

CHARTER
OF THE
CITY OF LITCHFIELD, MICHIGAN

EDITOR'S NOTE: The Charter of the City of Litchfield, Michigan, was approved by the voters at a general election held on August 4, 1970. Dates appearing in parentheses following a section in the text indicate that the section was subsequently enacted, amended or repealed on the date given.

TABLE OF CONTENTS

PREAMBLE	
CHAPTER I	- BOUNDARIES OF THE CITY
CHAPTER II	- GENERAL MUNICIPAL POWERS
CHAPTER III	- OFFICERS OF THE CITY
CHAPTER IV	- THE COUNCIL
CHAPTER V	- CITY LEGISLATION
CHAPTER VI	- ADMINISTRATIVE SERVICE
CHAPTER VII	- SUPERVISORS
CHAPTER VIII	- ELECTIONS
CHAPTER IX	- FINANCE AND BONDING
CHAPTER X	- ASSESSMENT AND COLLECTION OF TAXES

(Cont.)

- CHAPTER XI - SPECIAL ASSESSMENTS
- CHAPTER XII - CONTRACTS AND PURCHASING
- CHAPTER XIII - UTILITY FRANCHISES AND MUNICIPAL OWNERSHIP
- CHAPTER XIV - MISCELLANEOUS
- CHAPTER XV - SCHEDULES

CHARTER OF THE CITY OF LITCHFIELD

STATE OF MICHIGAN

PREAMBLE

We, the people of the City of Litchfield, Michigan, pursuant to authority granted by the Constitution and laws of the State of Michigan, in order to obtain the benefits of Home Rule, to provide direct and efficient methods in the transaction of our Municipal affairs, to provide for the public peace, health and safety of persons and property of this community and otherwise to promote our general welfare, do hereby ordain and establish this Charter for the City of Litchfield.

CHAPTER I - BOUNDARIES OF THE CITY

BOUNDARIES

Section 1.1 The following described territory, together with such annexation thereto that may be made from time to time, shall constitute the territory of, and be known as, the City of Litchfield, Michigan.

All that parcel of land in the Township of Litchfield all in Section 9, 10, 14, and 15, T5S, R4W, Hillsdale County, Michigan, described as follows:

Commencing at a point 33 feet west of the east one-quarter post of Section 10, T5S, R4W, Litchfield Twp., Hillsdale County, Michigan, thence S 0° 33' E 2683.8 feet to the south R.O.W. line of St. Joseph Street; thence east along the south R.O.W. line of St. Joseph Street to the west one-eighth line of Section 14; thence southerly along said one-eighth line to the point where it intersects the extended south R.O.W. line of Hawkes Drive; thence westerly along said extended south R.O.W. line and the south R.O.W. line of Hawkes Drive to the east Section line of Section 15; thence south along said east Section line to the north R.O.W. line of Herring Road; thence west along the north R.O.W. line of Herring Road; thence west along the north R.O.W. line of Herring Road to the west one-eighth line of Section 15; thence north along said one-eighth line to the east-west one-quarter line of Section 15; thence west along said

east-west one-quarter line of Section 15 to the west one-quarter post of Section 15; thence N 1° 00' W 2691.7 feet to the north R.O.W. line of West St. Joseph Street; thence west along said north R.O.W. line of West St. Joseph Street to the east one-eighth line of Section 9; thence north along said east one-eighth line to the north one-eighth line of Section 9; thence east along said north one-eighth line of Section 9 and continuing east along the north one-eighth line of Section 10 to the west one-eighth line of Section 10; thence north along the said north one-eighth line of Section 10 to the south R.O.W. line of Mosherville Road; thence east along the said south R.O.W. line of Mosherville Road to the east one-eighth line of Section 10; thence south along said east one-eighth line of Section 10 to the east-west one-quarter line of Section 10; thence east along said east-west one-quarter line of Section 10 to the place of beginning.

Section 1.2 Upon annexation or detachment of territory, the boundaries shall be deemed thereby to be changed without amendment to this Section.

Section 1.3 The City Clerk shall maintain and keep available in his or her office for public inspection, an official description and map of the current boundaries of the City.

Section 1.4 The City of Litchfield shall consist of one single ward.

CHAPTER II - GENERAL MUNICIPAL POWERS

GENERAL POWERS

Section 2.1 Except as otherwise provided or limited in this Charter, the City of Litchfield and its officers shall possess and be vested with all the powers, privileges and immunities, expressed or implied, which cities and their officers are, or hereafter may be, permitted by law to exercise or to include in their charters, as fully and completely as though those powers, privileges and immunities were specifically enumerated in and provided for in this Charter, and the enumeration of particular powers, privileges or immunities in this Charter shall not be held to be exclusive. The City and its officers shall have the power to exercise all Municipal powers in the management and control of Municipal property, whether such powers be expressly enumerated or not, and subject to the Constitution and general laws of the State and the provisions of this Charter, do any act to advance the interest of the City, the good government and prosperity of the Municipality and its inhabitants, to protect the public peace, health, safety and general welfare, and to pass and enforce all laws, ordinances and resolutions relating to Municipal concerns. The power of the City shall include, but shall not be limited to, the following:

(a) 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.

(b) To provide for the public welfare by:

(1) 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;

(2) Regulating the preparation, storage, transportation, and sale of foods, drugs, and beverages for human consumption;

(3) Collecting and disposing of garbage and rubbish and licensing, regulating and prohibiting the same when done by others than the City;

(4) Regulating and restricting the locations of oil and gasoline stations;

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

(6) Licensing and regulating billboards and advertising signs and locations thereof;

(7) Regulating the construction, erection, alteration, equipment, repair, moving, removal, and demolition of buildings and structures and their appurtenances and service equipment;

(8) Regulating the location, height and type of fences abutting public or between private properties;

(9) Establishing zones within the City and regulating therein the use and occupancy of lands or structures; the height, area, size and location of buildings; the required open spaces for light and ventilation of buildings, and the density of population;

(10) Regulating, limiting, and prohibiting the construction and use of buildings and lands in order to promote the public safety and to prevent fires;

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

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

(1) 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;

(2) Providing a plan of streets and alleys within and for a distance of not more than three miles beyond the limits of the City;

(3) Requiring the owners of real property to build and maintain public sidewalks in the area of streets immediately adjacent to such property, and, upon the failure of any owner to do so, constructing and maintaining such sidewalks and assessing the cost thereof against such property as a special assessment;

(4) Compelling all persons to keep sidewalks which are in the area of streets immediately adjacent to the premises owned, controlled, or occupied by them, free from snow, ice, dirt, wood, weeds, shrubbery, or any other object which obstructs such sidewalks, or which makes the same hazardous or offensive to the public health or safety; and, upon failure of such persons to do so, to cut and remove such weeds and to remove such objects, and to assess the cost thereof against such property as a special assessment;

(5) 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 removing such objects and assessing the cost thereof against such property as a special assessment;

(6) Providing for the grade of streets and requiring public utility users of streets to conform thereto with respect to their tracks 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;

(7) 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;

(8) Providing for and regulating the lighting of streets and alleys, whether such lights be located on public or private property;

(9) Preventing and abating the encumbering of streets and alleys or any part thereof;

(10) 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;

(11) 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;

(12) Providing for the use by other than the owner, of property located on, above, or under the streets, alleys, and public places, in the operation of a utility, upon the payment of a reasonable compensation therefor to the owner thereof;

(13) 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 officer or agency of the City;

(14) 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, endanger life, or abutting property, and trees on private property overhanging the street, sidewalk, or public places, including the removal thereof and assessing the cost thereof against the abutting property as a special assessment;

(15) 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 thereof because of any detachment from its wheels or because of placing it on, or attaching it to, the ground by means of any temporary or permanent foundation or in any manner whatsoever.

(d) 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 government unit or agency.

(e) To construct, provide, maintain, extend, operate, and improve:

(1) Within the City, a City Hall, City office buildings, community buildings, police stations, fire stations, civic auditoriums, public libraries, and polling places; and

(2) Either within or without the corporate limits of the City or Hillsdale County, public parks, cemeteries, recreation grounds and stadiums, municipal camps, public grounds, zoological gardens, museums, airports and landing fields, levees, embankments, and structures for flood control and other purposes related to the public health, safety, and welfare; electric light and power plants and systems, public heating 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.

(f) To acquire by purchase, gift, condemnation, lease or otherwise, real and personal property, and interests in property, either within or without the corporate limits of the City or of Hillsdale 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.

(g) To join with any municipal corporation or with any other unit or agency of government, whether local, State, or Federal, or with any number or combination thereof, by contract or otherwise, as may be permitted by law, in the ownership, operation, or performance, jointly or by one or more on behalf of all, of any property, facility or service which each would have the power to own, operate, or perform separately.

CHAPTER III - OFFICERS OF THE CITY

ELECTIVE OFFICERS

Section 3.1 The elective officers of the City shall be a Mayor and six Councilmen.

