

# Melvindale



# City Charter

# MELVINDALE CHARTER

## RESOLUTION

**CRC-02-110:** Moved by Hagler, and supported by McLean,

**RESOLVED**, that the revised Charter, as presented, is approved and adopted by the Charter Revision Commission for the City of Melvindale on this 29<sup>th</sup> Day of April, 2002.

**FURTHER RESOLVED**, that the Charter is dedicated to the Memory of Margaret P. Barbb, who served on the Charter Commission for the City of Melvindale.

**FURTHER RESOLVED**, that the Clerk for the City of Melvindale is directed to take all the steps necessary to insure that the question of the adoption of the Charter be submitted to the voters at the 2002 Primary Election.

**YEAS:** Jason P. Hagler, Steven M. Pratt, Judith Clinton, C. Sue Herman, Barbara A. Holmes, Christopher Marshall, Jeffrey S. McLean and Mary L. Suiter

**NAYS:** None

**ABSENT:** None

Adopted by the City of Melvindale  
Charter Revision Commission on  
April 29, 2002.

# MELVINDALE CHARTER

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# **MELVINDALE CHARTER**

## **CHAPTER 1. PREAMBLE**

We, the People of the City of Melvindale, Wayne County, Michigan, formerly known as the Village of Melvindale, by virtue of the authority of the Constitution of the State of Michigan and the Public Acts of the Legislature of the State of Michigan duly adopted, do hereby ordain and establish this Charter for the City of Melvindale in order to promote, maintain, and better provide for the interests and welfare of all of our people.

## **CHAPTER 2. BOUNDARIES**

### **Section 1. Territorial Description:**

The boundaries of the City of Melvindale shall include all territory embraced within the limits of the former village of Melvindale to which municipal corporation the City of Melvindale is successor.

## **CHAPTER 3. OFFICIAL TITLE**

### **Section 1. Title:**

The official title shall be "The CITY OF MELVINDALE."

## **CHAPTER 4. WARDS**

### **Section 1. Legal Description:**

There shall be one (1) ward in the City of Melvindale.

## **CHAPTER 5. GENERAL POWERS**

### **Section 1. Powers:**

The City shall have powers as are conferred under the provisions of this Charter, such other powers which may be delegated to the City, and in the exercise of such powers and authority the Council may adopt such ordinances or resolutions as it shall deem advisable. These powers shall include the following:

1. To acquire, own, establish, construct and lease to private or public individuals or companies, or operate itself either within or outside its corporate limits, any public utilities. The acquisition of any such public utilities may be either by purchase or condemnation; provided, however, that no such public utility shall be so acquired unless the proposition to do so shall have first received the affirmative vote of three-fifths (3/5) of the electors of the City voting thereon at a regular or special municipal election.

2. To provide and maintain a city jail.

3. To provide for the issuance of licenses, the purposes for which licenses may be issued, and the manner of revoking or suspending the same.

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4. To lay out, determine and establish grades; open, widen, extend, straighten, or alter, pave or repave, clean, sprinkle or otherwise improve any highway, street or alley in the City whenever it shall deem the same to be a public improvement.

5. To establish, construct and maintain or discontinue sidewalks, curbs, sewers and drains in the City.

6. To acquire, purchase, condemn or to take private property for public use and to purchase and erect public buildings required for the use of the City and other purposes necessary or convenient for the public good and such buildings and grounds or any part thereof may be sold at public sale or leased. However, no public park shall be sold without the consent of a three-fifths (3/5) vote of the electors voting on the question of the sale of a public park.

7. To receive bequests, gifts and donations in fee or in trust for charitable or other purposes, and to do all things necessary to carry out the purposes of such bequests, gifts or donations.

8. To establish and maintain a public library. The Council shall have power to appoint a Library Commission, the same to serve without compensation. Such commission shall be appointed in the manner provided for in Section 10, Chapter 7 of this Charter. Council shall prescribe the duties and the number of Commissioners when establishing such Commission.

9. To remove or abate any nuisance to prevent injury or annoyance from anything dangerous, offensive or unhealthy.

10. To provide for the approval of plats and subdivisions, subject to such terms and conditions as the Council shall prescribe.

11. Council may make special assessments when appropriate and in accordance with the terms of this Charter.

12. To require lot owners to build and maintain sidewalks adjacent to public streets and abutting upon such lots and to keep such sidewalks in good repair at all times.

13. To provide for a collection fee for the collection of general taxes and special assessments.

14. To vacate, discontinue or abolish any highway, street, lane or alley or public ground, or any part thereof, and such action shall be taken by appropriate resolution and notice shall be given of the time and place when the Council shall meet to hear objections to the proposed action; such notice shall be given by publishing the same in the official newspaper of the City, and by posting copies of such notice in three (3) conspicuous places in the City of Melvindale at least four (4) weeks prior to the date of hearing fixed.

15. To regulate the construction, repair and use of hydrants, pumps, sewers and gutters.

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16. To provide for taking a census of the inhabitants of the City, whenever the Council shall see fit, and to direct and regulate the same.

17. To provide for and regulate the numbering of buildings upon the streets and alleys, and to compel the owners or occupants to affix numbers on the same; and to designate and change the names of public streets, alleys and parks.

18. To enact, repeal, amend or modify City ordinances, and to make all such regulations, consistent with the laws and Constitution of the State, as they may deem necessary for the safety, order and good government of the City, and the general welfare of the inhabitants thereof.

19. To construct, own, equip, operate, maintain and improve works for the disposal of sewage and to charge against the owners of premises for the use of such works and to authorize contracts for the use of such works by other cities and political subdivisions and charges against owners of premises therein served.

20. To regulate and restrict the use, improvements and control of the surface of its streets, alleys and public ways and the space above and beneath them; to regulate and control the use by others than the owners of property located in streets, alleys and public places, in the operation of a public utility.

21. To have general control of all utilities operating within the City on, above or beneath the surface of streets, highways and public places, and to submit, in accordance with the Constitution and laws of the State, to the qualified electors of the City for their approval or disapproval, any franchise for any public utility or proposition in connection with the regulation or control thereof.

22. To establish districts or zones within which the use of land and structures, the height, the area, the size and location of buildings and required open spaces for light and ventilation of such buildings, and the density of population may be regulated by ordinance in accordance with statutory provisions governing zoning.

23. To regulate the use, occupancy, sanitation and parking of house trailers within the City, and the right of the City to so regulate any house trailer shall not be abrogated because of any detachment thereof from its wheels or because of placing it on, or attaching it to, the grounds, by means of any temporary or permanent foundation, or in any manner whatsoever. Any regulation enacted by the City shall be subject to limitations imposed by State law, including regulations imposed by the Mobile Home Commission.

24. To join with any governmental unit or agency, or with any number or combination thereof by contract or otherwise as may be permitted by law, to perform jointly, or by one or more of them, for or on behalf of the other or others any power or duty which is permitted to be so performed by law or which is possessed or imposed upon each such governmental unit or agency.

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## CHAPTER 6. REGISTRATION, NOMINATION AND ELECTION:

### Section 1. Registration:

No person shall be entitled to vote at any election held in the City of Melvindale unless such person is a resident of the City of Melvindale and shall be duly registered in accordance with the provisions of the Michigan Election Laws in relation to registration of electors.

### Section 2. Notice of Registration:

Notice of registration shall be given by the City Clerk, in accordance with the provisions of Michigan Election Laws.

### Section 3. Nomination to Office:

Candidates for any elective office to be voted for at any municipal election, under the provisions of this Charter, shall be nominated at a primary election. No other name shall be placed upon the election ballot for the election of such officers except those nominated in the manner hereinafter prescribed. However, when the number of candidates for nomination to any office does not exceed twice the number to be elected to that office, then no primary election for the nomination of candidates shall be held, and such candidates shall be deemed to be nominated to such office. The names of such candidates for any such office shall be placed upon the election ballot to be voted for at the next regular municipal election the same in all respects as though the said candidates had been nominated at a primary election.

### Section 4. Nonpartisan Primary Election: When Held:

The primary election for the nomination of candidates for all elective offices provided for under the provisions of this Charter shall be held on Tuesday succeeding the first Monday in August during an election year.

### Section 5. Affidavit of Identity:

Any person desiring to become a candidate for any elective office shall on or before 4:00 o'clock p.m. on the twelfth Tuesday preceding the primary election file with the City Clerk an affidavit of identity which shall conform with the provisions of the Michigan Election laws.

### Section 6. Nominating Petition:

Each candidate for any elective office shall, at the time that the affidavit of identity is filed with the City Clerk, also file therewith a petition, placing in nomination the name of such candidate, which petition shall be signed by not less than twenty five (25) nor more than fifty (50) qualified and registered electors of the City. Such petition shall conform with the provisions of Michigan Election Laws with respect to nominating petitions.



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### **Section 7. Checking of Petitions, Notice to Candidate**

In case it is determined that the nominating petitions of any candidates do not comply with the requirements of this charter or Michigan Election Law, or for any cause, such candidate is not entitled to have his or her name printed on the official primary ballots, it shall be the duty of the Clerk to notify such candidate of such fact, by 4:00 p.m. of the next official business day after the filing together with a statement of the reasons why the name was not certified.

### **Section 8. List of Candidates Publicly Displayed.**

The Clerk shall forthwith prepare and post in the Clerk's office a list of the candidates who have filed nominating petitions in the Clerk's office, as near as may be, as they will appear upon the official primary election ballots.

### **Section 9. Records, Public Inspections:**

The Clerk shall keep a public record of the nominating petitions in a book or electronic data base for that purpose, which records shall indicate the names of the candidates, the office sought, and the dates when such nominating petitions were filed. All such records shall be available, during office hours, to the reasonable inspection and examination of the public in accordance with applicable State law, including the Freedom of Information Act.

### **Section 10. Notice of Primary Election:**

Notice of the time and place of holding of a primary election and the officers to be nominated shall be given by the Clerk in the same manner and at the same time as provided in the Michigan Election Laws for the giving of notice by the City Clerk. Additionally, the Clerk shall notify voters by means of at least one other media outlet which is available to the Clerk.

### **Section 11. Form of Primary Ballot:**

The primary ballot shall conform as near as may be with the provisions of the State Election Laws with respect to ballots, except that it shall contain no party mark or designation.

### **Section 12. Printing of Primary Ballots.**

The City Clerk shall cause the primary ballot to be printed in accordance with and as provided in the Michigan Election Laws.

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### **Section 13. Inspectors of Election:**

The Election Commission shall, before each election appoint for each voting precinct, now existing or hereafter created, an inspector who shall preside as Chairman of said election precinct. The inspectors shall receive such compensation as shall be fixed by the Council.

### **Section 14. Oath of Election Inspectors:**

The City Clerk shall administer the oath of office, as required by Michigan Election Laws, to each member of the Board of Election Inspectors; provided, however, that the Chairman of such Board may administer such oath on the date of the election to any member of the Board who has not been sworn, as herein provided.

### **Section 15. Duties of the Board of Election Inspectors:**

The members of the Board of Election Inspectors shall perform all duties required by members of similar boards of Election Inspectors under the provisions of Michigan Elections Laws.

### **Section 16. Canvass of Vote:**

Immediately upon closing of the polls, the Board of Election Inspectors in each Voting Precinct shall proceed to count and ascertain the number of votes cast for each of the candidates, and upon each of the questions and propositions voted upon, and shall make immediate returns thereof to the City Clerk upon forms to be furnished by the City Clerk.

### **Section 17. Sealing of Ballot Boxes:**

After the canvass of the vote, the members of the Board of Election Inspectors shall proceed to deposit all ballots, which have been voted and properly sealed, in accordance with the provisions of the Michigan Election Laws.

### **Section 18. Who are Nominated:**

When only one person is to be elected to any one office, then the two candidates receiving the highest number of votes for nomination to that office shall be the candidates and the only candidates whose names shall be placed upon the ballot for that office at the regular municipal election. When more than one person is to be elected to any office, then the candidates, equal in number to twice the number of persons to be elected to that office, receiving the highest number of votes for said office and no others, shall be placed upon the ballot as candidates for said office at the next regular municipal election.

### **Section 19. Regular Municipal Elections:**

The regular municipal election of all elective officers provided for under the provisions of the Charter shall be held on the Tuesday succeeding the first Monday in November every fourth year commencing in 1995.

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### **Section 20. Notice of Regular Municipal Election:**

Notice of the time and place of holding of the regular City election shall be given by the City Clerk in the same manner and at the same time as provided in the Michigan Election Laws for the giving of notice by the City Clerk. Additionally, the Clerk shall notify voters by means of at least one other media outlet which is available to the Clerk.

### **Section 21. Ballot for Regular Municipal Election:**

The ballot for regular municipal election shall conform as near as may be with the provisions of the Michigan Election Laws with respect to ballots, except that they shall contain no party mark or designation.

### **Section 22. Names of Candidates:**

The names of the candidates for the various offices to be voted upon at the regular municipal election shall be those who have been duly nominated, in accordance with the provisions of this Charter and applicable provisions of the Michigan Election Laws.

### **Section 23. Printing of Ballots:**

The City Clerk shall cause the ballot to be printed for the regular municipal election in accordance with and as provided in the Michigan Election Laws.

### **Section 24. Inspectors of Election:**

The Election Commission shall, before each election appoint for each voting precinct, now existing or herein after created, an inspector who shall preside as Chairman of said voting precinct. The inspector shall receive such compensation as shall be fixed by the Council.

### **Section 25. Oath of Election Inspectors:**

It shall be the duty of the City Clerk to administer the oath of office, as required by the Michigan Election Laws to each member of the Board of Election Inspectors; provided, however, that the Chairman of such Board may administer such oath on the date of the election to any member of the Board who shall not have been sworn, as herein provided.

### **Section 26. Canvass of the Vote:**

Immediately upon the closing of the polls, the Board of Election Inspectors in each voting precinct shall count and ascertain the number of votes cast in such precinct for each of the candidates and upon each of the questions and propositions voted upon, and shall make immediately returns thereof to the City Clerk upon blanks to be furnished by the City Clerk.

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### **Section 27. Sealing of Ballot Boxes:**

After the canvass of the vote, the members of the Board of Election Inspectors shall proceed to deposit all ballots, which have been voted, properly sealed, in accordance with the provisions of Michigan Election Laws.

### **Section 28. Who Elected:**

The persons receiving the highest number of votes for any office shall be deemed to have been duly elected to that office. If more than one person is to be elected to any office, then the persons, equal in number to the number to be elected to that office, receiving the highest number of votes for that office, shall be deemed to have been duly elected to that office.

### **Section 29. Certificates of Election:**

Upon such determination, the City Clerk shall furnish each successful candidate with a certificate of election, which certificate shall indicate the fact that such person has been duly elected to the office specified herein.

### **Section 30. Qualifying:**

All persons elected to any office of the City of Melvindale, under the provisions of this Charter, shall take and subscribe to the constitutional oath of office and file the same in the office of the City Clerk. No person shall take office until he has qualified by taking and subscribing to said oath, and by filing any bond that may be required under the provisions of this Charter, or Michigan Election Laws.

### **Section 31. Special Election:**

Special elections may be called by the Council or by a petition signed by twenty-five percent (25%) of the qualified electors of the City voting for Mayor at the last City Election, for the submission of any question or proposition; provided, however, that more than two special elections shall not be held within any fiscal year.

### **Section 32. Date of Holding Special Election:**

The Council shall determine the time and place of holding such special election in accordance with the provisions of Michigan Election Laws with respect to special elections. It shall also determine the wording of the question or questions to be placed upon the ballot at such special election, unless the same is provided for in the petition.

### **Section 33. Notice of Special Election:**

Notice of the time and place of a special election shall be given by the Clerk in the same manner and at the same time as provided in the Michigan Election Laws for the giving of notice by the City Clerk. Additionally, the Clerk shall notify voters by means of at least one other media outlet which is available to the Clerk.

