

CHARTER
OF THE
CITY OF
COOPERSVILLE, MICHIGAN

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EDITOR'S NOTE: The Coopersville Charter was approved by the voters on December 13, 1966.

PREAMBLE

We, the people of the City of Coopersville, by the grace of Almighty God, pursuant to authority granted by the Constitution and Laws of the State of Michigan, in order to secure the benefits of efficient self-government and to promote our common interests and welfare, do ordain and establish this home rule Charter.

**CHAPTER I
NAME AND BOUNDARIES**

Section 1.1 NAME.

This Municipal Corporation shall be known and exist as a body corporate under the name "City of Coopersville."

Section 1.2 BOUNDARIES.

The boundaries of the City of Coopersville shall be described as: that part of Sections 13, 14, 15, 22, 23, 24, 25, 26 and 27 of Polkton Township, Ottawa County, State of Michigan, described as: commencing at a point 1320 feet north of the southeast corner of Section 13, Town 8 North, Range 14 West to a point that is 1320 feet west of the north and south centerline of Section 15, Town 8 North, Range 14 West, thence south to a point that is 1320 feet north of the south section line of Section 22, Town 8 North, Range 14 West, thence west to the west line of Section 22, Town 8 North, Range 14 West, thence south to the north line of the I-96 Expressway right of way, thence southeast along such highway right of way to the east line of Section 25, Town 8 North, Range 14 West, thence north to the point of beginning.

Section 1.3 CHANGE WITHOUT AMENDMENT; MAP.

Upon the annexation or detachment of territory, the boundaries of the City shall be changed without amendment to this chapter.

The Clerk shall maintain and keep available in his office for public inspection and distribution copies of the official boundary description and map of the current boundaries of the City.

**CHAPTER II
DEFINITIONS AND GENERAL PROVISIONS**

Section 2.1 EFFECT OF ADOPTION.

- (a) After the effective date of this Charter, the City shall be vested with all the property, moneys, contracts, rights, credits, effects and the records, files, books and papers belonging to the Village of Coopersville and to that part of Polkton Township being annexed hereby.
- (b) No right or liability, either in favor of or against the Village of Coopersville existing at the time this Charter becomes effective, and no suit or prosecution of any character shall in any manner be affected by any change resulting from the adoption of this Charter, but the same shall stand or proceed as if no change had been made. All debts and liabilities of the Village of Coopersville shall continue to be the debts and liabilities of the City and all fines and penalties imposed at the time of such change shall be collected.

Section 2.2 RECORDS TO BE PUBLIC.

All records of the City shall be public, unless otherwise provided by law, shall be kept in City offices, except when required for official reasons or for purposes of safe-keeping to be elsewhere, and shall be available for inspection at all reasonable times.

Section 2.3 DEFINITIONS AND INTERPRETATIONS.

Except as otherwise specifically provided or indicated by the context of this Charter:

- (a) The word "City" shall mean the City of Coopersville.
- (b) The word "Council" shall mean the City Council of the City of Coopersville.
- (c) The word "officer" shall include, but shall not be limited to the Mayor, the members of Council and, as hereinafter provided, the administrative officers, deputy administrative officers and members of the City boards and commissions created by or pursuant to this Charter.
- (d) The word "person" may extend and be applied to bodies politic and corporate and to partnerships and associations, as well as to individuals.
- (e) The words "printed" and "printing" shall include printing, engraving, stencil, duplicating, lithographing, typewriting, photostating, or any similar method.
- (f) Except in reference to signatures, the words "written" and "in writing" shall include handwritten script, printing, typewriting, and teletype and telegraphic communications.
- (g) The words "publish" and "published" shall include publication of any matter, required to be published, in the manner provided by law or, where there is no applicable law, in one or more newspapers of general circulation in the City, qualified by law for the publication of legal notices, or, as an alternate therefore, shall be posted in at least one public place in each election precinct.

- (h) The words "public utility" shall include all common carriers in the public streets, water, sewage disposal, electric light and power, gas, telephone and telegraph lines and systems, garbage collection, garbage disposal, refuse collection, refuse disposal and reduction plants, and such other and different enterprises as Council may, from time to time, determine or designate.
- (i) All words indicating the present tense shall not be limited to the time of the adoption of this Charter, but shall extend to and include the time of the happening of any event or requirement to which any provision of the Charter is applied.
- (j) The singular shall include the plural, the plural shall include the singular, and the masculine gender shall extend to and include the feminine gender and the neuter.
- (k) The word "freeholder" shall include any person and his spouse who is purchasing property on land contract.
- (l) The word "default" shall include being delinquent in taxes.
- (m) The word "statute" shall denote the Public Acts of the State of Michigan in effect at the time the provision of the Charter containing the word "statute" is to be applied.
- (n) All references to specific Public Acts of the State of Michigan shall be to such acts as are in effect at the time the reference to such acts is to be applied.
- (o) The words "law" and "general laws of the State" shall denote the Constitution, the Public Acts and the applicable common law of the State of Michigan in effect at the time the provision of the Charter containing the words "law" or "general laws of the State" is to be applied, and applicable common law.
- (p) All references to section numbers shall refer to section numbers of this Charter.

Section 2.4 OFFICIAL PERFORMANCE.

Whenever this Charter requires the performance of an act by an officer, the act may be performed by a deputy or by a subordinate, under the officer's directions, unless otherwise provided by law.

Section 2.5 QUORUM.

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

Section 2.6 SUNDAYS AND HOLIDAYS.

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

Section 2.7 ESTOPPEL.

No estoppel may be invoked against the City.

Section 2.8 PENALTIES FOR VIOLATION OF CHARTER.

Any person or officer of the City found guilty by a court of competent jurisdiction of any violation of this Charter may be punished by a fine which, in addition to court costs charged to him, shall not exceed five hundred dollars (\$500.00) or imprisonment for not more than ninety days, or both such fine and imprisonment, in the discretion of the court. For an officer of the City the punishment provided in this section shall be in addition to that of having the office declared vacant as provided in this Charter. This section shall not operate to limit or prejudice the power to remove officers or discharge employees as provided in this Charter.

Section 2.9 CHAPTER AND SECTION HEADINGS.

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

Section 2.10 AMENDMENTS.

This Charter may be amended at any time in the manner provided by law. Should two or more amendments adopted at the same election have conflicting provisions, the amendment receiving the largest affirmative vote shall prevail as to those provisions.

Section 2.11 SEVERABILITY OF CHARTER PROVISIONS.

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

Section 2.12 CITY LIABILITY.

The City shall not be liable to pay damages for injuries which arise out of governmental functions, sustained by any person either to his person or property by reason of the negligence of the City, its officers or employees, nor by reason of any defective condition of or obstruction in any public place, unless such person shall serve or cause to be served upon the Clerk, within sixty days after the injury resulting in such damages shall have occurred, a notice in writing, which notice shall set forth substantially the time and place of such injury, the manner in which it occurred, the extent of such damages as far as the same has become known, the names and addresses of the witnesses known at the time by the claimant and a statement that the person sustaining such damages intends to hold the City liable for such damages as may have been sustained by him.

The City shall not be liable for any damage to person or property arising out of any such injury unless there shall have been first presented to the Clerk a claim in writing and under oath setting forth particularly the time, place, nature and extent of such injury and the amount of damages claimed by reason thereof. No person shall bring any action against the City for any such damages until such claims shall have been filed with the Clerk and until the Council shall have been given reasonable opportunity to act thereon, either by allowing or refusing to allow the claim.

It shall be a sufficient bar and answer in any Court to any action or proceeding for the collection of any demand or claim against the City under this section that the notice of injury and the verified proof of claim as in this section required were not presented and filed within the time and in the manner as herein provided.

CHAPTER III MUNICIPAL POWERS

Section 3.1 GENERAL POWERS.

- (a) The City shall possess and be vested with all the powers, privileges and immunities, expressed or implied, which home rule cities are or hereafter may be permitted to exercise or to provide for in their charters under the Constitution and Laws of the State of Michigan, as fully and completely as though such powers, privileges and immunities were specifically enumerated herein, unless otherwise provided or limited in this Charter. Any enumeration of particular powers, privileges or immunities anywhere in this Charter shall not be held to be exclusive.

- (b) The City and its officers shall have power to manage and control its finances, rights, interests, buildings and property, to enter into contracts, to do any act to advance the interest, good government and prosperity of the City and its inhabitants, to protect the public peace, health, safety and general welfare, and to restrain and prevent crime and vice. In the exercise of such powers, the City may enact ordinances, rules and regulations and take such other action as may be required, not inconsistent with law. The power of the City shall include, but shall not be limited to, the following:
 - (1) To declare as a hazard or nuisance any act or condition, upon public or private property, or both, including, but not limited to, the accumulation of rubbish and the growing of noxious weeds, which is, or may be dangerous to the health, safety or welfare of the inhabitants of the City, to provide for the abatement thereof, and to provide that the cost of such abatement shall be charged as a special assessment against the real property on which the hazard or nuisance is located;

 - (2) To provide for the public welfare by:
 - A. Regulating trades, occupations and amusements within the City, and prohibiting trades, occupations and amusements which are detrimental to the safety, health or welfare of its inhabitants;

 - B. Regulating the preparation, storage, transportation and sale of foods, drugs and beverages for human consumption;

 - C. Collecting and disposing of garbage and rubbish;

 - D. Regulating and restricting the locations of oil and gasoline stations;

 - E. Licensing and regulating the number of vehicles, which carry persons or property for hire, fixing the rates of fare and charges, and determining the locations of stands for such vehicles;

 - F. Licensing and regulating billboards and advertising signs and the locations thereof;

 - G. Regulating the construction, erection, alteration, equipment, repair, moving, removal and demolition of buildings and structures and their appurtenances and service equipment;

- H. Establishing zones within the City and regulating therein the use and occupancy of lands or structures, the height, area, size and location of buildings, the required open spaces for light and ventilation of buildings, and the density of population;
 - I. Requiring the platting of all land or premises within the City hereafter subdivided, in accordance with the terms and conditions as may be provided by ordinance, subject to any limitations imposed by statute;
 - J. Regulating and controlling the use of streams, waters and watercourses within the City in any manner consistent with the provisions of law; and
 - K. The purchase or condemnation of the franchises and of the property used in the operation of companies or individuals engaged in the cemetery, hospital, alms house, electric light, gas, heat, water and power business;
- (3) To establish and reasonably control streets, alleys, bridges and public places, and the space above and beneath them, and the use thereof by:
- A. Providing a plan of streets and alleys within and for a distance of not more than three miles beyond the limits of the City;
 - B. Requiring the owners of real property to build and maintain public sidewalks in the area of streets immediately adjacent to such property, and, upon the failure of any owner to do so, constructing and maintaining such sidewalks and assessing the cost thereof against such property as a special assessment;
 - C. Compelling all persons to care for the untraveled portions of streets lying between the curbs and sidewalks which abut upon premises owned, controlled or occupied by them, and to keep the same free from weeds and from objects which are offensive or hazardous to public health and safety, and, upon the failure to do so, cutting and removing such weeds and removing such objects and assessing the cost thereof against such property as a special assessment;
 - D. Compelling all persons to keep sidewalks which are in the area of streets immediately adjacent to the premises owned, controlled or occupied by them, free from snow, ice, dirt, wood, weeds, shrubbery, or any other object which obstructs such sidewalks, or which makes the same hazardous or offensive to the public health or safety, and, upon failure of such persons to do so, to cut and remove such weeds and to remove such objects, and to assess the cost thereof against such property as a special assessment;
 - E. Providing for the grade of streets and requiring public utility users of streets to conform thereto with respect to their tracts or facilities located on, above or under the streets or alleys, requiring railroads to keep their tracks and the street surface between the tracks for a

distance of one and one-half feet on each side of them in reasonable repair at all times;

- F. Regulating the speed of vehicles, trains and locomotives upon or across the streets within the provisions and limitations of law, and the stopping and parking of the same upon the streets and at street crossings;
 - G. Providing for and regulating the lighting of streets and alleys, whether such lights be located on public or private property;
 - H. Preventing and abating the encumbering of streets and alleys or any part thereof;
 - I. Regulating the location of buildings and structures and of trees and shrubbery at and near street corners and street intersections with alleys and driveways, so as to provide for the public safety and welfare in the use of streets and alleys;
 - J. Providing for and regulating the numbering of buildings upon property abutting streets and alleys and compelling the owners and occupants thereof to affix numbers thereto;
 - K. Providing for the use by other than the owner, of property located on, above or under the streets, alleys and public places, in the operation of a utility, upon the payment of a reasonable compensation therefore to the owner thereof;
 - L. Prohibiting or regulating of the use, occupancy, sanitation and parking of house trailers and mobile homes within the City, and the right of the City to so regulate any house trailer shall not be abrogated thereof because of any detachment from its wheels or because of placing it on, or attaching it to the ground by means of any temporary or permanent foundation or in any manner whatsoever; and
 - M. Providing for the planting and control over all trees, shrubs and plants in the public streets, highways, parks or other public places in the City, all dead and diseased trees on private property and trees on private property overhanging the street, sidewalk or public places, including the removal thereof and assessing the cost thereof against the abutting property as a special assessment;
- (4) To undertake any public work or make any public improvement or any repair or replacement thereof, either directly or by contract with public bodies or private persons, and to participate in any public work or public improvement under any lawful plan by which the whole or partial support of such work or improvement is provided by another governmental unit or agency;
- (5) To construct, provide, maintain, extend, operate and improve:

- A. Within the City, a City Hall, City office buildings, community buildings, police stations, fire stations, civic auditoriums, public libraries and polling places; and
 - B. Either within or without the corporate limits of the City or Ottawa County public parks, recreation grounds and stadiums, Municipal camps, public grounds, zoological gardens, museums, airports and landing fields, cemeteries, levees, embankments, and structures for flood control and other purposes related to the public health, safety and welfare, electric light and power plants and systems, public heating plant and systems, gas plants and systems, waterworks and water treatment plants and systems, sewage disposal plants and systems, storm sewers, garbage collection and disposal facilities, refuse and rubbish collection and disposal facilities, market house and market places, facilities for storage and parking of vehicles, hospitals, facilities for the landing of helicopters and air vehicles having like landing characteristics, and any other structure or facility which is devoted to or intended for public purposes within the scope of the powers of the City;
- (6) To acquire by purchase, gift, condemnation, lease or otherwise, real and personal property and interests in property, either within or without the corporate limits of the City or of Ottawa County, for any public use or purpose within the scope of its powers, including but not by way of limitation, the uses and purposes set forth in this section; and
- (7) To join with any municipal corporation or with any other unit or agency of government, or with any number or combination thereof, by contract or otherwise, as may be permitted by law, in the ownership, operation or performance, jointly or by one or more on behalf of all, of any property, facility or service which each would have the power to own, operate or perform separately.