Section 3.2 At each regular City election there shall be elected two Councilmen to serve for a term of three years, subject to provisions of Section 3.10(a). The Mayor shall hold office for a term of two years. The terms of office of the Mayor and each Councilman shall commence at eight o' clock p.m. on the Monday next following the regular City election at which they are elected.

QUALIFICATIONS FOR ELECTIVE OFFICE

Section 3.3 No person shall hold any elective office of the City unless he or she shall be a qualified elector of the City and was a resident of the City for at least one year immediately prior to the last day for filing nominating petitions for such office or prior to the time of his or her appointment to fill a vacancy. No person shall be eligible for such office who is in default to the City. Each candidate for elective office shall file with his or her nomination petition an executed affidavit that he or she possesses the qualifications for such office required by this Section.

COMPENSATION OF ELECTIVE OFFICERS

Section 3.4 The members of the Council shall receive as compensation the sum of ten dollars (\$10.00) for each regular or special meeting of the Council attended, but not to exceed two hundred dollars (\$200.00) per annum. The Mayor shall receive as compensation the sum of twelve dollars and fifty cents (\$12.50) for each regular or special meeting attended, but not to exceed two hundred fifty dollars (\$250.00) per annum. Such compensation shall be paid annually and, except as otherwise provided in this Charter, shall constitute the only compensation which may be paid the Mayor or the Councilmen for the discharge of any future duty for or on behalf of the City during their tenure in office, except for reimbursement for expenses actually incurred by them on City business or in the interest of the City when such reimbursement is approved by the Council.

APPOINTIVE OFFICERS

Section 3.5 The appointive officers of the City shall be a City Manager, City Treasurer, City Clerk, City Assessor, City Attorney and Board of Review. All administrative officers shall be appointed by the Council, serve at the pleasure of the Council, and have their compensation fixed by ordinance by the Council. The Council may, to the extent permitted by law and by this Charter, designate one person to exercise the powers and carry out the duties of two or more of the administrative offices designated herein, if it deems this necessary or advisable, for the proper and efficient operation of the City. No person who is in default to the City shall be eligible for any appointive City office. Except as may otherwise be provided by statute or this Charter, the Council shall establish by ordinance or resolution such departments of the City as it deems necessary or advisable and shall prescribe therein the functions of each department and the duties, authorities and responsibilities of the officers of each such department.

VACANCIES IN OFFICE

Section 3.6 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 said 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 the officer is removed from office by the Council in accordance with the provisions of Section 3.8.

VACANCIES IN BOARDS AND COMMISSIONS

Section 3.7 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 any act constituting misconduct in office or violation of this Charter;
- (c) If the officer is removed from office by the Council in accordance with the provisions of Section 3.8.

REMOVALS FROM OFFICE

Section 3.8 Removals by the Council of elective or appointive officers or members of Boards or Commissions may be made for any of the following reasons:

- (a) For any reason specified by law for removal of City officers by the Governor;
- (b) For any act constituting a violation of this Charter;
- (c) Such removal by the Council shall be made only after a hearing of which such officer has been given notice by the Clerk at least ten days in advance, either personally or by sending the same by registered mail to his or her last 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 an attorney, to be heard in his or her defense, to cross-examine witnesses and to present testimony. If such officer shall neglect to appear at such hearing and answer such charges, his or her failure to do so may be deemed cause for his or her removal. A majority vote of the members of the Council in office at the time, exclusive of any member whose removal may be being considered, shall be required for any such removal.

RESIGNATIONS

Section 3.9 Resignations of elective officers and of members of Boards and Commissions shall be made in writing and filed with the Clerk and shall be acted upon by 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.

FILLING VACANCIES

Section 3.10

- (a) If a vacancy occurs in any elective City office, the Council shall, within thirty days after such vacancy occurs, appoint a person who possesses the qualifications required of holders of said office to fill said vacant office until the next regular Municipal election. At said election, the successor of such appointee shall be elected for the remainder of the unexpired term of the person originally elected to such position.
- (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.

OATH OF OFFICE

Section 3.11 Every officer, elected or appointed, before entering upon the duties of his or her office, shall take the oath of office prescribed by the Michigan Constitution and shall file the same with the Clerk, together with any bond required by this Charter or by the Council.

CHAPTER IV - THE COUNCIL

CITY GOVERNING BODY

Section 4.1 The Mayor and six Councilmen shall constitute the legislative and governing body of the City. They shall be elected from the City at large.

MAYOR AND MAYOR PRO TEM

Section 4.2

(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 shall preside at Council meetings. He or she shall be the chief executive officer of the City insofar as required by law, and for all ceremonial purposes. He or she shall be a conservator of the peace, and shall have the powers conferred by law upon sheriffs in times of emergency to suppress disorder, preserve the public peace and health and safety of persons and property. He or she shall authenticate by his or her signature such instruments as may require such authentication, under the provisions of law. He or she shall have an equal voice and vote with other members of the Council on all matters before the Council, but shall not possess the veto power. He or she shall do all acts required of him or her by law.

(c) The Mayor Pro Tem shall act in the stead of the Mayor in the case of the Mayor's absence or disability to act. He or she 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 or her last election shall act.

POWER, DUTIES, AND FUNCTIONS OF THE COUNCIL

Section 4.3 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 investigations subject to such exceptions as are permitted by law, shall, upon conviction thereof, be guilty of a violation of this Charter.

MEETINGS OF THE COUNCIL

Section 4.4

(a) The Council shall provide by ordinance for the time and place of its regular meetings and shall hold at least one meeting in each month.

(b) Special meetings of the Council may be called by the Clerk on the written request of the Mayor, City Manager, or any three members of the Council on at least twelve hours written notice to each member of the Council, designating the time, place, and purpose of such meeting, and served personally or left at his or her usual place of residence by the Clerk or someone designated by him or her. Notwithstanding the foregoing requirements for the calling of special meetings, any special meeting of the Council shall be a legal meeting, provided all members are present or provided all members shall in writing waive the above requirements for notice and at which a quorum of the Council is present, and provided, further, that such meeting is called in such manner and pursuant to such notice as is required by State law.

(c) No business shall be transacted at any special meeting of the Council unless the same has been stated in the notice or call of such meeting. If no notice or call of such meeting has been served, and the meeting is legal under the provisions of Section 4.4(b), the Clerk shall state the purpose of the special meeting at the beginning of the meeting and no other business shall be transacted.

(d) 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.

(e) 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.

(f) 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 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.

(g) Each Councilman shall be required to attend all meetings of the Council unless the absence be for confining illness or be excused by the Council at the time it occurs. The Council may order the attendance of its members and other officers of the City at its meetings in such manner, and may enforce such fines for 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 or herself in an orderly manner thereat shall be deemed a violation of this Charter. The Police Chief, or such other officer as the Council may direct, shall serve as the Sergeant-at-Arms of the Council in the enforcement of the provisions of this Section.

(h) Except as otherwise provided in this Charter, a Councilman shall not vote on any question in which he or she shall have a direct personal financial interest, other than as a citizen of the community, but on all other questions he or she shall vote, unless excused therefrom by a vote of at least four members of the Council.

(i) Such standing committees of the Council as are from time to time determined by the Council to be necessary shall be established, provided that appointments to such committees shall be made by the Mayor, subject to the advice and consent of the Council and shall in no case extend beyond December 31 of the year in which they are made. (Subsection (i) enacted 11-6-79.)

HEALTH

Section 4.5 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.

LICENSES

Section 4.6 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.

CEMETERY REGULATIONS

Section 4.7 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 or association.

TRUSTS

Section 4.8 The Council may, in its discretion, receive and hold any property in trust for park, cemetery, or other Municipal purpose. Any trusts now existing for the benefit of the Village of Litchfield, or any portion of Litchfield Township annexed hereby, shall be continued in full force in accordance with the cy pres doctrine.

RESTRICTIONS ON POWERS OF THE COUNCIL

Section 4.9

(a) The Council shall not have the power to make any contract with or give any official position to any person who is in default to the City.

(b) Neither the Council nor any committee or member thereof shall direct or demand the appointment of any person to, his or her promotion within or to, or his or her removal from, any office or employment in the City government except those officers directly appointed by the Council. Except for purposes of inquiry authorized by it, the Council, its committees, and its members shall deal with the administrative officers and employees of the City solely through the City Manager concerning matters relating to the performance of their several official duties and employments.

No action contrary hereto shall be valid or binding upon the City Manager or any officer or employee of the City. Any violation of the provisions of this paragraph shall constitute a violation of this Charter.

(c) Except in those cases where a larger majority is required by law, no ordinance or resolution shall be adopted or passed, nor shall any appointment be made, nor any person removed from office as required or permitted by this Charter, except by the affirmative vote of at least four members of the Council.

(d) (EDITOR'S NOTE: Section 4.9(d), which provided that there would be no standing committees of Council, was repealed by the voters on November 6, 1979. See Section 4.4(i).)

CHAPTER V - CITY LEGISLATION

LEGISLATIVE POWER

Section 5.1 The legislative power of the City is vested exclusively in the Council, except as otherwise provided by law.

