

**BANGOR, MICHIGAN  
CHARTER TABLE OF CONTENTS**

Section

*Preamble*

*Chapter I. Name and Boundaries*

- 1. Names and boundaries

*Chapter II. Definitions and General Provisions*

- 2.1 Record to be public
- 2.2 Definitions and interpretations
- 2.3 Official performance
- 2.4 Quorum
- 2.5 Sunday and holidays
- 2.6 Penalties for violation of charter
- 2.7 Chapter and section headings
- 2.8 Amendments
- 2.9 Severability of charter provisions
- 2.10 City liability
- 2.11 Transfer of jurisdiction

*Chapter III. Municipal Powers*

- 3.1 General powers

*Chapter IV. Elections*

- 4.1 Qualifications of electors
- 4.2 Election procedure
- 4.3 Wards and precincts
- 4.4 Regular city elections
- 4.5 Elective officers and terms of office
- 4.6 Election commission
- 4.7 Nominations
- 4.8 Form of petition

**Bangor - Charter*****Chapter IV. Elections***

- 4.9 Approval of petition
- 4.10 Form of ballot
- 4.11 The vote
- 4.12 Recount
- 4.13 Special elections

***Chapter V. Organization of Government***

- 5.1 Mayor and Council
- 5.2 Qualifications of Councilmen
- 5.4 Compensation for elective officers
- 5.5 The Mayor; duties
- 5.6 Administrative services
- 5.7 Appointment of officers
- 5.8 Terms of administrative officers
- 5.9 City Clerk
- 5.10 City Treasurer
- 5.11 City Assessor
- 5.12 City Attorney
- 5.13 Chief of Police
- 5.14 Fire Chief
- 5.15 Director of Public Works
- 5.16 Personnel
- 5.17 Appointive department officers
- 5.18 Deputy administrative officers
- 5.19 Planning and zoning
- 5.20 Building and safety
- 5.21 Mayor Pro Tem
- 5.22 City Manager; appointment and qualifications
- 5.23 City Manager; functions and duties
- 5.24 Acting City Manager

***Chapter VI. General Provisions Regarding Officers and Personnel of the City***

- 6.1 Eligibility for office and employment in city
- 6.2 Vacancies in office
- 6.3 Vacancies in Boards and Commissions
- 6.4 Resignations
- 6.5 Filling vacancies
- 6.6 Term of office cannot be shortened or extended

***Chapter VI. General Provisions Regarding Officers and Personnel of the City***

- 6.7 Increase or decrease in compensation
- 6.8 Oath of office
- 6.9 Surety bonds
- 6.10 Giving surety or being agent for surety
- 6.11 Delivery of office and its effects by officer to his successor
- 6.12 Nepotism
- 6.13 Removal from office

***Chapter VII. Procedures and Miscellaneous Powers and Duties***

- 7.1 City governing body
- 7.2 Power, duties, and functions of the Council
- 7.3 Meetings of the Council
- 7.4 Special meetings
- 7.5 Business of special meetings
- 7.6 Meeting to be public
- 7.7 Quorum; adjournment of meeting
- 7.8 Rules of the Council
- 7.9 Compulsory attendance and conduct of meeting
- 7.10 Members interest in question
- 7.11 Public health and safety
- 7.12 Licenses
- 7.13 Cemetery regulations
- 7.14 Trusts

***Chapter VIII. City Legislation***

- 8.1 Legislative power
- 8.2 Prior village legislation
- 8.3 Introduction, consideration and style of ordinance
- 8.4 Publication of ordinances
- 8.5 Penalties
- 8.6 Initiative and referendum
- 8.7 Initiatory and referendary petitions
- 8.8 Council procedures of initiative or referendary petitions
- 8.9 Same — submission to electors
- 8.10 Same — status of ordinance adopted
- 8.11 Same — ordinance suspended
- 8.12 Recall

***Chapter IX. General Finance***

- 9.1 Fiscal year
- 9.2 Budget procedure
- 9.3 Budget document
- 9.4 Budget hearing
- 9.5 Adoption of the budget
- 9.6 Budget control
- 9.7 Collection and deposit of moneys
- 9.8 Independent audit and system of accounting
- 9.9 Municipal bonding power
- 9.10 Authorization of electors required
- 9.11 Limits of borrowing power
- 9.12 Preparation and record of bonds
- 9.13 Deferred payment contracts

***Chapter X. Taxation***

- 10.1 Power to tax — tax limit
- 10.2 Subjects of taxation
- 10.3 Exemptions
- 10.4 Tax day
- 10.5 Jeopardy assessment
- 10.6 Preparation of the assessment roll
- 10.7 Board of Review
- 10.8 Duties and functions of the Board of Review
- 10.9 Meeting of Board of Review
- 10.10 Notice of meeting
- 10.11 Endorsement of roll — validity
- 10.12 Tax levy certified
- 10.13 City tax roll
- 10.14 Tax roll certified for collections
- 10.15 Tax lien on property
- 10.16 Tax payment due; notification thereof
- 10.17 Collection charges on late payment of taxes
- 10.18 Failure or refusal to pay personal property tax
- 10.19 Collection of delinquent taxes
- 10.20 State, county and school taxes