CHAPTER IV ELECTIONS

Section 4.1 QUALIFICATIONS OF ELECTORS.

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

Section 4.2 ELECTION PROCEDURE.

The election of all City officers shall be on a nonpartisan basis. The general election statutes shall apply and control, as near as may be, all procedures relating to City elections, including but not limited to qualifications of electors, establishment of precincts, verification of petitions, registration of voters and voting hours. The Clerk shall give public notice of each City election in the same manner as is required by law for the giving of public notice of general elections in the State.

Section 4.3 WARDS AND PRECINCTS.

The City of Coopersville shall consist of one ward. The election precincts of the City shall remain as they existed on the effective date of this Charter, until altered by Council. Council shall by ordinance from time to time establish convenient election precincts in accordance with this Charter and statutes.

Section 4.4 PRIMARY ELECTION.

Beginning in 2001, and in accordance with Section 4.5, a primary election shall be held on the first Tuesday following the first Monday in August in each year in which a general City election is to be held.

If upon the expiration of the time for filing nominating petitions for any elective City office, valid petitions have been filed for no more than twice the number of candidates for such office to be elected at the following general City election, then no primary election shall be held with respect to such office.

Candidates equal in number to twice the number of persons to be elected to each office at the next subsequent general City election, who receive the highest number of votes at any such primary election, shall be declared the nominees for election to the respective offices for which they are candidates. The names of such candidates, together with the names of candidates who filed valid nominating petitions for any office for which no primary was held, shall be certified by the Clerk to the Election Commission as nominees for the next subsequent general City election.

(Amended 4-6-98)

Section 4.5 GENERAL CITY ELECTION.

Beginning in November of 2001, a general City election shall be held on the first Tuesday following the first Monday in November in each odd-numbered year.

To implement this section, and to provide for the transition from annual spring elections to fall elections held only in odd-numbered years, the following transitional terms of office shall be applied and schedule followed:

- (a) The election dates and procedures to be followed for election to a City office, the term of which ends in April of 1999, shall be governed by the provisions of this Charter; provided, however, that the initial term of such office shall end in November of 2001. Thereafter, candidates seeking election to one of these offices shall be governed by the non-transitional election dates and procedures provided in this Charter.

- (b) The election dates and procedures to be followed for election to a City office, the term of which ends in April of 2000, shall be governed by the provisions of this Charter; provided, however, that the term of such office shall end in November of 2003. Thereafter, candidates seeking election to one of these offices shall be governed by the nontransitional election dates and procedures provided in this Charter.

(Amended 4-6-98)

Section 4.6 SPECIAL ELECTIONS.

Special City elections shall be held when called by resolution of Council at least forty-five days in advance of such election, or when required by law. Any resolution calling a special election shall set forth the purpose of such election. No more special City elections shall be called in any one year than the number permitted by law.

Section 4.7 ELECTION COMMISSION.

Council shall by ordinance create an Election Commission consisting of the City Clerk and two qualified and registered electors of the City who shall be appointed by the Mayor. The Commission shall appoint the Board of Election Inspectors for each precinct and have charge of all activities and duties required of it by law relating to the conduct of elections in the City. The compensation of election personnel shall be determined in advance by Council. In any case where election procedure is in doubt, the Commission shall prescribe the procedure to be followed.

Section 4.8 NOMINATIONS.

The method of nomination for all candidates for City elections shall be by petition. Petitions for each candidate shall be signed by not less than twenty-five nor more than fifty registered electors of the City. No person shall sign his name to a greater number of petitions for any one office than there are persons to be elected to such office at the following general City election. Where the signature of any individual appears on more petitions than he is so permitted to sign, the signatures bearing the most recent date shall be invalidated.

Nominating petitions for candidates to be nominated at any general City primary election, or to be elected at a special election, shall be filed with the Clerk eight weeks prior to the election.

(Amended 4-6-98)

Section 4.9 FORM OF PETITIONS.

The form of nominating petitions shall be substantially as that designated by the Secretary of State for the nomination of nonpartisan judicial officers. A supply of official petition forms shall be provided and maintained by the Clerk and no other forms shall be used by candidates for City offices. Before the Clerk shall furnish a nominating petition to any person, he shall enter on each petition form with typewriter or ink the name of the person to be nominated as a candidate and the name of the office for which he is to be a candidate. No petition which has been altered with respect to such entries shall be received by the Clerk for filing.

Section 4.10 APPROVAL OF PETITIONS.

- (a) The Clerk shall accept only nomination petitions which conform with the forms provided and maintained by him, and which, considered together, contain the required number of valid signatures for candidates having those qualifications required for the respective elective City offices by this Charter. When a petition is filed by persons other than the person whose name appears thereon as a candidate, it shall be accepted only when accompanied by the written consent of the candidate.

- (b) 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 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 determinations as to the validity and sufficiency of each nominating petition and whether or not the candidate has the qualifications required for his respective elective City office by this Charter, and shall write his determinations thereof on the face of the petition.
- (c) The Clerk shall immediately notify, in writing, the candidate whose name appears thereon of his determinations. Such notice to any candidate whose petition is found invalid or insufficient or who is found not to be qualified shall be delivered by personal messenger or by certified or registered mail, but in any event, to the address shown on the petition. Any candidate whose petition is found invalid or insufficient shall be allowed to file supplementary or replacement petitions before 5:00 o'clock p.m., at the then prevailing local time on the fifth day after the last day for filing original petitions; thereafter no further petitions may be filed.
- (d) Withdrawal of a candidate's name from consideration on the ballot must be made in writing and in conformance with the time allowed by statute.
- (e) All nominating petitions filed shall be open to public inspection in the office of the Clerk, except during a three-day period immediately following the last day for filing such petitions.
- (f) The Clerk shall not accept nominating petitions for the election of any candidate for more than one office. However, if a candidate withdraws his petitions for election to any elective office within the time provided for herein, he may thereafter file petitions for another office within the time provided herein for filing nominating petitions.

Section 4.11 FORM OF BALLOT.

- (a) The form, printing and number of ballots or the preparation of the voting machines used in any City election shall conform as nearly as may be to the provisions of statute, except that no party designation or emblem shall appear. In all City elections the names of qualified candidates or nominees for each office shall be listed under a separate heading and shall be rotated systematically in the manner prescribed by statute for rotation of names.
- (b) If two or more candidates or nominees for the same office have the same or similar surnames the Election Commission shall print the residence address under the respective names of each of such candidates or nominees on the ballots (or labels or slips to be placed on voting machines when used), provided, that for any of such candidates who is an incumbent of such office, the identification shall be designated as "Incumbent."
- (c) Except as provided in this section, there shall be no supplementary identification of candidates or nominees on the ballot.

Section 4.12 CANVASS OF VOTES.

The Election Commission shall constitute the Board of Canvassers to canvass the votes cast at all elections. A majority of the members of such Board shall be a quorum for the transaction of business of the Board. The Board of Canvassers shall meet at the office of the Clerk at 10:00 a.m. on the second day following each City primary or election, and shall publicly determine the vote upon all questions and propositions, and shall declare whether the same have been adopted or rejected and which persons have been nominated for or elected to office and shall notify in writing the successful candidates of their election. The Clerk shall make under the corporate seal of the City duplicate certificates of the determinations of the Board and shall file one certificate with the County Clerk and the other in his own office.

Section 4.13 TIE VOTE.

If, at any City election, there shall be no choice between candidates by reason of two or more persons having received an equal number of votes, then Council shall name a date for the appearance of such persons within one week after such election for the purpose of determining the election of such candidates by lot as provided by statute.

Section 4.14 RECOUNT.

A recount of the votes cast at any City election for any office or upon any proposition may be had in accordance with election statutes.

**CHAPTER V
GENERAL PROVISIONS REGARDING OFFICERS AND PERSONNEL OF THE CITY**

Section 5.1 OFFICERS TO BE ELECTED; TERMS OF OFFICE.

- (a) The elective officers of the City shall be the Mayor and six Councilmembers.
- (b) Beginning in November of 2001, and as provided for in Section 4.5, at each general City election three Councilmembers shall be elected to serve for a term of four years.
- (c) Beginning in November of 2003, and as provided for in Section 4.5, a Mayor shall be elected at the general City election in every other odd-numbered year to serve for a term of four years.
- (d) The terms of office of the Mayor and Councilmembers shall commence at 8:00 p.m. on the Monday next following the general City election at which they were elected.

(Amended 4-6-98)

Section 5.2 OFFICERS TO BE APPOINTED; TERMS OF OFFICE.

- (a) The appointive officers of the City shall be a City Manager, a Clerk, a Treasurer, an Assessor, a Director of Public Safety if there be one, and such other administrative officers as may be established by Council. Council may establish additional administrative offices and may combine any administrative offices in any manner It deems necessary or advisable for the proper and efficient operation of the City, but Council may not diminish the duties or responsibilities of the office of City Manager. The City Manager, Attorney, Clerk, Treasurer and Assessor shall be appointed by Council for an indefinite period, shall be responsible to and serve at the pleasure of Council and shall have their compensation fixed by Council.
- (b) All other administrative officers of the City shall be appointed by Council upon recommendations of the City Manager for an indefinite period. Such officers shall be responsible to the City Manager and shall have their compensation fixed by the City Manager in accordance with budget appropriations. Such officers may be discharged by the City Manager at his pleasure.

Section 5.3 CITY EMPLOYEES.

All personnel employed by the City, who are not elected officers or declared to be appointive officers by or under authority of this Charter, shall be deemed to be employees of the City. Each member of the police and fire forces of the City shall take and subscribe to the oath prescribed by Section 1 of Article XI of the State Constitution, but shall not, because of such fact, be an officer of the City.

Section 5.4 ELIGIBILITY FOR OFFICE IN THE CITY.

- (a) No person shall hold any elective office of the City, unless he was a resident of the City, or of the territory annexed to the City, or both, for at least one year immediately prior to, and was a registered elector on, the last day for filing nominating petitions for such office or prior to the time of his appointment to fill a vacancy, nor shall he be in default to the City. For the purposes of the first election for Councilmen and Justice of the Peace the one year's residency and voter registration requirements shall apply to

anyone who qualifies in the newly incorporated area within the boundaries as specified in this Charter.

- (b) The Justice of the Peace shall, in addition, have the qualifications of that office prescribed by law.
- (c) No person shall be eligible for any elective or appointive City office who is in default to the City. The holding of office by any person who is in such default shall create a vacancy unless such default shall be eliminated within thirty days after written notice thereof by the Clerk upon the direction of Council, or, unless the officer in good faith contests his liability for the default in a court or tribunal of competent jurisdiction.
- (d) Each Supervisor and each member of a City board or commission created by or pursuant to this Charter shall have been a resident of the City for at least one year immediately prior to the day of his appointment and shall be a qualified and registered elector of the City on such day and throughout his tenure of office.
- (e) No person who holds or has held the office of Councilman shall be eligible to hold any appointive office for which there is compensation paid by the City until two years have elapsed following the expiration of the term of office for which he was elected. This provision would not apply to such appointive positions as the Board of Review where nominal compensation may be paid by the City; however, the Councilman must have resigned his office or his term expired before such appointment.
- (f) No incumbent elective City officer shall become a candidate for any elective City office, except to succeed himself, without first resigning from his then incumbent elective City office, provided that the provisions hereof shall not apply to any incumbent elective City officer whose term of office will expire with the election at which he is to be a candidate for another elective City office. No appointive City officer or employee shall seek any elective office of the City, unless he resigns from his position with the City.