PRIOR VILLAGE LEGISLATION

Section 5.2 All valid ordinances, resolutions, rules and regulations of the Village of Litchfield 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. Those provisions of any effective valid ordinance, resolution, rule or regulation which are inconsistent with this Charter are hereby repealed.

INTRODUCTION, CONSIDERATION AND STYLES OF ORDINANCES

Section 5.3

- (a) Each proposed ordinance shall be introduced in written form. The style of all ordinances passed by the Council shall be, "The City Of Litchfield Ordains."
- (b) Each ordinance, after adoption, shall be identified by number.
- (c) An ordinance or a part of an ordinance may be repealed or amended only by an ordinance passed in the manner provided in this section. An ordinance may be repealed by reference to its number only.
- (d) If a section of an ordinance is amended, the section shall be re-enacted and published at length. This requirement shall not apply to the schedules of stop streets, one-way streets, and of parking limitations contained in any traffic ordinance or vehicular traffic regulating portion of the City's ordinance code.
- (e) Each ordinance shall be recorded by the Clerk forthwith in the Ordinance Book, and the enactment of such ordinances and the effective date thereof shall be certified by him or her therein.
- (f) No ordinance shall be passed until it shall have been read at two meetings of the City Council at least one week apart, provided that by consent of a majority of the City Council such readings may be by reading of the title of such ordinance.
- (g) All ordinances shall take effect thirty days from the date of their passage, subject to the provision as to referendum thereon.
- (h) The City Council may, by affirmative vote of five of its members, adopt emergency ordinances to take effect at the stated time therein, subject to the provision as to referendum and may by a like affirmative vote dispense with one reading. An

emergency ordinance is defined to be an ordinance for the immediate preservation of the public peace, property, health or safety. No ordinance making a grant of renewal or extension of a franchise or other privilege or regulating the rate or charge for services that may be lawfully regulated by the City Council shall ever be so passed as an emergency ordinance.

PUBLICATION OF ORDINANCES

Section 5.4

(a) Before an ordinance may become operative, it shall be published in at least one newspaper which is of general circulation in the City. The effective date of an ordinance shall be stated therein, but shall not be less than ten days after publication, unless it is declared by the affirmative vote of not less than five members of the Council to be an emergency ordinance. The publication of an ordinance in full as a part of the published proceedings of the Council shall constitute publication as required herein.

(b) All codes and other ordinances 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.

PENALTIES

Section 5.5 The Council shall provide in each ordinance for the punishment of violations thereof, but, unless permitted by law, no such punishment, excluding the cost charged, shall exceed a fine of five hundred dollars (\$500.00) or imprisonment for not more than ninety days, or both, in the discretion of the court. Imprisonment for violations of ordinances may be in the City or County jail.

INITIATIVE, REFERENDUM AND RECALL

INITIATIVE

Section 5.6

(a) Any ordinance may be proposed to a vote of the electors by petition signed by qualified electors of the City equal to twenty percent of the registered electors of the City. Such petition shall be in a form approved by the City Clerk. Upon filing such petition, the City Clerk shall at once determine the sufficiency of the petition and certify accordingly to the City Council. The City Council shall, within twenty days after a certification of sufficiency, either (1) pass the ordinance without alteration,

subject to the referendum, or (2) call a special election, unless a general or Municipal election is fixed within ninety days thereafter, and at such general, special or Municipal election such proposed ordinance shall be submitted without alteration to the vote of the qualified electors of the City.

(b) Whenever any proposed ordinance is required by this chapter to be submitted to the voters of the City at any election, it shall be published in full in such manner as the City Council shall direct at least ten days before the election. The question of the adoption of such ordinance shall appear on the ballots in such form, to be approved by the City Attorney, as will concisely, clearly and fairly express the purpose of the same. If a majority of the qualified electors voting on said proposed ordinance shall vote in favor thereof, the same shall thereupon become an ordinance of the City.

(c) The City Council may submit the question of the repeal or amendment of any ordinance so adopted at any succeeding election, and should such proposition so submitted receive a majority of the votes cast thereon at such election, such ordinance shall be repealed or amended accordingly. An ordinance so adopted by electoral vote cannot be repealed or amended except by electoral vote within two years after its adoption, after which time it may be repealed or amended by the City Council.

REFERENDUM

Section 5.7

(a) If at any time after the passage of an ordinance and prior to its taking effect, a petition signed by qualified electors of the City, equal in number to at least twenty percent of the registered electors of the City, be filed with the City Clerk, protesting against the going into effect of the ordinance mentioned in said petition, the same, unless it be an emergency ordinance, shall thereupon be suspended from going into effect. It shall thereupon be the duty of the City Council to reconsider such ordinance and, if the same be not entirely repealed, the City Council shall submit the ordinance to a vote of the qualified electors of the City either at the next general or Municipal election or at a special election to be called for that purpose, and such ordinance shall not go into effect unless a majority of the qualified electors voting on the same shall vote in favor thereof. The referendary petition shall be in a form approved by the City Clerk and shall be subject to like determination and certification by the City Clerk as in an initiatory petition. The form of the question as it shall appear upon the ballots shall be approved by the City Attorney under like requirements as are provided for the initiative.

(b) Ordinances passed as emergency measures shall be subject to referendum in like manner as other ordinances, except that they shall go into effect at the time indicated in such ordinance. If, when submitted to a vote of the electors, an emergency measure be not approved by a majority of those voting thereon, it shall be

considered repealed as regards any further action thereunder, but such measure so repealed shall be deemed sufficient authority for any prior action taken under the authority thereof.

(c) The City Council may, of its own motion, submit to electoral vote, for adoption or rejection, at any election, any proposed ordinance in the same manner and with the same force and effect as is provided under the subject of the initiative. If the provisions of two or more proposed ordinances adopted or approved at the same election conflict, then the ordinance receiving the highest affirmative vote shall control.

RECALL

Section 5.8 Any elective officer may be removed by the qualified electors of the City in the manner provided by the general law. A vacancy created by recall shall be filled in the manner prescribed by this Charter.

CHAPTER VI - ADMINISTRATIVE SERVICE

CITY MANAGER

Section 6.1

(a) The City Manager shall be the chief administrative officer of the City government in conformity with the provisions of this Charter. He or she shall serve at the pleasure of and be subject to removal by the Council.

(b) The City Manager shall supervise the administrative affairs of the City and shall carry out the policies formulated by the City Council. He or she shall exercise administrative supervision over all departments and administrative officers of the City, except as otherwise provided in this Charter. He or she shall keep the City Council informed of the condition and needs of the City and shall make such reports and recommendations as he or she may deem advisable and perform such other duties as may be prescribed by this Charter or required of him or her by ordinance or resolution of the City Council not inconsistent with this Charter. He or she shall prepare the budget annually and submit it to the Council and be responsible for its administration after adoption. Subject to any employment ordinance of the City, he or she shall employ or be responsible for the employment of all City employees and supervise and coordinate the personnel policies and practices of the City. He or she shall attend all meetings of the Council and shall possess such other powers and perform such additional duties as may be granted to or required of him or her from time to time by the Council so far as may be consistent with this Charter and the general law.

CITY CLERK

Section 6.2

- (a) The City Clerk shall be the clerk and clerical officer of the Council. He or she shall attend all meetings of the Council, and shall keep its journal.
- (b) He or she shall keep a record of all actions of the Council at its regular and special meetings.
- (c) He or she shall have the power to administer all oaths required by law and by the ordinances of the City.
- (d) He or she shall be the custodian of the City seal, and shall affix the same to documents required to be sealed. He or she shall also be custodian of all papers, documents, and records pertaining to the City, the custody of which is not otherwise provided by this Charter.
- (e) He or she shall give to the proper officials ample notice of the expiration or termination of any official bonds, franchises, contracts or agreements to which the City is a part.
- (f) He or she shall notify the Council of the failure of any officer or employee required to take an oath of office or to furnish any bond required of him or her.
- (g) He or she shall certify all ordinances and resolutions adopted by the Council.
- (h) The City Clerk shall act as director of elections in Municipal elections and shall perform the duties required by law of city clerks in the conduct of state, county and national primaries and elections. He or she shall perform such other duties as may be required by this Charter and the general law, or by the City Council.
- (i) He or she shall perform such other duties in connection with his or her office as may be required of him or her by law, the ordinances or resolutions of the Council, or by the City Manager.

CITY TREASURER

Section 6.3

- (a) The City Treasurer shall have the custody of all moneys of the City, the Clerk's bond, and all evidences of value or indebtedness belonging to or held in trust by the City.
- (b) He or she shall keep and deposit all moneys or funds in such manner and only in such places as the Council may determine, and shall report the same in detail to the City Manager and Finance Officer.
- (c) He or she shall have such powers, duties and prerogatives in regard to the collection and custody of State, county, school district, and City taxes and moneys as are provided by law.

