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**CHARTER OF THE VILLAGE OF EDWARDSBURG,
CASS COUNTY, STATE OF MICHIGAN**

PREAMBLE

To the end that the people of the Village of Edwardsburg may enjoy to the fullest extent the advantages and benefits of local self government as authorized by the Constitution of the State of Michigan, and Public Act 178 of 1909, as amended, hereby revise and amend the existing charter by ordaining and establishing this home rule charter for the Village of Edwardsburg.

Chapter 1

NAME AND BOUNDARIES:

Section 1

NAME:

The name of the Village shall be the Village of Edwardsburg.

BOUNDARIES:

It shall include within its limits the following territories described as follows:

In town eight (8) South, Range fifteen (15) West, in the County of Cass and State of Michigan, beginning at a point on the quarter section line eighty (80) rods East of the center of Section six (6); thence South 320 rods, to a point on the quarter section line eighty (80) rods East of the center of Section seven (7); thence east 320 rods, along said quarter line, to a point eight (80) rods East of the center of section eight (8); thence North 320 rods, on the quarter section line (80) rods East of the center of Section five (5); thence West 320 rods, along said quarter line, to place of beginning.

Also:

A tract of land approximately 81.3 acres, subject to all legal right-of-way for public highways, located in the South $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of Section 5 and Northeast $\frac{1}{4}$ of Section 8, all being in Township 8 South, Range 15 West, Ontwa Township, Cass County, State of Michigan and more particularly described as follows:

Beginning at a concrete fence post monumenting the Southeast corner of said Section 5 and the Northeast corner of said Section 8; thence West along the South line of said Section 5, a distance of 318.27 feet; thence North 0⁰' East parallel with the East line of said Section 5, a distance of approximately 615 feet to a point on the centerline of U.S. Highway 12; thence Northwesterly along the centerline of said U.S. Highway 12 to then West line of East $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of said Section 5; thence continuing Northwesterly along the centerline of said U.S. Highway 12 and the East boundary line of the Village of Edwardsburg, Michigan, said East boundary line being approximately 1466 feet West of, and parallel to, the East line of said Section 5; thence South along said East boundary line a distance of approximately 2755 feet; thence East a distance of approximately 828 feet; thence South a distance of 240.9 feet; thence East a distance of 612.72 feet to a point on the East line of said Section 8 which is 710.82 feet North of the Southeast corner of the Northeast $\frac{1}{4}$ of said Section 8; thence North along said Eastline of said Section 8, a distance of 1931.82 feet to the point of beginning; with such territory as may, from time to time, be detached therefrom in accordance with the statutes pertaining thereto.

Chapter 2

Municipal Powers

GENERAL POWERS

Section 2.1

Unless otherwise provided or limited in this chapter, The Village and its Officers shall possess and be vested with any and all powers, privileges, and immunities, expressed or implied, which Villages and their Officers are, or hereafter may be permitted to exercise or to provide for in their charters under statute and Constitution, including all powers, privileges and immunities which Villages are, or may be, permitted to provide in their charters under the Constitution and Statute, including all powers, privileges and immunities granted to Villages and their Officers by Public Act 3 of 1895, and including all powers, privileges, and immunities which Villages are, or may be, permitted to provide in their Charters by public Act 278 of 1909 as amended, as fully and completely as though powers, privileges, and immunities were specifically enumerated and provided for in this chapter, and in no case shall any enumeration of particular powers, privileges, or immunities herein be held to be exclusive.

The Village and its Officers shall have power to exercise all Municipal powers in the management and control of Municipal property and in the administration of the Municipal government, whether such powers be herein expressly enumerated or not; to do any act to advance the interest of the Village, the good government and prosperity of the Municipality and its inhabitants; to make all laws which shall be necessary and proper for carrying into the foregoing powers and all other powers vested by the institution in Villages, except where forbidden, or where the subject is covered by a General Law.

OTHER DEFINITIONS OF POWER:

Section 2.2

In addition to the powers possessed by the Village under the Constitution and Statutes of the State of Michigan, and those set forth throughout this Charter, the Village shall have power with respect to and may, by Ordinance and other lawful acts of its Officers, provide for the following, subject to any specific limitations placed thereon by this Charter:

- a. The regulation of trade, occupations and amusements within its boundaries, including the sale of intoxicating liquors and the number of licenses to be issued therefore, and for the prohibition of such trades, occupations, and amusements as are detrimental to the health, morals, or welfare of its inhabitants;
- b. The establishment and vacation of streets, alleys, and public ways and other public places and the use, regulation, improvement and control of the surfaces of such streets, alleys, public ways, and other public places, and of the space above and beneath them;
- c. The acquisition by purchase, gift, condemnation, lease, construction, or in any manner permitted by statute, or private property of every type and nature for public use which property may be located within or without the County of Cass which may be required for or incidental to the present or future exercise of the purposes, powers and duties of the Village, either proprietary or otherwise; for the maintenance, development, operation, leasing, and disposal of Village property subject to any restrictions placed thereon by statute or this Charter; provided, specifically, that if it shall become necessary to take any appropriate private property for the public uses or purposes

specified in the Section, the right to occupy and hold the same, and the ownership therein and thereto, may be acquired by the Village in the manner, and with like effect as provided by the General Laws of this State relating to the taking of private property for public use in cities and Villages including Chapter XIII of Public Act 3 of 1895;

- d. The selling and delivering of water, heat, power, and light without its corporate limits to an amount not to exceed that permitted by statute and the Constitution;
- e. The use, by others than the owner, of property located in streets, alleys, and public places, in the operation of a public utility, upon the payment of a reasonable compensation to the owners thereof;
- f. A plan of streets, alleys, and street lighting within its limits;
- g. The use control and regulation of streams, water, and water courses within its boundaries;
- h. The enforcement of all such local, police, sanitary, and other regulations as are not in conflict with the General Law;
- i. The maintenance, development, operation, leasing, and disposal of Village property subject to any restriction placed thereon by statute or this Charter;
- j. The acquiring, establishment, operation, extension, and maintenance of facilities for storage and parking of vehicles within its corporate limits, including the fixing and collection of charges for service and use thereof on a public utility basis, and for such purpose to acquire by gift, purchase, condemnation or otherwise, the land necessary therefor;
- k. The establishing of districts or zones within which the use of land and structures, the height, the area, the size, and location of buildings and required open spaces for light and ventilation of such buildings, and the density of population may be regulated by Ordinance with statutory provisions governing zoning;
- l. Licensing, regulating, restricting and limiting the number and locations of advertising signs or displays and billboards within the Village;
- m. The preventing of injury or annoyance to the inhabitants of the Village from anything which is dangerous, offensive, or unhealthful, and for the preventing and abating of nuisances, and punishing those occasioning them, neglecting or refusing to abate, discontinue, or remove the same;
- n. The requiring, as a condition of approving plats of land or premises hereafter laid out, divided, or platted into streets and alleys within the Village, that all streets shown on said plat be graded and hard surfaced or otherwise better improved, that all ditches, drain, and culverts necessary to make such streets usable be constructed in the proper places, all in accordance with Village specifications. The Council may accept a bond with two (2) sureties or a surety company bond conditioned upon the installation of such foregoing improvements as it requires within such time as it determines;
- o. The regulating and control for the collection and disposal thereof of garbage and rubbish within its boundaries;
- p. The requiring of an owner of real property within the Village to maintain sidewalks abutting upon such property, and if the owner fails to comply with such requirements or if the owner is unknown, to construct and maintain such sidewalks and assess the cost thereof against the abutting property in accordance with Section 11.9;
- q. The requiring of an owner of real property within the Village to abate public hazards and nuisances which are dangerous to the health or safety of inhabitants of the Village within

the reasonable time after the Council notifies him that such hazard or nuisance exists, and if the owner fails to comply with such requirements, or if the owner is unknown, to abate such hazard or nuisance, and assess the cost thereof against such property in accordance with Section 11.9;

- r. The compelling of owners of real property within the Village to keep sidewalks abutting upon their property clear from snow, ice, or other obstructions, and if the owner fails to comply with such requirements, to remove such snow, ice, other obstructions assess the cost thereof against the abutting property in accordance with Section 11.9;
- s. The control over all trees, shrubs, and plants in the public streets, highways, parks, or other public places in the Village, all dead and diseased trees on private property and trees on private property overhanging the streets, sidewalks, or public places, and the removal thereof.

FURTHER DEFINITION OF POWER:

Section 2.3

In accordance with the authority granted in Section 25 of Public Act 278 of 1909, the following sections of Public Act 3 of 1895, which is a statute of Michigan which relates to the powers of government of Villages, generally, are hereby adopted as part of this Charter by the following reference thereto, but the Village shall not be subject to any limitations or restrictions of said act except as provided in this Charter, and this restriction of powers shall not be held to be exclusive:

- a. Section 1 of Chapter VII (67.2 C. L. 1948) which section lists certain specific powers of Villages and their Councils;
- b. Section 2 of Chapter VII (67.2 C. L. 1948) which section grants the Council authority with regard to the issuance of licenses;
- c. Section 3 of Chapter VII (67.3 C. L. 1948) which section gives the Council authority to provide and maintain animal pounds;

INTERGOVERNMENTAL CONTRACTS:

Section 2.4

The Village shall have power to join with any governmental unit or agency or with any number of combinations thereof, by contract or otherwise as may be permitted by law, to have performed

- a. jointly or;
- b. by one or more of them for or on behalf of the other or others or;
- c. by any other person, firm, or corporation;

any function which is permitted to be so performed by law by such governmental unit or agency.

