

PART I

CITY OF ROMULUS CHARTER*

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***Editor's note**—Printed herein is the Romulus Charter as adopted by the electors on May 7, 1970. Amendments have been inserted and are indicated by history notes in parentheses following the amended sections. Obvious misspellings have been corrected. A uniform style of capitalization and punctuation has been used. Other changes made for clarity are indicated by brackets.

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CHAPTER I. NAME, INCORPORATION AND BOUNDARIES**Section 1.1. Name and incorporation.**

The Municipal Corporation created by the vote of the electors on the 5th day of November, A.D. 1968, to be known as the "City of Romulus" shall be a body corporate and politic and shall have perpetual succession.

Section 1.2. Boundaries.

The territory within the boundaries of the said City of Romulus shall be as follows:

Lands in T3S, R9E, Twp. of Romulus, Cty. of Wayne, State of Mich., the lands being bounded by a line desc. as follows: Beg. at a pt., said pt. being the N.E. corner of Sec. 1. Twp. of Romulus; said pt. also being a S.W. corner of the City of Dearborn Heights, a S.E. corner of the City of Westland, and the N.W. corner of the Township of Taylor; T3S, R10E; th. from said pt. of beg. westerly in Van Born Rd. along the North line of Sec. 1 and Part of Sec. 2, Twp. of Romulus said line also being a S. line of the City of Westland to a S.W. corner of the City of Westland, said pt. also being a S.E. corner of the City of Wayne; th. cont. westerly in Van Born Road along the N. line of Part of Sec. 2, Sec. 3, Sec. 4, Sec. 5, and Sec. 6, Twp. of Romulus, said line also being a S. line of the City of Wayne, to the N.W. corner of Sec. 6, said pt. also being a S.W. corner of the City of Wayne, and also being on the E. line of the Charter Twp. of Canton, T2S, R8E; th. southerly in Hannan Road along the W. line of Part of Sec. 6, Twp. of Romulus, said line also being the E. line of the Charter Twp. of Canton to the S.E. corner of the Charter Twp. of Canton, said pt. also being the N.E. corner of the Twp. of Van Buren, T3S, R8E; thence continuing southerly in Hannan Road along the W. line of Part of Sec. 6, Sec. 7, Sec. 18, Sec. 19 and Part of Sec. 30, Twp. of Romulus, said line also being the E. line of the Twp. of Van Buren, to an angle point to the S.E. of Hannan Rd.; th. continuing southerly along the W. line of Part of Sec. 30 and Sec. 31, Twp. of Romulus, said line also being the East line of the Twp. of Van Buren to the S.W. corner of Sec. 31, said pt. also being the N.W. corner of the Twp. of Huron, T4S, R9E; and th. easterly along the S. line of Part of Sec. 31, Twp. of Romulus, said line also being the N. line of Twp. of Huron to the intersection of Hannan and Pennsylvania Roads; th. continuing easterly in Pennsylvania Rd. along the S. line of Part of Sec. 31, Sec. 32, Sec. 33, Sec. 34, Sec. 35, and Sec. 36, Twp. of Romulus, said line also being the N. line of the Twp. of Huron to the S.E. corner of Sec. 36, said point also being the N.E. corner of the Twp. of Huron, a N.W. corner of the Twp. of Browns-town, T4S, R10E, and the S.W. corner of the Twp. of Taylor; th. northerly in Inkster Road along the East line of Sec. 36, Sec. 25, Sec. 24, Sec. 13, Sec. 12, and Sec. 1, Twp. of Romulus, said line also being the W. line of the Twp. of Taylor, to the point of beginning; said lands being all of the area within the Township of Romulus and containing 36.04 square miles.

CHAPTER II. DEFINITIONS; MISCELLANEOUS**Section 2.1. Definitions.**

(a) Wherever used in this Charter the word "State" shall mean the "State of Michigan;" the word "City" shall mean the "City of Romulus;" the word "Council" shall mean the "City Council;" words referring to the several offices where not preceded by the word "City" shall be deemed to mean such offices of the City unless the context implies otherwise;

(b) The terms "Council" and "City Council" shall be construed as meaning "Commission," "Council" or "Common Council" or "Governing Body" for the purpose of such general laws of the State as the use of one or the other of such latter terms in referring to the legislative body of the City;

(c) Words imparting to the singular number only may extend to and embrace the plural[;] the words imparting the plural number may be applied and limited to the singular number; words imparting the masculine gender only, may extend and be applied to those of the feminine or neuter gender;

(d) The word "person" may extend and be applied to bodies corporate as well as to individuals;

(e) The words "written" and "in writing" may be construed to include printing, engraving, typewriting, and lithographing and to telegraphic communications except that this rule shall not apply to signatures;

(f) Wherever used in this Charter, the word "advertisement" shall mean the solicitation by any of the usual means of publication in newspapers, by posting, or by letter;

(g) The word "street" as used in this Charter shall include all public highways by whatever name known, except alleys, unless the context indicates otherwise.

Section 2.2. Effect of illegality of any part of Charter.

Should any provision or section or portion thereof of this Charter be held by a court of competent jurisdiction to be invalid, illegal or unconstitutional, such holdings shall not be construed as affecting the validity of this Charter, as a whole or of any remaining portion of such provision or section, it being hereby declared to be the intent of the Charter Commission and of the electors who voted thereon that such unconstitutionality or illegality shall not affect the validity of any other part of the Charter except that specifically affected by such holdings.

Section 2.3. Headings.

The chapter and section headings used in this Charter are for convenience only and shall not be considered to be a part of this Charter.

Section 2.4. Violation, punishment.

All violations of this Charter or of any ordinances shall be punishable, unless otherwise herein provided, by a fine not to exceed five hundred dollars (\$500.00), or by imprisonment for a period not to exceed ninety (90) days, or both fine and imprisonment in the discretion of the court, except that if the authority of this court is extended to levy a higher fine or impose a greater sentence, the court, in its discretion, may do so to the extent it is lawfully permitted under such statute or ordinance.

Section 2.5. Records open to the public.

All records of the City shall be public and open to inspection at all reasonable times by any one. All books, papers, records and accounts of any officer elected or appointed, or of any office or department of the City, shall be the property of the City, and shall at all times be subject to audit, examination, or inspection by any member of the Council, or by any person employed or designated by the Council for that purpose. All such books, papers, records, files and accounts shall be kept in such place as may be designated by the Council.

Section 2.6. Vested right; liabilities, remedies.

On and after the date that this Charter shall become effective, the City shall be vested with all the real and personal properties, moneys, contracts, rights, effects, records, files, books, papers and all other property of every name and nature of the Township of Romulus to which it shall be entitled by virtue of the laws and statutes of the State of Michigan. All debts and liabilities of the said Township of Romulus shall be assumed and paid by the City in the manner provided by statute. The City shall be entitled to all of the taxes and/or special assessments levied, due and/or uncollected by the Township of Romulus in the manner by the statutes and laws of the State of Michigan. All licenses, permits, franchises granted by the said Township of Romulus in which the City shall have jurisdiction shall remain in full force and effect until the expiration time when they were respectively granted. When a different remedy is given in this Charter or any ordinance pursuant thereto, which can be made applicable to any rights existing at the time this Charter becomes effective, the same shall be deemed cumulative to the remedies heretofore provided and may be used accordingly.

Section 2.7. Publication; posting and affidavit.

When by the provisions of this Charter, or the laws of the State of Michigan, notice of any matter or proceedings is required to be published in a newspaper or posted, an affidavit of the publication or posting of the same, annexed to a printed copy of such notice or proceeding, taken from the paper in which it was published, specifying the times of publication, made by the printer of the newspaper in which the same was inserted, or by some person in his employ knowing the facts, if such notice was required to be by publication in a newspaper, or by the person posting the same when required to be by posting, shall be prima facie evidence of the facts therein contained. Such affidavit of publication or posting shall be filed with the City Clerk.

Section 2.8. Seal of the City.

The Council shall as soon as possible after the adoption of this Charter adopt an official seal of the City of Romulus.

Section 2.9. Official time.

Eastern Standard Time shall be the official time of the City, unless otherwise changed by the Council or by Law. Any reference herein to time shall be construed to be according to the official time of the City.

Section 2.10. When certain days are Sundays or holidays.

Whenever the day upon which some action or thing shall be done under the provision of this Charter or the last day of a period within which such action or thing to be done falls upon a Sunday, or holiday, then such Sunday or holiday shall be excluded in computing time, and such action, or thing shall be done on the first succeeding secular day.

Section 2.11. Amendments to Charter.

This Charter may be amended at any time in the manner provided in Act No. 279 of the Public Acts of 1909, as amended. Should two or more amendments adopted at the same election have conflicting provisions, the one receiving the largest affirmative vote shall prevail as to those provisions.

CHAPTER III. MUNICIPAL POWERS**Section 3.1. General powers.**

Unless otherwise provided or limited in this Charter, the City and its officers shall be vested with any and all powers, privileges and immunities expressed and implied, which cities and their officers are, or hereafter may be, permitted to exercise or to provide in their charters under the Constitution and laws of the State of Michigan, including all powers, privileges and immunities which cities are, or may be, permitted to provide in this [their] charters by the Act No. 279 of the Public Acts of 1909, as amended, as fully and completely as though those powers, privileges and immunities were specifically enumerated in and provided for in this Charter, and in no case shall any enumeration of particular powers, privileges or immunities in this Charter be held to be exclusive.

Section 3.2. Additional powers.

(a) The City may sue and be sued in its corporate name; may plead or be impleaded in all courts of law and in all actions whatsoever; may contract and be contracted with; may acquire by condemnation, purchase, lease, construction, gift, or otherwise, any property, real, personal and mixed and hold, lease, use and dispose of the same, whether the same may lie within or without its boundaries. In any emergency when the necessities of life may not be obtained or essential services performed necessary to the health, welfare, or safety of the people, the City may take charge of, and supply such necessities or services, but shall not do such acts for gain or profit.

(b) In addition to the powers provided above, the City shall have the power and may:

1. Provide for the use, regulation, improvement and control of the surface of its streets, alleys, and public ways, and of the space above and beneath them.
2. Provide for the use, by other than the owner, of property located in streets, alleys and public places, in the operation of a public utility, upon payment of a reasonable compensation to the owners thereof.

3. Provide for a plan of streets and alleys within and for a distance of not more than three miles beyond its limits.
4. Acquire by purchase, gift, condemnation, lease, construction or otherwise, either singly or in conjunction with other governmental bodies, either within or without its corporate limits and either within or without the corporate limits of the County of Wayne, the following improvements, including the necessary lands therefor, viz: City Hall, police stations, fire stations, boulevards, streets, alleys, public parks, recreation grounds, municipal camps, public grounds, zoological gardens, museums, libraries, cemeteries, public wharves and landings upon navigable waters, lakes, levees and embankments, watch houses, city prisons and work houses, penal farms, institutions, quarantine grounds, hospitals, airports, electric light and power plants and systems, gas plants and systems, waterworks plants and systems, sewage disposal plants and systems, garbage disposal plants, rubbish disposal plants, market houses and market places, office buildings for city officers and employees, public works and public buildings of all kinds; and for the costs and expenses thereof.
5. Acquire by purchase, gift, condemnation, lease or otherwise, private property either within or without the corporate limits of the County of Wayne, for any public use or purpose within the scope of its powers, whether herein specifically mentioned or not. If condemnation proceedings are resorted to for the acquisition of private property, such proceedings may be brought under the provision of Act 149 of the Public Acts of 1911, as heretofore or hereafter amended, or under such other provisions as shall be made by law.
6. Maintain, develop and operate its property and upon discontinuance thereof to lease, sell or dispose of the same subject to restrictions placed thereupon by law; provided, that on the sale of any capital asset of a municipality owned utility the money received shall be used in procuring a similar capital asset or placed in the sinking fund to retire bonds issued for said utility.
7. Acquire by construction, condemnation, or purchase and own, equip, possess, lease, operate and maintain transportation facilities including a rapid transit system consisting of a tunnel, subway, surface or elevated system or any combination or qualification of these, in and through said City, and for a distance of not more than ten miles beyond its limits, for the purpose of furnishing transportation facilities to the City and to the people hereof; the City may provide by ordinance or resolution for the preparation and publication of plans for such construction, equipment and maintenance; for the operation of such facilities independently or in connection with other transportation facilities, or transportation systems, owned[,] operated or controlled by the City or existing therein, or in the territory in which any such rapid transit system is established; for the appropriate designation of such facility; for the taking of the fee or an easement or right of way on, under, above, and through any property for the purpose thereof; by gift, grant or purchase, and by condemnation proceedings in accordance with any law of the State of Michigan providing therefor, and for the

management of such facilities, for the purposes for which the same is or may be acquired or constructed and for the execution of contracts incidental to the carrying out of the purposes hereby contemplated subject to the general laws of the State.

8. Negotiate, execute and perform contracts with any other municipality or municipalities, duly authorized and empowered to that end, with reference to the construction, equipment, operation, maintenance and management of a rapid transit system and facilities, and finance any obligations assumed under or imposed by any such contract.
9. Provide for the use, control and regulation of streams, waters and water courses within its boundaries, subject to any limitation imposed by law.
10. Secure by condemnation, by agreement, or purchase, or by any other means, an easement on property abutting or adjacent to any navigable stream, for the purpose of securing the privilege and right to construct, own and maintain along or adjacent to any navigable stream an elevated structure of one or more levels for use as vehicular or pedestrian passageway or for any other municipal purpose.
11. Acquire, establish, operate, extend and maintain facilities for the storage and parking of vehicles within its corporate limits, including the fixing and collecting of charges for services and use thereof on a public utility basis, and for such purposes to acquire by gift, purchase, condemnation or otherwise the land necessary therefor.
12. Regulate and restrict the locations of oil and gasoline stations and other commercial establishments.
13. 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 therein may be regulated. Such regulations in one or more districts may differ from those in other districts.
14. Regulate trades, occupations and amusements within its boundaries, not inconsistent with State and Federal law, and prohibit such trades, occupations and amusements as are detrimental to the health, morals, safety and welfare of its inhabitants.
15. License, regulate, restrict and limit the number and location of billboards within the City.
16. Enact and enforce all such local, police, sanitary and other regulations for the public peace and health and for the safety of persons and property as are not in conflict with the general laws.
17. Establish any department that the Council shall deem necessary for the general welfare of the City and provide for the separate incorporation thereof, subject to general law and the provisions of this Charter.
18. The City and its officers shall have power to exercise all municipal powers in the management and control of municipal property and in the administration of municipal government, whether such powers be expressly enumerated or not; to do any legal act to advance the interest of the City, the good government and prosperity of the

municipality and its inhabitants, and through its regularly constituted authority, to pass and enforce all laws, ordinances, and resolutions relating to its municipal concerns, subject to the Constitution and general laws of the State and provisions of this Charter.