***Chapter XI. Special Assessments***

- 11.1 General power relative to special assessments
- 11.2 Detailed procedure to be fixed by ordinance
- 11.3 Objection to improvements
- 11.4 Hazards and nuisances
- 11.5 Lien not destroyed by judgment
- 11.6 Special assessment accounts
- 11.7 Failure to receive notice

***Chapter XII. Purchases, Contracts, Leases***

- 12.1 Contracting authority of Council
- 12.2 Purchase and sale of personal property
- 12.3 Limitations on contractual power
- 12.4 Licenses remain in effect

***Chapter XIII. Municipal Owned Utilities***

- 13.1 General powers respecting utilities
- 13.2 Management of municipality owned utilities
- 13.3 Rates
- 13.4 Utility rates and charges — collection
- 13.5 Disposal of utility plants and property
- 13.6 Utility finances

***Chapter XIV. Public Utility Franchises***

- 14.1 Franchises remain in effect
- 14.2 Granting of public utility franchises
- 14.3 Conditions of public utility franchises
- 14.4 Regulation of rates
- 14.5 Use of public places by utilities
- 14.6 Revocable permits

***Chapter XV. Violation Bureau***

- 15 Establishment of Violation Bureau

**Bangor - Charter**

*Chapter XVI. Schedule*

- 16.1 Election to adopt this Charter
- 16.2 Form of voting
- 16.3 The effective date of this Charter
- 16.4 First officers under the Charter
- 16.5 Continuation of election and appointed officers and employees
- 16.6 Status of schedule chapter
- 16.7 Publication of Charter

*Resolution of Adoption*

## **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

2/3 of the council members decide that a delay would be detrimental to the efforts of the City to respond to a threat.

#### **SECTION 7.5 BUSINESS OF SPECIAL MEETINGS.**

No business shall be transacted at any special meeting of the 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 the Council are present and consent thereto.

#### **SECTION 7.6 MEETING TO BE PUBLIC.**

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

#### **SECTION 7.7 QUORUM: ADJOURNMENT OF MEETING.**

Four members of the Council shall be a quorum for the transaction of business at all meetings of the Council, but, in the absence of a quorum, any number of members less than a quorum may adjourn any regular or special meeting to a later date. In the absence of a quorum, any number of members present less than a quorum may order the compulsory attendance of absent members at a Council meeting.

#### **SECTION 7.8 RULES OF THE COUNCIL.**

The 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 the Council at all reasonable times.

#### **SECTION 7.9 COMPULSORY ATTENDANCE AND CONDUCT OF MEETING.**

Each member of the Council shall be required to attend all meetings of the Council unless excused in accordance with Section 6.2. The Council may order the attendance of its members at its meetings. The Council may order the attendance of other officers of the City at its meetings and may enforce such fines for non-attendance, as may, by ordinance, be prescribed. The refusal of any member of the 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. Any police officer designated by the presiding officer of the meeting shall serve as sergeant-at-arms of the Council in the enforcement of the provisions of this section.

**SECTION 7.10 MEMBERS INTEREST IN QUESTION.**

Except as otherwise provided in this Charter, a member of the Council 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 therefrom by a vote of at least four members of the Council.

**SECTION 7.11 PUBLIC HEALTH AND SAFETY.**

The 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, the 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 7.12 LICENSES.**

The 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 7.13 CEMETERY REGULATIONS.**

The 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 platting, sale and perpetual care of all lots, plots, and lands therein may be provided. All ordinances pertaining to public health and welfare in the regulation and protection of public cemeteries may apply equally to all cemeteries within the City belonging to, or under the control of any Church or religious society, or any corporation, company, association, or individual.

**SECTION 7.14 TRUSTS.**

The 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 Bangor shall be continued in full force in accordance with the *cy pres* doctrine.



**CHAPTER VIII. CITY LEGISLATION****SECTION 8.1 LEGISLATIVE POWER.**

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

**SECTION 8.2 PRIOR VILLAGE LEGISLATION.**

All valid ordinances, resolutions, rules and regulations of the City of Bangor which are not inconsistent with this Charter and which are in full force and effect at the time of the effective date of this Charter shall continue in full force and effect, until repealed or amended, according to Section 8.3 of this Charter. Those provisions of any valid ordinance, resolution, rule or regulation which are inconsistent with this Charter are hereby repealed.

**SECTION 8.3 INTRODUCTION, CONSIDERATION AND STYLE OF ORDINANCE.**

(a) Each proposed ordinance shall be introduced in written form. The style of all ordinances passed by the Council shall be, "The City of Bangor Ordains."

(b) Ordinances may be enacted by the affirmative vote of not less than four members of the Council.

(c) Each Ordinance, after adoption, shall be identified by number, and by code Section number if and when said ordinances of the City are codified according to Section 8.3 (g) of this Charter.

(d) 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.

(e) 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 vehicular traffic regulating portion of the City's Ordinance code.

(f) 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.

(g) The Ordinances of the City may be set forth in code form as soon as practicable after the adoption of this Charter.

(h) No Ordinance shall be finally passed by the Council at the same meeting at which it is introduced.

#### **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 alternate 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 (10) days after publication, unless it is declared by the affirmative vote of not less than five (5) members of the Council to be an emergency ordinance. The publication of an ordinance in full as part of the published proceedings of the 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.