Chapter 3

ELECTIONS

ELECTION DISTRICTS:

VOTING PRECINCTS

Section 3.1

The Village shall constitute one election district and one voting precinct, except that the Council may by Ordinance establish additional precincts not in excess of the minimum number required by law. The Council shall fix the location of the polling places.

QUALIFICATIONS OF ELECTORS:

Section 3.2

The residents of the Village having the qualifications of electors in the State of Michigan shall be electors of the Village.

ELECTION PROCEDURES:

Section 3.3

The election of all Village Officers shall be on a nonpartisan basis. The general election statutes shall apply to and control, as near as may be, all procedures relating to registration and election except as such statutes relate to political parties or partisan procedure and except as otherwise provided in this Charter.

ELECTION DATES:

Section 3.4

A regular Village election shall be held on the second Monday in March in each even-numbered year.

ELECTIVE OFFICERS AND TERMS OF OFFICE:

Section 3.5

The elective Officers of the Village are a Council of seven members, elected for four-year terms commencing on April 1. At each two-year election, either three or four Trustees will be elected to fill vacancies created by the expiration of Trustees' terms.

SPECIAL ELECTIONS:

Section 3.6

Special elections may, subject to the laws of the State, be held at such times as the Council may by resolution determine, the purpose and object of which shall be set forth in the resolution calling such election.

NOTICE OF ELECTIONS:

Section 3.7

Notice of the time and place of holding any Village election and of the Officers to be elected and the questions and propositions to be voted upon shall be given by the Clerk by posting such notice not less than fourteen (14) days prior to such election in three (3) public places in the Village, and publishing in newspaper printed in the State and circulated in the Village.

NOMINATIONS:

Section 3.8

The method of nomination of the elective officers shall be by petition signed by not less than fifteen (15) nor more than twenty-five (25) qualified electors of the Village. No person shall sign his name to a greater number of petitions for office than there will be persons elected to said office at said election. Where the signature of any individual appears on more petitions than he is so permitted to sign, such signatures shall be counted only to the extent he is so permitted to sign in the order of the respective dates of filing the petitions containing such signatures.

Nomination petitions shall be filed with the Clerk no later than 4:00 p.m. on the ninth (9) Tuesday preceding such election. The Clerk shall publish notice of the last day so permitted for filing petitions as least one week before and not more than three weeks before such last day.

The form of petition shall be substantially as that designated by the Secretary of State for the nomination of non-partisan judicial officers. A supply of official petition forms may be obtained from the Clerk.

APPROVAL OF PETITIONS:

Section 3.9

The Clerk shall accept only nomination petitions which comply with the forms provided for in MCLA 168.544c; MSA 6.1544 (3), and which contain the required number of valid signatures for candidates having those qualifications required for the filing of a petition. The Clerk shall notify in writing any candidate whose petition is filed by persons other than the person whose name appears thereon as a candidate, and may accept such petition only when accompanied by the written consent of the candidate. The Clerk shall, forthwith after the filing of a petition, notify in writing any candidate whose petition is then known not to meet the requirements of this section, but the failure to so notify any candidate shall in no way prevent a final determination that the petition does not meet such requirements.

Within three days after the last date for filing petitions, the Clerk shall make his final determination as to the validity and sufficiency of each nomination petition and whether or not the candidate has the qualifications required for his respective elective Village office by this Charter and shall write his determination thereof on the face of the petition. The Clerk shall immediately notify in writing the candidate whose name appears thereon of his determination. Such notice to any candidate whose petition is found invalid or insufficient shall be delivered by personal messenger if possible. Any candidate whose petition is so found invalid or insufficient shall be allowed to file supplementary or replacement petitions before 4 o'clock in the afternoon on the fifth day after the last date for filing original petition; thereafter no further petitions may be filed.

The names of the candidates for the respective elective Village offices who file valid and sufficient nomination petitions shall be certified by the Clerk to the Election Commission to be placed upon the ballot for the next subsequent regular Village election or the next special election for the filling of vacancies in office, as the case may be.

the event that the number of such petition filed for any election does not equal the number of offices to be filled, the Council shall, by resolution and with the written consent of such persons, nominate such additional qualified persons as may be necessary to make the number of candidates equal to the number of offices to be filled. Such resolution shall be passed within ten days after the last day for filing original petitions.

ELECTION COMMISSION:

Section 3.10

The election commission shall consist of the Clerk, the Treasurer, and one Councilman appointed by the President. The Clerk shall be Chairman.

ELECTION INSPECTORS:

Section 3.11

The Election Commission before each election shall appoint for each precinct of the Village, a board of inspectors of election consisting of not less than three qualified electors, and shall fix their compensation.

VOTING HOURS:

Section 3.12

The polls of all elections shall be opened and closed at the time prescribed by statute for the opening and closing of polls at state elections.

FORM OF BALLOT:

Section 3.13

The form, printing and numbering of ballots in all Village elections shall conform as nearly as may be to that prescribed by Statute, except that no party designation or emblem shall appear. In all elections, the names of qualified candidates shall be rotated systematically in the manner prescribed by Statute for rotation of names.

BOARD OF CANVASSERS:

Section 3.14

The County Board of Canvassers shall be the Board of Canvassers to canvass the votes at Village elections, pursuant to 1954 PA 116, Section 24a: MCLA 168.24; MSA 6.1024(1) and 1954 PA 116, Section 826; MCLA 168.826; MSA 6.1826.

CANVASS OF VOTES:

Section 3.15

Immediately upon the closing of the polls, the board of election inspectors shall count the ballots and ascertain the number of votes cast for each candidate and upon each of the matters voted upon, and make a return thereof to the Village Clerk. The Board of Canvassers shall canvass the results of said elections, and shall determine whether questions and propositions voted upon have been adopted or rejected and what persons have been elected to the several offices respectively and shall notify the Village Clerk of their determinations. The Village Clerk shall notify the successful candidates of their election.

RECOUNT:

Section 3.16

A recount of the votes cast at any election for any Village Office or any matter may be had in accordance with election statutes.

RECALL:

Section 3.17

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

Chapter 4

ORGANIZATION OF GOVERNMENT

THE COUNCIL:

Section 4.1

- A. There shall be a Council of seven members, one of whom shall serve as President. The Council shall constitute the legislative and governing body of the Village. It shall have power and authority, except as otherwise provided in this Charter or by Statute, to exercise all powers conferred upon or possessed by the Village, and shall have the power and authority to adopt such laws, ordinances, and resolutions as it shall deem proper in the exercise thereof. In all cases where the word "Council" is used in this Charter, the same shall be synonymous with any other term used in any statute or Federal law in referring to Municipal Legislative or Governing bodies.
- B. At the first regular meeting following the regular Village election, the Council shall elect one of its members to serve as President, and one of its members as President Pro-Tem, each of whom shall have served a term of at least two years as trustee, for a term expiring at the second meeting following the next regular Village election.

In the event of absence or disability of the President, the President Pro-Tem shall serve as acting President during such absence or disability.

In the event of absence or disability of both President and President Pro-Tem, the trustee having the most years of service shall serve as acting President during such absence or disability.

DUTIES OF THE PRESIDENT:

Section 4.2

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

He shall be conservator of the peace, and may exercise within the Village the powers conferred upon Sheriffs to suppress disorder, and shall have authority to command the assistance of all able-bodied citizens to aid in the enforcement of the ordinances of the Council, and to suppress riot and disorderly conduct.

He shall execute or authenticate by his signature such instruments as the Council, this Charter, or any Statute or Laws of the United States shall require. He shall carry out the policies formulated by the Council. He is charged with the responsibility of supervision and management of all the services of the Village. He shall make the reports to the Council required by this Charter and such others as may be required of him by ordinance or by resolution of the Council.

shall prepare an annual budget and present the same to the Council by the third Monday of January each year.

The President shall have the authority at all times to examine and inspect the books, records, and papers of any agent, employee, or officer of the corporation and shall perform generally all duties as are or may be prescribed by the ordinances of the Village.

COMPENSATION OF PRESIDENT AND COUNCILMEN:

Section 4.3

The President shall receive as remuneration for his services to the Village the sum of Two Thousand Dollars (\$2,000.00) per year. Each Councilman shall receive as remuneration for his serves to the Village, the sum of Three Hundred Dollars (\$300.00) per year. Such salaries shall constitute the only compensation which may be paid for the discharge of any official duty on behalf of the Village during their tenure of office. The President and Councilmen may, however, upon order of the Council, be paid such necessary bona fide expenses incurred in service in behalf of the Village as are authorized and itemized.

ADMINISTRATIVE SERVICE:

Section 4.4

The administrative officers of the Village shall be the Clerk, Assessor, and Treasurer, and such additional administrative officers as may be created by ordinance or resolution. The Council may combine any administrative offices in any manner it deems necessary or advisable for the proper and efficient operation of the Village, except that the office of Clerk and Treasurer shall not be combined nor shall one person hold such offices.

The President shall on the third Monday of March or as soon as thereafter as possible, nominate and the Council elects a Clerk who shall serve at its pleasure. All other administrative officers shall be appointed by the President on the third Monday of March or as soon thereafter as possible with the approval of the Council for an indefinite period, shall serve at the pleasure of the Council and shall have their compensation fixed by the Council. Provided, however, in case the Council fails to elect a Clerk as nominated by the President within thirty (30) days from the time limited within which appointment may be made, or in case the President fails to make any appointments with the consent of the Council of such appointments as herein provided within thirty (30) days from the time limited within which such appointments may be made, the Council shall have full power in itself to elect and/or make such appointments as the case may be.

