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PREAMBLE

We, the people of the village of Grant, Newaygo County, Michigan, which compromises territory within the township of Ashland, in said County, hereby incorporated as the City of Grant, pursuant to the authority granted by the constitution and laws of the State of Michigan, in order to secure the benefits of self-government and to provide for the public peace, health, safety, and welfare of our people, do hereby ordain and establish this charter for the City of Grant.

**CHAPTER 1
INCORPORATION AND BOUNDARIES**

BOUNDARIES:

Section 1.1 The following described territory, plus such territory as shall hereafter be annexed to the city and less such territory as may be hereafter detached from the city, shall constitute the City of Grant:

The tract of land situated in the Township of Ashland, Newaygo County, Michigan, described as follows:

That part of Sections 13 and 24 of Township 11 North, Range 13 West, Newaygo County, Michigan, described as follows:

Commencing at a point on the South 1/8th line of said Section 13 at a point 30 rods East of the West line of said section: running thence East 290 rods along said South 1/8th line to the East line of said Section 13, thence South 240 rods along the East line of said Section 13 and continuing along the East line of said Section 24 to the East and West quarter line of said Section 24, thence West along said East and West quarter line 160 rods to the center of said Section 24, thence South 80 rods along the North and South quarter line to the South 1/8th line of said Section 24, thence West along said South 1/8th line to the West line of the right-of-way of the Chesapeake & Ohio Railroad Company, thence North along said right-of-way line 120 rods, thence West to a point 40 rods North and 130 rods West of the center of said Section 24, thence North parallel with the West section lines of said Sections 200 rods to the place of beginning.

Upon the annexation or detachment of territory, the boundaries shall be deemed thereby to be changed without amendment of this section. The Clerk shall maintain and keep available in his office for public inspection and distribution as official description and map of the current boundaries of the city.

Section 1.2 The city shall constitute one ward.

CHAPTER 2 DEFINITIONS AND GENERAL PROVISIONS

DEFINITIONS AND CONSTRUCTION:

Section 2.1 Except as otherwise specifically provided or indicated by the context, for the purposes of this chapter:

- (1) The word "Board" shall include the word "Commission", but not the City Commission;
- (2) The word "city" shall mean the City of Grant and all of its departments;
- (3) The word "Clerk" shall mean the City Clerk of recorder of the city, as those terms may be used in any law;
- (4) The word "Commission" shall mean the City Commission of the City of Grant;
- (5) The word "law" shall denote applicable federal law, Constitution and statutes of Michigan, the applicable common law, and this charter;
- (6) The word "person" may extend and be applied to bodies politic and corporate and to partnerships and associations, as well as to individuals;
- (7) The word "officer" shall include, but shall not be limited to, the Mayor, the members of the Commission, the administrative officers named in this charter and their deputies, and members of city boards created by or pursuant to this charter;
- (8) The words "printed" and "printing" shall include printing, engraving, stencil duplicating, lithographing, typewriting, photostating, or any similar method of written expression;
- (9) The words "publish" or "published" shall include publication of any matter, required to be published, in the manner provided by law, or, where there is no applicable law, at least once in one or more newspapers of the city qualified by law for the publication of legal notices, or by posting in at least one public place in each election precinct;
- (10) The words "public Utility" shall include all common carriers in the public streets, water, sewage disposal, electric light, gas, electric power, telephone and telegraph lines and systems, garbage collection, garbage disposal and reduction plants, and such other and different enterprises as the law or the Commission may determine to be or designate as public utilities;
- (11) The word "Treasurer" shall mean the City Treasurer as the term may be used in any law;
- (12) Except in reference to signatures, the words "written" and "in writing" shall include hand written script, printing, typewriting, and teletype and telegraphic communications: signatures may be by facsimile when authorized by the Commission;
- (13) All words indicating the present tense shall not be limited to the time of the adoption of this charter, but shall extend to and include the time of the happening of any event or requirement to which the provision is applied;
- (14) The singular shall include the plural, the plural shall include the singular,

and the masculine gender shall extend to and include the feminine gender and the neuter.

RECORDS TO BE PUBLIC:

Section 2.2 All official papers, books, or other records of any matter pertaining to the conduct of the affairs of the city shall be public records unless otherwise provided by law, shall be kept in city offices, except when required for official reasons or for purposes of safekeeping to be elsewhere, and shall be available at city offices for inspection, copying, or reproduction at Such official records, or copies duly certified by the Clerk, shall be prima facie evidence of their contents.

QUORUM:

Section 2.3 Except as otherwise expressly provided in this charter, a quorum of any board or commission created by or under authority of this charter shall consist of a majority of the number of its members, as established by this charter or by the ordinance creating such board or commission. The concurring vote of a majority of such established number of members of each such board shall be necessary for official action by it.

SUNDAYS AND HOLIDAYS:

Section 2.4 Except as otherwise expressly provided in this charter, whenever the date fixed by law or ordinance for the doing or completion of any act falls on a Saturday, Sunday, or legal holiday, such act may be done or completed on the next succeeding day, which is not a Saturday, Sunday, or legal holiday.

PENALTIES FOR VIOLATIONS OF CHARTER:

Section 2.5 Any person found guilty of any violation of this charter may be punished by a fine which, in addition to court costs, shall not exceed five hundred dollars, or imprisonment for not more than ninety days, or by both such fine and imprisonment, in the discretion of the court. Imprisonment for violations of this charter may be in the city jail or in any correctional institution which is authorized by law to receive prisoners of the city. Punishment imposed under this section shall not operate to limit or prejudice the power to remove officers or discharge employees as provided in this charter.

CHAPTER AND SECTION HEADINGS:

Section 2.6 The chapter and section headings used in this charter are for convenience only, and shall not be considered as part of this charter for the purpose of judicial construction, or otherwise.

SEVERABILITY OF CHARTER PROVISIONS:

Section 2.7 If any provision, section, or clause of this charter, or the application thereof to any person or circumstance, is held invalid, such invalidity shall not affect any remaining portion or application of the charter, which can be given effect without the invalid portion or application, and, to this end, this charter is declared to be severable.

LIBERAL CONSTRUCTION:

Section 2.8 It was the intent of the Charter Commission in drafting this charter and of the electors of the City of Grant in adopting it that the provisions of this charter should be liberally construed so as to afford a maximum of local self government in accordance with the spirit and intent of Article VII of the Michigan Constitution and with the home rule history and traditions of cities of Michigan.

CHAPTER 3

MUNICIPAL POWERS AND LIABILITIES

Section 3.1. (a) Unless otherwise provided or limited by law, the city shall possess and be vested with all the powers, function, privileges and immunities, expressed or implied, to which cities are, or hereafter may be, entitled under and in the spirit of the Constitution of Michigan and the home rule traditions of the State, and may exercise all legislative power not prohibited by or in contravention with law. In the exercise of such powers, functions, and privileges, the city shall manage and control its finances, rights, interests, buildings, and property; enter into contracts, acquire by purchases, grant, lease, or condemnation; hold and utilize any property, both within and without the limits of the city; acquire, own, and operate any utility, unless the power to do so is denied by law; do any act to advance the interests, good government, and prosperity of the city and its inhabitants; and protect the public peace, morals, health, safety, and general welfare. The city shall provide for the public peace and health and for the safety of persons and property of the inhabitants of the city.

(b) The city may join with any municipal corporation or with any other unit of government, or with any number or combination thereof, by contract, or otherwise as may be permitted by law, in the ownership, operation, or performance, jointly, or by one or more on behalf of all, of any property facility, or service which each would have the power to own, operate or perform separately. The city may also delegate any of its health powers and functions to the county in which it is located, unless such power or function is specifically provided to be executed or performed by the city.

(c) The enumeration of particular powers, privileges, or immunities in this chapter or elsewhere in this charter shall not be held or interpreted to be exclusive.

PERMITTED AND OTHER POWERS:

Section 3.2. Under authority of Act No. 279 of the Public Acts of 1909, as amended, and other provisions of law, the power of the city shall include, but shall not be limited to, the following:

(1) To declare as a hazard or nuisance any act or condition, upon public or private property, or both, including, but not limited to, the accumulation of rubbish and the growing of noxious weeds, which is or may be dangerous to the health, safety, morals, or welfare of the inhabitants of the city; to provide for the abatement thereof, and to provide that the costs of such abatement shall be charged as a special assessment against the real property on which the hazard or nuisance is located.

(2) To provide for the public welfare by:

- (a) Regulating trades, occupations, and amusements within the city, and prohibiting trades, occupations, and amusements which are detrimental to the safety, health, morals, or to the safety, health, morals, or welfare of its inhabitants;
- (b) Regulating the preparation, storage, transportation, and sale of foods, drugs, and beverages for human consumption;
- (c) Collecting and disposing of garbage and rubbish;

- (d) Regulating and restricting the locations of oil and gasoline stations;
 - (e) Licensing, and regulating the number of vehicles, which carry persons or property for hire, fixing the rates of fare and charges, and determining the location of stands for such vehicle.
 - (f) Licensing and regulating billboards and advertising signs and the locations thereof;
 - (g) Regulating the construction, erection, alteration, equipment, repair, moving, removal, storage of materials, and demolition of buildings and structures and their appurtenances and service equipment;
 - (h) Establishing zones within the city and regulating therein the use and occupancy of lands or structures; the height, area, size, and location of buildings; the required, open spaces for light and ventilation of buildings, and the density of population;
 - (i) Regulating, limiting, and prohibiting the construction and use of buildings and lands in order to promote the public safety and to prevent fires;
 - (j) Regulating and controlling the use of streams, waters, and water courses within the city in any manner consistent with the provisions of law;
 - (k) Regulating and controlling any and all sources and causes of environmental pollution within the city.
- (3) To establish and reasonably control streets, alleys, bridges, and public places, and the space above and beneath them, and the use thereof by:
- (a) Creating and vacating the same and acquiring and disposing of land, or any interest in land, required thereof, including any surplus land which may be incidental to or necessary for the purchase of land required;
 - (b) Providing a plan of streets and alleys within and for a distance of not more than three miles beyond the limits of the city;
 - (c) Requiring the owners of real property to build and maintain public sidewalks in the area of streets immediately adjacent to such property, and, upon the failure of any owner to do so, constructing and maintaining such sidewalks and assessing the cost thereof against such property as a special assessment;
 - (d) Compelling all persons to care for the untraveled portions of streets lying between the curbs and property line which abut upon premises owned, controlled, or occupied by them, and to keep the same free from weeds and from objects which are offensive or hazardous to public health and safety, and, upon the failure to do so, cutting and removing such weeds and removing such objects and assessing the cost thereof against such property as a special assessment;
 - (e) Compelling all persons to keep sidewalks which are in the area of streets immediately adjacent to the premises owned, controlled, or occupied by them, free from anything which obstructs such sidewalks, or which makes the same offensive or hazardous to the public health or safety, and upon failure to do so, to remove and assess the cost thereof against such property as a special assessment;
 - (f) Providing for the grade of streets and sidewalks, or either of them, and requiring public utility users of the streets to conform thereto with respect

to their tracks or facilities located on, above, or under the streets; requiring railroads to keep their tracks and the street surface between their tracks, and for a distance of one and one half feet on each side of them, in a state of repair deemed reasonable by the City Commission;

- (g) Regulating the speed of vehicles, trains, and locomotives upon or across the streets within the provisions and limitations of law, and the stopping and parking of the same upon the streets and at street crossings;
- (h) Providing for and regulating the lighting of streets and alleys, whether such lights be located on public or private property;
- (i) Preventing and abating the encumbering of streets and alleys or any part thereof;
- (j) Regulating the location of buildings and structures and of trees and shrubbery at and near street corners and street intersections with alleys, so as to provide for the public safety and welfare in the use of streets and alleys;
- (k) Providing for and regulating the numbering of buildings upon property abutting the streets and alleys and compelling the owners and occupants thereof to affix numbers thereto;
- (l) Providing for the use by other than the owner, of property located in, above, or under the streets, alleys, and public places, in the operation of a utility, upon the payment of a reasonable compensation therefor to the owner thereof;
- (m) Providing for the planting and general care and protection of trees and shrubbery within the streets and public places of the city and preventing the cutting of limbs and branches for the placing and maintenance of utility wires without the consent of the designated officer or agency of the city.

(4) To undertake any public work or make any public improvement or any repair or replacement thereof, either directly or by contract with public bodies or private person; and to participate in any public work or public improvement under any lawful plan by which the whole or partial support of such work or improvement is provided by another governmental unit or agency.

