICHIGAN

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with respect to any proposed ordinance, shall be uniform in character and shall contain the proposed ordinance in full, and shall have printed or written thereon the names and addresses of at least five electors who shall be officially regarded as filing the petition, and who shall constitute a committee of the petitioners for the purpose herein provided.

Section 2. Each signer of a petition shall sign his or her name in ink or indelible pencil, and shall place on the petition paper after his or her name his or her place of residence. The signatures on any such petition need not all be attached to one paper, but each such paper shall be attached an affidavit by the circulator thereof, stating the number of signers to such part of the petition and that each signature appended to the paper is the genuine signature of the person whose name it purports to be, and was made in the presence of the affiant.

Section 3. All papers comprising a petition shall be assembled, and filed with the City Clerk, as one instrument, and when so filed, the City Clerk shall submit the proposed ordinance to the Commission at its next regular meeting. Petitions shall be filed by the Commission for public hearings upon the proposed ordinance.

Section 4. The Commission shall at once proceed to consider it, and shall take final action thereon within thirty days from date of submission, or, if the Commission rejects the proposed ordinance, or passes it in a form different from that set forth in the petition, the committee of the petitioners may require that it be submitted to a vote of the electors in its original form.

Section 5. When an ordinance proposed by petition is to be submitted to a vote of the electors, the committee of the petitioners shall certify that fact and the proposed ordinance to the City Clerk within twenty days after the final action on such proposed ordinance by the Commission.

Section 6. Upon receipt of the certificate and certified copy of the proposed ordinance, the Clerk shall certify the fact to the Commission at its next regular meeting. If an election is to be held not more than three months nor less than thirty days after the receipt of the certificate, the proposed ordinance shall be submitted to a vote of the electors at such election. If no such election is to be held within the time aforesaid, the Commission shall provide for submitting the proposed ordinance to the electors at a special election.

Section 7. The ballots used when voting upon any such proposed ordinance shall state the title of the ordinance to be voted on, and below it the two propositions, "For the Ordinance" and "Against the Ordinance." The receipt of each ballot shall be a square in which by making a cross (X) the voter may vote for or against the proposed ordinance. If a majority of the electors voting on any such proposed ordinance shall vote in favor thereof, it shall thereupon become an ordinance of the City.

Section 8. Proposed ordinances for repealing any existing ordinance or ordinances, in whole or in part, may be submitted to the Commission as provided in the preceding sections for initiating ordinances. Initiated ordinances may be amended or repealed by the Commission as in the case of other ordinances, but not within twelve months after their adoption.

CHAPTER VIII. Referendum.

Section 1. No ordinance except emergency measures and the annual appropriation bill, shall go into effect until twenty days after its passage, nor shall any resolution for a bond issue, franchise, or general public improvement except the expenditure of money from the general funds of the City, go into effect for a period of twenty days after being passed by the Commission. If at any time within said twenty days a petition signed by fifteen per cent of the qualified electors be filed with the City Clerk requesting that the ordinance be reconsidered, amended or submitted to a vote of the electors, it shall not become operative until the steps indicated herein shall have been taken, and said petition shall have been filed, taken, and said petition shall have been printed or written thereon the names and addresses of at least five electors who shall be officially regarded as filing such petition.

Section 2. The City Clerk shall deliver the petition to the Commission, which shall proceed to reconsider the ordinance. If, upon such reconsideration, the ordinance is amended, repealed, or amended in the manner asked for in said petition, satisfactorily to the committee named in said petition, the Commission shall provide for submitting it to a vote of the electors, and in so doing the Commission shall be governed by the provisions of Sections 6 and 7 of Chapter VII of the Charter, respecting the time of submission and of manner of voting on ordinances proposed to the Commission by petition. If, when submitted to a vote of the electors any such ordinance be not approved by a majority of those voting thereon, it shall be deemed repealed.

Section 3. Referendum petitions need not contain the text of the ordinances, the repeal of which is sought; unless some special amendment is asked for, but shall be subject in all other respects to the requirements for petitions submitting proposed ordinances to the Commission. Ballots used in referendum elections shall conform in all respects to those provided for in Section 7, Chapter VII of this Charter.