(c) In the event of the codification of the ordinances the deposit of a number of copies as provided by law, in the office of the Clerk available for public inspection and sale at cost, shall constitute publication thereof.

#### **SECTION 8.5 PENALTIES.**

The 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 more than ninety (90) days, or both, in the discretion of the Court. Imprisonment for violations of ordinances may be in the City or County jail.

#### **SECTION 8.6 INITIATIVE AND REFERENDUM.**

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

#### **SECTION 8.7 INITIATORY AND REFERENDARY PETITIONS.**

An initiatory or a referendary petition shall be signed by not less than twenty (20) percent of the registered electors of the City as of the last general City or State election. 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 or Rural Route Number. To each petition paper there shall be attached a certificate 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 circulator. Each circulator shall be a resident elector of the

City. Such petitions shall be filed with the Clerk who shall, within fifteen days, canvass the signatures thereon to determine the sufficiency thereof. Any signature obtained more than thirty days before 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 to 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 the Council at its next regular meeting.

#### **SECTION 8.8 COUNCIL PROCEDURES ON INITIATIVE OR REFERENDARY PETITIONS.**

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

- (1) If it be an initiatory petition, adopt the ordinance as submitted in the petition within thirty days after receipt thereof, or determine to submit the proposal to the electors.
- (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 SAME — SUBMISSION TO ELECTORS.**

Should the Council decide to submit the proposal to the electors, it shall be submitted at the next election held in the City for any purpose, or, in the discretion of the 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 SAME — STATUS OF ORDINANCE ADOPTED.**

An ordinance adopted by the electorate through initiatory proceedings may not be amended or repealed by the 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 votes shall prevail as to those provisions.

#### **SECTION 8.11 SAME — ORDINANCE SUSPENDED.**

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 the 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****SECTION 9.1 FISCAL YEAR.**

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

**SECTION 9.2 BUDGET PROCEDURE.**

On or before the first day in May 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 each budget request and shall then prepare his budgetary recommendations and submit them to the Council on June 1st.

**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:

- (a) A detailed Budget summary, showing the estimated receipts and expenditures of each fund and the total of all funds.
- (b) A detailed statement of the 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.
- (c) 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.
- (d) A statement of the estimated financial condition of each City fund reflecting the estimated surplus or deficit in each such fund and showing all the transfers made from each such fund.

- (e) A statement of the bonded or the other indebtedness of the City showing the amount required in the ensuing year for retirement on the debt and necessary interest requirements.
- (f) 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 reasonable estimate of the amount expected to be collected during the next fiscal year of the City.
- (g) 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 sources will be necessary to meet the proposed expenditures.
- (h) Such other information as may be required by the Council.

#### **SECTION 9.4 BUDGET HEARING.**

A public hearing on the budget proposal shall be held before its final 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 ten days prior to such public hearings. A copy of the proposed budget may be obtained by any qualified elector of the City from the City Clerk from the period between the publication of the notice of said hearing on the budget and the adoption thereof. Requests for a copy may be either written or oral and the Clerk shall either mail or hand a copy of the said proposed budget to the person requesting same within 24 hours of said request.

#### **SECTION 9.5 ADOPTION OF THE BUDGET.**

- (a) At a meeting held not later than the second regular meeting in June, the Council shall by resolution, adopt a budget for the next fiscal year and make appropriation of the money needed therefor. Such resolution shall designate the sum to be raised by taxation for the general purpose of the City and for the payments of principal and interest on its indebtedness. Failure to adopt such resolution within the time therein set shall not invalidate either the budget or the tax levy therefor.
- (b) Should the Council fail to adopt a budget for the next fiscal year by the closing of the meeting of the second Monday in June, the amounts appropriated for current operation for the current fiscal year shall be deemed appropriated for the ensuing fiscal year, on a month to month basis with all items pro-rated accordingly, until such time as the Council adopts a budget for the ensuing fiscal year.

#### **SECTION 9.6 BUDGET CONTROL.**

- (a) Except for purposes which are to be financed by the insurance of bonds or by special assessment, or for other purposes not chargeable to the budget appropriation, no money shall be drawn

from the general fund of the City without an appropriation thereof, nor shall any obligations for the expenditures of money be incurred without an appropriation covering all payments which will be due under such obligation in the current year. The Council by resolution may transfer any unencumbered appropriation balance or any portion thereof, from one department account, fund or agency to another.

(b) Expenditures shall not be charged directly to any contingent or general account. Instead, the necessary amount of the appropriation from such account shall be transferred to the appropriate budget item or account and, the expenditure then charged thereto.

(c) At the beginning of each quarterly period during the fiscal year, and more often if required by the Council, the Mayor shall submit to the 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, the Council may reduce appropriations, except amounts required for debt and interest charges, to such a degree as may be necessary to keep expenditures within the revenues.

(d) The balance in any annual budget appropriation which has not been encumbered at the end of the fiscal year shall revert to the general fund.

(e) (1) The Council may, by ordinance, establish and maintain accounts for accumulating moneys to be used for acquiring, extending altering, construction, or repairing public improvements or public buildings and for the purchase of equipment of any type, in each case either for a specific item or items or for future unspecified public improvements or equipment or both.