(5) To construct, provide, maintain, extend, operate, and improve:

- (a) Within the city: a city hall, city office buildings; community buildings; police stations; fire stations; civic auditoriums; public libraries; and polling places; and,
- (b) Either within or without the corporate limits of the city or of Newaygo County; public parks; recreation grounds and stadiums; municipal camps; public grounds; zoological gardens; museums; airports and landing fields; cemeteries; public wharfs and landings upon navigable waters; levees, embankments, and structures for flood control and other purposes related to the public health, safety and welfare; electric light and power plants and systems; gas plants and systems; public heating plants and systems; waterworks and water treatment plants and systems; sewage disposal plants and systems; storm sewers; garbage collection and disposal facilities; market houses and market places; public transportation

facilities; facilities for the storage and parking of vehicles; hospitals; facilities for the landing of helicopters and air vehicles having like landing characteristics; and any other structure or facility which is devoted to or intended for public purposes within the scope of the powers of the city.

(6) Acquiring by purchase, gift, condemnation, lease, or otherwise, real and personal property, and interest in property, either within or without the corporate limits of the city or of Newaygo County, for any public use or purpose within the scope of its powers, including, but not by way of limitation, the uses and purposes set forth in this section;

(7) Receiving and holding any property, whether real, personal, or tangible, in trust for city hospital, library, park, cemetery, or any other municipal purposes and apply the same to the execution of such trust.

CHAPTER 4 OFFICERS

CITY OFFICERS:

Section 4.1. (a) The elective officers shall be the seven Commissioners, one of whom shall be Mayor.

(b) The appointive officers shall be those named in Section 7.1, and members of any boards or commissions create by or under authority of this charter.

ELIGIBILITY FOR ELECTIVE CITY OFFICE:

Section 4.2. Except as otherwise provided in this charter, a person is eligible to hold any city office if he is (1) over twenty-one years of age, (2) a registered elector of the city, (3) a resident of the city or of territory annexed to the city, or both for at least three (****One (1) Yr, State Law****) years immediately preceding his election or appointment, as the case may be, and (4) whose name appears on the assessment roll of (****Does Not Have To Own, State Law****) the city respecting property valued at not less than five hundred dollars and is the owner in his own right of such property or is the husband or wife of such owner, whether or not the name of such husband or wife is on the assessment roll.

PERSONS INELIGIBLE FOR CITY OFFICE:

Section 4.3. (a) A person who is in default to the city shall not be eligible to hold any city office.

(b) A person who holds or has held an elective city office shall not be eligible for appointment to an appointive office or employment, for which compensation is paid by the city, until one year has elapsed following the term for which he was elected, or appointed in case of a vacancy.

TERMS OF OFFICE:

Section 4.4. (a) The term of office of the Mayor shall be for two years.

(b) The term of office of each of the six remaining members of the Commission shall be two years (Changed to four year term), except as provided in Chapter 14 for the transition from the former government to the new city status, at the first election under this charter the term of office of each of three of the Commissioners shall be for a short term.

(c) The City Attorney, Clerk, Treasurer, Assessor, Health Officer, Chief of Police, and Fire Chief, shall be appointed by the Commission for indefinite terms and shall hold office during the pleasure of the Commission and may be removed from office by the Commission. The three members of the Board of Review shall be appointed by the Commission to hold office for a term of three years each, except the term of office of one member shall expire in each year.

(d) Terms of office of persons appointed to fill vacancies on boards and commissions, shall commence at the time of appointment, and shall continue until the end of the term of office vacated.

(e) With the consent of the Commission, and for so long as the Commission shall permit, an elective officer may continue in the office held by him after the expiration

of his term, until his successor has been elected or appointed and has qualified for the office.

NOTICE OF ELECTION AND APPOINTMENTS:

Section 4.5. Within three days after the canvass of vote of the election at which a person has been elected to office, or after the Commission has made or confirmed as appointment, the Clerk shall mail to the person elected or appointed a certificate of such election or appointment.

COMPENSATION OF OFFICERS:

Section 4.6. The Commission shall by ordinance fix the compensation for all officers, except as otherwise provided by law. They shall receive no other compensation from the city. Within budget appropriations, reasonable expenses may be allowed to officers when actually incurred and approved by the Commission.

OATH OF OFFICE:

Section 4.7. Every officer, before entering upon his duties, and all employees designated by the Commission, before entering upon their employment, shall take the oath prescribed by Section 2 of Article XVI of the Constitution and shall file the same with the Clerk.

SURETY BONDS:

Section 4.8. The Commission may require any officer or employee to give a bond, to be approved by the City Attorney, in such sum as the commission determines. The bond shall be conditioned upon the faithful and proper performance of the duties of the office or employment concerned. All officers and employees who receive, distribute, or are responsible for city funds or investments shall be bonded. The resignation, removal, or discharge of any officer or employee, or the appointment of another person to the office of employment, shall not exonerate the officer or employee or his sureties from any liability incurred by them. All official bonds shall be corporate surety bonds, and the premiums thereof shall be paid by the city. No official bond shall be issued for a term exceeding three years, except bonds which are required of officers serving terms of office which are longer than three years. The terms of bonds required by this section shall not be extended by the renewal thereof. Upon the expiration of the term of any such bond, a new bond shall be furnished. The bonds of all officers and employees shall be filed with the Clerk, except that the Clerk's bond shall be filed with the Treasurer. The requirements of this section may be met by the purchase by the city of one or more blanket corporate surety bonds covering all or any group of groups of officers and employees of the city. Any officer or employee who is covered by a blanket surety bond need not be bonded individually for the purpose of qualifying for office.

GIVING OR BECOMING SURETY FORBIDDEN:

Section 4.9. Except for himself or his immediate family no officer shall give or furnish any bail or recognizance in connection with any complaint or warrant charging the violation of this charter or any ordinance of the city. No officer or employee of the city shall give or become a surety, nor shall he be the agent of any surety or insurer in

connection with any bond or insurance required by the Commission, this charter or any ordinance of the city.

Section 4.10. (a) A city office shall become vacant upon the occurrence of any of the following events:

- (1) Expiration of the term of office, except as provided in Section 4.4 (e);
- (2) Death of the incumbent;
- (3) Resignation;
- (4) Removal from Office;
- (5) Ceasing to be an inhabitant of the city;
- (6) Conviction of an infamous crime, or of an offense involving a violation of oath of office;
- (7) Default to the city, unless such default is eliminated within thirty days after written notice thereof by the Clerk upon the direction of the commission, or, unless the officer in good faith contests, by recognized means of legal procedures, his liability for the default;
- (8) A decision of competent tribunal declaring the Officer's election or appointment void;
- (9) Failure to take the oath or file the bond required for the office within ten days from the date of election or appointment or within such other time, thereafter, as the Commission may fix;
- (10) In the case of a Commissioner, including the Mayor, regular meetings of the Commission, unless such absences, with reasons therefor stated at the time and appearing in the journal of the meeting from which the member was absent, be excused, or twenty-five per cent of such meetings in any calendar year, unless such absences are so excused;
- (11) Absences from the city or failure to perform the duties of such office for sixty consecutive days, unless such absence from the city or failure to perform the duties of office shall be excused of such sixty day period; or
- (12) Any other event which, by law, creates a vacancy.

(b) The Commission may remove any officer who is appointed for a definite term of office for misfeasance, nonfeasance, or malfeasance in office by a vote of not less than four of its members.

RESIGNATIONS:

Section 4.11. Resignations of elective officers shall be made in writing to the Clerk. Resignations of appointive officers shall be made in writing to the appointing authority. The appointing officer or the Clerk, as the case may be, shall announce the resignation of any officer to the Commission at its next meeting.

RECALL:

Section 4.12. An elective officer may be recalled and the vacancy so created shall be filled, in the manner prescribed by law.

FILLING VACANCIES:

Section 4.13. (a) If a vacancy occurs in the office of any Commissioner, including the Mayor, the Commission shall, within thirty days thereafter, fill the vacancy until the Thursday following the next regular city election.

(b) Except as otherwise provided in this charter, if a vacancy occurs in an appointive office, such vacancy shall be filled within thirty days thereafter in the manner provided for making the original appointment. Such time may be extended once, for not to exceed sixty days, by resolution of the Commission setting forth the reasons therefore. If no appointment has been made within such time and the extension thereof, the Commission may appoint a committee of three of its members to make such appointment in the stead of the officer required by this charter to make such appointment.

DELIVERY OF OFFICE TO SUCCESSOR:

Section 4.14. Whenever an officer or employee resigns or is removed from office, or his tenure in office expires, he shall deliver, forthwith, to his successor in the office or to the Clerk, all books, papers, moneys, and effects in his custody which were necessary to or where obtained as a part of the performance of his duties.

CHAPTER 5

THE CITY COMMISSION

THE CITY COMMISSION:

Section 5.1. The Commission shall consist of seven members, one of whom shall be Mayor. The term of office of each Commissioner shall commence on the Thursday next following his election, except that, in the case of appointments to fill vacancies made under Section 4.13 (a) of this charter, such an appointee shall qualify for and assume the duties of his office within ten days after his appointment.

COMPENSATION OF COMMISSIONERS:

Section 5.2. The compensation of each Commissioner shall be \$750.00 per year, payable quarterly. The Mayor shall receive the sum of \$750.00 per year in addition to his compensation as a Commissioner, payable quarterly.

ORGANIZATION OF THE COMMISSION:

Section 5.3. The Commission shall meet and organize on the first Monday following each regular city election. At such meeting, or within one week thereafter, the Commission shall elect from its membership a Mayor pro tem, set the time of its meetings, and do such other acts as may be required for its organization and the conduct of its business. At a meeting of the Commission, held not later than the first Monday in December following each regular city election, all administrative officers of the city shall meet with the Commission for a general discussion of official duties and functions.

MEETINGS OF THE COMMISSION:

Section 5.4. (a) The Commission shall meet in the established Commission Rooms at such times as may be established by Commission action at their organizational meeting, and shall hold at least one regular meeting in each month. If any time set for holding a regular meeting of the Commission shall be a legal holiday, then such meeting shall be held at the same time and place on the next secular day which is not a legal holiday.

(b) The Mayor shall preside at all meetings of the Commission and shall have an equal voice and vote with other members of the Commission upon all matters. He shall be the chief executive of the city, shall be a conservator of the peace with all the powers of a sheriff to maintain order in the city, shall represent the city for all ceremonial purposes, shall do and perform all duties required of him by law. In the absence of the Mayor, the Mayor pro tem shall preside at the meetings of the Commission and act in the stead of the Mayor. In the absence of both the Mayor and the Mayor pro tem, the Commissioners present at any meeting shall appoint one of their number to act as Mayor during such absence. The Mayor and persons acting in his stead shall not possess the veto power.

(c) Special meetings of the Commission shall be held at the regular meeting place of the Commission. Special meetings shall be called by the Clerk on the written request of the Mayor, or of any two members of the Commission, on at least six hours written notice, designating the time and purpose of such meeting and served personally on each member of the Commission, or left at his usual place of residence by the Clerk or

by someone designated by him. A copy of such notice shall also be left at the place of business of each newspaper printed and published in the city. Notwithstanding the foregoing requirements for the calling of special meetings, in an emergency, any special meeting shall be a legal meeting if all members are present thereat, or in the event that any member or members be absent, if all absent members waives, in writing, the requirements that notice be given: Provided that a quorum be present. An affidavit of the service of notices required by this section and the waivers thereof shall be entered in the journal of such meeting.

(d) No business shall be transacted at any special meeting of the Commission except that stated in the notice of the meeting.

(e) All regular and special meeting of the Commission shall be public meetings.

(f) Four members of the Commission shall be a quorum for the transaction of business at all of its meetings. In the absence of a quorum, any number less than a quorum may adjourn a meeting to a later date.

(g) The Commission shall determine its own rules and order of business, and shall keep a journal, in the English language, of all its proceedings. The journal of each meeting of the Commission shall be signed by the Clerk. The vote upon the passage of all ordinances, and upon the adoption of all resolutions shall be taken by "yes" or "no" votes, and shall be entered upon the record, except that, where the vote is unanimous, it shall only be necessary to so state. The public shall have access to the minutes and records of all regular and special meetings of the Commission at all reasonable times.

(h) The proceedings of the Commission meeting will be published promptly after approval.

(i) There shall be no standing committees of the Commission.

(j) The Commission may compel the attendance of its own members and of all other officers, department heads, and employees of the city at its meetings, and may enforce fines for non-attendance in such amount and manner as it may, by ordinance, prescribe. Any member of the Commission or other officer who, when requested to do so, refuses to attend such meetings, for reasons other than confining illness, or to conduct himself in an orderly manner thereat, shall be deemed guilty of a violation of this charter. The Police Chief, or such other person as the Commission shall designate, shall serve as the Sergeant-at-arms of the Commission in the enforcement of the provisions of this section and to maintain order at Commission meetings.