CHAPTER IV. GENERAL PROVISIONS REGARDING ELECTIVE AND APPOINTIVE OFFICERS OF THE CITY

The elective officers of the City shall possess those qualifications as required by this Charter.

Section 4.1. Officers to be elected: at large.

The elective officers of the City shall be (a) a Mayor, (b) a City Clerk, (c) a Treasurer, and (d) seven (7) Councilmen, all of whom shall be elected from the City at large. All of the said officers heretofore enumerated shall be elected at the same election to which the Charter is submitted to the electors for adoption or rejection.

The terms of all elected officials elected at the time of the submission of this Charter to the electors shall expire on the 2nd Monday in November, A.D. 1973, at 12:01 p.m., at each election after the election at which this Charter is submitted to the electors all elected officials shall be elected for a term of four (4) years. The terms of all elected officials shall commence on the Monday at 12:01 p.m. following their election.

(Amended by electors on June 9, 1997)

At such times as a regular Federal Decennial Census or a census ordered by the council shows that the population of the City exceeds 60,000, the number of Councilmen for the City shall automatically be increased to nine (9), and the added Councilmen shall be elected at the next regular City election following said census in accordance with the provisions of this Charter, and said added Councilmen shall be compensated the same as the other Councilmen provided for in this Charter.

Section 4.2. Eligibility for elective or appointive office in City.

(a) No person shall hold any elective office of the City unless he has been a resident of the City for at least two (2) years immediately prior to the last day for filing original petitions for such office or prior to the time of his appointment to fill a vacancy; and unless such person is a registered and qualified elector at the time of the filing of his petition or appointment for said office, and throughout his tenure of office except as herein provided;

(b) Each candidate for elective office shall file with his nominating petition, his statement of candidacy that he possessed the qualifications for such office provided in this section. Failure to file such statement of candidacy shall invalidate his petition;

(c) Each member of any City Board or Commission shall meet such qualifications of office as set by Council by Resolution;

(d) No person who has been removed from office by recall or removed involuntarily pursuant to Section 4.3 or 4.4 of this Charter shall be eligible to be elected or appointed to any office within four (4) years after such recall or removal.

Editor's note—A two-year residence requirement for city office was held violative of equal protection by *Green v. McKeon*, 335 F. Supp. 630 (E.D. Mich. 1971), affirmed by 468 F.2d 883 (6th Cir. 1972). A one-year residence requirement was upheld by *Joseph v. City of Birmingham*, 510 F. Supp. 1319 (E.D. Mich. 1981).

Section 4.3. Vacancy in elective office.

In addition to the other provisions of this Charter, a vacancy shall be deemed to exist in any elective office when such officer fails to qualify within ten (10) days after his election or appointment, fails to perform the duties of his office for a period of ninety (90) days, dies, resigns, or is involuntarily removed or recalled from office, moves from the City, is convicted by a Court of competent jurisdiction of a felony, or misconduct in office, or is judicially declared to be mentally incompetent.

Section 4.4. Vacancy on Boards and Commissions.

In addition to the other provisions of this Charter, a vacancy shall be deemed to exist on any Board or Commission to which members are appointed for a specific term of office, when such Board Member fails to qualify within ten (10) days after his appointment, fails to perform the duties of his office for a period of ninety (90) days, dies, resigns, is removed from office, moves from the City, is convicted by a Court of competent jurisdiction of a felony, or is judicially declared to be mentally incompetent, or is guilty of misconduct in office.

Section 4.5. Filling vacancies in elective office.

If a vacancy occurs in any elective office, then the Council by a majority vote of its members elect, shall fill such vacancy within forty-five (45) days except as otherwise provided by this Charter for the unexpired term of such office.

Section 4.6. Filling vacancies in appointive office.

Vacancies that occur in appointive offices of an unspecified term, shall be filled within thirty (30) days in the manner provided for making the original appointments, and vacancies that occur in appointive offices of a specified term shall be filled for the balance of the unexpired term in the manner provided for making the original appointment.

Section 4.7. Resignations.

Resignations of elective officers shall be made in writing, filed with the Clerk and shall be acted upon by the Council at its next regular meeting, following receipt thereof by the Clerk. Resignations of appointive department heads, Boards and Commissions shall be made in writing to the appointing officer and shall be acted upon immediately.

Section 4.8. Change of terms of office or compensation.

(a) Except by procedure provided in this Charter, the terms of office of the elective officers and of members of Boards and Commissions appointed for a definite term shall not be shortened;

(b) The terms of elective officers shall not be extended beyond the period for which any such officer was elected, except that an elective officer shall, after his term has expired, continue to hold office until his successor is elected and has qualified;

(c) The Council shall not grant or authorize extra compensation to any officer or employee after his service has been rendered;

(d) The salary of any elective officer shall not be increased or decreased from the time of his election until the end of the term of office for which he was elected, except as provided in this Charter.

Section 4.9. Compensation of employees and officers salary increase.

(a) The compensation of all employees and officers of the City whose compensation is not provided for herein shall be fixed by the Council, but shall be within the limits of budget appropriations and shall be in accordance with any pay plan adopted by the Council. Said compensation shall be subject to the veto of the Mayor hereinafter described.

(b) Except as otherwise provided in this Charter, the respective salaries and compensation of officers and employees as fixed by, or pursuant to this Charter, shall be in full for all official services of such officers or employees and shall be in lieu of all fees, commissions and other compensation receivable by such officers or employees for their service.

(c) Such fees, commissions and compensations shall belong to the City and shall be collected and accounted for by such officers or employees and paid into the City Treasury and a statement thereof filed quarterly with the Council.

(d) Nothing contained in this section shall prohibit the payment of expenses incurred by elected officials or employees in the performance of their duties in behalf of the City.

(e) No lump sum expenses shall be allowed. No elected official or employee shall receive any expense money unless an expense voucher is filled out in detail and accompanied by receipts for said expenditures.

(f) No expense vouchers shall be paid before they are approved by a vote of the City Council.

(g) The Council shall have the power to change the salaries of elected officials subject to the following restrictions:

- (1) Any change in the salary of an elected official, other than by Charter amendment, shall be by an ordinance adopted by the Council, and not by a resolution, and such ordinances shall be subject to the provisions of this Charter with respect to referendums;

- (2) No ordinance to change the salary of an elected official shall be adopted at a time other than not more than one hundred twenty (120) days nor less than ninety (90) days prior to the regular City biannual election. The salary or emolument of any public official shall not be changed after his election or appointment or during his term of office;
- (3) All provisions of Section 7.9 of this City Charter shall be applicable to such ordinance as herein provided, except that the petition protesting such ordinance must be signed by not less than five (5%) percent of the registered electors registered at the last preceding election at which the Mayor of the City was elected.

(h) Compensation for all members of Boards or Commissions, where permitted by law, shall be established by ordinance and shall not be more than fifty dollars (\$50.00) per monthly meeting.

Editor's note—Pursuant to MCL 117.5c, the city has created a local officers compensation commission which supersedes the compensation provisions of elected officers in this section. See Code of Ordinances, § 2-201 et seq.

Section 4.10. Oath of office and bonds.

(a) All of the officers of the City before entering upon the duties of their office shall file with the Clerk such bonds as are required by law, this Charter or by the Council. Officers of the City for this purpose shall be deemed to be all of the elected officials except Councilmen.

(b) All bonds shall be surety company bonds subject to approval as to form and content by the Corporation Counsel, or his office, and the premiums thereon shall be paid by the City. The Council shall have the authority to require bonds of a larger amount than is required by law and shall have the authority to authorize the issuance of a blanket surety bond to cover all of the officers and such of the employees of the City as they shall deem proper in lieu of individual bonds.

(c) Failure on the part of the officers or employees to furnish such bonds as are required by this section or upon their failure to qualify shall be deemed sufficient grounds for removal from office by the Council.

Section 4.11. Officers or department heads must not have interest in City contracts.

(a) No officer of the City shall be financially interested, directly or indirectly, in any contract, sale, job, work or service (other than official service), to be performed for the City except as hereinafter provided in paragraph (b), nor shall he stand as, give, or provide any bail, security, or bond required by this Charter or the ordinances of the City; nor personally, nor as an agent, provide any bail, security, or bond required by law of any liquor licensee other than himself whose license is subject to approval by the Council. Any officer of the City offending against the provisions of this section shall be guilty of misconduct in office.

(b) A contract in which an officer or member of his family has a financial interest may be made by the City if the members of the Council having no such interest shall unanimously determine that the best interests of the City will be served by the making of such contract after comparative prices are obtained.

Section 4.12. Solicitation of political contributions or support.

No elective officer of the City shall orally, by letter, or otherwise solicit, or be in any manner concerned in soliciting any assessment, subscription, contribution, or support for any political party, or for any candidate for public office, from any employees of the City. Any elective officer of the City who offends against the provisions of this section shall be guilty of misconduct in office.

Section 4.13. Officer shall hold no office except elective office.

No elective officer shall hold any other elective office than that to which he has been elected, but may serve without any compensation in an appointive office not incompatible with his elective office. No classified employee of the City shall hold any elective office.

Section 4.14. Department regulations: hiring of employees.

Subject to the provisions of this Charter, the department heads, Commission or Board in charge of the City government shall formulate all rules and regulations required for the organization and conduct of its department and unless otherwise specifically provided to the contrary in this Charter, each department head, Commission or Board shall hire the necessary employees for his or her department, subject to the Budget and subject to any Civil Service provision that may be hereinafter enacted by the Council in accordance with the Charter. For the purpose of this section, all elected officials except Council members shall be considered department heads.

Section 4.15. Employees may be appointed to two appointive offices.

The Mayor, with the approval and consent of the Council, shall have the authority to appoint one person to fulfill the functions and duties of two offices provided that the functions of such appointive offices are not incompatible with each other.

Section 4.16. Private use of public property.

No officer or employee of the City shall devote any City property or labor to his own personal use.

Section 4.17. Books, records, city property.

When any elective or appointive officer or employee of the City has qualified and is entitled to assume the duties of his office, his predecessor in such office or position shall surrender to him forthwith, all the books, papers, records and other City property which may be in his possession. The failure of such predecessor to comply with this provision shall constitute a misdemeanor.

CHAPTER V. THE EXECUTIVE DEPARTMENT**Section 5.1. Administrative officers of the City.**

The administrative officers of the City shall be the Mayor, City Clerk, and City Treasurer, each of whom shall be selected by election from the City, at large, and all of the heads of the several departments and members of the Commissions and Board of the City government.

Section 5.2. Compensation.

The compensation of the Mayor shall be seventeen thousand five hundred (\$17,500.00) per annum, that of the City Clerk, twelve thousand dollars (\$12,000.00) per annum, and that of the City Treasurer, twelve thousand dollars (\$12,000.00) per annum. Such salaries shall be payable weekly.

(a) In addition to such compensation, said Mayor, City Clerk and City Treasurer shall participate on an equal basis with heads of the several departments and employees of the City in any retirement or pension plan, any hospital, health or accident insurance plan, or life insurance plan adopted by the City.

(b) There shall be administrative secretaries for the Mayor, Clerk and Treasurer. They shall be hired by the official they serve. They will be non-union and non-civil service. Their salaries will be the average for that position of all the cities in Wayne County.

Editor's note—Pursuant to MCL 117.5c, the city has created a local officers compensation commission which supersedes the compensation of elected officer provisions of this section. See Code of Ordinances, § 2-201 et seq.

Section 5.3. Duties of the Mayor.

Under the provisions of this Charter, insofar as it is required by law, and for all ceremonial purposes, the Mayor shall be the chief administrative and executive head of the City. He shall be the conservator of the peace and may exercise within the City the powers conferred upon sheriffs to suppress disorder and shall have the authority to command the assistance of citizens to aid in the protection and preservation of property, the enforcement of ordinances, rules and regulations of the Council, and in addition to these functions, shall be charged with the following powers and duties:

- (a) It shall be his responsibility to enforce all of the laws and ordinances of the City and all State and Federal laws;
- (b) Except as is otherwise provided in this Charter, the Mayor shall have the powers of appointment and removal over all directors, department heads, Commissions and Boards which are in charge of the several departments of this City;
- (c) He shall see that all terms and conditions imposed in favor of the City or its inhabitants in any public utility franchise, or in any contract, are faithfully kept and performed;

- (d) He shall authenticate by his signature such instruments as the Council, this Charter, or the laws of the State of Michigan require;
- (e) He may attend all meetings of the Council with the right to take part in discussions, but without the right to vote;
- (f) He shall prepare and administer the annual budget and keep the Council fully advised at all times as to the financial conditions and needs of the City;
- (g) He shall submit to the Council each month sufficient data and information apprising the Council of the relationship between estimated and actual income and expenses to date;
- (h) He shall, on or before, ninety (90) days before the end of the Fiscal Year, prepare and submit to the Council a complete itemized proposed budget for the next fiscal year in accordance with the provisions of this Charter;
- (i) He shall, from time to time, recommend to the Council for adoption such measures as he may deem necessary or expedient for the successful operation of the City;
- (j) He shall be responsible for the efficient administration of all departments of the City government and shall allocate building space to the various departments of the City;
- (k) He shall approve the rules and regulations of the several directors, department heads, Commissions or Boards in charge of the departments of the City government before such rules and regulations shall become effective except as is otherwise provided by this Charter;
- (l) He shall exercise and perform all the administrative functions of the City that are imposed by law, this Charter or by any other City ordinance, or resolution not inconsistent with the provisions of this Charter;
- (m) He shall have such other powers and perform such other duties as may be prescribed by law, this Charter, or as may be required by ordinance of him or by direction of the Council.