Except as may be otherwise provided by Statute or this Charter, the Council shall by resolution establish and combine such departments of the Village as it deems necessary or advisable and shall prescribe therein the functions of each department and the duties and responsibilities of the officers of each.

The head of each department shall be appointed by the President with approval of the Council.

All personnel employed by the Village who are not elected officers or declared to be administrative officers by, or under the authority of, this sections shall be deemed to be employees.

CLERK

FUNCTIONS AND DUTIES:

Section 4.5

The functions and duties of the Clerk shall be as follows:

- a. He shall be the Clerk of the Council and shall attend all meetings of the Council and shall keep a permanent journal of its proceedings in the English language.
- b. He shall be custodian of the Village seal, and shall affix it to all documents and instruments requiring the seal and shall attest the same. He shall be custodian of all papers, documents, and records pertaining to the Village, the custody of which is not otherwise provided for.
- c. He shall certify by his signature all resolutions and ordinances enacted by the Council.
- d. He shall be responsible for maintaining the system of accounts of the Village, which shall conform to any uniform system, required by law and generally accepted principles and procedures of governmental accounting. He shall make a quarterly financial statement to the Council, or such earlier periods as may be required by the Council.
- e. He shall have power to administer oaths of office.
- f. He shall perform such other duties as may be prescribed for him by this charter or by the Council.

TREASURER

FUNCTIONS AND DUTIES:

Section 4.6

The function and duties of the Treasurer shall be as follows:

- a. He shall have custody of all moneys of the Village and all evidences of indebtedness belonging to the Village or held in trust by the Village.
- b. He shall collect all moneys of the Village, the collection of which is not provided for elsewhere by charter or ordinance. He shall receive from other officers and employees of the Village all money belonging to and receivable by the Village that may be collected by them, including fines, license fees, taxes, assessments, and all other charges. All money shall be turned over to the Treasurer promptly after collection or receipt and he shall in all cases give a receipt therefor.
- c. He shall disburse all Village funds in accordance with the provisions of statute, this charter and procedures to be established by the Council.
- d. He shall have such powers, duties, and prerogatives in regard to the collection and custody of Village taxes as are conferred by statute upon township treasures in connection with state, county, township and school district taxes.
- e. He shall perform such other duties as may be prescribed for him by the Charter or by the Council.

ASSESSOR

FUNCTION AND DUTIES:

Section 4.7

The assessor shall possess all the powers vested in, and shall be charged with all the duties, imposed upon assessing officers, by statute. He shall prepare all regular and special assessment rolls in the

anner prescribed by this charter and by statute. He shall perform such other duties as may be prescribed for him by this charter or the Council.

BOARDS AND COMMISSIONS

Section 4.8

Water Commissioner, Street Commissioner, Building and Grounds Commissioner, Equipment Commissioner, and the Cemetery Board are to be responsible for the functions of those departments under the general direction of the President.

OTHER INDEPENDENT BOARDS AND COMMISSIONS

Section 4.9

The Council may not create any board or commission, other than those provided for in this Charter, to administer any activity, department, or agency of the Village government, except those activities, which are required by statute to be so administered. The Council may, however, establish boards or commissions to serve solely in an advisory capacity.

Chapter 5

ELIGIBILITY FOR OFFICE IN VILLAGE:

Section 5.1

No person shall hold any elective office in the Village unless he has been a resident of the Village for at least one year immediately prior to the last day for filing supplemental petitions for such office and is also a qualified and registered elector of the Village on such day and throughout the term of office.

The Council shall be the sole judge of the election and qualification of its members.

Except in the case of the Clerk, no elective officer may be appointed to any Village office or be employed by the Village during the term of office for which he was elected.

VACANCIES IN ELECTIVE OFFICE:

Section 5.2

Any elective office shall be declared vacant by Council before the expiration of the term of such office:

- a. For any reason specified by statute or by this Charter as creating a vacancy in office.
- b. If no person is elected to, or qualified for, the office at the election at which such office is to be filled.
- c. If the officer shall be found guilty by a competent tribunal of any act constituting misconduct in office under the provisions of this Charter.
- d. In the case of any members of the Council, if such officer shall miss two consecutive regular meetings of the Council or twenty-five percent of such meetings in any fiscal year of the Village; unless such absences shall be excused by the Council and reason therefor entered in the proceedings of the Council at the time of each absence.
- e. If the officer is removed from office by the Council in accordance with the provisions hereinafter set forth.

REMOVAL FROM OFFICE:

Section 5.2

Removals by the Council of elective officers or of members of boards or commissions shall be made for either of the following reasons:

- a. For any reason specified by statute for removal of Village officers by the Governor.
- b. For misconduct in office under the provisions of this Charter. Such removals by Council shall be made only after hearing, of which such officer has been given notice by the Clerk at least ten days in advance, either personally or by delivering the same at his last known place of residence. Such notice shall include a copy of the charges against such officer. The hearing shall afford an opportunity to the officer, in person or by attorney, to be heard in his defense, to cross examine witnesses and to present testimony. If such officer shall neglect to appear at such hearing and answer charges, his failure to do so may be deemed cause for his removal. A majority vote of the members of the Council in office at the time, exclusive of any member whose removal may be being considered, shall be required for any such removal.

RESIGNATIONS:

Section 5.4

Resignations of elective and appointive officers shall be made in writing and filed with the Clerk and shall be acted upon at the next regular meeting following receipt thereof by the Clerk.

VACANCIES:

Section 5.5

Vacancies in offices elective or appointive by the Council shall be filled in the manner provided for the original filling of such office

Vacancies in elective offices shall, within sixty (60) days after such vacancy occurs, be filled for a term expiring on the date of the next regular Village election, by appointment by the President and confirmed by a majority vote of the members of the Council then in office. If such vacancy in the position of Councilman is not so filled within sixty (60) days, or if three or more vacancies exist simultaneously in such position, the Clerk shall within ten (10) days thereafter call a special election, to be held in not less than sixty (60) days nor more than seventy-five (75) days, to fill such vacancies for the unexpired terms of the officers whose terms have become vacant.

FINANCIAL INTEREST PROHIBITED:

Section 5.6

No member of the Council, nor any officer of the Village shall be interested, directly or indirectly, in any contract made, or service performed for or on behalf of the Village as provided in 1968 PA 317, supra.

ANTI-NEPOTISM:

Section 5.7

The following relatives and their spouses of any elective official or his spouse, are disqualified from holding any appointive office or employment during the term for which said elective official was elected; child, grandchild, parent, grandparent, brother, sister, half brother, and half sister, unless the Council shall unanimously determine that the best interest of the Village will be served by the appointment of such relative. All relationships shall include those arising from adoption. This section shall in no way disqualify such relative or their spouses who are bona fide appointive officers or employees of the Village at the time of the election of said official.

OATH OF OFFICE AND BOND:

Section 5.8

Every officer, elective or appointive, before entering upon the duties of his office shall take an oath of office prescribed for public officers by the Constitution and shall file the oath with the Clerk together with any bond required by statute, this Charter or the Council. In case of failure to comply with the provisions of this section within ten (10) days from the date he is notified in writing of his election or appointment, such officer shall be deemed to have declined the office and such office shall thereupon become vacant unless the Council shall by resolution extend the time such officer may qualify.

SURETY BONDS:

Section 5.9

Except as otherwise provided in this Charter, all officers of the Village whose duties involve the handling of public funds, either by way of receipt or disbursement or both, and all other officers and employees so required by the Council, shall, before they enter upon the duties of their respective offices, file with the Village, an official bond, in such form and amount as the Council shall direct and approve. Such official bond of every officer and employee shall be conditioned that he will faithfully perform the duties of his office, and will on demand deliver over to his successor in office, or their officer or agent of the Village, all books, papers, moneys, effects, and property belonging thereto, or appertaining to his office, which may be in his custody as an officer or employee; and such bonds may further be conditioned as the Council may prescribe. The official bond of every officer whose duty it may be to receive or pay out money, shall be further conditioned that he will, on demand, pay over or account for to the Village or any proper officer or agent thereof, all moneys received by him as such officer or employee. The requirements of this paragraph may be met by the purchase of one or more blanket surety bonds covering all, or a group of, Village employees and officers.

All official bonds shall be corporate surety bonds and premiums thereon shall be paid by the Village. All bonds of all officers or employees shall be filed with the Clerk, except any bond pertaining to the Clerk, shall be filed with the Treasurer.

DELIVERY OF OFFICE:

Section 5.10

Whenever any officer or employee shall cease to hold such office or employment for any reason whatsoever, he shall within five (5) days or sooner on demand, deliver to his successor in office or his superior, all the books, papers, moneys and effects in his custody as such officer or employee. Any officer violating this provision may be proceeded against in the same manner as public officers generally for a like offense under statute. Any employee found guilty of violating this provision by a competent tribunal may be punished by a fine not to exceed One Hundred Dollars (\$100.00), or imprisonment not to exceed ninety (90) days, or both, in the discretion of the court.

Chapter 6

Procedures and Miscellaneous Powers and Duties of the Council

REGULAR MEETINGS:

Section 6.1

The Council shall provide by resolution for the time and place of its regular meetings and shall hold at least one such meeting each month. A regular meeting shall be held on the Monday following each regular Village election.

SPECIAL MEETINGS:

Section 6.2

Special meetings shall be called by the Clerk on the written request of the President or any three members of the Council on at least twenty-four hours written notice to each member of the Council, served personally or left at his usual place of residence, but a special meeting may be held on shorter notice if all members of the Council are present or waived notice thereof in writing.