- (d) He or she shall perform such other duties in connection with his or her office as may be required of him or her by law, the ordinances or resolutions of the Council, or by the City Manager.
- (e) He or she shall be the general accountant of the City, shall keep the books of account of the assets, receipts, and expenditures of the City, and shall keep the Council and City Manager informed as to the financial affairs of the City. The system of accounts of the City shall conform to such uniform systems as may be required by law.
- (f) He or she shall balance all the books of account of the City at the end of each calendar month, and shall make a report thereon, as soon as practical to the City Manager.
- (g) He or she shall, upon direction of the City Manager, examine and audit all books of account kept by any official or department of the City.

DEPUTY CLERK OR TREASURER

Section 6.4 The Clerk and the Treasurer may appoint and remove their deputies, subject to the budget allowances therefor and the approval of the City Manager in case of appointments. Each Deputy shall possess all powers and authorities of his or her superior officer to the extent authorized by State law.

CITY ATTORNEY

Section 6.5

- (a) The City Attorney shall act as legal advisor of and be responsible to the Council. He or she shall advise the City Manager concerning legal problems affecting the City administration and any officer or department head of the City in matters relating to his or her official duties when so requested in writing and shall file with the Clerk a copy of all written opinions given by him or her.
- (b) He or she shall prosecute ordinance violations and shall represent the City in cases before the courts and other tribunals.
- (c) He or she 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 or her opinion as to the legality thereof.
- (d) Upon request of the Council, he or she shall attend meetings of the Council.
- (e) He or she shall defend all officers and employees in all actions arising out of the performance of their official duties.
- (f) He or she shall perform such other duties as may be prescribed for him or her by this Charter or the Council.

(g) Upon the Attorney's recommendation, 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 the City Attorney.

CITY ASSESSOR

Section 6.6

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

CITY PLANNING COMMISSION

Section 6.7 The Council shall provide for and maintain a City Planning Commission which shall possess all of the powers and perform the functions of planning commissions as set forth in Act No. 285 of the Public Acts of 1931, as amended. The citizen members of the Planning Commission shall be appointed by the Mayor subject to confirmation by the Council. The members of the Commission shall serve without compensation except for necessary expenses in connection with their work.

ZONING BOARD OF APPEALS

Section 6.8 The City Council may serve as the Zoning Board of Appeals, or in its discretion a separate Board may be designated and appointed by the Mayor with the approval of the Council. The Board shall have such powers and duties as are authorized by law.

ADDITIONAL ADMINISTRATIVE POWERS, BOARDS AND COMMISSIONS

Section 6.9 From time to time, the Council may, by ordinance, prescribe additional administrative powers and duties or diminish any powers and duties in a manner not inconsistent with this Charter, nor contrary to the requirements of State law, to be exercised and administered by appropriate officers and departments of the City. The Council may also establish such additional boards and commissions authorized by law as it may in its discretion deem necessary or desirable.

MERIT SYSTEM OF PERSONNEL MANAGEMENT

Section 6.10 The Council may provide by ordinance for a merit system, including the creation of a Civil Service Commission and any and all other bodies, rules and regulations deemed necessary to effectuate the same.

EMPLOYEE BENEFITS

Section 6.11 The Council shall have the power to make available to the administrative officers and employees of the City and its departments, an actuarial pension plan, and any recognized standard group plan of life, hospital, health, or accident insurance or any one or more thereof.

CHAPTER VII - SUPERVISORS

Section 7.1 The City shall have the maximum number of representatives on the County Board of Supervisors to which it may from time to time be entitled by law.

CHAPTER VIII - ELECTIONS

QUALIFICATIONS OF ELECTORS

Section 8.1 The residents of the City having qualifications of electors in the State of Michigan shall be electors of the City when properly registered.

ELECTION PROCEDURE

Section 8.2 The election of all City officers shall be on a non-partisan basis. The general election statutes shall apply and control all procedures relating to City elections, including qualifications of electors, establishment of precincts, verification of petitions, registration of voters, and voting hours. The Clerk shall give public notice of each City election in the same manner as is required by law for the giving of public notice of general elections in the State.

PRECINCTS

Section 8.3 The election precincts of the City shall remain as they existed on the effective date of this Charter, including the addition of the annexed territory, until altered by the Election Commission. The Election Commission shall establish convenient election precincts in accordance with this Charter and statutes.

REGULAR CITY ELECTION

Section 8.4 A non-partisan regular City election shall be held annually on the second Monday in March.

SPECIAL ELECTIONS

Section 8.5 Special elections, not exceeding two in one calendar year, shall be held when called by resolution of the Council at least forty-nine 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.

ELECTION COMMISSION

Section 8.6 An Election Commission is hereby created consisting of the City Clerk, City Assessor and one other qualified City official to be designated by the City Council. The City Clerk shall act as Chairman thereof. The Election Commission shall appoint the Board of Election Inspectors for each precinct and have charge of all activities and duties required of it by law relating to the conduct of elections in the City. The compensation of the election personnel shall be determined in advance by the Council.

NOMINATIONS

Section 8.7 The method of nomination for all candidates for City elections shall be by petitions. Such petitions for each candidate shall be signed by not less than twenty nor more than forty registered electors of the City. No person shall sign his or her name to a greater number of petitions for any one office than there are persons to be elected to said office at the following regular City election. Where the signature of any individual appears on more petitions than he or she is so permitted to sign, the signatures bearing the most recent date shall be invalidated.

Nominating petitions for candidates to be nominated at any regular City elections, or to be elected at a special election, shall not be circulated more than thirty days prior to the last date for filing, and all such petitions shall be filed with the Clerk before 4:00 p.m. on the eightieth day preceding each election.

FORM OF PETITIONS

Section 8.8 The Election Commission shall prepare the form of nominating petitions which shall be substantially the same as that designated for the nomination of State non-partisan judicial officers. Official petition forms shall be provided and maintained by the

City Clerk, provided, however, any candidate may have such nomination petition forms printed provided they conform to the requirements of the State election law. Before the Clerk shall furnish a nominating petition to any person, he or she shall enter on each petition form in typewriter or ink the name of the person to be nominated as a candidate and the name of the office for which he or she is to be a candidate. No petition which has been altered with respect to such entries shall be received by the Clerk for filing.

APPROVAL OF PETITIONS

Section 8.9

(a) The Clerk shall accept only nominating petitions which are on forms which conform to the requirements of the State election law and which, considered together, contain the required number of valid signatures for candidates having those qualifications required for respective elective City offices as set forth in this Charter. The Clerk shall receive no nominating petitions for any person named thereon as a candidate unless an executed affidavit or other proofs establishing the facts which show the eligibility of such candidate for the office named in the executed affidavit. When a petition is filed by persons other than the person whose name appears thereon as a candidate, it may be accepted only when accompanied by the written consent of the candidate.

Any petition filed in the office of the Clerk which is not accompanied by such executed affidavit or letter of consent or other proofs shall not be valid.

(b) The Clerk shall, forthwith after the filing of a petition, notify, in writing, any candidate whose petition is then known not to meet the requirements of this section, but the failure to notify any candidate shall in no way prevent a final determination that the petition does not meet such requirements. Within three days after the last date for filing petitions, the Clerk shall make his or her final determinations as to the validity and sufficiency of each nomination petition and whether the candidate has the qualifications required for his or her respective elective City office by this Charter and shall write his or her determinations thereof on the face of the petition.

(c) The Clerk shall immediately notify, in writing, the candidate whose name appears thereon of his or her 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 found invalid or insufficient shall be allowed to file supplementary or replacement petitions before 5:00 p.m. on the fifth day after the last day for filing original petitions; thereafter, no further petitions may be filed.

(d) Withdrawal of a candidate's name from consideration on the ballot must be made in writing and in conformance with the time allowed by statute.

(e) All nominating petitions filed shall be open to public inspection in the office of the Clerk, except during a five-day period immediately following the last day for filing such petitions.

(f) Provision in regard to filing of petitions (Section 8.7) and notification of candidates (Section 8.9(b) and (c)) shall be in accordance with Section 14.3 of this Charter.

FORM OF BALLOT

Section 8.10

(a) The form, printing and number of ballots or the preparation of the voting machines used in any City election shall conform as nearly as may be to the provisions of statute, except that no party designation or emblem shall appear in regard to City offices. In all City elections, the names of qualified candidates or nominees for each office shall be listed under a separate heading, shall be initially arranged alphabetically according to surname, 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 of such candidates 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."

(c) Except as provided in this section, and except as may be otherwise prescribed by law, there shall be no supplementary identification of candidates or nominees on the ballot.

CHAPTER IX - FINANCE AND BONDING

FISCAL YEAR

Section 9.1 The fiscal and budget year of the City and all of its agencies shall begin on the first day of July of each year.

BUDGET PROCEDURE

Section 9.2 On or before the second Monday in March of each year, each officer, department and board of the City shall submit to the City Manager an itemized estimate of its expected income, if any, and expenditures for the next fiscal year, for the department or activities under its control. The City Manager shall compile and review such budget requests and shall then prepare his or her budgetary recommendations and submit them to the Council at its meeting nearest the third Monday in April of each year.

