

CHARTER

PREAMBLE

We, the people of the City of Bangor, County of Van Buren, State of Michigan, grateful to God for the blessings we enjoy of Freedom, Peace, Health, Safety, and Justice, and pursuant to the authority granted by the Constitution and the Laws of the State of Michigan, in order to procure the benefit of efficient self government, and to promote our common interest in, and to secure for posterity these same qualities do hereby ordain and established this Charter for the City of Bangor.

CHAPTER I. NAME AND BOUNDARIES

SECTION 1. NAMES AND BOUNDARIES.

The name of this organized City is "City of Bangor." It is body corporate and embraces territory in the County of Van Buren, including that territory constituting the former Village of Bangor, together with such territory as may from time to time be attached thereto, and less such territory as may from time to time be detached therefrom, in accordance with law.

CHAPTER II. DEFINITIONS AND GENERAL PROVISIONS

SECTION 2.1 RECORDS TO BE PUBLIC.

(a) 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 safekeeping to be elsewhere, and shall be available for inspection at all reasonable times.

(b) All papers, books, or other records of any matter required to be kept by any of the several departments of the municipal government, either by law or by the provisions of any ordinance, shall be deemed public records of such department.

SECTION 2.2 DEFINITIONS AND INTERPRETATIONS.

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

- (a) The word "City" shall be comprised of the City of Bangor;
- (b) The word "Council" shall be comprised of the Mayor and City Councilmen of the City of Bangor;
- (c) The word "Officer" shall include, but shall not be limited to the Mayor, the members of the 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, engraving, stencil, duplicating, lithographing, typewriting, photostating, or any similar method;
- (f) Except in reference to signatures, the words "written" and "in writing" shall include hand written script, printing, typewriting, and teletype and telegraphic communications;
- (g) The words "publish" or "published" shall include publications 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 therefor, shall be posted in at least three public places 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 and disposal, refuse collection and disposal and reduction plants, transportation, and such other and different enterprises as the 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, the masculine gender shall extend to and include the feminine gender and the neuter;
- (k) "Mailing" shall mean from the U.S postal facility at Bangor, Michigan.

SECTION 2.3 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 direction, unless otherwise provided.

SECTION 2.4 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 and under the ordinance creating such commission or board. The concurring vote of a majority of which established number of members of each such board shall be necessary for official action by it.

SECTION 2.5 SUNDAY AND HOLIDAYS.

Whenever the date fixed by law or ordinance for the doing or completion of any acts 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 a legal holiday.

SECTION 2.6 PENALTIES FOR VIOLATION OF CHARTER.

Any person or officer of the City Council 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 (90) 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 2.7 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 2.8 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 2.9 SEVERABILITY OF CHARTER PROVISIONS.

If any provisions, 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 2.10 CITY LIABILITY.

The City shall not be liable to pay damages for injuries which arise out of government 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 (60) days after the injury resulting in such damages shall have occurred, a notice in writing, which notice shall be 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 witnesses known at the time by the claimant and 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 damage's claimed by reason thereof. No person shall bring any action against the City for any such damages until such have been given reasonable opportunity to act thereon, either by allowing or by 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 provided. This section shall not apply to claims arising out of the exercise of any proprietary function of the City.

SECTION 2.11 TRANSFER OF JURISDICTION.

(a) After the effective date of this Charter, the City shall be vested with all the property, moneys, contracts, rights, credits, effects and records, files, books and papers belonging to the Village of Bangor.

(b) No right or liability, either in favor or against the City of Bangor existing at the time this Charter becomes effective and no suit or prosecution of any character shall in any manner be effected 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 just debts and liabilities of the City shall be paid in accordance with their purport and all fines and penalties imposed at the time of such change shall be collected.

CHAPTER III. MUNICIPAL POWERS**SECTION 3.1 GENERAL POWERS.**

(a) Unless otherwise provided or limited in this Charter the City and its officers shall possess and be vested with all the powers, privileges, and immunities, expressed or implied, which Cities are, or hereafter may be, permitted by law to exercise or to include in their Charters. The enumeration of particular powers, privileges, or immunities in this section or elsewhere 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, in a manner consistent 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. Collection and disposing of garbage and rubbish.