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### **Section 34. Conduct of Election:**

Special elections shall be conducted and the vote canvassed in the same manner as provided under the provisions of this Charter for the conducting and canvassing of votes at the regular municipal election.

### **Section 35. Opening and Closing of Polls:**

The polls at any election held under the provisions of this Charter shall remain open between the hours designated in Michigan Election Laws. In the event such hours shall not be specified, then the hours shall be determined by the Council no less than fifteen (15) days prior to the date of holding any such election.

### **Section 36. Procedure Where State and County Election Held at Same Time:**

When any City election or primary is held on the same day as a state or county election or primary, the same election officials shall act in both the city and state or county election or primary.

### **Section 37. General Election Laws of the State to be Applicable:**

The general election laws of the State of Michigan, when applicable shall apply to all primary, general and special elections in the City; provided, however, that when there is a conflict between such general laws and this Charter as to any matter which may be lawfully regulated by Charter, then the provisions of this Charter shall control.

### **Section 38. Election Commission:**

An election commission, consisting of the City Clerk, the City Attorney, and the City Administrator shall constitute the Board of City Election Commissioners. The Clerk shall be the Chairman and two members of such Board shall be a quorum. In the event only one of said officers are in attendance on the day appointed for a meeting of the Board, the officer in attendance may appoint a qualified and registered elector of the City to act in the absentee's stead, during the period of non attendance. If any case where election procedure is in doubt, the election commission shall prescribe the procedure to be followed.

## **CHAPTER 7. MAYOR**

### **Section 1. Mayor to be Chief Executive: Qualifications and Term of Office:**

There shall be elected at the regular election, a Mayor. The Mayor shall be the chief executive officer of the City. The Mayor shall be a qualified and registered elector of the City, who shall have been a resident thereof for a period of at least one (1) year prior to the date of the election at which the Mayor is elected. The Mayor shall preside at all meetings of the Council.

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### **Section 2. Compensation.**

The Mayor shall receive compensation as set by the compensation board.

### **Section 3. The Mayor to Have Limited Voting Power:**

The Mayor shall have the right to vote on all matters excepting on appointments to office and where the expenditure of money is involved by the Municipality.

### **Section 4. Veto:**

The Mayor shall have full power to veto any resolution or non-emergency ordinance adopted by the Council. Such veto shall be in writing and shall give a detail of the reasons therefor, and shall be filed with the City Clerk not later than four o'clock P.M., Eastern Standard Time, on the seventh day following such meeting. In the event the Mayor shall make such veto, the City Clerk shall present the same to the Council at the next regular meeting. The Council at such meeting shall re-consider the vote and if four or more members of Council shall vote in favor of re-adopting such proceedings, the veto of the Mayor shall be overridden with no further right of veto on such matter. All resolutions passed by Council shall take effect on the 7th day following the meeting unless vetoed by Mayor, reconsidered by Council or a different date is set by Council. The Mayor may waive, in writing, such veto power, and the waiver shall be filed with the City Clerk.

### **Section 5. Enforcement of Laws:**

It shall be the duty of the Mayor to see that all laws relating to the City, and all ordinances and regulations of the Council are enforced.

### **Section 6. Conservator of the Peace:**

The Mayor shall be a conservator of the peace, and may exercise within the City the powers conferred upon sheriffs to suppress disorder, and shall have authority to command the assistance of all able-bodied citizens to aid in the enforcement of the ordinances and regulations of the Council, and to suppress riot and disorderly conduct.

### **Section 7. Right of Examination of Records of the City:**

The Mayor shall have the right and authority to examine and inspect all books, records and documents belonging to the City and in the custody of any officer or employee thereof during the established office hours, and any officer or employee of the City, who shall wilfully prevent or obstruct such examination or inspection, shall forfeit his or her office or employment.

### **Section 8. Additional Duties:**

The Mayor shall perform such additional duties as are or may be prescribed in this Charter or by the resolutions and ordinances of the City.

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### **Section 9. Absence of Mayor:**

The Mayor Pro Tempore of the City shall act in the event of the absence of the Mayor, and shall have full power to perform all duties of the Mayor during such absence or disability, excepting, however, that the Mayor Pro Tempore shall have no power of veto, no power of appointment, and while acting as Mayor, shall continue to have the right to vote on all matters coming before the Council.

### **Section 10. Appointments:**

The Mayor shall have the exclusive power to nominate all persons for appointive offices for the first sixty (60) days only of the term of office or after vacancy shall exist. The Mayor shall make original nomination for all appointive offices then to be filled, during the first thirty (30) days of such period and if the same is rejected by the Council may make other nominations during the full period of the first sixty (60) days of the term or when a vacancy occurs in an appointive office. Thereafter, all powers of nomination of the Mayor to fill offices shall cease. It shall be the duty of the Council to either confirm or reject such nomination at the next regular meeting held, and in the event the Council shall fail to take final action thereon, such appointment shall be deemed to be confirmed. After the lapse of the above named periods, if there is no other nomination then undetermined, thereafter full power and authority shall rest in the Council to make appointments, and if there is none pending at the end of said sixty (60) days, all power for nomination and appointments shall vest in the Council.

### **Section 11. Mayor to Execute the Bonds and Obligations of the City:**

The Mayor and Clerk shall execute, in the name of the City, all bonds and obligations issued by the City, and all contracts and other documents requiring execution on behalf of the City.

## **CHAPTER 8. COUNCIL**

### **Section 1. Council to be Legislative Body of the City Qualifications:**

The legislative authority of the City shall be vested in the Council, consisting of six (6) members, to be elected at large in the City. The members of the Council shall be qualified and registered electors of the City, and shall be residents thereof for a period of at least one (1) year prior to the date of the election at which such Council Member shall have been elected.

### **Section 2. Compensation:**

The members of the Council shall receive compensation as set by the compensation board.

### **Section 3. Mayor Pro Tempore:**

The member of the Council receiving the highest number of votes at the election at which such Council shall have been elected, shall be the Mayor Pro Tempore. The Mayor Pro Tempore shall preside at all meetings not presided over by the Mayor and shall have a right to vote upon any matter or proceeding before the Council, except as

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otherwise provided for in this Charter. The Mayor Pro Tempore may offer motions, resolutions and ordinances.

### **Section 4: Vice Mayor Pro Tempore:**

The member of the Council receiving the second highest number of votes at the election at which such Council shall have been elected shall be the Vice Mayor Pro Tempore and shall act in place and stead of the Mayor Pro Tempore in the event of the absence of the Mayor and Mayor Pro Tempore. The Vice Mayor Pro Tempore shall have no veto power, but shall have a vote on all matters.

### **Section 5. Meetings of the Council:**

The Council shall meet in the Council Chambers on the first and third Wednesday evenings in each month; provided, however, that if any such Wednesday shall be a holiday, then such regular meeting shall be held at the same time and place the next following business day which is not a holiday.

### **Section 6: Special Meetings of the Council:**

Special meetings of the Council may be held from time to time, but only when requested in writing by the Mayor, the Mayor Pro Tempore, or any two (2) Council members. Such request shall be addressed to the City Clerk, and shall specify the time and the purpose of such meeting, which shall be upon emergency business only. The City Clerk shall, upon receipt of such request, prepare the proper notice of such meeting and serve, or cause to be served upon the Mayor and each member of the Council, a copy thereof at least six (6) hours before the time for such meeting is called, either by delivering such notice to each Council member personally, or by leaving it at his or her place of residence; and to provide such further notice as required by State law.

### **Section 7. Special Meetings: Limitation Upon Business to be Transacted:**

No business shall be transacted at any special meeting of the Council unless the same is emergency business and unless the same shall have been stated in the notice for such meetings.

### **Section 8. Publication of Proceedings:**

The Clerk shall publish all Council proceedings, all vetoes by the Mayor and any action taken upon vetoes. The publication shall be in the official newspaper with a general circulation in the City, within ten (10) days after the minutes of such proceedings are approved.

### **Section 9. Meetings and Records to be Public:**

All meetings of the Council shall be conducted in accordance with applicable State law, including the Open Meetings Act. Records of the Council, as well as all records of the City, shall be kept in the English language, and shall be available, during office hours, to the reasonable inspection and examination of the public in accordance with applicable State law, including the Freedom of Information Act.



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### **Section 10. Quorum:**

A majority of the members of the Council shall constitute a quorum for the transaction of business. In the absence of a quorum, those present may reschedule the meeting.

### **Section 11. Rules of Procedure:**

The Council shall prescribe rules of order governing its own proceedings. The rules of procedure of the last acting Council shall be followed until modified or amended. They shall be tabled for two (2) weeks before adoption.

### **Section 12. Recording of Votes:**

The vote upon any resolution, ordinance or motion before the Council shall be taken upon roll call and entered in the Minute Book of the Council. The minutes of all meetings shall be signed by the City Clerk, after reading and approval by the Council. The minutes shall be attested by the presiding officer and each voting council member shall initial each page.

### **Section 13. Resolution and Motions:**

All proceedings of the Council shall be by resolution or motion. All resolutions passed by Council shall take effect on the seventh day following the meeting unless vetoed by Mayor, reconsidered by Council or a different date is set by Council.

### **Section 14. Re-consideration:**

Any member of the Council shall have the right to re-consider their vote upon any resolution by filing a written statement of the reasons for such re-consideration with the City Clerk within forty-eight (48) hours. Upon the filing of such re-consideration, further action upon such resolution, shall be held in abeyance until action has been taken upon such reconsideration. Such re-consideration shall be acted upon by the Council at its next regular meeting unless a special meeting is called for that purpose, in which event such re-consideration may be acted upon at a special meeting.

### **Section 15. Public Hearing:**

Any resident or taxpayer of the City may file a written request for a hearing upon any matter. Such request shall state the subject matter desired to be discussed and shall be filed with the City Clerk at least seven days prior to the time for convening of the regular meeting of the Council at which such hearing is requested.

### **Section 16. Disbursement of Funds of the City:**

No disbursements of funds of the City shall be made except upon authorization from the Council.

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### **Section 17. Necessary Vote to Adopt Any Resolution, Ordinance or Motion:**

The concurring vote of at least four (4) members of the Council shall be required for the adoption of any ordinance, and a majority of a quorum on all other matters.

## **CHAPTER 9. CITY CLERK**

### **Section 1. Creation of Office:**

There shall be elected at the regular election, a City Clerk. The City Clerk shall be a qualified and registered elector of the City, who shall have been a resident thereof for a period of at least one (1) year prior to the date of the election at which the Clerk is elected.

### **Section 2. Clerk of All Meetings:**

The City Clerk shall attend all meetings of the Council and record all proceedings, ordinances and resolutions. All proceedings of the Council shall be certified to the Mayor by the City Clerk not later than four o'clock P.M., Eastern Standard Time, on the second business day following any meeting of the Council.

### **Section 3. Custodian of City Property:**

The City Clerk shall be the custodian of the Corporation Seal, of all Ballot Boxes, Election Supplies and Equipment, all Documents, Deeds, Leases, Official Bonds, Papers, Files and Records of the City, not otherwise entrusted to some other officer. The City Clerk shall file or record all papers required by law, and when required, certify all papers and records, found in the City Clerk's office under the Seal of the City. Such certified copies shall be evidence in all places of the matters therein contained, to the same extent as the original.

### **Section 4. Other Powers:**

The City Clerk shall have authority to administer oaths and affirmations, and shall in conjunction with the Mayor, execute all contracts, bonds, documents and other instruments requiring execution on behalf of the City. The City Clerk shall receive all complaints relative to the public service, referring the same to the proper departments and call the attention of the Mayor to the same.

### **Section 5. Procurement:**

The Council shall adopt appropriate ordinances to provide for sales and purchases through competitive bidding and other appropriate, efficient and effective methods.

### **Section 6. Office Hours:**

The City Clerk's office shall be open for business from 8:30 A.M. to 4:30 P.M. on all regular working days.

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### Section 7. Compensation:

The City Clerk shall receive compensation as set by the Compensation Board.

## CHAPTER 10. CITY TREASURER

### Section 1. Creation of Office:

There shall be elected at the regular election, a City Treasurer who shall be a qualified and registered elector of the City, and who shall have been a resident thereof for a period of at least one (1) year prior to the date of the election at which the Treasurer is elected. The City Treasurer shall furnish a bond in such an amount and with such surety as shall be approved by the Council.

### Section 2. Powers and Duties:

The City Treasurer shall:

(a) Have custody of all moneys of the City, any bond pertaining solely to the City Clerk and all evidences of indebtedness belonging to the City or held in trust by the City.

(b) Collect all moneys of the City, the collection of which is not provided for elsewhere by charter or ordinance. The City Treasurer shall receive from other officers and employees of the City all money belonging to and receivable by the City that may be collected by such officers and employees, including fines, license fees, taxes, assessments and all other charges. All money shall be turned over to the City Treasurer after collection or receipt, and the City Treasurer shall in all cases give a receipt therefor.

(c) Disburse all City funds in accordance with the provisions of state law.

(d) Have such powers, duties and prerogatives in regard to the collection and custody of state, county, school district and city taxes as are conferred by statute upon township treasurers in connection with state, county, township and school district taxes upon real and personal property.

(e) Perform such other duties as prescribed by this Charter, the Council and State law.

(f) Shall keep all moneys belonging to the City separate and distinct from the City Treasurer's own moneys and is hereby prohibited from using, either directly or indirectly, the City's money, warrants or evidences of debt which are in the City Treasurer's custody.

(g) The Treasurer shall provide such reports and information as requested by the Mayor or Council.

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### **Section 3. Office Hours:**

The Treasurer's office shall be open for business from 8:30 A.M. to 4:30 P.M. on all regular working days.

### **Section 4. Compensation:**

The Treasurer shall receive compensation as set by the Compensation Board.

## **CHAPTER 11. CITY ASSESSOR**

### **Section 1. Creation of Office:**

There shall be a City Assessor who shall be appointed in the manner specified under the provisions of Section 10, Chapter 7, of the Charter. The City Assessor shall be chosen on the basis of executive and administrative qualifications.

### **Section 2. Compensation:**

The City Assessor shall receive compensation as shall be determined from time to time by the Council.

### **Section 3. Assessment of Property: Powers and Duties of the Assessor:**

The City Assessor shall assess all property liable to taxation and shall prepare all regular and special assessment rolls in the manner prescribed in this Charter, Ordinance and State law. The City Assessor shall possess all the powers vested in, and shall be charged with all the duties imposed upon, assessing officers by statute. The City Assessor shall review the assessment of any persons considering themselves aggrieved and revise or correct the same according to the true facts. The City Assessor shall meet with the Board of Review and render such assistance to them as they may require. The City Assessor shall furnish all necessary information to other departments of the City when requested, and shall have the powers to perform all the duties usual to township supervisors pertaining to assessments as provided by the laws of this State and shall have such powers and perform all duties as authorized and required by the laws of this State and perform such other and further duties as directed by the Council.

### **Section 4. Assessor's Personal Attention:**

The affairs of the Office of the Assessor shall receive the Assessor's personal attention, the passing upon and approving all listings of property for assessment purposes.

## **CHAPTER 12. VACANCIES IN OFFICE**

### **Section 1. Defined:**

Any city office, or membership in any board or commission, shall become vacant before the expiration of the term of such office or membership for any one or more of the following reasons:

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(a) The occurrence of any event or the doing of any act specified by state law to create a vacancy;

(b) Removal from office by the governor of Michigan;

(c) The absence from the city of any officer continuously for more than sixty days without permission of the Mayor and council;

(d) In the case of the Mayor and the Council, absences from 12 consecutive regular meetings of the Council or 50% percent of such meetings in any calendar year.

