

CHARTER OF THE
VILLAGE
OF
SOUTH ROCKWOOD,
MICHIGAN

PROPOSED HOME RULE CHARTER

FOR THE

VILLAGE OF SOUTH ROCKWOOD

CITIZENS OF THE VILLAGE OF SOUTH ROCKWOOD: THIS IS YOUR COPY OF THE

PROPOSED HOME RULE VILLAGE CHARTER

READ IT- - - - - THEN VOTE

September 19, 1955, on the question of its adoption

This charter is presented to the citizens of South Rockwood for their approval. This charter represents the sincere and unanimous efforts of the five man charter commission. This charter provides for a modern, efficient and responsible form of village government and which may be operated and functioned in an economic manner.

Your charter commission highly recommends that you vote for the adoption of the charter by voting yes in the special village election on September 19, 1955.

A few of the highlights of this charter are herein summarized.

1. MUNICIPAL POWERS

- (a) Provision for approval of plats of land and premises.
- (b) Provision for zoning and prohibiting and regulating the use of house trailers within the village.
- (c) The control over all trees, shrubs and plants in the public streets, highway, parks or other public places in the village.

2. ELECTIONS

- (a) The election of village officers on a non-partisan basis.
- (b) A regular village election shall be held on odd numbered years, thereby eliminating annual elections.
- (c) Original nomination of candidates by petition.

3. ORGANIZATION OF GOVERNMENT

- (a) The elective officials shall be a President and six Councilmen and a Clerk. The President and Councilmen to be elected at regular village elections, and the Clerk to be elected by the Council.
- (b) The President to serve a two-year term, and the Councilmen to serve four-year terms, with the Clerk serving for an indefinite term.
- (c) The President shall receive as remuneration for his services to the village, the sum of one-hundred twenty-five dollars per year. Each Councilman shall receive as remuneration for his services to the village, the sum of one hundred dollars per year. The Clerk shall receive as compensation not less than three hundred dollars and not more than twenty-four hundred dollars annually, which said compensation shall be determined by the Council.
- (d) Appointive officers, such as Treasurer, Assessor, and Attorney shall be appointed by the President, with the consent of the Council, whose term shall be for an indefinite period and whose compensation shall be fixed by the Council.
- (e) The appointive offices and departments may be combined by the Council, thereby providing for coordination, economy and efficiency, and thereby eliminating duplication of work and extra expenses.

4. OFFICERS AND PERSONNEL

- (a) The requirement for appointive officers, excepting qualified members of a profession, to become residents of the village within six months after their appointment and so remain while serving.
- (b) The disqualification of relatives from holding appointive offices or employment during term which said related elective officer was elected, unless unanimously consented to by the Council.

5. COUNCIL MEETINGS

- (a) The Council shall hold regular council meetings at least twice each month.
- (b) Elective village offices will be declared vacant when the respective officer absents himself from the village for more than thirty consecutive days in any one year, or if such officer shall miss four consecutive regular meetings of the Council or twenty-five per cent of the meetings in any fiscal year, without the permission of the Council.

6. DEPARTMENTS

The administrative officers of the village shall be the Clerk, Treasurer, Assessor, Attorney and such additional administrative officers and may be created by ordinance or resolution.

7. LEGISLATION

- (a) The ordinance and regulations of the Township of Berlin where not contrary to the terms of this charter, shall remain in full force and effect until respective ordinances and regulations are enacted by the village.
- (b) Provisions for initiatory and referendary petitions whereby the public has a strong voice and safeguard both for the enactment or the repeal of ordinances.

8. FINANCES

- (a) Provision for a fiscal year beginning on the first day of July of each year, and ending on the thirtieth day of June of the following year.
- (b) Provision for budget hearing, adoption of budget and budget control.
- (c) An independent audit be made by an independent accountant experienced in municipal accounting.

9. TAXATION

- (a) Limiting the tax rate to two per cent of assessed valuation of all real and personal property subject to taxation in the village.
- (b) Notification to the taxpayer by the Assessor and the Board of Review of any proposed increase in his assessment.

10. SPECIAL ASSESSMENTS

- (a) The optional power to make local improvements benefiting only a particular area by special assessment against the property in that area.
- (b) A full and complete notice and hearing before levying any special assessment.
- (c) Provision for a greater number of affirmative votes of the Council where written objection to an improvement is filed by the owners of property who bear more than fifty per cent of the amount of such assessment.