(k) No member of the Commission shall vote on any question upon which he or a member of his family has a direct or indirect financial interest other than as a citizen of the city. Otherwise, each member of the Commission shall vote on each question before the Commission for a determination, unless excused therefrom by the affirmative vote of all remaining members able to vote on the question. If a question is raised under this section at any commission meeting, such question shall be determined before the main question shall be voted on, but the Commission member affected shall not vote on such determination.

(l) Except in those cases where a larger majority is required by law or the provisions of this charter, no ordinance or resolution shall be adopted or passed, nor shall any other official action be taken, except by the affirmative vote of at least four members.

(m) The Commission shall have control of the finances and of all property, real and personal, of the city corporation, except as may be otherwise provided by law

HEALTH FUNCTIONS OF COMMISSION:

Section 5.5. To the extent and for the time that the health functions of the city are joined with or absorbed by the Health Department of the County of Newaygo, as provided or permitted by law, the powers exercised by boards of health in cities shall be exercised for the city by such Health Department. In the event that the Health Department of Newaygo County shall cease to exist or, in the opinion of the Commission, shall cease or fail to exercise and perform any of the health functions of cities which are normally exercised by the board of health thereof, or which may be prescribed by ordinance, the Commission, shall, under the provisions of Section 4.1. (b), appoint a Health Board, which Board shall enforce such rules, regulations, and penalties as may be prescribed by ordinance.

RESTRICTION OF POWERS OF THE COMMISSION:

Section 5.6. The Commission shall not have the power to make any contract with or give any official position to any person who is in default to the city. Further, the Commission shall not have the power to sell any park, cemetery or any part thereof, except where such park is not required under an official master plan of the city, or any property bordering on a water front, or to engage in any business enterprise requiring an investment of money in excess of ten cents per capita, unless approved by three-fifths of the electors of the city, noting thereon at any general or special election. Except as otherwise provided in this charter, the Commission and its members shall deal with the administrative services of the city through the Mayor or such officer as the Commission may designate, to whom these powers may be delegated by the Commission, and shall give no orders, directly or indirectly, to any administrative officers or employee of the city. Except as otherwise provided in this charter, and for the purpose of investigation, the clerk shall be the delegated spokesman for the administrative services of the city before the Commission, though he may direct any administrative officer or employee to give information to the Commission on matters within his knowledge and line of duty.

CHAPTER 6 CITY LEGISLATION

LEGISLATIVE POWER:

Section 6.1. The legislative power of the city is vested exclusively in the Commission.

PRIOR LEGISLATION PRESERVED:

Section 6.2. All ordinances, resolutions, and rules of the Village of Grant, to the extent that they are consistent with the provisions of this charter, which are in force on the effective date of this charter, shall continue in full force, until repealed or amended. Any ordinance required by this charter to be adopted for any purpose, which may have been adopted prior to the effective date of this charter, shall be deemed to fulfill the requirements of this charter and no other or additional ordinance need be adopted to meet the requirements of this charter.

INTRODUCTION, CONSIDERATION, AND STYLE OF ORDINANCES:

Section 6.3. (a) Each proposed ordinance shall be introduced in written form. The style of all ordinances passed by the Commission shall be, "The City of Grant Ordains:"

(b) No ordinance shall be passed at the same meeting a which it is introduced, unless the same is declared to be an emergency ordinance by a vote of not less than four members of the Commission.

(c) An ordinance may be repealed or amended only by an ordinance passed in the manner provided in this section. An ordinance may be repealed by reference to its number and title only.

(d) If a section of an ordinance is amended, the section shall be re-enacted and published by reference. This requirement shall not apply to the schedules of one-way streets and/or parking limitations contained in any traffic ordinance.

(e) Each ordinance, after adoption, shall be identified by a number.

(f) Each ordinance shall be recorded by the Clerk forthwith in the Ordinance Book, and the enactment of such ordinance shall be certified by him therein.

(g) The Commission may adopt or provide for a codification of ordinances pursuant to the statutes then in effect and then applicable.

PUBLICATION OF ORDINANCES:

Section 6.4. (a) Before any ordinance may become effective, it shall be published in a newspaper as required by MSA 1970 Cum Supp Sec. 5.2073, Sub-paragraph (k). The effective date of an ordinance shall be stated therein, but shall not be less than twenty days from the date of its adoption, unless it is declared by the affirmative vote of not less than four members of the Commission to be an emergency ordinance.

(b) In the event of the codification of the ordinances, the deposit of fifty printed copies in the office of the Clerk, available for public inspection and sale at cost, shall constitute the publication thereof.

PENALTIES:

Section 6.5. The Commission shall provide in ordinance adopted by it for the punishment of violations thereof. Such punishment may be by a fine of not to exceed five hundred dollars or imprisonment for of more than ninety days, or both, in the discretion of the court. Imprisonment for violations of ordinances may be in the city or county jail, or in any workhouse of the state which is authorized by law to receive prisoners of the city

TIME LIMIT FOR PRESECUTION OF ORDINANCE VIOLATIONS:

Section 6.6. No prosecution for the violation of an ordinance shall be commenced after the expiration of two years after the commission of the offense, or after the commission of the offense has been brought to the attention of the Commission

PROCEEDINGS FOR PROSECUTION OF ORDINANCE VIOLATIONS:

Section 6.7. Except as may be inconsistent with this charter, all proceedings relative to the violation of ordinances shall be governed by and conform as nearly as may be with the provisions of law relating to proceedings in criminal cases cognizable by District Courts of Michigan.

INITIATIVE AND REFERENDUM:

Section 6.8. An ordinance may be initiated by petition, or a referendum on an ordinance enacted by the Commission may be had by a petition, as hereinafter provided.

INITIATORY OR REFERENDARY PETITIONS:

Section 6.9. An initiatory or a referendary petition shall be signed by not less than fifteen per cent of the registered electors of the city on the date of the filing of such petition. The Clerk shall provide and make available to any registered elector o the city general petition forms upon which any initiatory or referendary petition may be set forth by such elector or others interested therein. Such petition may be the aggregate of two or more petition papers. Each signer of a petition shall sign his name, and shall place thereon after his name the date of his signing and his place of residence by street and number and compliance with the requirements of this sentence shall be jurisdictional to the validity of any petition or petition paper. To each petition paper there shall be attached a sworn affidavit by the circulator thereof, stating that each signature thereon is the genuine signature of the person whose name it purports by be, and that it was signed and the address and date were written in the presence of the affiant. Such petition shall be filed with the Clerk who shall, within ten days, canvass the signatures thereon to determine the genuineness and the sufficiency thereof. Any signatures obtained more than sixty days before the filing of such petition with the Clerk shall not be counted. If an initiatory petition by found to contain an insufficient number of genuine signatures of registered electors of the city, or to b improper as to form of compliance with the provisions of his section, the Clerk shall notify, forthwith, the person filing such petition, and ten days from such notification shall be allowed for the filing of supplemental petition papers. When an initiatory or referendary petition is found to be sufficient and proper, the Clerk shall present the petition to the Commission at its next regular meeting.

SAME – COMMISSION PROCEDURE:

Section 6.10. Upon receiving an initiatory or referendary petition from the Clerk, the Commission shall, within sixty days, either

(a) If it be an initiatory petition, adopt the ordinance as submitted in the petition or determine to submit the proposal to the electors; or

(b) If it be a referendary petition, repeal the ordinance to which the petition refers or determine to submit the proposal to the electors.

SAME – SUBMISSION TO ELECTORS:

Section 6.11. Should the Commission decide to submit the proposal to the electors, it shall be submitted at the next election held in the city for any purpose, or, in the discretion of the Commission, at a special election. The result shall be determined by a majority vote of the electors voting thereon, except in cases where otherwise required by law.

SAME – STATUS OF ORDINANCE ADOPTED:

Section 6.12. An ordinance adopted by the electorate through initiatory proceedings may not be amended or repealed by the Commission for a period of two years after the date of the election at which it was adopted. Should two or more ordinances, adopted at the same election, having conflicting provisions, the one receiving the largest affirmative vote shall prevail as to those provisions.

SAME – ORDINANCE SUSPENDED:

Section 6.13. The certification by the Clerk of the sufficiency of a referendary petition within thirty days after the passage of the ordinance to which such petition refers shall automatically suspend the operation of the ordinance in question pending, repeal by the Commission of final determination by the electors.

CHAPTER 7

THE ADMINISTRATIVE SERVICE

THE ADMINISTRATIVE OFFICERS:

Section 7.1. (a) The administrative officers of the city shall be the Assessor, City Attorney, Clerk, Treasurer, Health Officer, the Police Chief, and the Fire Chief.

(b) In making appointments of administrative officers, the appointing authority shall consider only the good of the public service and the fitness of the appointee for, and his ability to discharge the duties of the appointee for, and his ability to discharge the duties of the office to which he is appointed.

ADMINISTRATIVE OFFICERS – APPOINTMENT, TERMS, AND COMPENSATION

Section 7.2. (a) All officers of the city under provisions of this charter, or other provisions of law shall be appointed by the Commission.

(b) All persons employed by the city who are not elective or administrative officers, or members of a board created by this charter, or declared to be administrative officers by or under authority of this section, shall be deemed to be employees of the city.

CITY CLERK:

Section 7.3. The Clerk shall be clerk of the Commission and of each appointive board of the city, except where otherwise provided. He or his deputy shall:

(a) Attend all meetings of the Commission and of each board of the city, except where otherwise provided,

(b) Keep a journal of its proceedings, in the English language.

(c) He shall be custodian of the city seal, and shall affix it to all documents and instruments requiring the seal and shall attest the same,

(d) He shall be custodian of all papers, documents, and records pertaining to the city, the custody of which is not otherwise provided for by law.

(e) He shall give to the proper officials ample notice of the expiration or termination of their terms of office and of any official bonds, and of franchises, contracts, or agreements to and of which the city is a party.

(f) He shall keep a record of all ordinances, resolutions, and actions of the Commission,

(g) He shall have the power to administer all oaths required by law and the ordinances of the city,

(h) He shall certify all ordinances and resolutions enacted or passed by the Commission and such certification shall be prima facie evidence of the due and proper action of the Commission thereon,

(i) He shall perform such other duties in connection with his office as may be required of him by order of or the approval of the Commission, and by law, or the ordinances or resolutions of the Commission,

(j) He shall have the functions and perform the duties of city auditor set forth in the succeeding Section 7.4 of this charter until a City Auditor is appointed by the Commission.

CITY AUDITOR:

Section 7.4. (a) The City Auditor, if the Commission should appoint one, shall be the general accountant of the city; shall keep the books of account of the assets, receipts, and expenditures of the city; and shall keep the Commission informed as to the financial affairs. He shall provide the accounting system of the city and each of its departments. The system of accounts of the city shall conform to such uniform system as may be required by law.

(b) He shall maintain an inventory of city-owned property, both real and personal.

(c) He shall balance all the books of account of the city at the end of each calendar month, and shall make reports.

(d) He shall, at any time upon direction of the City Clerk, examine and audit all books of account of the Treasurer at least once each month.

(e) He shall perform such other duties as the Commission shall direct.

(f) Until such time as the Commission shall provide for an independent City Auditor, by ordinance adopted upon the recommendation therefor by the City Clerk, the Clerk shall be and perform the duties of the City Auditor.

CITY ATTORNEY:

Section 7.5. (a) The Attorney shall act as the legal advisor of and be responsible to the Commission in all respects concerning the performance of the functions of their official duties. He shall advise the Commission concerning legal problems affecting the city administration and the Clerk, Treasurer, and Assessor concerning their statutory and charter duties, when so requested, and shall file with the Clerk a copy of all written opinions given by him.

(b) He shall prosecute ordinance violations and shall represent the city in cases before courts and other tribunals.

(c) He shall prepare or review all ordinances, regulations, contracts, bonds, and such other instruments as may be required by this charter or by the Commission, and shall promptly give his opinion as to the legality thereof.

(d) He shall perform such other duties as may be prescribed for him by this charter or the Commission.

CITY TREASURER:

Section 7.6. (a) The treasurer shall have the custody of all moneys of the city, the Clerk's bond, if there be one, and all evidences of value belonging to or held in trust by the city.

(b) He shall keep and deposit all moneys or funds in such manner and only in such places as the Commission may designate.

(c) He shall have such powers, duties, and prerogatives in regard to the collection and custody of state, county, school district, and city taxes and moneys as are conferred by law.