CHAPTER IX. Ordinances.

Section 1. The enacting clause of all ordinances shall read, "The City of Farmington Ordains," but such caption may be omitted when said ordinances are published in book form, or are revised and digested by authority of the Commission.

Section 2. The adoption of an ordinance by the Commission shall require for its passage the concurrence of a majority of the members of the Commission.

Section 3. The time when any ordinance shall take effect shall be prescribed therein, which time shall not be less than twenty days from the date of its passage, except as provided in Section 1 of Chapter VIII of this Charter.

Section 4. All ordinances shall be recorded in an index book marked "Ordinance Record" and the record of each ordinance shall be authenticated by the record of the Mayor and City Clerk. Such record and authentication shall be made within two weeks after the final passage of any ordinance, but failure to so record and authenticate any ordinance shall not invalidate it or suspend its operation.

Section 7. Immediately upon the final passage of any ordinance by the Mayor and City Clerk shall sign the same under a certificate of the day and date of its passage.

Section 8. Ordinances submitted to the Commission by initiative petition, and passed by the Commission without change or passed in an amended form and not referred to the committee of the petitioners, shall be subject to the referendum in the same manner as other ordinances.

Section 9. If the provisions of two or more ordinances adopted or approved at the same election conflict, the ordinance receiving the highest affirmative vote shall prevail.

Section 10. Ordinances passed as emergency measures shall be subject to referendum in like manner as other ordinances, except that they shall go into effect at the time indicated in such ordinances. If, when submitted to a vote of the electors, an emergency measure be not approved by a majority voting thereon, it shall be considered repealed as regards any further action thereunder; but such measure so repealed shall be deemed sufficient authority for payment, in accordance with the ordinance, of any expense incurred previous to the referendum.

Section 11. In case a petition be filed requiring that a measure passed by the Commission providing for a franchise, an expenditure of money, a bond issue, or a public improvement, be submitted to a vote of the electors all steps preliminary to the actual granting of such franchise, or to such actual execution of a contract for such improvements may be taken prior to the election, but nothing shall be done which will bind the City by the action of the Commission.

Section 12. Any franchise ordinance, resolution, proposed public improvement, or contemplated public measure, affecting the general health or welfare of the City, passed by the Commission may be referred by the Commission to the qualified electors of the City; and no measure so referred shall be effective unless approved by a majority of the electors voting thereon.

Section 13. The Commission shall also appoint any officers deemed necessary and the members of all boards authorized by this Charter, and all officers thus appointed shall enter upon their official duties at the first Monday following their appointment, and shall serve until their successors are chosen; provided, however, that the Commission shall have the right to discontinue any office created by it, or to appoint a successor to any appointed officer, and the Commission shall also appoint such officers as the City may require, and shall determine the best interests of the City will be enhanced thereby. The Commission may also increase or decrease the salaries of all appointed officers during their continuance in office, and specify the manner in which their salaries shall be paid, and shall also appoint such officers as the City may require, and shall determine the best interests of the City will be enhanced thereby.

Section 14. Whenever it shall be necessary to prove any laws, regulations or ordinances of this City, or any resolutions adopted by the Commission thereof, the same may be read in all Courts and in all proceedings before any tribunal, first from a copy of the ordinance or of the record thereof, certified by the Clerk, under the corporate seal of the City; third, from any compilation of ordinances or an individual ordinance purporting to have been passed or written by authority of the Commission.

Section 15. Whenever a penalty shall be incurred for the violation of any ordinance, and no provision shall be made for imprisonment of the offender upon conviction thereof, or when a corporation shall incur a penalty for the violation of any such ordinance, a bench warrant shall be issued for the Court of the City or in any other Court of competent jurisdiction by an action at law.

Section 16. Prosecution for violation of the ordinances shall be commenced within two years after the commission of the offense, and shall be brought within the City. Any Municipal Court or Justice of the Peace of the City, shall have the authority to hear, try and determine all causes and suits arising under the ordinances of the City, and to inflict punishment for violations thereof as provided in the ordinance.