(e) Assumption by the officer of any office which is incompatible with the city office held by such officer.

### **Section 2. Replacement of Mayor in Event of Vacancy:**

(a) If a vacancy occurs in the office of the Mayor, the Mayor pro Tempore shall become the Mayor and serve in that capacity for the balance of the unexpired term. If the Mayor Pro Tempore declines to accept the office of Mayor, the Vice Mayor Pro Tempore shall be the Mayor and serve in that capacity for the balance of the unexpired term.

(b) If both the Mayor Pro Tempore and the Vice Mayor Pro Tempore decline to accept the office of Mayor, the Clerk shall within sixty (60) days of the Vice Mayor Pro Tempore's declination of office schedule an election to fill the vacancy of the office of Mayor.

(c) In the event a special election is required to fill the vacancy, no primary election shall be held, regardless of the number of candidates, notwithstanding any other section of the Charter.

### **Section 3. Replacement of Council, City Clerk or City Treasurer in Event of Vacancy:**

If a vacancy occurs on the Council, City Clerk or City Treasurer, the unexpired term of the vacant position shall be filled as follows:

(a) The Mayor shall make a nomination for the vacancy during the first sixty (60) days from the date of the Council meeting which follows the occurrence of the vacancy. The Mayor shall make an original nomination during the first thirty (30) days of such period. If the nomination is rejected by the Council, the Mayor may make other nominations during such sixty (60) day period. It shall be the duty of the Council to either confirm or reject such nomination at the next regular meeting held. In the event the Council shall fail to take final action thereon, such appointment shall be deemed to be confirmed.

(b) If the Mayor fails to make nominations or the nominations are rejected by Council, Council shall, within thirty (30) days after the lapse of the above time period fill the vacancy. In the event the Council fails to fill the vacancy by appointment within said thirty (30) days, an election shall be scheduled. The election shall be held within sixty (60) days of the lapse of the thirty (30) day appointment period stated in this paragraph.

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(c) In the event a special election is required to fill the vacancy, no primary election shall be held, regardless of the number of candidates, notwithstanding any other section of the Charter.

### **Section 4. Replacement of Elected Officials in the Event of Recall:**

In the event an elected official is removed from office due to a recall, a temporary replacement for such recalled elected official may be made as provided above until the replacement of such recalled official is elected as provided by State law.

### **Section 5. Vacancy in Appointive Office:**

If a vacancy occurs in an appointive office, such vacancy shall be filled in the manner provided for making the original appointment. In the case of members of boards and commissions appointed for a definite term, such appointment shall be for the unexpired term.

## **CHAPTER 13. REMOVAL OF OFFICIALS**

### **A. Appointed Officials: Who May Be Removed and Causes For Removal.**

#### **Section 1.**

The Council may remove from office any appointive official of the City for any of the following causes, to-wit:

- (a) Conviction by a court of competent jurisdiction of any offense under this Charter or any criminal ordinance of the City or any law of this State or of the United States.
- (b) Wilful violation of any of the provisions of this Charter.
- (c) Habitual intoxication or drunkenness.
- (d) Incompetency to perform the duties of his or her office.
- (e) Wilful neglect of duty.
- (f) Corrupt or wilful malfeasance, misfeasance or nonfeasance in office.
- (g) Wilful misconduct to the injury of the public service.

#### **Section 2. Proceedings: How Instituted:**

Removal proceedings may be initiated by any member of the Council, by the Mayor or by any twenty-five (25) registered and qualified electors of the City. Such proceedings shall be instituted by the filing with the Council of a complaint in writing, specifying any matter or thing made cause for removal under the provisions of this Charter, which petition shall be signed by the party or parties initiating the removal

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proceedings, and shall have attached thereto an affidavit, subscribed by at least one of the signers of such petition, which affidavit shall assert the truth of the charges therein preferred, and shall be properly acknowledged.

### **Section 3. Procedure:**

Upon the filing of a petition in the manner hereinbefore prescribed, the Council shall proceed to hear and determine the charges preferred in said petition, and it shall have full authority to subpoena witnesses and take testimony and to place under oath all witnesses so subpoenaed. After all proofs have been submitted, the Council shall determine whether or not the charges have been sustained, and if a majority of the members of the Council shall determine that the charges have been sustained, such office shall be deemed to be vacated and in such case the reason for such determination shall be entered upon the records of the Council with the names and the votes of the members voting upon the question.

### **Section 4. Accused Officer to be Furnished With Copy of Charges:**

No officer shall be tried until such officer shall first be furnished with a copy of the charges set forth in said petition, and shall be allowed to be heard in their own defense with the aid of counsel.

### **Section 5. When Hearing and Determination to be Made:**

The hearing of such petition and the determination of the charges made shall be made within twenty (20) days after such petition shall have been filed.

### **Section 6. Duty of Accused Officer to Appear and Defend:**

Where charges are preferred against any officer, it shall be the duty of such officer to appear and answer such charges and in default thereof such action shall be deemed good and sufficient cause for removal.

### **Section 7. Suspension by Council:**

Any appointive officer against whom charges shall be preferred for any of the causes enumerated hereinbefore may be suspended from office by a majority vote of the Council until such charges shall have been heard and determined, and in the event that such officer shall not be removed upon a hearing of such charges, such officer shall be entitled to resume the duties of office and receive any compensation lost during the period of such suspension.

### **Section 8. Officer Removed Ineligible for Office:**

No person who has been removed from office or who has resigned from office after a petition for removal has been filed shall be eligible to appointment to any office in the City within a period of two (2) years after such removal or resignation.

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### Section 9. Penalties:

Any person refusing or neglecting to comply with the requirements of any subpoena or written order issued and served under the provisions of this Chapter, shall be punished by a fine not exceeding FIVE HUNDRED (\$500.00) DOLLARS, or by imprisonment in the City or County jail for a period not exceeding thirty (30) days, or both such fine and imprisonment as may be imposed in the discretion of the Court.

### Section 10. If Proceedings Fail, Official Shall Not Be Removed for Same Charges:

No official shall be removed under the provisions of this Chapter upon the same charges filed which were the basis for an unsuccessful effort to remove such officer.

#### B. Elected Officials: Recall.

Every elected official of the City of Melvindale shall be subject to recall as provided by and in accordance with the applicable provisions of Michigan law.

## CHAPTER 14. CITY ADMINISTRATOR

### Section 1. Creation of Office:

There shall be a City Administrator who shall be appointed in the manner specified under the provisions of Section 10, Chapter 7, of the Charter. The City Administrator shall be chosen on the basis of executive and administrative qualifications.

### Section 2. Compensation:

The City Administrator shall receive compensation as shall be determined from time to time by the Council.

### Section 3. Duties:

The City Administrator shall supervise the administrative affairs of the City and shall carry out the policies formulated by Mayor and Council.

It shall be the duty of the City Administrator to:

(1) Direct, supervise, and coordinate the work of the Department of Public Works, the Department of Parks and Recreation, the Department of Building, and such additional administrative units as the Council may establish;

(2) Assume the duties of any administrative office when so directed by Mayor or Council.

(3) Assemble the budgets prepared by the administrative units and present the same to the Council, with the City Administrator's recommendations;

(4) Establish and maintain a central purchasing service for the administrative units;



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(5) Provide direction and oversight on all personnel issues, except personnel issues involving the Police Department and Fire Department. Provide direction and oversight on all contract relations and negotiations.

(6) Maintain an inventory of city-owned property;

(7) Keep informed concerning the administration of the City; and, to that end, the heads of all Departments shall furnish the City Administrator such information and periodical or special reports as the City Administrator or the Council may deem necessary;

(8) In case of conflict of authority between administrative units, or in case of absence of administrative authority occasioned by inadequacy of charter or ordinance provisions, resolve the conflict or supply the necessary authority, so far as may be consistent with law, this charter, and the ordinances of the City, and direct the necessary action to be taken, making a full report immediately to the Mayor and Council of the problem and the action taken thereon, with a recommendation for corrective action or legislation;

(9) Review and prepare agenda items for Council, use best efforts to ensure the submission of accurate information by departments and research and respond to Council questions regarding agenda items and policies.

(10) Attend all meetings of the Council, with the right to take part in all discussions, but without the right to vote;

(11) Keep informed as to needs and desired services of the community, inform the Mayor and Council as to such needs and desired services and make recommendations consistent with such needs and desired services of the community.

(12) Possess such further powers and perform such additional duties as may be granted or required, from time to time, by the Mayor and Council, so far as may be consistent with State law and this charter; and

(13) Do everything necessary and proper to execute the foregoing powers.

### **Section 4. Acting City Administrator:**

The Mayor and Council may appoint or designate an acting City Administrator during the period of a vacancy in an office or during the absence of the City Administrator from the City, or during the period of illness or disability on the part of the City Administrator. Such acting administrator shall, while in such office, have all the responsibilities, duties, functions, and authorities of the City Administrator. The acting City Administrator will be appointed in the manner found under the provisions of Section 10, Chapter 7 of the Charter.

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### **CHAPTER 15. CORPORATION COUNSEL**

#### **Section 1. Creation of Office:**

There shall be a Corporation Counsel who shall be appointed in the manner specified under the provisions of Section 10, Chapter 7 of this Charter. Corporation Counsel shall be a practicing attorney of the State of Michigan, and shall have practiced law for at least five (5) years preceding the time of appointment. Corporation Counsel shall hold office for the term of the appointment until the next regular election and until a successor is appointed unless earlier removed as provided by this Charter.

#### **Section 2. Compensation:**

Corporation Counsel shall receive such compensation as shall be fixed by the Council.

#### **Section 3. Duties:**

Corporation Counsel shall superintend and conduct all of the legal business of the City and its various departments. Corporation Counsel shall draft all proposed ordinances or approve them as to form. Corporation Counsel shall prepare all leases, deeds, contracts and other documents as may be required by the Council or by any department. Corporation Counsel shall furnish, upon request, written opinions upon all subjects submitted by the Council, the Mayor, or any departmental head. Corporation Counsel shall have such further powers as shall be prescribed by ordinance.

### **CHAPTER 16. CITY ENGINEER**

#### **Section 1. Engineering:**

There shall be a City Engineer who shall be appointed in the manner specified in the provisions of Section 10, Chapter 7 of this Charter. The City Engineer shall hold office for the term of the appointment until the next regular election and until a successor is appointed unless earlier removed as provided by this Charter.

#### **Section 2. Compensation:**

The City Engineer shall receive such compensation as shall be fixed by the Council.

#### **Section 3. Duties:**

The Engineer shall, when called upon by the Council or the Director of Public Works, be held responsible for the carrying out of plans and specifications of all improvements which may be made by or constructed under the authority or supervision of the Director of Public Works. The Engineer shall furnish all other necessary engineering services as shall be required by the Council or the Director of Public works.

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## CHAPTER 17. DIRECTOR OF PUBLIC WORKS

### Section 1. Creation of Office:

There shall be a Director of Public Works, who shall be appointed in the manner specified under the provisions of Section 10, Chapter 7 of this Charter. The Director of Public Works shall hold office for the term of the appointment until the next regular election and until a successor is appointed unless earlier removed as provided by this Charter.

### Section 2. Compensation:

The Director of Public Works shall receive such compensation as shall be determined from time to time by the Council.

### Section 3. Accounts and Records:

The Director of Public Works shall cause to be kept proper accounts and records of the proceedings of the Department. All accounts, records and proceedings of the Department shall be public in accordance with State law, including the Freedom of Information Act.

### Section 4. General Powers and Duties:

The powers and duties of the Director shall be exercised and performed as herein provided, and in accordance with the ordinances of the City of Melvindale.

The Director shall have the following powers and duties:

- (a) The power and it shall be the Director's duty to supervise all paving, cleaning and sprinkling of all streets, alleys, public squares or places and bridges;
- (b) Supervise the construction and maintenance of all public property.
- (c) Supervise the making of excavations in the City, the laying therein of pipes, wires, cables, conduits and the like, the erection of all poles in such streets, alleys or other public places, and the use thereof generally for purposes similar to those herein named, and shall supervise the back filling of such excavations and the restoration to normal condition.
- (d) Be charged with the duty of issuing permits for the following purposes:
  - (1) any of things referred to in the preceding paragraphs;
  - (2) construction, repair or moving of buildings;
  - (3) any other purpose whereby the use by the public shall be obstructed;
- (e) Shall decide the order in which work shall be performed;

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(f) Shall monitor and allocate chargeable costs to City departments or property owners when appropriate;

(g) Shall supervise all connections with lateral or main sewers, and review plans therefor;

(h) Shall have charge of the sewage disposal system of the City;

(i) Shall supervise the collection and disposal of all garbage in the manner provided for by the Council;

(j) Shall keep official records of plans, maps, and plats of the City for the Department;

(k) Establish all reasonable rules and regulations to protect the rights and property vested in the City and under the control of the Department;

### **Section 5. Public Improvements:**

Whenever the Council shall order any work of public improvement, it shall cause notice to be given forthwith to the Director of Public Works, who shall proceed, subject to the approval of the Council, to do such work or to make contracts therefor.

### **Section 6. Chief Building Official:**

The Director of Public Works or the designee of the Director of Public Works shall be charged with the duty of being the Chief Building Official for the City. The Chief Building Official shall be responsible for the administration of all laws, ordinances and regulations concerning the erection, maintenance and safety of all buildings within the City and all equipment contained therein, including, but not by way of limitation, all applicable building, electrical, plumbing, housing and zoning codes, and all other state laws concerning the erection, maintenance and safety of all buildings and equipment contained therein. The Chief Building Official shall also perform such other duties as may be prescribed by Ordinance or state law.

### **Section 7. Chief Building Official's Powers to be Carried Out in Accordance with Building Code:**

All powers of the Chief Building Official shall be carried out in accordance with the provisions of applicable State Building Codes and the Building Codes adopted by the City.

### **Section 8. Legislation by Council:**

The Council shall enact such ordinances as shall be necessary to carry out the provisions of this Chapter.

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## CHAPTER 18. DEPARTMENT OF WATER SUPPLY

### Section 1. Creation of Office:

There shall be a Director of the Department of Water Supply who shall be appointed in the manner specified under the provisions of Section 10, Chapter 7 of this Charter. The Director of the Department of Water Supply shall hold office for the term of the appointment until the next regular election and until a successor is appointed unless earlier removed as provided by this Charter.

### Section 2. Compensation:

The Director of the Department of Water Supply shall receive such compensation as shall be determined from time to time by the Council.

### Section 3. Consolidation:

The Office of Director of Water Supply may be consolidated with another appointive office.

### Section 4. General Powers and Duties:

The Director or his designee shall have the following powers and duties:

- (a) Supplying the City with a sufficient quantity of pure and wholesome water.
- (b) Complete authority and supervision over the water distributing system for the City.
- (c) May establish reasonable rules and regulations to protect the rights and property vested in the City and under the control of such Department.
- (d) Provide, with the approval of the Council, for a schedule of water rates.
- (e) Provide for the billing and collecting of all water rates and shall be entirely responsible for the same, and such collections, when made, shall be turned over to the City Treasurer.
- (f) Provide for a complete bookkeeping system for such department; the duties in relation to the same shall be delegated to such officer of the City as the Council shall direct.
- (g) Provide for the operation of such department and for the maintenance of all equipment thereof within the revenue derived therefrom.
- (h) Revenue from the department shall be kept in a separate and distinct account.
- (i) Provide for the installation, repair and reading of all water meters.

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(j) Have such other powers and perform such other duties as may be necessary to carry out the provision of the Charter.

### **Section 5. Pipes, etc.: City Property:**

All pipes and other works wherever laid, shall be, and remain the sole property of the City of Melvindale, subject to the control and management of the Director of Water Supply. No persons shall interfere therewith, without the written consent of the Director.