D. Regulating and restricting the locations of oil and gasoline stations, in a manner consistent with law.

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

E. Licensing and regulating billboards and advertising signs and locations thereof.

G. Regulating the construction, erection, alteration, equipment, repair, moving, removing, and demolition of buildings and structures and their appurtenance and service equipment.

H. Regulating the location, height and type of fences abutting public or between private properties.

I. Establishing zones within the City and regarding 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.

J. Regulating, limiting, and prohibiting the construction and use of buildings and lands in order to promote the public safety and to prevent fires.

K. Regulating and controlling the use of streams, waters, and water courses within the City in any manner consistent with the provisions of the law.

(3) To establish and reasonably control streets, alleys, bridges, and public places, and space above and beneath them, and the use thereof by:

A. Creating and vacating the same and acquiring and disposing of land, or any interest in land, required therefor, including any surplus land which may be incidental to or necessary for the purchase of land required.

B. Providing a plan of streets and alleys within and for a distance of not more than three miles beyond the limits of the City.

C. Requiring the owners of real property to build and maintain public sidewalks in the area of streets immediately adjacent to such property, and, upon the failure of any owner to do so, constructing and maintaining such sidewalks and assessing the cost thereof against such property as 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 to do so, to cut and remove such weeds and such objects and to assess the cost thereof against such property as a special assessment.

E. Compelling all persons to care for the untraveled portions of streets lying between the traveled portion and the property line which abut upon premises owned, controlled, or occupied by them, and to keep the same free from weeds and from objects which are offensive or hazardous to public health and safety, and upon the failure to do so, cutting and removing such weeds and such objects and assessing the cost thereof against such property as a special assessment.

F. Providing for the grade of streets and requiring public utility users of streets to conform there to 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, and for a distance of one and one-half feet on each side of them, in reasonable repair at all times.

G. Regulating the speed of vehicles, trains and locomotives upon or across the streets within the provisions and limitations of law, and the stopping and parking of the same upon the streets and at street crossings.

H. Providing for and regulating the lighting of streets and alleys, whether such lights be located on public or private property to the extent permitted by law.

I. Preventing and abating the encumbering of streets and alleys or any part thereof.

J. Regulating the location of buildings and structures and of trees and shrubbery at and near street corners and street, intersections with alleys and driveways, so as to provide for the public safety and welfare in the use of streets and alleys.

K. Providing for and regulating the numbering of buildings upon property abutting streets and alleys and compelling the owners and occupants thereof to affix numbers thereto.

L. Providing for and regulating 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 therefor to the owner thereof.

M. Providing for the planting and general care and protection of trees and shrubbery within the streets and public places of the City and preventing the cutting of limbs and branches for the placing and maintenance of utility wires without the consent of the designated officers or agency of the City.

N. Providing for the control over all trees, shrubs and plants in the public streets, highways, parks, or other public places in the City and all dead and diseased trees on private property which, in the judgment of a majority of the Council, may cause a spread of the disease, endangers life, or abutting property, and trees on private property overhanging the streets, sidewalks or public places, including the removal thereof and assessing the cost thereof against the abutting property as a special assessment.

O. Prohibiting or regulating of the use, occupancy, sanitation, and parking of house trailers within the City, and the right of the City to so regulate any house trailer shall not be abrogated because of any detachment thereof from its wheels or because of placing it on, or attaching it to the ground by means of any temporary or permanent foundation or in any manner whatsoever.

(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 Van Buren 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 relating to public health, safety, and welfare; electric lights and power plants and systems, public heating plants 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 corporation limits of the City or Van Buren County, for any public use or purpose within the scope of its powers, including, but not by way of limitation, the uses and purposes set forth in this section.

(7) To join with any municipal corporation or with any other unit or agency of government, whether local, state, or federal, or with any number of 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 the 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 to and control, as near as may be, all procedures relating to registration and City elections, except as such statutes relate to political parties or partisan procedure and except as otherwise provided in this Charter.