BUDGET DOCUMENT

Section 9.3 The budget document shall include at least the following information:

- (a) Detailed estimates, with supporting explanations of all proposed expenditures for each department and office of the City, together with the expenditures for corresponding items for the last preceding fiscal year in full and for the current year to February 1, or the last day of the month preceding this for which he or she has a financial statement available, and estimated expenditures for the balance of the current fiscal year;
- (b) Statements of the bonded and other indebtedness of the City, showing the debt redemption and interest requirements, the debt authorized and unissued and the condition of sinking funds, if any;
- (c) Detailed estimates of all anticipated revenues of the City from sources other than taxes, with a comparative statement of the amounts received by the City from each of the same or similar sources for the last preceding fiscal year in full and for the current fiscal year to February 1, or the last day of the month preceding this for which he or she has a financial statement available, and estimated revenues for the balance of the current fiscal year;
- (d) A statement of the estimated balance or deficit for the end of the current fiscal year;
- (e) An estimate of the amount of money to be raised from current and delinquent taxes and the amount to be raised from bond issues which, together with any available unappropriated surplus and any revenues from other sources, will be necessary to meet the proposed expenditures;
- (f) Such other supporting schedules as the Council may request.

BUDGET HEARING

Section 9.4 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 one week prior to such public hearings.

ADOPTION OF THE BUDGET

Section 9.5

- (a) At a meeting held not later than May 15, 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 purposes of the City and for the payments of principal and interest on its indebtedness. Failure to adopt such resolution within the time herein set shall not invalidate either the budget or the tax levy therefor.

(b) Should the Council fail to adopt a budget for the next fiscal year on or before the first Monday in June, the budget proposal as recommended to the Council by the City Manager shall be deemed to have been finally adopted by the Council and, without further action by the Council, shall constitute an appropriation of the money needed for Municipal purposes during the next fiscal year. It shall be deemed due and legal authority for a levy of the amount necessary to be raised by taxes upon real and personal property subject to the provisions of Section 10.1. If any budget adopted in this manner requires an amount to be raised by taxes upon property in excess of the limitation provided in Section 10.1, the budget and appropriations and each item thereof shall be adjusted by the City Manager to conform to such limitations.

BUDGET CONTROL

Section 9.6

(a) Except for purposes which are to be financed by the issuance of bonds, special assessment, or other method not requiring a budget appropriation, no money shall be drawn from the Treasury of the City without an appropriation therefor, nor shall any obligation for the expenditure of money be incurred without an appropriation covering all payments which will be due under such obligation in the current fiscal year. The Council may transfer any unencumbered appropriation balance, or any portion thereof, from one department, fund or agency to another. In the case of emergency arising from a pressing need other than a regular or recurring requirement and necessary to protect the public health, welfare or safety, the Council may make additional appropriations to cover unanticipated expenditures required of the City because of such emergency. The balance in any appropriation which has not been encumbered at the end of the fiscal year shall revert to the General Fund.

(b) At the beginning of each quarterly period during the fiscal year, and more often if required by the Council, the City Manager and/or the officer responsible for maintenance of the City accounting system 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.

(c) The balance in any budget appropriation which has not been encumbered at the end of the fiscal year shall, subject to restrictions imposed or permitted by law, revert to the General Fund.

DEPOSITORY

Section 9.7 The Council shall designate the depository or depositories for City funds, and shall provide for the regular deposit of all City moneys. The Council shall provide for such security for the State, except that personal security bonds shall not be deemed proper security.

INDEPENDENT AUDIT

Section 9.8 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 audits shall be made by a qualified public accountant experienced in municipal accounting selected by the Council. The results of such audit shall be made available to the public in such manner as the Council may determine, but, in any event, such audit shall be available for inspection by the public at the office of the City Clerk.

MUNICIPAL BONDING POWER

Section 9.9 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 evidences 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 assessment bonds issued in anticipation of the payment of special assessments made for the purpose of defraying the cost of any public improvement, or in anticipation of the payment of any combination of such special assessments. Such special assessment bonds may be an obligation of the special assessment district or districts alone, or may be both an obligation of the special assessment district or districts and a general obligation of the City.
- (e) Mortgage bonds for the acquiring, owning, purchasing, constructing, improving, or operating of any public utility which the City is authorized by this Charter to acquire or operate.

- (f) Bonds for the refunding of the funded indebtedness of the City.
- (g) Revenue bonds as authorized by law which are secured only by the revenues from a public improvement or public utility and do not constitute a general obligation of the City.
- (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.

LIMITATION OF BORROWING POWER

Section 9.10

- (a) The net bonded indebtedness incurred for all public purposes shall not at any time exceed the maximum percentage permitted by statute; provided that in computing such net bonded indebtedness there shall be excluded all money borrowed which by law does not constitute an indebtedness of the City within any constitutional or statutory debt limitation or changes permitted by law to be in excess thereof. The resources of the sinking fund pledged for the retirement of any outstanding bonds shall also be deducted from the amount of the bonded indebtedness.
- (b) The amount of emergency loans which may be made under the provisions of Section 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 issuance, holding of such referendum, and other applicable procedural requirements.

PREPARATION AND RECORD OF BONDS

Section 9.11 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 permitted by law. All bonds or other evidence of indebtedness issued by the City shall be signed by the Mayor and countersigned by the Clerk, under the seal of the City. Interest coupons may be executed

with the facsimile signature of the Mayor and the Clerk. A complete and detailed record of all bonds and other evidences of indebtedness issued by the City shall be kept by the Clerk or other designated officer. Upon the payment of any bond or other evidence of indebtedness, the same shall be cancelled.

DEFERRED PAYMENT CONTRACTS

Section 9.12 The City may enter into installment contracts for the purchase of property or capital equipment. Each such contract shall not extend over a period greater than ten years nor shall the total amounts of principal payable under all such contracts exceed a sum permitted by law.

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

CHAPTER X - ASSESSMENT AND COLLECTION OF TAXES

TAX LIMITATION

Section 10.1 The City shall have the power to assess taxes and levy and collect rents, tolls, and excises. The annual ad valorem tax levy shall not exceed 1.5 percent of the assessed value, as equalized, of all real and personal property subject to taxation in the City.

SUBJECTS OF TAXATION

Section 10.2 The subjects of ad valorem taxation shall be the same for Municipal purposes 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.

EXEMPTIONS

Section 10.3 No exemptions from taxation shall be allowed except as expressly required or permitted by law.

TAX DAY

Section 10.4 Subject to the exceptions provided or permitted by law, the taxable status of persons and property shall be determined as of the thirty-first day of December, or such other date as may subsequently be required by law, which shall be deemed the tax day.

PREPARATION OF THE ASSESSMENT ROLL

Section 10.5

(a) On or before the first Monday in March in each year, the City Assessor shall prepare and certify an assessment roll of all property in the City. Such roll shall be prepared as required by the General Property Tax Act. Values shall be estimated according to recognized methods of systematic assessment. The records of the Assessor shall be maintained as required by law.

(c) On or before the first Monday in March, the Assessor shall give, by first class mail, a notice of any change from the previous year in the assessed value of any property or of the addition of any property to the roll to the owner as shown by such assessment roll. The failure to give any such notice or of the owner to receive it shall not invalidate any assessment roll or assessment thereon.

BOARD OF REVIEW

Section 10.6

(a) A Board of Review is hereby created, composed of three freeholders of the City who have the qualifications of holding elective City office, as set forth in Section 3.3 of this Charter, and who, during their term of office, shall be City officers, but shall not be otherwise employed by the City nor be nominees or candidates for elective City office.

(b) The members of the Board of Review shall be appointed by the Council, and may be removed for reasons of nonfeasance or misfeasance by the vote of five members of the Council. The first members shall be appointed within thirty days after the effective date of this Charter for terms expiring on January 1, 1971, 1972, and 1973. Thereafter, 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, by ordinance, fix the compensation of the members of the Board.

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

DUTIES AND FUNCTIONS OF THE BOARD OF REVIEW

Section 10.7 For the purpose of revising and correcting assessments, the Board of Review shall have the same powers and perform like duties in all respects as are conferred by law upon and required of boards of review in townships, except as otherwise provided in this Charter. It shall hear the complaints of all persons considering themselves aggrieved by

assessments and, if it shall appear that any person or property has been wrongfully assessed or omitted from the roll, the Board shall correct the roll in such manner as it deems just. In all cases the roll shall be reviewed according to the facts existing on the tax day and no change in the status of any property after that day shall be considered by the Board in making its decisions. Except as otherwise provided by law, no person, other than the Board of Review, shall make or authorize any change upon, or addition or corrections to, the assessment roll. It shall be the duty of the Assessor to keep a permanent record of all proceedings of the Board and to enter therein all resolutions and decisions of the Board.