### **Section 6. Power to Supply Water to Non-Residents:**

The Director may, with the approval of the Council, extend distributing pipes, mains and erect hydrants outside the City, and may regulate, protect and control such portions of the works and the water supply therefrom in the same manner as the Director regulates and controls the works and water supply within the City. But before any water shall be supplied to any person or persons residing outside the City, the entire cost of laying such distributing pipes, including the cost of superintendence and engineering, shall be paid to the City, and all such distributing pipes through which any water shall be supplied by the Department shall be the property of the City and form a part of its system of distributing pipes. The Director of the Department shall, with the approval of the Council, determine the rates at which water shall be sold to persons residing outside the City.

### **Section 7. Complaints:**

The Director shall promptly investigate and report upon all complaints relative to the performance of the duties of the Department.

## **CHAPTER 19. BOARD OF REVIEW**

### **Section 1. Creation of Office Qualifications:**

There shall be a Board of Review consisting of three (3) members who shall be appointed in the manner specified under the provisions of Section 10, Chapter 7, of this Charter. No person shall be appointed to this office unless such person is qualified and registered elector of the City, and shall have been a resident thereof for a period of at least one (1) year preceding the time of appointment.

### **Section 2. Term of Office and Compensation:**

The members of the first board of Review shall be appointed for a term of one, two and three years from January 1st, 1933, and thereafter annually one member shall be appointed for a term of three years. All terms of office to expire January 1st. The members of the Board of Review shall receive such compensation as may be fixed by an ordinance adopted by the Council.

### **Section 3. Members of the Board of Review Not to be Holders of Public Office:**

No member of the Board of Review shall hold any other public office ten (10) days prior to the day upon which such Board shall first meet.

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### **Section 4. Meetings of Board of Review:**

The Board of Review shall meet on the second Monday of March from 10:00 a.m. to 12:00 noon, and from 2:00 p.m. to 6:00 p.m. The Board of Review shall convene in its second session at the City Hall on the Thursday following the first session from 3:00 p.m. to 9:00 p.m. and shall continue in session on the following Saturday from 10:00 a.m. to 12:00 noon, and from 2:00 p.m. to 6:00 p.m. The Board of Review shall hold such other sessions as required by and in order to meet the obligations established by the General Property Tax Act or other laws applicable to meetings of the board of Review.

### **Section 5. Notice of Meeting:**

Notice of the time and place of the meeting of the Board of Review shall be provided in accordance with the Michigan General Property Tax Act and the Open Meetings Act as amended. Notice shall also be published in the official newspaper of the City at least twice prior to the first meeting.

### **Section 6. Powers and Duties:**

The Board shall have the same powers and perform the same duties in all respects as are conferred upon and required of Boards of Review in townships in reviewing assessments in townships for state and county taxes, as provided for under the general laws of the State of Michigan in relation to the levying and collection of taxes. They shall hear the complaints of all persons considering themselves aggrieved by such assessment, and if it shall appear that any person has been wrongfully assessed, or omitted from the roll, the Board of Review shall correct the roll in such manner as it shall deem just. The Board of Review shall make record of all changes made in the roll which record shall be signed by the members of the Board. In the event it shall become necessary to increase any assessment, notice of such increase shall be given to the owner of the property affected by such increase, and such increase shall not become effective until such owner shall have had an opportunity to appear before the Board of Review. Notice of increase shall be given by first-class mail, or by delivery to the last known address of the owner of such property, at least three (3) days prior to the time at which the Board of Review will reconvene for the purpose of hearing any protest as to the increase in the assessed valuation of such property. After the review of the assessment roll has been completed, the Board of Review shall endorse the roll, as provided in the general tax law; provided however, that the omission of such endorsement shall not affect the validity of such assessment roll. Upon completion of the review of such assessment roll and the endorsement thereof, the same shall be conclusively presumed by all courts and tribunals to be valid, and shall not be set aside except for such cases as are provided in the general laws of the State in relation to taxation for the setting aside of assessment rolls for state, county and school purposes.

### **Section 7. Conflict of Interest:**

No Board of Review member may vote on any assessment which involves property which the member or an immediate family member has an ownership interest in.

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### **Section 8. State and County Tax Roll:**

The assessment roll herein provided for shall be the assessment roll for state, county, school and city taxes.

### **Section 9. Legislation by Council:**

The Council shall enact such ordinances as may be necessary to carry out the provisions of this Chapter.

## **CHAPTER 20. COMMISSION OF PUBLIC SAFETY:**

### **Section 1. Appointment and Qualifications:**

There shall be a Commission of Public Safety, consisting of five (5) members. The members of The Commission of Public Safety shall be appointed in the manner specified under the provision of Section 10, Chapter 7, of this Charter. No person shall be eligible to appointment who is a holder of any public office under this Charter, and any acting member of the police or fire department. The Commissioner must be a registered elector of the City for a period of one year preceding the time of entering office.

### **Section 2. Term of Office and Compensation:**

Annually one member shall be appointed for a term of five (5) years. The members of such Commission shall receive no compensation.

### **Section 3. Meetings: Procedure and Records:**

All meetings of the Commission of Public Safety shall be conducted in accordance with applicable State law, including the Open Meetings Act. Records of the Commission of Public Safety, as well as all records of the City, shall be kept in the English language, and shall be available, during office hours, to the reasonable inspection and examination of the public in accordance with applicable State law, including the Freedom of Information Act.

### **Section 4. Quorum:**

Three members of the Commission shall constitute a quorum.

### **Section 5. General Powers and Duties:**

The powers and duties of the Commission of Public Safety shall be exercised and performed as hereinafter provided and in accordance with State Law, this Charter, and the ordinances of the City of Melvindale. Its duties shall be as follows:

(a) It shall possess and exercise fully all the powers and perform all the duties pertaining to the government, management, maintenance and direction of the Police and Fire Departments of the City, and all the premises and property thereof, including all appointments to such forces.



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(b) It shall make recommendations to the Council for the purchase of property and equipment and for the construction of buildings to be used by such Departments.

(c) It shall have jurisdiction over the traffic control devices.

(d) It may send, in its discretion, any of its apparatus and its employees to the relief of any community in the vicinity.

(e) It shall cause to be enforced all ordinances and provisions of law relative to the prevention and extinguishment of fire, and for the enforcement of all laws of the State of Michigan and the United States of America and all City Ordinances.

(f) It may, with the approval of the Council, in the name of the City, take and hold, by purchase, gift, devise, bequest or otherwise, such real and personal property as may be needful for carrying out the intents and purposes for which the Department is established.

(g) It may establish all reasonable rules and regulations to protect the rights and property vested in the City and under the control of the Commission.

(h) It may provide for the creation of the offices of assistant chiefs, lieutenants, sergeants, and other like executive officials of the Police Department and Fire Department, and shall define the respective powers and duties and when such offices are created, shall make appointments thereto and shall provide the promotions in the ranks of the employees of such departments.

(i) It shall have such other powers as are herein prescribed or may be necessary hereunder for the proper discharge of its duties.

### **Section 6. Chief of Police Department:**

It shall appoint an individual as Chief of the Police Department and define the terms and conditions of such appointment.

**(a) Appointment:** The Chief of the Police Department shall be appointed from the ranks and shall have not less than fifteen (15) years experience as a police officer. In the event no present member of the police department qualifies either as to longevity, ability to perform as chief, or failure to meet the qualifications established by the Commission of Public Safety, then the Commission of Public Safety shall be authorized to seek an individual outside of the present department. Any outside individual must have not less than fifteen (15) years experience as a police officer.

**(b) Duties:** The Chief of the Police Department shall perform such duties as prescribed by law, this Charter, Ordinances of the City of Melvindale, and such rules and regulations as shall be put into effect by the Commission of Public Safety.

### **Section 7. Promotions Within the Police Department:**

The officer or employee thereof serving the longest period in any position shall be advanced to fill any vacancy in the next higher position, if such person shall have the

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qualifications established by testing adopted and approved by the Commission of Public Safety.

### **Section 8. Chief of Fire Department:**

It shall appoint an individual as Chief of the Fire Department and define the terms and conditions of such appointment.

**(a) Appointment:** The Chief of the Fire Department shall be appointed from the ranks and shall have not less than fifteen (15) years of fire fighting experience. In the event no present member of the fire department qualifies either as to longevity or ability to perform as chief, or failure to meet the qualifications established by the Commission of Public Safety, then the Commission of Public Safety shall be authorized to seek an individual outside of the present department. Any outside individual must have not less than fifteen (15) years of fire fighting experience.

#### **(b) Duties:**

1. The Chief of the Fire Department shall perform such duties as prescribed by law, this Charter, Ordinances of the City of Melvindale, and such rules and regulations as shall be put into effect by the Commission of Public Safety.

2. The Chief of the Fire Department shall, when practical, be present at all fires occurring in the City, and take charge thereof.

3. The Chief or the Chief's qualified designee shall also be the Fire Marshall and as such shall make recommendations when necessary or precautionary measures for the prevention of fires. The Fire Marshall shall:

(a) Enforce, under the direction of the Commission, all Ordinances, relative to the transportation and storing within the City limits of all explosives, oils, naphtha, benzene, or their products under whatever name found, all fireworks, firecrackers, powder, nitroglycerine, dynamite, T.N.T., or other dangerous substances, and enforce all ordinances regulating the cleaning of chimneys or smokestacks.

(b) Examine the causes, circumstances and origin of all fires occurring in the City, causing the destruction of any property, to determine whether or not they were caused by carelessness or the act of any incendiary.

(c) The Fire Marshall shall take testimony under oath of all persons thought to be cognizant of any facts connected with such fire. The Fire Marshall shall have the same reduced to writing and transmit it to the Commission together with a report embodying an opinion and conclusion thereon.

(d) The Fire Marshall shall report to the Prosecuting Attorney for the County of Wayne and to the owners of the property, or to anyone interested in the subject matter of such investigation, any facts or circumstances ascertained which requires attention.

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### **Section 9. Promotions Within the Fire Department:**

The officer or employee thereof, serving the longest period in any position, shall be advanced to fill any vacancy in the next higher position, if such person shall have the qualifications adopted and approved by the Commission of Public Safety.

### **Section 10. Right of Entry for Inspection:**

The Fire Marshall shall have the right to inspect all buildings, warehouses, shops, yards and places in the City for the purpose of enforcing the ordinances for the prevention of fires. In the performance of such duties the Fire Marshall may enter into and upon any private property, and any person who shall refuse or obstruct such right of entry or shall refuse to comply with any lawful order of said Fire Marshall shall be deemed guilty of a misdemeanor and on conviction, shall be punished accordingly.

### **Section 11. Leave of Absence:**

The Commission may grant leave of absence to any member of the Police and Fire Departments upon such terms and conditions as it shall deem advisable; provided, however, that no leave of absence shall be granted for a period in excess of three (3) months; provided, further that such leave of absence may be extended for an additional period of three (3) months upon application to the Commission, but no leave shall be granted for a period in excess of six (6) months, unless a state or federal law requires the granting of a leave of longer duration. Said leave of absence to be without compensation for any period over thirty (30) days.

### **Section 12. Legislation by the Council:**

The Council may enact such ordinances as shall be necessary to carry out the provisions of this Chapter.

### **Section 13. Rules:**

All rules and regulations of the Commission of Public Safety shall become effective only after the same have been approved by the Mayor and Council.

## **CHAPTER 21. CIVIL SERVICE COMMISSION**

### **Section 1. Creation of:**

There shall be a Civil Service Commission consisting of five (5) members who shall be appointed in the manner specified under the provisions of Section 10, Chapter 7, of this Charter. One member shall be appointed each year for a five year term. No person shall be eligible to appointment who is not a qualified and registered elector of the City, and a resident thereof for a period of at least one (1) year preceding the time at which the Commissioner shall be appointed. No member of the Commission shall receive any compensation.

### **Section 2. Meetings: Records and Quorum:**

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All meetings of the Commission shall be conducted in accordance with applicable State law, including the Open Meetings Act. Records of the Commission, as well as all records of the City, shall be kept in the English language, and shall be available, during office hours, to the reasonable inspection and examination of the public in accordance with applicable State law, including the Freedom of Information Act.

### **Section 3. General Powers and Duties:**

The powers and duties of the Commission shall be:

(a) To classify all the offices and positions of employment, except those specifically identified as unclassified.

(b) To make rules for the examination and selection of persons to fill the classified offices and positions of the City.

(c) To supervise the administration of the Civil Service rules, hold examinations as needed, prepare and keep an eligible list of persons passing such examinations, and certify the names of persons thereon to appointing officers.

(d) To investigate or authorize investigation of the enforcement of the provisions of this Chapter, of its own rules, and the action of appointees. In the course of such investigation the Commission or its authorized representative shall have power to secure by its subpoena both the attendance and testimony of witnesses and the production of books and papers relevant to such investigation.

(e) To retain such other powers and perform such other duties as may be necessary to carry out these provisions.

### **Section 4. Classified and Unclassified Service:**

The Civil Service shall be divided into an unclassified and classified service.

1)The unclassified service shall consist of the following:

(a) persons elected to office under the City Charter.

(b) Persons appointed to office under the City Charter or under the provisions of a City Ordinance.

(c) Persons appointed to fill vacancies in any such elective or appointive offices.

2) The classified service shall consist of all paid employees and positions not included in the unclassified service. Provisions of this Chapter apply only to classified service.

### **Section 5. Rules:**

Rules made by the Commission and the system of markings in examinations shall not be changed for a period of thirty (30) days prior to or after such examinations. Such

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system of markings shall be published in advance of such examinations and copies furnished to all applicants. No credits shall be allowed for experience until the applicant taking the examination has at least attained the percentage fixed as a minimum.

### **Section 6. Examinations:**

All applicants for office or positions in classified service shall pass an examination which shall be made public, competitive and accessible to all citizens of the United States. Specific limitations for each kind of work or occupation shall be compliant with Federal and State guidelines related to employment.

Examinations shall be practical in their character and shall relate to those matters which fairly test the relative capacity of the persons examined to discharge the duties of the positions to which they seek to be appointed. These examinations may include tests of physical qualifications and health and, when appropriate, of manual skill. The Commission shall control and conduct all examinations.

### **Section 7. Notices:**

The Commission shall give notice of the time, place and purpose of every examination available, and such further or other notice as may be directed by the Commission.

### **Section 8. Applications:**

All applicants for employment shall complete and file an application approved and provided by the Civil Service Commission.

### **Section 9. Eligible List:**

From the returns of the examination held by the Commission, it shall prepare an eligible list for each grade or class of positions in the competitive classified service of the City. This list will identify persons whose general average standing upon examination for such grade or class is not less than the minimum fixed by the rules of the Commission and who are otherwise eligible.

The list shall rank candidates in the order of their relative excellence as determined by examination without reference to priority or time of examination. In the event of more than one applicant receiving the same mark at an examination, priority in time of filing application shall determine the order in which their names shall be placed on the eligible list.

The Commission may strike off names of candidates from the eligible list after they have remained thereon one year. But any list may be extended by the Commission for a period of not exceeding one (1) year.

The Commission may reinstate an individual who has resigned from classified service in good standing to the same kind and grade of work performed when the resignation took effect if the written request to do so is received within two (2) years of termination of service and an employment position is available. Alternatively, the commission may place the person at the end of the eligible list for the kind and grade of service when the Commission judges that to be the best choice.

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### **Section 10. Certifying Names: Appointments:**

The appointing officer shall notify the Commission of the fact that appointment is to be made, and the Commission shall certify the name and address of the candidate standing highest upon the eligible list for the class or grade to which such position belongs. Each position is to be filled separately. The appointing officer shall fill the position by the appointment of the person certified by the Commission.

