

cially marked for that purpose, as a charge against the premises designated by the Commission in its original order, and the assessment and all taxes levied thereon shall thereafter be in all things governed by the general laws of the State and the provisions of this Charter in relation to special assessments.

Section 14. Whenever any such special assessment roll shall have been completed by the City Assessor he shall report same back to the Commission. Such report, together with the special assessment roll, shall thereupon remain on file in the City Clerk's office for ten full days open to public inspection. Any person having any objection to any portion of such roll may make objection thereto in writing and file the same with the City Clerk. If any objection shall be made within ten days the special assessment roll shall stand confirmed as of course, and the City Clerk shall certify the same accordingly and affix his warrant thereto for collection.

Section 15. If any objections shall be filed in the manner prescribed in the last section, the City Clerk shall report the same to the Commission at its next regular meeting. The Commission shall thereupon direct the City Clerk to make any correction in such roll which to them may seem best or they may refuse to make any change therein. If no objections shall be filed within the time specified, the Commission shall order the City Clerk to certify the same as confirmed, and affix his warrant thereto for collection.

Section 16. All special assessments shall, from the date of confirmation thereof, constitute a lien upon the respective lots or parcels to which they apply, and shall be charged against the person to whom assessed until paid.

Section 17. Upon the confirmation of any special assessment, the amount thereof may be divided into not more than ten installments, one of which shall be collected each year at such times as the City Commission shall determine, with annual interest at a rate not exceeding six per cent per annum, but the whole assessment after confirmation, may be paid to the City Treasurer at any time in full, with proportionate interest thereon.

Section 18. All special assessments except such installments thereof as the City Commission shall make payable at a future time, as provided in the preceding section, shall be due and payable on confirmation.

Section 19. If any special assessment be divided into installments, it shall not be necessary to make a special assessment roll for each installment, but the assessments on the original assessment roll shall be divided into installments, and each installment as the same becomes due, with the accrued interest on each installment, shall be collected from said original assessment roll.

Section 20. Should any special assessment prove insufficient to pay for the improvement or work for which it was levied, and the expenses incident thereto, the City Commission may, with the approval of the City Assessor, make an additional or additional pro rata assessment to supply the deficiency; and in case a larger amount shall be collected than was necessary, the excess may be refunded ratably to those by whom it was paid in accordance with Section 4, Chapter 18 of this Charter.

Section 21. Whenever a special assessment shall, in the opinion of the City Commission, be invalid by reason of irregularity or informality in the proceedings, or if any Court of competent jurisdiction shall judge such assessment to be illegal, the City Commission shall, whenever such improvement has been made or not, have power to cause a new assessment to be made for the same purpose for which the former assessment was made. All proceedings on such re-assessment, 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 premises in the assessment so set aside has been paid and not refunded, the payment so made shall be applied upon the re-assessment on said premises and the re-assessment to that extent shall be deemed satisfied.

Section 22. No judgment or decree, nor act of the City Commission 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, lawfully assessed thereon.

Section 23. When any special assessment shall be confirmed, and be payable as hereinbefore provided, the City Clerk shall, within ten days thereafter, attach his warrant for the collection of said special assessment roll, therein charging the City Treasurer to collect from each person the amount assessed to and set opposite his name therein, and in case any person named in said roll shall neglect or refuse to pay his assessment on demand, then to levy and collect the same, and the sale of goods and chattels of such person; and to turn said roll and warrant together with his doings thereon within sixty days from the date of warrant.

Section 24. Upon receiving said special assessment roll and warrant the City Treasurer shall proceed to collect the amount assessed, and if any person shall neglect or refuse to pay his assessment on demand, the Treasurer shall seize and levy upon any personal property found within the City, or elsewhere within the County, belonging to such person, and sell the same at public auction, first giving six days notice of the time and place of such sale by posting such notice in three of the most public places in the City or Township where such property may be found. The proceeds of such sale, or so much thereof as may be necessary for that purpose, shall be applied to the payment of the amount assessed, and a percentage upon the amount of the assessment for the costs and expenses of said seizure and sale, and the surplus, if any, shall be paid to the person entitled thereto.