Section 5.4. Mayor Pro Tem.

In case of the absence or disability of the Mayor, the Chairman of the Council shall perform the duties of the Mayor during the period of such absence or disability, provided however, that he shall not have the power of veto, and shall not have the power to remove the director or head of any department during any period in which he shall act in the capacity of Mayor unless he has so acted for thirty (30) consecutive days; any appointment made by the Mayor Pro Tem in accordance with these provisions shall not be permanent until such appointee shall have served for a period of sixty (60) days following his appointment.

- (a) That after a period of absence of the Mayor for two (2) weeks or more, for reasons other than vacation, the chairman of the Council shall assume the mayor's job on a full-time basis.

(b) If he shall not desire to accept the job on a full-time basis, then the Council shall, by majority vote, elect one (1) of its members to fill the vacancy in the Office of Mayor. Such election shall be conducted in such manner as the City Council, by majority vote, shall decide.

(Amended by electors on November 6, 1973)

(c) The salary of any member of the Council accepting the job of Mayor on a full-time basis, shall be the same as that established for that office only.

Section 5.5. Department of City Clerk.

(a) The City Clerk shall be Clerk of the Council and shall attend all meetings of the Council and keep a permanent journal of its proceedings, in the English language; the Clerk's Deputy may act for him; the Clerk shall attend Council meetings when so requested by Council;

(b) He shall keep a record of all ordinances, resolutions and actions of the Council;

(c) He shall have power to administer all oaths required by State Law, this Charter and the ordinances of the City;

(d) He shall be custodian of the City Seal, and shall affix it to all documents and instruments requiring the seal, and shall attest the same;

(e) He shall be the custodian of all papers, documents, and records pertaining to the City, the custody of which is not otherwise provided for by this Charter;

(f) He shall give the proper officials of the City ample notice of the expiration or termination of any official bonds, franchises, contracts or agreements;

(g) He shall issue and sign all licenses granted after the license fee has been paid to the City Treasurer, and shall register the same;

(h) He shall possess and exercise the powers of a township clerk so far as the same are required to be performed within the City;

(i) He shall certify by his signature all ordinances and resolutions enacted or passed by the Council;

(j) He shall countersign all warrants in accordance with the provisions of Section 9.9 of this Charter;

(k) He shall perform such other duties as are required of him by State or Federal law, this Charter, the Council or the ordinances of the City;

(l) The Clerk shall not have the right to vote at Council meetings.

Section 5.6. Department of Treasurer.

The City Treasurer shall be the tax collector and shall perform all of the duties as prescribed by this Charter, the general laws of the State, together with such other duties as may be required by the Council or assigned to him. He shall attend Council meetings when so requested by Council but shall not have the right to vote.

A. Division of City Treasury

- (1) He shall file a bond in such amount and with such sureties as shall be satisfactory to the Council or as may hereafter be required by law of the several township treasurers in the State;
- (2) He shall have custody of all moneys of the City, the Clerk's bond, and all evidences of value belonging to the City or held in trust by the City;
- (3) He shall receive all moneys belonging to and receivable by the City that may be collected by an official or employee of the City including license fees, taxes, assessments, utility charges and all other charges belonging to and payable to the City, and shall, in all cases, give a receipt therefor;
- (4) He shall keep and deposit all moneys or funds in such manner and in such places as the Council may determine from time to time and shall report the same in detail to the Clerk;
- (5) He shall have such powers, duties and preogatives [prerogatives] in regard to the collection and custody of state, county, school districts and city taxes and moneys as are conferred by law and upon warrants issued in the manner raised, paid in or appropriated therefor, and shall pay every warrant out of the particular fund raised for the purpose for which the warrant was issued;
- (6) He shall pay no money out of the treasury except in pursuance of and by the authority of the law and upon warrants issued in the manner as required by this Charter which warrants shall specify the purpose for which the amounts thereof are to be paid;
- (7) He shall collect and keep an account of and be charged with all taxes and moneys appropriated, raised or received for each fund of the City, and shall keep a separate account of such fund, and shall credit thereto all moneys, raised, paid in or appropriated therefor, and shall pay every warrant out of the particular fund raised for the purpose for which the warrant was issued;
- (8) He shall keep all moneys in his hands belonging to the City separate and distinct from his own moneys and is hereby prohibited from using, either directly or indirectly, the City's moneys, warrants or evidences of debt which are in his custody or keeping for his own use and benefit or for that of any other person.

B. Division of Assessment

The administrative head of the Division of Assessment shall be the Assessor. The Assessor shall possess all the powers vested in and shall be charged with all the duties imposed upon assessing officers by State law. In addition the Assessor shall make and prepare all regular and special assessment rolls in the manner prescribed by this Charter, the ordinances of the City, or by State law. He shall perform such other duties as may be prescribed for him by State law, this Charter, ordinances of the City or the Council.

Further all properties in the City of Romulus, personal and/or real, shall be reassessed at least once every eight (8) years after the date of this Charter.

Section 5.7. Administrative departments.

(a) *Department of Public Works and Services:* There shall be a Department of Public Works and Services that shall be charged with the responsibility for the maintenance and lighting of streets and alleys, the construction, maintenance and operation of public buildings and motor transportation, construction, maintenance and operation of water, sewer and drain systems and sewage disposal facilities which may, with the approval of the Council, be established as a separate division of such department, and such other duties and responsibilities that may be designated by this Charter, ordinances or State law.

(b) *Department of Parks and Recreation:* There shall be a Department of Parks and Recreation to which it is recommended the Mayor and City Council annually budget an amount equal to 0.5 mill of the assessed valuation of property subject to taxation in the City, and the Department shall be charged with the construction and maintenance of these facilities, the development of public programs and such other duties as may be designated by this Charter, ordinance or State law.

(c) *Department of Building and Safety:* There shall be a Department of Building and Safety that shall be charged with the preparation of plats, maps, and estimates of cost required by the City administration, relating to buildings, real estate and public improvements within the City; this Department shall be responsible for the administration of all laws, ordinances and regulations concerning the erection and maintenance and safety of all building and equipment contained therein, including, but not by way of limitation, the applicable electrical, plumbing, housing, and zoning codes and any other applicable State law. This Department shall also perform such other duties as may be prescribed by this Charter, ordinance, or State law.

(d) *Department of Planning:* There shall be a Department of Planning created under the provisions of Act 285 of the Public Acts of 1931, as amended.

(e) *Police and Fire Departments:* There shall be a police department and a fire department.

(f) *Other Departments and Commissions:* The Council shall have the power and authority to establish, create, and eliminate such other commissions and departments when in its opinion, the proper administration of the business and interest of the City require. As used in this Charter, a department is a division of the administrative branch of the government consisting of a department head and employees under his direction and a commission is a group of persons appointed for a specific purpose with no jurisdiction over municipal employees, other than assigned clerical personnel.

(Amended by electors on November 6, 1973).

(g) *Corporation Counsel—Function and Duties:*

- (1) There shall be a Corporation Counsel who shall be appointed by the Mayor, subject however, to the approval and consent of the Council and he shall be and remain a member in good standing of the State Bar of Michigan and shall perform the following duties and responsibilities;

- (2) He shall act as a legal advisor to the Mayor and the Council in matters relating to their official duties and shall give legal opinions concerning affairs of the City to the Council and the Mayor, which opinions shall be in writing and a copy thereof shall be filed with the City Clerk;
- (3) He shall prosecute and defend, in the name of the City, all cases in all courts and before all legally constituted tribunals whenever the City is a party thereto;
- (4) Upon request of the Mayor and/or the Council, he shall prepare or officially pass upon all contracts, bonds, and other instruments in writing in which the City is concerned and shall certify, before execution, as to their legality and correctness of form;
- (5) He shall file in the office of the City Clerk the original copy of all franchises granted by the City, and of all papers constituting a part of the proceedings in all courts or legally constituted tribunals to which the City is a party together with the proper data and information concerning the same;
- (6) He shall be charged with the responsibility of calling to the attention of the Council and the Mayor all matters of law and changes of [or] developments therein affecting the City;
- (7) He shall perform such other and further duties as may be prescribed by this Charter, the Council or the Mayor;
- (8) He shall act as legal advisor to and for each and every one of the several departments, commissions, boards, administrative offices and agencies of the City as directed by the Council or the Mayor;
- (9) He may appoint, subject to the Mayor's approval, such assistant or assistants corporation counsel as he deems necessary to carry out the proper functions of his office;
- (10) The Mayor or the City Council may retain special legal counsel to appear of Counsel to the Corporation Counsel for the purpose of assisting the Corporation Counsel for a special matter and for such limited time and purpose as the Mayor or Council shall specify;
- (11) The Corporation Counsel and any assistants that may be engaged pursuant to the provisions of this Charter shall receive such compensation as may be determined by the Council from time to time.

Section 5.8. Department heads.

(a) Except as otherwise provided in this Charter, all department heads of this City government whether the same be established by this Charter or by an act of Council shall be appointed by the Mayor; all Commission and Board members shall be appointed by the majority vote of the Council elect; the names of such appointees shall be certified in writing to

the City Clerk within 90 days from the day of the Mayor's oath of office, and at such other times as may be required to fill vacancies, or to replace any head of department or member of Commission or Board who shall have been removed from office;

(b) The terms of office of each head of the department of the City government and of members of Commissions and Boards shall commence within 90 days following the taking of oath of office of the Mayor;

(c) Unless a definite term of office is specified in this Charter for the head of any department of this City government, such department head or heads shall hold office at the discretion of the Mayor; provided however, that no such department head or heads shall continue to hold office after the first Monday in December, at 12:01 p.m. following the regular City election unless he shall be reappointed to a new term.

Section 5.9. Retirement system.

The City of Romulus shall have a retirement system.

Section 5.10. Civil service system.

Within eighteen (18) months of the effective date of this Charter the City Council shall prepare a Civil Service program for all eligible employees of the City and shall submit the same to the electors for adoption by majority vote. If the electors fail to adopt said program, the City Council shall revise the same and re-submit the program to the electors. If necessary, the City Council shall submit at least two (2) such revisions of said program to the electors.

Editor's note—The civil service program has been defeated twice by the electors, June 14, 1971, and November 4, 1980.

CHAPTER VI. LEGISLATIVE DEPARTMENT

Section 6.1. The Council: composition and term of office.

The legislative body of the City shall be the City Council; which shall consist of seven (7) members, elected at large, provided, that the members of the Council may be increased to nine (9) members in accordance with the provisions in Section 4.1 of Chapter IV of this Charter. The term of office for the Council shall be for the period of four (4) years except that at the election wherein this Charter is submitted to the electors for adoption or rejection the Councilmen shall be elected as provided in Section 4.1 of Chapter IV of this Charter.

(Amended by electors on June 9, 1997)

Section 6.2. Compensation.

Each member of the Council, except the Chairman, shall receive an annual salary of three thousand dollars (\$3,000.00) payable monthly. The Chairman of the Council shall receive an annual salary of three thousand five hundred dollars (\$3,500.00) payable monthly. This salary shall be in lieu of all services except travel, education and such additional expenses as shall be

determined to be proper by the Council. No member of the Council shall be eligible to participate in any retirement or pension plan, hospital, health and accident or life insurance plan or similar benefit, adopted by Council for employees of the City.

Editor's note—Pursuant to MCL 117.5c, the city has created a local officers compensation commission which supersedes the compensation of elected officer provisions of this section. See Code of Ordinances, § 2-201 et seq.

Section 6.3. Organization.

(a) The Chairman of the Council [shall] be the person receiving the highest number of votes in the election and he shall retain his right to vote.

(b) If he declines the Council shall elect one (1) of its members to serve as Chairman.

(c) The Council shall also elect a Chairman Pro Tem who shall preside over the meetings of the Council in the absence of the Chairman of the Council and in the event of a vacancy occurring in the office of the Chairman of the Council, or Chairman Pro Tem, the Council shall elect from its membership to fill such vacancy.

Section 6.4. Regular meetings of the Council.

The Council shall meet not less than three (3) times each month in the Council Chambers in the City of Romulus at times and dates to be determined by the Council at the first meeting thereof after each general City election. If any time set for the holding of a regular meeting of the Council shall fall on a legal holiday, then such regular meeting shall be held at the same time and place on the next secular day which is not a holiday.

Section 6.5. Special meetings of the Council.

Special meetings of the Council may be called by the Clerk on the written request of the Mayor, Council Chairman, or any three (3) members of the Council on twenty-four-hour written notice to each member of the Council, designating the purpose of such meeting and served personally or left at his usual place of residence by the Clerk or someone designated by him; but any special meeting at which all members of the Council are present or have waived notice in writing shall be a legal meeting for all purposes without such notice.

Section 6.6. Notice of business to be transacted at special meeting.

No business shall be transacted at any special meeting of the Council unless the same has been stated in the notice for such meeting. However, any business which may lawfully come before a regular meeting may be transacted at special meetings if all the members of the Council present consent thereto and all the members absent file their written consent.

Section 6.7. Meetings open to the public.

All regular and special meetings of the Council shall be open to the public and rules of order of the Council shall provide that citizens shall have a reasonable opportunity to be heard, and all people on the agenda will be notified of the meeting time and location in writing previous to the meeting.

Section 6.8. Quorum.

A majority of the elected Council shall constitute a quorum for the transaction of business at all meetings of the Council, but in the absence of a quorum a lesser number may adjourn any meeting to the following day.

