

The Farmington Enterprise

SIXTY-NINTH YEAR — NUMBER 32

FARMINGTON, MICHIGAN, THURSDAY, MAY 9, 1937

TEN CENTS A COPY

Proposed Charter For Village Of Wood Creek Farms

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PREAMBLE

We, the residents of Wood Creek Farms, by virtue of the rights granted us by the Constitution and laws of the State of Michigan, wishing to preserve our simple rural way of life and the character of our neighborhood, do hereby ordain and establish this Village of Wood Creek Farms Charter.

CHAPTER I BOUNDARIES

The territory constituting the Village of Wood Creek Farms is Section 12, Town 1 North, Range 9 East, Farmington Township, Oakland County, Michigan.

CHAPTER II POWERS IN GENERAL

Section 1. The Village of Wood Creek Farms shall have a corporate seal, may sue and be sued, may contract and be contracted with and shall have, exercise and enjoy such powers as are conferred by the Constitution and laws of the State of Michigan and by this charter and also such powers as are necessarily or fairly implied in or incidental to those expressly granted or which are essential to the declared objects and purposes of the Village. The enumeration of specific powers in this charter shall not be construed as a limitation upon the general powers granted by state law or by this charter.

Section 2. The Village shall have the power:

- To acquire properties, monies or effects for public purposes by gift, purchase or otherwise.
- To hold, manage and control property and effects acquired, but shall not dispose of or encumber any real property without approval of two-thirds of the electors voting thereon.
- To expend funds, or incur obligations in excess of the relevant annual budget, only by approval of two-thirds of the electors voting thereon.
- To provide by ordinance for Village planning and zoning, as provided for by the statutes of the State of Michigan, to provide for the establishment of districts or zones within the Village, within which the use of lands and structures, the height, the area, the size and location of buildings may be regulated by ordinance, and for the regulation, within such districts, of the light and ventilation of such buildings, and for the regulation of the density of population within such districts; to provide for the acquisition by purchase, condemnation or otherwise of private property which does not conform to the regulations and restrictions of the various zones or districts so provided; to provide for the administering of such ordinances, and to provide for penalties for the violation of the terms of such ordinances.
- To provide by ordinance for a Village building and housing code, regulating all matters concerning or pertaining to the construction, alteration, repair and maintenance of all buildings and other structures, including signs, fences, walls, dikes, tents, towers, tanks, bins, private docks and similar objects; to require building permits therefor; to prevent the erection of unsafe buildings; to provide for the removal of unsafe buildings; and to regulate the maintenance and occupancy of buildings insofar as same affect public health, safety, morals and general welfare; and to provide penalties for the violation thereof.
- To establish and maintain definite fire limits and to regulate and/or prohibit within such limits the construction of buildings and other structures of wood or other materials easily inflammable; to enact ordinances in relation to the prevention and suppression of fires; and to provide for the inspection of private property for the purpose of determining whether a fire hazard exists.
- To regulate the location, construction, size and height of billboards and the maintenance thereof.
- To prohibit hunting and regulate the use of firearms within the Village limits.
- To regulate and license trades, occupations and public places of amusement, not inconsistent with state and federal laws, whether the same be specifically herein mentioned or not.
- To prescribe the terms and conditions upon which licenses shall be granted and may require the payment of such license fees and the furnishing of such bond as the Council shall deem reasonable and proper. Licenses shall be subject to revocation by the Council as provided in each particular ordinance.
- To regulate the speed of motor vehicles and to prohibit the reckless driving thereof upon the streets, highways and alleys of the Village and also upon any private road designated as such upon any recorded plat.
- To regulate traffic and parking of automobiles and other vehicles; to prohibit such parking on

designated highways, streets and alleys or parts thereof; to provide for the impounding of vehicles parked in violation of such regulations or prohibitions and of vehicles abandoned and left on the streets, highways and alleys of the Village; and to provide for the sale of any impounded vehicle which shall not be claimed and the impounding and other charges paid within sixty days after being impounded. The word "highways" as used in this paragraph shall include any private road designated as such upon any recorded plat.

- To prohibit by ordinance the pollution of any stream or water course within the Village limits.
- To make contracts or arrangements with any township or other municipality, individual or corporation for fire protection and for the services of its fire department.