MEETINGS OF THE BOARD OF REVIEW

Section 10.8

(a) The Board of Review shall convene in its first session as provided by State law each year at such time of day and place as shall be designated by the Council and shall remain in session for at least six hours, two of which shall be evening hours, for the purpose of consideration and correction of the roll. In each case in which the assessed value of any property is increased over or decreased from the amount shown on the assessment roll as prepared by the Assessor or any property is added to such roll by the Board, or the Board has resolved to consider at its second session such increasing or decreasing of an assessment or the adding of any property to such roll, the Assessor shall give notice thereof to the owner as shown by such roll, by first class mail, mailed not later than the second day following the end of the first session of the Board. Such notice shall state the date, time, place, and purpose of the second session of the Board. The failure to give any such notice or of the owner to receive it shall not invalidate any assessment roll or assessment thereon.

(b) The Board of Review shall convene in its second session as provided by State law each year at such time of day and place as shall be designated by the Council and shall continue in session until all interested persons have had an opportunity to be heard, but in no case for less than four hours. At the second session, the Board may not increase or decrease any assessment or add any property to the rolls, except in those cases in which the Board resolves at its first session to consider such increase or decrease or addition at its second session.

NOTICE OF MEETINGS

Section 10.9 Notice of the time and place of the annual meetings of the Board of Review shall be published by the Assessor not less than one week prior to each session of the Board.

CERTIFICATION OF ROLL

Section 10.10 After the Board of Review has completed its review of the assessment roll, and not later than the first Monday in April, the majority of its members shall endorse thereon and sign a statement to the effect that the same is the assessment roll of the City for the year in which it has been prepared. The omission of such endorsement shall not affect the validity of such roll.

CLERK TO CERTIFY TAX LEVY

Section 10.11 Within three days after the Council has adopted the budget for the ensuing year, the Clerk shall certify to the Assessor the total amount which the Council determines shall be raised by the general ad valorem tax. He or she shall also certify all amounts of current or delinquent special assessments and all other amounts which the Council requires to be assessed, reassessed, or charged upon the said roll against any property of any person in accordance with the provisions of this Charter or any ordinance of the City.

CITY TAX ROLL

Section 10.12 After the Board of Review has completed its review of the assessment roll, the Assessor shall prepare a copy of the assessment roll to be known as the "City Tax Roll," and upon receiving the certification of the several amounts to be raised, as provided in Section 10.11, 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 or she 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.

TAX ROLL CERTIFIED FOR COLLECTIONS

Section 10.13 After spreading the taxes the Assessor shall certify the tax roll and attach his or her warrant thereto directing and requiring the Treasurer to collect prior to March 1 of the following year, from the several persons named in said roll, the several sums mentioned therein opposite their respective names as a tax or assessment and granting to him or her, for the purpose of collecting the taxes, assessments and charges on such roll all the statutory powers and immunities possessed by township treasurers for the collection of taxes. On or before June 1 the roll shall be delivered to the Treasurer for collection.

TAX LIEN PROPERTY

Section 10.14 On July 1 the taxes thus assessed shall become a debt due to the City from the persons to whom they are assessed, and the amounts assessed on any interest in real property shall become a lien upon such real property, for such amounts and for all interest and charges thereon, and all personal taxes shall become a first lien on all 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.

TAX PAYMENTS DUE AND NOTIFICATION THEREOF

Section 10.15

(a) City taxes shall be due on July 1 of each year. The Treasurer shall not be required to call upon the persons named in the City tax roll, nor to make personal demand for the payment of taxes, but he or she shall (1) publish between June 15 and July 1 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 nor release the person or property assessed from the penalties and fees provided in this chapter in case of late payment or non-payment of the same.

COLLECTION CHARGES ON LATE PAYMENT OF TAXES

Section 10.16 No penalty shall be charged for City taxes paid on or before the first day of September. The Council shall provide, by ordinance, the tax payment schedule for City taxes paid after the first day of September, 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.

FAILURE OR REFUSAL TO PAY PERSONAL PROPERTY TAX

Section 10.17 If any person, firm or corporation shall neglect or refuse to pay any personal property tax assessed to him or her or it, 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 or she 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.

COLLECTION OF DELINQUENT TAXES

Section 10.18 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 or her 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 1 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 in the same manner as other taxes returned to the County Treasurer are collected, in accordance with statute, and shall be and remain a lien upon the property against which they are assessed until paid. If, by change in statute or otherwise, the Treasurer of the County of Hillsdale 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.

STATE, COUNTY AND SCHOOL, TAXES

Section 10.19 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

GENERAL POWERS RELATIVE TO SPECIAL ASSESSMENTS

Section 11.1 The Council shall have the power to provide for assessing and reassessing the costs, or any portion thereof, of public improvements to a special assessment district and to determine by resolution, with or without a petition, that the whole or any part of the expense of any public improvement be defrayed by special assessment upon the property especially benefited in proportion to the benefits derived or to be derived.

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

- (a) Install and connect sewers and water supply facilities on and to property within the City and finance the same in whole or in part by special assessments.
- (b) Construct, establish and extend facilities for the storage and parking of vehicles within its corporate limits as a public improvement, and finance the same in whole or in part by special assessments.
- (c) Establish, construct and extend street improvements and facilities, including, but not limited to, constructing, grading, widening and paving of streets, alleys, curbs, gutters, storm sewers, sanitary sewers and water mains, and constructing and maintaining sidewalks.
- (d) Provide for the assessment of single lots when any expenditure is made on any separate or single lot, parcel of land, or lands, or premises, which the City is authorized to charge and collect as a special assessment against the same.
- (e) Provide for the assessment of the cost of construction, removal, or abatement of any condition which the Council determines to be a public hazard or nuisance which is dangerous to the health, safety or welfare of the inhabitants of the City.
- (f) For installing a boulevard lighting system on any street as a public improvement.
- (g) All real property, including such as is exempt from taxation by law, shall be liable for the cost of public improvements benefiting such property, unless specifically exempted from special assessments by law.

DETAILED PROCEDURE TO BE FIXED BY ORDINANCE

Section 11.2

- (a) The Council shall prescribe, by ordinance, the complete special assessment procedure governing the initiation of projects, preparation of plans and cost estimates, creation of districts, making and confirming of assessment rolls, correction of errors in special assessment rolls, the number of installments in which special assessments may be paid, collection of assessments, refunds of excess moneys, and any other matters concerning the making and financing of improvements by the special assessment method.
- (b) Such ordinance shall be subject to the following provisions:
 - (1) No resolution finally determining to proceed with establishing any special assessment district for the making of any public improvement shall be adopted by the Council until cost estimates have been prepared and a public hearing has been held on the advisability of so proceeding;

(2) No special assessment roll shall be finally confirmed until after a meeting of the Council has been held for the purpose of reviewing such roll;

(3) Ten days' notice of each meeting of the Council for a public hearing on the advisability of proceeding with any public improvement and to review any special assessment roll shall be given prior to the date and time of such meeting, which notice shall be published and sent to all property owners in the proposed district, as shown by the current assessment roll of the City, by first class mail;

(4) If, prior to the public hearing on the advisability of proceeding with the making of the improvement, written objections to the proposed improvement have been filed by the owners of property in the district which will be required to bear more than fifty percent of the amount of such special assessment, the resolution determining to proceed with the improvement shall be adopted only by the affirmative vote of five or more members of the Council.

ADDITIONAL ASSESSMENTS

CORRECTION OF INVALID SPECIAL ASSESSMENTS

Section 11.3

(a) Additional pro rata assessments to defray the cost of any public improvement may be made when any special assessment roll and/or the proceeds of sale of special assessment bonds issued in anticipation thereof proves insufficient to pay for the improvement for which it was levied and the expenses incidental thereto, or to pay the principal and interest on bonds or other evidence of obligation issued therefor, provided that the additional pro rata assessment shall not exceed fifteen percent of the assessment as originally confirmed, unless a meeting of the Council be held to review such additional assessment, for which meeting notices shall be published and mailed as provided in the case of the review of the original special assessment roll.

(b) Whenever any special assessment shall, in the opinion of the Council, be invalid by reason of irregularity or informality in the proceedings or if any court of competent jurisdiction shall adjudge such assessment to be illegal, the Council shall, whether the improvement has been made or not, or whether any part of the assessment has been paid or not, have the power to cause a new assessment to be made for the same purpose for which the former assessment was made. All proceedings on such reassessment and for the collection thereof shall be conducted in the same manner as provided for the original assessment except respecting the correction of the proceedings for the purpose of making the proceedings legal.

Whenever any sum or part thereof levied upon any property in the assessment so set aside has been paid and not refunded, the payment so made shall be applied upon the reassessment, or if the payments exceed the amount of the reassessment, refunds shall be made.

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

DISPOSITION OF EXCESS SPECIAL ASSESSMENTS

Section 11.4 The excess by which any special assessment proves larger than the actual cost of the improvement and expenses incidental thereto may be placed in the General Fund of the City if such excess is five percent or less of the assessment. If the assessment should prove larger than necessary by more than five percent, the entire excess shall be refunded on a pro rata basis to the owners of the property assessed as shown by the current assessment roll of the City. Such refund shall be made by credit against future unpaid installments to the extent such installments then exist and the balance of such refund shall be in cash. No refunds may be made which contravene the provisions of any outstanding evidence of indebtedness secured in whole or part by such special assessment.