Section 25. The Treasurer shall make return of said assessment roll and warrant to the City Clerk according to the requirements of the warrant; and if any of the assessments in said roll shall be returned unpaid; the Treasurer shall attach to his return a statement, verified by affidavit, containing a list of the persons delinquent, and a description of the lots and premises upon which the assessment remains unpaid, and the amount unpaid on each.

Section 26. Said warrant may be renewed from time to time by the City Clerk if the Commission shall so direct, and for such time as they shall determine, and during the time of such renewal the warrant shall have the same force, and the City Treasurer shall perform the same duties and make the like returns, as above provided. In case any assessment shall be finally returned by the City Treasurer unpaid, as aforesaid, the same may be certified to the City Clerk in the manner provided in Section 29 and 30 of Chapter 18 of this Charter, and shall then be re-assessed with interest included at the rate of seven per cent per annum from date of the confirmation of the assessment until the first day of July next, if the next roll be for that year, payable the first day of July next, and until the first day of December if the next city tax roll be for general taxes payable December first, and then be collected in all respects as other taxes are collected.

Section 27. At any time after a special assessment has become payable, the same may be collected by suit, in the name of the City, against the person or persons liable therefor, in an action in any Court having jurisdiction of the amount. In every such action a declaration upon the common counts for money paid shall be sufficient. The special assessment roll, and certified order or resolution containing the assessment, and a prima facie evidence of the regularity of all the proceedings in making the assessment, and the right of the City to recover judgment therefor.

Section 28. If in any such action it shall appear that, by reason of irregularity or informality in the assessment, no person has been properly made against the defendant, or upon the lot or premises sought to be charged, the court may, nevertheless, on satisfactory proof that expense has been incurred by the City, and that the same is a proper charge against the defendant, or the lot or premises in question, render judgment for the amount properly chargeable against such defendant, or upon such lot or premises.

Section 29. It shall be within the power of the Commission to direct and empower the Mayor and City Clerk to issue and negotiate, for and in behalf of the City, not exceeding six per cent annual interest notes, free of taxation, for the aggregate amount of any special assessment tax, the time for payment of which has been extended beyond the year for which originally made payable at the office of the City Treasurer, and shall fall due at such time as the Commission shall determine such tax can be collected and the proceeds of such notes shall be deposited with the City Treasurer, and by him used for the payment of the cost and expense of the public improvement; on account of which they have been issued, and for no other purpose whatever; and the proceeds of such extended tax, when collected shall be used for the payment of said notes, and interest thereon, and for the collection thereof. The Commission shall also have power to provide for the construction, repair, and maintenance through the performance by contract, or directly by the employment of labor, of all things in the nature of local improvements, and to provide for the payment of any part of any such improvement by levying and collecting special assessments upon abutting, adjacent and contiguous or other specially benefited property, but the amount assessed against any property to pay for such local improvements shall not exceed the amount provided in Section 20.

Section 30. Should any special assessment prove insufficient to pay for the improvement or work for which it was levied, and the expenses incident thereto, including all interest still to accrue upon any and all unpaid installments, the City Commission, in the manner and within the limitations prescribed herein for such assessments, make an additional pro rata assessment to supply the deficiency, and in case a larger amount shall have been collected than was necessary, the excess shall be refunded ratably to those by whom it was paid.

CHAPTER XX.
Water Supply.

Section 1. The City of Farmington shall continue to own and operate the water plant now operated by the Village of Farmington, for the purpose of supplying its inhabitants with water. Provided that the City of Farmington shall, by ordinance, cause to be laid and furnish water to the inhabitants of the City of Farmington is deemed advisable, the question of such change shall be submitted and approved by two thirds of the electors of the said City voting at a regular or special election.

Section 2. The City of Farmington may, for the purpose of acquiring, owning, purchasing, constructing, repairing, extending or operating a municipal water plant or plants for the purpose of supplying its inhabitants with water borrow on the credit of the City, a sum not exceeding ten per cent of the assessed value of the real estate in the City, or the City providing any proposition to borrow such sum or sums shall be approved by three fifths of the voters voting at any special or general election at which such proposition is submitted. The City may borrow a further sum for the above mentioned purposes by issuing mortgage bonds, the issuing of which shall be approved by three quarters of the voters voting at a special or general election at which such proposition shall be submitted to the electors. Such mortgage bonds issued beyond the general limits of bonded indebtedness of the City, shall not be subject to the lien of the City, but shall be secured only upon the property and revenues of such public utility, including a franchise stating the terms upon which the purchaser may operate the same, which franchise shall, in no event, extend for a longer period than twenty years from the date of the sale of such utility and franchise on foreclosure. Said mortgage bonds shall provide for the setting aside of a sinking fund of such a percentage of the gross or net earnings of the public utility as may be determined by the City for the payment of the mortgage bonds at maturity.