(2) Appropriations to such accounts may be made by the Council either in the annual appropriation resolution or, from time to time during the fiscal year, from available funds, from whatever source derived, which are not required for other appropriations or obligations of the City. Such accounts shall be continuing accounts and the balances therein at the end of each fiscal year shall remain a part thereof.

(3) Moneys which are accumulated for the purposes of public improvements or buildings, as set forth in subsection (e) (1) hereof, shall, be used only at the direction of the Council, and only for the purposes provided in the original ordinance establishing such account, unless their use for some other municipal purpose be authorized by a majority vote of the electors of the City who vote on the proposition to amend such ordinance to provide for a change in the use of the moneys in such account. After the purpose of any such account has been fulfilled, any balance remaining therein may be transferred by the Council to any other account of the City.

(4) Moneys which are accumulated for the purpose of purchasing equipment, as set forth in subsection (e) (1) hereof, shall be expended only for the purpose provided in the ordinance establishing any such account, or as such ordinance may be amended from time to time.

## **SECTION 9.7 COLLECTION AND DEPOSIT OF MONEYS.**

The Council shall designate the depository or depositories of City Funds, and shall provide for

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

#### **SECTION 9.8 INDEPENDENT AUDIT AND SYSTEM OF ACCOUNTING.**

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

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 this State.

#### **SECTION 9.9 MUNICIPAL BONDING POWER.**

Subject to the applicable provisions of law, the 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 evidence of indebtedness therefor. 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.
- (c) In case of fire, flood, or other calamity, emergency loans due in not more than five years for the relief of inhabitants of the City and for the preservation of municipal property.
- (d) 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 bonds may be an obligation of the special assessment district or districts alone, or maybe 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. A sinking fund shall be created in the event of the issuance of such bonds, setting aside such percentage of the gross or net earnings of the public utility as may be deemed sufficient for the payment of the

mortgage bonds at maturity, unless serial bonds are issued of such a nature that no sinking fund is required.

(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.

(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 9.10 AUTHORIZATION OF ELECTORS REQUIRED.**

(a) Except as provided in Section 9.10 (b) of this chapter, no bonds pledging the full faith and credit of the City shall be issued without the approval of a majority of the qualified electors voting thereon at any general or special election.

(b) The restriction of Section 9.10 (a) of this chapter shall not apply to general obligation bonds issued to pay for the City's portion of public improvements the remainder of which are to be financed by special assessments, tax anticipation notes issued under Section 9.9 (b) of this chapter, emergency bonds issued under Section 9.9 (c) of this chapter, special assessment bonds issued under Section 9.9 (d) of this chapter, refunding bonds issued under Section 9.9 (f) of this chapter, or to bonds, the issuance of which does not require a vote of electors by the provisions of State law.

#### **SECTION 9.11 LIMITS OF BORROWING POWER.**

(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 bonded indebtedness there shall be excluded money borrowed in such a manner as not to constitute part of the bonded indebtedness under governing provisions of the State Law and this Charter.

(b) The amount of emergency loans which may be made under the provisions of Section 9.9 (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 the net 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 electorate shall be subject to applicable requirements of law with reference to public notice in advance of authorization of such



issues, filing of petitions for a referendum on such insurance, holding of such referendum and other applicable procedural requirements.

#### **SECTION 9.12 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 said bond issue was made, the Council may authorize the use of said funds for the retirement of bonds of such issue or for any other purpose and in such manner as permitted by law. All bonds or other evidences of indebtedness issued by the City shall be signed by the Mayor and countersigned by the Clerk, under the seal of the City. Interest coupons may be executed with the facsimile signature of the Mayor and 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 9.13 DEFERRED PAYMENT CONTRACTS.**

The City may enter into installment contracts for the purpose of property or capital equipment. Each such contract shall not extend over a period greater than ten (10) years nor shall the total amounts of principal payable under all such contracts exceed a sum and manner permitted by law.

All such deferred payments shall be included in the budget for the year in which the installment is payable.

### ***CHAPTER X. TAXATION***

#### **SECTION 10.1 POWER TO TAX — TAX LIMIT.**

(a) The City shall have the power to assess taxes and to lay and collect taxes, rent, tolls, and excises, excepting and excise tax levied on or measured by income, which to be imposed must be first approved by a two-thirds (2/3) majority vote of the electors of the City voting on such proposition.

(b) The levy of taxes for municipal purposes in any year shall not exceed one and seven-tenths (1.7) percent of the assessed value of all real and personal property 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 such as are expressly permitted by state law.

**SECTION 10.4 TAX DAY.**

Subject to the exception provided or permitted by statute, the taxable statute of persons and property shall be determined as of the thirty-first day of December, which shall be deemed the tax day. Assessments shall be based upon the uniform application of established rules, techniques, and procedures, which the legislature may provide, under the provisions of Section 3, Article IX, of the Constitution of the State of Michigan of 1963.

**SECTION 10.5 JEOPARDY ASSESSMENT.**

If the Treasurer finds or reasonably believes that any person who is, or may be liable for taxes upon personal property, the taxable status of which was in the City on tax day, intends to depart or has departed from the City; or to remove or has removed therefrom personal property which is, or may be liable for taxation; or to conceal or conceals himself or his property; or does any other act tending to prejudice, or to render wholly or partly ineffectual the proceedings to collect such tax, he shall proceed to collect the same as a jeopardy assessment in the manner provided by law.