The Clerk shall give public notice of time and place of holding each City election and the officers to be elected and the questions to be voted upon, in the same manner as is required by statute for the giving of public notice of general elections in the State.

The polls at all elections shall be opened and closed at the time prescribed by law for the opening and closing of polls at State elections, subject to the statutory right of the Council to adjust these hours to local time.

SECTION 4.3 WARDS AND PRECINCTS.

The City of Bangor shall consist of one ward and one election precinct. The Council may by Resolution, from time to time, establish convenient precincts.

SECTION 4.4 REGULAR CITY ELECTIONS.

A regular City election shall be held on the first Monday in April of 1979 and annually thereafter.

SECTION 4.5 ELECTIVE OFFICERS AND TERMS OF OFFICE.

The elective officers of the City shall be a Mayor, six councilmen, all of whom shall be nominated and elected from the City at large.

At each regular City election two councilmen shall be elected to serve for a term of three years. A Mayor shall be elected at the regular election to serve for a term of three years.

The terms of office of Mayor and Councilmen shall commence on the Monday next following the regular City election at which they were elected.

SECTION 4.6 ELECTION COMMISSION.

The election commission is hereby created consisting of the City Clerk, as Chairman, the City Attorney, and a person appointed by the Council who shall not be a Councilman whose tenure of office is expiring at the next regular annual election. The members shall serve without compensation. The Commission shall appoint a Board of Election Inspectors for each precinct, and have charge of all activities and duties required of it for each precinct, and have charge of all activities and duties required of it by state law and this Charter relating to the conduct of elections in the City. The

compensation for election personnel shall be determined by the Council in advance. In and case where election procedure is in doubt the Election Commission shall prescribe the procedure to be followed.

SECTION 4.7 NOMINATIONS.

The method of nomination of all candidates for the City election shall be by petition. Such petitions of each candidate shall be signed by not less than thirty (30) nor more than sixty (60) 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 said office at the following 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 invalid.

Nominating petitions for Candidates to be nominated at any regular City election, or to be elected at a special election shall not be circulated more than thirty (30) days prior to the last day for filing, and shall such petitions shall be filed with the Clerk before 4:00 o'clock in the afternoon on the 49th day preceding the regular City election or special election.

The Clerk shall, prior to every election, publish notice of the last day permitted for filing nomination petitions and of the number of persons to be elected to each office at least one week and not more than three weeks before such day.

SECTION 4.8 FORM OF PETITION.

The form of petitions shall be substantially as that required by the Michigan Election Law for the nomination of non-partisan judicial officers. A supply of official petition forms shall be provided and maintained by the City Clerk.

SECTION 4.9 APPROVAL OF PETITION.

The Clerk shall accept only nominating petitions which conform with the form 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 City offices by this Charter. All petitions shall be accompanied by the certificate of qualifications provided in Section 6.1 (a) which is signed by said person or by some other person having knowledge of his qualifications for holding the office named in the petition. The Clerk shall forthwith after filing of a petition notify in writing any candidate whose petition is then known not to meet requirements of this section, but the failure to so notify any candidate shall in no way prevent the 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 City office by this Charter and shall write his determination thereof on the fact of the petition.

(a) 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. Any candidate whose petition is so found in valid or insufficient shall be allowed to file supplementary or replacement petitions before four o'clock P.M. of the fifth day after the last filing date for filing original petitions; thereafter no further petitions may be filed.

(b) All nominating petitions filed shall be opened to public inspection in the office of the Clerk.

SECTION 4.10 FORM OF BALLOT.

(a) The form, printing and numbering 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 regard to City officers. 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 names of each such candidate, or nominees on the ballots (or labels or slips to be placed on voting machines when used), provided that for any such candidate who is an incumbent of such office, the candidate shall be designated as "Incumbent". Except as provided in this section there shall be no supplementary identification of candidates on the ballot.

SECTION 4.11 THE 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 the City Council shall name a date for the appearance of such persons before the said Council one week after said election for the purpose of determining the election of such candidates by lot as provided by statute.

SECTION 4.12 RECOUNT.