Section 6.9. Rules of the council.

The Council shall determine its own rules and order of business and shall keep a written or printed journal of all its proceedings in the English language which shall be signed by the Council Chairman and the City Clerk. The vote upon the passage of all motions, of all ordinances and upon the adoption of all resolutions shall be taken by Roll Call vote and a record of such vote entered in the record. An affirmative vote of the majority of the Council elect is necessary to validate any resolution except as otherwise required by law or this Charter. No Councilman shall vote on any question in which he has any financial interest other than the common public interest. Any citizen or taxpayer of the City shall have access to the minutes and records of all regular and special meetings of the City Council at all reasonable times.

Editor's note—Access to public records is not limited to citizens and taxpayers under the Freedom of Information Act.

Section 6.10. Investigations.

The Council, or any person or committee authorized by it for the purpose shall have power to inquire into the conduct of any department, office or officer of the City and to make investigations as to municipal affairs, and for that purpose may subpoena witnesses, administer oaths, and compel the production of books, papers, and other evidence. Failure upon the part of any officer of the City to obey such subpoena or to produce books, papers, or other evidence as ordered under the provisions of this section shall constitute misconduct of office and shall also be a misdemeanor. If such failure shall be on the part of any employee of the City, it shall constitute a misdemeanor.

Section 6.11. Health and safety.

The Council shall see that provision is made for the public peace, health, welfare, and safety of persons and property.

Section 6.12. Official newspaper.

At or prior to its first regular meeting in December of each year, the Council, after investigating the circulation, rate, quality of printing, deliveries and responsibility of available newspapers, and after receiving bids, shall designate some newspaper of general circulation in the City which is qualified to publish legal notices under the laws of the State of Michigan, as the official newspaper of the City for the next twelve (12) months. All notices, ordinances, and other records required by the provisions of this Charter to be published shall be published in said official newspaper in the manner and form in this Charter provided; provided, however, that the Council may order additional publications of any such notice, ordinance or other

record in other newspapers, in any financial or trade paper, journal or magazine. If, at any time, no newspaper has been designated as the official newspaper of the City, or in case the newspaper designated as the official newspaper of the City ceases regular publication or is violating any of the terms of its contract, the Council shall order publication of such notices, proceedings, ordinances, or other records as are required to be published, in some other newspaper printed in the English language and circulated in the City; provided, however, that the City shall not be without an official newspaper more than thirty (30) days.

Section 6.13. Publication of Council proceedings.

The minutes of the Council shall be published in the official newspaper of the City within fifteen (15) days after each meeting.

Section 6.14. Depository of City funds.

The Council shall select a depository or depositories in which the funds of the City shall be deposited.

Section 6.15. Public hearings.

The Council shall have the power to hold hearings on any matter within its province, and to compel by subpoena, the attendance of witnesses and the production of books, papers and data in any hearing pending before it. Such subpoena, may be served by any person of legal age. Each witness shall be entitled to receive the same fees for attendance as is provided by law for the payment of witness fees in the Circuit Court for the County of Wayne. The Council may by ordinance prescribe the method to more effectually carry out the foregoing provisions, which ordinance shall provide that any person who having been personally served with subpoena willfully refuses to comply with the same, may be punished with a fine not to exceed five hundred dollars (\$500.00), or imprisonment not to exceed ninety (90) days, or both in the discretion of the Court.

Section 6.16. Council: claims and accounts.

The Council shall pass upon all accounts and claims against the City. Every claim for tort shall, so far as possible, state in detail the time, place and cause of alleged injury, and if arising from any defective highway as defined by Act 170 of the Public Acts of 1964, notice of such claim shall conform to the requirements of said Act in all particulars. All claims arising out of contract or tort (except arising from a defective highway as aforesaid) shall be made under oath and filed with the Clerk for consideration by the Council within a reasonable time after the cause of action in every case has arisen. It shall be a sufficient defense to any action for the collection of any claim or demand against the City that such claim has not been filed with the Clerk as hereinbefore provided.

Section 6.17. Power to make insurance contracts.

The Council shall have the power to adopt and make available to the Mayor, Clerk and Treasurer, heads of the several departments and employees of the City and its departments any recognized standard plan of group life, hospital or health and accident insurance.

Section 6.18. Licenses: requiring Council approval.

(a) The Council shall by ordinance prescribe the terms and conditions upon which licenses may be granted, suspended, or revoked, and may require an exact payment of such reasonable sums for any licenses as it may deem proper. The persons receiving the license shall, before the issuing thereof, execute a bond to the City, when required by any ordinance, in such sum and with such securities as prescribed by such ordinance, conditioned for the faithful observance of the Charter of the City, the ordinance under which the license is granted and otherwise conditioned as any such ordinance may prescribe.

(b) The licensing power granted to cities by State law shall be vested in the Council unless otherwise provided by ordinance.

CHAPTER VII. CITY LEGISLATION, ORDINANCES, RESOLUTIONS**Section 7.1. Ordinances and resolutions.**

The official actions of the Council shall be by ordinance or resolution, adopted by not less than two-thirds ($\frac{2}{3}$) of the Council elect in the case of ordinances or not less than a majority of a quorum of the Council elect in the case of resolution, unless otherwise required by law or this Charter. Action of the Council by resolution shall be limited to matters required or permitted to be so done by law or relating to the internal affairs or concerns of the City. All acts of the Council carrying a penalty for the violation thereof shall be by ordinance. Each ordinance shall be identified by a short title and by a number or by a code section number when and after the ordinances are codified. All other acts of the Council which do not constitute ordinances shall be deemed to be resolutions.

Section 7.2. Prior Township legislation.

The City Council shall, within one (1) year from the effective date of this Charter, review all ordinances originally enacted by the Township of Romulus and shall hold public hearings relative to repealing or amending the same. All valid ordinances, resolutions, rules and regulations of the Township of Romulus which are not inconsistent with this Charter and which are in full force and effect at the time of the effective date of this Charter shall continue in full force and effect until repealed or amended. Provided however, that if any such ordinance, resolution, rule or regulation provides for the appointment of any officers, or members of any boards, commissions or departments, such officers, members of such boards, commissions or departments, shall after the effective date of this Charter be appointed by the Mayor or Council in accordance with the provisions of this Charter.

Section 7.3. Ordination, amendment, repeal effective dates, penalties.

(a) The enacting clause of all ordinances shall read "*The City of Romulus* Ordains." Such caption may be omitted when said ordinances are published in book form by authority of the Council. Each proposed ordinance shall be introduced in written or printed form in the English language.

(b) No ordinance shall be passed at the same meeting at which it is introduced, unless the same is declared to be emergency action by a vote of not less than two-thirds ($\frac{2}{3}$) of the members of the Council.

(c) An ordinance may be repealed, amended or modified by re-enacting the section or sections of the ordinance to be amended.

(d) An ordinance may be repealed by reference only to its number and title.

(e) All ordinances shall become effective immediately after publication and recording pursuant to law; unless a different effective date is provided in the ordinance.

(f) The Council shall have the authority to provide in any ordinance for the punishment of those who violate the same by a fine not to exceed five hundred dollars (\$500.00), or imprisonment in the City prison, a County jail, or such other penal institution authorized to receive City prisoners for a period not to exceed ninety (90) days, or both such fine and imprisonment in the discretion of the Court.

Section 7.4. Proof of ordinances in judicial proceedings.

City ordinances may be proved in any Judicial proceedings by the following methods:

- (a) By a certified copy of an extract of the Clerk's records;
- (b) By a copy of the ordinance duly certified as a true copy by the Clerk under the seal of the City;
- (c) From any volume purporting to have been published, printed and compiled by authority of the Council.

Section 7.5. Technical codes: adoption by reference.

The Council may adopt any plumbing code, electrical code, building code, refrigeration machinery code, piping code, boiler code, boiler operation code, elevator machinery code or code pertaining to inflammable liquids and gases as well as hazardous liquids; and any other codes which have been promulgated by the State of Michigan, or by any department, board, or other agency thereof, or by any organization or association which is organized and conducted for the purpose of development of such code or codes by reference thereto in an adoptive ordinance and without publishing such code in full; providing, that such code is clearly identifiable in said ordinance and that the purpose of said code shall be published with the adopting ordinance, provided, that printed copies thereof shall be kept in the office of the Clerk available for

inspection by and distribution at reasonable costs to the public at all times; provided further, that the publication shall contain a notice to the effect that a complete copy of said code is available for public use and inspection at the office of the Clerk.

Section 7.6. Ordinance record and authentication.

(a) All ordinances when enacted shall be immediately recorded by the Clerk in a book to be called "A Record of Ordinances" and it shall be the duty of the Mayor and Clerk to authenticate such record by their official signatures thereon;

(b) The publication of an ordinance in full as part of the published proceedings or minutes of the Council shall constitute sufficient publication of such ordinance as required by this Charter; the ordinance shall be published in a newspaper of local circulation at the same time as the minutes passing the ordinance are published and Section 7.9(a) of this Charter shall be published therewith immediately following the resolution of adoption of said ordinance.

(c) The Council shall within a reasonable period after the adoption of this Charter enact such ordinances as are necessary for the efficient operation of the City, and shall direct the compilation or codification in book or loose leaf form of the Charter and all ordinances of the City, and shall make the same available to the public in the office of the Clerk, and may provide for a reasonable charge for copies thereof.

Section 7.7. Initiative and referendum.

(a) Any ordinance which may be legally adopted by the Council of the City of Romulus, may be proposed by a petition signed by registered electors of the City, not less in number than six (6%) percent of the voters registered at the last preceding election at which a Mayor of the City was elected. Such petition shall be addressed to the Council of the City of Romulus, and shall set forth at length the ordinance proposed to be enacted. With each signature attached thereto shall be given the place of residence, with the street and number of the elector so signing, and the date when such signature was attached. Such signatures need not all be on one paper, but all petitions shall be filed with the Clerk at one and the same time. An affidavit or affidavits shall be made by one or more registered electors of the City, which affidavits shall state that each signature appearing upon the petition to which such affidavit is attached, is the genuine signature of the person whose name it purports to be, and that to the best of affiant's knowledge and belief, the signers whose names are attached to said petition are registered electors of the City of Romulus. The petition proposing an ordinance shall be in the following form:

"To the Honorable Council of the City of Romulus, Michigan:" We, the undersigned registered electors of the City of Romulus, under and by virtue of the authority granted by Act No. 279 of the Public Acts 1909, as amended, and by Chapter VII of the Charter of the City of Romulus, do hereby propose and initiate for submission to the qualified electors of the City of Romulus, the following proposed ordinance:

(Here set forth proposed ordinance in full, or if a technical code as defined in Section 7.5 of the City Charter, compliance with the terms of said Section 7.5 shall be deemed a sufficient description of said ordinance.)

(b) At such next regular meeting, the Council shall proceed to consider such petition, including the form and purpose of the ordinance thereto attached. If such ordinance be determined by the Corporation Counsel to be illegal, in form or otherwise, the Council shall so declare by resolution and shall direct the Clerk to return said petition immediately to any of the persons designated as filing it, without prejudice to filing a new petition for the same purpose. If the Council upon consideration, finds such ordinance legal, then it may provide for public hearings on such ordinance; and if it deems the same advisable, shall pass such ordinance within four (4) weeks from the day of the filing of such petition with the Clerk. If the Council finds such petition and ordinance legal and does not pass such ordinance within the time herein limited, it shall within two (2) weeks after its failure to pass such ordinance, provide for submission of such ordinance to the qualified electors of the City at the next election occurring more than thirty (30) days thereafter, at which questions or propositions submitted by the Council may be voted upon by the electors; but no special election shall be called by the Council for the purpose of referendum only, except if, petitions bearing signatures of not less than twenty-five (25%) percent of the registered voters are filed, then the Council shall call a special election within sixty (60) days.

Section 7.9. Referendum on ordinance passed by Council.

(a) Within forty-five (45) days after the publication of any ordinance duly passed by the Council, a petition may be presented to the Council protesting against such ordinance continuing in effect. Said petition shall contain the text of such ordinance and shall be signed by not less than six (6%) percent of the registered electors registered at the last preceding election at which a Mayor of the City was elected. Said ordinance shall thereupon and thereby be suspended from operation and the Council shall immediately reconsider such ordinance.

(b) Section 7.9(a) must be published with every ordinance as a condition precedent to the validity of said ordinance.

(c) If the ordinance be not entirely repealed, the Council shall submit the question of whether or not it shall become effective to a vote of the electors of the City. The procedure in regard to such petition of protest and referendum shall be the same as hereinabove in this chapter provided for the initiative and referendum of a proposed ordinance, with such modification as the case may require.

Section 7.10. Referendum may be made by Council without petition.

The Council, may, on its own motion, submit to a referendum for adoption or rejection by the electors of the City at any regular election any proposed ordinance or measure or a proposal for the repeal or the amendment of any ordinance in the same manner and with the same force and effect as provided in this chapter for submission on petition.

Section 7.11. Referendum election.

(a) The ordinance or other measure or proposal submitted to the electors shall be published at least once in a newspaper or newspapers published in the City and printed in the English language at least ten (10) days prior to the election at which it is to be submitted. If the

majority vote of the electors voting at the election is "For the Ordinance" (or other proposition), the same proceedings shall be taken, after the canvass of the returns and declaration of results by the Council, as would be necessary if the same action upon such proposition had been taken by the Council itself.

(b) Except as in this chapter otherwise provided, all of the provisions of Chapter VIII of this Charter for the calling and holding of City elections shall apply to referendum elections, as near as may be, and the proposition upon the ballot shall state the nature and purpose of the ordinance in terms sufficient to identify it. The voting lines on such ballot shall be as follows:

() For the Ordinance

() Against the Ordinance

(c) No referendum shall be held upon any ordinance required to be passed by the general laws of the State.

(d) No ordinance adopted under this Charter by referendum vote shall be repealed or amended except by referendum vote.