BUSINESS OF SPECIAL MEETINGS:

Section 6.3

No business shall be transacted at any special meeting of the Council unless the same has been stated in the notice of such meeting.

MEETING TO BE PUBLIC:

Section 6.4

All regular and special meetings of the Council shall be open to the public and citizens shall have a reasonable opportunity to be heard.

QUORUM:

ADJOURNMENT OF MEETING

Section 6.5

A majority of the members of the Council in office shall be a quorum for the transaction of business at all Council meetings, but in the absence of a quorum a lesser number may adjourn any meeting to a later time or date, and in the absence of all members, the Clerk may adjourn any meeting for not longer than one week.

ORGANIZATION AND RULES OF THE COUNCIL:

Section 6.6

The Council shall determine its own organization, rules and order of business subject to the following provisions:

- a. A journal of the proceedings of each meeting in the English language shall be kept by the Clerk and shall be signed by the presiding officer and clerk of the meeting.
- b. A vote upon all ordinances and resolutions shall be taken by "Yes" and "No" vote and entered upon the records, except that where the vote is unanimous it shall only be necessary to so state.

- c. No member of the Council shall vote on any question in which he has a financial interest, or on any question concerning his conduct, but on all other questions each member who is present shall vote when his name is called unless excused by the unanimous consent of the remaining members present. Any member refusing to vote except when not so required by this paragraph shall be guilty of misconduct in office.
- d. Any standing committees of the Council shall be composed of at least three members. The Council may, by unanimous consent, assign the administration of any department of the Village to any member of the committee of the Council, except where otherwise prohibited by the provisions of this Charter.

PUBLIC HEALTH AND SAFETY:

Section 6.7

The Council shall see that provision is made for the public peace and health and for the safety of persons and property. The Council may provide for and establish a police force, a fire department, and a health department.

POLICE DEPARTMENT:

Section 6.8

- a. The Council may provide for and establish a police force as provided for in the laws of the State of Michigan.
- b. The Chief of Police shall keep a permanent record to be furnished to the Village of all arrests and cause thereof, and shall enter therein within twenty-four hours after any person shall be arrested, the name of the person so arrested, the cause of the arrest, the age of the person arrested, and if discharged without taken before court, the reason for such discharge, and if tried, the result of such trial and punishment inflicted and amount of fines and cost, if any paid, and the name of the judicial officer before whom such person was tried, which record shall be the property of the Village.
- c. The Chief of Police shall report in writing to the Council at their first meeting each month, all arrests made and the cause thereof; all persons discharged from arrest during the month; all convictions; the number remaining in confinement for breaches of the ordinances of the Village; the amount of all fines and fees collected.

FIRE DEPARTMENT:

Section 6.9

The Council may provide for a fire department and enact such ordinances and establish such regulations as they shall deem necessary to guard against the occurrence of fires, and to protect the persons and the property of the citizens against damage and accident resulting therefrom.

HEALTH DEPARTMENT:

Section 6.10

The Council shall constitute the Board of Health of the Village, and it and its officers shall possess all powers, privileges and immunities granted to Boards of Health by statute.

CEMETERY BOARD:

Section 6.11

The Council shall appoint a Cemetery Board consisting of three members who shall be electors of the Village and shall have been a resident of the Village for a period of one year immediately prior to such appointment. Members shall hold office for a term of three years, except that at the first appointment one shall be appointed for a term of one year, one for two years, and one for a term of three years from the second Monday in April in the year appointed and annually thereafter. The Council may remove any trustee so appointed for inattention to his duties, or other good cause.

The Board of Cemetery Trustees shall appoint one of its member's chairman and the Village Clerk shall be clerk of the board.

Said board, subject to the directions and ordinances of the Council shall have the care and management of the cemetery, and shall direct the improvements and embellishments of the grounds, cause such grounds to be laid out into lots, avenues and walks, the lots to be numbered, and plats thereof to be made and recorded in the office of the Village Clerk. The board shall fix the price of lots and make sales thereof. The conveyance of such lots shall be executed on behalf of the Village by the Clerk and be recorded in his office at the expense of the purchaser.

Said board shall appoint the necessary employees for the cemetery, expend the money provided for the care and improvement of the grounds, enforce the ordinances of the Village made for the management and care thereof, and make such regulations for the burial of the dead, and care and protection of the grounds, monuments, and appurtenances of the cemetery, and the orderly conduct of persons visiting the grounds as may be consistent with the ordinances of the Village and the laws of the State.

The Board of Trustees shall report to the Council annually on the first Monday in March, and oftener when the Council shall require, the amount of all moneys received into and owing to the cemetery fund, and from what sources, and from whom, and the date, amount, items, and purpose of all expenditures and liabilities incurred, and such other matters as the Council shall require to be reported.

The Board of Cemetery Trustees shall have power to receive in trust moneys or property by way of gifts, grants, devises or bequests for cemetery purposes. Such gifts, grants, devises or bequests so received by said board for cemetery purposes, shall be held in trust by said board subject to the terms and conditions on which the same may be given, granted, devised or bequest, and the same shall constitute a trust fund, and if in money shall, unless otherwise expressed by those making the gifts, grants, devises or bequests, be invested as a permanent fund in United States bonds or state bonds, and the interest thereon after fulfillment of such conditions expressed, to be used in improving the cemetery, and no part of such gifts, grants, devises, or bequests shall be used or appropriated for other than cemetery purposes.

The Board of Cemetery Trustees shall have full power and authority to make all requisite and necessary rules and by-laws to carry into effect the powers vested and duties required by Chapter 6 of this Charter.

Chapter 7

LEGISLATION

PRIOR LEGISLATION:

Section 7.1

All valid ordinances and regulations which are in force and effect at the time of the effective date of this Charter and not contrary or inconsistent with this Charter, shall continue in force and effect.

ORDINANCES, RESOLUTIONS, MOTIONS, AND ORDERS:

Section 7.2

All official action of the Council shall be by ordinance, resolution, motion or order. Action by resolution, motion, or order shall be limited to matters required or permitted to be done by this Charter or State or Federal law or pertaining to the internal affairs or concerns of the Village government. All other acts of the Council and all acts carrying a penalty for the violation thereof shall be by ordinance.

The style of all ordinances shall be "The Village of Edwardsburg ordains". No ordinances shall be revised, altered, or amended by reference to its title only, but the section or sections of the ordinance revised, altered, or amended shall be reenacted and published in full, except as otherwise provided in this Charter. An ordinance may be repealed by reference to its number and title only. The effective date of any ordinance shall be prescribed therein and shall not be less than ten (10) days after its adoption unless the Council shall, upon attaching a declaration of emergency affecting the public peace, health, or safety, fix an earlier date, but no ordinances imposing a penalty, excepting such emergency ordinance shall take effect until at least ten (10) days after adoption, and no measure making or amending a grant, renewal, or extension of a franchise or other special privilege shall ever be passed as an emergency measure. Such emergency ordinance may be made effective after publication in less than ten (10) days.

Each ordinance shall be identified by a number and a short title. All ordinances when enacted, shall be recorded by the Clerk in a book to be called "Ordinances" and it shall be the duty of the President and Clerk to authenticate such record by their official signatures thereon.

PUBLICATION:

Section 7.3

The Council shall have the power to determine the method of publication of all notices, ordinances, and proceedings required to be published by law, this Charter, or by the Council for which a mode of publication is not prescribed by this Charter or by law. In the event publication in a newspaper is required then such publication shall be made in a newspaper as defined by State law and which shall be published or circulated in the Village.

PENALTIES:

Section 7.4

The Council may provide in any ordinance for the punishment of those who violate its provisions. The punishment for the violation of any Village ordinance shall not exceed a fine of One Hundred Dollars (100.00) or imprisonment for ninety (90) days, or both, in the discretion of the court.

PUBLICATION OF ORDINANCES:

Section 7.5

Each ordinance passed by the Council shall be published at least once within ten (10) days after the adoption of the ordinance by the Council. Publication shall be effected by posting a copy of the same in at least three (3) public places in the Village, together with at least one of the following methods, to be stated by the ordinance, namely:

- a. By publication of the ordinance in full after its final passage as a part of the published proceedings of the Council.
- b. By publication of the ordinance in full after its final passage.
- c. By publication of a brief notice stating the date of enactment and effective date of such ordinance, a brief statement as to the subject matter of such ordinance, and such other facts as the Clerk shall deem pertinent, if any. The Clerk shall immediately after such publication and posting, enter in the record of ordinances, a certificate under his hand, stating the time and place of publication and posting. Such certificate shall be prima facie evidence of the due publication of the ordinance.

SPECIAL PROCEDURES ON VOTE OF CERTAIN ACTIONS:

Section 7.6

- a. Action to vacate, discontinue or abolish any highway, street, lane, alley, or other public place, or part thereof shall be by resolution. After the introduction of such resolution and before its final adoption, the Council shall hold a public hearing thereon and shall publish notice of such hearing at least one (1) week prior thereto.
- b. The following actions shall require the affirmative vote of four (4) members of the Council for the effectiveness thereof.
 - 1. Vacating, discontinuing; or abolishing any highway, street, lane, alley or other public place or part thereof.
 - 2. Leasing, selling, or disposing of any Village owned real estate or interest therein.
 - 3. Condemning private property for public use.
 - 4. Creating or abolishing any office.
 - 5. Appropriating any money.
 - 6. Imposing any tax or assessment.
 - 7. Reconsidering or rescinding any vote of the Council.