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

SECTION 4.13 SPECIAL ELECTIONS.

Special elections shall be held when called by resolution of the Council at least 49 days in advance

of such election, or when required by law. Any resolution calling a special City election shall set forth the purpose of such election. No more elections shall be called in any one year than permitted by statute.

CHAPTER V. ORGANIZATION OF GOVERNMENT

SECTION 5.1 MAYOR AND COUNCIL.

There shall be a Mayor and six Councilmen who shall be nominated and elected by the electors of the City at large. The Council shall be composed of seven members consisting of a Mayor and six Councilmen. The Mayor shall be the executive head of the City. The Council shall constitute the legislative body of the City and shall have power and authority, except as otherwise provided, in this Charter or by statute, to exercise all powers conferred upon or possessed by the City, and shall have the power and authority to adopt such laws, ordinances and resolutions as it shall deem proper in the exercise thereof.

SECTION 5.2 QUALIFICATIONS OF COUNCILMEN.

Members of the Council shall meet the eligibility requirements contained in Section 6.1 (a) of this Charter. The Council shall be the sole judge of the election and qualification of its own members, subject only to review by the Court.

SECTION 5.4 COMPENSATION FOR ELECTIVE OFFICERS.

The elective officers of the City shall be entitled to receive as full compensation for their services, the following annual salary to be paid quarterly:

- (a) The Mayor shall receive as remuneration of his services to the City the sum of \$600.00 per year.
- (b) The compensation of each councilman shall be the sum of \$480.00 per year.

Such compensation shall be paid quarterly and except as otherwise provided in this Charter shall constitute the only compensation which may be paid the Mayor and Councilmen for the discharge of any official duty for and on behalf of the City during their tenure of office. The Mayor and Councilmen may be reimbursed for expenses actually occurred by them on City business or in the interest of the City when such reimbursement is approved by the Council. The compensation of the Mayor and of the Councilmen may be changed by resolution of the City Council at least three months preceding any regular City election. This provision however shall not operate to change the compensation of any officer after his election in violation of constitutional provisions.

SECTION 5.5 THE MAYOR; DUTIES.

Under the provisions of this Charter, the Mayor shall in addition to any powers and duties otherwise provided by law, have powers and duties as follows:

- (a) He shall be the executive head of the City;
- (a) He shall have a voice and vote in all proceedings of the Council equal with that of the other members of the Council, but shall have no veto power;
- (c) He shall be the presiding officer of the Council;
- (d) He shall be the conservator of the peace and in emergencies may exercise within the City the powers conferred upon sheriffs to suppress riot and disorder, and shall have the authority to command the assistance of all able-bodied citizens to aid in the enforcement of the ordinances and regulations of the Council and the authority of the City government;
- (e) The Mayor shall execute or authenticate by his signature such instruments as this Charter or any statutes of the State of Michigan or the laws of the United States shall require;
- (f) He shall recommend to the Council for adoption such measures as he may deem necessary or expedient;
- (g) He shall have such other powers and perform such other duties as may be prescribed by law, this Charter, or as may be required of him, by ordinance or direction of the Council.

SECTION 5.6 ADMINISTRATIVE SERVICES.

The appointive administrative officers of the City shall be the City Manager, City Clerk, City Treasurer, City Assessor, City Attorney, Chief of Police, Fire Chief, Director of Public Works, Health Officer, and such additional administrative officers or departments as may be created by the Council as permitted by State Law. The Council may create additional administrative offices and departments, and may combine any administrative offices and departments, with the exception of Manager, Clerk and Treasurer in any manner it deems necessary or advisable for the proper and efficient operation of the City, to the extent permitted by State Law, and shall prescribe the functions of each office and department and the duties authorities and responsibilities of the officers of each department, except as otherwise provided in this Charter.

SECTION 5.7 APPOINTMENT OF OFFICERS.

Except as hereinafter provided, all administrative officers and department heads of the City Government whose office is subject to appointment, however made, shall be appointed by the City

Manager with the consent of the Council by an affirmative vote of not less than five (5) members of the Council.

SECTION 5.8 TERMS OF ADMINISTRATIVE OFFICERS.