Section 7.12. Where referendum fails.

If at such election such ordinance shall fail, a similar ordinance on the same subject shall not be submitted to the electors for one (1) year after the date of such election. The Council may by ordinance or resolution make such regulations not in conflict herewith as it may deem necessary to carry out the provisions of this chapter.

Section 7.13. Veto of Council action.

No ordinance or resolution of the Council shall have any force or effect if, within seventy-two (72) hours after adoption thereof, the Mayor, or persons acting in his stead according to the provisions of this Charter, shall file in the office of the Clerk a notice, in writing, suspending the operation of such ordinance or resolution and setting forth his reasons therefor. In each case where the Mayor shall file such notice, such ordinance or resolution shall not go into effect, unless the Council shall, within two (2) weeks thereafter, adopt such ordinances or resolution by the affirmative vote of not less than five (5) of its members, provided that in the event the members of the Council are increased to nine (9) then the affirmative vote of six (6) members of the Council shall be required to adopt such ordinance or resolution. If any such ordinance or resolution shall be passed, it shall become effective according to the terms thereof as originally adopted, except that it shall not be effective prior to the time of its last adoption as required herein. In the event a veto is overridden, the Mayor shall be barred from any future veto of the same resolution or ordinance.

CHAPTER VIII. ELECTIONS

Section 8.1. Qualifications of elector.

Each person who has the constitutional and statutory qualifications of an elector in the State of Michigan, or will have such qualifications at the next primary or regular or special election to be held in the City shall be entitled to register as an elector of the City of Romulus in the election precinct in which he resides.

Section 8.2. Election procedure.

The election of all City officers shall be on a non-partisan basis. The general election laws of the State shall apply to and control, as near as may be, all procedures relating to registration and City elections except as such general laws relate to political parties or partisan procedure and except as otherwise provided in this Charter.

Section 8.3. Notice of elections and petitions.

Notice of the time and place of holding any City election and of the officers to be nominated or elected and the questions to be voted upon, shall be given by the Clerk in the same manner and at the same time as provided in the State election statute for the giving of notice by township or city clerk.

The Clerk shall publish notice of the last day permitted for the filing of nominating petitions, at least one (1) week before and not more than three (3) weeks before that date.

Section 8.4. Primary elections and nominations.

The primary election for the nomination of candidates for elective offices shall be held on the second (2nd) Monday in September preceding the regular municipal election on odd numbered years.

Editor's note—The primary election has been changed to the Tuesday following the second Monday in September pursuant to MCL 168.644(2). See Code of Ordinances, Section 9-1.

Section 8.5. Regular city elections.

A regular City election shall be held on the 1st Tuesday following the 1st Monday in November of 1973 and on the 1st Tuesday following the 1st Monday in November every two (2) years, thereafter.

Section 8.6. Special elections.

Special City elections shall be held when called by resolution of the Council at least fifty (50) days in advance of such election, or when required by this Charter or the general laws of the State. Any resolution calling a special election shall set forth the purpose of such election. No more special City elections shall be called in any one (1) year than the number permitted by statute.

Section 8.7. Voting hours.

Unless otherwise provided by statute, the polls for all primary, regular and special elections shall be open at 7 o'clock a.m. and shall remain open until 8 o'clock p.m.

Section 8.8. Candidates.

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, and no other names shall be placed on the election ballot for the election of such officers, except those nominated in the

A candidate may withdraw in the manner provided by the general laws of the State.

Editor's note—A two-year residence requirement for city office was held violative of equal protection by *Green v. McKeon*, 335 F. Supp. 630 (E.D. Mich. 1971), affirmed by 468 F.2d 883 (6th Cir. 1972). A one-year residency requirement was upheld by *Joseph v. City of Birmingham*, 510 F. Supp. 1319 (E.D. Mich. 1981).

Section 8.10. Approval of petition: notification of candidates.

The Clerk shall accept for filing only nominating petitions which conform with the forms provided and maintained by him, and which considered together contain the required number of valid signatures for candidates having those qualifications required for the respective elective City offices by this Charter. When a petition is filed by persons other than the person whose name appears thereon as a candidate, it may be accepted only when accompanied by the written consent of the candidate. Within three (3) days after the last date for filing petitions, the Clerk shall make his final determination as to the validity of each nominating petition and shall write the date of his determination thereof on the face of the petition. Immediately after making such determination, the Clerk shall give written notice by certified mail to each candidate whose petitions are invalid. The names of the candidates who file valid and sufficient nominating petitions shall be certified by the Clerk to the Election Commission to be placed upon the ballot for the next subsequent primary City election.

Section 8.11. Inspection of nominating petitions.

All valid nominating petitions shall be open to public inspection in the office of the Clerk beginning five (5) days after the final filing date of such petitions.

Section 8.12. Ballots.

Ballots for primary elections, regular and special elections shall conform as near as may be with the provisions of the State election laws with respect to ballots, except that they shall contain no party mark, emblem vignette or designation whatsoever. It shall be the duty of the City Election Commission, hereinafter provided, to provide for the printing of such ballots.

Section 8.13. Election commission.

An Election Commission is hereby created consisting of the Chairman of the Council, City Clerk and Mayor. The members shall serve without compensation. The Clerk shall be Chairman and two (2) members of such Board shall be a quorum.

Section 8.14. Duties of election commission.

The Election Commission shall provide all necessary voting booths, machines, equipment and supplies for the conduct of all elections. The Election Commission shall have charge of all activities and duties required of it by statute and this Charter relating to the conduct of elections in the City. In any case where election procedure is in doubt, the Election Commission shall prescribe the procedure to be followed.

Section 8.15. Election officials when city election is held on same day as state or county election.

If a City election is held on the same day as a State or County election, the same election officials shall act in both the City and State or County elections.

Section 8.16. Appointment and compensation of election inspectors.

The Election Commission shall appoint for each election precinct at least three (3) inspectors and as many more as in its opinion is required for the efficient, speedy and proper conduct of such election, and shall designate one such inspector as precinct chairman. Said election inspectors shall be appointed in accordance with the general laws of the State from those persons who meet the qualifications of election inspectors as provided in the State law and make proper application therefor. Such inspectors shall receive such compensation as shall be fixed by the Council.

Section 8.17. Canvass of elections and names on ballots.

The City Council shall appoint a four (4) member Board of Canvassers in accordance with the general laws of the State, who shall have those powers and duties as are provided by the general laws of the State of Michigan. When only one (1) person is to be elected to any one (1) office at any election, then the two (2) candidates receiving the highest number of votes for nomination to that office at the preceding primary election shall be deemed to have been nominated thereto and shall be placed on the ballot for that office at such election. When more than one (1) person is to be elected to any office at any election, 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 nomination to said office at the preceding primary election, shall be deemed to have been nominated thereto and shall be the candidates and only candidates whose names shall be placed on the ballot for said office at such election. At any election the person receiving the highest number of votes for any office to which one (1) person only is to be elected shall be deemed to have been duly elected to that office. If more than one (1) person is to be elected to any office, then the persons equal in number to the number to be elected to the office receiving the highest number of votes, shall be deemed to have been duly elected to that office. The Clerk shall notify within five (5) days, in writing, by certified mail, the successful nominees or candidates of their nomination or election.

Section 8.18. Election by lot in case of tie vote.

If, at any election, it shall appear that two (2) or more persons have an equal number of votes for the same office for which but one (1) person is to be nominated or elected and such number shall be the highest number cast therefor, the Board of Canvassers shall determine the successful candidate by lot as provided in the general election laws of the State as the same pertain to municipal elections.

Section 8.19. Propositions submitted at primary election.

Any question or proposition which may be submitted at any election may be submitted at a primary election.

Section 8.20. Recount.

A recount of the votes cast at any City election for any office or upon any proposition may be had in accordance with the election statutes. Such petition for recount shall be filed with the clerk of the Board of Canvassers which originally conducted the canvass in accordance with the general laws of the State, and such further proceedings shall be taken thereon as are in said general laws provided; provided further, that no officer shall be qualified to take office until the final determination of any recount of the votes cast for such office.

Section 8.21. Recall.

Any elected official may be recalled from office by the electors of the City in the manner provided by Statute. A vacancy created by such recall shall be filled in the manner prescribed by this Charter.

Section 8.22. General election laws.

The general election laws of the State, 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 8.23. Wards and precincts.

The City of Romulus shall consist of one (1) ward. The election precincts heretofore established for the Township of Romulus shall continue to be the election precincts for the City of Romulus until otherwise changed pursuant to the laws of the State.

CHAPTER IX. GENERAL FINANCE—BUDGET AND AUDIT**Section 9.1. Fiscal year.**

The Fiscal Year of the City shall begin on July 1st and end on June 30th of the following year. Such year shall also constitute the budget year of the City government.

Section 9.2. Budget procedure.

On or before one hundred twenty (120) days before the end of each Fiscal Year, each City officer and department head shall submit to the Mayor a proposed budget for the next fiscal year, for the department or activities under his control. The Mayor shall prepare and submit

to the Council on or before the 1st day of April a recommended budget within the tax limit and other revenue sources of the City, covering the next fiscal year. Such recommended budget shall include therein, at least the following information:

- (a) Detailed statements, with his supporting explanations of all proposed expenditures of each department, office and agency of the City, showing the expenditures for corresponding items for the last preceding fiscal year in full, and for the current fiscal year, and estimated expenditures for the balance of the current year;
- (b) Statements of the bonded and other indebtedness of the City, showing the debt redemption and interest requirements, the debt authorized and unissued, and the condition of sinking funds, if any;
- (c) Detailed estimates of all anticipated revenues of the City from sources other than taxes, with a comparative statement of the amounts received by the City from each of the same or similar sources for the last preceding fiscal year in full, and for the current fiscal year, and estimated revenues for the balance of the current fiscal year;
- (d) An estimate of the balance or deficit for the end of the current fiscal year;
- (e) An estimate of the amount of money to be raised from current and delinquent taxes and the amount to be raised from bond issues which, together with any available unappropriated surplus and any revenues from other sources, will be necessary to meet the proposed expenditures;
- (f) Such other supporting information as the majority of the Council may request.

Section 9.3. Budget: public hearings.

A public hearing on the budget shall be held before its final adoption, at such time and place as the Council shall direct, and notice of such public hearing shall be published at least once, a month in advance thereof, by the Clerk. A copy of the proposed budget shall be on file and available to the public for inspection at the office of the Clerk during office hours for a period of not less than three (3) weeks prior to such public hearing.

Section 9.4. Adoption of budget.

The Council shall, on or before forty-five (45) days before the end of the fiscal year, adopt a budget for the ensuing fiscal year and shall by resolution, designate the sums to be raised by taxation for the general purposes of the City and for the payment of indebtedness and provide for the necessary appropriation needed for municipal purposes in the next fiscal year; provided however, that failure to act within the time herein shall not invalidate any tax levy.

Section 9.5. Budget control.

(a) The adoption of a budget shall not be construed as authority to any officer of the City to expend the amount set fourth [forth] in such budget unless such expenditure has been authorized by proper warrant.

(b) At any meeting after the adoption of the budget and after at least one-week's notice to the members of the Council, the Council or the Mayor with the consent of the Council may amend such budget so as to authorize the transfer of unused balances appropriated for one (1) purpose to another purpose, or to appropriate available revenues of a class not included in the annual budget.

Section 9.6. Periodic evaluation of budget by Council.

At the beginning of each month during the fiscal year, the Mayor shall submit to the Council data showing the relation between the estimated and actual income and expenses to date. If it shall appear that the income of the City is less than anticipated, the Council may reduce appropriations, except amounts required for debt and interest charges. At the end of each fiscal year, the unencumbered balance of any appropriation, except that for the payment of indebtedness, shall be deemed unappropriated and placed in the general fund.

Section 9.7. Uniform accounting.

Any system of accounts used for the City or any department thereof, shall conform to such uniform system as may be required by law.

Section 9.8. Disbursement of funds.

The Treasurer shall receive and disburse all moneys belonging to the City, and shall keep an accurate detailed account of all money received and disbursed by him, and of the particular fund into which or from which the same is paid, shall, at least once a month and oftener if required, furnish the Council with a statement showing all Cash on Hand and in the bank at the beginning of the previous month, the receipts and disbursements for the previous month, and the condition of the several funds of the City. He shall make such other reports as the Council may require.

Section 9.9. Warrants: how drawn.

(a) No money shall be drawn from the Treasury except upon the warrant of the Mayor and countersigned by the Clerk or the Deputy Clerk in the absence of the Clerk. Every warrant shall specify the funds from which it is payable, and shall be paid from no other fund. No warrant shall be drawn upon the Treasury after the fund from which it should be paid has been exhausted, and if such warrant shall be drawn, it shall be void.

(b) No warrant shall be issued until the same has been first authorized by the Council, provided however, that warrants may be issued for the payment of any necessary expense without prior authorization of the Council if authorized by the Mayor, but the total amount of such warrants issued between any successive regular meeting of the Council shall not exceed an amount as the Council may from time to time establish.

(c) All liquidated accounts and demands against the City shall be received and audited by the City Clerk who shall enumerate them on a regular form prescribed by Council and who, with the Mayor, shall certify as to the correctness or incorrectness of the various amounts on said list. Each invoice shall be approved by the elected official or department head incurring the expenditure.

Section 9.10. Collection of moneys.

All taxes, special assessments, and other moneys accruing to the City shall be collected by the Treasurer and shall be promptly deposited by him with such responsible banking institution or institutions as shall be designated by the Council, and all interest on such deposits shall accrue to the benefit of the City.

Section 9.11. Revenue deposit.

The revenues raised by general taxation, or by loan to be paid by such tax, shall be divided into such and so many funds as the Council may determine; provided, that all moneys raised for the retirement of debt and for interest thereon, shall be kept in a separate fund and in a separate bank account.

Section 9.12. Independent audit.

