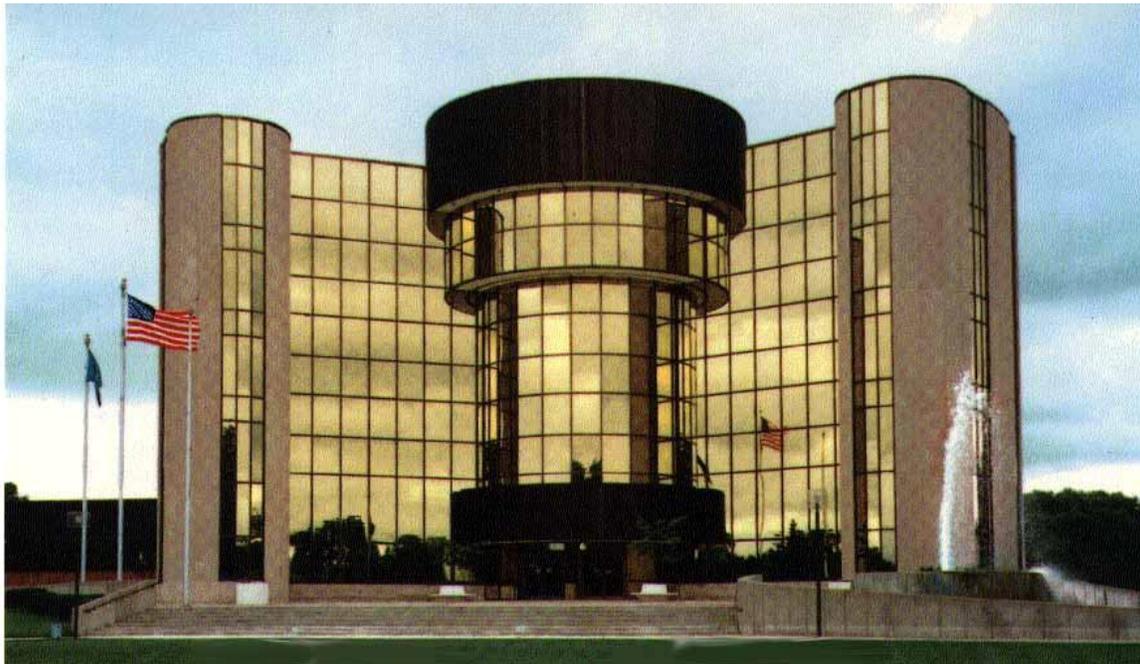


CITY OF LIVONIA CHARTER



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PREAMBLE

We, the People of the City of Livonia, by the grace of Almighty God and pursuant to authority granted by the Constitution and the laws of the State of Michigan, in order to secure the benefits of local self-government and otherwise to promote our common welfare, do hereby ordain and establish this Charter.

CHAPTER I INCORPORATION

Section 1. ***Name and Boundaries.*** The following described territory, together with all territories that may hereafter be annexed thereto, shall be, continue and remain a municipal corporation of the State of Michigan under the official name and title of "City of Livonia" and shall be subject to the municipal control of said City in accordance with the provisions of this Charter and the Constitution and Laws of the State which are applicable thereto:

The territory heretofore known as the Township of Livonia, Town One South, Range Nine East, Wayne, County, Michigan, including the entire area of said township consisting of Sections one to thirty-six, inclusive. The boundaries of the city of Livonia are defined as those boundaries of said township which existed immediately prior to the incorporation of said City.

Section 2. ***Wards and Precincts.*** The City of Livonia shall constitute one (1) ward. The Council may by ordinance establish convenient election precincts. Until the Council shall otherwise ordain, the election precincts shall continue as most recently established in the Township of Livonia.

CHAPTER II MUNICIPAL POWERS

Section 1. **General Powers.** The City of Livonia is hereby vested with any and all powers, privileges and immunities, expressed and implied, which cities and their officers are, or hereafter may be, permitted to exercise or provide for in their charters under the Constitution and Laws of the State of Michigan, including all the powers, privileges and immunities which cities are permitted to or may provide in their charters by Act. No. 279 of the Public Acts of 1909, as amended, as fully and completely as though those powers, privileges and immunities were specifically enumerated in and provided for in this Charter, and in no case shall any enumeration of particular powers, privileges or immunities in this Charter be held to be exclusive. The City and its officers shall have power to exercise all municipal powers in the management and control of municipal property and in the administration of the municipal government, whether such powers be expressly enumerated or not; to do any act to advance the interests and welfare of the City, the good government and prosperity of the municipality and its inhabitants, and through its regularly constituted authority, to pass, adopt, enact, enforce and execute all laws, ordinances and resolutions relating to its municipal concerns, subject to the Constitution and General Laws of the State and the provisions of this Charter.

Section 2. **Intergovernmental Contracts.** The City may join with any other governmental unit or agency, or with any number or combination thereof, by contract, or otherwise as may be permitted by Law, to perform jointly, or by one or more for or on behalf of the other or others, any power or duty which is permitted to be so performed by Law or which is possessed or imposed upon each such governmental unit or agency.

Section 3. **Division of Powers.** The municipal government established by this Charter shall be that which is commonly known as the Mayor-Council form. In order to institute and maintain this form of government in the City, all the powers of municipal government possessed by the City are hereby divided into three (3) general divisions, i.e., legislative, executive and judicial. No person or body belonging to or being a part of one (1) such division shall exercise powers imposed by this Charter upon or properly

belonging to another. It shall be the duty of every officer of the City to preserve the three (3) divisions of the City's government distinct and separate.

Section 4. ***Exercise of Powers.*** Where no procedure is set forth in this Charter, for the exercise of any power granted to, retained, or possessed by the City and its officers, resort may be had to any procedure set forth in any statute of the State of Michigan which was passed for the government of cities or townships, or in any other statute of the State of Michigan. If alternate procedures are to be found in different statutes, then the Council shall select that procedure which it deems to be most expeditious and to the best advantage of the City and its inhabitants. Where no procedure for the exercise of any power of the City is set forth, either in this Charter or in any statute of the State of Michigan, the Council may prescribe by ordinance a reasonable procedure for the exercise thereof.

Section 5. ***Rights and Liabilities.*** All rights, property, assets, debts and liabilities of the Township of Livonia existent at the date of the incorporation of the City of Livonia shall automatically become the rights, property, assets, debts and liabilities of the City as of the date of its incorporation.

CHAPTER III ELECTIONS¹

Section 1. **Qualifications.** Each person who has the constitutional qualifications of an elector in the State of Michigan, or who will have such qualifications at the next primary or regular or special election to be held in the City, shall be entitled to register as an elector of the City of Livonia in the voting precinct in which he resides.

Section 2. **Election Procedure.** The General Election Laws of the State² shall apply to, and control, as nearly as may be, all procedures relating to registration of electors in the City and to the conduct of primary, regular and special City elections therein, except as such general laws relate to political parties or partisan procedure and except as this Charter may otherwise provide.

Section 3. **Primary and Regular Elections.**³

(a) A non-partisan City primary election shall be held on the Tuesday following the first Monday in August of each odd numbered year.⁴

(b) A non-partisan regular City election shall be held on the Tuesday succeeding the first Monday in November in every odd numbered year, at which time the elective officers of the city shall be elected.

Section 4. **Special Elections.** Special City elections shall be held when called by resolution of the Council at least forty (40) days in advance of such election, or when required by this Charter or the General Laws of the State. Any resolution calling a special election shall set forth the purpose of such election. No more than two (2) special City elections shall be held in any one calendar year, except as may be required by State Law.

Section 5. **Election Commission.** An Election Commission is hereby created, consisting of the Clerk, the Mayor, and the City Attorney.^a The Clerk shall be chairman of such Election Commission. The Election Commission shall have charge of all activities and duties required of it by State Law and this Charter relating to the conduct of elections in the City. The compensation of election personnel shall be determined in advance by the Election Commission. In any case where election procedure is in doubt, the Election Commission shall prescribe the procedure to be followed.

Section 6. **Notice of Election.** Notice of the time and place of holding any primary, regular or special City election and of the officers to be nominated or elected and the questions to be voted upon, shall be given by the Clerk in the same manner and at the same times as provided in the State Election Laws for the giving of notices by township clerks in State elections. However, in case of elections on franchises and recalls, notice shall be given as required therefor by this Charter or by State Law specifically applicable thereto.

Section 7. **Voting Hours.** The polls of all elections shall be opened and closed at the time prescribed by Law for the opening and closing of polls at State elections.

Section 8. **Nomination Petitions.** No candidate's name shall be placed upon the ballot for nomination or election to any City office unless there shall be filed with the City Clerk a nomination petition, accompanied by a deposit of fifty (50) dollars and an affidavit of the candidate verifying his residence continuously in the City for the required period of two (2) years next preceding the election⁵ and stating the facts as to any change in the candidate's name. Such nomination petition shall be signed by one qualified elector of the City other than the candidate. After the filing of a nomination petition on behalf of any candidate proposed for any City office, such candidate shall not be permitted to withdraw unless written notice is served on the City Clerk not later than three (3) days after the last day for filing such petition. All filing fees so deposited shall be paid to the City Treasurer and shall not be refunded except as herein otherwise provided. Within five (5) days subsequent to the final certification of the results of any primary election by the Board of City Canvassers, on account of which such deposits were made, the City Treasurer shall secure from the City Clerk a certification showing the total number of votes cast at such primary election for each candidate for the various City offices and the address as shown on the nomination petition. It shall then be the duty of the City Treasurer to forward by registered mail to each such candidate a statement showing the total number of votes cast for each candidate seeking nomination for the office for which such candidate was a contestant. The City Treasurer shall refund to such candidates as are nominated in accordance with Section II hereof, an amount equal to the sum deposited at the time the nomination petition was filed. Otherwise, such deposit shall be forfeited and paid into the general fund of the City. Such nomination petitions shall be received by the City

Clerk not later than four o'clock in the afternoon of the thirty-fifth (35th) day preceding such primary election.⁶ The form of nomination petition and affidavit shall be substantially as follows:

NOMINATION PETITION AND FEE

I hereby file this nomination petition on behalf of:

(Name)

(Residence)

who is a qualified and registered elector of Livonia, Michigan, and who has been a resident of said City continuously for at least two (2) years next preceding the primary or election hereinafter mentioned⁷ as a candidate for the office of..... at the election of.....and deposit with the City Clerk \$..... the amount required by law.

Filed by.....

Address.....Tel.....

AFFIDAVIT AS TO CHANGE OF NAME

Sec. 21, Chapter 111, Part 111, (Act 351, Public Acts of 1925) as amended.

STATE OF MICHIGAN)

ss)

COUNTY OF WAYNE)

.....being duly sworn, deposes and says he has/has not changed his or her name since January 1, 1933,⁸ and that the statements contained in the foregoing petition are true.

Deponent further says that his or her name prior to such change was.....

(Signature of Affiant)

Subscribed and sworn to before me, a Notary Public in and for said County thisday of.....20.....

Notary Public, Wayne County, Michigan

.....

My Commission expires:

RECEIPT

Received petition and fee above designated:

(Date).....

.....

City Clerk

(By).....

.....

Received fee specified.

City Treasurer

Section 9. **Approval of Nomination Petitions.** The City Clerk shall accept for filing only such nomination petitions as shall conform with Section 8 of this Chapter and only such petitions as shall be accompanied by the required deposit and affidavit. He shall forthwith determine the sufficiency of any nomination petition filed with him and, on finding the same to be in proper form, shall mark thereon "approved," with the date thereof.

Section 10. **Public Inspection of Petitions.** All nomination petitions shall be open to public inspection in the office of the Clerk, beginning five (5) days after the final filing date for such petitions.

Section 11. **Form of Ballots.** The form of the ballot used in any City primary or election shall conform as nearly as may be to that prescribed by the General laws of the State, except that no party designation or emblem shall appear thereon. Names of candidates shall be placed on the primary ballot for only such offices as shall have more than twice the number of candidates to be elected seeking such office to be filled at the following regular City election. Where a primary election is held with respect to any office or offices, the candidates at the primary election receiving the highest two (2) numbers of votes cast respectively for Mayor, City Clerk, and City Treasurer; the eight (8) persons receiving the highest eight (8) numbers of votes cast for candidates for Councilman; plus two (2) for each vacancy that may exist pursuant to Chapter IV, Section 4, hereof; the two (2) persons receiving the highest two (2) numbers of votes cast for candidates for

the office of Justice of the Peace; and the four (4) persons receiving the highest four (4) numbers of votes cast for candidates for the office of Constable⁹ either with the names of candidates not required to be placed on the primary election ballot, shall be printed on the ballot at the regular City election. The names of qualified nominees for each office shall be listed in a single column and shall be rotated on the ballots. Ballots shall, in case of a change of name, show first the candidate's present name, followed by parentheses enclosing such candidate's prior name preceded by the word "formerly." In all other respects the printing and numbering of ballots shall conform to the General Laws of the State relating to elections.

Section 12. **Canvass of Votes.** The Council shall be the Board of Canvassers to canvass the votes cast at all City primaries or elections under this Charter. The Council shall meet on the first Thursday after each City primary or election, and publicly canvass the returns of such City primary or election and shall determine the vote upon all questions and propositions and declare whether the same have been adopted or rejected and what persons have been duly nominated or elected at such City primary or election.^{10,11} The candidate, or candidates, where more than one are to be nominated or elected to the same office, who shall receive the greatest number of votes shall be declared nominated or elected.

Section 13. **Tie Vote.** If, at any City primary or election, there shall be no choice between candidates by reason of two (2) or more persons having received an equal number of votes, then the Council shall name a date for the appearance of such persons for the purpose of determining the nomination or election of such candidates, by lot as provided by State Law. No other mode of determining such City primary or election shall be permitted. Should any person or persons fail or refuse to appear in person or by representative to determine the result of any tie City primary or election at the time and place named by the Council, such determination shall be made by lot in his or their absence at the direction and under the supervision of the Council. Such determination shall in any event be final.

Section 14. **Recount.** A recount of the votes cast at any City primary or election for-any office, or upon any proposition, may be had in accordance with the General Election Laws of the State.

Section 15. **Recall.** Any elective official may be recalled from office by the electors of the City in the manner provided by the General Laws of the State. A vacancy created by the recall of any elective official shall be filled in the manner prescribed by Law, or this Charter. All Charter provisions, acts or parts of acts in conflict herewith are hereby repealed.

CHAPTER IV LEGISLATIVE DIVISION

Section 1. ***The Council.*** The Council shall consist of seven (7) members nominated and elected at large and shall be vested with all legislative powers of the City except as otherwise provided by State Law or this Charter. The City Clerk shall be Clerk of the Council.

Section 2. ***Term of Office.*** At each regular City election there shall be elected from the City at large four (4) Councilmen and such additional number as may be required to fill vacancies pursuant to the provisions of Section 4 of the Charter. The three (3) receiving the highest number of votes shall each be elected for term of office of four (4) years and the number equal to the remaining number of Councilmen to be elected who shall receive the next highest numbers of votes in order shall each be elected for a term of office of two (2) years. Council members shall be prohibited from seeking reelection after having served two (2) consecutive terms in that particular office.¹² The term of office of Councilmen shall commence on the Monday next following the date of the regular City election at which they are elected, except that the terms of office of all Councilmen who are elected at the first special City election held under this Charter shall commence on the first Monday following said special election.¹³ At the first special election held under this Charter, seven (7) Councilmen shall be elected of whom the three (3) Councilmen who receive the three (3) highest number of votes shall be elected for terms expiring on the Monday next following the regular City election 1952, and the remaining four (4) Councilmen shall be elected for terms expiring on the Monday next following the regular City election in 1952.