CHAPTER X. City Clerk.

Section 1. The City Clerk shall keep the Corporate Seal, and all the documents, official bonds, papers, files and records of the City, not by this act or the ordinances of the City, entrusted to his custody; he shall attend its meetings, record all its proceedings, ordinances, resolutions, and shall countersign and register all licenses granted; he shall when required, make and certify, under the seal of the City, true and correct copies of all records and kept in his office, and such copies shall be evidence in all places of the matters therein contained, to the same extent as the original would be; and for the making of such copies for any person other than an officer of the City, he shall be entitled to the fees for the same as are provided for like services; he shall possess and exercise the powers of Township Clerk so far as the same are required to be performed within the City; and he shall have authority to administer oaths and affirmations. All fees received by the City Clerk for any and all services shall be by him turned into the City Treasury and credited to the contingent fund.

Section 2. The City Clerk shall act as City Accountant, and as such he shall install and have supervision over the accounting system of the City, and the City. As such accountant he may require from all officers and departments of the City from time to time such reports of money receipts and the disposition thereof, together with such financial and operating statements, as shall exhibit the true condition of the accounts of the City.

Section 3. An accounting procedure shall be devised and maintained for the City, adequate to record in detail all transactions affecting the acquisition, custodianship and disposition of values including receipts and disbursements. The recorded facts above provided shall be presented periodically to officials and to the public in such summaries and analytical schedules in detailed report thereof as shall be necessary to show the full affect of such transactions for each fiscal year upon the finances of the City, and shall be a part of the report of the City government, including district summaries and schedules for each utility owned and operated.

Section 4. The City Clerk shall act as purchasing agent for the City and as such he shall purchase all supplies for the City under the order of the Mayor and Commission.

CHAPTER XI. City Treasurer.

Section 1. The City Treasurer shall have the custody of all moneys, bonds, mortgages, notes, leases and evidences of value belonging to the City. He shall receive all moneys belonging to and receivable by the Corporation, and keep an account of all receipts and expenditures thereof. He shall pay no money out of the Treasury except in pursuance of and by authority of law, and upon warrants signed by the Clerk and Mayor, which shall specify the purpose for which the amounts thereof are to be paid. He shall keep an account of and be charged with, all taxes and money appropriated, raised, paid in, or received by the Treasurer, and shall pay every warrant out of the particular fund constituted or raised for the purpose for which the warrant was issued and having the name of such fund indorsed thereon by the Clerk.

Section 2. The Treasurer shall render to the Clerk on the first Monday of every month, and often if required, a report of the amounts received and credited by him to each fund, and on what account received and of the amounts paid out by him from each fund during the preceding month; and the amount of money remaining in each fund on the day of his report.

Section 3. The City Treasurer shall keep all moneys in his hands belonging to the City and to the public, separate and distinct from his own moneys; and he hereby prohibits from using, either directly or indirectly, the corporation moneys, warrants or evidences of debt, for his own use or benefit or that of any other person. Any violation of this section shall subject him to immediate removal from office by the City Commission, who are hereby authorized to declare the office vacant for such offense, and to appoint his successor.

Section 4. The City Treasurer shall be the collector of State and County taxes within the City. He shall also collect all other taxes and assessments levied within the City, whether the same be for general city purposes or for special improvements, and he shall in addition thereto perform all such duties in relation to the collection of taxes as may be required by the general laws of the State.

CHAPTER XII. Legal Department.

Section 1. The Commission shall make provision for the proper care of all litigation in which the City may be interested, and to that end they are hereby empowered to engage the services of any competent attorney whenever in their opinion such services shall be required and to agree with him as to his compensation therefor.

Section 2. The Commission may also engage any practicing lawyer to act as prosecuting attorney for the prosecution of all offenders against any ordinance of the City, and to the same extent they are hereby authorized to do so, whether the same be for fixed salary, or by way of fees for services rendered.

Section 3. The Commission, whenever in its opinion the same shall be necessary, may employ such counsel and procure such legal advice upon any subject which may be required, and may employ such counsel in such manner as to them may seem most economical whether by annual retainer or otherwise, as may be agreed upon.