Section 5.5 VACANCIES IN OFFICE.

Any elective City office shall be declared vacant by Council upon the occurrence of any of the following events before the expiration of the term of such office:

- (a) For any reason specified by law 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 court of competent jurisdiction of any act constituting a violation of this Charter;
- (d) If any officer ceases to have the qualifications for eligibility for such office required by this Charter;
- (e) If any officer shall absent himself continuously from the City for more than thirty days in any one calendar year without permission of Council;
- (f) In the case of members of Council, if such officers shall miss three consecutive regular meetings of the Council or from seven regular meetings in any calendar year, unless

such absences be for confining illness or be excused by Council at the time they occur;
or

- (g) If the officer is removed from office by Council in accordance with the provisions of Section 5.7 of this Charter.

Section 5.6 VACANCIES IN BOARDS AND COMMISSIONS.

The office of any member of any board or commission created by, or pursuant to, this Charter shall be declared vacant by Council as follows:

- (a) For any reason specified by law as creating a vacancy in office;
- (b) If the officer shall be found guilty by a competent tribunal of an act constituting misconduct in office or violation of this Charter;
- (c) If such officer shall miss more than two consecutive regular meetings of such board or commission, or twenty-five percent of such meetings in any fiscal year of the City, unless such absences shall be excused by such board or commission at the time of such absence; or
- (d) If the officer is removed from office by Council in accordance with the provisions of Section 5.7 of this Charter.

Section 5.7 REMOVALS FROM OFFICE.

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

- (a) For any reason specified by law for removal of City officers by the Governor; or
- (b) For any act constituting a violation of this Charter.

Such removals by Council shall be made only after a 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 the 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 such charges, his failure to do so may be deemed cause of his removal. A majority vote of the members of Council in office at the time, exclusive of any member whose removal may be being considered, shall be required for any such removal.

Section 5.8 RESIGNATIONS.

Resignations of elective officers and of members of boards and commissions shall be made in writing and filed with the Clerk and shall be acted upon by Council at its next regular meeting following receipt thereof by the Clerk. Resignations of appointive officers shall be made in writing to the appointing officer or body and shall be acted upon immediately.

Section 5.9 FILLING VACANCIES.

- (a) If a vacancy occurs in any elective City office, Council shall, within thirty days after such vacancy occurs, appoint a person who possesses the qualifications required of holders of such office. Each such appointee to an elective office shall hold office under

such appointment until the Monday following the next regular City election. At such regular City election, a person possessing the qualifications for the office shall be elected to fill such vacancy for the remainder of the unexpired term.

- (b) If a vacancy occurs in any appointive office, it shall be filled in the manner provided for making the original appointment. In the case of members of boards and commissions appointed for a definite term, such appointments shall be for the unexpired term.

Section 5.10 TERM OF OFFICE CANNOT BE SHORTENED OR EXTENDED.

Except by procedures provided in this Charter, the term of the elective officials of the City and of officers of the City appointed for a definite term shall not be shortened. The terms of officers of the City may not be extended beyond the period for which any officer was elected or appointed.

Section 5.11 INCREASE OR DECREASE OF COMPENSATION.

Council shall not grant or authorize extra compensation to any City officer, elective or appointive, or to any employee, agent or contractor, after the service has been rendered or the contract entered into. Nor shall the salary of any officer, elective or appointive, be increased or decreased after his election or appointment during any fixed term for which he was elected or appointed.

Section 5.12 OATH OF OFFICE.

Every officer, elected or appointed, before entering upon the duties of his office, shall take the oath of office prescribed by the Michigan Constitution and shall file the same with the Clerk, together with any bond required by this Charter or by Council. In case of failure to comply with the provisions of this section within ten days from the date of his election or appointment, such officer shall be deemed to have declined the office and such office shall thereupon be vacant, unless Council shall, by resolution, extend the time in which such officer may qualify as set forth in this section.

Section 5.13 SURETY BONDS.

Except as otherwise provided in this Charter, Council may require any officer or employee of the City to give a bond, to be approved by Council, conditioned upon the faithful and proper performance of the duties of the office or employment concerned, in such sums as Council shall determine. All such officers or employees who receive, distribute or are responsible for City funds or investments shall be bonded. The resignation, removal or discharge of any officer or employee, or appointment of another person to such office or employment, shall not exonerate such officer or employee or any sureties of such officer or employee from any liability incurred by such officer, employee or sureties. All official bonds shall be corporate surety bonds and the premiums thereon shall be paid by the City. Bonds required by this section shall not be renewed upon the expiration of the terms for which issued, but, in each case, a new bond shall be furnished. No official bond shall be issued for a term exceeding three years, unless the term of the officers concerned exceeds three years. The bonds of all officers and employees shall be filed with the Clerk, except that the Clerk's bond (unless he is covered within the scope of a blanket surety bond) shall be filed with the Treasurer. The requirements of this section may be met by the purchase by the City of one or more blanket corporate surety bonds covering all or any group or groups of the officers and employments of the City. Any officer or employee who is covered by a blanket surety bond need not be bonded individually for the purpose of qualifying for office.

Section 5.14 GIVING SURETY OR BEING AGENT FOR SURETY.

No officer, agent or employee of the City shall become surety on the official bond of any City officer, agent or employee, or upon any bond or contract executed to or made with the City, or, except for himself or his immediate family, give or furnish any bail or recognizance in connection with any

complaint or warrant charging the violation of this Charter or of any ordinance of the City. No officer, agent or employee of the City shall be the agent of any surety or insurer in connection with any license granted by the City or with respect to which the approval of Council or any officer of the City is required.

Section 5.15 DELIVERY OF OFFICE AND ITS EFFECTS BY OFFICER TO HIS SUCCESSOR.

Whenever any officer or employee shall resign or be removed from office, or if the term of office for which he has been elected or appointed has expired, he shall, on demand, deliver to his successor in the office or to his superior, all books, papers, moneys and effects in his custody as such officer or employee, and which in any way may appertain to his office or employment. Any person violating this provision may be proceeded against in the same manner as public officers generally for a like offense under the general laws of the State, now or hereafter in force and applicable thereto. Every officer and employee of the City shall be deemed an officer within the meaning and provisions of such general laws of the State for the purpose of this section.

Section 5.16 NEPOTISM.

Unless Council shall by unanimous vote, which vote shall be recorded as part of its official proceedings, determine that the best interests of the City shall be served, the following relatives of any elective or appointive officer are disqualified from holding any appointive office or employment during the term for which such elective or appointive officer was elected or appointed: spouse, child, parent, grandchild, grandparent, brother, sister, half-brother, half-sister, or the spouse of any of them. All relationships shall include those arising from adoption. This section shall in no way disqualify such relatives or their spouses who are bona fide appointive officers or employees of the City at the time of the election or appointment of such official.

CHAPTER VI ADMINISTRATIVE SERVICE, PLAN OF GOVERNMENT

Section 6.1 THE CITY MANAGER.

- (a) The City Manager shall be the chief administrative officer of the City government, in conformity with the provisions of this Charter. He shall be selected by Council on the basis of training and ability alone, and shall serve at the pleasure of, and be subject to removal by Council, but he shall not be removed from office during a period of ninety days following any regular City election except by the affirmative vote of not less than five members of Council.
- (b) Council shall appoint a City Manager within ninety days after any vacancy exists in such position and they may appoint an Acting Manager during the period of a vacancy in the office, or the City Manager, with the consent and approval of Council, may designate an administrative officer or employee of the City to act as City Manager if he is temporarily absent from the City or unable to perform the duties of his office. No person who holds or has held any elective City office shall be eligible for appointment as City Manager or Acting City Manager during a vacancy in that office until two years have elapsed following the expiration of the term for which he was elected.

Section 6.2 CITY MANAGER; FUNCTIONS AND DUTIES.

The City Manager shall be the chief administrative officer of the City government and shall be vested with all administrative powers of the City not inconsistent with the provisions of this Charter. He shall perform the duties of his office under the authority of and be accountable to Council. It shall be the duty of the City Manager to:

- (a) See that all laws and ordinances are enforced;
- (b) Supervise and coordinate the work of the administrative officers and departments of the City, including those appointed directly by Council but excepting the City Attorney, if there be one, and the Clerk's duties in keeping Council's records and as the clerical official of Council;
- (c) Prepare and administer the annual budget under policies formulated by Council and he shall keep Council advised as to the financial condition and needs of the City;
- (d) Establish and maintain a central purchasing service for the City and he or his authorized representative to be the purchasing agent for the City;
- (e) Subject to any employment ordinance of the City, employ or be responsible for the employment of all City employees and supervise and coordinate the personnel policies and practices of the City;
- (f) Keep informed and report to Council concerning the work of the several offices and departments of the City and, to that end, he may secure from the officers and heads of all administrative departments such information and special reports as he or Council may deem necessary;
- (g) In case of a conflict of authority between officers and administrative departments or in case of the absence of administrative authority occasioned by the inadequacy of Charter or ordinance provisions, resolve the conflict or supply the necessary authority

- so far as may be consistent with law and the ordinances of the City, and direct the necessary action to be taken in conformance therewith, making a full report immediately to Council;
- (h) Attend all meetings of Council with the right to be heard in all Council proceedings, but without the right to vote;
 - (i) Recommend to Council, from time to time, such measures as he deems necessary or appropriate for the improvement of the City or its services;
 - (j) Prepare and maintain an administrative code defining the duties and functions of the several offices and departments of the City which, when adopted as an ordinance by Council, shall supplement this Charter in establishing the duties and functions, as established in this Charter, of each officer and department of the City;
 - (k) Furnish Council with information concerning City affairs and prepare and submit such reports as may be required or which Council may request, including an annual report which shall consolidate the reports of the several departments;
 - (l) See that all terms and conditions in any public utility franchise or in any contract are faithfully kept and performed;
 - (m) Possess such other powers and perform such additional duties as may be granted to or required of him from time to time by Council, so far as may be consistent with the provisions of law; and
 - (n) Establish any rules necessary to carry out any of the foregoing duties.

Section 6.3 CITY CLERK.

- (a) The Clerk shall be the clerk and clerical officer of Council. He shall attend all meetings of Council, and shall keep its journal.
- (b) He shall keep a record of all actions of Council at its regular and special meetings.
- (c) He shall have the power to administer all oaths required by law and by the ordinances of the City.
- (d) He shall be the custodian of the City seal, and shall affix the same to documents required to be sealed. He shall also be custodian of all papers, documents and records pertaining to the City, the custody of which is not otherwise provided for by this Charter.
- (e) He shall give to the proper officials ample notice of the expiration or termination of any official bonds, franchises, contracts or agreements to which the City is a part.
- (f) He shall notify Council of the failure of any officer or employee required to take an oath of office or to furnish any bond required of him.
- (g) He shall certify all ordinances and resolutions adopted by Council.

- (h) He shall perform such other duties in connection with his office as may be required of him by law, the ordinances or resolutions of Council, or by the City Manager.

Section 6.4 CITY TREASURER.

- (a) The Treasurer shall have the custody of all moneys of the City, the Clerk's bond, and all evidences of value or indebtedness belonging to or held in trust by the City.
- (b) He shall keep and deposit all moneys or funds in such manner and only in such places as Council may determine, and shall report the same in detail to the City Manager.
- (c) He shall have such powers, duties and prerogatives in regard to the collection and custody of State, County, school district, and City taxes and moneys as are provided by law.
- (d) He shall perform such other duties in connection with his office as may be required of him by law, the ordinances or resolutions of Council or by the City Manager.

Section 6.5 DEPUTY CLERK OR TREASURER.

The Clerk and Treasurer may appoint and remove their deputies, subject to the budget allowances therefore and the approval of the City Manager in the case of appointments. Each deputy shall possess all powers and authorities of his superior officer.

Section 6.6 ASSESSOR.

- (a) The Assessor shall possess all the power vested in and shall be charged with the duties imposed upon assessing officers by law.
- (b) He shall make and prepare all regular and special assessment rolls in the manner prescribed by law or the ordinances of the City.
- (c) He shall perform such other duties as may be prescribed by law or the ordinances of the City or by the City Manager.

Section 6.7 CITY PLANNING.

- (a) Council may provide for and maintain a City Planning Commission, which shall possess all of the powers and perform the functions of planning commissions as set forth in Act No. 285 of the Public Acts of 1931, as amended. The citizen members of the Planning Commission shall be appointed by the Mayor subject to confirmation by Council and they shall represent, insofar as possible, different professions or occupations. The members of the Commission shall serve without compensation.
- (b) The City Manager may appoint a Planning Director, subject to budget appropriations and the confirmation of the Commission, who shall perform the duties prescribed by the established rules of the Commission.