Fellow Citizens of the Village of South Rockwood:

The charter commission has seriously considered the present and the anticipated municipal needs and requirements of the citizens of South Rockwood.

This commission publicly acknowledges the valuable legal and technical services rendered by Attorney-at-Law Raleigh R. Raubolt of Oldani and Raubolt, of Trenton, Michigan. His friendly counsel and advice have greatly assisted this commission toward the successful completion of this monumental task.

Will you please read this charter carefully and vote your approval - Vote YES at the special election to be held September 19, 1955.

A vote for the adoption of the charter is a step in the right direction for the supply of water within the village of South Rockwood.

CHARTER COMMISSION FOR THE
VILLAGE OF SOUTH ROCKWOOD

RESPECTFULLY SUBMITTED,

FRANCIS ANSON	DALLAS D. CHINAVARE
ROBERT DOTY	CHARLES HOWARD MALONE
NELAND GAYNIER	

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P R E A M B L E

We, the people of the Village of South Rockwood, County of Monroe, State of Michigan, by virtue of authority of the Constitution and of Public Act 278 of 1909, as amended of the State of Michigan, continually pray for the blessing of the Almighty God on our efforts to make this community one where Freedom, Peace, Justice, Truth and Mercy reign eternally for everyone, do hereby ordain and establish this home rule charter for the Village of South Rockwood, Michigan.

CHAPTER 1

NAME AND BOUNDARIES

Section 1. The name of this village is Village of South Rockwood. It is a body corporate and embraces and includes the following described territory in the Township of Berlin, County of Monroe, and State of Michigan, together with such territory as may from time to time be attached thereto and less such territory as may from time to time be detached therefrom, in accordance with law:

Commencing at a point on the East and West 1/4 line of the Northwest 1/4 of Fractional Section 8, Town 5 South, Range 10 East, at the intersection thereof with the center line of the Huron River, and proceeding thence Westerly on said line to the North and South 1/4 line of the Northwest 1/4 of Fractional Section 8, and proceeding thence southerly along the said line through Fractional Section 8 and Section 17 of Town 5 South, Range 10 East to the East and West 1/4 line of said Section 17, thence Easterly along said line to a point which is 400 feet Westerly of the center line of Brandon Road; thence Southerly along a line running parallel to Brandon Road to the point of intersection with the Westerly right of way line of the Detroit Toledo Expressway; thence Southwesterly along said right of way line to a point which is 400 feet due South of the center line of Ready Road; thence Easterly along a line running parallel to Ready Road through Sections 20, 21 and 22 of Town 5 South, Range 10 East, to the North and South 1/4 line of Section 22; thence Northerly along said line to a point in the center of Ready Road; thence Easterly along the North line of Section 22 to a point in the center line of the Huron River; thence Northwesterly along the center line of Huron River to the point of beginning.

CHAPTER 2

MUNICIPAL POWERS

GENERAL POWERS:

Section 2.1. Unless otherwise provided or limited in this charter, the village and its officers shall possess and be vested with any and all powers, privileges and immunities, expressed or implied, which villages and their officers are, or hereafter may be permitted to exercise or to provide for in their charters under statute and constitution, including all powers, privileges and immunities granted to villages and their officers by Public Act 3 of 1895, and including all powers, privileges and immunities which villages are, or may be, permitted to provide in their charters by Public Act 278 of 1909, as amended as fully and completely as though these powers, privileges and immunities were specifically enumerated and provided for in this charter, and in no case shall any enumeration of particular powers, privileges or immunities herein be held to be exclusive.

The village 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 herein expressly enumerated or not; to do any act to advance the interest of the village, the good government and prosperity of the municipality and its inhabitants; to make all laws which shall be necessary and proper for carrying into execution the foregoing powers and all other powers vested by the constitution in villages, except where forbidden, or where the subject is covered exclusively by a general law.

FURTHER DEFINITION OF POWERS:

Section 2.2. In addition to the powers possessed by the village under the constitution and statutes of the State of Michigan, and those set forth throughout this charter, the village shall have power with respect to and may, by ordinance and other lawful acts of its officers, provide for the following, subject to any specific limitation placed thereon by this charter.