Each appointment shall be on probation for a period of six months. During the probationary period, the appointing officer may discharge such appointee, with the consent of the Commission. The discharge must document the written reasons for the discharge. The Commission may transfer the employee to another department with the consent of the appointing officer. If not discharged prior to expiration of the probationary period, the appointment shall be deemed complete.

When needed, the appointing officer may, with the approval of the Commission, make a temporary appointment to remain in force not exceeding sixty (60) days, and only until regular appointment can be made.

Persons performing common labor only may be employed, but the employment shall be certified to the Commission in writing, with the full name, age, residence, citizenship, and the nature of the work to be performed. A common laborer so appointed shall be considered temporary only, and shall not entitle the individual to any fixed period of employment.

### **Section 11. Obstructions of Civil Service:**

No person or officers shall, individually, or in cooperation with one or more persons, defeat, deceive or obstruct any person in respect to his or her right of examination, or corruptly or falsely mark, grade, estimate or report upon the examination or proper standing of any person examined hereunder, or aid in so doing, or make any false representations concerning the same, or concerning the person examined, or furnish to any person any special or secret information for the purpose of either improving or injuring the prospects or chance of any person so examined, or to be examined, appointed, employed or promoted.

### **Section 12. Corruption of Civil Service:**

No applicant for appointment in the classified service, either directly or indirectly, shall pay or promise to pay any money or other valuable thing to any person whatever for or on account of an appointment, or proposed appointment, and no officer or employee shall pay or promise to pay, either directly or indirectly, to any person any money or other valuable thing whatever for or on account of his promotion.

### **Section 13. Political Service:**

No applicant for appointment or promotion in the classified service shall ask for or receive a recommendation or assistance from an officer or employee in the service, or

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from any person whatever in consideration of any political service rendered or to be rendered to or for such person.

### **Section 14. Political Contributions:**

No officer or employee of the City shall discharge, degrade or promote, or in any manner change the official rank or compensation of any officer or employee or promise or threaten to do so for giving or withholding or neglecting to make any contribution of money or other valuable thing for any party or political purpose, or for refusal or neglect to service any party or political service.

## **CHAPTER 22. ORDINANCES**

### **Section 1. Enacting Clause:**

The enacting clause of all ordinances shall read "The City of Melvindale Ordains," but such caption may be omitted when such ordinances are published in book form or are revised and compiled by authority of the Council.

### **Section 2. When Effective:**

All ordinances imposing a penalty shall take effect twenty (20) days from the date of enactment, unless it is declared an Emergency Ordinance in accordance with Section 3. However, no ordinance shall be effective until published. Publication of the Emergency Ordinance shall be accomplished by posting three (3) copies of the Emergency Ordinance in three (3) conspicuous places in the City.

### **Section 3. Emergency Ordinances:**

Emergency ordinances, enacted for the preservation of the public safety and health of the inhabitants of the City, may be given effect upon a unanimous vote of the Council members present at the meeting wherein such emergency ordinance is voted upon and publication, as provided in Section 2 above. An emergency ordinance shall be defined to mean any ordinance enacted for the preservation of the public safety and health of the inhabitants of the City which, if not given immediate effect, would result in an unwarranted jeopardizing of the safety and health of the inhabitants of the City. In the enactment of such an ordinance, the Council shall declare the necessity for the adoption of such ordinance as an emergency ordinance.

### **Section 4. Penalties:**

The Council has authority to pass ordinances for any purpose. It shall prescribe fines, penalties and forfeiture not exceeding FIVE HUNDRED (\$500.00) DOLLARS, or imprisonment not exceeding ninety (90) days, or both, in the discretion of the Court, together with the cost of prosecution for each violation of any such ordinances. However, unless otherwise provided by law, the ordinance may provide that a violation of the ordinance is punishable by imprisonment for not more than ninety-three (93) days or a fine not more than FIVE HUNDRED (\$500.00) DOLLARS, or both, if the violation substantially corresponds to a violation of State law that is a misdemeanor for which the maximum period of imprisonment is ninety-three (93) days.

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### **Section 5. Recording of Ordinances:**

The City Clerk shall provide a book to be called "The Ordinance Book of the City of Melvindale," wherein properly authenticated copies of the ordinances shall be contained, and it shall be the duty of the Mayor to authenticate all ordinances adopted by the Council. It shall be the duty of the City Clerk to provide the Police Department and the District Court with a certified copy of all ordinances in force in the City of Melvindale.

### **Section 6. Newspaper Publication:**

Within one week after the action of adopting any ordinance, it shall be the duty of the City Clerk to cause a summary of such ordinance to be published in the official newspaper of the City. The City Clerk shall also post three (3) copies of the ordinance in three (3) conspicuous places in the City.

### **Section 7. Certificate of Publication:**

It shall be the duty of the City Clerk, immediately after newspaper publication of any ordinance, to enter in the Ordinance book immediately following the authenticated copy of such ordinance, a certificate stating the date of such newspaper publication, and the date and places of such posting, and such certificate shall be prima facie evidence of the publication of such ordinance.

## **CHAPTER 23. CONDEMNATION PROCEEDINGS**

### **Taking of Private Property for Public Use:**

The Council is hereby authorized to take private property as provided by and in accordance with the State Constitution and the applicable provisions of Michigan law.

## **CHAPTER 24. REFERENDUM**

### **Section 1. Referendum on Ordinances Adopted by and Actions Taken By the Council:**

Every ordinance adopted by the Council, except emergency ordinance as defined in this Charter, and any action taken by the Council in relation to the expenditure of the general funds of the City in an amount in excess of FIVE THOUSAND (\$5,000.00) DOLLARS, shall be subject to referendum, if at any time before taking effect, as herein provided, a petition, signed by qualified and registered electors equal in number to twenty-five (25%) percent of the total vote cast for the office of Mayor at the last preceding regular municipal election at which a Mayor was chosen, be filed with the City Clerk requesting that such ordinance be repealed or such action taken be rescinded by the Council or be submitted to the qualified electors for their approval or rejection, provided, however, that the provisions hereof shall not apply to the annual appropriation provided for under the provisions of this Charter.



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### **Section 2. Referendary Petition: Signatures and Affidavit of Circulator:**

Each signer of any such petition shall sign their name, and shall include their address, and the date of their signature. The signatures to any such petition need not all be appended to one paper, but to each paper constituting a part of such petition there shall be attached an affidavit by the circulator thereof, stating the number of signers to such part of the petition, and that each signature appended to the paper is the genuine signature of the person whose name it purports to be, and was made in the presence of the Affiant.

### **Section 3. Filing and Examination:**

Such petition shall be filed with the City Clerk within seven (7) days after the ordinance is adopted by or any action taken by the Council. It shall be the duty of the City Clerk within five (5) days after the filing of such petition to examine the same and ascertain whether or not it has been signed by the required number of qualified and registered electors of the City, and after such examination the City Clerk shall endorse thereon the certificate of the result of examination as to the petition's sufficiency.

### **Section 4. Insufficient Petitions:**

If the petition is insufficient, the City Clerk shall notify the Council that a petition has been filed, but that the number of signatures thereon is insufficient, and shall state the substance of the petition, the number of signatures required, and the number of signatures attached thereto. The filing of an insufficient petition shall not prejudice the filing of a new petition for the same purpose within the time specified herein.

### **Section 5. Presentation to Council:**

The City Clerk shall present the certified petition to the Council at its next regular meeting. The Council shall at once proceed to consider the petition so presented, and shall take final action thereon at such meeting or at an adjourned meeting to be held within ten (10) days from the date of the meeting at which such petition shall be presented to the Council. If the Council fails to repeal the proposed ordinance adopted by or rescind the action taken by the Council, then such ordinance or action shall be submitted to the vote of the electors in the manner herein provided.

### **Section 6. Submission of Ordinance or Action:**

Such ordinance adopted by the Council, the repeal of which was petitioned for, or such action taken by the Council which it is desired to rescind, shall be submitted at the next regular City or State election held thereafter, or at any primary election or at any special election called for that purpose.

### **Section 7. Ballots: Vote Required: Taking Effect:**

The ballots used in voting upon the repeal of any such ordinance or the rescinding of any such action of the Council shall contain a statement of the substance of the ordinance or action upon which a vote has been petitioned for as contained in the petition. If a majority of the voters voting thereon shall vote in favor of the ordinance or action of the Council, such ordinance or action shall thereupon be considered as ratified

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by the electors of the City, and shall become effective immediately upon the certification of the Election. If a majority of the voters voting thereon vote against such ordinance or action, thereupon the ordinance or action of the Council shall be considered as void and of no force and effect immediately upon the certification of the results of such election.

### **Section 8. Suspension to Action or Ordinance:**

Upon the filing of any referendary petition, as herein provided, the ordinance or action in relation to which such referendary petition has been filed shall be suspended from taking effect until the electors shall have confirmed or ratified the action of the Council in the adoption of the ordinance or in the taking of such action, except where an insufficient petition has been filed, in which event the filing of such an insufficient petition shall not in any way affect any such ordinance adopted by or any such action taken by the Council.

## **CHAPTER 25. INITIATIVE**

### **Section 1. Initiatory Petition:**

Any proposed ordinance may be submitted to the Council by a petition filed with the City Clerk, asking that such ordinance be adopted by the Council, and that if it be not so adopted, it shall be submitted to the vote of the electors of the City of Melvindale. Such petition shall be known as an initiatory petition. The petition shall set forth in full the proposed ordinance, and shall contain a brief statement of the substance thereof, which statement shall appear upon the official ballot as herein provided, in the event of the submission of the proposed ordinance to a vote of the electors.

### **Section 2. Required Number of Signatures:**

The initiatory petition shall be signed by qualified and registered electors of the City of Melvindale equal in number to twenty-five percent (25%) of the total number of votes cast for all candidates for the office of Mayor at the last general municipal election prior to the time of the filing of such petition.

### **Section 3. Verification of Petition and Signatures Thereon:**

Each signer of any such petition shall sign their name, and shall include their address, and the date of their signature. The signatures to any such petition need not all be appended to one paper, but to each paper constituting a part of such petition there shall be attached an affidavit by the circulator thereof, stating the number of signers to such part of the petition, and that each signature appended to the paper is the genuine signature of the person whose name it purports to be, and was made in the presence of the Affiant.

### **Section 4. Filing and Examination by City Clerk:**

Such initiatory petition shall be filed with the City Clerk, and the City Clerk shall be required within ten (10) days from the date of filing of such petition to ascertain whether or not such petition has been signed by the required number of qualified and registered

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electors, and shall endorse thereon a certificate of the result of the examination as to the sufficiency of the petition.

### **Section 5. Supplemental Petition:**

Upon the filing of such additional paper or papers, the City Clerk shall attach the same to the original petition, and shall within ten (10) days thereafter examine such additional paper or papers as so attached, and certify the result of such examination. If the petition as a whole is still insufficient, or if no additional paper or papers shall have been filed, the City Clerk shall file the petition, and shall notify the Council to the effect that a petition has been filed, but that the number of signatures is insufficient, and shall state the substance of the petition, the number of signatures required and the number of signatures attached thereto. The filing of an insufficient petition shall not prejudice the filing of a new petition for the same purpose.

### **Section 6. Petition When Sufficient: Procedure:**

If the City Clerk shall certify that the petition is sufficient, it shall be the City Clerk's duty to present the proposed ordinance to the Council at the next regular meeting. The Council shall thereupon proceed at once within thirty (30) days from the date of the presentation. If the Council fails to adopt the proposed ordinance, as presented, or, if adopted, the Mayor shall veto the ordinance and the Council fail to enact it over the Mayor's veto, then it shall be submitted to a vote of the electors in the manner herein provided.

### **Section 7. Submission of Ordinance:**

Such initiative ordinance shall be submitted at the next regular City or State election held thereafter or at any primary election or any special election called for any purpose, but no special election shall be held solely for the purpose of submitting such proposed ordinance.

### **Section 8. Ballots: Vote Required: Taking Effect:**

If a majority of the electors voting upon any such proposed ordinance shall vote in favor thereof, it shall thereupon become an ordinance of the City, provided that if the subject matter of such ordinance is such as to require more than a majority vote under the Constitution or the statutes of the State of Michigan, then it shall not go into effect unless it shall receive the vote as may be so required. The vote upon such proposed ordinance shall be taken, counted, returned, canvassed and certified in the same manner as other votes are at elections held under the provisions of this Charter. Upon the certificate of the canvassing board that a proposed ordinance has been adopted, as herein provided, the City Clerk shall file with the other ordinances of the City a copy thereof as presented to the Council prior to submission. The City Clerk shall forthwith notify the Council of the filing of such ordinance, and the notice thereof shall be entered upon the journal of the Council, whereupon such ordinance shall take effect.

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## **Section 9. Publication: Amendment or Repeal:**

Initiated ordinances adopted by the electors shall be published as in the case of other ordinances. Such ordinances shall not be amended or repealed by the Council within two (2) years from the date of adoption, and thereafter only by a concurring vote of five (5) members of the Council.

## **CHAPTER 26. BUDGET**

### **Section 1. Consideration of Mayor:**

The Mayor shall consider the budget and may revise or alter the same, but not so as to exceed the aggregate amount authorized by law to be raised by taxation; provided, that the Mayor shall make no revisions or alterations as to sums required to be approved to provide for the payment of the indebtedness of the City. The Mayor shall, within seven (7) days of receipt of the proposed budget, complete the revisions and return the budget as revised to the City Administrator for adjustment. The budget, as revised by the City Administrator, shall be known as the Mayor's Budget.

### **Section 2. Submission of Budget:**

The City Administrator shall prepare and the Mayor shall review the budget in a timely manner to enable the Council to consider the budget prior to the date of expiration of the budget then in effect.

### **Section 3. Consideration by Council:**

The budget so transmitted by the Mayor shall be considered by the Council, which may revise, alter, increase or decrease it, but shall not increase the total thereof so as to exceed the aggregate amount authorized by law to be raised by taxation. It shall be the duty of the City Administrator and all officers, departmental heads and commissions to furnish the Mayor and Council with such information as may be required for the proper consideration of the budget, and the Council shall for the purpose of securing such information, have the right to inspect all official books and records of such officers, departments or commissions. The Council shall approve the budget for the fiscal year not later than the first day the fiscal year is to commence and the budget shall require for its adoption the vote of a majority of all members of the Council.

### **Section 4. Approval of Budget: Passage Over Veto:**

The budget as approved by the Council shall be presented to the Mayor for approval or rejection on or before seven (7) days of Council's approval of the budget. The Mayor may approve or veto any part or item thereof; provided, that the Mayor shall make no revisions or alterations as to sums required to be approved to provide for the payment of the indebtedness of the City. The Mayor shall, within seven (7) days of receipt of the budget, return the budget to the Council with the Mayor's approval, or if the Mayor shall disapprove the whole or any items therein, with the reasons of such disapproval. If the budget be disapproved, the Council shall proceed to reconsider the vote by which the budget was passed, but if an item or items only are disapproved, the reconsideration shall be only as to such item or items. If, after such reconsideration, four

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(4) members shall agree to pass the budget, or such item or items, the same shall be of full force and effect.

### **Section 5. Failure to Adopt a Budget By End of Fiscal Year:**

In the event a budget is not adopted at or before the first date of the fiscal year, the then existing budget shall constitute an appropriation of the money needed for the municipal purposes during the next fiscal year pending the adoption of a budget by means of the process established in this Charter.

### **Section 6. Limitation of Amount That May Be Raised By Taxation:**

The total amount of taxes assessed against property for all purposes in any one year shall not exceed two (2%) percent of the assessed valuation of said property, which amount shall include taxes levied for the payment of interest and principal on obligations heretofore incurred, which sum shall be separately assessed in all cases; provided, however, that if this limitation exceeds the amount provided for by State Laws, then this limitation shall be decreased to the amount of such provision. This limitation shall not include a levy which is assessed by Court Order.