The appointive administrative officers and the department heads, except the City Attorney, shall be responsible to the City Manager and shall serve at the discretion and pleasure of the City Manager (or an indefinite term and shall have their compensation fixed by the Council within budget allowances therefor).

SECTION 5.9 CITY CLERK.

(a) The Clerk shall be the Clerk of the Council and shall attend all meetings of the Council, and shall keep a permanent journal of its proceedings and sessions in the English language.

(b) He shall keep a public record of all proceedings of the Council and shall authenticate the same by his signature.

(c) He shall certify by his signature all ordinances and resolutions enacted or adopted by the Council.

(d) He shall be custodian of all papers, documents, bonds and records pertaining to the City, unless the custody thereof is otherwise provided by law or this Charter.

(e) He shall be custodian of the City seal and shall affix it to documents and attest the same.

(f) Under authority of the Council, he shall sign or countersign all contracts, deeds, licenses, or other public documents, on behalf of the City and shall keep a record thereof.

(g) He shall publish and post all notices, proceedings and other matters required to be published or posted by law, this Charter, or ordinance.

(h) He shall be the chief election officer of the City.

(i) He shall perform such other duties as may be required of him by law, this Charter, the Mayor, City Manager and/or the ordinances and resolutions of the Council.

(j) He shall have the power to administer oaths of office.

SECTION 5.10 CITY TREASURER.

(a) The Treasurer shall have custody of all moneys, funds, and securities of the City, keep

accounts thereof, deposit same in the manner and in the places designated by the Council, and report the same forthwith in detail to the Council and City Manager. The system of accounts here provided for shall conform to such uniform system as may be required by law.

(b) Except as otherwise provided by this Charter or by ordinance, he shall collect all moneys of the City, including charges for water and sewer services. He shall receive from other officers and employees all moneys belonging to and receivable by the City that may be collected by them, and shall give receipts therefor.

(c) For the collection of taxes he shall have and shall exercise all of the power and immunities which are granted and reserved to him by this Charter and by law.

(d) He shall disburse all City funds in accordance with the provisions of law and this Charter, and shall sign or countersign all checks or warrants accordingly.

(e) He shall perform such other duties as may be prescribed for him by law, this Charter, the Mayor, the City Manager and or ordinances or resolutions of the Council.

SECTION 5.11 CITY ASSESSOR.

The Assessor shall possess all the powers vested in and shall be charged with the duties imposed upon assessing officers by statute. He shall prepare all regular and special assessment rolls in the manner prescribed by this Charter, or ordinance, or by statute. He shall perform such other duties as may be prescribed for him in this Charter or by the Council.

SECTION 5.12 CITY ATTORNEY.

(a) The Attorney shall be attorney and counsel for the City, and shall be responsible to the Council. He shall act as legal advisor to the Mayor, and be Attorney and Counsel for the Council and all of its members relating to their official duties. He shall give written opinions to any officer or department head or commission of the City when requested in writing by the Mayor, City Manager, the Council or Commission so to do, and shall file a copy of same with the City Clerk.

(b) He may be directed by the Council to prosecute ordinance violations and to represent the City in cases before Courts and other tribunals. He shall file with the Clerk copies of such records and files relating thereto as the Council may direct.

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

(d) He shall attend such meetings of the Council, as requested by the Council.

(e) Upon recommendation of the Attorney, or upon its own initiative the Council may retain special legal counsel to handle any matter in which the City has an interest, or to assist in Counsel with the City Attorney therein.

SECTION 5.13 CHIEF OF POLICE.

The Chief of Police shall be the administrative head of the Police Department, and he shall be accountable and responsible to the City Manager for the performance of his duties. He shall perform all duties as may be prescribed for him by law, this Charter, the City Manager and/or ordinances or resolutions of the Council.

SECTION 5.14 FIRE CHIEF.

The Fire Chief shall be the administrative head of the Fire Department and he shall be accountable and responsible to the City Manager for the performance of his duties. He shall perform all duties as may be prescribed for him by law, this Charter, the City Manager and/or ordinances or resolutions of the Council.