Section 6.8 ZONING.

The zoning regulations of the Village of Coopersville and that part of the Township of Polkton incorporated into the new City, existing on the effective date of this Charter, shall remain in full force and effect in the areas to which they apply until one year after the effective date of this Charter, or until

Council shall adopt a zoning ordinance for the City and shall thereafter maintain such ordinance current and in effect. At the discretion of Council, the Planning Commission may be designated as the Zoning Board of Appeals, or a separate Board may be designated and appointed by the Mayor with the approval of Council.

Section 6.9 ADDITIONAL ADMINISTRATIVE POWERS AND DUTIES.

From time to time upon the recommendation of the City Manager, Council may, by ordinance, prescribe additional administrative powers and duties or diminish any powers and duties in a manner not inconsistent with this Charter, to be exercised and administered by appropriate officers and departments of the City.

Section 6.10 MERIT SYSTEM OF PERSONNEL MANAGEMENT.

Council may provide by ordinance for a merit system of personnel management for the City.

Section 6.11 EMPLOYEE WELFARE BENEFITS.

Council shall have power to make available to the administrative officers and employees of the City and its departments and boards, an actuarial pension plan, and any recognized standard group plan of life, hospital, health or accident insurance or any one or more thereof.

CHAPTER VII
THE COUNCIL: PROCEDURE AND MISCELLANEOUS POWERS AND DUTIES

Section 7.1 CITY GOVERNING BODY.

The six Councilmen and Mayor shall constitute the legislative and governing body of the City. They shall be elected from the City at large.

Section 7.2 MAYOR AND MAYOR PRO TEM.

- (a) At the first meeting of Council following each City election, Council shall organize and elect one of its members to the office of Mayor Pro Tem.
- (b) The Mayor shall preside at Council meetings. He shall be the chief executive officer of the City insofar as required by law and for all ceremonial purposes. He shall be a conservator of the peace and shall have the powers conferred by law upon sheriffs in times of emergency to suppress disorder, preserve the public peace and health and the safety of persons and property. He shall authenticate, by his signature, such instruments as may require such authentication under the provisions of law. He shall have an equal voice and vote with other members of Council on all matters before Council, but shall not possess the veto power. He shall do all acts required of him by law.
- (c) The Mayor Pro Tem shall act in the stead of the Mayor in the case of the Mayor's absence or disability to act. He shall succeed to the office of Mayor in the case of a vacancy in that office, thereby creating a vacancy in the office of Mayor Pro Tem. Council shall fill any vacancy in the office of Mayor Pro Tem, but until such vacancy is filled, the senior member of Council from the standpoint of continuous service shall act as Mayor Pro Tem. As between persons of equal seniority, the person who received the highest number of votes at the time of his last election shall act.

Section 7.3 COMPENSATION FOR COUNCILMEN.

Each Councilman shall receive as compensation ten dollars (\$10.00) for each regular meeting attended. The Mayor shall receive as compensation twelve dollars (\$12.00) for each regular meeting attended. The Mayor and Councilmen shall be compensated at fifty percent of regular meeting compensation for each special meeting attended. Such compensation shall be paid annually and, except as otherwise provided in this Charter, shall constitute the only compensation which may be paid the Councilmen and/or Mayor for the discharge of any official duty for or on behalf of the City during their tenure of office. Councilmen and/or Mayor may be reimbursed for expenses actually incurred by them on City business or in the interest of the City when such reimbursement is approved by Council.

Section 7.4 POWERS, DUTIES AND FUNCTIONS OF COUNCIL.

Council shall determine all matters of policy of the City and adopt ordinances and necessary rules and regulations to make the same effective. Further, Council shall, subject to the limitations of law, raise revenue and make appropriations for the operation of the City government, provide for the public peace and health and safety of persons and property, investigate Municipal affairs and, when it deems necessary, any office or department of the City, and do and perform all acts required of it by this Charter. In the event of any investigation by Council, any officer or employee of the City who shall fail or refuse to obey any summons or to give any evidence pertaining to such investigations, subject to such exceptions as are permitted by law, shall, upon conviction thereof, be guilty of a violation of this Charter.

Section 7.5 MEETINGS OF COUNCIL.

- (a) 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 City election.
- (b) Special meetings of Council may be called by the Clerk on the written request of the Mayor, City Manager or any three members of Council on at least six hours' written notice to each member of Council, designating the time, place and purpose of such meeting, and served personally or left at his usual place of residence by the Clerk or someone designated by him. Notwithstanding the foregoing requirements for the calling of special meetings, any special meeting of Council shall be a legal meeting, provided that all members are present or that all members shall in writing waive such requirements for notice, and that a quorum of Council is present.
- (c) No business shall be transacted at any special meeting of Council unless the same has been stated in the notice of such meeting. However, other than the enactment of an ordinance, any business which may lawfully come before a regular meeting may be transacted at a special meeting if all the members of Council present consent thereto and all of the members absent file their written consent.
- (d) All regular and special meetings of Council shall be open to the public and the rules of order of Council shall provide that citizens shall have a reasonable opportunity to be heard.
- (e) A majority of the members of 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.
- (f) Council shall determine its own rules and order of business, and shall keep a journal in the English language of all of its proceedings, which shall be signed by the Mayor and the Clerk. The vote upon the passage of all ordinances and upon the adoption of all resolutions shall be by a "Yes" or "No" vote and entered upon the record, except that where the vote is unanimous, it shall only be necessary to so state. The people shall have access to the minutes and records of all regular and special meetings of Council at all reasonable times.
- (g) Each Councilman shall be required to attend all meetings of Council unless excused in accordance with Sections 5.5(e) and 5.5(f) of this Charter. Council may order the attendance of its members and other officers of the City at its meetings in such manner and may enforce such fines for nonattendance as may, by ordinance, be prescribed. The refusal of any member of Council or other officer of the City to attend such meetings or to conduct himself in an orderly manner thereat shall be deemed a violation of this Charter. The Mayor shall appoint a sergeant-at-arms of Council to enforce the provisions of this section.
- (h) Except as otherwise provided in this Charter, a Councilman shall not vote on any question in which he shall have a direct personal financial interest, other than as a

citizen of the community, but on all other questions he shall vote, unless excused there from by a vote of at least four members of Council.

Section 7.6 HEALTH.

Council shall see that provision is made for the public peace and health, and for the safety of persons and property. Unless and until a Board of Health is established for the City by ordinance, Council shall constitute the Board of Health of the City, and it and its officers shall possess all powers, privileges and immunities granted to boards of health by statute.

Section 7.7 LICENSES.

Council shall, by ordinance, prescribe the terms and conditions upon which licenses may be granted, suspended or revoked, and may require and exact payment of such reasonable sums for any license as it may deem proper.

Section 7.8 PUBLIC WORKS.

Except as otherwise provided in and subject to the provisions of this Charter, Council shall be charged and entrusted with all responsibilities for the control of the streets, buildings and structures, waterworks, parks, sewers, sewage system and plants, Municipally-owned utilities and other public improvements and works of the City.

Section 7.9 CEMETERY REGULATIONS.

Council shall have the power to enact all ordinances deemed necessary for the establishment, maintenance and protection of cemeteries, together with improvements thereon and appurtenances thereto, owned or hereafter acquired by the City either within or without its corporate limits. A plan for the platting, sale and perpetual care of all lots, plots and lands therein shall be provided. All ordinances pertaining to public health and welfare in the regulation and protection of public cemeteries shall apply equally to all cemeteries within the City, belonging to or under the control of any church or religious society, or any corporation, company or association.

Section 7.10 STREETS AND ALLEYS.

Except insofar as limited by law, Council shall have power, by ordinance or resolution, to establish, vacate, use, control and regulate the use of its streets, alleys, bridges and public places, (whether such places be located within or without the limits of the City) and the space above and beneath them. Such power shall include, but not be limited to, the proper policing and supervision thereof, the licensing and regulation or the prohibition of the placing of signs, awnings, awning posts and other things which are of such nature as to impede or make dangerous the use of sidewalks or streets of the City, and the licensing and regulation of the construction and use of openings in the sidewalks or streets and all vaults, structures and excavations under the same.

Section 7.11 TRUSTS.

Council may, in its discretion, receive and hold any property in trust for park, cemetery or other Municipal purposes. Any trusts now existing for the benefit of the Village of Coopersville, or any portion of Polkton Township annexed hereby, shall be continued in full force in accordance with the cy pres doctrine.

Section 7.12 RESTRICTIONS ON POWERS OF COUNCIL.

- (a) Council shall not have the power to make any contract with or give any official position to any person who is in default to the City. Further, Council shall not have the power to sell any park, except where such park or part thereof is not required under an official master plan of the City, or engage in any business requiring an

investment of money in excess of ten cents per capita, unless it be a utility presently operated by the City, or, unless approved by three-fifths of the electors voting thereon at any general or special election.

- (b) Neither Council nor any committee or member thereof shall direct or demand the appointment of any person to, his promotion within or to, or his removal from any office or employment in the City government except those officers directly appointed by Council. Except for purposes of inquiry authorized by it, Council, its committees and its members shall deal with the administrative officers and employees of the City solely through the City Manager concerning matters relating to the performance of their several official duties and employments. No action contrary thereto shall be valid or binding upon the City Manager or any officer or employee of the City. Any violation of the provisions of this paragraph shall constitute a violation of this Charter.
- (c) Except in those cases where a larger majority is required by law, no ordinance or resolution shall be adopted or passed, nor shall any appointment be made, nor any person removed from office as required or permitted by this Charter, except by the affirmative vote of at least four members of Council.
- (d) There shall be no standing committees of Council.

CHAPTER VIII CITY LEGISLATION

Section 8.1 LEGISLATIVE POWER.

The legislative power of the City is vested exclusively in Council, except as otherwise provided by law.

Section 8.2 PRIOR VILLAGE LEGISLATION.

All valid ordinances, resolutions, rules and regulations of the Village which are not inconsistent with this Charter and which are in force and effect at the time of the effective date of this Charter shall continue in full force and effect until repealed or amended. Those provisions of any effective valid ordinance, resolution, rule or regulation which are inconsistent with this Charter are hereby repealed.

Section 8.3 INTRODUCTION, CONSIDERATION AND STYLE OF ORDINANCES.

- (a) Each proposed ordinance shall be introduced in written form. The style of all ordinances passed by Council shall be, "The City of Coopersville Ordains:."
- (b) Each ordinance, after adoption, shall be identified by a number.
- (c) An ordinance or a part of an ordinance may be repealed or amended only by an ordinance passed in the manner provided in this section. An ordinance may be repealed by reference to its number only.
- (d) If a section of an ordinance is amended, the section shall be re-enacted and published at length. This requirement shall not apply to the schedules of stop streets, one-way streets and of parking limitations contained in any traffic ordinance or the vehicular traffic regulating portion of the City's ordinance code.
- (e) Each ordinance shall be recorded by the Clerk forthwith in the Ordinance Book, and the enactment of such ordinance and the effective date thereof shall be certified by him therein.
- (f) The ordinances of the City shall be set forth in code form as soon as practicable after the City government is established.

Section 8.4 PUBLICATION OF ORDINANCES.

- (a) Before an ordinance may become operative, it shall be published in at least one newspaper which is of general circulation in the City or as noted in the alternative method provided for in Section 2.2(g) of this Charter. The effective date of an ordinance shall be stated therein, but shall not be less than ten days after publication, unless it is declared by the affirmative vote of not less than four members of Council to be an emergency ordinance. The publication of an ordinance in full as a part of the published proceedings of Council shall constitute publication as required herein.
- (b) All codes and other ordinance subject matter, which are or may be permitted by law to be adopted by reference, shall be adopted and published in the manner permitted and required by law.

Section 8.5 PENALTIES.

Council shall provide in each ordinance for the punishment of violations thereof, but, unless permitted by law, no such punishment, excluding the costs charged, shall exceed a fine of five hundred dollars (\$500.00) or imprisonment for not more than ninety days, or both, in the discretion of the court. Imprisonment for violations of ordinances may be in the City or the County jail.

Section 8.6 INITIATIVE AND REFERENDUM.

An ordinance or a Charter amendment may be initiated by the registered electors of the City and a referendum on an ordinance may be had by them by the submission of a petition therefore as provided in this chapter.

Section 8.7 INITIATIVE AND REFERENDARY PETITIONS.