An independent audit shall be made of all accounts of the City government at least annually and more frequently if deemed necessary by the Council. Such audit shall be made by qualified certified public accountants experienced in municipal accounting. An abstract of the results of such audit shall be made public by publication in a newspaper of general circulation in the City. An annual report of the City business shall be made available to the public by the Mayor in such form as will disclose pertinent facts concerning the activities and finances of the City government.

Section 9.13. Investment of City funds.

The Council may direct the Treasurer to invest any surplus funds belonging to, or under the control of the City, in such obligations, bonds and securities as are permitted by the statutes of the State of Michigan in such amounts and issues as may be determined by the Council.

CHAPTER X. GENERAL FINANCE—BORROWING POWER

Section 10.1. General borrowing.

Subject to the applicable provisions of State law and this Charter, the Council, by proper ordinance or resolution, may 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 therefor.

Section 10.2. Special assessment bonds.

The Council shall, subject to the applicable provisions of the general laws of the State, have authority to borrow money in anticipation of the payment of special assessments made for the purpose of defraying the cost of any public improvement or in anticipation of the payment of any combination of such special assessments, and to issue bonds therefor. Such special assessment bonds may be solely an obligation of the special assessment district or districts and a general obligation of the City. All collections on each special assessment roll or combination of rolls shall be set apart in a separate fund for the payment of the principal and interest of the bonds issued in anticipation of the payment of such special assessments, and shall be used for no other purpose.

Section 10.3. Other bonds.

The City shall have power to issue revenue or other types of bonds in the manner and for the purpose permitted by the Constitution and general laws of the State of Michigan.

Section 10.4. Preparation and record.

Each bond or other evidence of indebtedness shall contain on its face a statement specifying the purpose for which the same is issued and it shall be unlawful for any officer of the City to use the proceeds thereof for any other purpose, and any officer who shall violate this provision shall be deemed guilty of misconduct in office. All bonds and other evidence 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. A complete and detailed record of all bonds and other evidence of indebtedness issued by the City shall be kept by the Clerk. Upon payment of any bond or other evidence of indebtedness, the same shall be marked "cancelled."

Section 10.5. Unissued bonds.

No unissued bonds of the City shall be issued or sold to secure funds for any purpose other than that for which they were specifically authorized.

Section 10.6. Limitations of indebtedness.

The City may not incur indebtedness by the issue of bonds or otherwise, in any sum which, including existing indebtedness, shall exceed ten (10) percent of the assessed valuation of the real and personal property within the City subject to taxation as shown by the last preceding assessment roll of the City; provided however, that in the case of fire, flood or other calamity requiring an emergency fund for the relief of the inhabitants of the City or for the repairing or rebuilding of any municipal buildings, works, bridges or streets, the legislative body of the City may borrow money due in not more than five (5) years and in the amount not exceeding three-eighths ($\frac{3}{8}$) of one percent of the assessed valuation of all the real and personal property in the City, notwithstanding such loan may increase the indebtedness of the City beyond the limitation fixed in this Charter; provided further that in computing the net bonded indebted-

ness for the purposes hereof, bonds issued in anticipation of the payment of special assessments, even though they are also a general obligation of the City, mortgage bonds which are secured only by a mortgage on the property or franchise of a public utility, and bonds issued to refund moneys advanced or paid on special assessments for water main extensions shall not be included, and the resources of the sinking fund pledged for the retirement of any outstanding bonds shall also be deducted from the amount of the bonded indebtedness.

CHAPTER XI. TAXATION

Section 11.1. General powers.

The City shall have the power to assess taxes and levy and collect rents, tolls and excises. The City shall not have the power to levy an income tax. The annual ad valorem tax levy shall not exceed ten (10) mills of the assessed valuation of all real and personal property subject to taxation in the City as equalized by the State, exclusive of any levy required for the payment of principal and interest on present Township sewer and water indebtedness or on outstanding bonds of the City and exclusive of any levy authorized by statute to be made beyond the Charter tax rate limitation.

Section 11.2. Subjects of taxation.

The subjects of ad valorem taxation for municipal purposes shall be the same as for state, county and school purposes under the general law. Except as otherwise provided by the Charter, City taxes shall be levied, collected and returned in the manner provided by statute.

Section 11.3. Tax exemptions; state law; poverty, requirements.

No exemptions from taxation shall be allowed, except as expressly required or permitted by statute. In the case of exemptions made to persons who, in opinion of assessor and Board of Review, by reason of poverty are unable to contribute toward the public charges, there shall be required as a condition to the grant of exemption a trust deed or assignment to the City of all or any part of the real or personal property of the beneficiary of such exemption. Such trust deed or assignment shall be in such form as to be recordable in the office of the register of deeds of Wayne County and shall be so recorded. Such deed shall state the amount at which the property would have been assessed if it had not been exempted. No such trust deed or assignment shall deprive the owner of the property to whom tax exemption is granted of his right to freely occupy and use the property, but shall give the city in the event that the ownership of such property is transferred to another in any manner whatsoever such an interest therein as will provide for the payment to the city of an amount equal to all taxes, exclusive of interest, penalties and collection fees which would have been levied by the city against the property of such owner had such exemption not been granted.

Section 11.4. Tax day.

Subject to the exceptions provided or permitted by law, the taxable status of persons and property shall be determined as of the 31st day of December or such other date as may subsequently be provided by law, which day shall be deemed the tax day.

Section 11.5. Personal property—Jeopardy assessments.

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

Section 11.6. Preparation of the assessment roll.

On or before the first Monday in March of each year, the Assessor shall prepare and certify an assessment roll of all property in the City subject to taxation. Such roll shall be prepared in accordance with the statute and this Charter. Value shall be estimated according to recognized methods of systematic assessment as determined by statute and decisions of the State Tax Commission and Supreme Court. The records of the Assessor shall show separate figures for the value of land, of the building improvements and of personal property; and the method of estimating all such values shall be as nearly uniform as possible.

Section 11.7. Board of Review.

(a) A Board of Review is hereby created, composed of three (3) members who shall be registered electors of the City, who have the qualifications for holding office in the City as set forth in this Charter and are owners of property assessed for taxation in the City.

(b) The members of the Board of Review shall be appointed by the Council.

(c) The first three (3) members of the Board of Review shall be appointed during the month of January, 1971 for terms expiring on January 1, 1972, January 1, 1973 and January 1, 1974; thereafter one (1) member shall be appointed by the Council in the month of November of each year for a term of three (3) years commencing on the following January 1st.

(d) The Board shall annually on the first day of the meeting select one (1) of its members Chairman and one (1) of its members Clerk for the ensuing year; the Assessor shall attend all meetings of the Board of Review, shall be entitled to be heard at its sessions, but shall have no vote on any proposition or question before the Board;

(e) The members of the Board of Review shall be paid such compensation as the Council may determine on a per diem basis.

(f) No elected official shall sit on the Board of Review.

Section 11.8. Duties and functions of Board of Review.

For the purpose of revising and correction [correcting] assessments, the Board of Review shall have the same powers and perform like duties, in all respects, as are, by law conferred upon and required by Board of Review in townships, except as otherwise provided in this Charter. At the time and in the manner provided in the following section, it shall hear the complaints of all persons considering themselves aggrieved by assessment. If it shall appear that any person or property has been wrongfully assessed or omitted from the roll, the Board shall correct the roll in such manner as it deems just. Except as otherwise provided by law, no person other than the Board of Review shall authorize any change upon, or addition to, or correction to the assessment roll. The Clerk of the Board of Review shall keep a permanent record of all proceedings of the Board and enter therein all resolutions and decisions of the Board. Such record shall be filed with the City Clerk on or before the 15th of April following the meeting of the Board of Review.

Section 11.9. Meeting of Board of Review; quorum.

(a) The Board of Review shall convene on the third Monday in March in each year, or on such date as may subsequently be required by law for the meeting of Boards of Review in cities, at such places as shall be designated by the Council at its first regular meeting in February and shall sit for not less than three (3) calendar days; provided however, that if the Council does not designate a place for meeting of the Board of Review, it shall meet in the Council Chambers. A majority of the members of the Board of Review shall constitute a quorum for the transaction of business;

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

Section 11.10. Notice of meetings.

Notice of the time and place of the meetings of the Board of Review shall be published by the Clerk of the City in the official newspaper of the City not less than fifteen (15) days prior to the first meeting thereof.

Section 11.11. Endorsement of roll.

After the Board of Review has completed its review of the assessment roll, its members then shall immediately endorse thereon and sign a statement to the effect that the same is the assessment roll of the City for the year in which it has been prepared. The omission of such endorsement shall not affect the validity of such roll.

Section 11.12. The Clerk to certify levy.

Within three (3) days after the Council has made the appropriation for the ensuing year, the Clerk of the City shall certify to the Assessor the total amount which the Council has

determined shall be raised by general ad valorem tax, together with such other assessments and lawful charges in amounts which the Council requires to be assessed, re-assessed, or charged upon the property and persons appearing upon such roll.

Section 11.13. City tax roll.

After the Board of Review has completed its yearly assessment roll, the Assessor shall prepare a tax roll, or combined assessment tax roll to be known as the City Tax Roll. Upon receiving the certification of the several amounts to be raised, assessed and charged upon the City Tax Roll as provided in the preceding section, the Assessor shall proceed forthwith to (1) spread the amounts of the general ad valorem tax according to and in proportion to the several valuations set forth in said assessment roll, and (2) to place [place] such other assessments and charges upon the roll as are required and authorized by the Council. To avoid fractions in computation of any tax roll, the Assessor may add to the amount of the several taxes to be raised, not more than the amount prescribed by law, which added amount when collected shall belong to the City.

Section 11.14. Tax roll: certified for collection.

After spreading the taxes and placing other assessments and charges upon the Roll, the Assessor shall certify the tax roll and annex his warrant thereto directing and requiring the Treasurer to collect, on July 1 of the same year, from the several persons named in the roll the several sums mentioned therein opposite their respective names as a tax or assessment, and granting to and vesting in the Treasurer, for the purpose of collecting the taxes, assessments and charges on such roll all the statutory powers and immunities possessed by township treasurers for the collection of taxes; provided however, that taxes and other lawful assessments and charges on any City tax roll which remain unpaid on the first day of October may be transferred together with any collection fees or charges which have been added thereto to the delinquent tax rolls to be collected thereon. The City tax roll shall be delivered to the Treasurer on or before the 15th day of June.

Section 11.15. Tax lien on property.

(a) Except as otherwise provided in this Charter, City taxes shall be due on July 1 of each year and on that day the taxes assessed to the owners of personal property shall become a debt due to the City from the persons to whom they are assessed and the amounts assessed on any interest in real property shall become a lien upon said real property for such amounts and for interest charges thereon.

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

Section 11.16. Taxes due notification thereof.

(a) City taxes shall be due on July 1st of each year. The Treasurer shall not be required to call upon the persons named in the City tax roll, nor to make personal demands for the payment of taxes, but he shall:

- (1) Publish between June 15th and July 1st notice of the time when said taxes will be due for collection and penalties for late payment of the same; and
- (2) Mail a bill to each person named in said roll, but in case of multiple ownership of property, only one (1) bill need be mailed.

(b) Failure on the part of the Treasurer to publish said notice or mail such bills shall not invalidate the taxes on said tax roll nor release the person or property assessed from the penalties and fees provided in this chapter in case of late payment or nonpayment of same.

Section 11.17. Collection fees and interest.

All taxes paid on or before September 30th of each year shall be collected by the Treasurer without additional charge. To all taxes, charges and assessments paid after September 30th there shall be added a collection fee of one-half of one percent during the month of October and an additional one-half of one percent per month during each and every month or fraction of a month which shall elapse thereafter before the payment of such taxes, charges or assessments is made, until the last day of November next following that date that such taxes, charges and assessments become due and payable. Upon all City taxes, charges and assessments returned to the County Treasurer upon any delinquent tax roll, a charge of three and one-half (3½) percent shall be added and the same shall be collected by the County Treasurer in like manner as and together with the taxes, charges and assessments so returned. Such collection fees shall belong to the City and shall constitute a charge and shall be a lien against the property to which the taxes themselves apply, collectible in the same manner as taxes to which they are added.

Section 11.18. State, county and school taxes.

For the purpose of assessing and collecting taxes for state, county and school purposes, the City shall be considered the same as a township and all provisions of law relative to the collection of and accounting for such taxes 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.

Section 11.19. Protection of City liens.

The City shall have power, insofar as the exercise thereof shall not conflict with or contravene the provisions of law, to acquire such an interest in any premises within the City by purchase at any tax or other public sale or by direct purchase from the State of Michigan or the owner in fee as may be necessary to assure to the City the collection of its taxes, special assessments or charges which are levied against any lot or parcel of real property or to protect

the lien of the City therefor, and may hold, lease, sell, or exchange the same. Any such procedure exercised by the City to assure the collection of its taxes or the protection of its tax or other liens shall be deemed to be for a public purpose. The Council may adopt any ordinance which may be necessary to make this section effective.

Section 11.20. Disposition of real property.

The Council shall pass an ordinance providing for the care, custody and disposition of real property, or any interest therein, which it shall hereafter acquire by reason of any action taken to protect the City's tax lien thereon. Unless action is taken by the Council as provided and permitted in this section, the owner of any interest therein by fee title, as mortgagee or as vendor or vendee under land contract shall be given the right to purchase the City's interest therein, upon payment to the City of the amount of money which the City has invested therein in the form of unpaid taxes, special assessments and charges, fees, penalties, interest and cost. After the lapse of ninety (90) days after date that the City acquires title to any such property, Council may remove the same from the market by determining that such property is needed for and should be devoted to a public purpose, and naming such purpose, or may sell the same at a price that shall be not less than its market value as determined and certified to Council by the Assessor.

Section 11.21. Failure or refusal to pay personal property tax.