Section 3. ***Qualifications.*** No person shall be eligible to the office of Councilman unless he is a duly registered elector in the City and has continuously resided in the City for at least two (2) years¹⁴ immediately prior to the election at which he is a candidate; provided, however, that said requirement of two (2) years continuous residence shall not exist or have any effect as to the first City election held under this Charter. No Councilman shall serve the City in any other elective or appointed office, nor as an employee, except that a Councilman may be appointed a supervisor to represent the City on the Wayne County Board of Supervisors, and except that

Councilmen may serve as members of the State Legislature. The Council shall be the sole judge of the eligibility and qualifications of its own members, subject to review by the Courts.

Section 4. ***Vacancies.*** A vacancy occurring in the Council shall be filled within forty (40) days by a majority vote of the remaining Council members, the appointee to hold office until the Monday next following the next regular City election; provided that no appointment shall be made within sixty (60) days prior to any regular City election; and provided further that, if a vacancy occurs more than forty (40) days next preceding a regular City election in the office of a Council member whose term is not then expiring, a successor shall be elected at such election for the remainder of the unexpired term; and provided further that whenever a vacancy on the Council is followed within fourteen (14) days by an additional vacancy or vacancies on the Council, and at the time vacated the unexpired terms of the vacant Council seats will not expire within one (1) year prior to the next regular City election, then, in accordance with the existing provisions of this Charter, a special election shall be held within ninety (90) days of the occurrence of the final additional vacancy for the purpose of electing individuals to fill the two (2) or more vacancies then existing on the Council for the remainders of the unexpired terms.¹⁵

Section 5. ***Compensation.*** Each member of the Council elected or appointed to that office at any time prior to the April 2, 1956, election shall receive an annual salary of Six Hundred Sixty Dollars (\$660.00) for his services as Councilman. Each member of the Council elected to office at the April 2, 1956, election or elected or appointed to that office between April 10, 1956, and April 7, 1958, shall receive an annual salary of Six Hundred Sixty Dollars (\$660.00) for any period prior to and including April 14, 1958, and then an annual salary of Twelve Hundred Dollars (\$1,200.00) commencing on April 15, 1958. Each member of the Council elected to office on April 7, 1958 or elected or appointed to that office at any date thereafter shall receive an annual salary of Twelve Hundred Dollars (\$1,200.00). Salaries as authorized herein shall be payable monthly.¹⁶

Section 6. ***President and Vice President.*** At the first regular meeting of the Council following each regular City election, the Council shall designate the member

receiving the highest number of votes in the regular City election to serve as President and the member receiving the second highest number of votes in the same election to serve as Vice President, which members shall hold office until the next regular City election and until their successors have been duly designated.¹⁷ The President shall perform the duties of the Mayor when on account of absence from the City, disability, or otherwise, the Mayor is temporarily unable to perform the duties of the office, and in case of vacancy in the office of Mayor, until such vacancy is filled by election. Whenever the President shall act as Mayor Pro Tem in excess of thirty (30) days, he/she shall receive such additional compensation as may be allowed by the Council. The Mayor shall not receive any compensation for any continuous period of absence or disability on his/her part in excess of ninety (90) days. The President shall preside over the meetings of the Council and shall be entitled to vote. In the event of a vacancy occurring in the office of President, the Council shall elect one of its members to fill such vacancy.

Section 7. **Regular Meetings.** The Council shall provide by resolution for the time and place of its regular meetings and shall hold at least two (2) regular meetings each month. If any time set for the holding of a regular meeting of the Council shall be on a holiday, then such regular meeting shall be held at the same time and place on the next secular day which is not a holiday.

Section 8. **Special Meetings.** Special meetings shall be called by the City Clerk on the written request of the Mayor or any three (3) Councilmen on at least six (6) hours written notice to each Councilman served personally or left at his usual place of residence; but any special meeting shall be a legal meeting for all purposes without such notice if all Councilmen are present thereat or have waived notice thereof in writing.

Section 9. **Quorum.** A majority of the Councilmen shall be a quorum for the transaction of business. The Council may, by a majority vote of those present, compel the attendance of its members and other officers of the City at its meetings and enforce orderly conduct therein. No Councilman shall vote on any question in which he has any financial interest other than the common public interest; but on all other questions every Councilman present shall vote. On all votes which are not unanimous, the yea or

may vote of each member shall be recorded by roll call, but where the vote is unanimous, it shall only be necessary to so state.

Section 10. **Rules.** The Council shall determine its own rules,¹⁸ and shall keep a journal of its proceedings in the English language which shall be signed by the City Clerk. All regular and special meetings of the Council shall be open to the public. A summary of the Council proceedings at each meeting shall be prepared by the City Clerk and published in the official newspaper.

Section 11. **Public Health and Safety.** Through the established departments and agencies of the City government, together with any such departments or agencies as may be created under authority of this Charter, the Council shall provide for the public peace and health and for the safety of persons and property.

Section 12. **Licenses and Permits.** The Council shall by ordinance prescribe the terms and conditions upon which licenses and permits may be granted, suspended, or revoked, and may require and exact payment of such reasonable sums for any licenses and permits as it may deem proper.

Section 13. **Contracts and Purchases.** The Council shall be responsible for the control of the letting and making of contracts and shall provide by ordinance the necessary procedures governing purchasing and the making of contracts. Such ordinance shall specify an amount below which and the purposes for which purchases may be made by the City administration, either without specific authorization or without the necessity of formal competitive bidding, or both.¹⁹ The Council in its discretion shall have the right to reject any and all bids.

Section 14. **Streets and Alleys.** The Council shall have power to establish and vacate, to use, and to control and regulate the use of its streets, alleys, bridges, and public places, whether such public places be located within or without the limits of the City, and the space above and beneath them: Provided, That no street or alley shall be closed until after the publication of the intent to do so and a reasonable opportunity has been given for the public to be heard thereon. Such power shall include, but not be limited to, the proper policing and supervision thereof and the licensing and regulation, or the prohibition of the placing of signs, awnings, awning posts, and other things which

are of such nature as to impede or make dangerous the use of sidewalks or streets, upon or over the sidewalks or streets of the City, and the licensing and regulation of the construction and use of openings in the sidewalks or streets, and of all vaults, structures, and excavations under the same.

Section 15. ***Property Rights.*** The Council shall have the power to acquire for the City by purchase, gift, condemnation, lease, construction, or otherwise, either within or without its corporate limits, and either within or without the County of Wayne, property of every type and nature which may be required for or incidental to the present or future exercise of the purpose, powers, and duties of the City government established by this Charter. The Council shall have the power to provide for the maintenance, development, operation, leasing and disposal of property of the City subject to any restrictions placed thereupon by Law.

Section 16. ***Parks and Recreational Facilities.*** The Council shall have power to enact all ordinances deemed necessary for the establishment, maintenance, and protection of all parks and recreational facilities, together with the improvements thereon and appurtenances thereto, owned or hereafter acquired by the City either within or without its corporate limits.

Section 17. ***Cemetery Regulations.*** The Council shall have power to enact all ordinances deemed necessary for the establishment, maintenance, and protection of cemeteries, together with the improvements thereon and appurtenances thereto, owned or hereafter acquired by the City either within or without its corporate limits. All ordinances pertaining to public health and welfare in the regulation and protection of public cemeteries shall apply equally to all cemeteries within the City belonging to, or under the control of, any church or religious society, or any corporation, company, or association. The City may cause any bodies buried within the City, in violation of any rule or ordinance made in respect to such burials, to be taken up and reburied in such a manner as shall conform to the ordinances of the City, or to be buried elsewhere. In any cemetery established by the City, a plan for the platting, sale, and perpetual care of all lots, plots, and lands therein shall be provided.

Section 18. ***Trusts.*** The Council may, in its discretion, receive and hold any property in trust for parks, cemetery or other municipal purposes and shall apply the

same to the execution of such trusts and for no other purposes whatsoever. All trusts established for cemetery, park, or other municipal purposes shall be used and continued in accordance with the terms of such trusts, subject to the common law cypres doctrine.

Section 19. **House Trailers.** The Council may, by ordinance, provide for the prohibition or regulation of the use, occupancy, sanitation, and parking of house trailers within the City. The right of the Council to so regulate any house trailer shall not be abrogated because of any detachment thereof from its wheels or because of placing it on, or attaching it to, the ground by means of any temporary or permanent foundation, or in any manner whatsoever.

Section 20. **Planning and Zoning.** The Council shall create and maintain a City Planning Commission in accordance with and having the powers and duties granted by the provisions of State Law relating to such commissions. The Council shall also create and maintain a zoning ordinance in accordance with the provisions of State Law relating to such ordinances. Insofar as may be, the provisions of such ordinance shall be coordinated with the work of the City Planning Commission herein required to be maintained by the Council.

Section 21. **Investigations.** The Council, or any person or committee authorized by it for the purpose, shall have power to inquire into the conduct of any department, office, or officer of the City and to make investigations as to municipal affairs, and for that purpose may subpoena witnesses, administer oaths, and compel the production of books, papers, and other evidence. Failure on the part of any officer of the City to obey such subpoena or to produce books, papers, or other evidence as ordered under the provisions of this section shall constitute misconduct in office. If such failure shall be on the part of any employee of the City, the same shall constitute a misdemeanor.

Section 22. **Council Action.** The Council shall act only by ordinance or resolution. The word "resolution" as used in this Charter shall be official action in the form of a motion and such action shall be limited to matters required or permitted to be done by resolution by this Charter or by State Law and to matters pertaining to the

internal affairs or concerns of the City government. All other acts of Council, and all acts carrying a penalty for the violation thereof, shall be by ordinance.

Section 23. **Ordinance Enactment.** Except as herein otherwise provided in this Chapter, the Council shall have power to adopt, continue, amend, and repeal in whole or in part any existing ordinance. All legislation of the City of Livonia shall be by ordinance. Each ordinance shall be identified by a number and a short title. Each proposed ordinance shall be introduced in written or printed form. The style of all ordinances passed by the Council shall be, "The City of Livonia Ordains:" Except in the case of ordinances which are declared to be emergency ordinances no ordinance shall be finally passed by the Council at the same meeting at which it is introduced. No ordinance shall be revised, altered, or amended by reference to its title only, but the section or sections of the ordinance revised, altered, or amended shall be re-enacted, and published at length and all ordinances, when enacted, shall be immediately recorded by the Clerk in a book to be called "The Record of Ordinances," and it shall be the duty of the Mayor and Clerk to authenticate such record by their official signature thereon. All ordinances shall be published within ten (10) days after the regular meeting of the Council next following the meeting at which said ordinance was adopted, provided such ordinance shall have been passed by the Council over any veto which may have been exercised by the Mayor. The publication of an ordinance in full as a part of the published proceedings of the Council shall constitute the publication of such ordinance as required herein.

Section 24. **Veto.**²⁰ The Mayor shall have the power to veto, except as otherwise in this Charter provided, which veto, with his reasons therefor in writing, must be made and filed with the City Clerk prior to the time of the next regular meeting of the Council, at which said meeting the Clerk shall present such veto or vetoes to the Council; provided, however, that if the next regular meeting of the Council following the meeting or adjournment thereof, at which an ordinance or resolution was enacted occurs within seven (7) days of the adjournment, the Mayor shall continue to have the right to veto such ordinance or resolution until the next succeeding regular meeting of the Council. The Council may, only at said meeting, or at any adjournment thereof, reconsider the vote by which such proceedings were passed and adopted; and if it so elects, may, only at said meeting or at any adjournment thereof, readopt such

proceedings by an affirmative vote of five (5) of the members elect, in which event the Mayor shall have no further right to veto, and in which event, all such proceedings, except ordinances, shall take effect on the day succeeding said meeting of the Council; and ordinances so passed shall become effective when published according to law; provided, however, that if the next regular meeting of the Council following the receipt of a veto occurs within seven (7) days of the same, the Council shall continue to have the right to re-adopt such proceedings in the manner herein prescribed at the next succeeding regular meeting of the Council. All resolutions and proceedings, not vetoed by the Mayor in the manner and within the time hereinabove specified, shall become effective on the date succeeding the date of the next regular meeting of the Council; and ordinances not so vetoed by the Mayor shall become effective when published and recorded according to law.

Section 25. **Penalties.** The Council shall provide in each ordinance for the punishment of those who violate its provisions. No punishment for the violation of any City ordinance shall exceed a fine of Five Hundred Dollars (\$500.00) or imprisonment for ninety (90) days, or both, in the discretion of the Court. Said imprisonment may be in the County Jail or City Prison, or any workhouse in the State authorized by Law to receive prisoners from such City.

Section 26. **Technical Codes.** The Council may adopt any provision of State Law or any detailed technical regulations as a City ordinance or code by citation of such provision of State Law or by reference to any recognized standard code, official or unofficial, provided that any such provision of State Law or recognized official or unofficial standard code shall be clearly identified in the ordinance adopting the same as an ordinance of the City. Where any recognized official or unofficial standard code is so adopted, it may be published by providing to the public in the office of the Clerk not less than fifty (50) copies in book or booklet form available for public distribution at a reasonable charge, and any amendment to or revision of such adopted code or detailed technical ordinance may be published in the same manner.

Section 27. **Ordinance Record.** All ordinances and the dates of introduction and enactment and the vote thereon, shall be recorded by the City Clerk in said book called "The Record of Ordinances." Except as otherwise provided by this Charter, all

ordinances when enacted shall be forthwith published by the City Clerk, and he shall enter his certificate as to the manner and date of publication under each ordinance in the ordinance book. All ordinances may be printed and distributed at a cost to be determined by the Council.

Section 28. **Compilation and Revision.** The Council shall, by resolution, order a general revision and compilation of ordinances within two (2) years from the date this Charter is adopted by the electors and at least every ten (10) years thereafter. Such revision and compilation, when completed, shall be adopted by appropriate ordinance which shall also designate when such revised and compiled ordinance shall become effective. Such revised and compiled ordinances need not be recorded in "The Record of Ordinances" or the Council proceedings. The printing and binding of not less than one hundred (100) copies in book form, available for public distribution, at a price to be determined by Council, shall be deemed sufficient publication.

Section 29. **Initiative and Referendum.**²¹

- (a) **Petitions.** An ordinance may be initiated by petition, or a referendum on an ordinance enacted by the Council may be had by a petition filed prior to thirty (30) days subsequent to enactment of the ordinance; as hereinafter provided. An initiatory or a referendary petition shall be signed by registered electors equal in number to twenty-five percent (25%) of those who voted at the last general City election prior to the filing of the petition, and before being circulated for signatures shall be approved as to form by the City Attorney. The petition shall be filed with the City Clerk who shall determine within fifteen (15) days the sufficiency thereof and so certify. If found insufficient, fifteen (15) days shall be allowed for the filing of supplemental petitions. When found sufficient, the City Clerk shall present the petition to the Council at its next regular meeting.
- (b) **Council Procedure.** Upon receiving an initiatory or a referendary petition from the City Clerk the Council, within thirty (30) days, shall either, (a) if it be an initiatory petition, adopt the ordinance; (b) if it be a referendary petition, repeal the ordinance; or (c) determine to submit the proposal to

the electors.