Section 4. Services of all process in suits against the City shall be made on the Mayor or City Clerk.

CHAPTER XIII. City Assessor.

Section 1. The City Assessor shall annually estimate and assess the value of all taxable real and personal property in the City, and make an assessment roll in the City, and as supervisors of townships. There shall be spread upon said roll any and all taxes duly certified by the Board of Supervisors of the County or by other proper authority. He shall make all special assessments authorized by the City, and for the purpose of making the annual assessment roll applicable thereto shall be taken as the value of the property to be assessed.

Section 2. The City Assessor shall attend all meetings of the Board of Review, and shall furnish the Board with a copy of the assessment roll, and the assessment roll made by him or property assessed thereon. Such assessor shall receive such compensation for his service as may be fixed by the Commission.

CHAPTER XIV. Pounds.

Section 1. The Commission may provide and maintain one or more pounds in the City, and may appoint poundmasters, prescribe their powers and duties, and fix their compensation. It is hereby authorized to impound all of beasts and fowls found in the streets or otherwise at large, contrary to any ordinance of the City; and if there shall be no pound or poundmaster, they may provide for the impounding of such beasts and fowls by some person duly licensed for the purpose in some public place under his immediate care and inspection, and may confer on him powers and duties of poundmaster.

CHAPTER XV. Cemetery.

Section 1. The City may acquire, hold and own such cemetery or burial place or places, either within or without the limits of the Corporation, as in the opinion of the City Commission shall be necessary for the public welfare and suitable for the convenience of the inhabitants, and may prohibit the interment of the dead within the City, or may limit such interments therein to such cemetery or burial place as the City Commission may prescribe, and it may cause bodies buried within the City in violation of this Charter to be removed to some other public burial to be taken up and buried elsewhere.

Section 2. All provisions of Chapter XV of Act 215 of the Public Acts of 1895, relative to incorporation of cities, shall be considered as part of this Charter, except that all powers therein granted to the Commission in relation to the same shall hereafter be exercised by the commission herein provided for.

CHAPTER XVI. Powers and Duties of Commission.

Section 1. The Commission at its first regular meeting following the first election under this Charter, and following each general election thereafter shall by ballot elect from the six Commissioners a Mayor Pro Tem, who during the absence or disability of the Mayor, shall act in the name and stead of the Mayor, and shall during such absence or disability exercise and possess all powers and duties of the Mayor, but without extra compensation.

Section 2. The Commission may enact all such ordinances or resolutions, as it may deem necessary for the preservation and protection of the health of the inhabitants of the City, to prevent the introduction of malignant, infectious, or contagious diseases into the City and to regulate the same; for the removal of persons having such diseases, or who are otherwise liable to communicate the same,

to a hospital or place of treatment within the City, or to some hospital or place of treatment, without the City, as the Commission may prescribe or the public safety may require.

Section 3. The Commission may, by resolution declare that certain specific sidewalks, curbs, gutters, and shades adjacent to any property abutting upon any public street, shall be constructed, repaired, planted or removed. Upon the passage of such resolution, the City Commission shall cause written notice of the passage thereof to be sent upon the owner or agent of the owner, or the proprietor of land abutting upon such street, who may be a resident of the City, in the manner provided by law for the service of summons in civil actions. A copy of the notice, with the time and manner of service endorsed thereon, signed by the person who shall be returned to the City Clerk, who shall file and preserve such return. For the purpose of such service, if the owner of any such property be not a resident of the City, any person charged with the collection of rent or the payment of taxes on such property, or having control thereof in any way, shall be regarded as the agent of the owner, and service upon such person shall have the like force and effect as though personal service were made upon the owner thereof. If it appears in any such return, however, that the owner is a non-resident, and that either said owner or agent thereof could be found, the publication of a copy of the resolution in a weekly newspaper of general circulation in the City shall be deemed sufficient notice to such owner.