TECHNICAL CODE:

Section 7.7

The Council may adopt any provision of State law or any provision of any technical code which has 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 developing any such code or codes, by reference thereto in an adopting ordinance and without publishing any such code in full, provided that such code is clearly identified in said ordinance and that the purpose of said code shall be published with the adopting ordinance and that the printed copies thereof are kept in the office of the Clerk, available for inspection by, and distribution at cost, to the public at all times; provided further, that the publication shall contain a notice of the effect that a complete copy of said

de is available for public use and inspection at the office of the Clerk. Any amendment to or revision of such adopted code or detailed technical ordinance may be published in the same manner.

SEVERABILITY OF ORDINANCES:

Section 7.8

Unless an ordinance shall expressly provide the contrary, if any portion of an ordinance or the application thereof to any person or circumstances shall be found to be invalid by a court, such invalidity shall not affect the remaining portions or applications of the ordinance which can be given effect without the invalid portion or application provided such remaining portions or applications are not determined by the court to be inoperable, and to this end ordinances are declared to be severable.

INITIATIVE AND REFERENDUM:

Section 7.9

An ordinance may be initiated by petition, or referendum or an enacted ordinance may be had by petition, as hereinafter provided.

INITIATORY AND REFERENDARY PETITIONS:

Section 7.10

An initiatory or referendary petition shall be signed by not less than twenty-five percent (25%) of the registered electors of the Village, as of the date of the last regular election, and all signatures on said petitions shall be obtained within thirty (30) days before the date of filing the petition with the Clerk. Any such petition shall be addressed to the Council and may be the aggregate of two or more petition papers identical as to contents and simultaneously filed by one person, an initiatory petition shall set forth in full the ordinance it proposes to initiate, and no petition shall propose to initiate more than one ordinance. A referendary petition shall identify the ordinance, or part thereof, it proposes to have repealed.

Each signer of a petition shall sign his name and place thereon, after his name, the date and place of his residence, by street and number, or by other customary designation. To each petition paper shall be attached a sworn affidavit by the circulator thereof, stating the number of signers thereof, and that each signature thereon is the genuine signature of the person whose name it purports to be, and that it was made in the present of the affiant. Such petitions shall be filed with the Clerk who shall, within fifteen (15) days, canvass the signatures thereon. If the petition does not contain a sufficient number of signatures of registered electors of the Village, the Clerk shall notify forthwith the person filing such petition and fifteen (15) days from such notification shall be allowed for filing of supplemental petition papers. When a petition with sufficient signatures is filed within the time allowed by this section, the Clerk shall present the petition to the Council at its next regular meeting.

COUNCIL PROCEDURE ON INITIATORY AND REFERENDARY PETITIONS:

Section 7.11

Upon receiving an initiatory or referendary petition from the Clerk, the Council shall, within thirty (30) days, unless otherwise provided by statute, either;

- a. Adopt the ordinance as submitted by initiatory petition;
- b. Repeal the ordinance, or part thereof, referred to by a referendary petition, or
- c. Determine to submit the proposal provided for in the petition to the electors.

SUBMISSION OF INITIATORY AND REFERENDARY PETITIONS TO ELECTORS:

Section 7.12

Should the Council decide to submit the proposal to the electors, it shall be submitted at the next election held in the Village for any other purpose, or, in the discretion of the Council, at a special election called for that specific purpose. The result of all elections held under the provisions of this section shall be determined by a majority vote of the electors voting thereon, except in cases where otherwise required by statute or Constitution.

ORDINANCE SUSPENDED:

Section 7.13

The certification by the Clerk of the sufficiency of a referendary petition within thirty (30) days after the passage of the ordinance to which the petition refers, shall automatically suspend the operation of the ordinance in question pending repeal by the Council, or final determination by the electors as the case may be. An ordinance adopted by the electorate through initiatory proceedings may not be amended or repealed by the Council for a period on one (1) year after the date of the election at which it was adopted.

Should two or more ordinances, adopted at the same election have conflicting provision, the one receiving the highest vote shall prevail as to these provisions.

Chapter 8

GENERAL FINANCE

FISCAL YEAR:

Section 8.1

The fiscal year of the Village and all of its agencies shall begin on the first day of April of each year and end on the thirty-first day of March of the following year.

BUDGET PROCEDURES:

Section 8.2

At the first regular Council meeting in February of each year, the President shall submit a recommended budget for the ensuing year conforming to State law, with additional information as the Council may require.

BUDGET HEARING:

Section 8.3

A public hearing on the proposed budget shall be held before its final adoption at such time and place, as the Council shall direct. Notice of such public hearing, a summary of the proposed budget and notice that the proposed budget is on file in the office of the Clerk shall be published at least one week in advance of the hearing. The complete proposed budget shall be on file for public inspection during office hours at such office for a period of not less than one week prior to such hearing.

ADOPTION OF BUDGET:

Section 8.4

Not later than the first regular meeting in March the Council shall, by resolution, adopt a budget for the next fiscal year and shall appropriate the money needed for municipal purposes during such year and shall in such resolution provide for a levy of the amount necessary to be raised by taxes upon real and personal property for municipal purposes subject to the limitations contained in Section 9.1.

BUDGET CONTROL AND AMENDMENTS:

Section 8.5

After the budget has been adopted, no money shall be drawn from the treasury, nor shall any obligation for the expenditure of money be incurred, except pursuant to the budget appropriation; provided however, that the Council may amend such resolution at any time so as to authorize the transfer of any unencumbered appropriation balance or make transfers within a department, account, fund, or agency, or appropriate and allocate available revenues not included in the annual budget, and may make emergency appropriations as provided in the following section. The balance of any appropriation, which has not been encumbered at the end of the fiscal year, shall revert to the general fund.

EMERGENCY APPROPRIATIONS:

Section 8.6

The Council shall have the authority to make emergency appropriations from general fund surpluses to meet urgent and immediate needs at any time during the budget year. All resolutions of the Council authorizing emergency appropriation shall state the purpose of the appropriation, the necessity therefor, amount of appropriation, and the means of financing within the powers of the Council.

EXPENDITURE CONTROL:

Section 8.7

At the beginning of each quarterly period during the fiscal year, and more often if required by the Council, the Village Clerk shall submit to the Council data showing the relation between the estimated and actual income and expenses to date; and if it shall appear that the income is less than anticipated, the Council may reduce appropriations except amounts required for debt and interest charges, to such a degree as may be necessary to keep expenditures within the cash income.

DEPOSITORY:

Section 8.8

The Council shall designate the depository or depositories for Village funds, and shall provide the regular deposit of all Village funds. The Council shall provide for such security for Village deposits as is authorized or permitted by the general laws of the State or required by the Council.

WITHDRAWAL OF FUNDS:

Section 8.9

All funds drawn from the treasury shall be drawn pursuant to the authority and appropriation of the Council and upon checks signed by two officers of the Village to be designated by resolution of the Council. Each such check shall specify the fund or funds from which it is payable and shall be paid from no other fund or funds. The Council shall provide and establish a uniform procedure for the approval and payment of all debts and obligations of the Village.

INDEPENDENT AUDIT:

Section 8.10

An independent audit shall be made of all Village accounts at least biennially and more frequently if deemed necessary by the Council. Such audit shall be made by an independent accountant to be selected by the Council. The results of such audit shall be made public in such manner as the Council may decide.

Chapter 9

TAXATION

POWER TO TAX:

TAX LIMIT:

Section 9.1

The Village shall have power to assess taxes and levy and collect rents, tolls, and excises. The annual general ad valorem tax levy shall not exceed three-fourths of one percent (.0075) of the assessed value of all real and personal property subject to taxation in the Village, exclusive of any levies authorized by statute to be made beyond charter tax rate limitations, except an additional tax levy not to exceed one-tenth of one percent (.001) may be assessed for the purpose of maintaining the Village cemetery.

SUBJECT OF TAXATION:

Section 9.2

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 this Charter Village taxes shall be levied, collected and returned in the manner provided by statute.

EXEMPTION FROM TAXES:

Section 9.3

No exemptions from taxation shall be allowed, except as expressly required or permitted by statute.

TAX DAY:

Section 9.4

Subject to the exceptions provided or permitted by statute, the taxable status of persons and property shall be determined as of the thirty-first day of December, which shall be deemed the tax day.

PREPARATION OF THE ASSESSMENT ROLL:

Section 9.5

On or before the first Monday in May in each year the assessor shall prepare and certify an assessment roll of all property in the Village subject to taxation. Such roll shall be prepared in accordance with statute and this Charter. Values shall be estimated according to recognized methods of systematic assessment. On or before the first Monday in May, the assessor shall give by first class mail a notice of any increase over the previous year in the assessed value of any property or of the addition of any property to the roll to the owner as shown by such assessment roll. The failure to give such notice or of the owner to receive it, shall not invalidate any assessment roll or assessment thereon.

BOARD OF REVIEW:

Section 9.6

The Board of Review shall be composed of three (3) electors of the Village who shall meet the eligibility requirements contained in Section 3.2 and who during their term of office shall not be Village officers or employees or nominees or candidates for elective Village office. One member of the board shall be appointed by the Council annually in February and each year thereafter for a term of three (3) years, to replace the member whose term expires that year. The Council shall fix the compensation of the Members of the Board. The Board shall annually in February select its own

Chairman for the ensuing year, and the Assessor shall be Clerk of the Board and shall be entitled to be heard at session, but shall have no vote.

Board of Review shall be published by the Clerk at least ten (10) days prior to each session of the Board.