### **Section 7. Budget Hearing:**

A public hearing on a proposed budget shall be held before its final adoption at such time and place as Council shall direct. Notice of such public hearing and notice that the proposed budget is on file in the Office of the City Clerk shall be published at least one (1) week in advance of a hearing and as otherwise provided by law. The complete proposed budget shall be on file for reasonable public inspection and examination during office hours at the City Clerk's Office for a period of not less than one (1) week prior to such hearing and in accordance with applicable State law, including the Freedom of Information Act.

### **Section 8. Books of Account:**

The City Administrator or other officer other than the Treasurer designated by the Mayor and Council shall keep a complete set of accounts showing the financial transactions of the City, which accounts shall conform to any uniform system required by law.

## **CHAPTER 27. TAXES**

### **Section 1. Property Subject to Taxation:**

All real and personal property within the City of Melvindale shall be subject to taxation in accordance with the provisions of the general tax law of the State of Michigan.

### **Section 2. Description of Property Assessed:**

It shall be the duty of the Assessor to assess for taxation purposes, all the land, tenements and subdivisions belonging to each individual owner within the said City of Melvindale and all such lands, tenements and subdivisions shall be described by referring to the subdivision and lot number or fraction thereto, and where that is

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impractical, by describing such parcel by metes and bounds and where that cannot be ascertained, by the name of the owner or occupant located thereon, giving the street and street number, and where such description or descriptions shall be impractical, the property shall be designated by other sufficient description therefor, so as to fully identify the property. If, by mistake or error any person may be improperly designated as the owner, or occupant, then such assessment and tax shall not be vitiated, but the same shall be a lien on the property described and the tax shall be collected as in other cases.

### **Section 3. Lists of Taxable Property:**

The Assessor shall have, as herein provided, power and authority to demand in writing of every person owning or having charge as agent, or otherwise, of any taxable property, a list of such property, with such description as will enable the Assessor to assess the same. If the person of whom such demand is made, shall not within ten (10) days thereafter, deliver to such Assessor a list of the property in said district belonging to him or her, or under his or her charge, with a correct description of the same, or if he or she shall omit any such property in the list delivered, said assessor shall have power, and it shall be his or her duty to assess such property, upon such knowledge or information as may be satisfactory to him or her, at cash value, and according to his or her best judgment and discretion.

### **Section 4. Notice of Taxation: Complaints: Review: Delivery of Rolls:**

Notice that the assessment rolls will be completed and compiled for all taxes shall be given in accordance with State law and prior to the first meeting of the Board of Review. Any person considering themselves aggrieved, by reason of any assessment, may make complaint either verbally or in writing to the Assessor, and upon sufficient cause being shown, the Assessor may alter or correct the same as to the person charged thereby, the property described therein or the estimated value thereof, any time up to the day when the Assessor shall turn such assessment roll over to the Board of Review. The Assessor, after completing review, and correction of said assessment roll, for all taxes, shall sign such roll on or before the day prior to the first meeting of the Board of Review.

### **Section 5. Review of Assessment Roll:**

Such assessment roll shall be reviewed by the Board of Review in accordance with the provisions of this Charter at their first meeting, and shall, after the same is complete, be certified by such Board of Review, and it shall then become the assessment roll of the City of Melvindale for all taxes.

### **Section 6. Tax Rolls:**

The Assessor, upon receipt of the assessment rolls, as confirmed by the Board of Review, shall prepare separate tax rolls upon which shall be placed the amount of all taxes in dollars and cents, authorized to be assessed and collected in each year for all State, County and School purposes, and entries for all City taxes, the same to be ratably assessed to each person named, lots or parcels therein described and according to the aggregate valuation which such person or lots shall have been assessed in said assessment rolls. Such rateable assessment shall show the amount of such taxes

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assessed for all State, County, School, and City tax for General and Special Taxes as assessed against each person, lot or parcel in each year.

### **Section 7. Delivery of Tax Rolls to the Treasurer:**

Such tax rolls shall contain columns for the names and addresses of all persons assessed thereunder, and of the name of the person paying such tax. When the said tax roll shall have been completed for the City taxes, the Assessor shall attach a warrant signed by himself as Assessor, directing the Treasurer to collect all the taxes therein mentioned, according to law and when the certificate is attached, return it to the Office of the Treasurer of the City for the collection of such tax. The tax roll shall contain assessments and taxable value for all properties in the City.

### **Section 8. Due Date of City Taxes:**

Special taxes shall become due and payable according to the resolution fixing such day by the Council. All City taxes, except special taxes, shall become due on the first day of July and may be paid without any added percent thereon to and including the fifteenth day of August. All taxes shall become a lien on the property taxed or assessed on and after the dates when the taxes may be paid as provided herein. The owners or parties in interest to any real estate assessed hereunder, shall be liable to pay all such taxes and all assessments levied in accordance herewith. The owner or persons in possession of any personal property shall be liable for and shall pay all taxes assessed thereon. All County and School taxes shall be due and payable on the 1st day of December in each year at the Office of the City Treasurer without any added percent thereto and may and shall be paid the same as township taxes in all organized townships, and shall bear the same penalties and be returned on the same date as taxes returned delinquent from such townships.

### **Section 9. Owners' Names Listed:**

The names and addresses of the owners, and when that is not possible, of the agent of the property, assessed for taxes in the City shall, so far as possible, appear on the tax roll. The City Treasurer shall place upon such tax roll, all names and addresses of owners not already appearing thereon as obtained from duplicate receipts of the preceding year, or from all other sources, and shall from time to time make additions thereto, and shall place upon the roll the name and address of all parties paying their County or City taxes. The Treasurer shall also, on or before the 1st day of December in each year, or as soon thereafter as practical, mail to each person whose name appears upon the tax roll, at the address thereon given, a notice stating the amount of taxes due for the County and School, the time and manner of payment and the penalty for failure to pay as therein provided. Failure to receive such notice or notices shall in no way prejudice the right of the City and County to collect any taxes due thereunder.

### **Section 10. Payment of Taxes and Penalty:**

Payment of all taxes specified as County and School in such tax rolls may be made to the City Treasurer at any time after they become due and payable. All additional percent to such taxes shall be made in accordance with State law providing therefor in organized townships. If the City tax is not paid in its entirety on or before August 15th, one (1%) percent of the unpaid tax shall be added thereto and collected by

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the Treasurer as a penalty and the total of said tax coupled with the penalty thereon shall draw interest thereafter at the rate of six (6%) percent per annum until returned to the County Treasurer in accordance with the provisions of this Charter and State Law.

### **Section 11. Receipts:**

Upon receipt of payment for taxes, the Treasurer shall give a receipt therefor showing that such tax is paid in full.

### **Section 12. Return of Unpaid Taxes to County Treasurer:**

If the City Treasurer has been unable to collect any of the taxes on said tax roll on real property before the 9th day of March following the date when said roll was delivered to the City Treasurer for collection, then it shall be the Treasurer's duty to return all such unpaid taxes on real property to the County Treasurer in the manner and with like effect as returns by township treasurers. Such return shall also include all city taxes then appearing unpaid on the City roll for the prior year. Such return shall also include all additional charges hereinbefore provided, which charges in such return shall be added to the amount assessed in said tax roll against each description. The taxes thus returned shall be collected in the same manner as are other taxes returned to such County Treasurer under the provisions of the General Tax Law of the State of Michigan, and that the same rate of interest and all charges thereon shall be collected in accordance with the State Law. All such taxes so returned as delinquent shall be and remain a lien on the said lands therein described, until paid.

### **Section 13. Collection of Personal Taxes By Suit:**

Whenever the City Treasurer shall be unable to collect any tax assessed upon personal property in the City, it shall be lawful for the City Treasurer to bring suit in the name of the City for the recovery thereof, against the person or persons against whom the tax was assessed, before any court of competent jurisdiction, and to take and use all lawful means for the collection of debts to enforce the payment of such tax; and in such cases all the provisions of the law applicable to such suits.

### **Section 14. Special Tax: How Voted:**

Should any amount of money be required in any fiscal year for any public city purpose greater than the amount provided for in the annual budget, and the Council deems it advisable to raise the sum by taxation, such amount of money may be raised by taxation, if authorized by the affirmative vote of 3/5ths of the qualified electors of the City voting thereon at any election called in accordance with provisions of this Charter. However, such tax, together with the general taxes provided in the annual budget, and all other taxes voted during the same fiscal year under the provisions of this section, shall not exceed two (2%) per centum of the value of the taxable property of the City, according to the assessment roll last confirmed prior to the resolution calling such special tax election.

### **Section 15. Assessment and Collection of Special Tax:**

At the first regular meeting following the canvass of the returns of the election at which such special tax shall have been voted upon, the Council shall direct the Assessor



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to spread the special tax in full upon a special tax roll in the same manner in which the annual City taxes are spread upon the annual City tax roll, and shall authorize the issuance of the proper warrant to the City Treasurer for the collection of such special tax. The City Treasurer shall possess the same powers and perform the same duties in the collection of a tax specially voted upon as provided in the collection of the annual City tax.

### **Section 16. State, County and School Taxes:**

For purposes 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 and accounting for such taxes shall apply. For these purposes, the Treasurer shall perform the same duties and have the same powers as are granted and imposed upon township treasurers by law. However, in the event there is a conflict between such general powers and this Charter as to a matter which may be lawfully regulated by charter, then the provisions of this Charter shall control.

## **CHAPTER 28. SPECIAL ASSESSMENTS**

### **Section 1. Purpose of Special Assessments:**

The Council when requested by Petition as provided in this Charter, may levy a special assessment for the purpose of defraying the cost and expense of grading, graveling, paving and curbing all streets; for the construction of sidewalks and cross-walks; for the construction of sewers, drains, water distributing pipes and mains; house connection for sewers, drains or water distributing pipes; for the opening, widening, extending, straightening or altering of highways, streets or alleys; for installing a boulevard lighting system; for the planting of shade trees; for the changing of grades, and all other improvements of every kind and character in any public highway, place or space.

### **Section 2. Power to Establish Assessment Districts:**

When requested by petition as provided above, the Council shall determine that it is necessary and expedient and for the public benefit and welfare to provide any of the improvements mentioned in the preceding section, it shall have power to create special assessment districts to defray the cost of installing, constructing or providing such improvements. The Council may combine any two (2) or more improvement districts in one special assessment district.

### **Section 3. When Special Assessment Proceedings to be Instituted:**

The creation of a special assessment district to defray the cost of installing, constructing or providing any of the improvements provided for in Section 1 of this Chapter shall be instituted by a petition signed by owners of more than fifty (50%) per cent of the property separately described chargeable with the special assessment, which petition shall be certified by the City Clerk as to the sufficiency of the signers thereto. If such petition shall be sufficient in form and substance, the Council may proceed to institute the necessary proceedings that the improvement may be installed within the limitation of the provisions of this Charter.

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### **Section 4. Estimates, Plans and Map of Assessment District for Special Assessment:**

When the Council shall determine to make a public improvement and to levy a special assessment for the cost thereof, it shall direct the proper officials to prepare estimates of cost, map of the district to be assessed, and plans and specifications for the improvement.

### **Section 5. First Resolution:**

When the Council shall have determined to make a public improvement and assess the cost or portion thereof against an assessment district, and having obtained plans, specifications, estimate of cost and map of assessment district therefor, it shall duly adopt a resolution which shall contain the following data:

(a) That the improvement is necessary and expedient and for the public benefit and welfare.

(b) The nature of the proposed improvement.

(c) The property to be embraced within the special assessment district.

(d) The portion of the estimated cost to be chargeable against the assessment district, and if a portion of the cost is to be borne by the City at large, the resolution shall so state.

(e) The number of parts into which the proposed assessment is to be divided.

(f) The estimate of cost of the improvement.

(g) The method of assessment, whether to be upon benefit, area, or per foot front basis.

(h) The time and place when and where the Council will meet to hear suggestions and objections to the proposed improvement, the assessment district and the estimate of cost, which date shall be not less than two (2) weeks from the date of passage of such resolution.

### **Section 6. The Method of Giving Notice of Hearing:**

The City Clerk shall cause notice of said meeting of the Council to be given by posting copies of the resolution in three (3) conspicuous places and by publication in the official newspaper of the City at least ten (10) days prior to the date of the meeting and it shall be the duty of the City Clerk to prepare and file a certificate indicating the date and place of such meeting.

### **Section 7. Hearing on First Resolution:**

At the time and place specified for hearing upon matters and things set forth in the first resolution in relation to a public improvement for which a special assessment shall

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be levied, the Council shall meet and after a public hearing shall be held upon the said resolution, it shall then and there determine the manner in which the improvement shall be made, the map of assessment, the estimate of cost thereof, and the portion of the cost to be borne by the City at large, and the resolution of determination shall contain the following data:

- (a) The district against which the assessment shall be spread.
- (b) The nature of the improvement to be made which shall not materially differ from that set forth in the first resolution.
- (c) The estimate of cost thereof, and the portion chargeable, if any, against the City at large.
- (d) The number of parts or installments into which the assessment shall be divided.
- (e) The manner in which the assessment shall be made.
- (f) An order to the Assessor to prepare an assessment roll in accordance with the estimate of cost and the map of assessment district as approved by the Council and the time when the said roll shall be prepared and deposited with the City Clerk for inspection.
- (g) The time and place when and where the Council shall meet to review the assessment roll so prepared, which time shall not be less than two (2) weeks from the time of passage of said resolution.

### **Section 8. Notice of Hearing Upon Assessment Roll:**

The City Clerk shall give notice of the hearing upon the assessment roll by posting copies thereof in three (3) conspicuous places in the assessment district affected by the improvement and by publication in the official newspaper of the City at least ten (10) days prior to the date of hearing thereon. Such notice shall contain information as to the nature of the improvement, the assessment district created, the estimate of cost chargeable against the assessment district, and the time and place when and where the Council shall meet to review the assessment roll so made.

### **Section 9. Review of Special Assessment Roll:**

At the time set for reviewing the special assessment roll so made, the Council shall meet and review the assessment roll and hear any objections thereto, and the Council shall make any corrections in said roll as they shall deem advisable, and when said corrections are made the Council shall adjourn the reviewing of such assessment roll for not less than two (2) weeks for the purpose of giving property owners affected thereby additional time in which to present any further objections before confirmation of such assessment roll, and at such adjourned meeting, after hearing any further objections to such assessment roll, the Council may proceed to confirm the assessment roll as modified or corrected, if any such modification or correction shall be made; otherwise, in the manner and form as presented to the Council for review.

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### **Section 10. Roll to be Confirmed Before Work is Done:**

No contract for any improvement, the cost of which shall be borne in part or in whole by a special assessment, shall be entered into, until the assessment roll therefor has been confirmed by the Council.

### **Section 11. Confirmed Roll to be Final:**

The Special Assessment Roll, as confirmed by the Council, shall be final and conclusive, and shall constitute a lien upon the respective lots or parcels of land assessed from and after the date of such confirmation, and shall be a charge against the respective owners of the several lots or parcels of land so assessed until paid.

### **Section 12. How Payable:**

Special assessment rolls to defray the cost of any improvement may be divided into not more than fifteen (15) installments, one of which shall be due and payable within sixty (60) days after the date of the confirmation of the special assessment roll or within sixty (60) days after the completion of the improvement, the time of such payment to be determined by the Council, and the remaining parts, if the roll is divided into more than one part, shall be payable and collected each year after the date of the confirmation of such assessment roll at such time as the Council shall determine.