Section 3. The operation of the water plant shall be under the direct charge of the City Commission, or of a committee thereof, to be appointed by the Mayor with the consent of the Commission.

Section 4. The Commission shall have the power to fix all salaries and other expenses which may be incurred by the operations of the water plant.

Section 5. The City Clerk and City Treasurer shall act as a Board of Auditors for the water plant, and shall meet every month before the regular meeting of the City Commission, at which time they shall make an audit of the books of the City Clerk and City Treasurer and submit a statement of all balances of the City funds to the City Commission at its next regular meeting.

Section 6. The City Clerk and City Treasurer as the Board of Auditors shall require every person or persons employed by the City Commission, or who handle funds belonging to the City, to submit their books to the said Board of Auditors, at each regular meeting of the Board of Auditors. The Board shall report in writing to the City Commission at its next regular meeting a statement showing the number of water users at the beginning of the month, the number of new subscribers for water added during the month, the number of disconnections of connections, the number of such subscribers which had been discontinued during the month by location of connections, and the whole number of subscribers at the end of each month. Provided that at the first meeting of the City Commission the City Clerk shall submit a statement of the water users by name and locations of connection. Also the said Board of Auditors shall audit the amount due the City for water service from the subscribers and the amounts paid by each as evidenced by the duplicate receipts of the City Commission, and the same with the amount turned over to the City Clerk by the collector. And the said Board of Auditors shall file with the City Commission a complete statement of the above audit and shall report in writing all users of

water who are delinquent in their payments for water.

CHAPTER XXI.
Franchises and Public Utilities.

Section 1. No franchise shall be granted by the City for a longer period than thirty years. No license shall be granted by the Commission for a longer period than one year.

Section 2. No franchise or grant, which is not revocable at the will of the Commission, shall be granted or become operative until the same shall have been referred to the people at a general election, and shall have received the affirmative vote of three fifths of the electors voting thereon at such election.

Section 3. No persons, firm or corporation shall ever be granted any exclusive franchises, licenses or other privileges which are not self liquidating, and shall be renewed before one year prior to its expiration.

Section 4. No franchise granted by the City shall ever be leased, assigned, or otherwise alienated except in accordance with the express provisions of the said franchise, and all franchises granted by the City shall provide how, and in what manner, and under what conditions, said franchise may be leased, assigned or alienated; and no dealing with the lessee or assignee on the part of the City, which shall recognize the performance of any act or payment of any compensation by the lessee or assignee, shall be deemed to have operated as such consent.

Section 5. No change or modification of any franchise or grant of rights or powers previously granted to any corporation, firm, person or association of persons shall be made except by the vote of the electors, and the conditions herein provided for, or the making of original grants and franchises.

Section 6. The City shall have the right to license and impose a license fee on street cars, telephones, gas meters, electric meters, water meters, and any other device used for consuming, or also telegraph, telephone, electric light and power poles and wires. All said license fees shall be exclusive of, and in addition to other lawful taxes upon the property of the holder thereof.

Section 7. No franchise, lease or rights to use the streets or on the public places or property of the City shall be granted by the City without fair compensation to the City therefor. Where the franchise, lease or grant fixes the rate or price of service rendered or commodity furnished by the grantee, such rate of fare or price of service or commodity furnished shall be subject to review and change at the end of every ten year period during the life of said franchise in such manner and form as in said franchise shall be provided. No such compensation by any such grantee shall ever be in lieu of any lawful taxation upon the property, or any license or charges which are not levied on account of such use.