- (1) The regulation of trade, occupations and amusements within its boundaries, including the sale of intoxicating liquors and the number of licenses to be issued therefor, and for suppressing saloons for the sale of spirituous and intoxicating liquors, and for the provision of such trades, occupations and amusements as are detrimental to the health, morale or welfare of its inhabitants;
- (2) The establishment and vacation of streets, alleys, public ways and other public places and the use, regulation, improvement and control of the surface of such streets, alleys, public ways and other public places and of the space above and beneath them.
- (3) The acquisition by purchase, gift, condemnation, lease, construction, or in any manner permitted by statute, or private property of every type and nature for public use which property may be located within or without the County of Monroe which may be required for or incidental to the present or future exercise of the purposes, powers and duties of the village, either proprietary or otherwise; for the maintenance development, operation, leasing and disposal of village property subject to any restrictions placed thereon by statute or this charter; provided, specifically, that if it shall become necessary to take and appropriate private property for the public uses or purposes specified in this section, the right to occupy and hold the same, and the ownership therein and thereto, may be acquired by the village in the manner, and with like effect as provided by the general laws of this state relating to the taking of private property for public use in cities and villages, including Chapter XIII of Public Act 3 of 1895.
- (4) The selling and delivering of water, heat, power and light without its corporate limits to an amount not to exceed that permitted by statute and the Constitution;
- (5) The use, by others than the owner, of property located in streets, alleys and public places, in the operation of a public utility, upon the payment of a reasonable compensation to the owners thereof;
- (6) A plan of streets and alleys within its limits;
- (7) The use, control and regulation of streams, water and water courses within its boundaries, but not so as to conflict with the laws or actions thereunder where a navigable stream is bridged or dammed;
- (8) The enforcement of all such local, police, sanitary and other regulations as are not in conflict with the general law;
- (9) The prohibiting or regulating of the use, occupancy, sanitation and parking of house trailers within the village, and the right of the village 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;

- (10) The securing by condemnation, by agreement or purchase, or by any other means, of an easement in property abutting or adjacent to any navigable stream, for the purpose of securing the privilege and right to construct, own and maintain along or adjacent to any navigable stream an elevated structure of one or more levels for use as a vehicular or pedestrian passageway, or for any other municipal purpose;
- (11) The maintenance, development, operation, leasing and disposal of village property subject to any restriction placed thereon by statute or this charter;
- (12) The acquiring establishment, operation, extension and maintenance of facilities for the storage and parking of vehicles within its corporate limits, including the fixing and collection of charges for service and use thereof on a public utility basis, and for such purpose to acquire by gift, purchase, condemnation or otherwise, the land necessary therefor;
- (13) The acquiring, constructing, establishment, operation, extension and maintenance of facilities for the docking of water craft, hydroplanes and seaplanes, within its corporate limits, including the fixing and collection of charges for use thereof, and for such purpose or purposes, to acquire by gift, purchase, condemnation, or otherwise, the land necessary therefor;
- (14) Regulating, restricting and limiting the number and locations of boat liveries; regulating, restricting, and limiting the number and locations of oil and gasoline stations and storage and bulk plants;
- (15) The regulating of the operation of power driven craft on canals and waterways;
- (16) The establishing of districts or zones within which the use of land and structures, the height, the area, the size and location of buildings and required open spaces for light and ventilation of such buildings, and the density of population may be regulated by ordinance in accordance with statutory provisions governing zoning;
- (17) Licensing, regulating, restricting and limiting the number and locations or advertising signs or displays and billboards within the village;
- (18) The preventing of injury or annoyance to the inhabitants of the village from anything which is dangerous, offensive, or unhealthful, and for the preventing and abating of nuisances and punishing those occasioning them or neglecting or refusing to abate, discontinue or remove the same;
- (19) The regulating of airports located within its boundaries, and, for the purpose of promoting and preserving the public peace, safety and welfare, controlling and regulating the use of the air above the village by aircraft of all types;
- (20) The requiring, as a condition of approving plats of lands or premises hereafter laid out, divided, or platted into streets and alleys within the village, that all streets shown on said plat be graded and hard surfaced or otherwise better improved, that all ditches, drains and culverts necessary to make such streets usable be constructed, and that cement sidewalks be constructed in the proper places, all in accordance with village specifications The Council may accept a bond with two (2) sureties or a surety company bond conditioned upon the installation of such of the foregoing improvements as it requires within such time as it determines;
- (21) The regulating and control for the collection and disposal thereof of garbage and rubbish within its boundaries;
- (22) The requiring of an owner of real property within the village to maintain sidewalks abutting upon such property, and if the owner fails to comply with such requirements or if the owner is unknown, to construct and maintain such sidewalks and assess the cost thereof against the abutting property in accordance with Section 11.9;