An initiatory or a referendary petition shall be signed by not less than ten percent of the registered electors of the City. Such petition may be the aggregate of two or more petition papers. Each signer of a petition shall sign his name, and shall place thereon, after his signature, the date and his place of residence by street and number. To each petition paper there shall be attached a sworn affidavit by the circulator thereof, stating that each signature thereon is the genuine signature of the person whose name it purports to be, and that it was signed in the presence of the affiant. Such petitions shall be filed with the Clerk who shall, within fifteen days, canvass the signatures thereon to determine the sufficiency thereof. Any signatures obtained more than ninety days before the filing of such petition with the Clerk shall not be counted. If found to contain an insufficient number of signatures of registered voters of the City, or be improper as to form or compliance with the requirements of this section, the Clerk shall notify forthwith the person filing such petition, and ten days from such notification shall be allowed for the filing of supplemental petition papers. When found sufficient and proper, the Clerk shall present the petition to Council at its next regular meeting.

Section 8.8 COUNCIL PROCEDURE ON INITIATIVE OR REFERENDARY PETITIONS.

Upon receiving an initiatory or referendary petition from the Clerk, Council shall, either:

- (1) If it be an initiatory petition, adopt the ordinance as submitted in the petition within thirty days after the receipt thereof, or determine to submit the proposal to the electors; or
- (2) If it be a referendary petition, repeal the ordinance to which the petition refers within thirty days after receipt thereof or determine to submit the proposal to the electors.

Section 8.9 SUBMISSION OF INITIATORY OR REFERENDARY PROPOSALS TO ELECTORS.

Should Council decide to submit the initiatory or referendary proposal to the electors, it shall be submitted at the next election held in the City for any purpose, provided the petition is submitted at least sixty days prior to such election, or, in the discretion of Council, at a special election. The result shall be determined by a majority vote of electors voting thereon, except in cases where otherwise required by law.

Section 8.10 STATUS OF ORDINANCE ADOPTED THROUGH INITIATORY PROCEEDINGS.

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

Section 8.11 ORDINANCE SUSPENDED UPON SUFFICIENT REFERENDARY PETITION.

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

Section 8.12 RECALL.

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

**CHAPTER IX
GENERAL FINANCE, BUDGET, AUDIT**

Section 9.1 FISCAL YEAR.

The fiscal and budget year of the City and all of its agencies shall begin on July 1 of each year.

Section 9.2 BUDGET PROCEDURE.

On or before the second Monday in March of each year, each officer, department and board of the City, shall submit to the City Manager an itemized estimate of its expected income, if any, and expenditures for the next fiscal year, for the department or activities under its control. The City Manager shall compile and review such budget requests and shall then prepare his budgetary recommendations and submit them to Council at its meeting nearest the third Monday in April of each year. He shall inform Council of the additions or deletions made in the departmental budget requests and his reasons for making them.

- (a) The proposed expenditures set forth in such budget proposal shall not exceed the expected revenues of the City for the next fiscal year by an amount greater than the expected unencumbered funds remaining at the end of the current fiscal year.

Section 9.3 BUDGET DOCUMENT.

The budget document shall present a complete financial plan for the ensuing year. It shall include at least the following information:

- (1) A brief and concise budget summary, showing the estimated receipts and expenditures of each fund and the total of all funds;
- (2) A statement of the detailed estimates of all proposed expenditures for each fund, itemized for each department and activity by objects of expenditure showing, in parallel columns, the expenditures for the preceding year, the appropriation and expenditures for the current year and the recommendations of the City Manager as to the appropriations to be made for the ensuing year, including any appropriation for contingencies; expenditures for the current year shall be computed as the actual expenditures to the last day of February or the last day of the month preceding this for which he has a financial statement available, plus the estimated expenditures from that date to the end of the current fiscal year.
- (3) Detailed statements of estimates of all anticipated income of the City from taxes and sources other than current taxes and borrowing, compared with the amounts received by the City from each of the same or similar sources for the last preceding year and for the current year;
- (4) A statement of the estimated financial condition of each City fund reflecting the estimated surplus or deficit in each such fund and showing all transfers made from each such fund;
- (5) A statement of the bonded or other indebtedness of the City showing the amount required in the ensuing year for retirement on the debt and necessary interest requirements;
- (6) A statement of outstanding delinquent taxes and delinquent special assessments which have been levied during the current and preceding fiscal years of the City and a

reasonable estimate of the amount expected to be collected during the next fiscal year of the City;

- (7) An estimate of the amount of money proposed to be raised by taxation and the amount to be raised from bond issues, which, together with the estimated income from other courses, will be necessary to meet the proposed expenditures; and
- (8) Such other information as may be required by Council.

Section 9.4 BUDGET HEARING.

A public hearing on the budget proposal shall be held before its adoption. Notice of the time and place of holding such hearing shall be published by the Clerk at least ten days in advance thereof. A copy of the proposed budget shall be on file and available to the public during office hours at the office of the Clerk for a period of not less than one week prior to such public hearing.

Section 9.5 ADOPTION OF BUDGET.

- (a) At the regular meeting held not later than the third Monday in May, Council shall, by resolution, adopt a budget for the next fiscal year and make an appropriation of the money needed therefore. Such resolution shall designate the sum to be raised by taxation for the general purposes of the City and for the payments of principal and interest on its indebtedness. Failure to adopt such resolution within the time herein set shall not invalidate either the budget or the tax levy therefore.
- (b) Should Council fail to adopt a budget for the next fiscal year on or before the first Monday in June, the budget proposal as recommended to Council by the City Manager shall be deemed to have been finally adopted by Council and, without further action by Council shall constitute an appropriation of the money needed for Municipal purposes during the next fiscal year. It shall be deemed due and legal authority for a levy of the amount necessary to be raised by taxes upon real and personal property subject to the provisions of Section 10.1 of this Charter. If any budget adopted in this manner requires an amount to be raised by taxes upon property in excess of the limitation provided in Section 10.1, the budget and appropriations and each item thereof shall be adjusted by the City Manager to conform to such limitations.

Section 9.6 BUDGET CONTROL.

- (a) Except for purposes which are to be financed by the issuance of bonds or by special assessment, or for other purposes not chargeable to a budget appropriation, no money shall be drawn from the treasury of the City except in accordance with an appropriation thereof for such specific purposes, nor shall any obligation for the expenditure of money be incurred without an appropriation covering all payments which will be due under such obligation in the current fiscal year. Council, by resolution, may transfer any unencumbered appropriation balance, or any portion thereof, from one account, department, fund or agency to another.
- (b) Council may make additional appropriations during the fiscal year for unanticipated expenditures required of the City, but such additional appropriations shall not exceed the amount by which actual and anticipated revenues of the year are exceeding the revenues as estimated in the budget, unless the appropriations are necessary to relieve an emergency endangering the public health, peace or safety.

- (c) Except in those cases where there is no other logical account to which an expenditure can be charged, expenditures shall not be charged directly to the contingency fund, (or other similar fund). Instead, the necessary part of the appropriation for the contingency fund (or other similar fund) shall be transferred to the logical account, and the expenditure then charged to such account.
- (d) At the beginning of each quarterly period during the fiscal year, and more often if required by Council, the City Manager shall submit to Council data showing the relation between the estimated and actual revenues and expenditures to date, and if it shall appear that the revenues are less than anticipated, 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 revenues.
- (e) The balance in any budget appropriation which has not been encumbered at the end of the fiscal year shall, subject to restrictions imposed or permitted by law, revert to the General Fund.

Section 9.7 COLLECTION AND DEPOSIT OF MONEYS.

Council shall designate the depository or depositories of City funds, and shall provide for the regular deposit of all City moneys. Council shall provide for such security for City deposits as is authorized or permitted by the law, except that personal surety bonds shall not be deemed proper security.

Section 9.8 INDEPENDENT AUDIT; ANNUAL REPORT.

An independent audit shall be made of all accounts of the City government at least annually, and more frequently if deemed necessary by Council. Such audits shall be made by qualified accountants experienced in municipal accounting selected by Council. An annual report of the City business shall be made available for distribution to the public by the City Manager in such printed form as will disclose pertinent facts concerning the activities and finances of the City government including Justice Court. Council shall provide the funds to defray the cost of the annual audit and report herein required in each annual budget of the City.

Section 9.9 SYSTEM OF ACCOUNTS.

There shall be a uniform system of accounts and they shall be kept in such manner as to conform with the requirements of the laws of the State.

CHAPTER X TAXATION

Section 10.1 TAXATION; POWER TO TAX; TAX LIMIT.

The City shall have the power to assess taxes and levy and collect rents, tolls and excises. The annual ad valorem tax levy shall not exceed that percentage allowed by statute of the assessed value of all real and personal property subject to taxation in the City.

Section 10.2 SUBJECTS OF TAXATION.

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

Section 10.3 EXEMPTIONS.

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

Section 10.4 TAX DAY.

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

Section 10.5 PREPARATION OF THE ASSESSMENT ROLL.

- (a) On or before the first Monday in March in each year, the Assessor shall prepare and certify an assessment roll of all property in the City. Such roll shall be prepared as required by the general property tax act. Values shall be estimated according to recognized methods of systematic assessment. The records of the Assessor shall show separate figures for the value of the land, the building improvements thereon and of personal property. The method of estimating all such values shall be as nearly uniform as possible.
- (b) On or before the first Monday in March, the Assessor shall give, by first class mail, a notice of any change from 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 any such notice or of the owner to receive it shall not invalidate any assessment roll or assessment thereon.

Section 10.6 BOARD OF REVIEW.

- (a) A Board of Review is hereby created, composed of three freeholders of the City who have the qualifications of holding elective City office, as set forth in Section 5.5 of this Charter, and who, during their term of office, shall not be City officers or employees or be nominees or candidates for elective City office. The appointment of members of such Board shall be based upon their knowledge and experience in property valuation.
- (b) The members of the Board shall be appointed by Council, and may be removed for reasons of nonfeasance or misfeasance by the vote of five members of Council. The first members shall be appointed during the month of February, 1967, for terms expiring on February 1, 1968, 1969 and 1970. Thereafter, one member shall be appointed in the month of January of each year, for a term of three years, commencing

on the following February 1. Council shall fix the compensation of the members of the Board.

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

Section 10.7 DUTIES AND FUNCTIONS OF THE BOARD OF REVIEW.

For the purpose of revising and correcting assessments, the Board of Review shall have the same powers and perform like duties in all respects as are conferred by law upon and required of boards of review in townships, except as otherwise provided in this Charter. It shall hear the complaints of all persons considering themselves aggrieved by assessments, 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 that day shall be considered by the Board in making its decisions. Except as otherwise provided by law, no person, other than the Board of Review, shall make or authorize any change upon, or addition or corrections to, the assessment roll. It shall be the duty of the Assessor to keep a permanent record of all proceedings of the Board and to enter therein all resolutions and decisions of the Board.

Section 10.8 MEETINGS OF THE BOARD OF REVIEW.

- (a) The Board of Review shall convene in its first session as provided by State law each year at such time of day and place as shall be designated by Council and shall remain in session for at least six hours for the purposes of considering and correcting the roll. In each case in which the assessed value of any property is increased over or decreased from the amount shown on the assessment roll as prepared by the Assessor or any property is added to such roll by the Board, or the Board has resolved to consider at its second session such increasing or decreasing of an assessment or the adding of any property to such roll, the Assessor shall give notice thereof to the owner as shown by such roll, by first class mail, mailed not later than the second day following the end of the first session of the Board. Such notice shall state the date, time, place and purpose of the second session of the Board. The failure to give any such notice or of the owner to receive it shall not invalidate any assessment roll or assessment thereon.
- (b) The Board of Review shall convene in its second session as provided by State law each year at such time of day and place as shall be designated by Council and shall continue in session until all interested persons have had an opportunity to be heard, but in no case for less than four hours. At the second session, the Board may not increase or decrease any assessment or add any property to the rolls, except in those cases in which the Board resolves at its first session to consider such increase or addition at its second session.
- (c) If, for any cause, a quorum of the Board of Review does not assemble, or in the event that such Board shall fail or refuse to act during the days mentioned in this section, the roll as prepared by the Assessor shall stand as if approved by the Board of Review and the taxpayer shall retain such rights in such cases as provided by law.

Section 10.9 NOTICE OF MEETINGS.

Notice of the time and place of the annual meetings of the Board of Review shall be published by the Assessor not less than one week prior to each session of the Board.

Section 10.10 CERTIFICATION OF ROLL.

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

Section 10.11 CLERK TO CERTIFY TAX LEVY.

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

Section 10.12 CITY TAX ROLL.

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 "City Tax Roll," and upon receiving the certification of the several amounts to be raised, as provided in Section 10.11 of this Charter, the Assessor shall spread upon such tax roll the several amounts determined by Council to be charged, assessed or reassessed against persons or property. He shall also spread thereon the amounts of the general ad valorem City tax according to and in proportion to the several valuations set forth in such assessment roll. To avoid fractions in computation of any tax roll, the Assessor may add to the amount of the several taxes to be raised not more than the amount prescribed by law. Any excess created thereby on any tax roll shall belong to the City.

Section 10.13 TAX ROLL CERTIFIED FOR COLLECTION.

After spreading the taxes, the Assessor shall certify the tax roll and attach his warrant thereto directing and requiring the Treasurer to collect, prior to March 1 of the following year, from the several persons named in such 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 the statutory powers and immunities possessed by township treasurers for the collection of taxes. On or before June 1 the roll shall be delivered to the Treasurer for collection.