(c) **Submission to Electors.** Should the Council decide to submit the proposal to the electors, it shall be submitted at the next election held in the City for any other purpose or in the discretion of the Council at a special election. The result shall be determined by the majority vote of the electors voting thereon except in cases where otherwise required by Law.

(d) **General Provision.** The certification by the City Clerk of the sufficiency of a referendary petition shall automatically suspend the ordinance in question pending repeal by the Council or final determination by the electors as the case may be. An ordinance adopted by the electorate may not be amended or repealed by the Council for a period of two (2) years, and then only by the affirmative vote of five (5) Councilmen. Should two (2) or more ordinances adopted at the same election have conflicting provisions, the one receiving the highest vote shall prevail as to those provisions.

Section 30. **Power of Council Over Salaries and Compensation.** The Council shall have no power to change the salary or compensation of any elected officer of the City, except the Justice of the Peace. The salary or compensation of all other officers, including the Justice of the Peace,²² may be fixed, reduced or increased by the Council at any time, except that no salary or emoluments of any public official shall be changed after his election or appointment or during his term of office.

Section 31. **Additional Powers; Parking Facilities; Gas Stations; Regulation of Trades; Billboards.** The Council shall also have the power to provide by ordinance (a) for the acquiring, establishment, operation, extension and maintenance of facilities for the storage and parking of vehicles within the corporate limits of the City, including the fixing and collection of charges for services and use thereof on a public utility basis, and for such purpose to acquire by gift, purchase, condemnation or otherwise the land necessary therefor; (b) for regulating, restricting and limiting the number and locations of oil and gasoline stations in the City; (c) for the regulation of trades, occupations and amusements within the boundaries of the City, not inconsistent with State and Federal Laws, and for the prohibition of such trades, occupations and amusements as are detrimental to the health, morals or welfare of the inhabitants of the City; and (d) for licensing, regulating, restricting and limiting the number and locations of billboards

within the City.

CHAPTER V EXECUTIVE DIVISION

Section 1. ***Administrative Officers; Employees.*** The administrative officers of the City shall be the Mayor, City Clerk, City Treasurer, and not less than two (2) nor more than four (4) Constables,²³ and all directors and heads of the several departments, and all members of the several commissions and boards of the City government. All other persons in the service or employ of the City shall be deemed employees.

Section 2. ***Election; Appointment; Terms.***²⁴ The Mayor, City Treasurer and City Clerk shall be elected by election from the City at large. Said elective officers shall be elected at each regular City election. The term of office of the Mayor shall be four (4) years, and term of office of the City Clerk and City Treasurer shall be for two (2) years, except that commencing with the election of 2003, and from then thereafter, the term of office of the City Clerk and City Treasurer shall be for four (4) years, commencing on the first Monday following the City election at which they are elected and ending when their respective successors have been duly elected and qualified.²⁵ The Mayor shall be prohibited from seeking reelection after having served two (2) consecutive terms in that particular office.²⁶ Effective January 1, 1996, the City Treasurer and City Clerk shall be prohibited from seeking reelection if they have served, or after having served, eight (8) consecutive years in that particular office.²⁷ All other appointive officers and members of boards and commissions, unless otherwise provided in this Charter, shall be appointed by the Mayor. Each appointive officer or member of any board or commission, unless otherwise provided in this Charter, shall hold office at the pleasure of the official or body appointing him.^b

Section 3. ***Qualifications.*** No person shall be eligible for any administrative office of the City, elective or appointive, unless he is a duly qualified and registered elector in the City and has continuously resided in the City for at least two (2) years immediately prior to his appointment or the election at which he is a candidate; provided, however, that said requirement of two (2) years continuous residence shall not exist or have any effect as to the first City election held under this Charter.²⁸

Section 4. **Compensation.**²⁹ The compensation of the Mayor for each term of office shall be that sum per annum which is equal to the amount established in the Compensation Plan for the highest paid employee in the classified service at a time sixty-five (65) days preceding each primary election.³⁰ The compensation of the City Treasurer shall be Six Thousand, Six Hundred Dollars (\$6,600.00) per annum, and that of the City Clerk shall be Seven Thousand, Two Hundred Dollars (\$7,200.00) per annum. Except as otherwise provided by law or this Charter, the salary and compensation of every other administrative officer shall be fixed by the Council. Such salaries shall be payable monthly, and, except as otherwise provided in this Charter, shall constitute the only salary or remuneration which may be paid for services.

Section 5. **Powers and Duties of Mayor.** The Mayor shall be the chief executive officer of the City. He shall be a conservator of the peace and may exercise, within the City, the powers conferred upon sheriffs to suppress disorder and shall have authority to command the assistance of all able-bodied citizens to aid in the protection and preservation of property, the enforcement of the ordinances and regulations of the Council, and the authority of the City government. The powers and duties of the Mayor shall include the following functions:

- (a) He shall see that all laws and ordinances are enforced;
- (b) Except as in this Charter, otherwise provided, he shall have power of appointment and removal over all directors, commissions, and boards which are in charge of the departments of the City government;
- (c) He shall see that all terms and conditions imposed in favor of the City or its inhabitants in any public utility franchise, or in any contract, are faithfully kept and performed;
- (d) He shall authenticate by his signature such instruments as the Council, this Charter, or the Laws of the State shall require;
- (e) He may attend all meetings of the Council, with the right to take part in discussions, but without the right to vote;
- (f) He shall prepare and administer the annual budget and keep the Council fully advised at all times as to the financial condition and needs of the City;

- (g) On or before the first day of January in each year, he shall prepare and submit to the Council, as of the end of the fiscal year, a complete report on the finances and administrative activities of the City during the prior fiscal year;
- (h) He shall recommend to the Council for adoption such measures as he may deem necessary or expedient;
- (i) He shall be responsible for the efficient administration of all departments of the City government;
- (j) He shall approve the rules and regulations of the several directors, commissions, or boards in charge of the departments of the City government, except those of the Department of Civil Service, before such rules and regulations shall become effective;
- (k) He shall exercise and perform all administrative functions of the City that are not imposed by Law, this Charter, or any City ordinance or resolution, not inconsistent with the provisions of this Charter, upon some other official of the City.
- (l) He shall have such other powers and perform such other duties as may be prescribed by Law, this Charter, or as may be required of him by ordinance or the direction of the Council.

Section 6. **Mayor Pro Tem.** In case of the absence or disability of the Mayor, the President of the Council shall perform the duties of the Mayor during the period of such absence or disability: Provided, however, that he shall not have the power of veto; and shall not have the power to remove the director of any department during any period in which he shall act in the capacity of Mayor until he has so acted for a period of thirty (30) consecutive days during such period, and no appointment made by him shall be permanent until such appointee shall have served for a period of sixty (60) days following his appointment.

Section 6.1. **Mayor-Vacancy.** Whenever a vacancy occurs in the office of Mayor, the President of the Council shall serve as Mayor until such time as a new Mayor is elected; provided, that should the next ensuing election following the vacancy be a regular City election for the office of Mayor, the President of the Council shall serve the remainder of the unexpired term and the vacancy thus created on the Council

shall be filled as provided elsewhere in this Charter. Whenever such vacancy in the office of Mayor shall occur not less than sixty (60) days prior to either the next regularly scheduled State primary election or City primary election for City offices other than Mayor, the President of the Council shall serve until the vacancy is filled by election and the Council shall order a special election to be held concurrently with either the next regular State election or the City election. The person elected at said special election shall hold the office of Mayor for the remainder of the unexpired term. A special primary election for the nomination of candidates for such vacancy shall be held concurrently with the regular City primary election prior to such election. The election and the primary election shall be in such a manner as is provided by this Charter and State Law. When as a result of a vacancy in the office of Mayor, the Council President assumes the office of Mayor, he shall be vested with all of the powers and duties of Mayor, including the right of veto, and shall be entitled to be compensated at the same rate as provided for the Mayor.³¹

Section 7. *Powers and Duties of Clerk.*

- (a) The Clerk shall be clerk of the Council and shall attend all meetings of the Council and keep a permanent journal of its proceedings in the English language;
- (b) He shall keep a record of all ordinances, resolutions, and actions of the Council;
- (c) He shall have power to administer all oaths required by State Law, this Charter, and the ordinances of the City;
- (d) He shall be custodian of the City seal, and shall affix it to all documents and instruments requiring the seal, and shall attest the name;
- (e) He shall be custodian of all papers, documents, and records pertaining to the City of Livonia, the custody of which is not otherwise provided for by this Charter;
- (f) He shall give the proper officials of the City ample notice of the expiration or termination of any official bonds, franchises, contracts, or agreements;
- (g) He shall examine and audit all accounts and claims against the City;

- (h) He shall issue and sign all licenses granted after the license fee has been paid to the City Treasurer, and shall register the same;
- (i) He shall possess and exercise the powers of a township clerk so far as the same are required to be performed within the City;
- (j) He shall certify by his signature all ordinances and resolutions enacted or passed by the Council;
- (k) He shall perform such other duties as are required of him by State or Federal Law, this Charter, the Council or the ordinances of the City.³²

Section 7.1 **City Clerk-Vacancy.** Whenever a vacancy occurs in the office of City Clerk, the Council within thirty (30) days after the vacancy occurs shall appoint, by an affirmative vote of four (4) of its members, a qualified person who meets the requirements of Chapter V, Section 3 of this Charter as of the date of appointment, to serve until a successor is duly elected and qualified. In the event the Council fails to fill a vacancy in the manner herein before provided within such thirty (30) day period, the Mayor shall make such appointment forthwith.³³

Section 8. **Powers and Duties of Treasurer.**

- (a) The Treasurer shall have the custody of all moneys of the City, the Clerk's bond, and all evidences of value belonging to the City, or held in trust by the City;
- (b) He shall receive all moneys belonging to and receivable by the City, that may be collected by any officials or employees of the City, including license fees, taxes, assessments, utility charges, and all other charges belonging to and payable to the City, and shall in all cases give a receipt therefor;
- (c) He 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 Clerk;
- (d) He shall have such powers, duties, and prerogatives in regard to the collection and custody of state, county, and school district, and city taxes and moneys as are conferred by law to enforce the collection of state, county, township, and school district taxes upon real and personal property;

- (e) He shall perform such other duties as may be prescribed for him by State or Federal Law, this Charter, or by the Mayor.

Section 8.1. **Treasurer-Vacancy.** Whenever a vacancy occurs in the office of Treasurer, the Council within thirty (30) days after the vacancy occurs shall appoint by an affirmative vote of four (4) of its members, a qualified person who meets the requirements of Chapter V, Section 3 of this Charter as of the date of appointment, to serve until a successor is duly elected and qualified.

In the event the Council fails to fill a vacancy in the manner hereinbefore provided within such thirty (30) day period, the Mayor shall make such appointment forthwith.³⁴

Section 9. **Deputies of Clerk and Treasurer.** The Clerk and Treasurer may appoint their own deputies, subject to the written confirmation of the City Council. Such deputies shall, in each case, possess all the powers and authorities of their superior officers, except as the same may be from time to time limited by their superiors or by the City Council.

Section 10. **Administrative Departments.** The following administrative departments are hereby established:

1. Department of Public Safety
2. Department of Public Works
3. Department of Assessment
4. Department of Law
5. Department of Parks and Recreation
6. Department of Civil Service
7. Department of Finance³⁵

The Council may create or abolish a Department of Health, and such other departments, boards, commissions or agencies as it may deem necessary in conformity with Law and the provisions of this Charter. The Mayor, with the approval of the Council, may combine any administrative offices in any manner not inconsistent with State Law, and may thereafter separate any offices thus combined, except that the Department of Civil Service shall not be combined with any other department, office or board.

Section 11. ***Department of Public Safety.*** The Department of Public Safety shall consist of two divisions, to be known as the Police Department and Fire Department, which may be combined under the general management and control of a Director of Public Safety. The executive head of the Police Department shall be the Chief of Police and that of the Fire Department shall be the Chief of the Fire Department, each of whom shall be appointed by the Director of Public Safety, if there be one, otherwise by the Mayor. The Director of Public Safety or the Mayor, subject to Civil Service Rules and Regulations, shall have power to either remove or to demote the Chief of Police and the Chief of the Fire Department for cause. The Chief of the Fire Department and the Chief of Police shall be the appointing authorities for their respective divisions and shall have all the powers conferred by Law upon chiefs of fire departments and chiefs of police in cities, respectively, and shall perform such duties as are required by them by Law, this Charter, the ordinances of the City, and the rules and regulations of the Director of Public Safety, provided that the total number of full-paid uniformed members of the Fire Fighting Division of the Fire Department, who, while on duty, are engaged in either firefighting or emergency medical services activity, or both, shall be not less than .8 members for every 1,000 residents of the City.³⁶ Until such time as he may appoint a Director of Public Safety, or in lieu of appointing such a Director, the Mayor shall act as the Director of Public Safety.

Section 12. ***Department of Public Works.*** The Department of Public Works shall be under the general management and control of a Director of Public Works, who, with the consent of the Mayor, shall establish such divisions within his department as shall be reasonably required to efficiently and adequately carry on the functions of the department. Each division head shall be under the direction of and directly responsible to the Director of Public Works. The functions of the Department of Public Works shall include the planning, construction, repair and maintenance of public roads, streets, alleys, sewers, drains, sidewalks, lighting and buildings, and the doing of all things necessary or incidental thereto. A division of Water Supply may be created and operated, but only in conformance with Law and without any impairment or detriment to any and all obligations and liabilities of the Township of Livonia and the Water Department of said Township, either under existing revenue bonds or otherwise.

Section 13. **Department of Assessment.** The Department of Assessment shall be managed and operated by the City Assessor, who shall have the following powers and duties:

- (a) The Assessor shall possess all the powers vested in and shall be charged with all the duties imposed upon assessing officers by State Law;
- (b) He shall make and prepare all regular and special assessment rolls in the manner prescribed by this Charter, the ordinances of the City, or by State Law;
- (c) He shall perform such other duties as may be prescribed for him by State Law, this Charter, the ordinances of the City, or by the City Council.

Section 14. **Department of Law.** The Department of Law shall be under the control and supervision of a director to be known as the City Attorney, who shall have been engaged in the practice of law in the State of Michigan for a period of at least five (5) years and who shall have the following powers and duties:

- (a) The City Attorney shall act as legal adviser to, and attorney and counsel for, the Council in matters relating to its official duties, and shall give legal opinions concerning the affairs of the City only to the Council and to the Mayor, which opinions shall be in writing and a copy thereof shall be filed with the City Clerk;
- (b) He shall conduct for the City all cases in all courts and before all legally constituted tribunals whenever the City is a party thereto;
- (c) He shall prepare, or officially pass upon, all contracts, bonds, and other instruments in writing, in which the City is concerned, and shall certify before execution as to their legality and correctness of form;
- (d) He shall file in the office of the Clerk the original copy of all franchises granted by the City, of all contracts and agreements entered into, by or on behalf of the City, and of all papers constituting a part of the proceedings in all courts or legally constituted tribunals to which the City is a party, together with the proper data and information concerning the same;

- (e) He shall be charged with the responsibility of calling to the attention of the Council and the Mayor all matters of Law and changes or developments therein affecting the City;
- (f) He shall perform such other duties as may be prescribed by this Charter or by the Council, or the Mayor;
- (g) He shall act as legal advisor to, and attorney and counsel for, each and every one of the several departments, commissions, boards, administrative offices and agencies of the City. He shall give written opinions to any department, commission, board or official of the City when requested by the Mayor or Council so to do;
- (h) Upon recommendation of the City Attorney, approved by the Mayor, or upon its own motion the Council may retain special legal counsel to handle any matter to which the City is a party or in which the City has an interest, or to assist and co-counsel with the City Attorney, for such limited time and purpose as the Mayor shall specify.