Section 8. The Commission shall by ordinance, provide for efficient inspection and regulation of all public utilities operated in the City, and to that end shall provide means for the quality and pressure of the gas furnished for consumers, the candle power, voltage and insulation of electric wires, heat and power furnished the city and its inhabitants, and the inspection and installation of meters for registering the consumption of any commodity sold by any grantee operating under any franchise granted by the City of Farmington or the State of Michigan, it being the intention of this section to provide means for securing to the City efficient service from all public utilities operated in the City, and the proper observance by such operators of the conditions imposed by the City in respect to franchises, and by the ordinances of the City and the laws of the State.

CHAPTER XXII.
Miscellaneous.

Section 1. A vacancy shall exist in any elective office when an elected officer fails to qualify within the time required by this Charter, dies, resigns, is removed from office, removes from the City or absents himself continuously therefrom for more than ninety days or is declared a felon. No such inconveniences may arise from changes in the Charter of the City of Farmington, and in order to carry the same into complete operation, it is hereby declared:

Section 2. All ordinances of said Village of Farmington and all rules, regulations and resolutions of the Commission and of any Board of said Village, heretofore in force and not inconsistent with the provisions of this Charter, shall remain in full force and effect after the adoption of this Charter, and are hereby declared to be revived and continued in full force and effect under the powers conferred by this Charter until altered, amended or repealed by the Commission or Board, as the case may be.

Section 3. All licenses granted by said Village of Farmington under its act of incorporation shall be and remain in full force and effect until the expiration of the time for which they were respectively granted.

Section 4. The City shall have no power to enter into any contract for the construction of any public building, highway, bridge, or any equipment, machinery or structures pertaining to such construction or for the making of repairs or improvements to existing buildings, roads or bridges or other structures wherein the consideration for such work or material shall be expressly based upon the cost thereof plus a percentage or lump sum over and above such cost; provided, however, that a contract upon a cost-plus basis may be made if the contract shall provide a definite sum not exceeding twenty thousand dollars as the maximum sum which shall be paid to the contractor, which sum shall also be paid to the contractor, where such contract is awarded upon competitive bidding provided, further, that any arrangement or subterfuge with a contractor whereby the responsibility of the cost and performance of such is shifted from the contractor to the City shall not remove such contract from the limitations of this section; and any contract made in violation of the provisions of this section shall be held to be null and void from the beginning thereof and not voidable only.

Section 5. Whenever any general law passed by the Legislature of this State is not only applicable to but also controlling upon the City, then the provisions of this Charter shall be construed together with the provisions of such controlling general law; and all actions of the City shall be taken in accordance with the provisions of the Charter so construed, unless the same is in the provisions of this Charter, so controlled by such general law, had been amended to read in accordance with the provisions of such controlling general law.

Section 6. If a part or the whole of the provisions of an act or section of this Charter be declared unconstitutional, illegal or void, then the remaining provisions of such section or the remaining sections of the Chapter of this Charter shall not thereby be rendered unconstitutional, illegal or void, unless such remaining provisions of such section or the remaining sections of such Chapter and Charter are so closely interwoven and connected with the provisions held unconstitutional, illegal, or void, that such remaining provisions must fail with the provisions held unconstitutional, illegal or void.

Section 1. This Charter shall become, and be the Charter of said City of Farmington, Oakland County, Michigan, when it has been approved by a majority of the qualified electors of said City voting thereon at a special election called for that purpose; and when two printed copies thereof with the vote for and against, duly certified, shall be filed with the Secretary of State of the State of Michigan, and a like number with the Clerk of said County of Oakland; provided, however, that such copies shall be filed within thirty days from the day of said special election.

In order that no inconveniences may arise by reason of the changes in the Charter of the adoption of this Charter, by the City of Farmington, and in order to carry out the provisions and effects of said Charter, and to complete the operation thereof it is hereby declared:

Section 2. At the election called for the purpose of submitting this Charter to the electors of the City of Farmington, there shall be elected a Mayor, a Clerk, a Treasurer, and Assessor, three Commissioners, two members of Board of Review, one Justice of the Peace, and two Constables whose terms shall expire on the second Monday of April, 1927, and three Commissioners, and one Justice of the Peace whose terms shall expire on the second Monday of April, 1929; and thereafter all elective officers shall be elected for a full term on the first Monday in April of every odd year. The three candidates for the office of Mayor and the one candidate for Justice of the Peace receiving the highest number of votes at the said special election shall upon qualifying hold office until the second Monday of April, 1929; and the three candidates for Commissioners and the one candidate for the office of Justice of the Peace receiving the next highest number of votes at said special election shall upon qualifying hold office until the second Monday of April, 1927.