(23) The requiring of an owner of real property within the village to abate public hazards and nuisances which are dangerous to the health or safety of inhabitants of the village within a reasonable time after the Council notifies him that such hazard or nuisance exists, and if the owner fails to comply with such requirements, or if the owner is unknown, to abate such hazard or nuisance and assess the cost thereof against such property in accordance with Section 11.9;

(24) The compelling of owners of real property within the village to keep sidewalks abutting upon their property clear from snow, ice or other obstructions, and if the owner fails to comply with such requirements, to remove such snow, ice or other obstructions and assess the cost thereof against the abutting property in accordance with Section 11.9;

(25) The control over all trees, shrubs and plants in the public streets, highways, parks or other public places in the village, all dead and diseased trees on private property and trees on private property overhanging the street, sidewalk or public places, and the removal thereof.

FURTHER DEFINITION OF POWERS:

Section 2.3. In accordance with the authority granted in Section 25 of Public Act 278 of 1909, the following sections of Public Act 3 of 1895, which is a statute of Michigan which relates to the powers or government of villages, generally, are hereby adopted as part of this charter by the following references thereto, but the village shall not be subject to any limitations or restrictions of said act except as provided in this charter, and this recitation of powers shall not be held to be exclusive.

(a) Section 1 of Chapter VII (67. C. L. 1948) which section lists certain specific powers of villages and their Councils;

(b) Section 2 of Chapter VII, (67. 2 C. L. 1948) which section grants the Council authority with regard to the issuance of licenses;

(c) Section 3 of Chapter VII (67. 3 C. L. 1948) which section gives the Council authority to provide and maintain animal pounds;

(d) Section 51 of Chapter VII (67. 51 C. L. 1948) which section gives the Council control over the location of offensive trades.

INTERGOVERNMENTAL CONTRACTS:

Section 2.4. The village shall have the power to join with any governmental unit or agency, or with any number or combination thereof, by contract or otherwise as may be permitted by law, to have performed (a) jointly or (b) by one or more of them for or on behalf of the other or others or (c) by any other person, firm or corporation, any function which is permitted to be so performed by law by such governmental unit or agency.

CHAPTER 3

ELECTIONS

ELECTION DISTRICTS: VOTING PRECINCTS

Section 3.1. The village shall constitute one election district and one voting precinct, except that the Council may by ordinance establish additional precincts not in excess of the minimum number required by law. The Council shall fix the location of the polling places.

QUALIFICATIONS OF ELECTORS:

Section 3.2. The residents of the village having the qualifications of electors in the State of Michigan shall be electors of the village.

ELECTION PROCEDURES:

Section 3.3. The election of all village officers shall be on a non-partisan basis. The general election statutes shall apply to and control, as near as may be, all procedures relating to registration and election except as such statutes relate to political parties or partisan procedure and except as otherwise provided in this charter.

ELECTION DATES:

Section 3.4. A regular village election shall be held on the second Monday in March in each odd numbered year.

ELECTIVE OFFICERS AND TERMS OF OFFICE:

Section 3.5. The elective officers of the village shall be a President, six Councilmen and a Clerk. At each regular village election there shall be a President and three Councilmen. The term of the President shall be two years, commencing on the Monday next following the date of the regular village election at which the President is elected. The term of the office of Councilmen shall be four years commencing on the Monday next following the date of the regular village election at which they are elected. The Clerk shall be elected in accordance with Section 4.5 and the term of the office of Clerk shall be for an indefinite term.

NOMINATIONS:

Section 3.6. The method of nomination of the elective officers shall be by petition signed by not less than twenty nor more than thirty-five qualified electors of the village. No person shall sign his name to a greater number of petitions for office than there will be persons elected to said office at said election. Where the signature of any individual appears on more petitions than he is so permitted to sign, such signatures shall be counted only to the extent he is so permitted to sign in the order of the respective dates of filing the petitions containing such signatures.

Nomination petitions shall be filed with the Clerk between the fortieth day preceding such election and five o'clock in the afternoon on the thirtieth day preceding such election. The Clerk shall publish notice of the last day so permitted for filing petitions at least one week before and not more than three weeks before such last day.

The form of petition shall be substantially as that designated by the Secretary of State for the nomination of non-partisan judicial officers. A supply of official petition forms shall be provided by the Clerk.