Section 3. If such sidewalks, curbs or gutters be not constructed or repaired or not planted or removed within fifteen days of the service of the notice provided for in the preceding section, or the completion of the publication thereof, the Commission may proceed by direct employment of labor or by contract, to carry out the said construction or repairs at the expense of the owner as in and to other improvements; and all such expense shall be reported to the Commission. The Commission shall thereupon, by ordinance, assess the cost and expense thereof upon the owner or owners of all the property bounding or abutting thereon, or interested thereby, and such assessment shall be collected in the same manner as other assessments with a penalty of five per cent and interest for failure to pay at the time fixed by the assessment resolution.

Section 4. The Commission may at any time borrow money and issue bonds for the purpose of paying the cost of constructing or repairing sidewalks, curbs and gutters, which are to be or have been constructed by the Commission upon the failure of the owner of the property to construct or repair the same, pursuant to notice as hereinbefore provided.

Section 5. The Commission shall provide, by ordinance, for the care, supervision, control and improvement of public highways, streets, avenues, alleys, sidewalks, and other grounds, and the streets and alleys within the City, shall cause them to be kept open, in repair and free from nuisance.

Section 6. When it deems it necessary, the Commission may cause any street, alley or public highway to be opened, straightened, altered, diverted, narrowed, widened or vacated.

Section 7. No street or alley hereafter dedicated to public use by the proprietor or ground platted in the City shall be deemed a public street or alley or under the care and control of the Commission, unless the dedication be accepted and confirmed by ordinance passed for such purpose, and unless the provisions hereof relating to subdivisions shall have been complied with.

Section 8. The Commission in vacating any street or part of street or changing the name of any street, may include in one ordinance one change of name, or the vacation or narrowing of more than one street, avenue or alley, but before vacating any street or part thereof, or narrowing any street the Commission shall first pass a resolution declaring its intention to do so. The Commission shall cause notice of such resolution to be sent in the manner that service of summons is required to be made in civil actions upon all persons whose property abuts upon the portion of the street affected by the proposed vacation or narrowing and by publication in one issue of a newspaper of general circulation in the City as to notify the persons who cannot be personally served. Said notice shall state the time and place at which objections can be heard before the Commission. The Commission may by ordinance declare such vacation or narrowing, and such order of the Commission in vacating, narrowing, or altering any street or alley which has been dedicated to public use by the proprietor shall, to the extent which it is vacated or narrowed, operate as a revocation of the acceptance thereof by the Commission; but the right of way and easements therein of any lot owner shall not be impaired thereby.

Section 9. The Commission shall be empowered to license, and regulate the keepers of hotels, taverns and other public houses, grocers and keepers of ordinaries, and victuallers and other houses or places for furnishing meals, to license, regulate and prescribe the location thereof; to forbid and prevent the vending or other distribution of liquors and intoxicating drink in violation of the laws of the State, and to forbid the selling or giving to any minor, or any intoxicating liquors to any drunkard or other person in the habit of getting intoxicated; to regulate and license the performing, engaging in and carrying on of any and all trades, callings, vocations, occupations and professions within the City of Farmington; to regulate, require and enforce the setting of shade trees in the streets of said City, and to provide for the preservation of the same.

Section 10. The Commission shall be the Judge of the election and qualification of its own members, subject to review by the Courts in cases of contest.

Section 11. The Commission shall determine its own rules of procedure, may punish its members for disorderly conduct, and may compel the attendance of its members.

Section 12. The Commission shall prescribe the time of its meetings, which shall be held at the City Hall, provided that at least one regular meeting be held each month, and shall prescribe the manner in which special meetings thereof may be called.

Section 13. The Commission is authorized to negotiate with one or more banks within the City giving sufficient security to have all, or such portion of the city funds as may be agreed upon, deposited with such bank, and to receive from such bank interest on daily balance at such rate of interest as may be agreed upon, and to thereafter to cause such city money to be deposited and remain in such bank during the time agreed upon, except such amounts as may be withdrawn by warrants issued in the ordinary course of business under the provisions of this Charter.

Section 14. The Commission shall, in addition to all powers herein expressly granted, have and possess all the powers heretofore granted or which may be hereafter granted by the general laws of this State to City Commissions, or that may belong to such bodies by reason of their being the legislative body within such City.