**SECTION 10.6 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. Value shall be estimated according to recognized methods of systematic assessment.

(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 in validate any such roll assessment thereon.

(c) Such roll may be divided into volumes, which the assessor shall identify by number, for the purpose of convenience in handling the assessment roll and for locating properties therein. The

attachment of any certificate or warrant required by this chapter to any volume of the roll, shall constitute the attachment thereof to the entire roll, provided the several volumes are identified in such certificate or warrant.

#### **SECTION 10.7 BOARD OF REVIEW.**

(a) A Board of Review is hereby created, composed of three freeholders of the City who have the qualification of holding elective City office as set forth in Section 6.1 (a) 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 of Review shall be appointed by the Council, according to Section 5.2 of this Charter, and may be removed for reasons of nonfeasance or misfeasance by the vote of five members of the Council. One member shall be appointed in the month of December of each year, for a term of three years, commencing on the following January first. The Council shall fix the compensation of the members of the board.

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

#### **SECTION 10.8 DUTIES AND FUNCTIONS OF THE BOARD OF REVIEW.**

For the purpose of revising an 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 reviews 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 10.9 MEETING OF BOARD OF REVIEW.**

The Board of Review shall meet in two sessions in each year at such place as shall be designated by the Council. The first session of the Board shall convene on the first Tuesday after the first Monday

in March of each year and shall be in session for one day and continue as much longer as may be necessary for the purpose of considering and correcting the roll. In each case where the assessed value is increased or any property added to the rolls by the Board, the Secretary of the Board, forthwith, shall give notice to the owners thereof according to the last assessment roll of the City by first class mail placed in the post office not later than midnight of the Thursday following the first meeting of the Board. The second session of the board shall convene on the second Monday of March of each year and shall continue in session or two days and as much longer as may be necessary. The Board shall remain in session during such hours as the Council may designate.

The Board of Review may examine under oath all person appearing before it respecting the assessment of property on the assessment roll. Any member of the board may administer the oath.

#### **SECTION 10.10 NOTICE OF MEETING.**

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

#### **SECTION 10.11 ENDORSEMENT OF ROLL - VALIDITY.**

After the Board shall have completed its review of the assessment roll, a majority of its members shall immediately endorse thereon and sign a statement to the effect that the same is the assessment roll of the City for the year in which it has been prepared. The omission of such endorsement shall not effect the validity of such roll. Upon the completion of said roll and from and after midnight following the last day of the meeting of the Board of Review, the same shall be the assessment roll of the City for County, School and City Taxes and for any other taxes on real or personal property that may be authorized by law and shall be conclusively presumed by all courts and tribunals to be valid and shall not be set aside except for causes set forth in the general laws of the state.

#### **SECTION 10.12 TAX LEVY CERTIFIED.**

Within three days after the Council has adopted the budget and made the appropriations for the ensuing year, the Clerk shall certify to the assessor the total amount which the Council determines shall be raised by general ad valorem taxation, together with such other assessments and lawful charges and amounts which the Council requires to be assessed, reassessed, or charged upon the City tax roll against property or persons.

#### **SECTION 10.13 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 10.12, the Assessor shall spread upon said tax roll the several amounts determined by the 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 said 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 10.14 TAX ROLL CERTIFIED FOR COLLECTIONS.**

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 first of the following year, from the several persons named in the tax roll and 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 first the roll shall be delivered to the Treasurer for collection.

#### **SECTION 10.15 TAX LIEN ON PROPERTY.**

On July first 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 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 10.16 TAX PAYMENT DUE; NOTIFICATION THEREOF.**

(a) City taxes shall be due on July first of each year. The Treasurer shall not be required to call upon the person named in the City tax roll, nor to make personal demand for the payment of taxes, but he shall (1) publish, between June fifteenth and July first, notice of the time when said 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 said roll. In cases of multiple ownership of property only one bill need be mailed.

(b) Failure on the part of the Treasurer to publish said notice or mail such bills shall not invalidate the taxes on said tax roll.

**SECTION 10.17 COLLECTION CHARGES ON LATE PAYMENT OF TAXES.**

No penalty shall be charged for City taxes paid on or before the first day of August. The Council shall provide, by Ordinance, the tax payment scheduled for City taxes paid after the first day of August, and the amount of penalty, collection fee, or interest charges to be added thereafter. Such 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.

**SECTION 10.18 FAILURE OR REFUSAL TO PAY PERSONAL PROPERTY TAX.**

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.

**SECTION 10.19 COLLECTION OF DELINQUENT TAXES.**

All City taxes on real property remaining uncollected by the Treasurer on the first day of March following the date when said 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, and shall be declared delinquent as of March first of each year. Such returns shall include all the additional assessments, charges and fees hereinbefore provided which shall be added to the amount assessed in said tax roll against each property or person. The taxes thus returned shall be collected the same manner as other taxes returned to the County Treasurer are collected, in accordance with statute, and shall be and remain alien upon the property against which they are assessed until paid. If by change in statute or otherwise, the Treasurer of the County of Van Buren is no longer charged with the collection of delinquent real property taxes, such delinquent taxes shall be collected in the manner provided by statute for the collection of delinquent Township, School and County taxes.