DUTIES AND FUNCTIONS OF BOARD OF REVIEW:

Section 9.8

For the purpose of reviewing and correcting assessments, the Board of Review shall have the same powers and perform like duties in all respects as are by statute conferred upon and required of Boards of Review in all townships, except as otherwise provided in this Charter. It shall hear the complaints of all persons considering themselves aggrieved by assessment, and 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. In all cases the roll shall be reviewed according to the facts existing on the tax day and no change in the status of any property after said day shall be considered by the Board in making its decisions. Except as otherwise provided by statute, no person other than the Board of Review shall make or authorize any change upon, of additions or corrections to, the assessment roll. It shall be the duty of the Clerk of the Board to keep a permanent record of all proceedings and to enter therein all resolutions and decisions of the Board.

ENDORSEMENT OF ROLL:

Section 9.9

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

CLERK TO CERTIFY TAX LEVY:

Section 9.10

Within three days after the Council has adopted the budget for the ensuing year, the Clerk shall certify to the Assessor the total amount, which the Council determines shall be raised by general ad valorem tax. He shall also certify all amounts of current or delinquent assessments and all other amounts, which the Council requires to be assessed, reassessed, or charged upon any property or against any person.

VILLAGE TAX ROLL:

Section 9.11

After the Board of Review has completed its review of the assessment roll, the Assessor shall prepare a copy of the assessment roll to be known as the "Village Tax Roll" and upon receiving the certification of the several amounts to be raised, as provided in Section 8.4, the Assessor shall spread upon said tax roll the several amounts determined by the Commission to be charged, assessed or reassessed against persons or property. He shall also spread the amounts of the general ad valorem village tax according to and in proportion to the several valuations set forth in the assessment roll. To avoid fractions in computation on any tax roll, the Assessor may add to the amount of the several taxes to be raised not more than the amounts prescribed by statute. Any excess created thereby on any tax roll shall belong to the Village.

TAX ROLL CERTIFIED FOR COLLECTION:

Section 9.12

After spreading the taxes the Assessor shall certify the tax roll, and the President shall annex his warrant thereto directing and requiring the Treasurer to collect prior to October 15 from the several persons named in said tax roll the several sums mentioned therein opposite their respective names as a tax or assessment and granting to him, for the purpose of collecting the taxes, assessments, and charges on such roll all statutory powers and immunities possessed by township treasurers for the collection of taxes. On July 1, the roll shall be delivered to the Treasurer for collection.

TAX LIEN ON PROPERTY:

Section 9.13

On July first, the taxes thus assessed shall become a debt due to the Village from the persons to whom they are assessed and the amount assessed on any interest in real property shall become a lien upon such real property, for such amounts and for all interest and charges thereon, and all personal taxes shall become a first lien on all personal property of such persons so assessed. Such lien shall take precedence over all other claims, encumbrances, and liens to the extent provided by statute and shall continue until such taxes, interest, and charges are paid.

TAXES DUE:

NOTIFICATION THEREOF:

Section 9.14

Village taxes shall be due on July first of each year. The Treasurer shall not be required to call upon persons named in the Village tax roll, nor to make personal demand for the payment of taxes, but he shall

- a. Publish between June 15 and June 30, notice of the time when taxes will be due for collection and the penalties and fees for late payment of same.
- b. Mail a bill to each person named in such roll, but in cases of multiple ownership of property, only one bill need be mailed.

COLLECTION FEES:

Section 9.15

All taxes paid on or before September fifteenth of each year shall be collected by the Treasurer without collection fee. On September 16, he shall add to all taxes paid thereafter a collection fee of four percent (4%) of the amount of said taxes. Such collection fee shall belong to the Village and constitute a charge and shall be a lien against the property to which the taxes themselves apply, in the same manner as the taxes to which they are added.

It is provided, however, that if delivery of the tax roll to the Treasurer, as provided in Section 9.12 is delayed for any reason by more than thirty days after July 1, the application of the schedule of collection fees provided herein shall be postponed thirty days for the first thirty days of such delay and shall be postponed an additional thirty days for each additional thirty days, or major fraction thereof, of such delay.

DELINQUENT TAX ROLL TO COUNTY TREASURER:

Section 9.16

All Village taxes remaining uncollected by the Treasurer on the fifteenth day of October following the date when the tax 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 statute for returns by township treasurers on township, school and county taxes. Such returns shall include all the additional assessments, charges, and fees herein before provided, which shall be added to the amount assessed in said tax roll against each property or person. The taxes thus returned shall be collected in the same manner as other taxes returned to the County Treasurer are collected, in accordance with statute, and shall be and remain a lien upon the property against which they are assessed until paid.

Chapter 10

MUNICIPAL BORROWING POWER

GENERAL POWER TO BORROW:

Section 10.1

- a. Unless approved by a majority of the electors voting thereon at any general or special election, the Council shall not have power to authorize any issue of bonds, except special assessment bonds, bonds for the Village portion of local improvements, not to exceed thirty (30) percent of the cost of such improvement, refunding bonds, bonds for the relief from fire, flood or calamity, or for the payment of judgments, revenue bonds and other bonds excluded by statute from requirements for such vote.
- b. 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 Village and the issuance of bonds of the Village or other evidence of indebtedness therefor, and may pledge the full faith, credit, and resources of the Village for the payment of the obligation created thereby: Provided that the net bonded indebtedness incurred for all public purposes shall not at any time exceed ten (10) per centum of the assessed value of all real and personal property in the Village. The Village shall also have power to issue special assessment, mortgage, revenue, or other types of bonds, beyond the debt limits fixed by law for the issuance of bonds or other evidence of indebtedness which are a general obligation of the Village, in the manner and for the purpose permitted by the Charter, the Constitution, and the general laws of the State of Michigan, including Act No. 278, P. A. 1909, under which the Village is incorporated. Bonds issued in anticipation of the payment of special assessments may be an obligation of the special assessment district or may be both an obligation of the special assessment district and a general obligation of the Village. All collections on special assessment rolls shall be set apart in special fund and shall be used only for the payment of the principal and interest of any bonds issued in anticipation of the payment of such special assessments. If there be any deficiency in the special assessment fund to meet the payment of any such principal and interest, moneys shall be advanced from the general funds of the Village to meet such deficiency and shall be replaced in such general fund when the special assessment fund shall be sufficient therefor. No bond of the Village shall bear interest at a rate to exceed six (6) percent per annum.

INSTALLMENT CONTRACTS:

Section 10.2

The Council may enter into installment contracts for the purchase of property or capital equipment. Each of such contracts shall not extend over a greater period than five (5) years collectively shall not exceed one (1) percent of the assessed value of all real and personal property in the Village.

Chapter 11

SPECIAL ASSESSMENTS

GENERAL POWERS RELATIVE TO SPECIAL ASSESSMENTS:

Section 11.1

The Council shall have the power to determine by resolution that the whole or any part of the expense of any public improvement be defrayed by special assessment upon the property especially benefited in proportion to the benefits derived or to be derived.

DETAILED PROCEDURE TO BE FIXED BY ORDINANCE:

Section 11.2

The Council shall prescribed by ordinance the complete special assessment procedure governing the initiation of projects, preparation of plans and cost estimates, creation of districts, making and confirming the assessment rolls, correction of errors in making of improvements by the special assessment method.

Such ordinance shall be subject to the following provisions;

- a. No resolution finally determining the proceed with establishing any special assessment district for the making of any public improvement shall be enacted until cost estimates have been prepared and a public hearing has been held on the advisability of so proceeding, which hearing shall be held not less than ten (10) days after notice thereof has been published and sent by first class mail to all property owners in the proposed district as shown by the current assessment roll of the Village.
- b. No special assessment roll shall be finally confirmed until after a meeting of the Council has been held for the purpose of reviewing such roll which meeting shall be held not less than ten (10) days after notice thereof has been published and sent by first class mail to all property owners in the proposed district as shown by the current assessment roll of the Village.
- c. No original special assessment roll shall be confirmed except by the affirmative vote of five (5) members of the Council if prior to such confirmation written objections to the proposed improvement have been filed by the owners of property in the district which will be required to bear more than fifty percent (50%) of the amount of such special assessment.
- d. No public improvement to be financed in whole or in part by special assessment shall be made before the confirmation of the special assessment roll for such improvement.
- e. No special assessment district or districts shall be created by the Council for any one public improvement which includes property having an area in excess of twenty-five percent (25%) of the total area of the Village. No public improvement project shall be divided geographically for the purpose of circumventing this provision.

SPECIAL ASSESSMENT POWERS:

Section 11.3

The Council shall have, in the exercise of its powers of special assessment, the power to provide for the payment of special assessments in annual installments not to exceed ten in number. The first such

installment to be due upon confirmation of the special assessment roll, and subsequent installments to be due on May first succeeding years and to be placed upon the annual Village tax roll, if delinquent, and for an interest charge only until the due date of each such deferred installment not to exceed six percent (6%) per year, subject to the right of advance payment of such installment with interest only to the date of payment.

DISPOSITION OF EXCESSIVE SPECIAL ASSESSMENTS:

Section 11.4

The excess by which any special assessment proves larger than the actual cost of the improvement and expenses incidental thereto may be placed in the general fund of the Village if such excess is five percent or less of the assessment, but should the assessment prove larger than necessary by more than five percent (5%), the entire excess shall be refunded on a pro rata basis to the owners of the property assessed as shown by the current assessment roll of the Village. Such refund shall be made by credit against future installments to the extent such installments then exist and the balance of such refund shall be in cash. No refunds may be made which contravene the provisions of any outstanding evidence if indebtedness secured in whole or in part by such special assessment.