APPROVAL OF PETITIONS:

Section 3.7. The Clerk shall accept only nomination petitions which conform with the form provided and maintained by him and which, considered together, contain the required number of valid signatures for candidates having those qualifications required for the filing of a petition, notify in writing any candidate whose petition is filed by persons other than the person whose name appears thereon as candidates, it may be accepted only when accompanied by the written consent of the candidate. The Clerk shall, forthwith after the filing of a petition, notify in writing any candidate whose petition is then known not to meet the requirements of this section, but the failure to so notify any candidate shall in no way prevent a final determination that the petition does not meet such requirements.

Within three days after the last date for filing petitions, the Clerk shall make his final determination as to the validity and sufficiency of each nomination petition and whether or not the candidate has the qualifications required for his respective elective village office by this charter and shall write his determination thereof on the face of the petition. The Clerk shall immediately notify in

COMPENSATION OF PRESIDENT AND COUNCILMEN:

Section 4.3. The President shall receive remuneration of \$20.00 per meeting not to exceed thirty six (36) meetings in any fiscal period or year and each council person shall receive \$15.00 per meeting not to exceed thirty six (36) meetings in any fiscal period or year. Such salaries shall be paid quarterly and shall constitute the only compensation for services. All bona fide expenses incurred on behalf of the Village shall be reimbursed upon submission of itemized billing.

DUTIES OF PRESIDENT:

Section 4.4. The President shall be the chief executive officer of the village. He shall preside at the meetings of the council. He shall have no right to vote upon any question except in case of a tie, in which case he shall give the deciding vote. He shall from time to time give the council information concerning the affairs of the corporation, and recommend such measures as he may deem expedient. It shall be his duty to exercise supervision over the affairs of the village and over the public property belonging thereto, and see that the laws relating to the village and the ordinances and regulations of the council are enforced.

That he shall be conservator of the peace, and may exercise within the village 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 enforcement of the ordinances of the council, and to suppress riot and disorderly conduct.

He shall execute or authenticate by his signature such instruments as the Council, this charter or any statute or laws of the United States shall require.

The President shall have authority at all times to examine and inspect the books, records and papers of any agent, employee or officer of the corporation and shall perform generally all duties as are or may be prescribed by the ordinances of the village.

ADMINISTRATIVE SERVICE:

Section 4.5. The administrative officers of the village shall be the Clerk, Treasurer, Assessor, Attorney, and such additional administrative officers as may be created by ordinance or resolution. The council may combine any administrative offices in any manner if deemed necessary or advisable for the proper and efficient operation of the village, except that the offices of Clerk and Treasurer shall not be combined nor shall one person hold both such offices.

The President shall on the fourth Monday of March or as soon thereafter as possible, nominate and the council elect a clerk for a two year term who shall serve at its pleasure. All other administrative officers shall be appointed by the President on the fourth Monday in March or as soon thereafter as possible with the approval of the council for an indefinite period, shall serve at the pleasure of council and shall have their compensation fixed by council. Provided however in case the council fails to elect a clerk as nominated by the President within thirty days from the time within which such appointment may be made or in case the president fails to make any appointment with the consent of council of such appointments as herein provided within thirty days from the time limited within which such appointments may be made, the Council shall have full power in itself to elect and/or make such appointments as the case may be.

Except as may be otherwise provided by statute or this charter, the Council shall by resolution establish and combine such departments of the village as it deems necessary or advisable and shall prescribe therein the functions of each

department and the duties, authorities and responsibilities of the officers of each. The head of each department shall be appointed by the President with the approval of the council.

All personnel employed by the village who are not elected officers or declared to be administrative officers by, or under the authority of, this section shall be deemed to be employees.

The head of each department shall with the consent of the Council, hire and discharge employees of such department. Any employee who has been discharged may within ten days thereafter petition the Council to hear the facts regarding such discharge, and in any such case the Council may, in its sole discretion, hold a hearing and inquire into such facts and may make such recommendations in the matter as is considered proper.

CLERK: FUNCTIONS AND DUTIES:

Section 4.6. The functions and the duties of the Clerk shall be as follows:

- (a) He shall be the Clerk of the Council and shall attend all meetings of the Council and shall keep a permanent journal of its proceedings in the English language.
- (b) He shall be custodian of the village seal, and shall affix it to all documents and instruments requiring the seal and shall attest the same. He shall be custodian of all papers, documents and records pertaining to the village the custody of which is not otherwise provided for.
- (c) He shall certify by his signature all resolutions and ordinances enacted by the Council.
- (d) He shall, unless assigned by ordinance to another officer, be responsible for maintaining the system of accounts of the village, which shall conform to any uniform system required by law and to generally accepted principles and procedures of governmental accounting. He shall make a quarterly financial statement to the Council, or such earlier periods as may be required by the Council.
- (e) He shall have power to administer oaths of office.
- (f) He shall perform such other duties as may be prescribed for him by this charter or by the Council.