Section 10.14 TAX LIEN ON PROPERTY.

On July 1 the taxes thus assessed shall become a debt due to the City from the persons to whom they are assessed and the amounts assessed on any interest in real property shall become a lien upon 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 law and shall continue until such taxes, interest and charges are paid.

Section 10.15 TAX PAYMENT DUE; NOTIFICATION THEREOF.

- (a) City taxes shall be due on July 1 of each year. The Treasurer shall not be required to call upon the persons named in the City tax roll or to make personal demand for the payment of taxes, but he shall (1) publish, between June 15 and July 1, notice of the time when such taxes will be due for collection and of the penalties and fees for the late payment thereof, and (2) mail a tax bill to each person named in such roll. In cases of multiple ownership of property only one bill need be mailed.

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

Section 10.16 COLLECTION CHARGES ON PAYMENT OF TAXES.

All taxes paid on or before August 20 shall be collected by the Treasurer without penalty. On August 21 the Treasurer shall add to all taxes paid thereafter a penalty charge of one percent per month, but not to exceed a total of six percent for all months or fractions thereof that the taxes remain unpaid. Such penalty charges shall belong to the City and constitute a charge and shall be a lien against the property to which the taxes apply, collectible in the same manner as the taxes to which they are added. If delivery of the tax roll to the Treasurer, as provided in Section 10.13 of this Charter, is delayed for any reason by more than thirty days after June 1, the application of the penalty charge provided herein shall be postponed thirty days for each thirty days or major fraction thereof of such delay. (Amended 4-4-83)

Section 10.17 FAILURE OR REFUSAL TO PAY PERSONAL PROPERTY TAX.

- (a) If any person, firm or corporation shall neglect or refuse to pay any personal property tax assessed to him or them, the Treasurer shall collect the same by seizing the personal property of such person, firm or corporation to an amount sufficient to pay such tax, fees and charges for subsequent sale, wherever the same may be found in the State, and from which seizure no property shall be exempt. He may sell the property seized to an amount sufficient to pay the taxes and all charges in accordance with statutory provisions. The Treasurer may, if otherwise unable to collect a tax on personal property, sue, in accordance with statute, the person, firm or corporation to whom it is assessed.
- (b) Whenever the proper conditions exist, the Treasurer shall accelerate the date on which personal property taxes shall be collected, as provided by general law.

Section 10.18 COLLECTION OF DELINQUENT TAXES.

All City taxes on real property remaining uncollected by the Treasurer on March 1 following the date when such roll was received by him shall be returned to the County Treasurer in the manner and with like effect as provided by statute for returns by township treasurers of township, school and county taxes. Such returns shall include all the additional assessments, charges and fees hereinbefore provided which shall be added to the amount assessed in such 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. If by change in statute or otherwise, the County Treasurer is no longer charged with the collection of delinquent real property taxes, such delinquent taxes shall be collected in the manner then provided by statute for the collection of delinquent township, school and county taxes.

Section 10.19 STATE, COUNTY AND SCHOOL TAXES.

For the purpose of assessing and collecting taxes for State, County and school purposes, the City shall be considered the same as a township, and all provisions of law relative to the collection of and accounting for such taxes shall apply. For these purposes the Treasurer shall perform the same duties and have the same powers as are granted and imposed upon township treasurers by law.

Section 10.20 COLLECTION FEE. (Repealed 4-4-83)

Section 10.21 BASIS OF ASSESSMENT.

Taxes shall be assessed on the State equalized valuation.

CHAPTER XI BORROWING POWER

Section 11.1 MUNICIPAL BORROWING POWER.

Subject to the applicable provisions of law, Council may, by ordinance or resolution, authorize the borrowing of money for any purpose within the scope of powers vested in the City and permitted by law and may authorize the issuance of bonds or other evidences of indebtedness therefore. Such bonds or other evidences of indebtedness shall include but not be limited to the following types:

- (a) General obligation bonds which pledge the full faith, credit and resources of the City for the payment of such obligations;
- (b) Notes issued in anticipation of the collection of taxes, but the proceeds of such notes may be spent only in accordance with appropriations as provided in Section 9.6 of this Charter;
- (c) In case of fire, flood or other calamity, emergency loans due in not more than five years for the relief of the inhabitants of the City and for the preservation of Municipal property;
- (d) Special assessment bonds issued in anticipation of the payment of special assessments made for the purpose of defraying the cost of any public improvement, or in anticipation of the payment of any combination of such special assessments; such special assessment bond may be an obligation of the special assessment district or districts alone, or may be both an obligation of the special assessment district or districts and a general obligation of the City.
- (e) Mortgage bonds for the acquiring, owning, purchasing, constructing, improving or operating of any public utility which the City is authorized by this Charter to acquire or operate;
- (f) Bonds for the refunding of the funded indebtedness of the City;
- (g) Revenue bonds as authorized by law which are secured only by the revenues from a public improvement or public utility and do not constitute a general obligation of the City; and
- (h) Bonds issued in anticipation of future payments from the Motor Vehicle Highway Fund or any other fund of the State which the City may be permitted by law to pledge for the payment of the principal and interest thereof.

Section 11.2 LIMITS OF BORROWING POWERS.

- (a) The net bonded indebtedness incurred for all public purposes shall not at any time exceed the maximum percentage permitted by statute, provided that in computing such net bonded indebtedness there shall be excluded money borrowed under the following sections of this Charter: 11.1(b) (tax anticipation notes), 11.1(d) (special assessment bonds even though they are also a general obligation of the City), 11.1(e) (mortgage bonds), 11.1(g) (revenue bonds), 11.1(h) (bonds in anticipation of State returned revenues), and any other obligations excluded by law from such limitation. The

resources of the sinking fund pledged for the retirement of any outstanding bonds shall also be deducted from the amount of the bonded indebtedness.

- (b) The amount of emergency loans which may be made under the provisions of Section 11.1(c) may not exceed the maximum amount permitted by law, and such loan may be made even if it causes the indebtedness of the City to exceed the limit of net bonded indebtedness fixed in this Charter.
- (c) No bonds shall be sold to obtain funds for any purpose, other than that for which they were specifically authorized, and if such bonds are not sold within three years after authorization such authorization shall be null and void.
- (d) The issuance of any bonds not requiring the approval of the electors shall be subject to applicable requirements of law with reference to public notice in advance of the authorization of such issues, filing of petitions for a referendum on such issuance, holding of such referendum, and other applicable procedural requirements.

Section 11.3 PREPARATION AND RECORD OF BONDS.

Each bond or other evidence of indebtedness shall contain on its face a statement specifying the purpose for which it is issued and it shall be unlawful for any officer of the City to use the proceeds thereof for any other purpose. Any officer who shall violate this provision shall be deemed guilty of a violation of this Charter, except that, whenever the proceeds of any bond issue or part thereof shall remain unexpended and unencumbered for the purpose for which such bond issue was made, Council may authorize the use of such funds for the retirement of bonds of such issue or for any other purpose permitted by law. All bonds and other evidences of indebtedness issued by the City shall be signed by the Mayor and counter-signed by the Clerk, under the seal of the City. Interest coupons may be executed with the facsimile signature of the Mayor and the Clerk. A complete and detailed record of all bonds and other evidences of indebtedness issued by the City shall be kept by the Clerk or other designated officer. Upon the payment of any bond or other evidence of indebtedness, the same shall be cancelled.

Section 11.4 DEFERRED PAYMENT CONTRACTS.

The City may enter into installment purchase contracts for any purpose authorized by law. Each of such contracts shall not extend over a period greater than fifteen years, nor shall the total amounts of principal payable under all such contracts exceed an amount equal to one-half of one percent of the assessed value of all the real and personal property in the City in any one fiscal year. All such deferred payments shall be included in the budget for the year in which the installment is payable. **(Amended 4-6-98)**

**CHAPTER XII
SPECIAL ASSESSMENTS**

Section 12.1 GENERAL POWERS RELATIVE TO SPECIAL ASSESSMENTS.

Council shall have the power to provide for assessing and reassessing the costs, or any portion thereof, of public improvement to a special assessment district and to determine, by resolution, with or without a petition 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.

Council shall, in the exercise of its powers of financing the whole or a part of the cost of public improvements by special assessments upon districts benefited thereby, have power to provide for the following, but this list shall not be exclusive.

- (a) Street improvements and facilities, including constructing, grading, widening and but not limited to, the paving of streets and alleys, curbs and gutters, storm sewers, sanitary sewers, water mains and constructing and maintaining sidewalks;
- (b) For the construction of public parking facilities as a public improvement;
- (c) For the assessment of single lots when any expenditure is made on any separate or single lot, parcel of land or lands, or premises, which the City is authorized to charge and collect as a special assessment against the same;
- (d) For the assessment of the cost of construction, removal or abatement of any condition which Council determines to be a public hazard or nuisance which is dangerous to the health, safety or welfare of the inhabitants of the City;
- (e) For installing a boulevard lighting system on any street as a public improvement provided that the property owners of a majority of the frontage on such street, or part thereof, to be so improved shall petition therefore. In each case, the special assessment district for a boulevard lighting system shall be limited to the frontage of the street or part of street upon which such system is placed.
- (f) All real property, including such as is exempt from taxation by law, shall be liable for the cost of public improvements benefiting such property, unless specifically exempted from special assessments by law.

Section 12.2 DETAILED PROCEDURE TO BE FIXED BY ORDINANCE.

- (a) Council shall prescribe, by ordinance, the complete special assessment procedure governing the initiation of projects, preparation of plans and cost estimates, creation of districts, making and confirming of assessment rolls, correction of errors in special assessment rolls, collection of assessments, refunds of excess moneys, and any other matters concerning the making and financing of the improvements by the special assessment method.
- (b) Such ordinance shall be subject to the following provisions:
 - (1) No resolution finally determining to proceed with establishing any special assessment district for the making of any public improvement shall be adopted

by Council, until cost estimates have been prepared and a public hearing has been held on the advisability of so proceeding.

- (2) No special assessment roll shall be finally confirmed until after a meeting of Council has been held for the purpose of reviewing such roll.
- (3) Ten days' notice of each meeting of Council for a public hearing on the advisability of proceeding with any public improvement and to review any special assessment roll shall be given prior to the date and time of such meeting, which notice shall be published and sent to all property owners in the proposed district, as shown by the current assessment roll of the City, by first class mail.
- (4) If, prior to the public hearing on the advisability of proceeding with the making of the improvement, 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 of the amount of such special assessment, the resolution determining to proceed with the improvement shall be adopted only by the affirmative vote of four or more members of Council.

Section 12.3 ADDITIONAL ASSESSMENTS; CORRECTION OF INVALID SPECIAL ASSESSMENTS.

- (a) Additional pro rata assessments to defray the cost of any public improvement may be made when any special assessment roll and/or the proceeds of sale of special assessment bonds issued in anticipation thereof prove insufficient to pay for the improvement for which they were levied and the expenses incidental thereto, or to pay the principal and interest on bonds or other evidence of obligation issued therefore, provided that the additional pro rata assessment shall not exceed twelve percent of the assessment as originally confirmed, unless a meeting of Council be held to review such additional assessment, for which meeting notices shall be published and mailed as provided in the case of the review of the original special assessment roll.
- (b) Whenever any special assessment shall, in the opinion of 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, Council shall, whether the improvement has been made or not, or whether any part of the assessment has been paid or not, have power to cause a new assessment to be made for the same purpose for which the former assessment was made. All proceedings on such reassessment and for the collection thereof shall be conducted in the same manner as provided for the original assessment, except respecting the correction of the proceedings for the purpose of making the proceedings legal. 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 the payments exceed the amount of the reassessment, refunds shall be made.
- (c) No judgment or decree nor any act of Council vacating a special assessment shall destroy or impair the lien of the City upon the premises assessed for such amount of the assessment as may be equitably charged against the same or as by regular mode of proceedings might have been lawfully assessed thereupon.

Section 12.4 DISPOSITION OF EXCESS SPECIAL ASSESSMENTS.

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 City if such excess is five percent or less of the assessment. If the assessment should prove larger than necessary by more than five percent, 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 City. Such refund shall be made by credit against future unpaid 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 of indebtedness secured in whole or part by such special assessment.

Section 12.5 CONTESTED ASSESSMENTS; LIMITATIONS ON SUITS AND ACTIONS.

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 days after the confirmation of the special assessment roll, written notice is given to Council of the 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 days after confirmation of the roll.

Section 12.6 SPECIAL ASSESSMENT ACCOUNTS.

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 costs of the improvement for which the assessment was levied and expenses incidental thereto and to repay any money borrowed therefore.

Section 12.7 FAILURE TO RECEIVE NOTICE.

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

Section 12.8 DEFERRED PAYMENT OF SPECIAL ASSESSMENTS.