(d) He shall perform such other duties as may be prescribed by law or by the Commission.

ASSESSOR:

Section 7.7. (a) The Assessor shall possess all the powers vested in and shall be charged with all the duties imposed upon assessing officers by law.

(b) He shall make and prepare all regular and special assessment rolls in the manner prescribed by law.

(c) He shall perform such other duties as may be prescribed by law or the Commission.

CITY ENGINEER:

Section 7.8. (a) The City Engineer, if one should be appointed by the Commission, shall be responsible to the Commission and to such other officers it may designate. He shall be qualified by law for performing engineering design and supervision of public works and by training and experience in the field of sanitary and public works engineering. He shall be the official surveyor of the city and shall perform such duties on behalf of the city as are required by law to be performed by an engineer.

(b) The City Engineer or the City Clerk shall preserve in his office records concerning the boundaries and the location of city streets, alleys, and public places, and the location of all utility and sewer mains, lines, conduits, manholes, valves, junctions, and appurtenances located therein or thereon.

(c) The City Engineer, when ordered by the Commission, shall make or cause to be made, all necessary surveys, maps, plats, diagrams, plans, and specifications for all public improvements, buildings, and grounds of the city. The Commission shall have the power to employ the engineering services of any qualified engineer or engineering firm in connection with any specific engineering work. Such services may be performed in conjunction with or independently of the City Engineer, but a copy of all final plans and specifications provided by such engineer or engineering firm shall be filed with the City Engineer or the City Clerk.

POLICE DEPARTMENT:

Section 7.9. (a) The Police Department shall be in charge of the Police Chief.

(b) Police officers of the city shall have all the powers, immunities, and privileges granted to peace officers by law for the making of arrests, the preservation of order, and the safety of persons and property in the city. Any person arrested shall be taken before the proper magistrate or court for examination or trial, without unnecessary delay. Police officers shall make and sign complaints to or before the proper officers and magistrates against any persons known to be, or, upon complaint or information, believed to be guilty of any violation of this charter or ordinances of the city, or of the penal laws of the state. For purposes of making arrests, violations of this charter and of city ordinances shall be deemed to be misdemeanors.

FIRE DEPARTMENT:

Section 7.10. (a) The Fire Department shall be in charge of the Fire Chief.

(b) The Fire Department shall be responsible for the prevention and extinguishment of fires and the protection of persons and property against damage and accident resulting therefrom. The Fire Chief shall be responsible for the use, care, and

management of the city's fire fighting apparatus and property. He shall conduct supervisory and educational programs to diminish the risk of fires within the city. He, or any of his authorized subordinates, may command any person present at a fire to aid in the extinguishment thereof, and to assist in the protection of life or property. If any person willfully disobeys any such lawful requirement, he shall be deemed guilty of a violation of this charter.

(c) The Fire Chief or any of his authorized subordinates may cause any building to be pulled down or destroyed, when deemed necessary in order to arrest the progress of a fire. In such case no action shall be maintained against the city or any person therefor. If any person having an interest in such building shall apply to the Commission within three months after the fire for damages or compensation for such building, the Commission may pay him such compensation as it may deem just. The Commission may ascertain the amount of such damage or compensation by agreement with the owner of the property, or by the appraisal of a jury selected in the same manner as in the case of juries for public use. No compensation shall be paid on account of any loss which would probably have occurred to a building, if it had not been pulled down or destroyed under authority of this section.

(d) The Commission shall have power and authority to take and authorize all action necessary and appropriate to engage the city in contractual and statutory arrangements with the Township of Ashland, Newaygo County, Michigan, and/or other township or townships, in said county, in joint action to provide joint fire protection and to comply for that purpose, with the requirements of Act 33 of Public Acts of 1951, as Amended, and to secure for the city all available advantages of said act

CITIZEN PARTICIPATION:

Section 7.11. (a) To afford citizen participation in the affairs of city government, for the purpose of determining community needs, and meeting such needs through the government of the City, citizen advisory or managerial boards may be established by ordinance.

(b) The following boards, except as hereinafter provided, are established by this charter:

- (1) A Library board
- (2) A Hospital Board
- (3) A Recreation Board
- (4) An Airport Board

(c) Each such boards, whether established by ordinance or by this charter, shall be comprised of not less than four (4) and not more than (9) citizens of the city who have qualifications required by this charter, for elective officers of the City. The members of such boards shall receive no compensation for their services to the City, but shall be allowed reasonable and actual expenses when incurred on behalf of the City, and approved by the City Commission. The City Commission may appoint such additional non-voting members of any such boards as the Commission shall deem desirable. Terms for members of boards shall be (2) years, but not more than two (2) consecutive terms. A member may be reappointed after a period of one year. The Mayor shall attend and be a voting member of the Hospital Board. The Mayor shall appoint a Commissioner to serve as a non-voting member of all boards except the Hospital and Library Boards. All Boards

shall meet once a month, except the Hospital Board, which shall meet twice (2) a month. The City Commission shall write all rules and regulations necessary for the operation of all boards. Except as otherwise provided by this Charter, no person shall serve on more than one board or commission of the City. When the scope of interest of any board may extend beyond the limits of the City, one member of a board may be a non-resident of the City. (****Library Board is 2 non-residents**1983****)

PARKS AND RECREATION:

Section 7.12. (a) The city's park and recreation properties and facilities and services may constitute a department of the city government, if the Commission so determines by resolution.

(b) The city may join and cooperate with the School District of the city and with any unit of government in the operation, maintenance, and improvement of park and recreation property and facilities, and in the conduct of recreational programs.

PLANNING COMMISSION

Section 7.13. The Commission may adopt by ordinance, a Planning Commission for the city, with all of the power and authority conferred by the Act hereinafter referred to. The voting members of the Planning Commission shall be nine in number, and shall be comprised of nine persons, who possess the qualifications required by this charter for elective officers, and by Act No. 285 of the Public Acts of 1931, as amended, to be appointed by the Mayor, subject to the approval thereof by the Commission: Provided, that with the consent of the Commission, one of such persons may be a non-resident of the city who has an interest in the planning of the general area of which the City of Grant is a part. The Planning Commission shall possess and shall exercise all of the powers and functions granted to and required of planning commissions under the provisions of Act No. 285 of the Public Acts of 1931, and such amendments and superceding acts may be enacted.

ADDITIONAL ADMINISTRATIVE POWERS AND DUTIES:

Section 7.14. From time to time the Commission may, by ordinance, prescribe additional powers and duties, not inconsistent with this charter, to be exercised and administered by appropriate officers and departments of the city.

CIVIL SERVICE:

Section 7.15. The Commission may provide, by ordinance, for a merit system of personnel management for employees in the service of the city. Whether or not a merit system plan of personnel management be adopted, the standards for employment and the salary and wage scales for comparable city positions of employment and work, and in all city departments, shall be as uniform as possible.

EMPLOYEE WELFARE BENEFITS:

Section 7.16. The Commission shall have power to make available to the administrative officers and employees of the city, other than members of the several boards, any recognized standard plan of group life, hospital, health, or accident insurance,

either independently of, or as a supplement to, any pension plan provided by the city for its employees.

CHAPTER 8
BUDGET PROCEDURE AND GENERAL FINANCE

FISCAL YEAR:

Section 8.1. The fiscal and budget year of the city and all its agencies shall begin on the first day of July each year

BUDGET PROCEDURE:

Section 8.2. On or before the first day of February each year, each officer, department head, and board or commission of the city, shall submit to the Clerk, or some other person designated by the Commission, as Budget Officer, a complete statement of the estimated financial needs and expected revenues of his office or department for the next fiscal year. The budget officer shall assemble the statements so submitted and prepare for the Commission a budget proposal for the next fiscal year. Such budget proposal shall be presented to the Commission at its last regular meeting in the ensuing March. The proposed expenditures set forth in such budget proposal shall not exceed the expected revenues of the city for the next fiscal year by an amount greater than the expected unencumbered funds remaining at the end of the current fiscal year

BUDGET STATEMENT OF BUDGET OFFICER:

Section 8.3. The Budget Officer shall submit to the Commission with each budget proposal, a budget statement, which shall explain the budget proposal and contain an outline and explanation of the proposed financial policies of the city relating to its operations for the next fiscal year.

BUDGET PROPOSAL A PUBLIC RECORD:

Section 8.4. (a) Each budget proposal, together with all supporting schedules, shall be a matter of public record after it is filed with the Commission. A copy thereof shall be available for public inspection in the office of the Clerk at all reasonable times.

(b) The Commission shall provide a public hearing to be held on its proposed budget, notice of such hearing to be given by publication in a newspaper of general circulation within the city at least six days prior to the hearing. Such notice shall include the time and place of such hearing and shall state the place where a copy of such budget is available for public inspection.

ADOPTION OF BUDGET:

Section 8.5. On or before the last regular meeting in May, the Commission shall, by resolution, adopt the budget for the next fiscal year, and by ordinance shall make an appropriation of the money budgeted for municipal purposes during the next fiscal year and determine the amount to be raised by taxation.

FAILURE OF COMMISSION TO ADOPT BUDGET:

Section 8.6. Should the Commission fail to adopt budget for the next fiscal year by the 31st day of May in any year, the budget proposal as recommended to the

Commission by the Budget Officer shall be deemed to have been adopted by the Commission and, without further action by the Commission shall constitute an appropriation of the money needed for municipal purposes during the next fiscal year. It shall be deemed due and legal authority for a levy of the amount to be raised by taxes upon real and personal property subject to the provisions of Section 9.1 of this charter.

EFFECT OF ADOPTION OF BUDGET:

Section 8.7. Upon the adoption of any budget, the several amounts stated therein as proposed expenditures shall be appropriated to the several and respective objects and purposes named therein. A copy of the budget so adopted, certified by the Clerk, shall be filed in his office. Copies of the budget, as adopted, or of appropriate portions thereof, shall be furnished by the Clerk to each officer and department head, and, upon request, shall be furnished, at cost, to interested citizens and civic organizations. No transfer shall be made from one fund to another, except when authorized by the Commission.

TRANSFER OF OPERATING APPROPRIATIONS:

Section 8.8. After the budget has been adopted, no money shall be drawn from the treasury, nor shall any obligation for the expenditure of moneys be incurred for payment during the fiscal year to which such budget applies, except pursuant to an appropriation therefor. The Commission may, however, transfer any unencumbered operating appropriation balance, or any portion thereof, from one operating fund or account to another. At the end of each fiscal year, the Commission may transfer any unencumbered balance or any part thereof in any budget appropriation into one or more public improvement funds created under authority of Section 8.15 of this charter. If not so transferred, such balance shall revert to the general fund at the end of the fiscal year.

DEPOSITORY:

Section 8.9. The Commission shall designate the depositories for city funds, and shall provide for the regular deposit of all city moneys, by resolution at its last meeting in June of each year.

BUDGET CONTROL:

Section 8.10. At the beginning of each quarter of the calendar year, and at other times if required by the Commission, the Clerk shall submit to the Commission data showing the financial position of the city. If it appears that the income of the city is more or less than anticipated, the Commission may, except as to amounts required for debt and interest charges, revise or amend the budget as may be necessary.

CONTRACTUAL CLAIMS AGAINST THE CITY:

Section 8.11. All claims against the city shall be filed with the Clerk. He shall check and verify the correctness of each such claim and determine whether it is a proper charge against the city. The Commission shall provide, by ordinance, the procedure for the payment of contractual claims against the city.

DAMAGE CLAIMS AGAINST THE CITY:

Section 8.12. Except in cases arising out of or in the course of a proprietary function of the city, if any person intends to hold the city liable for any injury to person or property, he shall, within sixty days after such injury occurred, serve or cause to be served upon the Clerk a written notice stating that such person intends to hold the city liable for such damages. Such notice shall set forth substantially the time and place of the injury, the manner in which it occurred, the nature of the act or defect complained of, and the then known extent of the injury, and the names and addresses of witnesses known to the claimant. No person shall bring action against the city for damages to person or property unless brought within the period prescribed by law. It shall be a sufficient bar to any action upon any such claim that the notice of injury required by this action was not filed within the time and in the manner herein provided.

WITHDRAWAL OF CITY FUNDS:

Section 8.13. All funds of the city shall be drawn from the city treasury only pursuant to the appropriation made in accordance with Section 8.5 or Section 8.6 of this chapter and by checks signed by the Clerk and countersigned by the Treasurer. Each check shall specify the account from which it is payable. In the absence of either or both the Clerk and Treasurer any of the Commissioners may sign or countersign.