CHAPTER III PLAN OF GOVERNMENT

Section 1. All powers of the Village except as otherwise provided by statute or this charter shall be vested in the Council, which shall consist of a president and four councilmen to be elected at large.

Section 2. The Council shall constitute the legislative and governing body of said Village, with power and authority to pass such ordinances and adopt such resolutions as they shall deem proper in order to exercise the powers possessed by said Village.

Section 3. The president and councilmen shall be selected on a non-partisan ticket from the Village at large and shall be subject to recall as hereinafter provided. No person shall be eligible to the office of president or councilman who shall not be at the time of his election or appointment 25 years of age, a citizen of the United States, a resident of the territory incorporated as the Village and an owner of real property in the Village, or the wife or husband of such person.

Section 4. No person shall be elected or appointed to any office unless he shall be an elector of this Village. No person shall be elected or appointed to any office in this Village who has been or is a defaulter to the Village or to any board of officers thereof or to any school district, county or other municipal corporation of the state. All voters for or any appointment of any such defaulter shall be void. All officers of the Village, elected or appointed, shall take and subscribe the oath of office prescribed by the constitution of the state, and file the same with the clerk, and in case of failure to do so within 10 days after receiving notice of their election or appointment, shall be conclusively deemed to have declined the office. The residential requirements of this section shall not apply to the Village attorney or accountant.

Section 5. At the election at which this charter shall be submitted there shall be elected a president whose term of office shall begin upon the taking effect of this charter and who shall serve until 8:00 o'clock p.m. on the second Monday following the regular municipal election in the year 1959. At the regular municipal election in the year 1959 and every second year thereafter shall be elected a president whose term of office shall begin at 8:00 o'clock p.m. on the second Monday following his election and shall expire at 8:00 o'clock p.m. on the second Monday following the regular municipal election in the second year thereafter.

Section 6. At the election at which this charter shall be submitted there shall be elected four (4) councilmen whose terms of office shall begin upon taking effect of this charter. The two candidates for councilman receiving the highest number of votes at said election shall be deemed to be elected and shall serve until 8:00 o'clock p.m. on the second Monday following the regular municipal election in the year 1959 and the two candidates receiving the next highest number of votes at said election shall be deemed to be elected and shall serve until 8:00 o'clock p.m. on the second Monday following the regular municipal election in the year 1958. In event that the determination of the term of office of two or more candidates is impossible because of a tie vote, then the same shall be determined by lot. At the regular municipal election in the year 1958 and every year thereafter there shall be elected two councilmen. The term of office of each councilman, except those elected at the election at which this charter is submitted, shall begin at 8:00 o'clock p.m. on the second Monday following his election, and shall expire at 8:00 o'clock p.m. on the second Monday following the regular municipal election in the second year thereafter. The Council shall be the judge of election and qualification of its own members, subject however, to the provisions of the laws of the state in respect to recounts and to review by the courts in appropriate proceedings.

Section 7. At 8:00 o'clock p.m. of the day upon which this charter shall take effect, and at the same time on the second Monday following each regular municipal election thereafter, the Council shall meet for the purpose of organization. The first organization meeting shall be held at the residence of the president elect or such other place as Council may adjourn to and thereafter the organization meetings shall be held at the usual place for holding meetings of the Council. Other meetings of the Council shall be held at such times as may be prescribed by ordinance or resolution, provided that it shall meet regularly and not less than once a month. The president or any two councilmen may call special meetings of the Council upon at least twenty-four (24) hours' written notice to each member, served personally or left at his usual place of residence, provided, however, any special meeting held within the Village limits at which all members of the Council are present shall be a legal meeting for all purposes, without such written notice. All meetings of the Council shall be public and any person may have access to the minutes and records thereof at all reasonable times. The Council shall determine its own rules and order of business. It shall keep a journal of the proceedings in English which shall be signed by the president and clerk.

Section 8. Three members of the Council shall constitute a quorum, but a less number may adjourn from time to time and compel the attendance of absent members in such a manner and under such penalties as may be prescribed by ordinance, and all pending business

noticed or set down for hearing at such meeting shall be taken up and heard at such adjourned meeting or at the next regular meeting without further notice. The Council shall act only by ordinance or resolution. The affirmative vote of a majority of the councilmen present shall be required for the passage of any ordinance or resolution, unless in any given case a different number is required by this charter or state law.