Section 15. ***Department of Parks and Recreation.*** The Department of Parks and Recreation shall be managed and controlled by a Commission to be known as the Parks and Recreation Commission and consisting of five (5) members, who shall be chosen from the qualified electors of the City to hold office at the pleasure of the Mayor. The Parks and Recreation Commission shall administer and operate all City parks, playgrounds, athletic fields, and recreational facilities and equipment.

Section 16. ***Department of Civil Service.***³⁷ In order to guarantee to all citizens a fair and equal opportunity for public service, to establish conditions of service which will attract officers and employees of character and capacity and to increase the efficiency of the City government through improved principles of public personnel administration, there is hereby created a Department of Civil Service, which shall be under the control and management of a commission to be known as the Civil Service Commission. The organization, powers, duties and functions of the Civil Service Commission and the Civil Service System shall be as follows:

- (a) **Organization.** The Civil Service Commission shall consist of three (3) members appointed by the Mayor for terms of office of six (6) years,

commencing on the third Monday in April, except that the first members appointed under this Charter shall serve for the following terms: one (1) member shall be appointed for a term expiring on the third Monday in April, 1952; one (1) member for a term expiring on the third Monday in April, 1954; and one (1) member for a term expiring on the third Monday in April, 1956; and thereafter each member shall be appointed for a regular six (6) year term. The members of the Commission shall be persons in sympathy with the application of merit principles to public employment. No member of the Commission shall hold any other elective or appointive office of the City, nor be employed by the City in any capacity, nor be a member of any local, State or national committee of a political party, nor be an officer or member of a committee of any partisan political club or organization, nor be a candidate for any elective office. The system of Civil Service shall become effective upon the adoption of this Charter. The first appointments of members of the Commission shall be made not later than thirty (30) days thereafter. The members of the Commission shall receive for their services such compensation as shall be determined by the Council. Vacancies shall be filled for the unexpired terms. Two (2) members of the Commission shall constitute a quorum for the conducting of the business of the Commission. The Mayor may remove any member of the Commission, but only after serving such member with a statement in writing of the reasons for such removal and allowing such member to be publicly heard in his defense. The Commissioner whose term of office shall next expire shall serve as Chairman of the Commission.

- (b) **Powers and Duties of Commission.** In order to carry out and make effective the purpose and intent of the provisions of this Charter in establishing a Civil Service System, the Civil Service Commission shall (1) establish and administer a position-classification plan, an examination program, a schedule of compensation, rules and regulations governing the terms and conditions of employment and service, a retirement plan, an insurance and disability plan, and a medical program;³⁷ (2) establish and administer rules and regulations governing

residence requirements, probation periods, service records, seniority, hours of service, work week, vacations, leaves, time off, promotions, demotions, suspensions, removals, reinstatements, resignations, lay-offs, and age limits; provided, however, that hereafter the work week of the uniformed members of the Fire Fighting Division of the Fire Department shall include a leave of absence for each member of one day of 24 hours off-duty in every 48 hours and an additional 24 consecutive hours off-duty in each six day period (said additional consecutive hours to be joined with proximate regular leave days so as to afford a leave period of 72 consecutive hours);³⁸ (3) make such rules and regulations, not inconsistent with this Charter, as it deems necessary and advisable for the administration of the Civil Service program; (4) investigate and enforce the provisions of this section of the Charter and, through its authorized representatives or its own members, administer oaths and subpoena and compel attendance of witnesses and the production of records in connection with any matter properly before it; (5) make annual reports of its activities to the Mayor and Council and such special reports as may be requested by the Mayor or Council; and may (6) contract for such technical personnel services and advice as may be reasonably necessary to the performance of the foregoing duties. Anything to the contrary notwithstanding, the membership of the Board of Trustees of the City's Retirement System shall be constituted and established in accordance with the provisions of a retirement ordinance adopted for this purpose.³⁹

- (c) **Approval of Payrolls.** All payrolls or vouchers for personal services shall be approved by the commission or its authorized representatives, as to names, classifications and rates, before payment shall be made.
- (d) **The Unclassified and Classified Service.** The Civil Service of the City shall be divided into unclassified and classified service. The unclassified service shall specifically include officers elected by popular vote, persons appointed to fill vacancies in such elective offices, directors and heads of all City departments, and all members of boards and commissions required by Law or this Charter to be appointed; except

that the unclassified service shall not include the Chief of Police and the Chief of the Fire Department. The classified service shall comprise all other positions in the City not specifically included by this Charter in the unclassified service, including, but not limited to, all positions now or hereafter established in all of the departments, divisions, administrative offices of the City, and also including the court of the City. Any board, commission or department constituted by Law a body corporate shall be included in the classified service unless specifically excluded by the provisions of this Charter.

- (e) **Approval by Council of Commission's Actions.** The actions of the Civil Service Commission in establishing a Classification of Positions Plan, a Compensation Plan, and Insurance and Disability Plan, or Retirement Plan shall be approved by the Council before any of such plans may become effective. The Council may withhold its approval of any insurance, disability or retirement plans until it decides that circumstances justify such approval. When any plan has been once approved, amendments thereto shall not become effective until jointly approved by both the Civil Service Commission and the Council.
- (f) **Veterans' Preference.** The Commission shall establish fair and equitable rules, not inconsistent with Law, for the granting of preference points to war veterans on examination for entrance into the Service.
- (g) **Certification of Eligibles.** Whenever any certification is made by the Commission from eligible tests to fill a vacancy in the Service, the names of the three (3) persons standing highest on the list shall be certified, except in case of promotion from within the Service, in which event only the name standing highest on the eligible list shall be certified; and the appointing authority shall forthwith appoint one of the persons so certified to fill such vacancy.
- (h) **Status of Employee Upon Adoption of Charter.**⁴⁰ All persons in the employ of the City or the Township of Livonia in the classified service at the time this Charter shall become effective shall be deemed to have regular status and shall hold their positions without examination. All persons entering the classified service after the adoption of this Charter

shall obtain their positions through examinations. All persons in the classified service who are promoted hereafter shall obtain their new positions through examination; except that in the case of the employees of the Fire Department, such promotions shall be made in accordance to the Block System, a system whereby all employees are placed in groups of ten in a certain classification, depending upon seniority and length of service, and all promotions to a higher classification are first given to the employees in the next lower classification.

- (i) **Filling of Vacancies by Promotion.** Wherever possible vacancies shall be filled by promotion. An appointing authority may, for the good of the Service, elect to fill a vacancy by appointing a person from the open-competitive eligible list rather than from a promotional eligible list.
- (j) **Removal Procedures and Appeals.** Any employee or officer in the classified Civil Service may be removed, suspended, or demoted by the appointing authority for cause, as shall be established by the Civil Service Commission, by an order in writing stating specifically the reasons therefor. A copy of such order shall be filed with the Commission. Such employee may within ten (10) days after presentation of such order to him appeal from such order to the Civil Service Commission. The Commission shall within two (2) weeks from the filing of such appeal commence the hearing thereon, and shall thereupon fully hear and determine the matter, and either affirm, modify or revoke such order. The appellant shall be entitled to appear personally, produce evidence, have counsel, and a public hearing. The findings and decision of the Commission shall be certified to the official from whose order the appeal is taken and shall forthwith be enforced and followed by him.
- (k) **Soliciting for Political Purposes.** No officer or employee in the classified Civil Service shall directly or indirectly make, solicit, or receive any assessment, subscription, or contribution for any political party or any political purpose whatsoever. Any employee violating the provisions of this section may be removed from office by action of the Civil Service Commission.⁴¹

- (l) **Discrimination Prohibited.** No person in the classified Civil Service or seeking admission thereto shall be appointed, removed, promoted, demoted or in any way favored or discriminated against because of his political, racial, or religious opinions or affiliations, except for membership in any organization which advocates the overthrow of, or disloyalty to the Government of the United States or any subdivision thereof. For the protection of vital governmental services, the Council may authorize the Commission to administer loyalty oaths to all employees of the City and to remove from the classified Civil Service any employee who is found to be disloyal to the Government of the United States or any subdivision thereof, or who shall refuse to take such oath.

Section 17. ***Department of Finance.***⁴²

- (a) **Management and Control.** The Department of Finance shall be under the general management and control of a Director of Finance, who, with the consent of the Mayor, shall establish such divisions within his department as shall be necessary to carry on the functions of the department efficiently and adequately. The Director of Finance shall be a certified public accountant, and the appointing authority for his department. Each division head shall be under the direction of and directly responsible to the Director of Finance. The functions of the Department of Finance shall include:
- (1) Supervision over the administration of the financial affairs of the City;
 - (2) The keeping of accounts and financial records of the City and all departments and agencies of the City government;
 - (3) Supervision and responsibility for the purchase, custody and distribution of all the supplies, materials, equipment and other articles used by any office, department or agency of the City government;
 - (4) The preparation of the annual budget(s) for the Mayor.

The Director of Finance shall have the authority to do all things that are necessary and incidental to carrying out the functions of the Department of Finance.

(b) **Director.** The Director of Finance shall be responsible for and shall be required to:

(1) Submit to the Mayor and the Council a monthly statement of all receipts and disbursements in sufficient detail to show the exact financial condition of the City;

(2) Prepare for the Mayor and the Council within sixty (60) days after the close of each fiscal year a complete financial statement and report;

(3) Provide for the examination and approval of all contracts, orders and other documents by which the City government incurs financial obligation, having previously ascertained that monies have been appropriated and allotted and will be available when the obligation shall become due and payable;

(4) Keep a system of accounts which shall conform to such uniform system as may be required by law;

(5) He shall perform such other duties as may be prescribed of him by State Law, this Charter, the ordinances of the City, the Mayor or by the Council.

CHAPTER VI

JUDICIAL DIVISION⁴³

Section 1. **Present Law.** No suit, cause or prosecution of any kind commenced prior to the time this Charter is adopted or pending before any Justice of the Peace of the Township of Livonia at that time, shall be in any manner affected by the adoption or taking effect of this Charter; and as to such suits, causes or prosecutions, all of the provisions of the present Law, whether general or special, applying to Justices of the Peace and Justice Courts of the Township of Livonia and to appeals therefrom, shall remain in full force and effect and shall be followed with respect thereto.

Section 2. **Reference to Statute.** Sections 28, 29, 30, 31 and 33 of Act 279 of the Public Acts of 1909, as amended, are made a part of this Charter just as if said sections were word for word repeated herein and with like effect.

Section 3. **Justice of the Peace.** The City shall have one Justice of the Peace, who shall hold office for a term of four (4) years from the fourth of July next following the City election at which he was elected, except that the Justice of the Peace elected at the first City election under this Charter shall hold office from the first Monday following said first City election until his successor is elected at the regular City election in 1954 and takes office as provided herein; and a Justice of the Peace shall be elected every four (4) years thereafter. The Justice of the Peace, in addition to any security required by State Law, shall before taking office, give a corporate surety bond to the City in the sum of One Thousand Dollars (\$1,000.00), to be approved by the Council and to be conditioned on the faithful performance of his duties and for payment to the City of all moneys required to be paid by him into the City treasury.

Section 4. **Powers and Jurisdiction of Justice of the Peace.** The Justice of the Peace of the City of Livonia shall have the same powers, duties, and jurisdiction as justices of the peace in townships under the General Laws of the State and shall be subject to such General Laws, except as it is otherwise provided in this Charter. The Justice of the Peace shall have the exclusive jurisdiction to hear, try, and determine all charges for offenses and misdemeanors alleged to have been committed within the City and which, by the General Laws of the State, are within the jurisdiction of justices

of the peace. He shall have the exclusive jurisdiction to hear and examine all charges for crime alleged to have been committed within the City, and which, by the General Laws of the State are examinable by and before justices of the peace and hold to bail or commit for trial in the Circuit Court for Wayne County. He shall also have concurrent jurisdiction with other justices of the peace of the County of Wayne, as to all crimes, offenses and misdemeanors when alleged to have been committed without said City but within the County of Wayne.

The Justice of the Peace shall also have:

- (a) Concurrent jurisdiction to the amount of Five Hundred Dollars (\$500.00) in all civil matters ex contractu and ex delicto, with such exceptions and restrictions as are or may be provided by State Law;
- (b) The same power and authority as the Circuit Courts of the State possess to set aside, upon legal cause shown therefor, the verdict or judgment in any civil cause, and grant a new trial therein, whenever a motion in writing is made and filed with the Justice within five (5) days after the rendition of the verdict or judgment in said case, which motion shall briefly and plainly set forth the reasons and grounds upon which it is made and shall be supported by an affidavit or affidavits setting forth the facts relied upon and filed at the time of filing of said motion, and a notice of the hearing of such motion with a copy of the motion and affidavits filed as aforesaid, shall be served upon the adverse party or his attorney at least two (2) days before the hearing thereof; such motion shall be determined within two (2) days after the same shall have been heard and submitted and such motion shall be submitted and heard within one (1) week after the same shall have been filed; the time for taking an appeal from judgment in case motion be not granted shall begin to run from the time when such motion shall be overruled; in no case shall the pendency of such motion stay the issuing and levy of an execution in such case, but in case of levy under execution pending such motion, no sale of the property so levied on shall be advertised or made until the final determination of such motion;
- (c) Such additional powers and authorities as may be conferred upon city Justices of the Peace by State Law, it being the intent of this section that

the Justice of the Peace in the City of Livonia shall have and exercise all powers and authority which such Justices in cities may now or hereafter be permitted to exercise under State Law, under this Charter, or the ordinances of the City.

Section 5. ***Jurisdiction in Charter and Ordinance Cases.*** The Justice of the Peace shall have jurisdiction to hear, try, and determine all complaints for the violation of any of the ordinances of the City of Livonia, and all persons convicted by or before such Justice, of the violation of any of the ordinances of said City, may by the Justice before whom such conviction is had be fined or imprisoned, or both, in the discretion of such Justice, according to the terms of the ordinances under which such trial and conviction was had, and if a fine be imposed it shall be with the costs of prosecution, if the ordinance so provides, and an appeal may be taken to the Circuit Court for the County of Wayne by the person convicted, as in criminal cases. All imprisonments imposed under this section may be in the County Jail for the County of Wayne.