INDEPENDENT AUDIT:

Section 8.14. An independent audit shall be made of all accounts of the city at least annually, and more frequently if the Commission deems necessary. The annual audit shall be made by certified public accountants employed by the Commission, and shall be completed on or before the first day of December following the close of the fiscal year. An analysis of the audit shall be made public by the Commission.

FUNDS FOR PUBLIC IMPROVEMENTS:

Section 8.15. The Commission may establish and maintain a fund or funds, including a revolving fund for special assessment projects, for the purpose of accumulating moneys to be used for making, acquiring, extending, altering, or repairing public improvements or to purchase land or equipment. Moneys so accumulated may be transferred, encumbered, or otherwise disposed of only for the purpose for which they were accumulated unless another purpose is approved by a resolution of the Commission. No such moneys shall be so transferred, encumbered, or otherwise disposed of except for the purpose of making, acquiring, extending, altering, or repairing public improvements, or the purchase of land or equipment, unless the proposition to do so be first approved by the electors of the city voting on the question who are owners of property assessed for taxes by the city, or who are the lawful husbands or wives of such persons.

MUNICIPAL BORROWING POWER

Section 8.16. (a) Subject to the applicable provisions of law, the city may borrow money for any purpose within the scope of its powers, and may issue bonds or other evidences of indebtedness therefor. Such bonds or other evidences of indebtedness shall include, but not be limited to:

- (1) General obligation bonds, the principal and interest of which are payable from taxes levied upon the taxable real and personal property in the city

and for the payment of which the full faith and credit of the city are pledged;

- (2) Special assessment bonds which are issued in anticipation of the payment of special assessments, or any combination of two or more special assessments, which bonds may be either an obligation of the special assessment district or districts, or both an obligation of the special assessment district or districts and a general obligation of the city;
- (3) Revenue bonds, as authorized by law, which are secured only by the revenues from a public improvement and do not constitute a general obligation of the city;
- (4) Mortgage bonds for the acquiring, owning, purchasing, constructing, improving, or operating of any public utility which the city is authorized by law to finance in this manner;
- (5) Tax anticipation notes, which may be issued in anticipation of the collection of taxes in or during the current or next succeeding fiscal years of the city or any other years permitted by law;
- (6) Calamity bonds, issued in case of fire, flood, or other calamity, for the relief of the inhabitants of the city and for the preservation of municipal property, in a sum not to exceed three-eighths of one per cent of the assessed value of all the real and personal property in the city, as finally equalized, and due in not more than five years, as prescribed by State law;
- (7) Bonds for the city's share of the cost of local improvements, which bonds may be issued as a part of, or independently of, any issue of special assessment bonds which are issued for the same improvement of improvements, as prescribed by State law;
- (8) Any other type of bonds or indebtedness permitted by State law.

(b) All collections on each special assessment roll or combination of rolls shall be set apart in a separate fund and shall be used for the purpose for which levied and for the payment of the principal of and interest on bonds issued in anticipation of such special assessments. If there is a deficiency in a special assessment fund to meet the payment of the principal or interest to be paid therefrom, monies shall be advanced from the general fund of the city to meet such deficiency, and shall be replaced in the general funds when the special assessment fund shall be sufficient therefor.

(c) Bonds may be issued in anticipation of the collection of special assessments levied with respect to two or more public improvements, but no special assessment district shall be required to pay the obligation of any other special assessment district and the ordinance or resolution creating such district shall so provide.

(d) Whenever any portion of a public improvement shall be assessed by or charged to the city-at-large and the balance of such cost be assessed against the property benefitted, the Commission may provide for the payment of the city's portion of such cost in installments. In such case, bonds may be issued in anticipation of the payment of the amount assessed against the benefitted property. In such case, the Commission shall appropriate, in each fiscal year, an amount which is sufficient to pay the principal of and interest on such bonds which is required to be paid during that year. Such bonds may be

included as a part of a total issue of bonds for the public improvement to which they apply and need not be separated from bonds issued in anticipation of the payment of special assessments assessed against the benefitted property.

(e) Each bond or other evidence of indebtedness shall contain on its face a statement specifying the purpose for which the same is issued, and the proceeds thereof shall not be used for any other purpose, except that, whenever the proceeds of any bond issue, or a part thereof, remain unexpended and unencumbered for the purpose for which said bond issue was made, the Commission may, by the confirming vote of not less than four members, authorize the use of such unexpended and unencumbered funds:

- (1) For the retirement of such bond issue, or
- (2) if such bond issue has been fully retired, then for the retirement of other bonds or obligations of the city provided for by this section; Provided, that in the case of special assessment bonds, such funds shall be refunded to the owners of property against which special assessments theretofore were made, or placed in the general fund of the city, and
- (3) For such other purpose as may be permitted by law, subject to the provision Paragraph (2) above; or
- (4) If such funds cannot be so used, then in any manner approved by the vote of not less than four members of the Commission.

(f) No bond or other evidence of indebtedness, regard less of type or purpose, shall bear interest at a rate exceeding that fixed by State law.

(g) All bonds and other evidences of indebtedness shall be signed by the Mayor and countersigned by the Clerk, under the seal of the city. Interest coupons may be executed with the facsimile signatures of the Mayor and Clerk. A complete and detailed record of all bonds and other evidences of indebtedness shall be kept by the City Clerk. Upon the payment of any bond or other evidence in indebtedness, the same shall be marked "Cancelled" or otherwise defaced by the City Clerk to indicate payment.

LIMITATIONS UPON BORROWING POWER:

Section 8.17. (a) The net bonds indebtedness incurred for all public purposes shall not at any time exceed ten per cent of the assessed valuation as finally equalized of all real and personal property in the city. The resources of any debt retirement or sinking fund pledged for the retirement of any outstanding bonds which are subject to the debt limitation herein established shall be deducted from the amount of the bonded indebtedness.

(b) No bonds shall be sold to obtain funds for any purpose other than that for which they were specifically authorized, and if such bonds are not sold within three year after authorization, such authorization shall be null and void, except when delay is caused by litigation or when a bond issue has been authorized by the electors to be issued in two or more parts or series. In case of litigation, the three-year period shall start at the time of the filing of the final judgment. In case of bonds authorized to be issued in two or more parts or series, the first part or series shall be sold within three years after authorization and the final part or series shall be sold within ten years after authorization.

CHAPTER 9 TAXATION

POWER TO TAX – TAX LIMIT:

Section 9.1. The city shall have the power to assess taxes and to lay and collect rents, tolls, and excises. The annual general ad valorem tax levy for municipal purposes shall not exceed one and two-tenths per cent (12 mills) of the assessed valuation as finally equalized of all real and personal property in the city. The electors of the city may, by a majority vote of those voting on the proposition, in any year authorize an increase in such limitation for that year valuation property in the city, as prescribed by law.

SUBJECTS OF TAXATION – TAX PROCEDURE:

Section 9.2. (a) The subjects of ad valorem taxation for municipal purposes shall be the same as for state, county, and school purposes, as prescribed by law.

(b) Except as otherwise provided by this chapter, city taxes shall be levied and collected in the manner provided by law.

EXEMPTIONS:

Section 9.3. The power of taxation shall never be surrendered or suspended by any grant or contract to which the city shall be a party. No exemptions for taxation shall be allowed, except such as are expressly required or permitted by law.

TAX DAY:

Section 9.4. Subject to the exemptions provided or permitted by law, the taxable status of persons and property shall be determined as of the thirty-first day of December, or such other date as may subsequently be required by law, which shall be deemed the tax day. The taxable status of persons and property on tax day shall apply to and be used as the basis of the assessment roll for city and other taxes on property which is reviewed by the Board of Review during the month of March, or other date set by law, next subsequent to the said tax day.

PERSONAL PROPERTY – JEOPARDY ASSESSMENT:

Section 9.5. If the Treasurer finds or reasonably believes that any person who is, or may be, liable for taxes upon personal property, the table sites of which was in the city on tax day, intends to depart from the city; or to remove therefrom personal property, which is, or may be, liable for taxation or to conceal himself or his property; or to do any other act tending to prejudice, or to render wholly or partly ineffectual the proceeding to collect such tax, unless proceedings therefore be brought without delay, he shall proceed to collect the same as a jeopardy assessment in the manner provided by law.

PREPARATION OF THE ASSESSMENT ROLL:

Section 9.6. Prior to the Tuesday following the first Monday in March of each year, or such other date as may subsequently be required by law, the Assessor shall prepare and certify an assessment roll of all property in the city. Such roll shall be

prepared in accordance with law, and may be divided in to volumes, which shall be identified by the Assessor, for purposes of convenience in handling the assessment roll and for locating properties assessed therein. The attachment of any certificate or warrant required by this chapter to any volume of the roll, either as an assessment roll or as a tax roll, shall constitute the attachment thereof to the entire roll, provided the several volumes are identified in such certificate or warrant. Values of property set forth on the assessment roll shall be determined according to recognized methods of systematic assessment.

BOARD OF REVIEW:

Section 9.7. (a) A Board of Review is hereby created, composed of three qualified electors of the city, other than the Assessor, who have the qualifications set forth in Section 4.5. of this charter and who hold no other city office or employment. Members of the Board shall serve for terms of three years, so that the term of one member shall expire in each year, unless state law shall otherwise provide.

(b) The members of the Board of Review shall be appointed by the Commission. The Commission shall fix their compensation.

(c) The board shall, annually, on the first day of its meeting, select one of its members chairman for the ensuing year. The Assessor shall be clerk of the Board, and shall be entitled to be heard at its sessions, but shall have no vote on any proposition or question.

DUTIES AND FUNCTIONS OF BOARD OF REVIEW:

Section 9.8. For the purpose of revising and correcting assessments, the Board of Review shall have the same powers and perform like duties, in all respects, as are, by law, conferred upon and required of boards of review in townships, except as otherwise provided in this charter. The Assessor shall keep a permanent record of all proceedings of the Board and enter therein all its resolutions and decisions. Such record shall be filed with the Clerk on or before the first day of June following the meeting of the Board of Review.

MEETINGS OF BOARD OF REVIEW:

Section 9.9. (a) The Board of Review shall convene in the city hall on the Tuesday following the first Monday in March each year, or on such other date as may subsequently be required by law for the meeting of Boards of Review in cities, and shall proceed to examine and review the assessment roll, and during that day and the day following, if necessary, the Board shall make such changes and corrections in the roll as may be necessary to make said roll comply with the provisions of the existing statutes of the State of Michigan, and the provisions of this charter.

(b) The Board shall also meet at the city hall on the second Monday in March of the same year, at nine o'clock a.m., and continue in session during that day and the day following, continuing each session at least six hours each day, and proceed as provided by the statutes of Michigan, and the provisions of this charter relative to tax rolls.

(c) The Board of Review may examine on oath any person appearing before it respecting the assessment of property on the assessment roll. Any member of the Board may administer such oath.

NOTICE OF MEETINGS:

Section 9.10. Notice of the time and place of the annual meeting of the Board of Review shall be published by the Assessor not less than one week nor more than three weeks prior thereto.

ENDORSEMENT OF ROLL:

Section 9.11. After the Board of Review has completed its review of the assessment roll, and not later than the Tuesday following the fourth Monday in March, or such other date as may subsequently be required by law, the majority of its members shall sign a certificate to the effect that the same is the assessment roll of the city for the year in which it has been prepared, as approved by the Board of Review. This certificate, when attached to any volume of the roll, shall constitute a conclusive presumption of the validity of the entire roll, as provided in Section 9.6. Any copy of the roll, when so certified, shall be equally valid. The omission of such certificate shall not determine the validity of the roll.

VALIDITY OF ASSESSMENT ROLL:

Section 9.12. Upon the completion of the roll, and from and after midnight, ending the last day of the meeting of the Board of Review, it shall be the assessment roll of the city for county, school, and city taxes, and for other taxes on real and personal property that may be authorized by law. It shall be presumed by all courts and tribunals to be valid, and shall not be set aside, except for cause set forth by law.

CLERK TO CERTIFY LEVY:

Section 9.13. Within three days after the Commission has made the appropriation for the ensuing year, the Clerk shall certify to the Assessor the total amount which the Commission determines shall be raised by general ad valorem tax, together with such other assessments and lawful charges and accounts which the Commission requires to be assessed, reassessed, or charged against the property and persons appearing upon such roll.

CITY TAX ROLL:

Section 9.14. After the Board of Review has completed its review, there shall be prepared a tax roll, to be known as the "City Tax Roll." Upon such roll there shall be spread, (1) the amounts of the general ad valorem tax according to and in proportion to the several valuations set forth in said roll, except exempted property, and (2) such other assessments and charges as are required and authorized by the Commission.