**SECTION 10.20 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.

**CHAPTER XI. SPECIAL ASSESSMENTS****SECTION 11.1 GENERAL POWER RELATIVE TO SPECIAL ASSESSMENTS.**

The Council shall have the power to determine the necessity of any local or public improvement and to determine that the whole or any part of the expense thereof shall be defrayed by special assessment upon the property especially benefitted and shall so declare by resolution, provided that all special assessments levied shall be based upon or be in proportion to the benefits derived or to be derived. Such resolution shall state the estimated cost of the improvement, what proportion of the cost thereof shall be paid by special assessment, and what part, if any, shall be a general obligation of the City, and the number of installments in which assessments may be paid, and shall designate the districts or land and premises upon which special assessments shall be levied.

**SECTION 11.2 DETAILED PROCEDURE TO BE FIXED BY ORDINANCE.**

(a) The Council shall prescribe by general ordinance the complete special assessment procedure concerning the limitation of projects, plans and specifications, estimates of costs, notice of hearings, making and confirming assessment rolls in advance of starting the improvement, and the correction of errors therein, collection of special assessments, and any other matters concerning the making of improvements, assessments, and any other matters concerning the making of improvements by the special assessment method, subject to the provisions of this Charter.

(b) No special assessment roll shall be finally confirmed until after a public hearing has been held by the Council on the necessity of making of such public improvements; a publication of the notice of said hearing shall be made not less than seven days prior to the date of said hearing on necessity and notice of said hearing shall also be given by first class mail to the persons and in the manner provided in Act 162 of Public Acts of 1962, and provided further that no said special assessment roll shall be finally concerned until after a public hearing is held on the advisability of proceeding with any such public improvement and a review of the special assessment roll has been made at said public hearing, notice of same being given at least fifteen days before the date of hearing by publication of said notice and notice of said hearing given by first class mail to the person and in the manner provided in Act 192, Public Acts of 1962.

***Statutory reference:***

*Special assessment hearings, see Public Act 162 of 1962, being M.C.L.A. §§ 211.721 through 211.745*

***Editor's note:***

*Public Act 192 of 1962, cited at the conclusion of this section is incorrect. The correct intended citation is Public Act 162 of 1962, being M.C.L.A. §§ 211.721 through 211.745.*

**SECTION 11.3 OBJECTION TO IMPROVEMENTS.**

If, at or prior to final confirmation of any special assessment, more than fifty (50) percent of the number of owners of privately owned real property to be assessed for any improvements, or in case of paving or similar improvements, more than fifty (50) percent of the number of owners of frontage to be assessed for any such improvement, shall object in writing to the proposed improvement, the improvement shall not be made by the proceedings authorized in this chapter without a four-fifths (4/5ths) vote of the members-elect of the Council, entitled to vote thereon, provided that this section shall not apply to sidewalk construction.

**SECTION 11.4 HAZARDS AND NUISANCES.**

When any lot, building or structure within the City, because of accumulation of refuse or debris, the uncontrolled growing of weeds, or are or dilapidation, or because of any other condition or happening, becomes, in the opinion of the Council, a public hazard or nuisance which is dangerous to the health or safety of the inhabitants of the City or of those of them residing or habitually going near such lot, building, structure, the Council may, after investigation, give notice to the owner of the land upon which such hazard or nuisance exists, or the owner of the building or structure itself, specifying the nature of the nuisance and requiring such owner to alter, repair, tear down or remove the nuisance promptly and within a time to be specified by the Council, which shall be commensurate with the nature of the nuisance. If the expiration of the time limit in said notice, said owner has not complied with the requirements therefor in any case where the owner of the land or of the building or structure itself is not known, the Council may order such hazard or nuisance abated by, or under the direction of, the proper department or agency of the City which is qualified to do the work required, and the cost of such abatement, to be assessed against the lot, premises, or description of real property upon which such hazard or nuisance was located. Procedures to be followed to make this section fully effective shall be established by ordinance.

**SECTION 11.5 LIEN NOT DESTROYED BY JUDGMENT.**

No judgment or decree, or any act of the Council vacating any special assessment shall destroy or impair the lien of the City upon the premises assessed, for such amount of the assessment as may be equitably charged against the same, or as by a regular vote or proceeding might have been lawfully assessed thereon.

**SECTION 11.6 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 11.7 FAILURE TO RECEIVE NOTICE.**

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

***CHAPTER XII. PURCHASES, CONTRACTS, LEASES*****SECTION 12.1 CONTRACTING AUTHORITY OF COUNCIL.**

(a) The power to authorize the making of contracts on behalf of the City is vested in the Council and shall be exercised in accordance with the provisions of the law.

(b) All contracts, except as otherwise provided by ordinance, in accordance with the provisions of Section 12.2 hereof, shall be authorized by the Council and shall be signed on behalf of the City by the Mayor or the Clerk.

**SECTION 12.2 PURCHASE AND SALE OF PERSONAL PROPERTY.**

The Council shall establish, by ordinance, the procedures for the purchase and sale of personal property for the City. 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 therefor.

**SECTION 12.3 LIMITATIONS ON CONTRACTUAL POWER.**

(a) The Council shall have the power to enter into only such contract which by the terms thereof, will be fully executed within a period of ten years as permitted by law, unless such contract shall first receive the approval of a majority of the qualified electors voting thereon at a regular or special election. This qualification shall not apply to any contract for services with a public utility or one or more other governmental units, nor to contracts for debt secured by bonds or notes which are permitted to be issued by the City by law.