If any person shall neglect or refuse to pay any tax on personal property assessed to him, the Treasurer shall collect the same by seizing the personal property of such person, to an amount sufficient to pay such tax, fees, and charges, whenever the same may be found in the State. No personal property shall be exempt from such seizure. He may sell the property seized, to an amount sufficient to pay the taxes, charges, fees and penalties in accordance with law. The Treasurer may if otherwise unable to collect the tax on such personal property, sue the person to whom it is assessed in accordance with the powers granted to him by statute.

Section 11.22. Collection of delinquent taxes.

All taxes and charges together with fees, penalties and interest on real property on the tax roll remaining uncollected by the Treasurer on the first day of December following the date when the roll was received by him shall be returned to the County Treasurer to the extent and in the same manner and with like effect as provided by law for returns of township treasurers on township and county taxes. Such returns shall include all the additional assessments, taxes, fees, penalties and interest hereinbefore provided, which shall be added to the amount assessed in said tax roll against each property or person. Taxes thus returned shall be collected in the same manner as other taxes returned by the County Treasurer or collected, in accordance with law, and shall be and remain a lien upon the property against which they are assessed until paid.

CHAPTER XII. SPECIAL ASSESSMENTS**Section 12.1. Hazards and nuisances.**

(a) When any lot, building or structure within the City, because of accumulation of refuse or debris, the uncontrolled growing of noxious weeds, or age or dilapidation, or because of any other condition or happening becomes in the opinion of the Mayor, or Council by majority vote, a public hazard or nuisance which is dangerous to the health, safety, or welfare of the inhabitants of the City or those residing or habitually going near such lot, building or structure, the Mayor or Council may, after investigation, give notice by publication and by registered mail addressed to the last known address of the owner or owners of the land upon which such nuisance exists, or to the owner of the building or structure itself, specifying the nature of the nuisance and requiring such owner to abate or remove the nuisance promptly and within a time to be specified by the Mayor or Council which shall be commensurate with the nature of the nuisance. If at the expiration of the time limit in said notice, the owner has not complied [complied] with the requirements thereof, or in any case where the owner of the land or of the building or structure itself is not known, the Mayor or Council may order such hazard or nuisance abated by the proper department or agency of the City, or may do the work by contract or by hire, and the cost of such abatement shall be assessed against the lot, premises, or description of real property upon which such hazard or nuisance is located by special assessment, provided same is permitted under State law.

(b) The Council shall determine what amount or part of each expense shall be charged, and the person, if known, against whom the charge shall be made, and the premises upon which the same shall be levied as a special assessment; and as often as the Council shall deem it expedient, it shall require notice of all of the several amounts so reported and determined to be given by the Clerk either by registered or certified mail sent to their last known address as shown on the assessment roll of the City, or by publication. Such notice shall state the basis of the assessment, the cost thereof and shall give a reasonable time, which shall not be less than thirty (30) days, in which payment shall be made. In all cases where payment is not made within the time limit, the same shall be reported by the Clerk to the Assessor who shall spread such amount against the several persons or descriptions of real property chargeable therewith on the next roll for the collection of City taxes.

Section 12.2. Sidewalks.

The Council may prescribe by ordinance that sidewalks, except crosswalks, shall be built and/or repaired, by the owners of platted land within the City in the public streets adjacent to and abutting upon such lots and premises by giving thirty (30) days' notice that said sidewalk shall be built and/or repaired by certified mail or posting notice on the premises. In case of the failure of any such owner to comply with the provisions of such ordinances, the City may build or repair, or cause to be built or repaired, such sidewalks and assess the cost thereof against such owner and against the land improved thereby in a manner prescribed by the Council by ordinance.

Section 12.3. Boulevard lighting.

The Council shall have the power to assess the cost of installing a boulevard lighting system on any street upon the lands abutting thereupon, provided the property owners of a majority of the frontage on such street or part thereof to be so improved shall petition therefor.

Section 12.4. General power relative to special assessment.

The Council shall have the power to determine the necessity of any local or public improvement with or without a petition therefor and to determine that the whole or any part of the expense thereof shall be defrayed by special assessment upon the property especially benefitted, provided that all special assessments levied shall be in proportion to the benefits derived from the improvement.

Section 12.5. Procedure to be fixed by ordinance.

The Council shall prescribe by ordinance the complete special assessment procedure concerning the initiation of projects, plans and specifications, estimates of costs, notice of hearings, making and confirming assessment rolls, and the correction of errors therein, collection of special assessments, and any other matters concerning the making of improvement by the special assessment method, subject to the provisions of this Charter and State law.

Editor's note—See Code of Ordinances, Chapter 31.

Section 12.6. Objection to improvement.

If, at or prior to final confirmation of any special assessment, more than fifty (50) percent of the number of owners of privately owned real property to be assessed for an improvement, or in case of paving or similar improvements more than fifty (50) percent of the number of owners of frontage to be assessed for any such improvement, shall object in writing to the proposed improvement, the improvement shall not be made by proceedings authorized by this chapter without a five-sevenths vote of the members of the Council elect, or a two-thirds vote of the Council elect, in the event the Council membership is increased as provided for in Section 4.1 of Chapter IV of this Charter, provided that this section shall not apply to sidewalk construction.

Section 12.7. Installment payments of assessment.

The Council may provide for the payment of special assessments in annual installments, not to exceed thirty (30) in number, the first installment being due upon confirmation of the roll and the deferred installments being due annually thereafter or, in the discretion of the Council, may be spread upon and made a part of each annual City tax roll thereafter until all are paid. Interest may be charged upon deferred installments at a rate not to exceed nine (9) percent per year payable annually. Under any installment plan adopted the whole or any deferred installments with accrued interest to date of payment may be paid in advance of the due dates established.

Section 12.8. Additional assessment.

When any special assessment roll shall prove insufficient to meet the cost of the improvement for which it was made, the Council may make an additional pro rata assessment, but the total amount assessed against any one parcel of land shall not exceed the benefits received by said lot or parcel of land.

Section 12.9. Refunds of assessments.

The Clerk shall, within sixty (60) days after the completion of each local or special public improvement, compile the actual cost thereof and certify the same to the Assessor who shall adjust the special assessment roll to correspond therewith. Should the assessment prove larger than necessary by five (5) percent or less, the same shall be reported to the Council which may place the excess in the City Treasury or make a refund thereof pro rata according to the assessment. If the assessment exceeds the amount necessary by more than five (5) percent, or five thousand dollars (\$5,000.00) the entire excess shall be credited to owners of property as shown by the City assessment roll upon which such assessment has been levied, pro rata according to the assessment; provided however, that no refunds of special assessments may be made which impair or contravene the provision of any outstanding obligation or bond secured in whole or part by such special assessments.

Section 12.10. Special assessment accounts.

Except as otherwise provided in this chapter, moneys raised by special assessments to pay the cost of any local improvement, shall be held in a special fund to pay such cost or to repay any money borrowed therefor. Each special assessment account must be used only for the improvement project for which the assessment was levied, except as otherwise provided in this chapter.

Section 12.11. Contested assessments.

Except and unless notice is given to the Council in writing of an intention to contest or enjoin the collection of any special assessment for the construction of any pavement, sewer, or other public improvement, the construction of any sidewalk, or the removal or abatement of any public hazard or nuisance, within thirty (30) days after the date of the meeting of the Council at which it is finally determined to proceed with the making of the improvement in question, which notice shall state the grounds on which the proceedings are to be contested, no suit or action of any kind shall be instituted or maintained for the purpose of contesting or enjoining the collection of such special assessments; and regardless of whether or not any public improvement is completed in any special assessment district, no owner of real property located in such district shall be entitled to commence any suit or action for the purpose of contesting or enjoining the collection of any such special assessment after he has received the benefits from the substantial completion of that portion of such public improvement for which he is assessed.

Section 12.12. Reassessments for benefits.

Whenever the Council shall deem any special assessment invalid or defective for any reason whatever, or if any court of competent jurisdiction shall have adjudged such assessment to be illegal for any reason whatever in whole or in part, the Council shall have power to cause a new assessment to be made for the same purpose for which the former assessment was made, whether the improvement or any part thereof has been completed or not and whether any part of the assessment has been collected or not. All proceedings on such reassessment and for the collection thereof shall be made in the same manner as provided for in an original assessment. If any portion of the original assessment shall have been collected and not refunded, it shall be applied upon the reassessment and the reassessment shall to that extent be deemed satisfied. If more than the amount reassessed shall have been collected, the balance shall be refunded to the persons making such payment.

Section 12.13. Delinquent special assessments.

Special assessments and all interest and charges thereon, from the date of confirmation of the roll, shall be and remain a lien upon the property assessed of the same character and effect as the lien created by general law for State and County taxes, and by this Charter for City taxes, until paid. From such date and after confirmation as shall be fixed by the Council, the same collection fees shall be collected on delinquent special assessments and upon delinquent installments of special assessment beginning on the following October 1st of each year, as provided by this Charter to be collected on delinquent City taxes. Such delinquent special assessments shall be subject to the same penalties and the land upon which the same are a lien shall be subject to sale therefor, the same as are delinquent City taxes and the lands upon which they constitute a lien.

Section 12.14. Lien not destroyed by judgment.

No judgment or decree, or 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 the assessment as may be equitably charged against the same, or as by a regular vote or proceeding might have been lawfully assessed thereon.

Section 12.15. Special assessments: hearings and notice thereof.

In all cases where special assessments are made against property, public hearings shall be held prior to the determination of necessity of any local improvement and prior to the confirmation of any special assessment. Notice of hearings in special assessment proceedings shall be given in accordance with the provisions of Act 162, of the Public Acts of 1962, as amended.

CHAPTER XIII. CONTRACTS**Section 13.1. Limitation.**

The City may contract for the performance of any public work or may perform the same itself through its departments, officers and employees; provided, however, that it shall not

itself make any new public improvements exceeding an estimated five thousand dollars (\$5,000.00) until it has first advertised for sealed proposals therefor in a paper of circulation within the City. The City shall have the right to reject any or all such proposals.

Section 13.2. Material purchases.

No contract shall be entered into by the City for the purchase of any material, tools, apparatus or any other thing or things, the consideration or cost of which shall exceed seven hundred fifty dollars (\$750.00) until after an opportunity for competitive bidding; and until it has first advertised for sealed proposals in a paper of circulation within the City. The City shall have the right to reject any or all such proposals.

Section 13.3. Specifications.

No public improvement costing more than one thousand dollars (\$1,000.00) shall be contracted for or commenced until drawings, profiles and estimates for the same shall have been submitted to the Council and approved by it and a copy thereof shall thereafter remain on file in the office of the Clerk subject to inspection by the public.

Section 13.4. Approval of contract: review: appropriation.

(a) No contract shall be entered into by the City for the making of any public improvement or for the purchase of any materials, tools, apparatus, or any other thing or things, the consideration or cost of which shall exceed one thousand dollars (\$1,000.00) until the same shall have been approved by a majority of the Council elect. All contracts prior to submission to the Council shall be reviewed by the Mayor. No contract for public improvements shall be entered into unless accompanied by a performance and material bond in the amount of the contract. (Amended by electors on February 22, 2000)

(b) No contract shall be made with any person who is in default to the City.

(c) No public work or improvement shall be commenced, nor any contract therefor be let or made, until a valid specific appropriation to pay the cost thereof shall have been made by the Council from funds on hand and legally available for such purpose, or until a tax or assessment shall have been levied or bonds authorized and sold to pay the cost and expense thereof.

(d) City employees and equipment shall be limited to working on City projects.

CHAPTER XIV. STREETS, SEWERS AND DRAINS

Section 14.1. Authority for streets.

The Council shall have authority to lay out, open, widen, extend, straighten, alter, and improve streets and alleys by grading, graveling, surfacing, curbing, paving, draining, repairing, repaving, illuminating, maintaining the same free from dust and nuisance, or otherwise.

Section 14.2. Closing; vacation.

The Council shall have power to close and/or vacate any street or alley, or any part thereof, provided, that it shall not have power to vacate or alter any state or county highway. When the Council shall deem it advisable to vacate any street or alley or any part thereof, it shall, by resolution, so declare and in the same resolution shall appoint a time, not less than thirty (30) days, thereafter, when it shall meet and hear objections thereto. Notice of such meeting with a copy of said resolution shall be published two (2) successive weeks before the appointed time for such meetings, in the official newspaper of the City and posted in not less than three (3) public places on the street, alley or part thereof proposed to be vacated or abolished.

Section 14.3. Establishing grade.

The Council shall have authority to establish and alter the grade of public streets and alleys within the jurisdiction of the City. Whenever a grade shall be established or altered a record and diagram thereof shall be kept on file in the Office of the Clerk.

Section 14.4. Name changes; hearing; notice.

The Council shall have power to change the name of any street, but before doing so shall set a date for hearing any objection thereto and shall give notice thereof by publication in the official newspaper of the City at least once not less than fifteen (15) days prior to such hearing, and by posting such notice at least fifteen (15) days prior to such hearing in three (3) public places on said street.

Section 14.5. Regulations for planting trees and shrubbery.

The Council may provide for and regulate the planting of shade and ornamental trees, and shrubbery in the streets and public highways of the City and may provide for the care and maintenance thereof. It shall have power to prohibit the maintenance of diseased trees and shrubbery on private premises and if the same will be liable to infect trees and shrubbery on public property or on the property of others, the Council may cause entrance upon private premises and destroy such diseased trees and shrubbery if the owner shall fail to do so after fifteen (15) days notice served upon him or posted on the premises, and charge the property or the owner thereof in the discretion of the Council.

Section 14.6. Removal of sidewalk obstructions.

The Council may by ordinance require abutting property owners to remove snow, ice, filth and other obstruction from the sidewalks adjacent to their respective property and in the event of the failure of any person to do so, such ordinance may provide that the City may perform such work and charge the cost thereof to such property owner, and to assess him and his property therefor as in this Charter provided.

Section 14.7. Authority for drains and sewers.

The Council may acquire, maintain, operate, improve, enlarge and/or extend, either within or without the City, drains, sewers and facilities for the collection and treatment of storm water and/or sanitary sewage. The Council may contract with any other governmental unit or units for sewage and drainage facilities for the treatment of sewage.