TAX ROLL CERTIFIED FOR COLLECTION:

Section 9.15. After taxes and placing other assessments and charges have been spread upon the roll, it shall constitute the tax roll of the city and shall be referred to the Clerk who shall certify the tax roll, and attach his warrant thereto directing and requiring the Treasurer to collect, prior to March first of the following year, from the several persons named in the roll the several sums mentioned therein opposite their

respective names as a tax, assessment, or charge. Said warrant shall grant to and vest in the Treasurer, all the statutory powers and immunities possessed by township treasurers for the collection of taxes. The tax roll so certified shall be delivered to the Treasurer on or before the 15th day of June for the collection of taxes, assessments, and charges spread and levied thereon.

TAX LIEN ON PROPERTY:

Section 9.16. (a) The city taxes, assessments, and charges spread and levied on the city tax roll shall be due on the first day of July of each year. Such taxes shall become a debt to the city from the owner or person otherwise to be assessed on the tax day provided by law. The amounts assessed on any interest in real property shall become a lien for such amounts, and for all interest and charges thereon, shall continue until payment thereof.

(b) All personal property taxes shall, from and after the first of July be a first lien, prior, superior, and paramount, on all the personal property of such persons so assessed. Such liens shall take precedence over all other claims, encumbrances, and liens, to the extent provided by law for county and school district taxes, and shall so remain until such taxes and all interest and charges thereon are paid.

TAXES DUE – NOTIFICATION THEREOF:

Section 9.17. The Treasurer shall not be required to make personal demand for the payment of taxes, but, upon receipt of the city tax roll, he shall forthwith mail a tax statement to each person named on the tax roll, and shall give notice, by publication in a newspaper of the city, of the date upon which city taxes are due, which notice shall be a sufficient demand for the payment of all taxes assessed. Neither the failure on the part of the Treasurer to give such notice, nor the failure of any person to receive the notice of the tax statement, shall invalidate the taxes on the tax roll or release any person or property assessed from the penalty provided in this chapter in case of nonpayment.

TAX PAYMENT SCHEDULE:

Section 9.18. The Commission shall provide a tax payment schedule and the amount of collection charges and interest to be added to taxes, charges, and assessments on the city tax roll which remain unpaid on the 10th day of August of each year. When so added, such collection charges and interest shall be treated in all respects as an item of taxes and collected as such. If delinquent city taxes are collected by returning the same to the county treasurer, then all charges and assessments on the tax roll, and any collection charges and interest thereon, which remain unpaid at the time the delinquent tax roll is returned to the County Treasurer shall be included with the city taxes spread upon such roll and shall be collected by the County Treasurer in like manner as delinquent taxes are collected on delinquent tax rolls returned to county treasurers under the general property tax act .

FAILURE OR REFUSAL TO PAY PERSONAL PROPERTY TAX:

Section 9.19. If any person shall neglect or refuse to pay any tax on personal property assessed to him, including any collection charge and interest added thereto, the Treasurer shall collect the same by seizing any personal property of such person, to an

amount sufficient to pay such tax, together with any fees and charges added thereto, wherever the same may be found in the State. No property shall be except***** from such seizure. He may sell the property seized, to an amount sufficient to pay the taxes and all collection charges and interest added thereto, in accordance with statutory provisions. The Treasurer may, if otherwise unable to collect a tax on personal property, together with collection charges and interest added thereto, sue the person to whom it is assessed, in accordance with the powers granted to him by law.

STATE, COUNTY, AND SCHOOL TAXES:

Section 9.20. For the purpose of assessing and collecting taxes for state, county and school purposes, the city shall be considered the same as a township, and all provisions of law relative to the collection of, and accounting for, such taxes and the penalties and interest thereon shall apply. For the purpose of collecting state, county, and school taxes, the Treasurer shall perform the same duties and have the same powers as township treasurers under state law.

PROTECTION OF CITY LIEN:

Section 9.21. The city shall have power, insofar as the exercise thereof shall not conflict with or contravene the provisions of law, to acquire such an interest in any premises within the city by purchase at any tax or other public sale, or by direct purchase at any tax or other public sale, or by direct purchase from or negotiation with the State of Michigan or the fee owner, as may be necessary to assure to the city the collection of its taxes, special assessments, or charges which are levied against any lot or parcel or real property or to protect the lien of the city therefor, and may hold, lease, or sell the same. Any such procedure exercised by the city to assure the collection of its taxes or the protection of its tax or other liens shall be deemed to be for a public purpose. The Commission may adopt any ordinance which may be necessary to make this section effective.

COLLECTION OF DELINQUENT TAXES:

Section 9.22. All taxes, assessments, and charges upon real property on the tax roll, together with collection charges and interest added thereto, remaining uncollected by the Treasurer on the first day of March following the date when the roll was received by him shall be subject to one of the following procedures:

- (1) The real property which such taxes, assessments, and charges are assessed shall be subject to disposition, sale, and redemption for the enforcement and collection of the tax lien against the same in the method and manner which may be provided by the ordinance. The Commission may provide by ordinance the procedure for the sale and redemption of real property for such unpaid taxes, assessments, and charges, together with collection charges and interest added thereto, by judicial sale on petition filed on behalf of the city. Such procedure shall correspond substantially to the procedure provided by law for the sale by the State of tax delinquent real property and redemption therefrom, except that the acts performed by state and county officers shall be performed by appropriate city officers and that city tax sales shall be held not less than

thirty nor more than ninety days prior to the dates of corresponding tax sales under the general law.

- (2) If no ordinance is in effect pursuant to subsection (1) of this section, such taxes, assessments, and charges, together with any collection charges and interest added thereto, shall be returned to the County Treasurer, to the extent and in the same manner and with like effect as provided by law for returns by township treasurers of township and county taxes. The taxes, assessments, and charges, together with the collection charges and interest added thereto, thus returned shall be collected in the same manner as other taxes returned to the County Treasurer are collected in accordance with law, and shall be and remain a lien upon the property against which they are assessed until paid.

DISPOSITION OF REAL PROPERTY HELD BY CITY:

Section 9.23. When the city has acquired any interest in property to protect the city's tax lien thereon, the owner of any interest therein, by fee title, as mortgagee, or as venter or vendee under a land contract shall have the right to purchase the city's interest therein, upon payment to the city of the amount of money which the city has invested therein in the form of taxes, special assessments, charges, fees, penalties, interest, and costs, paid by the city to protect its title in such property. After the lapse of ninety days after the date that the city acquired title to any such property, the Commission may remove the same from the market by determining that such property is needed for and should be devoted to public purposes, naming such purposes, or may sell the same at a price which shall be not less than its market value, as determined and certified to the Commission by the Assessor.

CHAPTER 10

SPECIAL ASSESSMENTS

GENERAL POWER RELATIVE TO SPECIAL ASSESSMENTS:

Section 10.1. The Commission shall have the power to make public improvements within the city. As to public improvements which are of such a nature as to benefit especially any property or properties within a district, the Commission shall have the power to determine, by resolution, that the whole or any part of the expense of any public improvement shall be defrayed by special assessment upon such property, in proportion to the benefits derived or to be derived.

DETAILED PROCEDURE TO BE FIXED BY ORDINANCE:

Section 10.2. The Commission shall prescribe, by ordinance, the complete special assessment procedure governing the initiation of projects that may be either by petition of real property owners or by the Commission without the necessity of any petition, the preparation of plans and cost estimates, the creation of special assessment districts, notices and hearings, making of special assessment rolls, the correction of errors in such rolls, the confirming of special assessment rolls, the collection of special assessments, the making of additional assessments where the original special assessment roll proves insufficient to pay the cost of the improvement or the cost of the repayment of the principal of and the interest on money borrowed to pay for such improvements, refunds of excessive assessments: Provided, that, when such excess is less than five percent of the total amount of the assessment roll, the excess may be placed in the general fund, and any other matters concerning the making and financing of improvements by the special assessment method. Such ordinance shall include provision for the following:

- (1) The procedure for filing petitions for public improvements;
- (2) A survey and report by the City Clerk concerning the need for, desirable extent of, and probable cost of each proposed public improvement;
- (3) A public hearing by the Commission on the necessity of the making of such public improvement;
- (4) A resolution of the Commission determining to proceed or not to proceed with the proposed public improvement;
- (5) A public hearing by the Commission on the special assessment roll for the project;
- (6) Notice of each hearing required by this section to be given by the first class mail addressed to the owners of the property to be affected, according to the current assessment roll of the city, which mailing shall not be less than seven days prior to the date of the hearing. Publication may also be used where the owners are not known.
- (7) A resolution of the Commission confirming the special assessments roll for public improvements and stating the date upon which the special assessment therefor, or the first installment thereof, if payable, the number of annual installments, if allowed, in which the special

assessment may be paid, and the rate of interest to be charged upon each deferred installment;

- (8) No additional assessment for any public improvement, for which special assessments have been levied, shall be made, unless such additional assessment be reviewed at a meeting of the Commission, for which provided in the case of review of the original special assessment roll;
- (9) If, under item (4) above, the determination be to proceed, the Commission shall determine the probable life of the improvement, finally fix the special assessment district therefor, and order the Assessor to prepare a special assessment roll therefor.

CONDEMNATION COSTS:

Section 10.3. The cost of condemning or otherwise acquiring property needed for any public improvement shall constitute a part of the cost of the improvement. Whenever one or more parcels of land will each be required to pay twenty-five percent or more of the cost of any public improvement and any portion of one or more of such parcel or parcels of land is acquired by condemnation or otherwise for the purpose thereof, that part of the cost of the improvement represented by damages for injury to improvements on such property shall be assumed in full by the city, and shall not be included in the special assessment charged to any property benefited.

LIMITATION ON SUITS AND ACTIONS:

Section 10.4. 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 or additional special assessment, (1) unless, within thirty days after the confirmation of the special assessment roll, written notice be filed with the Clerk 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 ninety days after the confirmation of the roll.

LIEN AND COLLECTION OF SPECIAL ASSESSMENTS:

Section 10.5. Upon the confirmation of each special assessment roll, the special assessments thereon shall become a debt to the city from the persons to whom they are assessed and, until paid, shall be alien 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 effect as created by this charter for city taxes. Unpaid installment of special assessments shall be spread upon the city tax roll or the tax roll for the collection of county and school taxes, or both, as the Commission may direct and, when so spread, shall be collected in the same manner as the taxes on such rolls and shall be subject to the same collection charges and the addition of interest thereto as taxes which are spread upon the city tax roll, and with like effect in all respects. Such special assessment installments as remain unpaid on the first day of March after spreading thereof on such tax rolls, together with any collection charges and interest added thereto, shall be collected in the same manner as delinquent city taxes are collected.

SPECIAL ASSESSMENT ACCOUNTS:

Section 10.6. Moneys raised by special assessment for any public improvement shall be credited to a special assessment account, and shall be used to pay the special assessment portion of the costs of the improvement for which the assessment was levied and of expenses incidental thereto, including the repayment of the principal of or interest on money borrowed therefor, and to refund excessive assessments, if refunds be authorized.

CERTAIN POSTPONEMENTS OF PAYMENT:

Section 10.7. The Commission may provide that any person who, in the opinion of the Assessor and Commission, by reason of poverty is unable to contribute toward the cost of the making of a public improvement, may execute to the city an instrument creating a lien for the benefit of the city on all or any part of the real property owned by him and benefited by any public improvement, which lien will mature and be effective from and after the execution of such instrument, shall be recorded with the Register of Deeds of Newaygo County, and shall not be discharged or released, until the terms thereof are met in full. The Commission shall establish the procedure for making this section effective.

ALL REAL PROPERTY LIABLE FOR SPECIAL ASSESSMENT:

Section 10.8. All real property, including such as is exempt from taxation by law shall be liable for the cost of public improvements benefiting such property, unless specifically exempted from special assessments by law.

HAZARDS AND NUISANCES:

Section 10.9. When any lot, building, or structure within the city, because of age or dilapidation, the accumulation of refuse or debris, the uncontrolled growing of noxious weeds, or because of any other condition or happening becomes in the opinion of the Commission a public hazard or nuisance which is dangerous to the health, safety, or welfare of the inhabitants of the city or of those residing or habitually going near such lot, building, and structure, the Commission may, after investigation, give notice of a public hearing to the owner or owners of the land upon which such nuisance exists, or to the owner or occupant of the building or structure itself, commensurate with the nature and extent of the hazard or nuisance, either by posting notice upon the premises, by personal service, or by registered or certified mail addressed to the address set forth in the current assessment toll of the city, or the records of the Assessor, specifying the nature of the nuisance and requiring such owner or occupant to show cause why he should not be required to alter, repair, tear down, abate, or remove the nuisance within a time specified within a time specified by the Commission, which shall commensurate with the nature of the nuisance. If, at the expiration of the time limit in said notice, the owner has not complied with the requirements thereof, or in any case where the owner of the land or of the building or structure itself is not known or cannot be found, the Commission may order such hazard or nuisance abated by the proper department or agency of the city which is qualified to do the work required, or may do the work by contract or by hire, and

the cost of such abatement may be assessed against the lot, premises, or description of real property upon which hazard or nuisance is located, by special assessment.