Section 6. ***Remuneration of Justice of the Peace.*** The Justice of the Peace shall assess costs as provided by this Charter, and by State Law in all cases where such costs are not specified in this Charter but shall not receive any of such costs for his own use. In lieu thereof, he shall be paid an annual salary which shall be paid to him in monthly installments. Such salary shall be set by the Council not later than thirty (30) days before the final date and time for filing nominating petitions for the office of Justice of the Peace prior to each regular election at which a Justice of the Peace is to be elected for a full term. This section shall, in no way, affect the fees to which the Justice of the Peace may be entitled on performance of marriage ceremonies, and taking acknowledgments, or administering oaths in matters which are not connected with any litigation before him. Notwithstanding the foregoing provisions of this section, the salary of said Justice of the Peace for the term commencing on the first Monday after the first City election under this Charter and ending when his successor is elected and qualified following the City election in 1954, shall be Two Thousand Four Hundred Dollars (\$2,400.00) per year, exclusive of his fees for performing marriage ceremonies or taking acknowledgments or administering oaths.

Section 7. ***Fees and Costs.*** All the provisions of the General Laws of the State

in relation to the fees and costs chargeable in the several proceedings in the Justice Court in townships shall apply to the Justice Court of this City. In any instance where the State Law does not expressly provide for the charging or assessing of fees and costs, and permit the City to provide for the same, the Council may establish such fees and costs by ordinance and provide for the charging or assessing thereof. All such fees and costs shall be collected for the use and benefit of the City of Livonia.

Section 8. **Court Sessions.** The Justice of the Peace shall hold sessions of Court on such days and during such hours as may be provided for by the Council by ordinance.

Section 9. **Absence or Disability of Justice of the Peace.** In event of the absence, inability, or disability of the Justice of the Peace to act in any case pending before him, such cause may be transferred upon his order (or in his absence, by the Clerk of the Court or the City Clerk) to any qualified Justice of the Peace or Municipal Judge in or of the County of Wayne, who is hereby authorized to perform the duties of said Justice of the Peace in the case. The Council may provide by ordinance compensation for any Justice of the Peace or Judge, other than the regular Justice of the Peace for the City, who is called upon to perform the duties of said regular Justice of the Peace.

Section 10. **Fines and Penalties.** All fines, penalties and forfeitures collected or received by the Justice of the Peace, or any Justice of the Peace or Municipal Judge acting in his stead, for or on account of violations of the penal laws of the State, and all fines, penalties, forfeitures and moneys collected or received by such Justice for or on account of violations of any of the ordinances of the City, and all fees shall be paid over by such Justice to the Treasurer of the City on or before the first Monday of the month next after the collection or receipt thereof, and he shall not be entitled to receive his monthly salary until his account for the preceding month has been fully settled, and all fees and costs shall have been paid over as aforesaid.

Section 11. **Reports.** The Justice of the Peace shall make an itemized monthly report to the Council of all the fees collected in all proceedings before his Court on or before the tenth day of each month during the term for which he shall perform the

duties of Justice of the Peace, which report shall set forth the name of every person against whom judgment shall have been rendered for such fine, penalty, or forfeiture, and of the moneys by him received for and on account thereof. Any Justice failing to make such report within sixty (60) days shall forfeit his office, and the Council shall appoint a Justice of the Peace to fill the vacancy until the next regular City election.

Section 12. ***Appointment of Clerk and Audit.*** The Council may appoint, on nomination of said Justice, a Clerk for the Justice Court. Said Clerk shall, by virtue of the office, be empowered to administer oaths to persons making affidavits for writs in civil causes, and to issue all processes and test the same in the name of Justice, and shall be required to collect all costs in civil causes, and all costs and fines in criminal causes, and all money paid into Court for security for costs, bail or otherwise, and to enter a record of the same in books to be kept for that purpose, and to pay over the same to the authorities of the City or County or other persons entitled to the same, and such books of said Clerk shall be audited at least once each year to ascertain that such books are correctly kept and that all moneys received have been properly accounted for. Said Clerk shall before entering upon the duties of said office, give such bond as may be required by the Council, at the expense of the City, and said Clerk shall perform such other duties as may be from time to time prescribed by the Council. The compensation of the Clerk shall be fixed by the Council.

Section 13. ***Court Operating Expense.*** The Council shall provide all things reasonably necessary to the efficient operation of the Justice Court, including court room, furniture, fuel, lights, telephone, stationery, supplies, equipment, postage and legal forms.

Section 14. ***Court Officer.*** The Police Chief may assign a police officer of the City of Livonia to the Justice Court, who shall have all the duties and powers of court officers in the Circuit Courts of the State and shall serve in such capacity during the pleasure of the Police Chief. Such officer shall receive no compensation except such as he may be entitled to as a police officer. All fees, except mileage allowance, received by such officer in the performance of the duties imposed upon him in accordance with the provisions of this Charter shall be paid into the City treasury.

Section 15. **Jury Trials.** Each period of three months throughout the year, beginning on the first day of February, May, August and November respectively, is hereby designated and established as a term for trial of jury cases and during each such term such cases may be set for trial upon one or more certain days of each month, or as soon thereafter as such trial can be reached. A panel of jurors shall be drawn from the citizens of the City having the qualifications of electors of the City for each panel, to serve at each term of such court. Such selection of jurors to serve in each case shall be made, as nearly as may be, in the same manner as provided by law in circuit courts, but the trial of such cause by jury shall be otherwise conducted as provided by Law for trials by jury before justices of the peace in townships, except that it shall be the duty of the justice of the peace to instruct the jury as to the Law applicable to the case, which instructions shall be received by the jury as the Law in the case. As soon as all jury cases set for any term, and ready for trial, shall have been disposed of, the panel of jurors called for said term shall be discharged; provided, however, that when there is no jury in attendance in the court, the Justice of the Peace, in order to avoid hardship from delay may, in his discretion, order a jury impaneled in accordance with the method provided by Law to secure a jury in trials before justices of the peace in townships. The Council may, in its discretion, pass an ordinance embodying the provisions of Act No. 288 of the Public Acts of 1929 governing the selection of jurors from among the qualified electors of the City and for the conduct of trials by jury, insofar as such act provides therefor. In the event that the Council shall pass such ordinance, the provisions thereof shall prevail over the provisions of this section insofar as they may be inconsistent therewith.

Section 16. **Rules of Court.** The Council shall have power and authority by ordinance to make all necessary and proper rules for the regulation and conduct of the Justice Court, which rules shall not be inconsistent with the provisions of this Charter and the General Laws of the State.

Section 17. **Vacancies.** If, for any cause, a vacancy shall occur in the office of the Justice of the Peace, the Council shall, except in case of recall, select a qualified and suitable person to serve in such office until the successor of the Justice of the Peace whose office has become vacant shall be elected at the next City election and shall have qualified and assumed his office. Any person elected to fill a vacancy in the

office of Justice of the Peace shall assume office on the fourth day of July following his election and shall hold office under such election only for the residue of the term in which such vacancy occurs.

Section 18. **Constables.** The Constables elected or appointed, as provided in this Charter, shall each have like powers and authorities in matters of civil and criminal nature and in relationship to the service of process, civil and criminal, as are conferred by Law on Constables in townships. Each Constable shall have power also to serve all processes issued for breaches of ordinances of the City. The only compensation of the Constable shall be the statutory fees of that office, and an accounting of such fees collected in this City shall be made to the City in the manner prescribed by State Law or in any rules which may be established for the regulation and conduct of the Justice Court by the Council. The bond of each Constable shall be a corporate surety bond in the amount required of Constables in townships, the cost of such bond to be paid by the City. The Council whenever it is permitted by this Charter to appoint a Constable, may appoint as such Constable a police officer. Whenever a police officer shall serve as Constable, the statutory fees which he shall receive in such capacity shall be paid into the City treasury.

CHAPTER VII GENERAL FINANCE

Section 1. **Fiscal Year.** The fiscal and budget year of the City shall begin on the first day of December.

Section 2. **Financial Control.** The Director of Finance shall maintain such accounting control over the finances of the City, make such financial reports and perform such other duties as may be required by State Law, this Charter, the ordinances of the City, the Mayor or by the Council.⁴⁴ The City Clerk shall audit and approve all liquidated claims against the City and the Treasurer shall pay the same on duly certified vouchers.

Section 3. **Budget Procedure.** At such time as may be requested by the Mayor or specified by ordinance, each officer or director of a department shall submit to the Mayor an itemized estimate of the expenditures for the next fiscal year for the departments or activities under his control. The Mayor shall prepare a complete budget for the next fiscal year in such detail and with such supporting schedules as the Council shall require. He shall submit the proposed budget to the Council on or before the fifteenth day of September.

Section 4. **Budget Hearing.** A public hearing on the budget shall be held before its final adoption by the Council, at such time and place as the Council shall direct and notice of such public hearing shall be published at least one (1) week in advance by the City Clerk.

Section 5. **Adoption of Budget; Tax Limit.** The Council shall, by resolution, determine and adopt the budget and make the appropriations for the next fiscal year and shall provide, by resolution, for a tax levy the amount necessary to be raised by taxation, which shall not exceed one-half ($\frac{1}{2}$) of one (1) per centum of the assessed value of all real and personal property subject to taxation in the City. On or before the first (1st) day of November the Clerk of the Council shall transmit the Budget to the Mayor for his approval or rejection. The Mayor may approve or veto any part or item thereof; provided that he may not veto sums herein required to provide sinking funds for the payment of bonds at maturity, or required to pay interest on all bonds. The

Mayor shall, on or before the fifteenth (15th) day of November, return the Budget to the Council with his approval, or he shall disapprove the whole or any item or items therein, with a statement of his reasons therefor. If the Budget be disapproved the Council shall proceed to reconsider the vote by which the Budget was passed; but if an item or items only are disapproved, the reconsideration shall be only as to such item or items. If after such reconsideration, the Council shall by the concurring vote of five (5) members thereof, pass the Budget, or such item or items, the same shall be of full force and effect, with no further power of veto.⁴⁵

Section 6. ***Transfer of Appropriations.*** After the budget has been adopted, no money shall be drawn from the treasury of the City, nor shall any obligation for the expenditure of money be incurred, except pursuant to a budget appropriation. Except as otherwise provided in this Charter, the Council may transfer any unencumbered appropriation balance or any portion thereof from one department, fund, or agency to another.

Section 7. ***Budget Control.*** At the beginning of each quarterly period during the fiscal year, and more often if required by the Council, the Director of Finance shall submit to the Council data showing the relation between the estimated and actual income and expenses to date; and if it shall appear that the income is less than anticipated, the Council or Mayor may reduce appropriations for any item or items, except amounts required for debt and interest charges, to such a degree as may be necessary to keep expenditures within the cash income. If the revenues exceed the amounts estimated in the budget, the Council may make supplemental appropriations.⁴⁶

Section 8. ***Municipal Borrowing Power.*** Subject to the applicable provisions of State Law and this Charter, the Council, by proper ordinance or resolution, may authorize the borrowing of money for any purpose within the scope of the powers vested in the City and the issuance of bonds of the City or other evidence of indebtedness therefor, and may pledge the full faith, credit, and resources of the City for the payment of the obligation created thereby. The City shall also have power to issue special assessment, mortgage, revenue, or other types of bonds, beyond the debt limits fixed by Law for the issuance of bonds or other evidences of indebtedness

which are a general obligation of the City, in the manner and for the purposes permitted by this Charter, the Constitution, and General Laws of the State of Michigan, including Act No. 279 Public Acts of 1909, under which the City is incorporated. All collections on special assessment rolls shall be set apart in a special fund for the payment of the principal and interest of any bonds issued in anticipation of the payment of such special assessments and shall be used for no other purpose until such principal and interest shall have been paid or an amount accumulated in said fund which shall be sufficient to pay such principal and interest as the same shall fall due.

Section 9. **Unissued Bonds.** No unissued bonds of the City shall be issued or sold to secure funds for any purpose other than that for which they were specifically authorized, and if any such bonds are not issued or sold within three (3) years after authorization, such authorization shall, as to such bonds, be null and void.

Section 10. **Issuance of Bonds.** Each bond or other evidence of indebtedness shall contain on its face a statement specifying the purpose for which the same is issued and it shall be unlawful for any officer of the City to use the proceeds thereof for any other purpose, provided that, whenever the proceeds of any bond issue or any part thereof shall remain unexpended and unencumbered for the purpose for which said bond issue was made, the Council may, by the affirmative vote of five (5) members, authorize the use of such unexpended and unencumbered funds for the retirement of said bond issue or if such bond issue shall have been fully retired, then for the retirement of other bonds of the City. All bonds and other evidences of indebtedness issued by the City shall be signed by the Mayor and countersigned by the Treasurer and City Clerk under the seal of the City. Interest coupons may be executed with the facsimile signatures of the Mayor and Treasurer. A complete and detailed record of all bonds and other evidences of indebtedness issued by the City shall be kept by the City Clerk. Upon the payment of any bond or other evidence of indebtedness the same shall be marked "canceled."

Section 11. **Depository.** The Council shall designate the depository or depositories for City funds and shall provide for the deposit of all City moneys. The Council may provide such security for City deposits as it may deem necessary, except that personal surety bonds shall not be deemed proper security.

Section 12. ***Independent Audit.*** 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 audit shall be made by a certified public accountant experienced in municipal accounting. An abstract of the result of such audit shall be made public. An annual report of the City's business shall be made available in such form as will disclose pertinent facts concerning the activities and finances of the City government.

Section 13. ***Official Bonds.*** Any City officer elected or appointed by authority of this Charter may be required to give a bond to be approved by the Council for the faithful performance of the duties of his office, but all officers receiving or disbursing City funds shall be so bonded. All official bonds, except those of the Constable,⁴⁷ which shall be the same as provided by State Law for such officials in townships, shall be corporate surety bonds, and the premiums thereon shall be paid by the City. Such bonds shall be filed with the City Clerk.

Section 14. ***Trust and Sinking Funds.*** Trust funds unless otherwise provided by the deed of trust, and sinking funds, shall be kept separate and apart from all other funds and shall be invested only in bonds of either City of Livonia, School District of City of Livonia, County of Wayne, any State of the Union lying east of the Mississippi River and north of the Ohio River or bonds or other full faith obligations of United States of America as the Council may direct.