ADDITIONAL ASSESSMENT:

CORRECTION OF INVALID SPECIAL ASSESSMENT:

Section 11.5

Whenever any special assessment shall in the opinion of the Council be invalid by reason of irregularity or informality in the proceedings, or if any court of competent jurisdiction shall adjudge such assessment to be illegal, the Council shall, whether the improvement has been made or not, have power to cause a new assessment to be made for the same purpose for which the former assessment was made. All proceedings on such reassessment and for the collections thereof shall be conducted in the same manner as provided for the original assessment, and whenever any sum or part thereof levied upon any property in the assessment so set aside has been paid and not refunded, the payment so made shall be applied upon the reassessment or if payments exceed the amount of the reassessment, refund be made.

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

CONTESTED ASSESSMENT:

Section 11.6

No suit or action of any kind shall be instituted or maintained for the purpose of contesting or enjoining the collection of any special assessment

- a. unless within thirty (30) days after the confirmation of the special assessment roll written notice is given to the Council of intention to file such suit or action stating the grounds on which it is claimed such assessment is illegal and,
- b. unless such suit or action shall be commenced within sixty (60) days after confirmation of the roll.

COLLECTION OF SPECIAL ASSESSMENT:

Section 11.7

Upon the confirmation of each special assessment roll, the special assessment shall become a debt to the Village from the persons to whom they are assessed and shall until paid be a lien upon the property assessed for the amount of such assessment and all interest and charges thereon. Such lien shall be of the same character and effect as created by this Charter for Village taxes.

Special assessments or installments thereof, which become due on July first of any year shall be collected in all respects as are Village taxes due on July 1 of the same year, and if uncollected on the following fifteenth of October, shall be returned to the County Treasurer with unpaid taxes as provided in Section 9.16.

SPECIAL ASSESSMENT ACCOUNT:

Section 11.8

Except as otherwise provided in this Charter, moneys raised by special assessment for any public improvement shall be credited to a special account and shall be used to pay for the cost of the improvement for which the assessment was levied and expenses incidental thereto or to repay any money borrowed therefor.

ASSESSMENT FOR REMOVAL OF HAZARDS, ETC.:

Section 11.9

The assessment for the cost for the construction of any sidewalk or the abatement of any hazard or nuisance to be made pursuant to Section 2.2 or for the cost of removing snow, ice, or other obstructions from sidewalks to be made pursuant to Section 2.2 shall be made by resolution of the Council.

Notice of the time at which the Council will act thereon shall be given by first class mail to the owner of the property to be assessed as shown by the current tax roll of the Village, except that no notice shall be required in the case of assessment for the removal of weeds, snow, or ice. For the purpose of collection of such assessment, the adoption of such resolution shall be equivalent to the confirmation of a special assessment roll. The amount of any such assessment shall become a debt to the Village upon adoption of such resolution, be due at such time as the Council shall prescribe, and shall be subject to the collection fees and become a lien as provided in Section 9.13. Every such assessment shall also be subject to Section ____.

FAILURE TO MAIL NOTICE:

Section 11.10

Failure to mail any notice required to be so sent by this Charter or by ordinance shall not invalidate any special assessment or special assessment roll.

Chapter 12

PURCHASING – CONTRACT - LEASES

PURCHASING:

Section 12.1

The Council shall designate an administrative officer of the Village in charge of purchasing, and he shall be responsible for the purchase and sale of all Village property. Comparative prices shall be obtained for the purchase or sale of all materials, supplies, and public improvements except

- a. in the employment of professional services and;
- b. when the Purchasing Officer, or the Council as hereinafter provided, shall determine that no advantage to the Village would result therefrom.

The Council may authorize a Purchasing Officer to make purchases and sales in amounts not in excess of Two Hundred Dollars (\$200.00) without prior approval of the Council. In all sales or purchases in excess of Two Hundred Dollars (\$200.00) and not in excess of One Thousand Dollars (\$1,000.00), the sale or purchase shall be first approved by the Council and formal sealed bids shall be obtained, unless the Council by formal unanimous resolution of those present at the meeting determines that no advantage will result from competitive bidding. No sale or purchase shall be divided for the purpose of circumventing the dollar value limitation contained in this section. The Council may authorize the making of public improvements or the performance of any other Village work by any Village department or agency without competitive bidding. Purchases shall be made from the lowest competent bidder meeting specifications. Sales shall be made to the bidder whose bid is most advantageous to the Village. All such bids shall be publicly opened at the regular Village Council meeting.

All purchases and sales in excess of Two Hundred Dollars (\$200.00) shall be evidenced by written contract or purchase order.

The Council may by ordinance establish detailed purchasing, sale, and contract procedures not inconsistent with this Charter.

CONTRACTS:

Section 12.2

The authority to contract on behalf of the Village is vested in the Council and shall be exercised in accordance with the provisions of statute and this Charter, provided that purchases and sales may be made by the Purchasing Officer subject to the provisions of Section 12.1. No contract except an agreement of employment or an agreement for the purchase or sale of goods, wares, or merchandise in the amount of One Thousand Dollars (\$1,000.00) or less, shall be made unless the Officer responsible for maintaining the Village accounts shall first have certified that an appropriation has been made for payment thereof, or that sufficient funds will be available if it be for a purpose to be financed by the issuance of bonds or special assessments or for some other purpose not chargeable to a budget appropriation. In case of a contract obligating the Village to periodic payments in future fiscal years or the furnishing of a continuing service or the leasing of property, such certification shall not cover those payments on the contract which will be due in future fiscal years, but this exception shall not

ply to a contract for the construction of a public improvement unless such public improvement is being purchased by installment payments under the provisions of Section 11.3. A copy of all contracts requiring such certification shall be filed in the office of the Clerk. No contract shall be divided for the purpose of circumventing the dollar value limitation contained in this section.

No contract shall be amended after the same has been made except upon the authority of the Council, except that the Purchasing Officer may amend the terms of purchases and sales made except upon the authority of the Council, except that the Purchasing Officer may amend the terms of purchases and sales made by him subject to the provisions of Section 12.1

No compensation shall be paid to any contractor or vendor except in accordance with the terms of the contract.

RESTRICTION ON POWERS TO LET PROPERTY:

Section 12.3

Any agreement or contract for the renting or letting of public property for a period longer than two (2) years shall be subject to the same referendum procedures as provided in the case of ordinances passed by the Council. However, a summary of the terms of any such agreement or contract shall be published within ten (10) days after its approval by the Council and any petition for such referendum must be filed within thirty (30) days after publication to be effective.

The transfer or assignment of any agreement or contract for the renting or letting of public property may be made only upon approval of the Council, but approval of such transfer shall be subject to referendum.

Chapter 13

MUNICIPAL OWNED UTILITIES

GENERAL POWERS RESPECTING UTILITIES:

Section 13.1

The Village shall possess and hereby reserve to itself all the powers granted 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 way of limitation, public utilities for supplying water, light, heat, power, gas, sewage treatment, and garbage disposal 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 utility services without its corporate limits to an amount not to exceed the limitations set by statute and Constitution.

MANAGEMENT OF MUNICIPALLY OWNED UTILITIES:

Section 13.2

All municipally owned utilities shall be administered as a regular department of the Village government under one or more department heads appointed under the provisions of Section 4.4, and shall serve under the pleasure of the Council, and not by an independent board or commission.

RATES:

Section 13.3

The Council shall have power to fix from time to time such just and reasonable rates as may be deemed advisable for supplying the inhabitants of the Village and others with such public utility services as the Village may provide. There shall be no discrimination in such rate within any classification of users thereof, nor shall free service be permitted, but higher rates may be charged for service outside the Village limits.

UTILITIES:

RATES AND CHARGES—COLLECTION:

Section 13.4

The Council shall provide by ordinance for the collection of all public utility rates and charges made by the Village.

Such Ordinance shall provide:

- a. The Village shall have, when permitted by statute, as security for the collection of such rates and charges, a lien upon the real property supplied by such utility, which lien shall become effective immediately upon the supplying of such utility service, and shall be enforced in the manner provided in such ordinance.
- b. The terms and conditions under which utility services may be discontinued in case of delinquency in paying such rates or charges.
- c. That suit may be instituted by the Village in any court of competent jurisdiction for the collection of such rates or charges.

With respect to the collection of rates charged for water, the Village shall have all powers granted to the Villages by Public Act 178 of 1939 of the State of Michigan.

DISPOSAL OF UTILITY PLANTS AND PROPERTY:

Section 13.5

Unless approved by three-fifths majority vote of the electors voting thereon at a regular special election, the Village shall not sell, exchange, lease or in any way dispose of any property, easements, equipment privilege, or asset belonging to and appertaining to any municipally 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 of no effect as against the Village. The restrictions of this section shall not apply to the sale or exchange of any articles of machinery or equipment of any Village 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 or easements for other needed property or easements.

UTILITY ACCOUNTS:

Section 13.6

Transactions pertaining to the ownership and operation by the Village 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 services furnished to, or rendered by, other Village departments or agencies shall be recorded. An annual report shall be prepared to show fairly the financial position of the utility and the results of its operations, which report shall be available for inspection at the office of the Village Clerk.

Chapter 14

PUBLIC UTILITY FRANCHISES

GRANTING OF PUBLIC FRANCHISES:

Section 14.1

Public utility franchises and all renewals, extensions thereof and amendments thereto shall be granted by ordinance only. No exclusive franchise shall ever be granted. No franchise shall be granted for a longer period than thirty (30) years.