CONTESTED ASSESSMENTS: LIMITATIONS ON SUITS AND ACTIONS

Section 11.5 No suit or action of any kind shall be instituted or maintained for the purpose of contesting or enjoining the collection of any special assessments, (a) unless, within thirty days after the confirmation of the special assessment roll, written notice is given to the Council of intention to file such suit or action stating the grounds on which it is claimed such assessment is illegal, and (b) unless such suit or action shall be commenced within sixty days after confirmation of the roll.

SPECIAL ASSESSMENT ACCOUNTS

Section 11.6 Except as otherwise provided in this chapter, 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 therefor.

FAILURE TO RECEIVE NOTICE

Section 11.7 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.

DEFERRED PAYMENT OF SPECIAL ASSESSMENTS

Section 11.8 The Council may provide for the deferred payment of special assessments from persons who, in the opinion of the Council and the City Assessor, by reason of poverty, are unable to contribute toward the cost thereof. In all such cases as a condition to the granting of such deferred payments, the City shall require mortgage security on the real property of the beneficiary, payable upon his or her death.

SPECIAL ASSESSMENTS A LIEN ON PROPERTY

Section 11.9 Upon confirmation of each special assessment roll, the special assessments thereon shall become a debt to the City from the persons to whom they are assessed and, until paid shall be a lien upon the property assessed for the amount of such assessments and all interest and charges thereon. Such lien shall be of the same character and effect as created by this Charter for the City taxes.

The Council may provide by ordinance for any case where the owner of the land or of the building or structure itself is not known or cannot be found, the Council may order such hazard or nuisance abated by the property department or agency of the City which is qualified to do the work required, or may do the work by contract or by hire, and the cost of such abatement may be assessed against the lot, premises, or description of real property upon which such hazard or nuisance is located, by special assessment.

CHAPTER XII - CONTRACTS AND PURCHASING

CONTRACTING AUTHORITIES

Section 12.1

- (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 and the Clerk.

PURCHASE AND SALE OF PERSONAL PROPERTY

Section 12.2 The Council shall establish, by ordinance, the procedures for the purchase and sale of personal property for the City, for the direction of the City Manager. The ordinance shall provide the dollar limit within which purchase of personal property may be made without the necessity of securing competitive bids, and the dollar limit within which purchases may be made without the necessity of prior Council approval, provided, however, that in no event shall any such purchase in excess of one thousand dollars (\$1,000) be made

without securing competitive bids, and provided, further, that in case an emergency is, by the affirmative vote of at least five members of the City Council, declared to exist, the City Council may authorize such purchase or sale involving not more than two thousand five hundred dollars (\$2,500) without requiring competitive bids.

CONTRACT LIMITATIONS

Section 12.3

(a) The Council shall only have power to enter into contracts which, by the terms thereof, will be fully executed within a period of ten years, unless such contracts 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 a contract for debt secured by bonds or notes which are permitted to be issued by the City by law.

(b) 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 Manager or his or her authorized representative at the time designated in the notice of letting and shall be reported by him or her to the Council at its 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 authorize the City Manager or other proper official of the City to negotiate for a contract on the open market.

(c) All contracts shall be in accordance with Sections 4.9(a) and 4.9(b) of this Charter.

LICENSES AND FRANCHISES REMAIN IN EFFECT

Section 12.4 All licenses and franchises granted by the Village of Litchfield 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 - UTILITY FRANCHISES AND MUNICIPAL OWNERSHIP

GENERAL POWERS RESPECTING UTILITIES

Section 13.1 The City shall possess and hereby reserves to itself all the powers granted to cities by law to acquire, construct, own, operate, improve, enlarge, extend, repair, and maintain, either within or without its corporate limits, including, but not by the way of

limitation, public utilities for supplying water, light, heat, power, gas, sewage treatment, transportation, and garbage and rubbish disposal facilities, or any of them, to the Municipality and its inhabitants thereof, and also to sell and deliver water, light, heat, power, gas, and other public utility services without its corporate limits as authorized by law.

MANAGEMENT OF MUNICIPAL UTILITIES

Section 13.2 All Municipally owned or operated utilities shall be administered as a regular department of the City government, under the management and supervision of the City Manager.

RATES

Section 13.3

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

(b) The rates and charges for any Municipal public utility shall be so fixed as to at least meet all the costs of such utility, including depreciation.

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

COLLECTION OF MUNICIPAL UTILITY RATES AND CHARGES

Section 13.4

(a) The Council shall provide by ordinance for the collection of all public utility rates and charges of the City, and for such purpose shall have all the power granted to cities by statute.

(b) Except as otherwise provided by law, the City shall have as security for collection of 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.

- (c) The ordinance shall specify the terms and conditions under which utility services may be discontinued in case of delinquency in paying of such rates and charges, and, that suit may be instituted by the City before a competent tribunal for the collection of such rates and charges.

DISPOSAL OF UTILITY PLANTS AND PROPERTY

Section 13.5 Unless approved by the affirmative vote of a majority of the electors voting thereon at a regular or special election, the City shall not sell, exchange, lease or in any way dispose of any property, easements, equipment, privilege, or asset belonging to and appertaining to any Municipally owned public utility which is needed to continue operating such utility. All contracts, negotiations, licenses, grants, leases, or other forms of transfer in violation of this section shall be void and of no effect as against the City. The restrictions of this section shall not apply to the sale or exchange of any articles of machinery or equipment of any City owned public utility which are worn out or useless or which have been or could, with advantage to the service, be replaced by new and improved machinery or equipment, to the leasing of property not necessary for the operation of the utility, or to the exchange of property or easements for other needed property or easements. The provisions of this section shall not extend to vacation or abandonment of streets as provided by law.

PUBLIC UTILITY FRANCHISES

Section 13.6

- (a) Public utility franchises and all renewals and extensions thereof and amendments thereto shall be granted only by ordinance. No franchise shall be granted for a longer period than thirty years.
- (b) No franchise ordinance which is not subject to revocation at the will of 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 has filed with the Clerk his or her unconditional acceptance of all the terms of such franchise. No special election for such purpose shall be ordered, unless the expense of holding such election, as determined by the Council, shall have been first paid to the Treasurer by the grantee.
- (c) A franchise ordinance, or renewal or extension thereof or amendment thereto, which is subject to revocation at the will of 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 so been on file in the office of the Clerk for public inspection for at least four weeks after publication of a notice that such ordinance is on file.

CONDITIONS OF PUBLIC UTILITY FRANCHISES

Section 13.7 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 power 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 adequate extension of plant and service and maintenance thereof at the highest practicable standard of efficiency;
- (c) To establish reasonable standards of service and quality of products and prevent unjust discrimination in service or rates;
- (d) To require continuous and uninterrupted service to the public in accordance with the terms of the franchise throughout the entire period thereof;
- (e) To use, control, and regulate the use of its streets, alleys, bridges and other public places and the 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 of the public.

USE OF PUBLIC PLACES BY UTILITIES

Section 13.8 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 damage 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 public utilities insofar as such joint use may be reasonably practical and upon payment of reasonable rental therefor. In the absence of agreement and upon application by any public utility, the Council shall provide for arbitration of the terms and conditions of such joint use and the compensation to be paid therefor, and the arbitration award shall be final.

RATES FOR FRANCHISED UTILITIES

Section 13.9 The rates charged by public utilities under the supervision of State regulatory agencies shall be fixed by such agency. The rates not pre-empted by the State for public utilities shall be set, after public hearing, by the City Council.

SALE AND ASSIGNMENT OF FRANCHISES

Section 13.10 The grantee of a franchise may not sell, assign, sublet, or allow another to use the same, unless the Council consents. Nothing in this Section shall limit the right of the grantee of any public utility franchise to mortgage its property or franchise, nor shall this restrict the right of the purchaser upon foreclosure sale to operate the same, except that such mortgagee or purchaser shall be subject to the terms of the franchise and provisions of this Charter.

CHAPTER XIV - MISCELLANEOUS

OFFICIAL PERFORMANCE

Section 14.1 Deleted.

QUORUM

Section 14.2 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 such established number of members of each such board shall be necessary for official action by it.

SUNDAYS AND HOLIDAYS

Section 14.3 Whenever the date fixed by law or ordinance for the doing or completion of any act falls on a Sunday or legal holiday, such act shall be done or completed on the next succeeding day which is not a Sunday or legal holiday.

ESTOPPEL

Section 14.4 No estoppel may be invoked against the City.

PENALTIES FOR VIOLATION OF CHARTER

Section 14.5 Any person or officer of the City found guilty by a court of competent jurisdiction of any violation of this Charter may be punished by a fine which, in addition to court costs charged to him or her, shall not exceed five hundred dollars (\$500.00) or imprisonment for not more than ninety days, or both such fine and imprisonment, in the discretion of the court. For an officer of the City, the punishment provided in this Section shall be in addition to that of having the office declared vacant as provided in this Charter. This Section shall not operate to limit or prejudice the power to remove officers or discharge employees as provided in this Charter.