CHAPTER VIII GENERAL TAXATION

Section 1. ***Power to Tax; Tax Limit.*** The City shall have the power to annually levy and collect taxes for municipal purposes, but such levy shall not exceed one-half (1/2) of one (1) per centum of the assessed value of all real and personal property subject to taxation in the City; provided, however, that in addition thereto the City shall have the power to annually levy and collect taxes each year, commencing on December 1, 1965, in an amount not to exceed one-tenth (1/10) of one (1) per centum of the assessed value of all real and personal property subject to taxation in the City for the sole and exclusive purpose of providing additional revenues for police protection and law enforcement personnel, equipment, supplies and facilities of the City;⁴⁸ provided further, that in addition thereto, the City shall have the power to annually levy and collect taxes each year commencing on December 1, 1978 in an amount not to exceed fifteen one-hundredths (15/100) of one (1) per centum of the assessed value of all real and personal property subject to taxation in the City for the sole and exclusive purpose of providing additional revenues for fire, police and snow removal personnel, equipment, supplies and facilities of the City;⁴⁹ provided further, that in addition thereto, the City shall have the power to annually levy and collect taxes each year commencing on December 1, 1984 in an amount not to exceed one-tenth (1/10) of one (1) per centum of the assessed value of all real and personal property subject to taxation in the City for the sole and exclusive purpose of providing additional revenues for library personnel, equipment, supplies and library facilities of the City;⁵⁰ provided further, that in addition thereto, the City shall have the power to annually levy and collect taxes each year commencing on December 1, 1990 in an amount not to exceed sixty-three one-thousandths (63/1000) on one (1) per centum of the assessed value of all real and personal property subject to taxation in the City for the sole purpose of defraying City expenses and liabilities for the collection and disposal activities required for curbside recycling and yard waste composting programs;⁵¹ provided further, that in addition thereto, the City shall have the power to annually levy and collect taxes each year commencing on December 1, 1999 in an amount not to exceed four-fiftieths (4/50) of one (1) per centum of the taxable value of all real and personal property subject to taxation in the City for the sole purpose of providing additional revenues for the

establishment of a community recreation center and for recreation personnel, equipment, supplies, operations and facilities in the City; ⁵² provided further, that in addition thereto, the City shall have the power to annually levy and collect taxes each year for a ten year period commencing on December 1, 2002 in an amount not to exceed eighty-nine one-thousandths (89/1000) of one (1) per centum of the taxable value of all real and personal property subject to taxation in the City for the sole purpose of providing additional revenues for repairing or replacing public roads, sidewalks and trees within the City; ⁵³ provided, further, that in addition thereto, the City shall have the power, only if the City first withdraws from the Wayne County Transportation Authority (which funds are currently used in part for the operation of the Suburban Mobility Authority for Regional Transportation [SMART]), to annually levy and collect taxes each year commencing on July 1, 2006, in an amount not to exceed five one-hundredths (5/100) of one (1) per centum of the taxable value of all real and personal property subject to taxation in the City for the sole purpose of providing additional revenues for the City's community transit program and capital improvements within the City; ⁵⁴ provided further, that in addition thereto, the City shall have the power to annually levy and collect taxes each year for a five year period, commencing on December 1, 2011 in an amount not to exceed one hundred seventy one-thousandths (170/1000) of one (1) per centum of the taxable value of all real and personal property subject to taxation in the City for the sole purpose of providing additional revenues for police and fire personnel and support costs in the City; ⁵⁵ provided further, that in addition thereto, the City shall have the power to annually levy and collect taxes each year for a five year period, commencing on December 1, 2011 in an amount not to exceed twenty-five one-thousandths (25/1000) of one (1) per centum of the taxable value of all real and personal property subject to taxation in the City for the sole purpose of providing additional revenues for staff, maintenance, and support costs for cultural and senior services in the City, including the Livonia Senior Center and Greenmead Historical Village;⁵⁶ provided, further, that in addition thereto, the City shall have the power to annually levy and collect taxes each year for a ten year period commencing on December 1, 2012, in an amount not to exceed eighty-nine one-thousandths (89/1000) of one (1) per centum of the taxable value of all real and personal property subject to taxation in the City for the sole purpose of providing additional revenues for repairing or replacing public roads, sidewalks and trees within

the City; ⁵⁷ provided further, that in addition thereto, the City shall have the power to annually levy and collect taxes each year for a ten year period commencing on December 1, 2016 in an amount not to exceed one hundred seventy one-thousandths (170/1000) of one (1) per centum of the taxable value of all real and personal property subject to taxation in the City for the sole purpose of providing additional revenues for police and fire personnel and support costs in the City; ⁵⁸ provided further, that in addition thereto, the City shall have the power to annually levy and collect taxes each year for a ten year period commencing on December 1, 2016 in an amount not to exceed twenty-five one-thousandths (25/1000) of one (1) per centum of the taxable value of all real and personal property subject to taxation in the City for the sole purpose of providing additional revenues for staff, maintenance, and support costs for cultural and senior services in the City, including the Livonia Senior Center and Greenmead Historical Village⁵⁹; provided, further, that in addition thereto, the City shall have the power to annually levy and collect taxes each year for a ten year period commencing on December 1, 2022, in an amount not to exceed eighty-nine one-thousandths (89/1000) of one (1) per centum of the taxable value of all real and personal property subject to taxation in the City for the sole purpose of providing additional revenues for repairing or replacing public roads, sidewalks and trees within the City.⁶⁰

Section 2. ***Subjects of Taxation.*** The subjects of taxation for municipal purposes shall be the same as for state, county and school purposes under the General Law. No exemption from taxation shall be allowed except as expressly required or permitted by statute.

Section 3. ***Tax Day.*** Subject to the exceptions provided by statute, the taxable status of persons and property shall be determined as of the first day of January, which shall be deemed the Tax Day.

Section 4. ***Preparation of the Assessment Roll.*** On or before the first Monday in March of each year the Assessor shall prepare and certify an assessment roll of all property in the City liable to taxation. Such roll shall be prepared in accordance with statute and this Charter. Values shall be estimated according to recognized methods of systematic assessment. The rolls shall show separate figures for the value of the

land and of the building improvements.

Section 5. **Board of Review.** The Board of Review shall consist of three (3) freeholders who are qualified and Registered electors of the City, who shall be appointed by the Mayor with the consent of the Council. All of such members of the Board shall be appointed for a term of three (3) years. The Assessor shall not be a member of the Board of Review; however, he shall act in an advisory capacity to the Board.⁶¹ The Board shall select its own Chairman and a majority of the members shall constitute a quorum.

Section 6. **Meetings of the Board of Review.** The Board of Review shall convene in its first session on the Tuesday following the first Monday in March of each year at such time and place as shall be designated by the Council and shall remain in session for at least two (2) days for the purpose of considering and correcting the assessment roll. It shall have the same powers and perform like duties in all respects as are by General Law conferred upon and required by boards of review in townships. The Board shall keep a record of its meetings including any changes made in any assessment on the assessment roll and shall file such record in the office of the City Clerk. The Board of Review shall convene in its second session on the third Monday in March of each year at such time 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; provided that said second session shall not be continued for more than three days.

Section 7. **Notice of Meetings.** Notice of the time and place of the session of the Board of Review shall be published by the Clerk at least two (2) weeks prior to the first Monday in March.

Section 8. **Endorsement of Roll.** After the Board of Review has completed its review of the assessment roll, and not later than the fourth Monday in March, a majority of the said Board shall endorse thereon and sign a statement to the effect that the same is the assessment roll of the City for the year in which it has been prepared. The omission of such endorsement shall not affect the validity of such roll.

Section 9. **Tax Roll.** The Assessor shall prepare a copy of the assessment roll as finally approved by the Board of Review, which copy shall be known as the "Tax Roll."

Section 10. **Certification of Tax Levy to Assessor.** Within three (3) days after the adoption by the Council of the budget for the next fiscal year, the Clerk shall certify to the Assessor the total amount which the Council determines shall be raised by general tax, which amount the Assessor shall proceed to assess on the tax roll according and in proportion to the values approved by the Board of Review, together with all special assessments as well as any other amounts which the Council may require, under authority of State Law, or this Charter, or determine to be assessed or reassessed against any property or person.

Section 11. **State, County and School Taxes.** The Assessor shall also spread upon the tax roll all state, county, school and other taxes apportioned or approved by the County board of Supervisors in accordance with the General Laws of the State. All such taxes shall be levied and collected and returned in conformity with the General Tax Law.

Section 12. **Tax Warrant.** After spreading the taxes the Assessor shall certify the tax roll, to the Mayor, who shall annex his warrant thereto directing and requiring the Treasurer to collect from the several persons named in said rolls the several sums mentioned therein opposite their respective names as a tax or assessment and granting to him, for the purpose of collecting the taxes, assessments and charges on such roll, all the statutory powers and immunities possessed by township treasurers for the collection of taxes. The tax roll with such warrant annexed shall be delivered to the Treasurer not later than November 30 each year.

Section 13. **Tax Levy.** On the first day of December the amount of City taxes assessed on any interest in real property shall become a lien upon such real property for such amount and for all interest and charges thereon, and all City personal taxes shall become a first lien on personal property of such persons so assessed. The liens shall take precedence over all other claims, encumbrances and liens to the extent

provided by statute.

Section 14. **Taxes: When Due.** City taxes shall be due and payable on the first day of December of each year. All taxes paid on or before the ninth day of January next following said first day of December, shall be collected without additional charge, but to all City taxes collected on and after the tenth day of January next, the Treasurer shall add a collection fee of four (4) percent. To all taxes paid on or after the first day of March next following said first day of December, there shall be added an additional one-half ($\frac{1}{2}$) of one (1) percent for each month or fraction thereof that said taxes remain unpaid after said first day of March. Such collection fees shall belong to the City and shall be a lien against the property to which the taxes themselves apply, collectible in the same manner as such taxes. The Treasurer shall publish, between November 15 and December 1, notice of the time when said taxes will be due and the penalties for late payment of same, but failure on the part of the Treasurer to give said notice shall not invalidate the taxes on said tax roll.

Section 15. **Return to County Treasurer.** All City taxes remaining uncollected by the Treasurer on the first day of March following the date when said tax roll was received by him, shall be returned to the County Treasurer in the manner and with like effect as provided by statute for returns by township treasurers of township, school and county taxes. Such returns shall include all the additional penalties, fees and charges 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.

Section 16. **Errors in Tax Roll.** The Council shall have power when it shall appear that any tax or special assessment, or part thereof, has been illegally assessed, to refund the same, or such illegal portion, if collected, or if not collected, to vacate the tax or assessment in whole or part.

Section 17. **Special Assessments.** The Council shall have the power to determine the necessity of any local or public improvement and to determine that the

whole or any part of the expense thereof shall be defrayed by special assessment upon the property especially benefited; provided, that in each case, such special assessments shall be based upon or in proportion to benefits derived or to be derived. The Council shall prescribe, by general ordinance, a complete special assessment procedure concerning the initiation of projects, plans and specifications, estimates of costs, notice of hearings, the making and confirming of the assessment rolls and the correction of errors therein, the collection of special assessments, and any other matters concerning the making of improvements by the special assessment method. When any special assessment roll shall prove insufficient to meet the costs of the improvements for which it was made, the Council may make an additional pro rata assessment, but the total amount assessed shall not exceed the value of benefits received by any lot or parcel of land. Should the assessment prove larger than necessary by five (5) percent or less, the Council may place the excess in the City treasury; if more than five (5) percent, the excess shall be refunded pro rata according to assessments. Special assessments and all interest and charges thereon shall be and remain a lien upon the property assessed of the same character and effect as the lien created by General Law for State and County taxes, until paid. Interest at a rate not to exceed six (6) percent per annum shall be collected on deferred installments.⁶² The same penalties shall be paid on delinquent installments as are provided by this Charter to be paid on delinquent general City taxes. Delinquent special assessments shall be returned to the County Treasurer and handled in the same manner as are delinquent general City taxes.

CHAPTER IX UTILITIES – FRANCHISES – PERMITS

Section 1. **Franchises.** All irrevocable public utility franchises and all renewals, extensions and amendments thereof shall be granted only by ordinance. No such ordinance shall be adopted before thirty (30) days after application therefor has been filed with the Council, nor until a full public hearing has been held thereon. No such ordinance shall become effective until it has been submitted to the electors and has been approved by three-fifths (3/5) of the electors voting thereon. No such ordinance shall be submitted to the electors at an election to be held less than sixty (60) days after the grantee named therein has filed its unconditional acceptance of such franchise, and it shall not be submitted to a special election unless the expense of holding the election as determined by the Council shall have been paid to the Treasurer by the grantee. No exclusive franchises shall ever be granted and no franchise shall be granted for a longer term than thirty (30) years. No such franchise shall be transferable, directly or indirectly, except with the approval of the Council expressed by ordinance.

Section 2. **Right of Regulation.** All public utility franchises, whether it be so provided in the ordinance or not, shall be subject to the right of the City: (a) to repeal the same for misuse or nonuse, or for failure to comply therewith; (b) to require proper and adequate extension of plant and service and the 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 make independent audit and examination of accounts at any time, and to require reports annually; (e) to require continuous and uninterrupted service to the public in accordance with the terms of the franchise throughout the entire period thereof; (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.

Section 3. **Regulation of Rates.** All public utility franchises shall make provision for fixing rates, fares and charges, and for readjustments thereof, either upon terms to be specifically set forth in the franchise or, at the election of the City, by appeal to the Michigan Public Service Commission or any other proper State agency. The value of the

property of the utility used as a basis for fixing such rates, fares and charges shall in no event include a value predicated upon the franchise, goodwill or prospective profits.

Section 4. **Purchase, Condemnation.** The City shall have the right to acquire by purchase, condemnation or otherwise the property of any public utility in accordance with the General Laws of the State, provided that the price to be paid shall in no event include any value predicated upon the franchise, goodwill or prospective profits.

Section 5. **Revocable Permits.** Temporary permits for public utilities, revocable at any time at the will of the Council, may be granted by the Council by resolution on such terms and conditions as it shall determine, provided that such permits shall in no event be construed to be franchises or amendments to franchises. Any such resolution shall be subject to the referendum provided for by this Charter.

Section 6. **Joint Use.** Every public utility may be required by the City to permit joint use of its property and appurtenances located in the streets, alleys and public places of the City by other public utilities insofar as such joint use may be reasonably practicable upon payment of reasonable rental therefor; provided that in the absence of agreement, 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, which award shall be final.

Section 7. **Use of Streets.** The right to use control and regulate use of its streets, alleys, bridges, and public places, and the space above and beneath them is hereby reserved to the City, and every public utility franchise shall be subject thereto. Every public utility shall pay such part of the cost of improvement or maintenance of streets, alleys, bridges and public places, as shall arise from its use thereof and shall protect and save the City harmless from all damages arising from said use.

Section 8. **Public Utilities.** The City shall possess and hereby reserves to itself all the powers granted to cities by the Constitution and General Laws of the State of Michigan to acquire, construct, own, operate, improve, enlarge, extend, repair, and maintain, either within or without its corporate limits, a hospital, public utilities, including, but not by the way of limitation, public utilities for supplying water, light, heat, power, gas, sewage treatment, and garbage disposal facilities, or any of them, to the City and its

inhabitants; and also to sell and deliver water, light, heat, power, gas, and other public utilities and services, without its corporate limits to an amount not to exceed the limitations set by the State Constitution. The Council shall have the power to fix, from time to time, such just and equitable rates as may be deemed advisable for supplying the inhabitants of the City and others with water, with electricity for light, heat, and power, and with such other utility services as the City may provide.

Section 9. **Utility Charges.** The Council shall, by ordinance, fix the rates to be charged for, and provide for the collection of, all public utility charges made by the City, and for such purpose, shall have all the power granted to cities by Act 178 of the Public Acts of 1939. When any person or persons, or any firm or corporation, shall fail or refuse to pay to the City any sums due on utility bills, the utility service or services upon which such delinquency exists may be shut off or discontinued and suit may be instituted by the City for the collection of the same in any court of competent jurisdiction.

CHAPTER X MISCELLANEOUS PROVISIONS

Section 1. **Supervisors.**⁶³ The Mayor shall constitute one of the Supervisors of the City to represent the City on the Board of Supervisors for the County of Wayne. Any additional representatives on said Board of Supervisors to which the City may be entitled shall be appointed by the Council at its first regular meeting following each regular City election and shall hold office for a term of two (2) years. The Supervisors of the City shall perform the duties required to be performed by Supervisors under the General Laws of the State, except as otherwise provided in this Charter. Each Supervisor shall, in the performance of his duties, to the best of his ability, represent the City, its inhabitants, and its government as a whole. All Supervisors of the City shall be entitled to retain any compensation and mileage paid to them by the County as members of the Board of Supervisors of the County of Wayne.