Section 2. This Charter shall be submitted to the electors of Farmington for their approval or rejection on the 15th day of February, 1926; provided that said Charter shall be published in the Farmington Enterprise, a newspaper published and circulated in said City on the 29th day of January, A. D. 1926; and for the purpose of conducting such election, all duties required of the Mayor, Clerk of the Board of Registration, and Board of Registration, and all acts to be performed by the said Mayor, Clerk, Commissioners and Board of Registration as provided for in this Charter for future City Elections shall be performed by the Chairman of the Charter Commission, the Secretary of the Charter Commission and the members of the Charter Commission respectively, except as provided for in Section 4 of the within Charter.

Section 3. The first meeting of the City Commission shall be held on Monday, the 1st day of March, 1926, at which meeting the Commission shall fix its regular meeting date, and the time thereof, and perform such other duties as may properly come before said Commission, in pursuance of the terms of this Charter, and to carry its provisions into effect.

Section 4. For the purpose of registering the qualified electors of the City of Farmington, and to provide for a Board of Registration for the said special election to be held on the 15th day of February, 1926, Fred L. Cook and John Fitzpatrick, Charter Commissioners of this Charter, shall perform the duties and duties which are attached to the office of the Clerk and the Board of Registration as provided for in the Registration Laws of this City.

Section 5. Upon the taking effect of this Charter, the City of Farmington, in addition to succeeding to the general powers, rights and liabilities of the City of Farmington as provided for in Section 1, Chapter 2 of this Charter, shall collect all taxes levied and uncollected at the time of such change, the same as if such change had not been made and all proceedings in relation thereto may be taken the same as if no change in the form of municipal incorporation had been made; provided that when a different method or remedy is given in this Charter, or in any ordinances pursuant thereto, which can be made applicable to any rights existing at the time of the incorporation of the City under or subject to this Charter, the same shall be deemed cumulative to the remedies before provided, and may be used accordingly.

Section 6. All legitimate and proper expenses incurred in the matter of the incorporation of the City of Farmington including the printing of this Charter, the cost of publication thereof, and the expense of the special election shall be and the same is hereby assumed by the City of Farmington, and is hereby declared to be a debt thereof.

December 14, A. D. 1925.

By Commissioner Clarence Bickling:

Resolved, that the Charter Commission of the City of Farmington, Michigan does hereby adopt the foregoing proposed Charter, and the same is hereby instructed to cause the same to be sent to the Governor of the State of Michigan, in accordance with the provisions of the Statute for his approval.

The above resolution was presented at a regular meeting of the Charter Commission held in the Council Room of the Village of Farmington, Michigan, on the 14th day of December, 1925, and was seconded by Commissioner Clinton W. Wilber.

EMORY O. HATTON,
Clerk of the Farmington Charter Commission.

Countersigned by the following Commissioners:
Howard M. Wanner.
Clarence W. Bickling.
Emory O. Hatton.
John Fitzpatrick.
Clarence W. Wilber.
Floyd H. Nichols.
Wills D. Buttenfield.
Fred L. Cook.
Arthur Lamb.

I do hereby approve the foregoing provisions of the Charter of the City of Farmington, Michigan.
Dated at Lansing, Michigan this 7th day of January, A. D. 1926.

ALEX J. GROESBECK,
Governor of the State of Michigan.

At the said Special Election to be held on the said 15th day of February, 1926 there shall be elected a Mayor, a Clerk, a Treasurer and Assessor, three City Commissioners, two members of the Board of Review, one Justice of the Peace, and two Constables, whose terms of office shall expire on the second Monday of April, 1927, and three City Commissioners and one Justice of the Peace whose terms of office shall expire on the second Monday of April, 1929, in accordance with the provisions of said City Charter. In the event said Charter is adopted by the electors of the City of Farmington.
The polls for said Special Election will be open at seven o'clock A. M. on said 15th day of February, 1926, and will be kept open until eight P. M. of said day, at which time they will be closed.
Dated: January 25, 1926.
E. O. HATTON,
Secretary of the Charter Commission.