Council may provide for the deferred payment of special assessments from persons who, in the opinion of Council and the Assessor, by reason of poverty, are unable to contribute toward the cost thereof. In all such cases, as a condition to the granting of such deferred payments, the City shall require mortgage security on the real property of the beneficiary, payable upon his death.

Section 12.9 SPECIAL ASSESSMENTS A LIEN ON PROPERTY.

- (a) Upon confirmation of each special assessment roll, the special assessments thereon shall become a debt to the City from the persons to whom they are assessed and, until paid, shall be a lien upon the property assessed for the amount of such assessments and all interest and charges thereon. Such lien shall be of the same character and effect as created by this Charter for City taxes.
- (b) Council may provide by ordinance for fees, penalties or interest for late payments or nonpayment of special assessments, which fees, penalties and interest shall be a lien and shall be collected as are penalties charged on City taxes. Council may provide that delinquent special assessments be placed upon the tax roll, together with any accrued fees, penalties and interest thereon to be collected in all respects as are City taxes and

may make such other provision for the enforcement of the lien created by such special assessment.

Section 12.10 HAZARDS AND NUISANCES.

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

**CHAPTER XIII
PURCHASING, CONTRACTS, LEASES**

Section 13.1 CONTRACTING AUTHORITY OF COUNCIL.

- (a) The power to authorize the making of contracts on behalf of the City is vested in Council and shall be exercised in accordance with the provisions of law.
- (b) All contracts, except as otherwise provided by ordinance in accordance with the provisions of Section 13.2 of this Charter, shall be authorized by Council and shall be signed on behalf of the City by the Mayor and the Clerk.

Section 13.2 PURCHASE AND SALE OF PERSONAL PROPERTY.

Council shall establish, by ordinance, the procedures for the purchase and sale of personal property for the City, for the direction of the City Manager. The ordinance shall provide the dollar limit within which purchase of personal property may be made without the necessity of securing competitive bids, and the dollar limit within which purchases may be made without the necessity of prior Council approval. No purchase of personal property shall be made unless a sufficient unencumbered appropriation balance is available therefore.

Section 13.3 LIMITATIONS ON CONTRACTUAL POWER.

- (a) The Council shall only have power to enter into contracts which, by their terms, will be fully executed within a period of fifteen years, unless such contracts shall first receive the approval of a majority of the qualified electors voting thereon at a regular or special election. The foregoing limitation shall not apply in the case of contracts involving a public utility, contracts between the City and one or more other governmental units, contracts for debt secured by bonds or notes which the City is authorized to issue, or contracts involving tax exemptions or waivers which the City is authorized to grant by law.
- (b) The City shall not have power to purchase, sell or dispose of any real estate unless:
 - (1) In case of sale, there shall be at least two published advertisements for bids prior to adoption of a resolution for sale or disposal;
 - (2) Such action is approved by the affirmative vote of four or more members of Council;
 - (3) In the case of real estate owned by it, the resolution authorizing the sale, lease or disposal thereof shall be completed in the manner in which it is finally passed and has remained on file with the Clerk for public inspection for twenty days before the final adoption or passage thereof; and
 - (4) It shall be in accordance with Section 7.12(a) of this Charter.
- (c) Except as provided by ordinance authorized by this section, each contract for construction of public improvements or for the purchase or sale of personal property shall be let after opportunity for competitive bidding. All bids shall be opened in public by the City Manager or his authorized representative at the time designated in the notice of letting and shall be reported by him to Council at its next meeting. Council

may reject any or all bids, if deemed advisable. If, after ample opportunity for competitive bidding, no bids are received or such bids as were received were not satisfactory to Council, Council may either endeavor to obtain new competitive bids or authorize the City Manager or other proper official of the City to negotiate for a contract on the open market.

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

(Amended 4-6-98)

Section 13.4 LICENSES AND FRANCHISES REMAIN IN EFFECT.

All licenses and franchises granted by the Village of Coopersville and in force within the City when this Charter becomes law shall remain in full force and effect until the expiration of the time for which they were respectively granted.

CHAPTER XIV MUNICIPAL UTILITIES

Section 14.1 GENERAL POWERS RESPECTING UTILITIES.

The City shall possess and hereby reserves to itself all the powers granted to cities by law to acquire, construct, own, operate, improve, enlarge, extend, repair and maintain, either within or without its corporate limits, including, but not by the way of limitation, public utilities for supplying water, light, heat, power, gas, sewage treatment, garbage disposal facilities and facilities for the storage and parking of vehicles within its corporate limits, or any of them, to the Municipality and the inhabitants thereof, and also to sell and deliver water, light, heat, power, gas and other public utility services without its corporate limits as authorized by law.

Section 14.2 MANAGEMENT OF MUNICIPALLY-OWNED UTILITIES.

All municipally owned or operated utilities shall be administered as a regular department of the City government under the management and supervision of the administration.

Section 14.3 RATES.

- (a) Council shall have the power to fix, from time to time, such just and reasonable rates and other charges as may be deemed advisable for supplying the inhabitants of the City and others with such public utility services as the City may provide. There shall be no discrimination in such rates within any classification of users thereof, nor shall free service be permitted. Higher rates may be charged for service outside the corporate limits of the City.
- (b) The rates and charges for any municipal public utility shall be so fixed as to at least meet all the costs of such utility including depreciation.
- (c) Transactions pertaining to the ownership and operation by the City of each public utility shall be recorded in a separate group of accounts under an appropriate fund caption, which accounts shall be classified in accordance with generally accepted utility accounting practice. Charges for all service furnished to or rendered by other City departments or agencies shall be recorded. An annual report shall be prepared to show fairly the financial position of each utility and the results of its operation, which report shall be available for inspection at the office of the Clerk.

Section 14.4 UTILITY RATES AND CHARGES COLLECTION.

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

- (a) That the City shall have as security for the collection of such utility 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 City before a competent tribunal for the collection of such rates or charges;

- (d) With respect to the collection of rates charged for water, the City shall have all the powers granted to cities by Act No. 178 of the Public Acts of 1939, as amended.

Section 14.5 DISPOSAL OF UTILITY PLANTS AND PROPERTY.

Unless approved by the affirmative vote of a majority vote of the electors voting thereon at a regular or special election, the City shall not sell, exchange, lease or in any way dispose of any property, easements, 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 City. The restrictions of this section shall not apply to the sale or exchange of any articles of machinery or equipment of any City-owned public utility which are worn out or useless or which have been, or could with advantage to the service be, replaced by new and improved machinery or equipment, to the leasing of property not necessary for the operation of the utility, or to the exchange of property or easements for other needed property or easements. The provisions of this section shall not extend to vacation or abandonment of streets, as provided by law.

**CHAPTER XV
PUBLIC UTILITY FRANCHISES**

Section 15.1 FRANCHISES REMAIN IN EFFECT.

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

Section 15.2 GRANTING OF PUBLIC UTILITY FRANCHISES.

- (a) Public utility franchises and all renewals and extensions thereof and amendments thereto shall be granted only by ordinance. No franchise shall be granted for a longer period than thirty years.
- (b) No franchise ordinance which is not subject to revocation at the will of 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 Council for referral to the electorate before thirty days after application therefore has been filed with 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 the terms of such franchise. No special election for such purpose shall be ordered, unless the expense of holding such election, as determined by Council, shall have first been paid to the Treasurer by the grantee.
- (c) A franchise ordinance, or renewal or extension thereof, or amendment thereto, which is subject to revocation at the will of Council may be enacted by Council without referral to the voters, but shall not be enacted unless it shall have been complete 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 weeks after publication of a notice that such ordinance is so on file.

Section 15.3 CONDITIONS OF PUBLIC UTILITY FRANCHISES.

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 City, but this enumeration shall not be exclusive or impair the right of Council to insert in such franchise any provision within the power of the City to impose or require:

- (a) To repeal the same for misuse, nonuse 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, which in any event shall be at least in accordance with the rules and regulations of the Michigan Public Service Commission, or its successor;
- (c) To establish reasonable standards of service and quality of products and prevent unjust discrimination in service or rates; the rates and charges shall in no event exceed the rates and charges as prescribed by the Michigan Public Service Commission, or its successor;
- (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 other public places and the space above and beneath them; and
- (f) To impose such other regulations as may be determined by Council to be conducive to the safety, welfare and accommodation of the public.

Section 15.4 REGULATION OF RATES FOR FRANCHISED UTILITIES.

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, good-will or prospective profits.

Section 15.5 USE OF PUBLIC PLACES BY UTILITIES.

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 other public places as shall arise from its use thereof and shall protect and save the City harmless from all damages arising from such use. Every such public utility may be required by the City to permit joint use of its property and appurtenances located in the streets, alleys and other public places of the City by the City and by other public utilities insofar as such joint use may be reasonably practicable and upon payment of reasonable rental therefore. In the absence of agreement and upon application by any public utility, Council shall provide for arbitration of the terms and conditions of such joint use and the compensation to be paid therefore, and the arbitration award shall be final.

Section 15.6 SALE AND ASSIGNMENT OF FRANCHISES.

The grantee of a franchise may not sell, assign, sublet or allow another to use the same, unless Council consents. Nothing in this section shall limit the right of the grantee of any public utility franchise to mortgage its property or franchise or shall restrict the right of the purchaser, upon foreclosure sale, to operate the same, except that such mortgagee or purchaser shall be subject to the terms of the franchise and provisions of this Charter.

Section 15.7 REVOCABLE PERMITS.

Temporary permits for public utilities, revocable at any time at the will of Council, may be granted by Council by resolution on such terms and conditions as it shall determine, provided that such permits shall in no event be construed to be franchises or amendments to franchises.

CHAPTER XVI SUPERVISORS

Section 16.1 NUMBER OF SUPERVISORS.

The City shall have the maximum number of representatives on the County Board of Supervisors to which it is entitled by statute.

Section 16.2 APPOINTMENT OF SUPERVISORS.

Representatives of the City on the County Board of Supervisors shall be the Mayor and one person who shall be chosen by Council. Such representatives shall meet all requirements of Section 5.4 of this Charter at the time of their appointment and may hold other elective or appointive City office or employment. Such other Supervisors as the City is permitted by law shall be elected from the City at large. In case any representative of the City on the Board of Supervisors shall be unable to perform the duties of his offices for any reason, the Mayor, with the confirmation of Council, may appoint another qualified person to serve temporarily in his stead.

Section 16.3 DUTIES OF SUPERVISORS.

The representatives of the City on the County Board of Supervisors shall perform the statutory duties of Supervisors. In the performance of his duties, each Supervisor shall represent the City, its inhabitants and its government to the best of his ability.

Section 16.4 COMPENSATION OF SUPERVISORS.

Representatives of the City on the County Board of Supervisors shall receive no compensation from the City for their work as Supervisors, but shall be entitled to retain compensation and expense allowances paid to them by the County in such capacity.

CHAPTER XVII COURT

Section 17.1 ESTABLISHMENT OF COURT.

There is hereby established a Justice Court in the City to be presided over by the Justice of the Peace elected in accordance with Sections 5.1 and 5.4 of this Charter.

Section 17.2 JUSTICE OF THE PEACE.

There shall be one Justice of the Peace to be elected whose term of office shall be as provided by statute and this Charter.

Section 17.3 COMPENSATION AND BOND OF THE JUSTICE.

The Justice of the Peace shall receive an annual salary to be fixed by Council, however such salary shall be set without regard to the fees collected by that office.

Any salary provided shall be in lieu of all fees, costs and charges to which such Justice would be entitled but for the provision of this section, except those for the performance of marriage ceremonies.

The Justice of the Peace before entering upon the duties of his office shall give bonds to the County Treasurer in such sum as is provided by statute and to the City in like amount. Such bonds shall be subject to the provisions of Section 5.13 of this Charter.

Section 17.4 POWER AND JURISDICTION; GENERAL.

The Justice of the Peace of the City shall have and exercise therein and within the County the same jurisdiction, powers and duties as are or may be conferred upon or required of justices of the peace in townships by statute and shall be subject to such general laws with respect to such Justices, except as otherwise provided in this Charter. They shall have concurrent jurisdiction with other justices in the County as to all crimes, offenses and misdemeanors when alleged to have been committed within the County, whether within or without the City.

Section 17.5 JURISDICTION IN CHARTER AND ORDINANCE CASES.

The Justice of the Peace shall have authority to hear, try and determine all suits and prosecutions for the recovery and enforcing of fines, penalties and forfeitures imposed by this Charter and the ordinances of the City and to punish offenders for the violation of such Charter and ordinances as is prescribed and directed.

Section 17.6 EXTENDED JURISDICTION.

The Justice of the Peace shall also have:

- (a) Jurisdiction to the amount of five hundred dollars (\$500.00) in all civil matters ex contractu and ex delicto with such exceptions and restrictions as are provided by law;
- (b) Such power and authority as can under Public Act 279 of 1909, as amended, be conferred by this Charter to set aside the verdict or judgment in any civil cause and grant a new trial therein, to be exercised in such manner and on such conditions as provided in such act; the filing of a motion for a new trial or to set aside a verdict or judgment shall have such an effect on the time for taking an appeal from any judgment and upon the issuance and levy of execution or other similar process and sale there under and on other proceedings in such cause as provided in such act.
- (c) Such additional powers and authority as may now or hereafter be conferred upon city justices of the peace by statute.