No franchise which is not subject to revocation at the will of the Council shall be enacted nor become operative until the same shall have first been referred to the people at a regular or special election and received the affirmative vote of three-fifths of the electors voting thereon. No such franchise ordinance shall be approved by the Council for referral to the electorate before thirty (30) days after application thereof has been filed with the Council nor until a public hearing has been held thereon, nor until the grantee named therein has filed with the Clerk his unconditional acceptance of all terms of such franchise. No special election for such purpose shall be ordered by the Council unless the expense of holding such election, as determined by the Council, shall first have been paid to the Treasurer by the grantee.

A franchise ordinance or removal or extension thereof or amendment thereto which is subject to revocation at the will of the Council may be enacted by the Council without referral to the voters, but shall not be enacted unless it shall have been printed in the form in which it is finally enacted unless it shall have been printed in the form in which it is finally enacted and shall have so been on file in the office of the Clerk for public inspection for at least four (4) weeks after publication of a notice that such ordinance is on file.

CONDITIONS OF PUBLIC UTILITY FRANCHISE:

Section 14.2

All public utility franchises granted after the adoption of this Charter, whether it be so provided in the granting ordinance or not, shall be subject to the following rights of the Village, but this enumeration shall not be exclusive or impair the right of the Council to insert in such franchise any provision within the power of the Village to impose or require:

- a. To repeal the same for misuse, non-use or failure to comply with the provisions thereof.
- b. To require proper and adequate extension of plant and service and maintenance thereof at the highest practicable standard of efficiency.
- c. To establish reasonable standards of service and quality of products and prevent unjust discrimination in service or rates.
- d. To require continuous and uninterrupted service to the public in accordance with the terms of the franchise throughout the entire period thereof.
- e. To use, control, and regulate the use of its streets, alleys, bridges, and public places and the space above and beneath them.
- f. After written request by the Council, to require the public utility to file with the Clerk, copies of any annual report made that year by such utility to the Michigan Public Utility Commission.

- g. To impose such other regulations as may be determined by the Council to be conducive to the safety, welfare, and accommodation of the public.

SALE OR ASSIGNMENT OF FRANCHISE:

Section 14.3

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

REGULATION OF RATES:

Section 14.4

All public utility franchises shall make provision therein for fixing rates, fares, and charges, and may provide for readjustments thereof at periodic intervals. The value of the property of the utility used, as a basis for fixing such rates, fares, and charges shall in no event include a value predicated upon the franchise, goodwill, or prospective profits.

USE OF PUBLIC PLACES BY UTILITIES:

Section 14.5

Every public utility whether it has a franchise or not shall pay such part of the cost of improvement or maintenance of streets, alleys, bridges, and public places as shall arise from its use thereof and shall protect and save the Village harmless from all damages arising from said use. Every such public utility may be required by the Village to permit joint use of its property and appurtenances located in the streets, alleys, and other public places of the Village by the Village and by other utilities insofar as such joint use may be reasonably practicable and upon payment of reasonable rental therefor. The absence of agreement and upon application by any public utility the Council shall provide for arbitration of the terms and conditions of such joint use and the compensation to be paid therefor and the arbitration award shall be final.

Chapter 15

MISCELLANEOUS

RECORDS TO BE PUBLIC:

Section 15.1

All records of the Village shall be public and shall be available for inspection at all reasonable times.

DEFINITIONS AND INTERPRETATIONS:

Section 15.2

Except as otherwise specifically provided or indicated by the context:

- a. All words in this Charter indicating the present tense shall not be limited to the time of the adoption of this Charter but shall extend to and include the time of the happening of any event or requirement for which provision is made.
- b. The singular number shall include the plural, the plural number shall include the singular and masculine gender shall extend to the feminine gender and the neuter.
- c. The word person may extend and be applied to Bodies politic and corporate and to partnerships as well as individuals.
- d. The words "printed" and "printing" shall include reproductions by printing, engraving, stencil duplicating, lithographing, or any similar methods.
- e. Except in reference to signature, the words "written" and "in writing" shall include printing and typewriting.
- f. The word "officer" shall include the President and other members of the Council, the administrative officer, and members of the Village boards and commissions created by or pursuant to this Charter.
- g. The word "statute" shall denote the Public Acts of the State of Michigan as in effect at the time the provision of the Charter containing the word "statute" is to be applied.
- h. The word "Constitution" shall denote the Constitution of the State of Michigan as in effect at the time the provision of the Charter containing the word "Constitution" is to be applied.
- i. All reference to specific local or Public Acts shall be to such local or Public Acts of the State of Michigan as in effect at the time the reference to such act is to be applied.
- j. All reference to section numbers shall refer to section numbers of the Charter.

DEFINITION OF PUBLICATION, MAILING OF NOTICE:

Section 15.3

The requirement contained in this Charter for the publishing or publication of notices or ordinances shall be met by posting copies thereof in three (3) of the most public places in the Village by the Clerk or his designated agent, the affidavit of the Clerk or such agent of such posting shall be prima facie evidence of such publication.

In any case in which this Charter requires the mailing of notices, the affidavit of the officer or employee responsible for such mailing that such notice was mailed shall be prima facie evidence of such mailing.

VILLAGE LIABILITY:

Section 15.4

In accordance with the authority granted in Section 25 of Public Acts 278 of 1909, Section 7 of Chapter VII of Public Act 3 of 1895, which section in part limits the liability of Villages and prescribes a procedure for claims against the Village, is hereby adopted as part of this chapter by the reference thereto, but the Village shall not be subject to any limitation or restrictions of said act except as provided in this Charter.

TRUSTS:

Section 15.5

All trusts established for any municipal purpose shall be used and continued in accordance with the terms of such trust, subject to the cy pres doctrine. The Council may in its discretion receive and hold property in trust for any municipal purpose and shall apply the same to the execution of such trust and for no other purpose except in cases where the cy pres doctrine shall apply.

SUNDAYS AND HOLIDAYS:

Section 15.6

Whenever the date fixed by this Charter or by ordinance for the doing or completion of any act falls on a Sunday or legal holiday, such act shall be done or completed on the next succeeding day, which is not a Sunday, or legal holiday.

RESTRICTION ON SUBDIVISION OF LANDS:

Section 15.7

No lands or premises shall hereafter be laid out, divided, or platted into streets and alleys within the Village the expense of doing such work or making such installation or improvement by the Village.

PENALTIES FOR MISCONDUCT IN OFFICE:

Section 15.9

Any officer found guilty by a court of competent jurisdiction of any act declared by the Charter to constitute misconduct in office may be punished by a fine of not to exceed One Hundred Dollars (\$100.00) or imprisonment for not to exceed ninety (90) days or both in the discretion of the court, the punishment provided in this section shall be in addition of that having the office declared vacant as provided in Section 5.2.

CHAPTER AND SECTION HEADINGS:

Section 15.10

The chapter, section, and sub-section headings used in this Charter are for convenience only and shall not be considered as part of the Charter.

AMENDMENTS:

Section 15.11

This Charter may be amended at any time in the manner provided by statute. 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.

SEVERABILITY OF CHARTER PROVISIONS:

Section 15.12

If any provisions, section, article, or clause of this Charter or the application thereof to any person or circumstances shall be found to be valid by a court, such invalidity shall not affect any remaining portion or application of the Charter which can be given effect without the invalid portion or application, provided such remaining portions or applications are not determined by the court to be inoperable, and to this end this Charter is declared to be severable.

SUCCESSION OF RIGHTS:

Section 15.13

Upon adoption of the Charter, the Village shall continue to be vested with all property, moneys, contracts, rights, credits, effects, records, files, books, and papers belonging to it as formerly incorporated. No right or liability either in favor of or against the Village existing at the time of the taking effect of this Charter and no suit or prosecution of any character shall in any manner be affected by such change, but the same shall stand or proceed as if no change in the Charter had been made. All debts and liabilities of the Village shall continue to be the debts and liabilities and all fines and penalties imposed and all taxes and assessments levied and uncollected at the time of such change shall be collected and all licenses issued by the Village shall be and remain the same as if such change had not been made and all ordinances of the Village shall remain in full force and effect provided that when a different remedy is given in this Charter or in any ordinance pursuant thereto which can be made applicable to any rights existing upon the adoption of this Charter or subject thereto, the same shall be deemed cumulative to the remedies before provided and may be used accordingly unless the newly provided remedy shall be expressly declared to be exclusive.

OFFICERS TO CONTINUE:

Section 15.14

All officers now holding any office or appointment shall continue to hold the same until the expiration of their term or until removed by competent authority or superseded by the laws now in force or by the provisions of this Charter.

SCHEDULE

ELECTION OF CHARTER:

Section 1.

The Charter shall be submitted to a vote of the electors of the Village of Edwardsburg for adoption at a special election to be held on _____, 1986. In connection with such election, the Charter Commission and the Village Council shall perform all the duties required by law for the giving of notice of and the conduct of such election. If at said election a majority of the electors of the Village voting thereon shall vote in favor of the adoption of this Charter, then the Village Clerk shall perform all other acts required by law to carry this Charter into effect.

FORM OF BALLOT:

Section 2.

The form of ballot on submission of this Charter shall be as follows:

(Proper Instructions)

“Shall the Proposed Charter of the Village of Edwardsburg,
framed by the Charter commission elected August 13, 1984,
and approved by the Governor of the State of Michigan, be adopted?”

_____ Yes

_____ No

order to comply with the terms and conditions of the proposed Charter, an election will be held in 1987 to elect three trustees for a term of three years each.

Approved by James J. Blanchard, Governor, June 2, 1986

Signed by the Charter Commissioners

Jo-Ann Boepple

Betty A. Helman

George W. Monaghan

Eloise Claire, Clerk

Otis Montgomery, Chairman

Effective date December 31, 1986