SECTION 5.15 DIRECTOR OF PUBLIC WORKS.

The Director of Public Works shall be the administrative head of the Department of Public Works and he shall be accountable and responsible to the City Manager for the performance of his duties.

He shall be responsible for the maintenance, alterations, improvement and repair of streets, sidewalks, sewers, sewage disposal facilities, water mains, water facilities, and all other public grounds, buildings, facilities, and equipment which are not placed under the charge of some other department by this Charter, the Mayor and/or by the Council in accordance with the authority granted by this Charter.

He shall perform such other duties as may be prescribed by law, this Charter or as may be required of him by the Mayor or Council.

SECTION 5.16 PERSONNEL.

The full time personnel other than elected and appointive officers shall be deemed City employees.

SECTION 5.17 APPOINTIVE DEPARTMENT OFFICERS.

The head of each department shall have the power to hire, suspend, discharge or otherwise take

other appropriate disciplinary action against the employees of his department, with consent of the City Manager. An employee who has been discharged may within ten days thereafter petition the Council to hear the facts regarding such discharge, and in case the Council may in its sole discretion order a hearing and inquire into such facts, and may make such decision in the matter as it considers proper.

SECTION 5.18 DEPUTY ADMINISTRATIVE OFFICERS.

The administrative officers may recommend to the Council the appointment and/or termination of their respective deputies and may also recommend person or persons to such office. Such deputies as may be appointed by the Council shall in any case, possess all of the powers and authorities of their superior officers except as the same may be from time to time limited by their superior officers.

SECTION 5.19 PLANNING AND ZONING.

The Council shall maintain a City Planning Commission in accordance with and having the powers and duties granted by the provisions of statute relating to such commissions.

The Council shall maintain a Zoning Ordinance in accordance with the provisions of statute relating to such ordinances. Insofar as may be, such ordinance shall provide that Zoning be coordinated with the work of the City Planning Commission, and a Zoning Board of Appeals consisting of five members who shall be freeholders and of whom not less than one nor more than two shall be administrative officers. Insofar as practicable, said Zoning Board of Appeals shall coordinate its work with the Building and Safety Appeal Board as hereinafter provided.

SECTION 5.20 BUILDING AND SAFETY.

The Council shall maintain a building and safety ordinance in accordance with the provisions of statute relating to such ordinances and building and safety appeal board consisting of five members who shall be freeholders and whom not less than one or more than two shall be administrative officers. Insofar as practicable said board shall coordinate with the Zoning Board of Appeals as hereinabove provided.

SECTION 5.21 MAYOR PRO TEM.

(a) At the first meeting of the Council following each City election, the Council shall organize and elect one of its members to the office of Mayor Pro Tem.

(b) 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. The Council shall fill any vacancy in the

Office of Mayor Pro Tem, but until such vacancy is filled, the Senior member of the 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 election shall act.

SECTION 5.22 CITY MANAGER; APPOINTMENT AND QUALIFICATIONS.

The Council shall appoint a City Manager within ninety days after any vacancy exists in such position. The City Manager shall hold office at the pleasure of a majority of the Council. He shall be selected solely on the basis of his executive and administrative qualifications with special reference to his training and experience. At the time of his appointment, he need not be a resident of the city or state, but during tenure of office he shall reside within the city.

SECTION 5.23 CITY MANAGER; FUNCTIONS AND DUTIES.

The City Manager shall be the chief administrative officer of the city government. His functions and duties shall be:

- (a) To be responsible to the Council for the efficient administration of all administrative departments of the city government except the department under the direction of the Attorney;
- (b) To see that all laws and ordinances are enforced;
- (c) To appoint with the consent of the Council, the heads of the several city departments whose appointments are not otherwise specified in this Charter, and to discharge such department heads without the consent of the Council, and to direct and supervise such department heads;
- (d) To give to the proper department or officials ample notice of the expiration or termination of any franchises, contracts or agreements;
- (e) To see that all terms and conditions imposed in favor of the city or its inhabitants in any public utility franchise, or in any contract, are faithfully kept and performed;
- (f) To recommend an annual budget to the Council and to administer the budget as finally adopted under policies formulated by the Council, and to keep the Council fully advised at all times as to the financial condition and needs of the city;
- (g) To recommend to the Council for adoption such measures as he may deem necessary or expedient; and to attend Council meetings with the right to take part in discussions but not to vote;
- (h) To exercise and perform all administrative functions of the city that are not imposed by this Charter or ordinance upon some other official;