TREASURER: FUNCTIONS AND DUTIES:

Section 4.7. The functions and duties of the Treasurer shall be as follows:

- (a) He shall have custody of all moneys of the village and all evidences of indebtedness belonging to the village or held in trust by the village.
- (b) He shall collect all moneys of the village the collection of which is not provided for elsewhere by charter or ordinance. He shall receive from other officers and employees of the village all money belonging to and receivable by the villages that may be collected by them, including fines, license fees, taxes, assessments and all other charges. All money shall be turned over to the Treasurer promptly after collection or receipt and he shall in all cases give a receipt therefor.
- (c) He shall disburse all village funds in accordance with the provisions of statute, this charter and procedures to be established by the Council.
- (d) He shall have such powers, duties and prerogatives in regard to the collection and custody of village taxes as are conferred by statute upon township treasurers in connection with state, county, township and school district taxes.

(e) He shall perform such other duties as may be prescribed for him by this charter or by the Council.

ASSESSOR: FUNCTIONS AND DUTIES:

Section 4.8. The Assessor shall possess all the powers vested in, and shall be charged with all the duties, imposed upon, assessing officers, by statute. He shall prepare all regular and special assessment rolls in the manner prescribed by this charter and by statute. He shall perform such other duties as may be prescribed for him by this charter or by the Council.

SUPERINTENDENT OF PUBLIC WORKS:

FUNCTIONS AND DUTIES:

Section 4.9. The Superintendent of Public Works shall be in charge of streets, alleys and public places and property. He shall supervise and manage all utilities and public works and services of the village. He shall perform such other duties as may be prescribed for him by the Council.

DEPUTY ADMINISTRATIVE OFFICERS:

Section 4.10. The administrative officers with the consent of the Council may appoint and terminate their respective deputies. 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 the Council.

INDEPENDENT BOARDS AND COMMISSIONS:

Section 4.11. The Council may not create any board or commission other than those provided for in this charter, to administer any activity, department or agency of the village government, except (a) those activities which by statute are required to be so administered, (b) a municipal hospital, and (c) recreation. The Council may however, establish (a) quasi judicial appeal boards, and (b) boards or commissions to serve solely in an advisory capacity.

ZONING:

Section 4.12. The Council shall enact and maintain a Zoning ordinance in accordance with and under the authority of statute, and having the powers and duties prescribed by statute, and the Board of Zoning Appeals consist of five freeholders, one of whom shall be a member of the Council.

CHAPTER 5

GENERAL PROVISIONS REGARDING OFFICERS AND PERSONNEL OF THE VILLAGE

ELIGIBILITY FOR OFFICE IN VILLAGE:

Section 5.1. No person shall hold any elective office in the village unless he has been a resident of the village for at least two years immediately prior to the last day for filling supplemental petition for such office and is also a qualified and registered elector of the village on such day and throughout his tenure of office.

The Council shall be the sole judge of the election and qualification of its own members.

All administrative officers shall be citizens of the United States.

Except in the case of a Clerk, no elective officer may be appointed to any village office or be employed by the village during the term of office for which he was elected.

VACANCIES IN ELECTIVE OFFICE:

Section 5.2. Any elective village office shall be declared vacant by the Council before the expiration of the term of such office:

(a) For any reason specified by statute or by this charter as creating a vacancy in office;

(b) If no person is elected to, or qualified for, the office at the election at which such office is to be filled;

(c) If the officer shall be found guilty by a competent tribunal of any act constituting misconduct in office under the provisions of this charter;

(d) If the officer shall absent himself continuously from the village for more than thirty consecutive days in any one year without the permission of the Council;

(e) In the case of any members of the Council, if such officer shall miss four consecutive regular meetings of the Council or twenty-five per cent of such meetings in any fiscal year of the village, unless such absences shall be excused by the Council and the reason therefor entered in the proceedings of the Council at the time of each absence;

(f) If the officer is removed from office by the Council in accordance with the provisions hereinafter set forth.