(b) The City shall not have power to purchase, sell, lease 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 five or more members of the Council, and unless,

(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.

(c) Except as provided by ordinance authorized by Section 12.2 of this chapter, 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 Clerk or his authorized representative at the time designated in the notice of letting and shall be reported by him to the Council at its next meeting. The 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 the Council, the Council may either endeavor to obtain new competitive bids or authorized the City Clerk or other proper official of the City to negotiate for a contract on the open market.

(d) Any contract or agreement which requires competitive bids as authorized by the City ordinance as required in Section 12.2 above shall, before execution be submitted to the City Attorney and his opinion obtained with respect to its form and legality. A copy of all contracts or agreements requiring such opinion shall be filed in the office of the Clerk together with a copy of the opinion.

(e) All contracts shall be in accordance with Section 6.7 of this Charter.

(f) No contract or purchase order shall be subdivided for the purpose of circumventing the dollar value limitations as set forth in said ordinance.

(g) No contract shall be amended after the same has been made, except upon the authority of the Council, provided that the purchasing officer may amend contracts for those purchases and sales made by him under authority of Section 12.2.

(h) No contract shall be made with any person, firm or corporation in default to the City.

#### **SECTION 12.4 LICENSES REMAIN IN EFFECT.**

All licenses granted by the City of Bangor 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 XIII. MUNICIPAL OWNED UTILITIES****SECTION 13.1 GENERAL POWERS RESPECTING UTILITIES.**

Subject to the provisions of the Constitution and Statutes, the City shall have the power to acquire, own or operate any utility, within or without its corporate limits, including but no by way of limitation, public service facilities for supplying water, light, heat, power, sewage disposal, transportation and storage and parking of vehicles of the municipality and its inhabitants, and may sell and deliver water, light, heat, and power in an amount not exceeding the limitation set by the Constitution and Statutes; may provide sewage disposal service outside of its corporate limits in such amount as may be determined by the City Council; and may operate transportation lines outside the municipality within such limits as may be prescribed by law.

**SECTION 13.2 MANAGEMENT OF MUNICIPALITY OWNED UTILITIES.**

All municipally owned or operated utilities shall be administered as a regular department of the City Government under a Board or Commission and/or one or more department heads appointed under the provisions of Section 5.6 who shall serve at the pleasure and under the supervision of the Council and shall not be an independent board or commission.

**SECTION 13.3 RATES.**

The Council shall have the power to fix from time to time such just and reasonable rates 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, but higher rates may be charged outside the corporate limits of the City.

**SECTION 13.4 UTILITY RATES AND CHARGES — COLLECTION.**

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

(a) That the City as authorized by statute 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 charge.

(c) With respect to the collection of rates charged for water the city shall have the powers granted to Cities in Act 178 of the Public Acts of 1939, as amended.

***Statutory reference:***

*Municipal water and sewer service liens, see Public Act 178 of 1939, being M.C.L.A. §§ 123.161 through 123.167*

**SECTION 13.5 DISPOSAL OF UTILITY PLANTS AND PROPERTY.**

Unless approved by 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 effects as against the city. The restriction 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. It is provided, however, that the provisions of this section shall not extend to vacation or abandonment of streets as streets as provided by statute.

**SECTION 13.6 UTILITY FINANCES.**

The rates and charges for any municipal public utility for the furnishing of water, light, heat, power, gas or sewage treatment and garbage disposal shall be so fixed as to at least meet all the costs of such utility including depreciation.

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 in the office of the Clerk.

***CHAPTER XIV. PUBLIC UTILITY FRANCHISES***

**SECTION 14.1 FRANCHISES REMAIN IN EFFECT.**

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

**SECTION 14.2 GRANTING OF PUBLIC UTILITY FRANCHISES.**

Public Utility Franchises and all renewals and extensions thereof and amendments thereto, shall be granted by ordinances only. No exclusive franchise shall ever be granted. No franchise shall be granted for a longer period than thirty years.

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

A franchise ordinance or renewal or extension thereof or amendment thereto which is subject to revocation at the will of the Council may be enacted by the Council without referral to the voters, but shall not be enacted unless it shall have been complete in the form in which it is finally enacted and shall have 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 placed on file.

**SECTION 14.3 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 the Council to insert in such franchise any provision within the powers of the City to impose or require;

- (a) To repeal the same for misuse, non-use or failure to comply with the provisions thereof;
- (b) To require proper and adequate extension of plant and service and maintenance thereof at the highest practicable standard of efficiency, which in any event shall be at least in accordance with the rules and regulations of the Michigan Public Service Commission, or its successors.
- (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 so prescribed by the Michigan Public Service Commission or its successor.
- (d) To require continuous 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 space above and beneath them.

(f) To impose such other regulations as may be determined by the Council to be conducive to the safety, welfare and accommodation to the public.

#### **SECTION 14.4 REGULATION OF RATES.**

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

#### **SECTION 14.5 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 said 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 utilities insofar as such joint use may be reasonably practicable and upon payment of reasonable rental therefor.