Section 2. **Oath of Office.** Every person elected or appointed to any City office, before entering upon the duties of his office, shall take and subscribe to an oath of office as provided by the State Constitution and by General Law, which shall be filed and kept in the office of the City Clerk.

Section 3. **Notice of Election or Appointment.** Written notice of election or appointment of any City officer shall be mailed to him at his address in the City by the City Clerk within forty-eight (48) hours after the appointment is made or the vote canvassed. If within ten (10) days from the date of the notice, such officer shall not take, subscribe to and file with the City Clerk an oath of office, such neglect shall be deemed a refusal to serve and the office shall thereupon be deemed vacant, unless the Council shall, within said period of ten (10) days, extend the time in which such officer may qualify.

Section 4. **Restrictions.** The City shall not make any contract with or give any official position to one who is in default to the City.

Section 5. **Vacancy Defined.** In addition to other provisions of this Charter, a vacancy shall be deemed to exist in any office when an officer dies, resigns, is removed from office, moves his legal residence from the City, is convicted of a felony or judicially declared to be mentally incompetent.

Section 6. ***Improper Contract or Use of City Property.*** No elective or appointive officer shall take any official action on any contract or other matter in which he has any financial interest other than the common public interest. No officer or employee shall devote any City property or labor to a private use. Any officer or employee violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction shall forfeit his office or position.

Section 7. ***Misdemeanors Under Charter.*** All offenses in this Charter declared to be misdemeanors and all violations of City ordinances shall be punishable by fine not exceeding Five Hundred Dollars (\$500.00) or imprisonment for a period not exceeding ninety (90) days, or both, in the discretion of the Court.

Section 8. ***Notice of Publication.*** Notices or proceedings requiring publication shall, unless otherwise provided by this Charter, be published once in the official newspaper. The Council shall annually designate the official newspaper. Where no paper is available, in lieu of publication in the official newspaper, the Council in any particular instance may order such notice or proceeding printed and posted in at least ten (10) public places in the City, including not less than one (1) place in each precinct.

Section 9. ***Damage Claims.*** The City shall not be liable for unliquidated damages for injuries to persons or property unless the person claiming such damages, or someone in his behalf, shall file a claim in writing with the City Clerk within sixty (60) days after such claim for damages shall have accrued. Such claim shall be verified by the claimant, or some person having knowledge of the facts, shall specify the time and place, the nature and extent of the injury sustained, the manner in which it occurred, the specific grounds upon which the claim of liability on the part of the City shall be asserted, the names and addresses of all known witnesses, the name of the attending physician, if any, and an itemized statement of the amounts claimed. Upon filing such claim, the City shall have a reasonable time in which to investigate the same and may require the claimant to produce all witnesses for examination under oath. Failure to file claim or produce witnesses in the manner required in this section shall forever bar any action or proceeding in any court for the collection of such claim. No action shall be maintained in any case unless the same be brought within one (1) year after such injury or damages shall have

been received. On trial of action on such claim no witness shall be competent to testify for claimant who was known and not named in the claim filed with the City or not produced upon demand.

Section 10. **Meaning of State and City.** Wherever used in this Charter, the word "State" shall mean "State of Michigan," and the word "City" shall mean the "City of Livonia."

Section 11. **Uniform Accounting.** The accounting system of the City shall conform to any uniform system of accounting that may be provided by State Law.

Section 12. **Public Records.** All records of the municipality shall be public.

Section 13. **Prior Township Ordinances and Regulations.** All ordinances, resolutions, rules, and regulations of the Township of Livonia which are not inconsistent with the provisions of this Charter, in force and effect at the time of the adoption of this Charter, shall continue in full force as ordinances, resolutions, rules, and regulations of the City until repealed or amended by action of the proper authorities.

Section 14. **Effect of Illegality of Any Part of Charter.** Should any provision or section, or portion thereof, of this Charter be held by a court of competent jurisdiction to be invalid, illegal, or unconstitutional, such holding shall not be construed as affecting the validity of this Charter as a whole or of any remaining portion of such provision or section; it being hereby declared to be the intent of the Charter Commission and of the electors who voted thereon that such unconstitutionality or illegality shall not affect the validity of any other part of this Charter except that specifically affected by such holding.

Section 15. **Tense.** Except as otherwise specifically provided or indicated by the context, all words used in this Charter indicating the present tense shall not be limited to the time of the adoption of this Charter but shall extend to and include the time of the happening of any event or requirement for which provision is made therein, either as a power, immunity, requirement, or prohibition.

Section 16. **Corporate Seal.** The City Council shall provide a corporate seal for the City of Livonia.

Section 17. **Headings.** The chapter and section headings used in this Charter are for convenience only and shall not be considered to be a part of this charter.

Section 18. **Office Quarters; Clerical Help and Supplies.** The Council shall provide such adequate quarters, supplies, equipment and clerical services as it may determine to be reasonably necessary to the efficient operation and administration of all City offices, services, departments, boards and commissions.

Section 19. **Amendments.** This Charter may be amended at any time in the manner provided in Act No. 278 of the Public Acts of 1909, as amended. Should two (2) or more amendments, adopted at the same election, have conflicting provisions, the one receiving the largest affirmative vote shall prevail as to those provisions.

CHAPTER XI SCHEDULE

Section 1. **Election on Charter.** This Charter shall be submitted to a vote of the registered electors of the City of Livonia for adoption or rejection at a special election to be held on Tuesday, May 23, 1950. At the same special election, the elective officers provided for in this Charter shall also be elected as hereinafter provided. The Charter shall be adopted if a majority of the ballots cast thereon are in favor of adoption.

Section 2. **Form of Ballot.** The form of the ballot for the submission of this Charter shall be as follows:

Instruction: A cross (X) in the square • before the word "Yes" is in favor of the proposed Charter, and a cross (X) in the square • before the word "No" is against the proposed Charter.

Shall the proposed Charter for the City of Livonia drafted by the Charter Commission elected on February 6, 1950, be adopted?

Yes

No

Section 3. **Precincts.** The election precincts most recently established in the Township of Livonia shall constitute the election precincts for the purposes of this special election. The polling places for each precinct shall be as follows.

LOCATION OF VOTING BOOTHS

Precinct No. 1- (Consisting of all that area of Township lying North of Six Mile Road and West of Middlebelt Road.) In the basement of the Methodist Church, on South side of Seven Mile Road, 3 blocks East of Farmington Road.

Precinct No. 2- (Consisting of Sections 27 and 34, and the West half of Sections 26 and 35, also known as that part of the Township lying South of the center of Schoolcraft Road and lying East of the center of Farmington Road, extending East to number 30400 on Joy Road, Plymouth Road and Schoolcraft Road.) In the fire hall on Merriman Road at Plymouth Road.

- Precinct No. 3- (Consisting of all that area of Township lying between Six Mile Road and Schoolcraft Road.) In the Livonia Township Office at 33110 Five Mile Road, 1 block East of Farmington Road.
- Precinct No. 4- (Consisting of all that area of Township lying South of Schoolcraft Road and West of Farmington Road.) In voting booth on Plymouth Road between Stark Road and Farmington Road.
- Precinct No. 5- (Consisting of all that area of Township lying North of Six Mile Road and East of Middlebelt Road.) In voting booth on Seven Mile Road near Angling Road, ¼ mile West of Inkster Road.
- Precinct No. 6- (Consisting of Sections 25 and 36 and the East ½ of Sections 26 and 35, also known as all that part of Livonia Township lying South of the center of Schoolcraft Road and lying East of number 30400 on Schoolcraft Road, Plymouth Road, and Joy Road.) In voting booth on South side of Plymouth Road, 3 blocks East of Middlebelt Road.

Section 4. ***Election Commission.*** The Election Commission shall consist of the following qualified electors of the City:

Donald Wilson
 Marie W. Clark
 Clyde Bentley

The Commission shall elect its own Chairman, and the Township Clerk for the Township of Livonia shall act as Secretary of the Commission and shall perform such duties in connection with the work of the Commission as are prescribed by the Commission and this Charter.

Section 5. ***Inspectors of Election.*** The Inspectors of Election for this election shall be the following qualified electors of the City:

- Precinct No. 1- Ernest Ash, Lucille Schmidt, Richard Bishop, Vivian McVicar,

- Mabel Ault, Nona Schaffer.
- Precinct No. 2- Ann Eggleston, Walter Clark, Olive Schroeder, Florence Wood, Theresa Arthurs, Grace Girardin.
- Precinct No. 3- Leona LeBar Clara Smith, Florence Zobel, William Garchow, William Shepherd, Edith Kaufman, James Hoy, Violet Dallas.
- Precinct No. 4- Margaret Clemens, Gertrude Johnson, Winifred Nixon, Florence Crawford, Ralph Altenberg, Mary Hamilton.
- Precinct No. 5- Elizabeth Russell, Pearl Teahan, Mille Rubenschmidt, Claudia Burns, Armilla Richmond, Muriel Barnes.
- Precinct No. 6- George Bentley, Eleanor Theisen, Ida DeWulf, Aledra Barnes, Robert E. Beaupied, Edith F. Allen.

Section 6. **Board of Canvassers.** The members of the Election Commission shall constitute the Board of Canvassers for this election. The Board of Canvassers shall meet in the City Hall, formerly known as the Township Hall, 33110 Five Mile Road, at 8:00 p.m. Wednesday, May 24, 1950, to canvass the results of such election.

Section 7. **Registration.** The persons designated to act as Inspectors of this election shall constitute a Board of Registration for the purpose of making the first registration of qualified voters in the City. The Township Clerk for the Township of Livonia shall act as Secretary to the Board of Registration and shall perform such duties in connection with the work of the Board as are prescribed by the Board, this Charter and State Law. Said Board shall be authorized to procure the necessary books or files and forms to conduct such registration. The last day for registration shall be the twentieth (20th) day preceding the election. The Board of Registration shall on such last day for registration procure from the Township Clerk for the Township of Livonia the records of said Clerk of the persons who are the registered Township electors and shall incorporate such records with their records and shall cause all such persons to be registered as City electors in the same manner as though such persons had then and there applied for registration and all such persons shall be deemed to be registered as City electors.

Subsequent to the election, the registration records shall be delivered to the City Clerk.

Section 8. **Notice of Registration.** The said Township Clerk shall give notice for the Board of Registration of the days, hours, and places that the registration will be conducted by publishing the same in "The Livonian" on April 21, 1950, and April 28, 1950, said first publication being not less than ten (10) days prior to the last day of receiving registration.

Section 9. **Notice of Election and Publication of Charter.** The Secretary of the Election Commission shall cause to be published in the Livonian on April 28, 1950, and May 5, 1950, a notice of the election on this Charter and the first City officers, the location of the polling places, that on the date fixed therefor the question of adopting such proposed Charter will be voted on and that the elective officers provided for in the Charter will be elected on the same date. He shall also post such notice in at least ten (10) public places within the City not less than ten (10) days prior to such election. This Charter shall be published in the Livonian on April 28, 1950, together with the said notice of election.

Section 10. **First Election of Officers.** At the time of the election to adopt or reject this Charter, the first elective officers of the City under this Charter, consisting of a Mayor, seven (7) Councilmen, a Treasurer, a Justice of the Peace and two (2) Constables, shall be chosen. The nomination and election of such first elective officers shall be conducted as nearly as may be in the manner prescribed for the election of officers in this Charter, except that the final date and hour of filing nomination petitions shall be May 2, 1950, at 5:00 p.m., Eastern Standard Time, and except that there shall be no two-year residence requirement as to eligibility of candidates. There also shall be no primary election for the first election of City officers.

Section 11. **Procedure Governing Election.** All of the provisions of this Chapter XI shall apply to the procedure for the first election of City officers. In all respects not otherwise provided for in this Chapter XI, the election procedure at such special election shall be in accordance with the provisions of the other chapters of this Charter.

Section 12. **First Meeting of First City Officers.** The officers first elected under this Charter shall all assemble at 8:00 p.m., on the first Monday following the date of their

election. The meeting shall be called to order by the Supervisor of the Township of Livonia. At this meeting each elective officer of the City shall take and subscribe to his oath of office and shall thereupon be qualified for the office to which he was elected and shall assume the duties of his office. At that time, the Township Board of the Township of Livonia and the offices of Supervisor and Township Treasurer shall terminate.

Section 13. ***Township Officers to Hold Over.*** All elective officers of the Township of Livonia, except the Supervisor, members of the Township Board and Treasurer, and all appointive officers in office at the time of the adoption of this Charter, shall continue in office as City officers under this Charter until their successors are appointed and qualified, or until the office is abolished as provided by this Charter, and shall perform the duties required of them by and in accordance with the provisions of this Charter.

Section 14. ***Status of Schedule Chapter.*** The purpose of this Schedule Chapter is to inaugurate the government of the City of Livonia under this Charter and it shall constitute a part of this Charter only to the extent and for the time required to accomplish that purpose.

Section 15. ***Duties of Charter Commission.*** In addition to the preparation of the foregoing provisions of this Charter, the Charter Commission shall do and provide all other things necessary for making nominations of the first City officers and holding the election on this Charter and for such officers.

RESOLUTION OF ADOPTION

At a regular meeting of the Charter Commission of the City of Livonia held on the thirteenth day of April, 1950, the following resolution was offered by Commissioner Daniel McKinney:

RESOLVED, that the Charter Commission of the City of Livonia does hereby adopt the foregoing proposed Charter for the City of Livonia, and the Secretary of this Commission is directed to transmit a copy of this Charter to the Governor of the State of Michigan for his approval in accordance with statute, and to cause this proposed Charter to be published in The Livonian on April 28, 1950.

The resolution was seconded by Commissioner Raymond E. Grimm and adopted by the following vote:

YES: Harry S. Wolfe, Carl J. Wagenschutz, Raymond E. Grimm, Daniel McKinney, Wilson W. Edgar, William W. Brashear, Leo O. Nye

NO: Rudolf R. Kleinert, Fred C. Weinert

ABSENT: None

The Chairman declared the foregoing resolution carried and requested the members of the Charter Commission to authenticate said resolution and also the copy of the Charter to be presented to the Governor. The members thereupon authenticated said resolution and the copy of the Charter to be presented to the Governor by subscribing their names as follows:

Harry S. Wolfe

Carl J. Wagenschutz

Raymond E. Grimm

Daniel McKinney

Wilson W. Edgar

William W. Brashear

Leo O. Nye

Rudolf R. Kleinert

Fred C. Weinert

The meeting then adjourned subject to the call of the Chairman.

STATE OF MICHIGAN)

ss)

COUNTY OF WAYNE)

Wilson W. Edgar, Secretary of the Charter Commission of the City of Livonia, being duly sworn, says that at an election duly called and held in the Township of Livonia on the 6th day of February, 1950, the following named persons were duly elected as the Charter Commission to frame a Charter for the City of Livonia, namely: Harry S. Wolfe, Carl J. Wagenschutz, Raymond E. Grimm, Daniel McKinney, Wilson W. Edgar, William W. Brashear, Leo O. Nye, Rudolf R. Kleinert, and Fred C. Weinert, and that the annexed and foregoing Charter was duly adopted by said Charter Commission by the foregoing resolution which is a true and correct copy thereof, and that the said Charter Commission directed that said Charter be presented to the electors of the City of Livonia in accordance with the requirements of this Charter and the Laws of the State of Michigan. Further deponent says not:

WILSON W. EDGAR
Secretary of the Charter Commission of the City of Livonia

Dated April 13, 1950

Subscribed and sworn to before me this 13th day of April, 1950.