VACANCIES IN BOARDS AND COMMISSIONS:

Section 5.3. The office of any member of any board or commission created by, or pursuant to, this charter shall be declared vacant by the Council before the expiration of the term of such office:

(a) For any reason specified by statute or by this charter as creating a vacancy in office;

(b) If the officer shall be found guilty by a competent tribunal of any act constituting misconduct in office under the provisions of this charter;

(c) If such officer shall miss four consecutive regular meetings of such board or commission, or twenty-five per cent of such meetings in any fiscal year of the village, unless such absences shall be excused by such board or commission, and the reason therefor entered in the proceedings of such board or commission at the time of each absence;

(d) If the officer is removed from office by the Council in accordance with the provisions hereinafter set forth.

REMOVAL FROM OFFICE:

Section 5.4. Removals by the Council of elective officers or of members of boards or commissions shall be made for either of the following reasons:

(a) for any reason specified by statute for removal of village officers by the Governor, (b) for misconduct in office under the provisions of this charter. Such removals by the Council shall be made only after hearing of which such officer has been given notice by the Clerk at least ten days in advance, either personally or by delivering the same at his last known place of residence. Such notice shall include a copy of the charges against such officer. The hearing shall afford an opportunity to the officer, in person or by attorney, to be heard in his defense, to cross-examine witnesses and to present testimony. If such officer shall neglect to appear at such hearing and answer such charges, his failure to do so may be deemed cause for his removal. A majority vote of the members of the Council in office at the time, exclusive of any member whose removal may be being considered, shall be required for any such removal.

RESIGNATIONS:

Section 5.5. Resignations of elective officers and of members of boards and commissions shall be made in writing and filed with the Clerk and shall be acted upon by the Council at its next regular meeting following receipt thereof by the Clerk. Resignations of appointive officers shall be made in writing to the appointing officer or body and shall be acted upon immediately.

FILLING VACANCIES IN APPOINTIVE OFFICES:

Section 5.6. Vacancies in appointive offices shall be filled in the manner provided for making the original appointment. In the case of members of boards or commissions appointed for a definite term, such appointments shall be for the unexpired term.

FILLING VACANCIES IN ELECTIVE OFFICES:

Section 5.7. Vacancies occurring in the office of President shall within sixty days be filled for the balance of the unexpired term of the President by appointment of majority vote by members of the Council then in office of a member of the Council. Such appointment shall not alter such appointees term as a member of the Council, but shall create a vacancy in the office of Councilman for the unexpired term of the office of President.

Any vacancy in the office of Councilman which occurs more than fifty-nine days before the next regular village election may be filled within sixty days by a majority vote of the remaining members of the Council for the unexpired term.

Any vacancy occurring within fifty-nine days of the next regular village election in the office of a Councilman whose term expires on the Monday next following such election may not be filled.

If any such vacancy in the office of Councilman is not so filled within sixty days or if three or more vacancies exist simultaneously in such office, the Clerk shall within ten days thereafter call a special election to be held within sixty days thereafter to fill such vacancy for the unexpired terms of the officers whose offices have become vacant.

RESIDENCE REQUIREMENTS FOR APPOINTIVE OFFICERS:

Section 5.8. All officers of the village except qualified members of a profession, including but not by way of limitation, attorney, engineer and medical profession, if not residents of the village at the time of his appointment, shall become residents thereof within six months thereafter, and shall so remain while so serving.

NO CHANGE IN TERM OF OFFICE OR COMPENSATION:

Section 5.9. Except by procedures provided in this charter, the terms of Councilmen and of members of boards or commissions appointed for a definite term shall not be shortened or extended beyond the period for which the officer was elected or appointed, except that a Councilman shall, after his term has expired, continue to hold office until his successor is elected or appointed and has qualified. Where several terms of Councilmen expire simultaneously, the Councilman who was elected by the highest number of votes (or any appointee who filled his position) shall be deemed to be succeeded by the candidate who received the highest number of votes, that Councilman who was elected by the second highest number of votes, by the candidate who receives the second highest number of votes, etc.

The salary of any elective officer shall not be changed from the day he is elected until the end of the term of office for which he was elected.

COMPENSATION OF EMPLOYEES AND OFFICERS:

Section 5.10. The compensation of all employees and officers of the village whose compensation is not provided for herein shall be fixed by the Council within the limits of budget appropriations.

No officers shall be paid on a fee bases. The respective salaries and compensation of officers and employees as fixed pursuant to this charter shall be in full for all official services of such officers or employees and shall be in lieu of all fees, commissions and other compensation receivable by such officers or employees for their services.

Any such fees, commissions and other compensation shall belong to the village and shall be collected and accounted for by such officers or employees and be paid unto the village treasury and a statement thereof filed periodically with the Clerk.