(i) To be responsible for the maintenance of a system of accounts of the city which shall conform to any uniform system required by law and by the Council and to generally accepted principles and procedures of governmental accounting;

(j) To perform such other duties as may be prescribed by this Charter or as may be required of him by ordinance or by direction of the Council.

SECTION 5.24 ACTING CITY MANAGER.

The Council may appoint or designate an Acting City Manager during the period of a vacancy in the office or during the absence of the City Manager from the city. Such Acting Manager shall, while he is in such office, have all the responsibilities, duties, functions and authority of the City Manager.

CHAPTER VI. GENERAL PROVISIONS REGARDING OFFICERS AND PERSONNEL OF THE CITY

SECTION 6.1 ELIGIBILITY FOR OFFICE AND EMPLOYMENT IN CITY.

(a) No person shall hold any elective office of the City unless he is a resident of the City of Bangor. No person shall hold any elective office unless he is qualified and registered elector of the City on the last day for filing the original petition for such office or prior to the time of his appointment to fill a vacancy.

No person shall be eligible for any elective or appointive office who is in default to the City, or who shall have been found guilty by a competent tribunal of the commission of a felony. 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 has been served upon him by the council or unless such person shall in good faith be contesting the liability of such default.

No person shall be eligible for office at any regular or special election who is:

(1) An appointive officer.

(2) An elective officer whose term of office does not expire at 8:00 P.M. on the Monday next following the next regular election, unless he shall resign either as an appointive officer, or as an elective officer. Such resignation shall be in writing and filed with the Clerk at least 120 days before such next regular or special election.

(b) Each administrative officer and City employee, with the exception of the City Attorney and Health Officer, shall be a resident of the Bangor School District or become a resident of the Bangor

School District within 6 months from the date of his appointment. In case of difficulty in procuring suitable housing, the employee may apply to the Council for one 6 month extension. Failure to comply with this section within one year shall result in automatic dismissal. The City Manager shall become a resident of the City of Bangor within 6 months of his appointment.

(c) No elective official or administrative officer shall be allowed to hold more than one elected or appointed position in City government.

SECTION 6.2 VACANCIES IN OFFICE.

Any elective City office shall be declared vacant by the 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 sixty days in any one calendar year without permission of the Council;

(f) In the case of a member of the Council if he misses more than 25% of the meetings in one fiscal year. If a councilman shall miss more than three regular meetings in one fiscal year his compensation shall be docked on prorated basis.

(g) If the officer is removed from office by the Council in accordance with the provisions of Section 6.13.

SECTION 6.3 VACANCIES IN BOARDS AND COMMISSIONS.

The office of any member of any Board or Commission created by this Charter shall be declared vacant by the Council:

(a) For any reason specified by law as creating a vacancy in office;

(b) If the officer shall be found guilty by a court of competent jurisdiction 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, unless such absences shall be excused by such board or Commission at the time of such absence;

(d) If the officer is removed from office by the Council in accordance with the provisions of Section 6.13.

SECTION 6.4 RESIGNATIONS.

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

SECTION 6.5 FILLING VACANCIES.

(a) If a vacancy occurs in any elective City office, the Council shall, within thirty (30) days after such vacancy occurs, appoint a person who possess the qualifications required of holders of said office to fill the vacancy until the next regular City election at which time the unexpired term of said vacancy shall be filled.

(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. All such appointments shall be made within 30 days.

SECTION 6.6 TERM OF OFFICE CANNOT BE SHORTENED OR EXTENDED.

Except by procedures provided in this Charter, the terms of the elective officials of the City and of officers of the City appointed for a definite term shall not be shortened or extended.