Section 9. Duties of President.

(a) The president shall be the chief executive officer of the Village. He shall preside at the meetings of the Council. He shall be deemed a member of the Council, but he shall have no right to vote upon any question except as otherwise provided herein or in case of a tie, in which case he may cast the deciding vote. He shall from time to time give the Council information concerning the affairs of the Village, and recommend such measures as he may deem expedient. It shall be his duty to exercise supervision over the affairs of the Village and over the public property belonging thereto, see that the laws relating to the Village and the ordinances and regulations of the Council are enforced.

(b) The president may remove any person appointed by him at any time when he shall deem it for the public interest and may suspend the Village marshal for neglect of duty. He shall have authority at all times to examine and inspect the books, records and papers of any agent, employee, or officer of the Village, and shall perform generally all such duties as are or may be prescribed by the ordinances of the Village.

(c) In the absence or disability of the president, the president pro-tempore of the Council shall perform the duties of the president. In the absence or disability of the president pro-tempore, the Council may temporarily appoint one of its members to preside.

Section 10. The president and councilmen shall each receive one dollar (\$1.00) per year. Said officers shall receive no other compensation for services performed for and on behalf of said Village during their term of office. All other officers except where other provision is made herein or by law regulating fees for services shall receive such compensation as the Council shall prescribe.

Section 11. Absence from five (5) consecutive regular meetings of the Council shall automatically operate to vacate the seat of a member of the Council, unless the absence is excused by the Council by resolution setting forth such excuse.

Section 12. The Village Council shall have power of appointment not inconsistent with this charter.

Section 13. At the election at which this charter shall be submitted, there shall be elected a Village clerk, treasurer and assessor whose terms of office shall begin upon the taking effect of this charter and who shall serve until 8:00 o'clock p.m. on the second Monday following the regular municipal election in the year 1958. At the regular municipal election in the year 1958, and every second year thereafter, there shall be elected a Village clerk, treasurer and assessor whose terms of office shall begin at 8:00 o'clock p.m. on the second Monday following their elections and who shall hold office until 8:00 p.m. on the second Monday following the regular municipal election every second year thereafter. The salary of the clerk for the first year shall be \$25.00 per month and thereafter the salary of the clerk shall be set by the Council prior to election. The compensation for the treasurer and assessor shall be \$1.00 per year. The office of clerk, treasurer and/or assessor shall not be held by the same person.

Section 14. Village Clerk, Powers and Duties.

The clerk shall keep the corporate seal and all the documents, official bonds, papers, files and records of the Village, not by this Charter entrusted to some other officer; he shall be clerk of the Council, and shall attend its meetings. In case of the absence of the clerk, or if from any cause he shall be unable to discharge, or be disqualified from performing the duties required of him, then the Council may appoint one (1) of their own number, or some other registered elector clerk pro tem. The clerk shall record all the proceedings and resolutions of the Council, and shall record or cause to be recorded, all the ordinances of the Village. He shall countersign and register all licenses granted. He shall, when required, make and certify, under the seal of the Village, copies of the papers and records filed 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. He shall possess and exercise the powers of the township clerk so far as the same are required to be performed within the Village, except as to the filing of chattel mortgages, and he shall have authority to administer oaths and affirmations.

Section 15. Village Treasurer, Powers and Duties.

The treasurer shall have such duties as set forth in Chapter IX of this charter, and such further duties as imposed by the applicable laws of this state.

Section 16. The Village Assessor shall perform such duties in relation to the assessing of property and levying of taxes as are prescribed by this charter or by law.

Section 17. The Council shall within thirty (30) days after this charter takes effect appoint the Village assessor and two qualified freeholders and electors who shall constitute the Board of Review of this Village in relation to assessments made for taxation purposes. Said Board of Review shall perform such duties and have such powers as are provided in this charter and the laws of the state. The members of the Board of Review shall receive no compensation.

The Council is hereby authorized, empowered and directed to appoint a Board of Review, whenever necessary, in like manner as in this section specified, within a reasonable time but not to exceed thirty (30) days after the occasion for such appointment shall arise.

Section 18. All elective and appointive officers shall hold office until their successors are elected or appointed, and duly qualify.

Section 19. In addition to other provisions herein contained, a vacancy shall exist in any elective office when an elected officer fails to qualify as in this charter