### **Section 13. Penalty and Interest:**

The Council shall direct that interest shall be charged upon all special assessments at a rate to be determined by Council upon all unpaid balances as shall appear after sixty (60) days after the assessment roll has been confirmed, and any person desiring to void payment of interest shall be required to pay all parts of the assessment on or before sixty (60) days after the assessment roll shall have been confirmed; provided, that any person may at any time pay to the City Treasurer all or any portion of the unpaid assessment, together with interest to the date of payment at a rate to be determined by the Council, and thereby become relieved from further interest on such amount as shall have been paid; provided further, that such payment shall be made in the amount of one or more installments of the assessment roll; provided further, that the Council may, in addition to the interest charges herein provided for, by appropriate resolution, direct the City Treasurer to collect penalties where there has been a default in the payment of the assessment or any part thereof in an amount not to exceed ten (10%) per cent of the amount in default, which penalty shall be added to the amount of the assessment in the same manner as interest charges, and shall be so payable.

### **Section 14. Assessment Rolls:**

The assessment roll for any special assessment shall be prepared in such a manner so as to divide the amount of the tax in installments in separate columns, and it shall be the duty of the City Treasurer to indicate on such assessment roll the time for payment thereof.

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### **Section 15. Excess or Deficiency:**

Should the amount of any special assessment prove insufficient to pay the cost of the improvement or work for which it was levied, and the expense incident thereto, the Council may make an additional pro rata assessment not in excess of ten (10%) per cent of the original estimated cost of the improvement, supplying the deficiency, which shall be certified to the City Treasurer without hearing thereon, and in case a larger amount shall have been collected or assessed than was necessary, the excess shall be refunded in cash, if the entire assessment has been paid, or shall be refunded ratably upon the last installment due of such special assessment, or the Council may direct the Assessor to reassess any assessment roll where there is an excess in the assessment, upon a basis of the actual cost of the improvement.

### **Section 16. Re-Assessment:**

Whenever any special assessment shall, in the opinion of the Council, be invalidated by reason of any irregularity or informality in the proceedings, or if any court of competent jurisdiction shall adjudge such assessment to be illegal, the Council shall, whether any part of the assessments have been paid or not, have power to cause a new assessment to be made for the same purpose for which the former assessment was made. All the proceedings on such re-assessment and for the collection thereof shall be conducted in the same manner as provided for in the original assessment, and whenever any sum or any part thereof levied upon any premises in the assessment so set aside has been paid and not refunded, the payment so made shall be applied upon the re-assessment of the said premises, and the re-assessment shall to that extent be deemed satisfied. Provided, that if any special assessment at any time made to pay the cost of any improvement which has been completed and on the faith and credit of which bonds have been issued, shall be found to be invalid by reason of jurisdictional defects, whether from invalidity of any law or otherwise, the Council shall have power to re-assess under the provisions of this Charter to the extent of the actual cost of the improvement, crediting all sums that have been paid, under such invalid assessment on any new assessment levied, refunding the excess, if any there by, under the provisions of this Section, and equitably distributing the cost of said improvement upon the property in the district benefited, under the provisions of this Charter. Such re-assessment may be made as if all jurisdictional conditions precedent to the making of the assessment under the provisions of this Charter had been complied with.

### **Section 17. Lien Not Destroyed by Judgment or Decree:**

No judgment or decree, nor any act of the Council vacating a special assessment shall destroy or impair the lien of the City upon the premises assessed for such amount of assessment as may be equitably charged against the same, or as by a regular mode of proceeding might have been lawfully assessed thereon.

### **Section 18. Treasurer's Warrant:**

Whenever any special assessment shall be confirmed, the Council shall direct the City Clerk to issue a warrant to the City Treasurer for the collection of the amounts specified in the special assessment roll, and such warrant may provide for the time for collection of installments or parts of the assessment to become due in the future, as well

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as for that portion of the assessment which shall be payable within sixty (60) days from the date of the confirmation of the assessment roll.

### **Section 19. Treasurer to Collect:**

Upon receiving said assessment roll and warrant, the Treasurer shall proceed to collect the amounts assessed therein. If any person shall neglect or refuse to pay the assessment upon demand, the Treasurer shall seize and levy upon any personal property, belonging to such person, and sell the same at public auction, first given six (6) days' notice of the time and place of such sale, by posting such notices in three (3) of the most public places in each voting precinct in the City or township where such property may be found. The proceeds of such sale, or so much thereof as may be necessary for that purpose, shall be applied to the payment of the assessment, and a percentage of five (5) per centum upon the amount of the assessment for the costs and expenses of said seizure and sale, and the surplus, if any, shall be paid to the person entitled thereto.

### **Section 20. Treasurer Makes Return to Clerk:**

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

### **Section 21. Renewal of Treasurer's Warrant:**

The warrant to the Treasurer for the collection of any special assessment may be renewed by the Council for such time as it shall determine, provided that such renewal of the warrant shall not dispense with the interest charges hereinbefore provided for, and in the event any assessment shall be finally returned by the Treasurer as unpaid, the Council may direct that the entire assessment or any delinquent parts therefor shall be transferred and assessed in the next annual city tax roll in a column to be headed "Special Assessments," together with accrued interest and such penalties as shall have been incurred, and such tax shall be collected and paid in all respects as provided for the collection of general city taxes.

### **Section 22. Collection by Suit:**

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

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### **Section 23. Portion Paid from General Fund:**

When expenses for any improvement shall be or shall have been heretofore assessed in a special assessment district and there are lands belonging to the City, school buildings or other public buildings, actually in use for such purposes, or grounds not taxable, fronting upon such improvement, such part of the expense of such improvement as in the opinion of the Council would be justly apportionable to such public grounds, buildings and City property shall be paid from the general City funds, and the balance of such expense shall be assessed upon the taxable lots and premises included in the special assessment district, upon lots in proportion to their frontage upon the improvement. If from the shape or size of any lots an assessment thereon in proportion to the frontage would be unjust and disproportionate to the assessment upon other lots, the Council may assess such lots for such number of foot frontage as in its opinion will be just, and the Council may issue special assessment bonds, in like manner as provided for special assessments to defray the cost of improvements chargeable hereunder against the City at large.

### **Section 24. Special Assessment Bonds:**

The Council shall have power to issue bonds in the amount of any special assessment or in the amount of the aggregate of all the installments of a special assessment in anticipation of the collection thereof, and may combine one or more special assessments into a single bond issue; and in the issuance thereof the Council may pledge the full faith and credit of the City for the payment of such bonds, both principal and interest, and may provide in the issuance thereof, that in the event that there shall be any deficit in the special assessment fund or funds to pay said bonds, both principal and interest as they mature, sums may be advanced to meet such deficit from the general funds of the City, to be reimbursed when the special assessment funds are available. If the assessment roll is divided into installments, bonds may be apportioned against the amounts of the several installments, as the Council may determine. Special assessment bonds, the issuance of which has been previously authorized but not having been issued, may be issued under and in accordance with the authority herein provided.

### **Section 25. Special Assessment Bonds for Portion Assessable to City:**

The Council may issue similar bonds to defray that portion of the cost and expense of any improvement which shall be chargeable against the City at large.

### **Section 26. Council May Borrow in Anticipation of Special Assessment:**

The Council may borrow in anticipation of the collection of special assessments, such sums of money as may be necessary to defray the cost thereof, or to meet installments of bonds due and chargeable against said special assessment, and to meet the payment of which insufficient money has been collected on such special assessment roll, and such loan shall be payable at the time when such special assessments have been duly collected.

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### **Section 27. Issuance of Special Assessment Bond:**

The Council shall, upon confirmation of special assessment roll, determine the amount, the date of maturity, time of payment and the denomination of the bonds to be issued to finance any improvement by special assessment.

## **CHAPTER 29. BONDS AND LOANS**

### **Section 1. Authority to Borrow:**

The Council, subject to the applicable provisions of law and this Charter, may, by proper ordinance or resolution, authorize the borrowing of money for any purpose within the scope of the powers vested in the City and the issuance of bonds of the City or other evidences of indebtedness therefor, and may pledge the full faith, credit, and resources of the City for the payment of the obligation created thereby.

### **Section 2. Issuance of Mortgage Bonds:**

The Council may, subject to law and the State Constitution, authorize the issuance and sale of mortgage bonds for the purpose of acquiring, owning, purchasing, constructing, or operating any public utility beyond the general limit of bonded indebtedness prescribed by law; provided, that such mortgage bonds, issued beyond the general limit of bonded indebtedness prescribed by law, shall not impose any liability on the City, but shall be secured only upon the property and revenues of such public utility, including a franchise, stating the terms upon which, in case of foreclosure, the purchaser may operate the public utility, which franchise shall in no case extend for a longer period than twenty (20) years from the date of sale of such public utility and franchise on foreclosure. In the event of the issuance of such bonds, there shall be created, in such cases as may be required by law, a sinking fund by setting aside such percentage of the gross or net earnings of the public utility as may be deemed sufficient for the payment of the mortgage bonds at maturity.

### **Section 3. Emergency Bonds in the Event of Calamity:**

In case of fire, flood, or other calamity, the Council may, subject to law, authorize the issuance of emergency bonds which shall be general obligations of the City for the relief of the inhabitants of the City and for the preservation of municipal property.

### **Section 4. Use of Proceeds of Bonds:**

Each bond or other evidence of indebtedness shall contain on its face a statement specifying the purpose for which the same is issued and no officer of the City shall use the proceeds thereof for any other purpose, except as hereinafter provided.

### **Section 5. Use of Excess Funds:**

Whenever the proceeds of any bond issue, or any part thereof, shall remain unexpended and unencumbered for the purpose for which said bond issue was made, the Council may, by the affirmative vote of a majority of the members, authorize the use of such unexpended and unencumbered funds in any manner permitted by law or for the retirement of such bond issue, or, if such bond issue shall have been fully retired or if



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any of such funds remain after such retirement, then for the retirement of other bonds or obligations of the City.

### **Section 6. Execution of Bonds:**

All bonds and other evidences of indebtedness issued by the City 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.

### **Section 7. Limits on Borrowing:**

No indebtedness by the issuance of bonds or otherwise shall exceed the limits established by the laws of this State.

### **Section 8. Notice:**

Statutory notice shall be given of all proceedings in connection with the issuance of bonds. The issuance of any bonds not otherwise requiring the approval of the electors shall be subject to applicable requirements of statute with reference to public notice in advance of the authorization of such issues, filing of petitions for a referendum on such issuance, holding of such referendum and other applicable procedural requirements.

### **Section 9. Tax Anticipation Notes:**

Subject to all provisions of law, the City may, by resolution of the Council, borrow money and issue its notes in anticipation of the collection of taxes for its then next succeeding fiscal year or the taxes for a current fiscal year.

### **Section 10. Deferred Payment Contracts:**

The City may enter into installment contracts for the purchase of property or capital equipment. All such deferred payments shall be included in the budget for the year in which the installment is payable.

### **Section 11. Other Obligations:**

Subject to all provisions of law, the City shall have the power to issue revenue bonds, refunding bonds, and any other type of obligation authorized by law.

## **CHAPTER 30. POLICEMEN AND FIREMEN RETIREMENT SYSTEM FOR POLICEMEN AND FIREMEN HIRED PRIOR TO APRIL 7, 1965**

### **Section 1. Name and Establishment:**

The City of Melvindale Policemen and Firemen Retirement System, hereinafter called the "Retirement System," is hereby established for the purpose of providing retirement allowances and death benefits for Policemen and Firemen of the City of Melvindale and/or their widows and children, under the provisions of this Charter of the City of Melvindale, Michigan.

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### Section 2. Definitions:

The following words and phrases wherever used in this Chapter, unless a different meaning is plainly required by the context, shall have the following meanings:

(a) **“CITY”** shall mean the City of Melvindale, State of Michigan, and shall include its predecessor, the Village of Melvindale, State of Michigan.

(b) **“COUNCIL”** shall mean the Council of the City of Melvindale.

(c) **“BOARD”** shall mean the Board of Trustees provided for in this Chapter.

(d) **“MEMBER”** shall mean any person who was included in this Retirement System as of this date. These Members are Policemen and Firemen who were hired by the City of Melvindale prior to April 7, 1965.

(e) **“SERVICE”** shall mean service rendered as a Policeman or Fireman while a Member of the Police or Fire Force of the City.

(f) **“ACCUMULATED CONTRIBUTIONS”** shall mean the sum of all amounts deducted from the compensation of a member and paid into the Firemen’s and Policemen’s Pension Fund, together with regular interest thereon.

(g) **“POLICEMAN”** shall mean any employee of the Police Department holding the rank of patrolman or higher rank, but it shall not include (1) privately employed policemen; nor (2) persons temporarily employed during emergencies; nor (3) civilian employees of the Police Department.

(h) **“FIREMAN”** shall mean any employee of the Fire Department holding the rank of fire fighter or higher rank, but it shall not include (1) privately employed firemen; nor (2) persons temporarily employed during emergencies; nor (3) civilian employees of the Fire Department.

(i) **“FINAL COMPENSATION”** wherever used in this Chapter shall mean the pay of a patrolman or pipeman, whichever amount is the greater as fixed by the City budget for the current fiscal year. If hereafter the rate of pay of a patrolman or pipeman is changed in the budget, then the amounts of pensions payable based on the pay of a patrolman or pipeman shall be correspondingly changed.

(j) Words of the masculine gender shall include words of the feminine gender and vice versa and words of the singular number in relations to persons shall include the plural number and vice versa.

(k) **“WIDOW”** shall mean the person to whom such deceased Member was married at the time of his retirement, when total disability was incurred or when his death occurred in the line of duty.

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### **Section 3. Requirements:**

Policemen and Firemen of the City of Melvindale shall be subject to retirement as hereinafter provided:

(a) All Firemen and Policemen whose services with either or both Fire and Police Force, including such service to the Village of Melvindale, shall total twenty (20) years, provided that the amount of time spent in the United States Military, Naval or Marine Service by any Fireman and Policeman who left the force of which he was a Member to enter such United States Service during World War II, future wars or military service, and who also returned to either force within six (6) months after an honorable discharge from said United States Service, shall be counted as a part of the aforesaid twenty (20) years' service.

(b) All Firemen or Policemen hereinafter totally disabled.

### **Section 4. Total Disability:**

The term "Total Disability" is herein defined to mean the inability of a Fireman or Policeman to perform the duties of his position because of accidents sustained in or illness contracted in or arising from the discharge of any duty which said Fireman or Policeman officially owed the Fire or Police Force of the City of Melvindale, whether performed while on duty or leave.

### **Section 5. Disputes:**

The extent and continuation of disability shall in all cases of dispute be referred to a commission consisting of the City physician, one reputable physician named by the Council of the City of Melvindale and one reputable physician named by the person claiming disability. The decision of such commission shall be made in writing and file with the Council of the City. In all cases where there is a dispute as to the cause of disability, such dispute shall be referred to the Board of Trustees whose decision on such matters shall be final.

### **Section 6. Procedure:**

Firemen and Policemen shall be retired as hereinafter provided.

(a) Any Fireman or Policeman, subject to retirement as above set forth, shall upon his own application be retired and shall receive a pension equal to 1/50 of final compensation, as defined in Section 2, Paragraph (i), for each year of service not to exceed twenty-five (25) years, rendered as a Policeman or Fireman of the City of Melvindale.

(b) Any Fireman or Policeman who shall be retired because of disability shall receive a pension equal to 25-50 of final compensation as defined in Section 2, Paragraph (i). Any benefits payable under this Paragraph shall be subject to the provisions of Section 10.

(c) No Fireman or Policeman shall be retired except on his own application unless given a full opportunity to be heard in opposition thereto. Pensions received by

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any Fireman or Policeman retired because of length of service shall be suspended only during the time, if any, such retired Fireman or Policeman is re-employed for full time on either said Fire or Police Force.

### **Section 7. Re-examination:**

Any Fireman or Policeman retired for disability shall at any time upon the request of himself or any member of the Council, be re-examined by a commission of three (3), constituted as provided in Section 5. If the Council after receiving a report of said commission shall find that said disability has ceased, then such Fireman or Policeman shall be returned to duty at full pay.