CHAPTER AND SECTION HEADINGS

Section 14.6 The chapter and section headings used in this Charter are for convenience only, and shall not be considered as part of this Charter.

AMENDMENTS

Section 14.7 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.

SEVERABILITY OF CHARTER PROVISIONS

Section 14.8 If any provision, section or clause of this Charter, or the application thereof to any person or circumstances, shall be found to be invalid, such invalidity shall not affect any remaining portion or application of the Charter, which can be given effect without the invalid portion or application, and, to this end, this Charter is declared to be severable.

CITY LIABILITY

Section 14.9 The City shall not be liable to pay damages for injuries which arise out of governmental functions sustained by any person, either to his or her person or property by reason of the negligence of the City, its officers or employees, nor by reason of any defective condition of or obstruction in any public place unless such person shall serve or cause to be served upon the Clerk, within sixty days after the injury resulting in such damages shall have occurred, a notice in writing, which notice shall set forth substantially the time and place of

such injury, the manner in which it occurred, the extent of such damages as far as the same has become known, the names and addresses of witnesses known at the time by the claimant and a statement that the person sustaining such damages intends to hold the City liable for such damages as may have been sustained by him or her.

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 the damages claimed by reason thereof. No person shall bring any action against the City for any such damages until such claim shall have been filed with the Clerk and until the Council shall have been given reasonable opportunity to act thereon, either by allowing or refusing to allow the claim.

It shall be a sufficient bar and answer in any court to any action or proceeding for the collection of any demand or claim against the City under this section that the notice of injury and the verified proof of claim as required in this Section were not presented and filed within the time and in the manner herein provided. This Section shall not apply to claims arising out of the exercise of any proprietary function of the City.

TRANSFER OF JURISDICTION

Section 14.10

(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 Litchfield and to that part of Litchfield Township being annexed thereby.

(b) No right or liability, either in favor or against the Village of Litchfield 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 debts and liabilities of the City and all fines and penalties imposed at the time of such change shall be collected.

CHAPTER XV - SCHEDULES

PURPOSE AND STATUS OF SCHEDULE CHAPTER

Section 15.1 The purpose of this chapter is to inaugurate the government of the City of Litchfield under this Charter and to provide for the transition from the former governments of the Village of Litchfield and the Township of Litchfield to the new city status under this Charter. It shall constitute a part of the Charter of the City of Litchfield only to the extent and for the time required to accomplish that end.

ELECTION TO ADOPT CHARTER

Section 15.2 This Charter shall be submitted to a vote of the qualified and registered electors of the territory comprising the proposed City of Litchfield, at an election to be held at the State primary election, on Tuesday, August 4, 1970, between the hours of 7:00 a.m. and 8:00 p.m. All provisions for such election shall be held in the manner provided by law, except as provided in this Charter. Proper and sufficient notice of such election and of the registration therefor shall be given by the Secretary of the Charter Commission as provided by law. If, at such election, a majority of the qualified electors of the proposed City, voting on the issue, vote in favor of the adoption of this Charter, the Secretary of the Charter Commission shall do and perform all other acts which are required by law to carry this Charter into effect and to consummate the incorporation of the City.

The election shall be conducted by the officers of the Township of Litchfield charged with the conduct and supervision of elections following usual election procedure.

FORM OF BALLOT

Section 15.3 The form of the ballot for the submission of this Charter shall be as follows:

Instructions: A cross (X) in the square after the word "YES" is in favor of the proposed Charter, and a cross (X) in the square after the word "NO" is against the proposed Charter.

Shall the proposed Charter of the City of Litchfield which was drafted by the Charter Commission elected November 5, 1968, be adopted?

Yes ()

No ()

ELECTION OF OFFICERS

Section 15.4

(a) At the time of the election upon the adoption of the Charter, the first elective officers of the City under this Charter shall, by separate ballot, be elected, viz: A Mayor and six Councilmen to be elected from the City at large. The two Councilmen receiving the highest number of votes shall hold office beginning on the effective date of this Charter and extending to the Monday next following the regular City election on the second Monday in March, 1973. The two Councilmen having the next highest number of votes shall have terms beginning on the effective date of this Charter and

extending until the Monday following the regular City election on the second Monday in March, 1972. The remaining two Councilmen, having the next highest number of votes shall have terms beginning on the effective date of this Charter and extending until the Monday following the regular City election on the second Monday in March, 1971. The Mayor's term of office shall begin on the effective date of this Charter and extend to the Monday next following the regular City election on the second Monday in March, 1972. The term of the Mayor and Councilmen shall commence at 8:00 p.m. of the day herein designated. Thereafter, the successors of all such officers shall be elected at the regular City elections and shall hold office for the term established therefor.

The nomination and election of such first elected officers shall be non-partisan and no primary shall be held therewith.

(b) Candidates for such offices shall be nominated by the filing of petitions signed by not less than twenty nor more than forty of the qualified and registered electors of the territory comprising the proposed City of Litchfield and filed with the Secretary of the Charter Commission or his or her appointed deputy not later than 4:00 p.m. Eastern Standard Time on Monday, June 16, 1970, at the office of the Township Clerk of Litchfield Township. The Township Clerk shall publish notice of the last day and time for filing such nominating petitions, which notice shall be published in the Litchfield Gazette or some other newspaper of general circulation in the City on or before June 22, 1970. Such petitions shall be in the form designated by the Secretary of State for the use in the nomination of non-partisan judicial officers. The manner of approval of nomination petitions and those who qualify to sign shall be in general as outlined in Sections 8.7 to 8.9, inclusive, of this Charter.

(c) The Litchfield Township Clerk shall conduct the election, shall appoint and supervise the Election Inspectors for the election, and shall perform the duties required by law respecting such election. Such votes shall be canvassed in accordance with the provisions of the State law.

(d) Friday, July 3, 1970, shall be the last day of registration for such election. The Clerk of Litchfield Township will act as Registrar for the purpose of registering the electors of the proposed City for the election to be held on August 4, 1970. Those persons presently registered in Litchfield Township in the areas proposed for incorporation into the new City will be eligible to vote without further registration if their registrations are in order under the law.

FORM OF BALLOT FOR CITY OFFICERS

Section 15.5 At the election held for the first City officers, the names of the several candidates for such offices shall be placed on ballots, separate from the Charter ballot, containing no party designation with respect to the candidate and in the following order: candidates for the office of Mayor, and candidates for the office of Councilman. The names

of candidates on such ballot shall be rotated so that the name of each candidate for an office will head the list of names of candidates for that office approximately an equal number of times, and the names of the candidates shall be arranged alphabetically by surname to initiate the rotation.

VOTING AT CHARTER ELECTION

Section 15.6 Each person voting at the election of the adoption of this Charter may, in addition to voting on the adoption of this Charter, vote for a Mayor and six Councilmen.

CANVASS OF VOTES

Section 15.7

(a) The regularly constituted County Board of Canvassers of the County of Hillsdale shall meet following the election on the adoption of this Charter, and canvass the votes cast at such election as provided by law.

(b) If the canvass of the votes cast at such election shows this Charter to have been adopted, the votes cast for the several first City officers shall then be canvassed. Those to be declared to be elected and their terms of office shall be as specified in Section 15.4 of this Schedule.

EFFECTIVE DATE OF CHARTER

Section 15.8 If the canvass of votes upon the adoption of this Charter shows it to have been adopted, it shall take effect and become law as the Charter of the City of Litchfield for all purposes on August 23, 1970, at which time the control of the officers of the Village of Litchfield and the Township of Litchfield over any of that part of the new City shall cease and be superseded by that of the officers of the City of Litchfield.

FIRST MEETING OF CITY OFFICERS

Section 15.9 On or before the effective date of this Charter, all appointive officers and all employees of the Village shall continue in that City office or employment which they held in the Village prior to the effective date of this Charter and they shall be subject in all respects to the provision of this Charter, except that any officer or employee who holds a position which this Charter provides be held at the pleasure of the appointing officer or body shall hold such position only at such pleasure regardless of the term for which originally elected or appointed.

COUNCIL ACTION

Section 15.11 In all cases involving transition of the Village government to City government, which are not covered by this Chapter, the Council shall supply necessary details and procedures and may adopt such rules, regulations, resolutions, and ordinances as may be required therefor.

FISCAL YEAR: CITY BUDGET

Section 15.12 The Council shall on the recommendation of the City Manager make an interim budget required to defray the cost of operating the City from August 23, 1970, to June 30, 1971, in order to bring the City's financial plan in conformity with the fiscal year herein provided.

COUNCIL MEETINGS

Section 15.13 Until otherwise provided by ordinance, regular meetings of the Council shall be held in the established Council Chamber in the City Hall on the first Monday of each calendar month at 7:30 p.m.

BOARDS AND COMMISSIONS

Section 15.14 The present boards and commissions established by the Village of Litchfield shall continue under the ordinance establishing them unless in conflict with this Charter. The terms of office of the members of such boards and commissions shall continue as established and they shall continue in office until their successors are appointed in accordance with the terms of office established in the ordinance creating them.