CHAPTER 11 ELECTIONS

REGULAR CITY ELECTION:

Section 11.1. (a) A regular city election shall be held annually in the city-at-large on the date in each year corresponding to that provided by law for general November elections.

(b) Beginning in the year 1971 and in each odd numbered year thereafter, a Mayor shall be elected from the city-at-large for a term of two years, except that such term ensuing the first election under this charter in the year 1971 shall end on the date of the 1973 regular city election of Mayor. Beginning in the year 1971 and in each and every ensuing year, there shall be elected three Commissioners for a term of two years each, provided, at the first election under this charter in 1971, there shall also be elected three Commissioners each for a term that shall end on the day of the 1972 city election of Commissioners.

(c) In the event any date or dates for the holding of the regular city elections other than the date specified in Sub-Paragraphs (a) and (b) of this section should become mandatory under any state law, such elections shall thereafter be held on the date or dates prescribed by such state law.

SPECIAL ELECTIONS:

Section 11.2. Special city elections shall be hold when called by resolution of the Commission, as many days prior to the date of such election as may be required to apply for and obtain from the County Scheduling Committee a scheduled date for such election to be held on a date not less than 45 days after the action of the County Scheduling Committee approving a date for such election. Any resolution calling a special election shall set forth the purpose of such election. Unless otherwise permitted by State Law, no more than two special city elections shall be held in one calendar year.

PRIMARY ELECTION:

Section 11.3. (a) A regular city primary election shall be held in each year on the date corresponding to that prescribed by State law for the holding of the general primary preceding November Elections, except as hereafter provided.

(b) If, upon the expiration of the time for filing nominating petitions for any elective city office, valid petitions have been filed for no more than twice the number of candidates for an office to be filled by election at the following regular city election, then no primary election shall be held with respect to such office.

(c) When the circumstances require holding a primary election, candidates, equal in number to twice the number of persons to be elected to each office to be filled by election at the next regular city election, who receive the highest number of votes of the electors of the city-at-large at any such primary election shall be the nominees for election to the respective offices for which they are candidates. The names of such candidates, together with the names of candidates who filed valid nominating petitions for any office

for which no primary was held, shall be certified by the Clerk to the Election Commission as nominees for the next subsequent regular city election.

QUALIFICATIONS OF ELECTORS:

Section 11.4. Each person who has the constitutional qualifications of an elector of state and local officials in the State of Michigan, or who will have such qualifications at the next ensuing primary, regular or special city election, shall be entitled to register as an elector of the city.

ELECTION PROCEDURE:

Section 11.5. All primary and general city elections for the nomination and election of officers shall be in the city-at-large and non-partisan. The general election laws of the state shall apply to and control, as near as may be and wherever applicable, all procedures and requirements relating to and comprehending the conduct of city elections, including, without limitation, registration of electors, notices, absent voting, ballots, manner of voting, polling places, such legally authorized voting devices as the Commission may determine to make available for use, counting and canvassing votes, preparation of statements and returns, handling ballots, preparing and delivering statements, tally sheets, and poll lists, to the Board of County Canvassers, duties of the Board of Inspectors of Election in each precinct, rules for counting and recounting of votes, determination by lot, and all duties of the Board of County Canvassers recount procedure, and any and all other applicable and related matters. General election laws of the State shall apply and control as to all elections required by State law to be held in the city whenever State laws supersede this charter.

BOARD OF CITY ELECTION COMMISSIONERS:

Section 11.6. A Board of City Election Commissioners consisting of the Clerk, the Treasurer, and one city elector appointed by the Commission for an indefinite term, is hereby created. If any of such persons are candidates for office at an election to be canvassed, such person shall not be a member of the Board at such election, and the Commission shall designate a person to act in his stead. The Clerk shall be chairman. Two of the members of such Board shall be a quorum for the transaction of business, and should only one of said officials be in attendance on the day appointed for a meeting of the Board, the officer in attendance shall appoint a qualified and registered elector of the city to act in the absentee's stead, during the period of nonattendance. The Board shall have charge of all activities and duties required of it by law relating to the conduct of elections in the city. It shall select and appoint the election inspectors and other election personnel. The compensation of all election personnel shall be determined by the Commission. In any case when election procedure is in doubt, the Election Board shall prescribe the procedure to follow.

NOMINATING PETITIONS:

Section 11.7. A person desiring to qualify himself or any other person as a candidate for any elective office under this charter shall file with the Clerk a properly filled out official nominating petition on forms furnished by the office of the Clerk, or on

the candidate's own printed forms complying substantially with the forms supplied by the Clerk. The Clerk shall prepare and provide such official blank nominating petitions, in substantially the same form as required by law or designated by the Secretary of State for non-partisan judicial officers. Each such petition may be more than one petition form, and shall be signed not less than twenty nor more than one hundred of the registered electors of the city-at-large. Such petitions shall be filed with the Clerk not later than 4:00 o'clock in the afternoon on the seventh Monday (*****12TH Tuesday Ord #28*****) preceding the primary election date, or such other date as shall be established therefor by law. The Clerk shall publish notice of the offices to be filled and of the last date and time for receiving nominating petitions not less than ten days prior thereto. Before the Clerk shall furnish nominating petitions to any person, he shall enter thereon with typewriter or in ink the name of the candidate and the office for which he is to be candidate. No petition which has been altered with respect to such entries shall be received by the Clerk for filing under the provisions of this section. Nominating petitions for the purpose of filling a vacancy shall so state in connection with the name of the officer for which they are to be used. If any person signed his name to a greater number of petitions for any office than there will be persons elected to that office, his signature shall be disregarded on all petitions for that office.

APPROVAL OF PETITIONS:

Section 11.8. The Clerk shall accept for filing only nominating petitions on official blanks containing the required number of signatures of qualified and registered electors of the city. Within two weeks after the final filing date, the Clerk shall determine the sufficiency of the number and genuineness of the signatures on each petition file, and, if he finds that any petition does not contain the required number of genuine signatures of qualified and registered electors, he shall immediately notify the candidate, in writing, of the insufficiency of his petition. Each petition which is found by the Clerk to contain the required number of genuine signatures of qualified and registered electors shall be marked "Valid" with the date of such finding.

AFFIDAVIT OF QUALIFICATION FOR OFFICE:

Section 11.9. On or before the third day after the last day for filing petitions for any office as provided, each person for whom a valid nominating petition has been filed, or some on his behalf, shall file with the Clerk an affidavit that he is possessed of all of the qualifications set forth by this charter for election to and the holding of the office for which the petition has been filed. Such affidavit shall be on the form therefor provided by the Clerk; the Clerk shall not receive such affidavit from any person for more than one office to be filled at the next city election.

NAMES OF CANDIDATES ON ELECTION BALLOTS:

Section 11.10. The name of each person from whom a valid nominating petition and the affidavit required by Section 11.9 has been filed shall be entered on the ballot of the next city primary election, if a primary is held for the office he seeks under the heading of the office for which he is a candidate.

FORM OF BALLOTS:

Section 11.11. The form, printing, and numbering of ballots and ballot labels used in any city election shall conform, as nearly as may be, to that prescribed by law, except that no party designation or emblem shall appear thereon. The names of qualified nominees for each office shall be listed under a separate heading for each office, and shall be rotated on the ballots as provided by law. Ballots and ballot labels may be printed on tinted material to distinguish the city ballot from other ballots at any election. In the event punch card ballots come into widespread use, or any other form of ballot may at any time be authorized by law, either form of ballot may at any time be authorized by law, either form adaptable to a city election may be approved and authorized by the City Commission.

BOARDS OF ELECTION INSPECTORS, APPOINTMENT AND DUTIES:

Section 11.12. The Board of Election Commissioners, at least 21 days but not more than 40 days before such election, but in no case less than 5 days prior to the date set for holding schools of instruction, shall appoint for each election precinct of the city at least three inspectors, and as many more as in its opinion is required for the efficient, speedy and proper conduct of such election, and shall designate one of such inspectors as chairman. Such election inspectors shall have such qualifications, and shall perform and fulfill such duties and function, and shall fill vacancies in such manner, as provided by the applicable general laws of the State.

CANVASS OF RETURNS BY BOARDS OF COUNTY CANVASSERS:

Section 11.13. The Board of Election Inspectors of the city shall make returns of votes cast for all candidates for offices voted for, and returns on all other questions voted at each election, and shall file such returns in the office of the County Clerk of the county for canvassing by the Board of County Canvassers, in the manner and as required by the applicable general laws of the State.

CHAPTER 12
UTILITY FRANCHISES AND MUNICIPAL OWNERSHIP

PUBLIC UTILITY FRANCHISES:

Section 12.1. All public utility franchise granted after the adoption of this charter, whether it be so provided in the granting ordinance or not, shall be subject to the right of the city:

- (1) To repeal the same for misuse, or non-use, or for failure to comply with the provisions thereof;
- (2) To require proper and adequate extension of plant and service maintenance thereof at the highest practicable standard of efficiency;
- (3) To establish reasonable standards of service and quality of products, and prevent unjust discrimination in service or rates;
- (4) To require continuous and uninterrupted service to the public in accordance with the terms of the franchise throughout the entire period thereof;
- (5) To impose such other regulations as may be determined by the Commission to be conducive to the safety of persons and property and the accommodation of the public;
- (6) To require the public utility to which any franchise is granted to permit joint use of its property and appurtenances located in the streets, alleys, and public places of the city, by the city, and other utilities insofar as such joint use may be reasonable, practicable, and upon payment of reasonable rental therefor; Provided that, in the absence of agreement, upon application by the public utility, the Commission shall provide for arbitration of the terms and conditions of such joint use and the compensation to be paid thereof;
- (7) To pay such part of the cost of improvement or maintenance of the streets, alleys, bridges, and public places of the city, as shall arise from its use thereof and to protect and save the city harmless from all damages arising from said use;
- (8) Require the public utility to file with the City Engineer such drawings and maps of the location and nature of its facilities, as the Commission may request.

LIMITATIONS ON THE GRANTING OF FRANCHISES:

Section 12.2. No franchise shall be granted by the city for a term exceeding thirty years. Each franchise shall include a provision requiring the provision to take effect within one year after the adoption of the ordinance granting it, except in the case of grants to take effect at the end of an existing franchise. An irrevocable franchise may not be granted by the city, unless the ordinance granting such franchise, extension, or amendment has first received the affirmative vote of at least three-fifths of the electors of the city voting thereon at a regular or special city election. An irrevocable franchise

ordinance may be approved by the Commission, for referral to the electorate, only after a public hearing has been held thereon and after the grantee named therein has filed with the Clerk his or its unconditional acceptance of all the terms of the franchise. No special election for such purpose may be ordered by the Commission, unless the expense of holding such election has been first paid to the Treasurer by the grantee named.

PROCEDURE FOR GRANTING FRANCHISES:

Section 12.3. Every ordinance granting a franchise, or right to permanently occupy or use of streets, alleys, bridges, or public places shall remain on file with the Clerk for public inspection in its final form for at least thirty days before the final adoption thereof, or the approval thereof for referral to the electorate.

SALE OR ASSIGNMENT OF FRANCHISES:

Section 12.4. The grantee of a franchise may not sell, assign, sublet, or allow another to use the same, unless the Commission gives its written consent. Nothing in this section shall limit the right of the grantee of any public utility franchise to mortgage its property or franchise, nor shall restrict the rights of the purchaser, upon foreclosure sale, to operate the same, except that such mortgagee or purchaser shall be subject to the terms of the franchise and provisions of this charter.

PLANS OF FACILITIES IN STREETS AND PUBLIC PLACES:

Section 12.5. The Commission may, by ordinance, require, as a condition to the placing or installment thereof, that each public utility conducting a business in the city file a duplicate copy of layout plans of pipes, conduits, and other facilities which are to be placed on, under, or above the surface of the city's streets, alleys, bridges, and public places.