### **Section 8. Re-assignment:**

If any Fireman or Policeman shall be disabled to perform the particular duties of his position, but shall be able to perform other duties on his particular force, to which the Commission of Public Safety of the City of Melvindale may assign him, then such Fireman or Policeman shall receive one-half ( $\frac{1}{2}$ ) of the difference between the rate of pay he was entitled to receive at the time his disability was caused and the rate of pay of the position to which he may be assigned.

### **Section 9. Pension Payments:**

Pensions shall be paid as in this Section provided to the widow or the children of any Fireman or Policeman who shall die from causes entitling him, if still living, to retirement, or who shall die while in retirement, or who shall die while eligible to retirement; said pension shall be equal to the pension said Fireman or Policeman was entitled to receive at the time his disability was caused, or at the time of retirement by reason of length of service, or while eligible for retirement.

(a) The Fireman's or Policeman's widow shall during her lifetime or until she remarries, receive such pension. Any benefits payable under this Paragraph shall be subject to the provisions of Section 10 of this Chapter.

(b) Should any Fireman or Policeman so die leaving no widow, his child or children under the age of eighteen (18) years shall receive such pension, share and share alike. When any of such children attain the age of eighteen (18) years, or shall die, the share of such child shall be paid to the remaining child or children under the age of eighteen (18), share and share alike, until such remaining child or children reach the age of eighteen (18) years respectively.

### **Section 10. Offset Payments:**

Any amounts which may be paid or payable under the provisions of any worker's compensation act, or pension act, or similar law, to a Member, or to the dependents of a Member on account of any disability or death, shall be offset against and payable in lieu of any benefits payable out of funds provided by the City under the provisions of this Retirement System on account of the same disability or death. In case the present value of the total benefits under said worker's compensation act, pension act or similar law, is less than the pension otherwise payable from the Fireman's and Policeman's Pension

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Fund, then the present value of the payments shall be deducted from the pension and the pension so reduced shall be payable under the provisions of the Retirement System.

### **Section 11. Council Resolutions:**

All retirements of every nature herein provided for shall be effected and terminated by resolution of the Council of the City of Melvindale, in accordance with the provisions of this Chapter.

### **Section 12. Application:**

Applications for pensions shall be made in writing to the Council and shall be filed with City Clerk. The applicant shall furnish such proofs as shall be required by the Council. Proof of deduction from pay as herein provided shall be prima facie evidence that the person from whose pay deduction was made, was a Policeman or Fireman. Any person who shall make any false statement for the purpose of securing or to aid any person to secure such pension, shall be guilty of a misdemeanor.

### **Section 13. Records:**

The City Clerk shall keep a book to be known as the "Fireman's and Policeman's Pension List." This book shall give a full and complete history and record of the action of the Council in granting a pension to any person or persons. Such record shall give the names of the Firemen and Policemen to whom or to whose dependents such pensions have been granted, the date when each of said Firemen or Policemen joined the force, the date when such pension was first allowed and the reason therefor. Whenever a pension shall be allowed to any person or persons by the Council as herein provided, it shall be the duty of the City Clerk to transmit the names of all such persons to the City Treasurer who shall register such names as persons entitled to such pensions.

### **Section 14. Pension Fund:**

There shall be maintained for the purpose of paying pensions as herein provided, a fund to be known as the Firemen's and Policemen's Pension Fund. Moneys in such fund shall be used exclusively for the payment of pensions as provided herein. One-half ( $\frac{1}{2}$ ) mill of the general taxes collected each year by the City shall be allocated and placed into the Firemen's and Policemen's Pension Fund. All rewards and proceeds of gifts from any source, all emoluments that may be allowed by the Council on account of extraordinary service performed by members of the Fire or Police Force and all fines imposed upon members of the Fire and Police Force for violation of rules, shall be paid into said fund. There shall be deducted by the City from the pay of each Fireman and Policeman, five (5%) percent of his salary, which money shall be paid into said Firemen's and Policemen's Pension Fund. On or before the first Monday of each year, the Treasurer shall submit to the Council an estimate of additional moneys necessary to pay such pensions for the fiscal year beginning on the 1st day of January next succeeding, and the Council shall appropriate and cause to be collected and levied by taxation such a sum of money as shall be required to make the payments herein provided for. If at any time the cash balance in said Firemen's and Policemen's Pension Fund shall not be sufficient to pay mature claims, the Council shall appropriate from the general fund or borrow such further sums as shall be required.

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### **Section 15. Board of Trustees:**

On the first Monday in January of each year there shall be appointed a Board of Trustees which shall consist of five (5) members. Three (3) representatives shall be appointed by the Mayor, by and with the consent of Council, two (2) of which shall be residents of the City of Melvindale. One (1) representative who is a member shall be appointed by the Fire Department and one (1) representative who is a member shall be appointed by the Police Department of the City of Melvindale.

It shall be the duty of the Board of Trustees to investigate and recommend to the Council all investments which shall be made of moneys in said Pension.

### **Section 16. Return of Contributions:**

Any Fireman or Policeman who has served continuously and who not being eligible to retirement as provided in Section 3 of this Chapter, terminates his services with the Fire or Police Force, shall receive a return of his accumulated contributions. If any such Fireman or Policeman who is not eligible for retirement as provided in Section 3 of this Chapter shall die from causes not entitling his dependents to a pension, then the accumulated contributions of such Fireman or Policeman shall be paid to his widow, if living, and if not living, then to the child or children under eighteen (18) years of age at the time of his death, and if neither widow or child or children survive, then no return shall be made.

### **Section 17. Payments to Pensioners, Beneficiaries Only:**

No moneys owed to any disabled or retired Fireman or Policeman or his widow or to his children or dependents, shall be held, seized, taken or detained, or levied on by virtue of attachment, execution, injunction, writ, interlocutory or other order or decree or any process or proceeding whatever issued out of any court of this state, for the payment or satisfaction in whole or in part of any debt, damages, claim, demand or judgment against any such Fireman or Policeman or widow, or guardian of any minor child or children. And no pensioner shall have the right to assign his or her pension or any part thereof. But said money shall be sacredly held, kept, secured and distributed, for the purpose of pensioning the persons named and for no other purposes whatever.

### **Section 18. Council to Order Payments Monthly:**

At the last meeting of the Council in each month, the Treasurer shall present a list of the persons, as shown by the records, entitled to pensions and the amount payable to each such person. The Council shall examine such list and if found to be correct, shall order the payment of moneys due all such persons. A warrant shall be drawn for the payment to each person entitled to such moneys in the same manner as is provided for the payment of all other claims against the City. Such pensions shall be paid out of the Firemen's and Policemen's Pension Fund.

### **Section 19. Treasurer to Confirm Entitlement:**

Before issuing any warrant for the payment of a pension, it shall be the duty of the Treasurer to examine under oath all applicants for such pensions with a view to ascertaining if they are at that time entitled to a pension as provided for herein.

## **MELVINDALE CHARTER**

Whenever the said Treasurer shall learn that any person has ceased to be entitled to a pension, the Treasurer shall record the fact on the roll of pensioner and promptly notify the Council of such disability and such persons shall thereupon be dropped from the rolls.

### **Section 20. When, Where Payable:**

All pensions shall be payable at the office of the City Treasurer on the first secular day in each month. In all cases where pensions are payable because of injuries received by any Fireman or Policeman resulting in the death of such person, such pension shall be allowed from the date of death, or in cases of disability, such pension shall be allowed from the date when the injury was received resulting in such disability.

### **Section 21. Coverage:**

Nothing herein contained shall be construed to apply to Firemen or Policemen appointed at the request and expense of private parties nor to probationary Firemen or Policemen. The terms Firemen and Policemen herein used, shall be construed to include any woman who shall be appointed as Firewoman or Policewoman. In case of the death of a Firewoman or Policewoman under conditions which create the right of pension under the terms hereof, then the widower shall have the same right to a pension as would a widow surviving a Fireman or Policeman.

### **Section 22. Contracts:**

Pensions granted under the provisions of this Chapter of the City Charter shall represent contractual obligations between the City and the pensioners and shall not be revoked, repealed or diminished.

### **Section 23. Invalidity:**

If any provisions, section, paragraph, sentence, clause or phrase of this amendment is for any reason found to be invalid or inoperative or should be held by any Court to be unconstitutional, the remainder of the provisions of this amendment shall, nevertheless, continue in full force and effect.

## **CHAPTER 31. EMPLOYEE PENSION SYSTEM**

The Council may provide for a Retirement System for any and all Employees of the city. All Pensions in existence prior to the adoption of this Charter shall not be deemed to be modified or abrogated in any way due to the adoption of this Charter.

## **CHAPTER 32. EMPLOYEE WELFARE BENEFIT SYSTEM**

The Council shall have the power to make available to employees of the City, group life, hospital, health, accident insurance or other employee benefits. All such plans in existence prior to the adoption of this Charter shall not be deemed to be modified or abrogated in any way due to the adoption of this Charter.

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## CHAPTER 33. MISCELLANEOUS

### **Section 1. Officers to Hold Office Until Successors are Qualified:**

All elective and appointive officers, unless removed under the provisions of this Charter, shall hold office until their successors have been duly qualified.

### **Section 2. Property to be Delivered to Successor:**

Whenever any elected or appointed officer shall resign or be removed from office, or their term has expired, all the books, papers, monies and effects shall be turned over to their successor in office. However, when an officer has been removed from office, the Council may require that the effects of their office be delivered to the person designated by the Council.

### **Section 3. Appointments to be Made Solely Upon Qualifications:**

The appointment of any officer to any appointive office of the City shall be based solely upon ability and qualifications to perform the duties of such office.

### **Section 4. Local Officer's Compensation Commission.**

The City shall continue to maintain a Local Officer's Compensation Commission in accordance with State law. The Local Officer's Compensation Commission shall commence its meetings in January during odd number years. All meetings shall be conducted in accordance with State law and ordinances of the City of Melvindale.

### **Section 5. Service of Process:**

The service of process against the City in any action pending shall be made upon the Mayor or the City Clerk.

### **Section 6. Official Newspaper of the City:**

The Council shall designate an official newspaper for the City.

### **Section 7. Fiscal Year:**

The fiscal year of the City shall commence on January 1st and end on December 31st. However, the City shall, when financially able and by resolution of the Council, establish a fiscal year which commences on July 1st and ends on June 30th.

### **Section 8. Present Officers to Serve Until Successors are Appointed and Qualified:**

All appointed and elected officers and employees of the City of Melvindale under the prior Charter shall perform the duties of their respective offices under the provisions of this Charter until new appointments have been made or until an office has been declared vacant or employment terminated.



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### **Section 9. Proceedings and Action of the City of Melvindale:**

All proceedings and actions taken by the City of Melvindale up to the time of the adoption of this Charter shall continue in effect and be binding upon the City, notwithstanding any provision in this Charter to the contrary.

### **Section 10. Ordinances to Continue in Effect:**

All Ordinances adopted by the City of Melvindale shall continue in full force and effect as Ordinances of the City of Melvindale until amended, modified or repealed by action of the Council.

### **Section 11. New Powers:**

Any new and additional powers that may be hereafter granted to cities by either the general laws of the State of Michigan or by the Constitution of the State of Michigan shall be conferred upon and exercised by the City of Melvindale.

### **Section 12. Construction of Charter:**

This Charter shall be construed in a manner so as to give full consideration to every section thereof, and if there shall be any inconsistencies, the Court shall be authorized to interpret the Charter so as to give reasonable effect thereto, and if any section of this charter shall be declared void, illegal or unconstitutional, such finding shall not invalidate the remainder of this Charter.

### **Section 13. Revision or Amendment:**

The procedure for revising or amending this Charter shall be in accordance with the provisions of the law of the State of Michigan.

### **Section 14. Judgment or Decree Against the City:**

Whenever any judgment or decree of any court shall be rendered or decreed against the City, and the City shall be unable to meet the payment of such judgment or decree by reason of the limitation of its powers of taxation, it shall be lawful for the Council to authorize the issuance of bonds of the City in an amount not to exceed the sum of such judgment or decree plus costs associated with the issuance of bonds. The bonds shall not be sold or disposed of at less than the par value and in such manner as may be deemed advisable by the Council.

### **Section 15. Worker's Compensation:**

The City shall be subject to the provisions of the Worker's Compensation Law of the State of Michigan.

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### **Section 16. When Certain Days Are Sundays or Holidays:**

Whenever the day upon which some action or thing shall be required to take place under the provisions of this Charter falls upon a Saturday, Sunday or a holiday, then such Saturday, Sunday or holiday shall be excluded in computing time, and such action or thing shall be done on the first succeeding secular day.

### **Section 17. Bonds of the City May be Accepted in Payment of Taxes:**

Bonds and obligations of the City may be accepted in the payment of either special assessment taxes or general City taxes in the manner and form prescribed by the Council.

### **Section 18. Conflict of Interest:**

#### **A. Investments in Conflict With Official Duties.**

In all matters, except for public contracts involving public servants, public officials, either elected or appointed, whether paid or unpaid, shall disclose any financial, business, commercial, contractual or other interest which conflicts with or otherwise adversely affects the performance of his or her official duties and such transactions shall be disclosed as a matter of public record. All matters involving public contracts shall be conducted in accordance with applicable State law, including MCL 15.328.

#### **B. Abstain From Deliberations and Vote.**

In all matters, except for public contracts involving public servants, public officials, either elected or appointed, whether paid or unpaid, who have any personal or business interest in any proposed legislation, contract or decision pending before any body of which the official or appointee is a member shall abstain from any vote, refrain from participation in deliberations of the matter, and publicly disclose on the official records of the body, the nature and extent of such interest prior to any vote or official action on the matter. All matters involving public contracts shall be conducted in accordance with applicable State law, including MCL 15.328.

### **Section 19. Term of Elected Officials:**

All elected officers of the City shall hold office for a period of four (4) years beginning at the second regular Council meeting following the election in November. No mayor, council member, clerk, or treasurer of the City may hold his or her respective office for more than two (2) complete consecutive terms. This prohibition shall begin and include the terms which commence in 1995.

### **Section 20. Nepotism:**

The relatives by blood or marriage of the Mayor or any members of the Council within the second degree of consanguinity or affinity are disqualified from holding any appointive office during the term of the said Mayor and Council Member, unless at the time of appointment the Mayor or Council Member related to such appointee publicly discloses on the official record of the City the relationship; abstains from any vote and refrains from participation in the deliberation regarding the appointment.

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### **Section 21. Unexpended Funds End of Fiscal Year:**

All funds unexpended at the end of the fiscal year belonging to the City of Melvindale shall automatically transfer to the general fund for distribution in the ensuing year.

### **Section 22. Appointive Officers: Term:**

All appointive officers excepting the Public Safety Commission, the Civil Service Commission and the Board of Review shall be made under Chapter 10, Section 7 of this Charter, and such officers shall hold their offices at the will and pleasure of the Mayor and Council.

### **Section 23. Fringe Benefits to Corporation Counsel and/or Special Corporation Counsel Prohibited:**

No fringe benefits shall be paid to the Corporation Counsel or the Special Corporation Counsel. As used in this Section, the term "fringe benefits" means dental, health, optical, prescription and life insurance.

### **Section 24. Fringe Benefits to Elected Officials Prohibited:**

No fringe benefits shall be paid to any Elected Official. As used in this Section, the term "fringe benefits" means dental, health, optical, prescription and life insurance. Elected Officials shall mean the Mayor, the Council, the City Clerk and the City Treasurer.

### **CHAPTER 34. EFFECTIVE DATE OF CHARTER:**

This Charter for the City of Melvindale shall become effective on January 1, 2003.