Section 17.7 PROCEDURE IN JUSTICE COURT.

The proceedings in all suits and actions before the Justice and in the exercise of the powers and duties conferred upon and required of the Justice shall, except as otherwise provided in this Charter, be according to and governed by the statutes applicable to justice courts and to the proceedings before such courts.

Section 17.8 PLACE AND CONDUCT OF COURTS.

Council may furnish necessary supplies and a suitable place for the conducting of court by the Justice. It may regulate the hours of court of such Justice and may make other necessary and proper rules and regulations for the conduct of the business of the Court which are not inconsistent with this Charter or the statutes.

Section 17.9 TRANSFER OF CASES.

In case of the absence, disability or disqualification of the Justice, any other justice of the peace or municipal judge of the County shall be qualified to act in the place of and for the Justice in the performance of any duties imposed upon him by statute or this Charter.

Section 17.10 FEES, FINES AND PENALTIES; PROSECUTION OF STATE PENAL CASES.

All fees and fines, penalties, forfeitures and moneys collected or received by the Justice for any violation of the City Charter or ordinances shall be paid over to the City Treasurer on or before the tenth day of the next month after the collection or receipt thereof, and the Justice shall take the receipt of the Treasurer therefore and file the same with the Clerk. Failure of the Justice to comply with the foregoing provision shall constitute misconduct in office.

If the Justice be paid an annual salary, all fees and all fines, penalties, forfeitures and moneys collected in City ordinance and Charter cases shall be credited to the General Fund of the City.

All costs and fines recovered for the violation of the penal laws of the State, when collected by the Justice of the Peace, shall be disposed of as provided by statute.

The expenses of prosecution before the Justice for violation of the penal laws of the State and of punishing the offenders shall be paid by the County.

Section 17.11 DOCKET.

The Justice of the Peace shall keep at the place of holding court a docket in the manner required by statute. Failure to comply with the requirements of this section shall constitute misconduct in office.

Section 17.12 CONSTABLES.

Council may appoint one or more citizens of the City as constables for a term of one year commencing December 1 of each year. Such constables shall have like powers and authority in matters of civil and criminal nature, and in the relation of service of process, civil and criminal, as are conferred by law on constables in townships. They shall have the power also to serve all process issued for breaches of ordinances of the City. The bond of the constable shall be that required of constables in townships. A constable shall receive as compensation the usual fees of the office of constable usually provided by the general laws of the State, unless Council, by ordinance, shall otherwise prescribe.

Section 17.13 VIOLATIONS BUREAU.

Council shall have power and authority as provided by law to establish by ordinance a Violations Bureau within the Court for the handling of such violations of ordinances and regulations of

the City, or parts thereof, as prescribed in the ordinance establishing such Bureau. Any person who has received any notice to appear to a charge of violating any of such ordinances may within the time specified in the notice of such charge answer at the Violations Bureau to the charges set forth in such notice by paying a fine, in writing pleading guilty to the charge, waiving a hearing in court and giving power of attorney to make such a plea and pay such a fine in court. Acceptance of the prescribed fine and power of attorney by the Bureau shall be deemed to be complete satisfaction for the violation, and the violator shall be given a receipt which so states. The creation of such a Bureau shall not operate so as to deprive any person of a full and impartial hearing in Court should a person so choose.

Section 17.14 TRANSFER OF JUSTICE OF PEACE JURISDICTION UNDER STATE CONSTITUTION.

When a new system for Courts of lower jurisdiction is adopted by statute, as required by Article VI, Section 26 of the State Constitution, Council shall adopt whatever system of Courts is substituted by statute and the same shall have the same force and effect as if its provisions were written into this Charter.

CHAPTER XVIII SCHEDULE

Section 18.1 STATUS OF SCHEDULE CHAPTER.

The purpose of this chapter is to inaugurate the government of the City of Coopersville under this Charter and to provide for the transition from the former governments of the Village of Coopersville and the Township of Polkton to the new City status under this Charter. It shall constitute a part of the Charter of the City of Coopersville only to the extent and for the time required to accomplish that end.

Section 18.2 ELECTION TO ADOPT CHARTER.

This Charter shall be submitted to a vote of the qualified electors of the territory comprising the proposed City of Coopersville at an election to be held on Tuesday, December 13, 1966, between the hours of 7:00 o'clock a.m. and 8:00 o'clock p.m. All provisions for such election shall be held in the manner provided by law, except as in this Charter provided. Proper and sufficient notice of such election and of the registration therefore shall be given by the Secretary of the Charter Commission as provided by law. If, at such election, a majority of the qualified electors of the proposed City vote in favor of the adoption of this Charter, the Secretary of the Charter Commission shall do and perform all other acts which are required by law to carry this Charter into effect and to consummate the incorporation of the City.

The election shall be conducted by the officers of the Village of Coopersville and the Township of Polkton charged with the conduct and supervision of election following usual election procedure.

Section 18.3 FORM OF BALLOT.

The form of the ballot for the submission of this Charter shall appear on voting machines and upon absent voters' ballots in the following form, and shall be preceded by instructions for the use of such machines:

Shall the proposed Charter for the City of Coopersville, drafted by the Charter Commission elected June 1, 1966, be adopted?

- Yes
- No

Section 18.4 ELECTION OF OFFICERS.

- (a) At this election upon the adoption of this Charter, the first elective officers of the City under this Charter shall be elected, viz: one Mayor, six Councilmen and one Justice of the Peace to be elected from the City at large. The three Councilmen receiving the highest number of votes shall hold terms beginning on the effective date of this Charter and extending until the Monday next following the regular City election on the first Monday in April, 1969. The next three candidates for Councilmen having the next highest number of votes shall have terms beginning on the effective date of this Charter and extending until the Monday following the regular City election on the first Monday in April, 1968. The Justice of the Peace's term of office will commence on the effective date of this Charter and he shall hold office until the election qualification, and assumption of office on July 4, 1968 of his successor, following the regular City election held in 1968. Thereafter, the successors of all such officers shall be elected at the regular City elections provided by this Charter and shall hold office for the terms established thereby.

The nomination and election of such first elective officers shall be nonpartisan and no primary shall be held in connection therewith.

- (b) Candidates for such offices shall be nominated by the filing of petitions signed by not less than twenty nor more than fifty of the qualified electors of the territory comprising the proposed City of Coopersville, and filed with the Secretary of the Charter Commission, or his duly appointed Deputy, Vivian B. Murray, not later than 5:00 o'clock p.m. Eastern Standard Time, on Friday, November 4, 1966, at the office of the Village Clerk of Coopersville. The Secretary of the Charter Commission shall publish notice of the last day and time for filing such nominating petitions, which notice shall be published in The Coopersville Observer on or before October 21, 1966. Such petitions shall be in the form designed by the Secretary of State for the use in the nomination of nonpartisan judicial officers. All petitions filed in connection with such election shall be furnished in the first place by the Secretary of the Charter Commission at the office of the Clerk for the Village of Coopersville and such Secretary shall receive no other petitions. The manner of approval of nomination petitions and those qualified to sign shall be in general as outlined in Sections 4.8 through 4.10, inclusive, of this Charter.
- (c) Frank Durst, Ray Modderman, Melvin TerAvest and Lee Schipper shall constitute the Board of Canvassers for such election, and shall perform the duties required by law respecting such election and the canvass of the votes cast thereat. Vivian B. Murray, John G. Stroven, Barbara Gates, Maureen Leach, Syvilla TerAvest, Ruth Barrett, Lillian Murray and Ruth Brown are appointed Election Inspections of such election.
- (d) Monday, November 14, 1966, shall be the last day of registration for such election. Under the direction of the Election Inspectors, the Clerk of the Village of Coopersville and the proper officials of Polkton Township will act as registrars for the purpose of registering the electors of the proposed City for the special election to be held on December 13, 1966. Those persons presently registered in the Village of Coopersville and in that portion of Polkton Township which is proposed to incorporate into the new City will be eligible to vote without further registration if their registrations are in order under law.

Section 18.5 FORM OF BALLOT FOR CITY OFFICERS.

At the election held for the election of the first City officers, the names of the several candidates for such offices shall be placed on ballots containing no party designation with respect to the candidate and in the following order: candidates for the office of Mayor, candidates for the office of Councilman and candidates for the office of Justice of the Peace.

Section 18.6 VOTING AT CHARTER ELECTION.

Each person voting at the election on the adoption of this Charter may, in addition to voting on the adoption of this Charter, vote for a Mayor, six Councilmen from the City at large and one Justice of the Peace.

Section 18.7 CANVASS OF VOTES.

- (a) The Board of Canvassers, designated in Section 18.4(c) of this Schedule, shall meet at 4:00 o'clock p.m. at the Village Hall on the day following the election on the adoption of this Charter and canvass the votes cast at such election.

- (b) If the canvass of the votes cast at such election shows this Charter to have been adopted, the votes cast for the several first City officers shall then be canvassed. Those to be declared elected and their terms of office shall be as specified in Section 18.4 of this Schedule.

Section 18.8 EFFECTIVE DATE OF THIS CHARTER.

If the canvass of votes thereon shows this Charter to have been adopted, it shall take effect and become law as the Charter of the City of Coopersville for all purposes on January 1, 1967, at 12:01 a.m., at which time the control of the officers of the Village of Coopersville and the Township of Polkton over any of that part of the new City shall cease and be superseded by that of the officers of the City of Coopersville.

Section 18.9 FIRST MEETING OF CITY OFFICERS.

On or before the effective date of this Charter, each person who is elected to an office of the City shall appear before the Clerk of the Village of Coopersville and take and subscribe to his oath of office. The officer receiving such oath shall file the subscribed copy of such oath with the City Clerk within ten days after the effective date of this Charter. The first officers of the City shall assemble at 8:00 p.m. Eastern Standard Time, on Tuesday, January 3, 1967 in the Village Hall of the City of Coopersville. The meeting shall be called to order by the Mayor, who shall introduce the new City officials to the public and call the meeting of Council to order, and Council shall proceed with the business before it.

Section 18.10 CONTINUATION OF APPOINTED OFFICERS.

Except as otherwise provided herein, after the effective date of this Charter, all appointive officers and all employees of the Village shall continue in that City office or employment which corresponds to the City office or employment which they held in the Village prior to the effective date of the Charter and they shall be subject in all respects to the provisions of this Charter, except that any officer or employee who holds a position which this Charter provides be held at the pleasure of the appointing officer or body shall hold such position only at such pleasure regardless of the term for which originally elected or appointed.

Section 18.11 COUNCIL ACTION.

In all cases involving the transition of the Village government from that under the Village to the City which are not covered by this chapter, Council shall supply necessary details and procedures and may adopt such rules, regulations, resolutions and ordinances as may be required therefore.

Section 18.12 INTERIM FINANCIAL PROVISIONS.

Council shall no later than its first meeting in January, 1967, by resolution, continue the balances of the appropriations made by the Village government until June 30, 1967, as appropriated under this Charter, provided that such appropriations may be revised and changed in accordance with the needs of the new City, as permitted by the budgetary provisions of this Charter. At the close of business June 30, 1967, the balances of all appropriations not encumbered shall, subject to statutory restrictions, revert to the General Fund of the City for reappropriation during the fiscal year July 1, 1967 to June 30, 1968, inclusive.

RESOLUTION OF ADOPTION

At a regular meeting of the Charter Commission of the City of Coopersville held on August 29, 1966, the following resolution was offered by Commissioner Morris E. Parrish:

RESOLVED, That the Charter Commission of the City of Coopersville does hereby adopt the foregoing proposed Charter for the City of Coopersville and the Secretary of this Commission is directed to transmit the same to the Governor of the State of Michigan, in accordance with the provisions of Act 279 of the Public Acts of 1909, as amended, for his approval.

The resolution was seconded by Commissioner John A. Lown and adopted by the following vote:

YEAS:	9
NAYS:	0
ABSENT:	0

Merlin W. Shears;
Secretary of the Charter Commission of the City of Coopersville, Michigan

Attested by the following Commissioners:

- /s/ Morris E. Parrish
- /s/ John A. Lown
- /s/ George R. Hall
- /s/ Howard M. Bush
- /s/ Elvin P. Harris
- /s/ Rex H. Stiles
- /s/ Paul Metten
- /s/ Gay A. Grossenbacher
- /s/ Merlin W. Shears

Certified to be a true copy:

/s/ Merlin W. Shears,

Secretary,
Charter Commission

I, Frank Skeels, Village Clerk for the Village of Coopersville, hereby certify that the above individuals are the duly elected Charter Commissioners and are qualified to so act.

/s/ Frank Skeels