In the absence of agreement and upon application by any public utility or the Council, the Council shall provide for arbitration if the terms and conditions of such joint use and the compensation to be paid therefor, the cost of said arbitration shall be at the expense of the utilities involved, and the arbitration award shall be final and binding on all parties thereto.

#### **SECTION 14.6 REVOCABLE PERMITS.**

Temporary permits for public utilities, revocable at any time at the will of the Council, may be granted by the 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 XV. VIOLATION BUREAU***

#### **SECTION 15 ESTABLISHMENT OF VIOLATION BUREAU.**

The Council shall have power and authority to establish by ordinance when authorized by statute, a traffic violations bureau for the handling only of violations of ordinances and regulations of the City or parts thereof as prescribed in the ordinance establishing such bureau. The creation of such bureau

by the Council shall not operate so as to deprive any person of a full and impartial hearing in Court should such person so choose.

***CHAPTER XVI. SCHEDULE***

**SECTION 16.1 ELECTION TO ADOPT THIS CHARTER.**

This Charter shall be submitted to a vote of the qualified electors of the City of Bangor at a regular election to be held on Monday, April 3, 1978. This election shall be conducted by the officers charged with the conduct and supervision of elections under the existing governing statutes, and shall follow the election procedure and be canvassed in the matter provided for under the present form of government.

**SECTION 16.2 FORM OF VOTING.**

The form of ballot for the submission of this Charter shall be as follows: Instruction: A cross (X) in the square 9 before the word "Yes" is in favor of the proposed charter, and a cross (X) in the 9 before the word "No" is against the proposed charter. "Shall the City Charter proposed by the City Charter Commission be adopted?"

9 Yes

9 No

**SECTION 16.3 THE EFFECTIVE DATE OF THIS CHARTER.**

For all purposes not otherwise provided for herein this charter shall take effect on July 1, 1978:

**SECTION 16.4 FIRST OFFICERS UNDER THE CHARTER.**

Each member of the City Council whose term of office expires in 1979 shall continue in the office so held by him for the balance of the term of office to which he was elected and shall be a Councilman under this Charter. Two of the three Councilmen whose present term will expire in 1979 shall be elected for a term of three years. The winning candidate receiving the lowest number of votes shall be elected for a term of two years. In the 1980 election, two Councilmen shall be elected for a term of three years and the winning candidate receiving the lowest number of votes shall be elected for a term of one year. Thereafter the members of the Council shall be elected and shall qualify, assume, and hold offices to which they have been elected or appointed in accordance with this Charter. The

Mayor elected in the 1978 election shall continue in office so held by him until 1980. In the 1980 election, the Mayor shall be elected to a three year term.

#### **SECTION 16.5 CONTINUATION OF ELECTIVE AND APPOINTED OFFICERS AND EMPLOYEES.**

After the effective date of this Charter, all elective officers, appointive officers and employees as provided for in the statutes under which the City of Bangor operated prior to the effective date of this Charter, shall continue in that City office of employment which corresponds to the City office or employment which they held prior to the effective date of this Charter, as though they had been appointed or employed in the manner provided in this Charter, and they shall in all respect be subject to the provisions of this Charter.

#### **SECTION 16.6 STATUS OF SCHEDULE CHAPTER.**

The purpose of this schedule chapter is to inaugurate the government of the city under this charter and to accomplish the transition from a Home Rule City to a Home Rule City-City Manager form of government and it shall constitute a part of this charter only to the extent and for the time required to accomplish this end.

#### **SECTION 16.7 PUBLICATION OF CHARTER.**

This proposed Charter and amendments shall be published in the Bangor Advance on March 14, 1978, together with a notice of the election on the adoption of this Chapter.

#### **RESOLUTION OF ADOPTION.**

At a meeting of the Charter Commission of the City of Bangor held in the Council Chamber of the City of Bangor, the usual meeting place of the Charter Commission, on March 7, 1978, the following members of the Charter Commission were present: John Balzer, Janice A. Dzuibinski, Marilee Wiles, Rosemary Insidioso, Clark W. Dowell, William H. Waite, Richard Rosga, Absent: Joseph P. Distefano, Robert G. Chandler.

At such meeting, the following resolution was offered, seconded and adopted by the Charter Commission:

RESOLVED, That the Charter Commission of the City of Bangor does hereby adopt the foregoing instrument as the proposed Charter of the City of Bangor and the Chairman of this Commission is



hereby instructed to transmit the same to the Governor of the State of Michigan, accordance with the provisions of the statute, for his approval.

The vote on the adoption of said resolution was as follows:

Ayes: 7

Nays: 0

JOHN BALZER

John Balzer, Chairman of the Charter Commission of the City of Bangor

Countersigned by the following Commissioners:

JANICE A. DZUBNSKI

Janice A. Dzubnski, Secretary of the Charter Commission of the City of Bangor

MARLIEE WILES

ROSEMARY INSIDIOSO

WILLIAM H. WAITE

RICHARD ROSGA

CLARK W. DOWELL

All of the Commissioners having attested as to said resolution as above and also having attested the copy to be signed by the Governor, the meeting adjourned, subject to the call of the chairman.

I do hereby approve the above and foregoing charter of the City of Bangor.

Approved:

Governor of the State of Michigan

William G. Milliken, Lieutenant and Acting Governor

Dated: February 5, 1968