GISELA H. BRASHEAR
Notary Public, Wayne County, Michigan
My Commission expires: Aug. 19, 1950

I do hereby approve the above and foregoing Charter of the City of Livonia.

APPROVED: G. MENNEN WILLIAMS
Governor of the State of Michigan

Dated April 21, 1950.

CHARTER ANNOTATION

Chapter III, Elections

Section 1

¹ Sections 1, 2, 3, 6, 8, 11, 12, 13 and 14 of Chapter III were amended after a ballot proposal was passed by the voters at a regular Spring election held on April 4, 1955 to provide for primary elections for elective officers of the City.

Section 2

² The General Election Laws of the State are found in Act No. 116 of the Public Acts of 1954, as amended (MCL 168.1 to 168.992).

Section 3

³ As previously indicated in footnote 1, this section was amended at the April 4, 1955 election. However, this section is no longer applicable. Pursuant to the Odd Year Elections bill, the City opted to come under the provisions of this state law and Chapter 2.84 ("Odd Year City Primary and Regular Elections Ordinance") of the Livonia Code of Ordinances was adopted.

⁴ This sub-section no longer applies. Pursuant to Chapter 2.84 (Odd Year City Primary and Regular Elections Ordinance) of the Livonia Code of Ordinances, the City primary is held on the Tuesday following the second Monday in September of each odd-numbered year.

⁵ The two (2) year residency requirement no longer applies. It has been determined that the imposition of a candidate residency requirement which exceeds one (1) year is excessive. See *Belanowski v. Riach*, 330 F Supp. 724 (ED MI, 1971) and *Joseph v. Birmingham*, 510 F Supp 1319 (ED MI, 1981).

⁶ Pursuant to Chapter 2.84 (Odd Year City Primary and Regular Elections Ordinance) of the Livonia Code of Ordinances, nomination petitions shall be filed by four p.m. on the seventh Tuesday prior to the odd-year city primary election.

⁷ The two (2) year residency requirement is no longer part of the nomination petition.

See footnote 5.

⁸ This date no longer applies. Instead, the affidavit must indicate whether or not he or she has changed his or her name in the past twelve (12) years.

⁹ The provisions herein pertaining to the office of Justice of the Peace and the office of Constable no longer apply. These provisions were superseded by State law (Public Act No. 154 of the Public Acts of 1968, as amended).

¹⁰ The Council no longer serves as the Board of Canvassers. This has been changed by state law.

¹¹ Local Boards of Canvassers have been eliminated by Public Act No. 51 of 2013.

Chapter IV, Legislative Division

Section 2

¹² This section was amended at the November 8, 1994 general election to add the 3rd sentence thereof providing for term limits for Council members. This amendment was proposed by means of an initiative petition circulated by the Livonians for Term Limitation Committee.

¹³ The term of office of Council members elected at the odd-year city regular election commences at twelve noon on January 1 following the election pursuant to Chapter 2.84 (Odd Year City Primary and Regular Elections Ordinance) of the Livonia Code of Ordinances.

Section 3

¹⁴ The two (2) year residency requirement no longer applies. See footnote 5.

Section 4

¹⁵ This section was amended at the November 5, 1991 general election to set forth a procedure for the filling of multiple vacancies on the City Council. This amendment was

proposed by means of an initiative petition circulated by the Citizens Allied for Representative Elections ("CARE").

Section 5

¹⁶ The language of this section was adopted after a ballot proposal was passed by the voters at an election held on April 2, 1956. This section formerly read: "Compensation. Each member of the Council shall receive an annual salary of Six Hundred Sixty Dollars (\$660.001, payable monthly, for his services as Councilman."

It should be noted that the provisions regarding compensation no longer apply and establishment of the compensation of Council members is governed instead by Chapter 2.48 (Local Officers Compensation Commission Ordinance) of the Livonia Code of Ordinances.

Section 6

¹⁷ This section was amended at the November 3, 1992 general election to change the method of designating the Council President and to set forth a method for selecting the Council Vice President. This amendment was proposed by means of an initiative petition circulated by the Livonia Electors Allied for Progress ("LEAP").

Section 10

¹⁸ The rules of the Council are set forth in Chapter 2.04 of the Livonia Code of Ordinances, as amended.

Section 13

¹⁹ Purchases for goods and/or services in amounts under \$15,000 do not require competitive bidding pursuant to Chapter 3.04 (Financial Ordinance) of the Livonia Code of Ordinances. In such instances, three (3) quotes must be obtained. Purchases under \$1,500 may be approved by the Director of Finance after receiving a proper requisition from a director or department head without first obtaining the approval of the City Council or obtaining three (3) quotes.

Section 24

²⁰ This section was amended at the September 29, 1969 special City election to add the provisions that the Mayor shall have seven (7) days to veto an ordinance or resolution enacted by the Council and that the Council shall have seven (7) days to take action with respect to any veto.

Section 29

²¹ This section, which addresses the procedure governing ordinance enactment by initiatory petition, does not apply to charter amendments proposed by initiatory petition. The latter situation would be governed by the procedure set forth in the Home Rule Cities Act (particularly MCL 1 17.34).

Section 30

²²The references to "Justice of the Peace" no longer apply. See footnote 9.

Chapter V, Executive Division

Section 1

²³ The references to "Constables" no longer apply. See footnote 9.

Section 2

²⁴ This section, as amended at the December 14, 1953, election, previously read: **Election; Appointment; Terms.** The Mayor, City Treasurer, City Clerk and two (2) Constables shall be selected by election from the City at large. Said elective officers shall be elected at each regular City election. The term of office of all of the elective administrative officers shall be for two (2) years commencing on the first Monday following the City election at which they are elected and ending when their respective successors have been duly elected and qualified, except that the first officers elected under this Charter shall hold their offices for a term commencing on the first Monday following the election to adopt or reject this Charter and ending when their respective successors have been duly elected and qualified at the regular City election held in 1952.

All other appointive officers and members of boards and commissions, unless otherwise provided in this Charter, shall be appointed by the Mayor. The Council may by ordinance provide for the appointment of not more than two (2) additional Constables. Each appointive officer or member of any board or commission, unless otherwise provided in this Charter, shall hold office at the pleasure of the official or body appointing him.

The references in the foregoing to "Constables" later became inapplicable. See footnote 9.

This section was subsequently amended at the April 11, 1978 special election to read as follows: The Mayor, City Treasurer and City Clerk shall be selected by election from the City at large. Said elective officers shall be elected at each regular City election. The term of office of the Mayor shall be for four (4) years, and the term of office of the City Clerk and City Treasurer shall be for two (2) years commencing on the first Monday following the City election) at which they are elected and ending when their respective successors have been duly elected and qualified. All other appointive officers and members of boards and commissions, unless otherwise provided in this Charter, shall be appointed by the Mayor. Each appointive officer or member of any board or commission, unless otherwise provided in this Charter, shall hold office at the pleasure of the official or body appointing him.

²⁵ The term of office of the Mayor, City Treasurer, and City Clerk commences from twelve noon on January 1 following the City election at which they were elected, pursuant to Chapter 2.84 (Odd Year City Primary and Regular Elections Ordinance) of the Livonia Code of Ordinances.

²⁶ This section was amended at the November 8, 1994 general election to add the 4th sentence thereof providing for term limits, for the office of Mayor. This amendment was proposed by means of an initiative petition circulated by the Livonians for Term Limitation Committee.

²⁷ This section was amended at the November 7, 1995 general election to add the fifth sentence thereof providing for term-limits for the office of Treasurer and the office of City

Clerk.

Section 3

²⁸ The two (2) year candidate residency requirement no longer applies. See footnote 5.

Section 4

²⁹ The provisions pertaining to compensation of the Mayor, City Clerk, and City Treasurer were superseded by Chapter 2.48 (Local Officers Compensation Commission Ordinance) of the Livonia Code of Ordinances.

³⁰ This section was amended at the September 29, 1969 special City election to change the provisions relative to compensation of the Mayor. This section previously provided that such compensation was \$8,400 per annum. A proposal to increase such compensation to \$15,500 per annum was defeated at the April 1, 1963 special election.

Section 6.1

³¹ This section was added at the November 3, 1987 regular City election to specify when the Council president shall serve as Mayor in the event of vacancy and when an election must be held to fill such vacancy. This section is essentially based upon language which contained in Section 7.9 of the proposed Charter prepared by the Charter Commission in 1967 and submitted on two occasions to the electorate prior to 1987.

Section 7

³² At a regular City election held on November 6, 1973, in connection with a ballot proposal to change the method of handling the City's finances by establishing a Department of Finance, the following language was eliminated from this section:

He shalt be the general accountant of the City and shall keep the books of account of the assets, receipts and expenditures of the City.

Section 7.1

³³ This section was added at the November 3, 1987 regular City election to set forth a procedure for filling a vacancy in the office of City Clerk.

Section 8.1

³⁴ This section was added at the November 3, 1987 regular City election to set forth a procedure for filling a vacancy in the office of Treasurer.

Section 10

³⁵ At a regular City election held on November 6, 1973, this section was amended to establish a Department of Finance.

Section 11

³⁶ This section was amended at the November 6, 1984 election to add minimum staffing levels for the firefighting division of the Fire Department. This amendment was proposed by means of an initiative petition circulated by the Livonia Firefighters Association and the Citizens' Committee to Maintain Public Safety.

Section 16

³⁷ This subsection was amended at the September 29, 1969 election.

³⁸ This sub-section was amended at the November 3, 1964 election relative to work hours of firefighters. This amendment was proposed by means of an initiative petition circulated by the Livonia Firefighters Association.

³⁹ This section was amended at the September 29, 1969 special City election to add the last sentence thereof authorizing the establishment of a Retirement Board of Trustees.

⁴⁰ This subsection was amended at the April 2, 1956 election.

⁴¹ To the extent that this subsection conflicts with state law, which permits municipal employees to join political parties [MCL 15.403(1)(a)] and engage in "other political activities on behalf of a candidate or issue" [MCL 15.403 (1)(d)], this subsection should be narrowly construed to prohibit such political activity only during working hours.

See. Phillips & City of Flint, 57 Mich. App. 394 (1975). Cf. AFL-CIO v. Civil Service Comm., 208 Mich. App. 479 (1995).

⁴² This section was added after the voters at a regular City election held on November 6, 1973 approved a ballot proposal to change the method of handling the City's finances by establishing a Department of Finance and to provide for its duties to be under the general management and control of a director to be appointed by the Mayor.

Chapter VI, Judicial Division

⁴³ This chapter was superseded by state law (Act No. 154 of the Public Acts of 1968).

Chapter VII. General Finance

Section 2

⁴⁴ At a regular City election held on November 6, 1973, this section was amended to substitute the "Director of Finance" for the previous reference to the "City Clerk" and also to add references to "state law" and the "Mayor" requiring certain duties to be performed by the Director of Finance.

Section 5

⁴⁵ This section was amended at the September 29, 1969 special City election to add sentences 2 through 5 which previously had not been a part of the Charter.

Section 7

⁴⁶ This section was amended at the November 6, 1973 regular City election to substitute "Director of Finance" in lieu of the previous reference to "City Clerk."

Section 13

⁴⁷ The reference to Constable no longer applies. See footnote 9.

Chapter VIII, General Taxation

Section 1

⁴⁸ This section was amended at the September 14, 1965 special City election to authorize the levy and collection of an additional 1 mill tax for police protection and law enforcement personnel, equipment, supplies and facilities.

⁴⁹ This section was amended at the August 8, 1978 special City election to authorize the City to levy 1 ½ mills for fire, police and snow removal personnel, equipment, supplies and facilities.

⁵⁰ This section was amended at the August 7, 1984 election to authorize the levy and collection of an additional 1 mill tax for library personnel, equipment, supplies and facilities.

⁵¹ This section was amended at the November 6, 1990 general election to authorize the levy and collection of an additional tax not exceeding 0.63 mills for curbside recycling and yard waste composting programs.

⁵² This section was amended at the September 14, 1999 primary election to authorize the levy and collection of an additional tax not exceeding 4/50 of one mill for a community recreation center.

⁵³ This section was amended at the August 6, 2002 primary election to authorize the levy and collection of an additional tax not exceeding .89 mills for repairing or replacing public roads, sidewalks and trees.

⁵⁴ This section was amended at the November 8, 2005 general election to authorize the levy and collection of an additional tax not exceeding .5 mills for the City's community transit program and capital improvements.

⁵⁵ This section was amended at the August 2, 2011 primary election to authorize the levy and collection of an additional tax not exceeding 1.7 mills for police and fire personnel.

⁵⁶ This section was amended at the August 2, 2011 primary election to authorize the levy and collection of an additional tax not exceeding .25 mill for cultural and senior services.

⁵⁷ This section was amended at the August 7, 2012 primary election to authorize the levy and collection of an additional tax not exceeding .89 mills for repairing or replacing public roads, sidewalks and trees.

⁵⁸ This section was amended at the August 2, 2016 primary election to authorize the levy and collection of an additional tax not exceeding 1.7 mills for police and fire personnel.

⁵⁹ This section was amended at the August 2, 2016 primary election to authorize the levy and collection of an additional tax not exceeding .25 mill for cultural and senior services.

⁶⁰ This section was amended at the August 2, 2022 primary election to authorize the levy and collection of an additional tax not exceeding .89 mills for repairing or replacing public roads, sidewalks and trees.

Section 5

⁶¹ This section was amended at the September 29, 1969 special City election to provide that the City Assessor would no longer be a member of the Board but would serve in an advisory capacity, to provide that the Board would consist of three freeholders (instead of two freeholders and the Assessor) and to increase the length of their terms from two (2) year terms to three (3) year terms.

Section 17

⁶² Pursuant to state law, the interest "cap" set forth herein does not apply to assessments in anticipation of which bonds are to be issued.

See Act No. 342 of the Public Acts of 1969, as amended (MCL 141.151 et. seq.).

Chapter X, Miscellaneous Provisions

Section 1

⁶³ This section is no longer applicable.

MISCELLANEOUS

^a At a special city election held on August 4, 1970, the voters turned down a ballot proposal which would have provided that the Election Commission would consist of the Clerk, the Mayor, and a member of the City Council or such other persons the Council may appoint (proposed Charter Amendment No. 15).

^b A ballot proposal to provide that the Director of Finance shall serve as City Treasurer was defeated by the voters in 1974. A similar proposal was defeated by the voters at the November 7, 1995 general election.

^c At a special city election held on August 4, 1970, the voters turned down a ballot proposal which would have provided that the annual compensation of the City Clerk would be equal to 2/3rds of that amount which is established for the office of the Mayor (proposed Charter Amendment No. 16).

Also at this same election, the voters turned down a ballot proposal which would have provided that the annual compensation of the City Treasurer would be equal to 1/2 of that amount which is established for the office of the Mayor (proposed Charter Amendment No. 17).