GENERAL POWERS RESPECTING MUNICIPAL UTILITIES AND SERVICES:

Section 12.6. The city shall possess and hereby reserves to itself all the powers granted to cities by law to acquire, construct, own, operate, improve, enlarge, extend, repair, and maintain public utilities, either within or without its corporate limits, including, but not by the way of limitation, public utilities for treating and supplying water, and for supplying light, heat, power, gas, sewage treatment, and garbage disposal facilities, or any of them, to the city and its inhabitants. The power to supply, as herein possessed and reserved, shall include the power to extract and process water, electricity, or gas from natural resources, to manufacture the same, or to purchase the same from others.

ADMINISTRATION AND OPERATION OF MUNICIPAL UTILITIES:

Section 12.7. The Commission shall be responsible for the care, protection, preservation, control, improvement, and extension of the utility plants and facilities of the city and shall adopt such ordinances and resolutions as are required therefor. Such utility plants and facilities shall be a department of the city and the management thereof shall be the duty of the Manager appointed by the Commission, who shall be responsible to the Commission therefor. Such Manager shall subject to approval of the Commission, appoint a Superintendent of each of the city's utility functions and such other

administrative personnel as shall be required to carry out the operation, maintenance, improvement, and extension of the said city utilities and utility facilities.

UTILITY CHARGES – COLLECTIONS:

Section 12.8. The Commission shall fix the rates to be charged for all public utility services of the city. The Commission shall provide, by ordinance for the collection of public utility charges, and for such purpose, shall have all the powers granted to cities by Act 178 of the Public Acts of 1939 and any other provision of law which permits cities to make any delinquent utility charges a lien upon the premises to which the utility charges are furnished. When any person shall fail, or refuse to pay to the city any sums due on utility bills, the utility service or services upon which such delinquency exists may be shut off or discontinued by the Commission and suit may be instituted by the city for the collection of the same in any court of competent jurisdiction.

ANNUAL AUDIT:

Section 12.9. The cost of making the annual audit of the accounts of each public utility of the city shall be defrayed from the funds of the utility.

ANNUAL REPORTS:

Section 12.10. The annual audit of each public utility of the city shall show, as nearly as possible, the financial results of the city ownership and operation of the public service works of the city.

DISPOSAL OF PLANTS:

Section 12.11. Except for purposes permitted by law, the city shall not sell, exchange, lease, or in any other way alien or dispose of the property, casements, income, or other equipment, privileges, or assets belonging to or appertaining to any utility which it may own or acquire, unless and until such proposition shall first have been submitted, at an election held for the purpose in the manner provided in this charter, to the electors of the city and approved by them by a three-fifths majority vote of the electors voting thereon. All contracts, negotiations, licenses, grants, leases, or other forms of transfer in violation of this provision, shall be void and of no effect as against the city. The provisions of this section shall not apply to the sale or exchange of any article of equipment of any city-owned utility that is worn out or useless, or which could with advantage to the service, to be replaced by new and improved machinery or equipment, as determined by the City Commission by resolution.

CHAPTER 13 CONTRACTS

CONTRACTING AUTHORITY OF COMMISSION:

Section 13.1. (a) The power to authorize the making of contracts on behalf of the city is vested in the Commission and shall be exercised in accordance with the provisions of law.

(b) All contracts, except as otherwise provided by ordinance in accordance with the provisions of Section 13.2 hereof, shall be authorized by the Commission and shall be signed on behalf of the city by the Mayor and the Clerk.

PURCHASE AND SALE OF PERSONAL PROPERTY:

Section 13.2. The Commission shall establish, by ordinance, the procedures for the purchase and sale of personal property. Such ordinance shall provide for centralized purchasing on behalf of the city. The ordinance shall also provide the dollar limit within the purchases of personal property may be made without the necessity of the Commission approval. No purchase of personal property shall be made unless a sufficient unencumbered appropriation is available therefor.

LIMITATIONS ON CONTRACTURAL POWER:

Section 13.3. (a) The Commission shall have power to enter into such contracts as may be permitted by law.

(b) The city shall not have power to purchase, sell, lease, or dispose of any real estate unless:

- (1) Such action is approved by the affirmative roll call vote of four or more members of the Commission, and unless,
- (2) In the case of real estate owned by it, the resolution authorizing the sale, lease, or disposal thereof shall be completed in the manner in which it is to be finally passed and has remained on file with the Clerk for public inspection for thirty days before the final adoption or passage thereof, and unless,
- (3) When the proposition is to sell any park, cemetery, or any part thereof, except when such park is not required under an official master plan of the city, the proposition to sell, lease, or dispose of the same shall also be approved by a three-fifths vote of the electors of the city voting thereon at any general special election.

(c) Except as provided by ordinance authorized by 13.2 of this chapter, each contract for construction of public improvements or for the purchase or sale of personal property, involving \$1,000.00 or more, shall be let after opportunity for competitive bidding. All bids shall be opened in public in the Commission too, by the Clerk or his deputy at the time designated in the notice of letting, and shall be reported to the Commission at its next meeting. The Commission may reject any or all bids, if deemed advisable.

If, after two or more opportunities for competitive bidding, no bids are received or if such bids were received were not satisfactory to the Commission, the Commission may either endeavor to obtain new competitive bids or may authorize the Clerk or other proper official of the City to negotiate for a contract in the open market.

- (d) No contract shall be made with any person who is in default to the city.
- (e) No extra compensation shall be paid to any agent, employee, or contractor after the service has been rendered or the contract entered into.

BUSINESS DEALINGS WITH CITY:

Section 13.4. An officer or employee of the city who intends to have business dealings with the city, whereby he may derive any income or benefits, other than such as are provided as remuneration for his official duties, shall file with the Clerk a statement, under oath, setting forth the nature of such business dealings, and his interest therein. The statement shall be filed with the Clerk not less than ten days before the date when action may be taken by the Commission upon the matter involved. The statement shall be spread upon the proceedings of the Commission for the meeting at which it is received and published in full therewith. In each case where the type of dealings with the city is on a continuing basis, involving more than one of a sequence of transactions described in the statement, each such statement shall stand for and apply to such transactions for a period of six months, and may be renewed at the end of each six months' period for so long as such transactions continue. Each such renewal shall be spread upon the proceedings of the Commission and published as in the case of the original statement. In the event that the interest of any officer or employee of the city in any business dealings with the city changes at any time, he shall file a statement thereof as herein required, which statement shall also be spread upon the proceedings of the Commission and published as herein required. Approval of any such business dealings shall require a concurring vote of at least four members of the Commission, not including any member who is disqualified under Section 5.4. (k) of this charter. Any business dealing made in violation of this section shall be void.

CHAPTER 14

SCHEDULE

STATUS OR SCHEDULE CHAPTER:

Section 14.1. To provide procedure for the final adoption of the proposed charter, and to insure the orderly transition from the governing authority of the Village of Grant to that of the City of Grant under this charter, the following schedule and temporary provisions are set forth to be effective for such periods as are thereby required.

ELECTION TO ADOPT CHARTER; ELECT FIRST ELECTIVE OFFICERS; EFFECTIVE DATES:

Section 14.2. Upon the approval of this proposed Charter by the Charter Commission, and prior to its final adjournment, the village clerk as Clerk of the Charter Commission shall transmit the proposed Charter to the Governor of the State of Michigan pursuant to Sec. 5.2101 of 1949 Rev. Vol. of MSA, for approval and signature. Promptly after the receipt of notice of approval of the Charter by the Governor, or if returned with objections and then amended as provided by said statute, then promptly after the passage of any such amendments, the Charter Commission shall proceed with submission of such Charter, and amendments thereto, if any, to the electors of the Village, in accordance with the applicable provisions of Sec. 5.2094 of 1970 Cum. Sup. MSA, and by resolution fix the date of the first City election to be held at a special election or on the same date as a general election, at which the question of the adoption of the proposed Charter, and the election of the elective officers provided for therein to take office at such time after the effective date of such Charter as may be stated in such resolution, shall be submitted to the vote of the qualified electors of the Village of Grant. Provision shall be made in such resolution for the conduct of such election in accordance with the applicable provisions and requirements of the proposed Charter and the General Election Laws of the state applicable thereto, including the registration of electors, the manner of nominating candidates for the first elective officers provided for in the proposed Charter, and for all other things necessary for making such nominations and holding and conducting such election. A copy of the proposed Charter shall be published in the Grant Herald-Independent, a newspaper published in the Village of Grant, at least once, not less than two weeks and not more than four weeks preceding said election, together with a notice of said election, containing notice that on the date fixed therefor the question of adopting said proposed Charter will be voted upon, and that the elective officers provided for therein will be elected.

Notice of such election shall also be posted in at least ten public places within the proposed city not less than ten days prior to such election, in such form as the Charter Commission shall prescribe. At least one polling place shall be prescribed for such election in the Community Building of the Village of Grant, and notice of the location of such polling place shall be given in the notice of such election. Inspectors of such election shall be appointed in such resolution. The results of such election shall be canvasses by the County Board of Canvassers as required by said statute. The elective officers first

elected to act under the proposed Charter, if adopted, shall qualify for and take office upon the effective date of said Charter and of the incorporation of the new city, which is the date when the filing and other requirements culminating in and on the date of the receipt from the County Clerk of a printed copy of such Charter by the Secretary of State having been fully complied with as specified in Section 5.2096, Cum Sup. 1970 MSA, and such elective officers shall hold office for such shorter terms as may be deemed appropriate and be specified by the Charter Commission in such resolution for the purpose of effecting an orderly transition to the terms of office specified in the Charter as so adopted.

For the purpose of scheduling the date of the election on the question of the adoption of the proposed Charter, as amended, and the election of the first elective officers provided for therein to take office upon the effective date of such Charter, the Charter Commission shall make application as required by the applicable general laws of the state, to the County Scheduling Committee, within 10 days after receipt by the Charter Commission from the Governor of the State of Michigan of notice of approval of the proposed Charter as finally amended, and in its resolution fixing such date to be so applied for, and in its application to the County Election Scheduling Committee, shall specify the earliest date of such election permissible after making due allowance for the minimum time required by the provisions of the proposed Charter and the general laws of the state for the registration of electors and giving due notice thereof, and giving due notice of such election, and taking into account the statutory limitation prohibiting a date of special election earlier than 45 days from the date of approval by the County Election Scheduling Committee, and taking into account the additional period of 30 days beyond such 45 day period in the event a general election occurs in the Village of Grant within such period of 30 days.

FORM OF BALLOT FOR CHARTER ADOPTION:

Section 14.3. The form of the question on the adoption of the proposed Charter shall be substantially as follows:

Shall the proposed Charter of the City of Grant
which was framed by the Charter Commission elected
December 9, 1969, be adopted?

YES NO

And shall be set forth on paper ballots for absentee voting in the usual manner.

CITY DEEMED INCORPORATED:

Section 14.4. The new city provided for in the proposed Charter shall not be deemed incorporated until after its adoption by the vote of the electors, and the applicable filing requirements of Sections 5.2092, 5.2093, and 5.2096 of 1970 Cum. Sup. MSA, have been complied with, and finally, a duplicate printed copy thereof certified by the Clerk has been received by the Secretary of State.

CONTINUING AUTHORITY OF THE VILLAGE ELECTIVE AND ADMINISTRATIVE OFFICERS:

Section 14.5. The territory constituting the City of Grant, comprising the same identical territory as that, constituting the Village of Grant shall continue, notwithstanding the final adoption of the proposed Charter and the contemporaneous election of the first elective officers thereunder, until the City of Grant has been legally incorporated and the proposed Charter has become effective by compliance with the filing and other requirements set forth in the preceding Section 14.4 hereof, culminating in and on the date of the receipt of a printed copy of such Charter by the Secretary of State of Michigan, as provided in Section 5.2096 of 1970 Com. Sup. MSA.

COMMISSION ACTION:

Section 14.6. In all cases involving the transition from the government of the Village of Grant to the government of the City of Grant under this Charter, which are not otherwise provided for herein, the Charter Commission shall supply all necessary details and procedures and may adopt such rules, regulations, and ordinances as it may deem necessary and appropriate.

VESTED RIGHTS AND LIABILITIES:

Section 14.7. After the effective date of this Charter, the City and all its agencies shall be vested with all the property, monies, contracts, rights, credits, effects, and the records, files, books, and papers belonging to the Village of Grant. No right or liability, contract, lease, or franchise, either in favor or against the Village of Grant, existing at the time this Charter becomes effective, and no suit or prosecution of any character, shall be affected in any manner by any change resulting from the adoption of this Charter, but the same shall stand or proceed as if no change has been made. All taxes, debts, and liabilities due to the Village of Grant from any person, and all fines and penalties, imposed and existing at the time of such change, shall be collected by the city. All trusts established for any municipal purpose shall be continued in accordance with the terms thereof subject to the cy pres doctrine.