Section 14.8. Council, authority for tap-in.

The owners or occupants of lots and premises shall have the right to connect their home or lot by means of private drains with the City sewers and drains after payment of the required connection and/or tap-in fees and under such rules and regulations as the Council shall prescribe.

Section 14.9. Council, authority for public health.

Whenever the Council shall deem it necessary for the public health, it may require the owners and occupants of lots and premises to construct private drains therefrom to connect with some public sewer or drain, for the disposal of sewage and/or surface water from such lots and premises, and to keep such private drains in repair and free from obstruction.

Section 14.10. Council, authority for charges.

The City may fix and collect charges for such disposal services, tap-in fees and connection fees, the proceeds of which shall be exclusively used for the purpose of the sewage disposal system.

CHAPTER XV. MUNICIPAL UTILITIES**Section 15.1. General powers respecting utilities.**

The City shall possess and hereby reserves to itself all the powers granted to cities by statute and constitution to acquire, construct, own, operate, improve, enlarge, extend, repair and maintain, either within or without its corporate limits, including, but not by the way of limitation, public utilities for supplying water, light, heat, power, gas, sewage system and garbage facilities, or any of them, to the municipality and the inhabitants thereof; and also to sell and deliver water, light, heat, power, gas and other public utility services without its corporate limits to an amount not to exceed the limitations set by statute and constitution.

Section 15.2. Management of public utilities.

All municipally owned or operated utilities shall be administered as a division of the Department of Public Works and Services under the management and supervision of the head or director of the City Department of Public Works and Services and all functions, powers, duties, records and files of the present water and sewer commission established by the ordinances of Romulus Township shall be transferred to this department.

There shall be no water or sewer commission as now provided in the present Romulus Township Ordinances.

Section 15.3. Rates.

The Council shall have the power to fix from time to time such just and reasonable rates and other charges as may be deemed advisable for supplying the inhabitants of the City and others with such public services as the City may provide. No free service shall be permitted. Higher rates may be charged for service outside the corporate limits of the City.

Section 15.4. Utility rates and charges—Collection.

(a) The Council shall provide by ordinance for the collection of all public utility rates and charges of the City. Such ordinance shall provide at least:

- (1) The terms and conditions under which utility services may be discontinued in case of delinquency in paying such rates or charges.
- (2) That suit may be instituted by the City before a competent tribunal for the collection of such rates and charges.

(b) With respect to the collection of rates charged for water, the City shall have all the powers granted to cities by Act 178 of the Public Acts of 1939.

Section 15.5. Disposal of utility plants and property.

Unless approved by the affirmative vote of three-fifths of the electors voting thereon at a regular or special election, the City shall not sell, exchange, lease or in any way dispose of any property, easements, equipments, privileges or assets belonging to and appertaining to any municipality owned public utility which is needed to continue operating such utility. All contracts, negotiations, licenses, grants, leases or other forms of transfer in violation of this section shall be void and no effect as against the City. The restrictions of this section shall not apply to the sale or exchange of any articles of machinery or equipment of any City owned public utility which are worn out or useless or which have been or could with advantage to the service, be replaced by new and improved machinery or equipment, to the leasing of property not necessary for the operation of the utility, or to the exchange of property or easements for other needed property not necessary for the operation of the utility, or to the exchange of property or easements for other needed property or easements. It is provided, however, that the provisions of this section shall not extend to vacation or abandonment of streets or alleys as provided by statute.

Section 15.6. Utility finances.

(a) The rates and charges for any municipal public utility including for the furnishing of water, sewer, light, heat, power or gas shall be so fixed as to meet the costs of such utility.

(b) Transactions pertaining to the ownership and operation by the City of each public utility shall be recorded in a separate group of accounts under an appropriate fund caption, which accounts shall be classified in accordance with generally accepted utility accounting practice. Charges for all service furnished to, or rendered by, other City departments or agencies shall be recorded. An annual report shall be prepared to show the financial position of each utility and the result of its operation, which report shall be available for inspection at the office of the Clerk.

CHAPTER XVI. PRIVATELY OWNED UTILITIES

Section 16.1. Franchise required.

No person, partnership, association or corporation operating a public utility shall have the right to the use of the highways, streets, alleys or other public places of the City for wires, poles, pipes, tracks or conduits without the consent of the Council; nor may it conduct a local business in the City without first obtaining a franchise therefor from the City.

Section 16.2. Regulatory powers.

(a) The City shall have the right (a) to regulate public utilities, (b) to regulate the location of poles and other facilities used by public utilities, and (c) to require that wire in streets and alleys be placed underground.

(b) The City shall have the right to permit and regulate the use by others than the owners, of property located in the streets, alleys and public places, in the operation of a public utility, upon the payment of a reasonable compensation to the owners thereof.

Section 16.3. Permit revocable.

The Council may grant a permit at any time in or upon any street, alley or public place; provided, that such permit shall be revocable by the Council at its pleasure at any time, whether such right to revoke be expressly reserved in said permit or not.

Section 16.4. Franchise elections.

No public utility franchise which is not revocable at the will of the City shall be granted unless the same shall have received the affirmative vote of three-fifths of the electors of the City voting thereon at a regular or special municipal election. No franchise shall be submitted under the provisions of this Charter, to the electors at a special election, unless the cost of holding the election, as determined by the Council, shall be paid to the Treasurer in advance of calling said election by the grantee in such franchise.

Section 16.5. Franchise term.

No franchise shall be granted by the City for a longer period than thirty (30) years. No exclusive franchise shall ever be granted to any person, firm or corporation.

Section 16.6. Further regulatory powers.

The grant of every franchise shall be subject to the right of the City whether in terms reserved or not, to make all regulations which shall be necessary to secure in the most ample manner the safety, welfare and accommodation of the public, and the right to make and enforce all such regulations as shall be reasonably necessary to secure adequate, sufficient and proper service, extensions and accommodations for the people and insure their comfort and convenience. Such right of the City shall include but shall not be limited to the following viz:

- (a) To repeal the same for misuse, or nonuse, or for failure to comply with the provisions thereof;
- (b) To require continuous and uninterrupted service to the public in accordance with the terms of the franchise throughout the entire period thereof;
- (c) To require the public utility to which any franchise is granted to permit joint use of its property and appurtenance located in the streets, alleys and public places of the City, by the City and other utilities, insofar as such joint use may be reasonably practicable and upon payment of reasonable rental therefor; provided, that in the event of the inability of the parties to agree, upon application by either party, the Council shall provide for arbitration of the terms and conditions of such joint use and the compensation to be paid therefor;
- (d) To pay such part of the cost of improvement or maintenance of the streets, alleys, bridges, and public places of the City, as shall arise from its use thereof and to protect and save the City harmless from all damages arising from said use.

Section 16.7. Franchise conveyed by ordinance.

All contracts, granting or giving any original franchise, or extending or renewing or amending any existing franchise, shall be made by ordinance and not otherwise. Every such ordinance granting a franchise shall be accepted in writing by the grantee before said ordinance takes effect, and if it is to be submitted to the electors, it shall be so accepted before its submission. Such acceptance shall be filed with the Clerk. Any noncompliance with this section shall automatically annul such franchise.

Section 16.8. Ordinance regulation.

The Council may by ordinance provide for efficient inspection and regulation of all public utilities operated in the City. It is the intention of this section to provide means for securing to the City efficient service from all public utilities operated in the City and the proper observance of the conditions imposed by franchise, the Charter and ordinances of the City and laws of the State.

Section 16.9. Repeal and termination of franchise[;] acquisition of utility property.

All ordinances granting franchises, or extensions or renewals thereof, shall reserve to the City the right to terminate the same and to purchase all the property of the utility in the

streets and highways in the City and elsewhere, used in or useful for the operation of the utility, at a price either fixed by the ordinance or to be fixed in the manner provided by the ordinance granting the same. Nothing in such ordinance shall prevent the City from acquiring the property of any such utility by condemnation proceedings or in any other lawful manner; but all such methods of acquisition shall be alternative to the power to purchase reserved in the ordinance granting such franchise, extension or renewal as hereinbefore provided. Upon the acquisition by the City of the property of any utility by purchase, condemnation or otherwise, all franchises, extensions and renewals shall at once terminate.

Section 16.10. Franchise ordinance requirement.

No ordinance granting such franchise, or extension or renewal thereof, shall be valid unless it shall expressly provide therein that the price to be paid by the City for the property that may be acquired by it from such utility by purchase, condemnation or otherwise, shall exclude all value of such franchise, extension or renewal, except that unless otherwise provided in such ordinance, the utility shall be entitled to the return of the proportionate amount for the unused period of any compensation paid to the City for such franchise, extension or renewal.

Section 16.11. Township franchise.

All franchises to which the Township of Romulus is a party when this Charter becomes effective shall remain in full force and effect in accordance with their respective terms and conditions.

CHAPTER XVII. SCHEDULE

Section 17.1. Status of schedule chapter.

The purpose of this chapter is to inaugurate the government of the City of Romulus under this Charter, and it shall constitute part of this Charter only to the extent of the time necessary to accomplish this purpose.

Section 17.2. Submission of Charter.

This Charter shall be submitted to the electors of the territory constituting the City of Romulus for their approval or rejection at an election to be held on the 7th day of May, 1970, and if approved shall become effective at 8 o'clock p.m. on the 25th Day of May, 1970.

Section 17.3. Form of ballot.

(a) The form of the ballot for the submission of this Charter shall be as follows: Instruction: A cross (x) in the square after the word "YES" is in favor of the proposed Charter and a cross (x) in the square after the word "NO" is against the proposed Charter.

(b) The question to be presented shall be as follows:

Shall the proposed Charter for the City of Romulus as drafted by the Charter Commission dated November 5th, 1968, be adopted?

YES _____

NO _____

Section 17.4. First election of officers.

(a) At the election to adopt or reject this Charter the elective officers of the City under this Charter, consisting of a Mayor, a Clerk, a Treasurer and seven (7) Councilmen, shall be elected on a non-partisan basis.

(b) The final date and hour for filing nominating petitions shall be April 3, 1970 at 4 o'clock p.m., Eastern Standard Time, and notice of same shall be published in the official newspaper of the Township of Romulus by the Secretary of the Commission on March 11, 1970, and March 18, 1970.

(c) Each nominating petition shall bear the signatures of not less than fifty (50) nor more than seventy-five (75) of the registered electors of the Township of Romulus, shall be filed with the Township Clerk and shall in all other particulars conform to the standards provided in Chapter VIII of this Charter.

(d) The Romulus Township Board of Canvassers shall act as the Board of Canvassers of the election to be held in accordance with this chapter.

(e) The last day for registration of voters for the election to be held in accordance with this chapter shall be March 28, 1970.

Section 17.5. Publication of proposed Charter; notices.

The Secretary of the Charter Commission shall cause to be published the proposed Charter and all notices of registration, filing of nominating petitions and notice of election in the manner provided by law or this Charter.

Section 17.6. Duties of the Charter Commission.

In addition to the preparation of the foregoing provisions of this Charter, the Charter Commission shall do and provide all other things necessary for making nominations of the first City officers and holding the election on such Charter and for such officers.

RESOLUTION OF ADOPTION

The following Resolution was offered by Commissioner Mickie Lopota:

RESOLVED, that the Romulus Charter Commission does hereby adopt the foregoing proposed Charter for the City of Romulus and the Secretary of this Commission is directed to

transmit a copy of this Charter to the Governor of the State of Michigan for his approval in accordance with statute and to cause this proposed Charter to be published in accordance with law.

Resolution supported by Commissioner William M. Oakley and adopted by the following vote:

AYE: M. Lopota, J. Foley, W. Oakley, A. Perry, C. Dick, F. Rogalle.

NAY: T. Troutt, J. Tryon, A. Dittmar.

The Chairman declared the foregoing resolution carried and requested the acting secretary to prepare said resolution for authentication by the Commission. The meeting thereupon was adjourned subject to call by the Chairman.

At a special meeting of the Romulus Charter Commission held on April 9, 1970 in the Romulus Township Water Commission building, the Chairman requested the Charter Commission to authenticate the Resolution adopting the foregoing Charter and also the copy of the Charter to be presented to the governor. All of the Commissioners present thereupon authenticated the Resolution and Charter to be presented to the Governor by subscribing their names as follows:

/s/ _____
Felix F. Rogalle, Chairman

/s/ _____
Charles J. Dick, Vice Chairman

/s/ _____
Arthur H. Dittmar, Sr., Secretary

/s/ _____
Alfred J. Perry

/s/ _____
William M. Oakley

/s/ _____
Terry L. Troutt

/s/ _____
James P. Foley

/s/ _____
Mickie Lopota

/s/ _____
Jesse L. Tryon

I, Arthur H. Dittmar, Sr., Secretary of the Charter Commission elected to frame a Charter for the City of Romulus, Michigan, do hereby certify that the foregoing Charter was duly adopted by said Charter Commission at a session thereof held on the 9th day of April, 1970.

/s/ _____
Arthur H. Dittmar, Sr.
Secretary of Charter Commission

I, Arthur H. Dittmar, Sr., Secretary of the Charter Commission elected to frame a Charter for the City of Romulus, Michigan, do hereby certify that the foregoing Charter was duly adopted by said Charter Commission at a session thereof held on the 9th day of April 1970, and do further certify that the signatures authenticating the Resolution of Adoption and Charter presented to the Governor are the genuine signatures of those individuals whose names purport to be signed and they constitute all of the duly elected, qualified and acting members of the Charter Commission elected to frame a Charter for the City of Romulus, Michigan.

/s/ _____
Arthur H. Dittmar, Sr.
Secretary of Charter Commission

Dear Mr. Rogalle:

Notice is hereby given of my approval of the submission of the Proposed Charter for the City of Romulus to the vote of the people.

Sincerely,
/s/ _____
William G. Milliken
Governor