SECTION 6.7 INCREASE OR DECREASE IN COMPENSATION.

The 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. 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, provided that the council is authorized to pay retroactively and negotiated pay raise for city employees from the date of commencement of labor negotiations to the date of contract settlement.

SECTION 6.8 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 bonds required by this Charter or by the 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 thereon be vacant, unless the Council shall, by resolution, extend the time in which such officer may qualify as set forth above.

SECTION 6.9 SURETY BONDS.

Except as otherwise provided in this Charter, the Council may require any officer or employee of the City to give a bond to be approved by the Council. Conditioned upon the faithful and proper performance of the duties of the officer or employment concerned, in such sums as the Council may determine. All such officers or employees who receive, distribute, or are responsible for City funds or in vestments 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 office 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 employees of the City. Any officer or employee who is covered by blanket surety bond need not be bonded individually for the purpose of qualifying for office.

SECTION 6.10 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, nor upon any bond or contract executed to or made with the City, nor except for himself or his immediate family, give or furnish any bail or recognizance in connection with any complaint or warrant charging violations 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 the Council or any officer of the City is required.

SECTION 6.11 DELIVERY OF OFFICE AND ITS EFFECTS BY OFFICER TO HIS SUCCESSOR.

Whenever any officer or employee shall resign, or be removed from office, or 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 they 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 6.12 NEPOTISM.

Unless the Council shall by unanimous vote, which vote shall be recorded as part of the official proceedings, determine that the best interests of the City shall be otherwise served, the following relatives of any elective or appointive officer are disqualified from holding any appointive office or City employment during the term for which said elective or appointive officer was elected or appointed: Spouse, child, parent, grandchild, grandparent, brother, sister, half-brother, half-sister, or spouse of any of them. All relationships shall include those arising from adoption. The disqualification for nepotism, as to elected City officials, shall be confined to a person working immediately under the supervision or control of a particular elected City official with whom he may be related by blood or marriage. The disqualification for nepotism, as to appointed official, shall be limited to a person holding employment in the same department or agency under which a relative is the appointed head. 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 said official.

SECTION 6.13 REMOVALS FROM OFFICE.

Removals by the Council of elective or appointive officers or members of the Boards or Commissions may be made for any of the following reasons:

- (a) For any reason specified by law for removal of City officer by the Government;
- (b) For any act constituting a violation of this Charter;

(c) Such removals by the Council shall be made only after hearing of which such officer has been given notice by the Clerk at least ten days in advance, either personally or by sending the same by registered mail to his last address, or known place of residence according to the records of the City. 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 for his removal. A majority vote of the members of the Council in office at the time, exclusive of any member whose removal may be being considered, shall be required for any such removal.

CHAPTER VII. PROCEDURES AND MISCELLANEOUS POWERS AND DUTIES

SECTION 7.1 CITY GOVERNING BODY.

The Mayor and six (6) Councilmen shall constitute the legislative and governing body of the City. They shall be elected from the City at large.

SECTION 7.2 POWERS, DUTIES, AND FUNCTIONS OF THE COUNCIL.

The Council shall determine all matters of Policy of the City and adopt ordinances and necessary rules and regulations to make the same effective. Further, the Council shall, subject to the limitations of law, raise revenues and make appropriations for the operation of 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 the 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 investigation, subject to such exceptions as are permitted by law, shall upon conviction thereof, be guilty of a violation of this Charter.

SECTION 7.3 MEETINGS OF THE COUNCIL.

The Council shall provide by ordinance for the time and place of its regular meetings and shall hold at least two meetings in each month.

SECTION 7.4 SPECIAL MEETINGS.

Special meetings shall be called by the Clerk on the written request of the Mayor or any three members of the Council on at least twenty-four hours written notice to each member of the Council, served personally or left at his usual place of residence, and said written notice to each member of the Council shall designate the time, place, and purpose of such special meeting, but a special meeting may be held on shorter notice if all members of the Council are present or have waived notice thereof in writing, provided, however, that 18 hours prior to any meeting, a notice thereof shall be posted in the City Hall stating the date, time and place of the meeting. No notice posting shall be required where