Nothing contained in this section shall prohibit the payment of necessary bona fide expenses incurred in service in behalf of the village.

FINANCIAL INTEREST PROHIBITED:

Section 5.11. (a) Except as permitted by this section no contract or purchase involving an amount in excess of one hundred dollars shall be made by the village in which any officer or any member of his family has any financial interest, direct or indirect. A "contract" shall for the purposes of this section include any arrangement or agreement pursuant to which any material, service or other thing of value is to be furnished to the city for a valuable consideration to be paid by the village, or is to be sold or transferred by the village, except the furnishing of personal services as an officer or employee of the village; and the term "member of his family" shall include only spouse, child, grandchild, father, mother, sister, brother and the spouse of any of them.

(b) Without limiting the generality of paragraph (a) of this section, an officer shall be deemed to have a financial interest in a contract if he or any member of his family is an employee, partner, officer, director or sales representative of the person, firm or corporation with which such contract is made or of a sales representative of such person, firm or corporation. Ownership, individually or in a fiduciary capacity, by an officer or member of his family of securities, or of any beneficial interest in securities, of any corporation with which a contract is made or which is a sales representative of any person, firm or corporation with which such contract is made, shall not be deemed to create a financial interest in said contract unless the aggregate amount of such securities, or interest in such securities, so owned by such officer and the members of his family, shall amount to ten per cent of any class of the securities of such corporation then outstanding.

(c) A contract in which an officer or member of his family has a financial interest may be made by the village if the members of the Council having no such interest shall unanimously determine that the best interests of the village will be served by the making of such contract and if either such contract is made after comparative prices are obtained or if the members of the Council having no such interest shall unanimously determine that the obtaining of comparative prices is not feasible in such particular case. Any Council member may evidence his participation in either determination required by this paragraph by vote at a Council meeting or by written instrument filed with the Clerk.

(d) Any officer who knowingly permits the village to enter into any contract or purchase in which he has a financial interest without disclosing such interest to the Council prior to the action of the Council in authorizing such contract, shall be guilty of misconduct in office. Except in the instances specified in paragraph (c) of this section, the unanimous determination (by vote or written instrument) of all members of the Council that in a particular case an officer or member of his family will not have a financial interest in any contract or purchase to be

entered into by the village shall be final and conclusive in the absence of fraud or misrepresentation.

(e) No officer shall stand as surety on any bond to the village or give any bail for any other person which may be required by the charter or any ordinance of the village. Any officer of the village who violates the provisions of this paragraph shall be guilty of misconduct in office.

ANTI-NEPOTISM:

Section 5.12. The following relatives and their spouses of any elective official or of his spouse, are disqualified from holding any appointive office or employment during the term for which said elective official was elected: child, grandchild, parent, grandparent, brother, sister, half brother and half sister, unless the Council shall unanimously determine that the best interest of the village will be served by the appointment of such a relative. All relationships shall include those arising from adoption. This section shall in no way disqualify such relatives or their spouses who are bona fide appointive officers or employees of the village at the time of the election of said elective official.

OATH OF OFFICE AND BOND:

Section 5.13. Every officer, elective or appointive, before entering upon the duties of his office shall take the oath of office prescribed for public officers by the Constitution and shall file the oath with the Clerk, together with any bond required by statute, this charter or the Council. In case of failure to comply with the provisions of this section within ten days from the date he is notified in writing of his election or appointment, such officer shall be deemed to have declined the office and such office shall thereupon become vacant unless the Council shall, by resolution, extend the time which such officer may qualify.

SURETY BONDS:

Section 5.14. Except as otherwise provided in this charter, all officers of the village whose duties involve the custody of public property or the handling of public funds, either by way of receipt or disbursement or both, and all other officers and employees so required by the Council, shall, before they enter upon the duties of their respective offices, file with the village an official bond, in such form and amount as the Council shall be conditioned that he will faithfully perform the duties of this office, and will on demand deliver over to his successor in office, or other proper officer or an agent of the village, all books, papers, moneys, effects and property belonging thereto, or appertaining to his office, which may be in his custody as an officer or employee; and such bonds may be further conditioned as the Council prescribe. The official bond of every officer whose duty it may be to receive or pay out money, besides being conditioned as above required, shall be further conditioned that he will, on demand, pay over or account for to the village or any proper officer or agent thereof, all moneys received by him as such officer or employee. The requirements of this paragraph may be met by the purchase of one or more appropriate blanket surety bonds covering all, or a group of, village employees and officers.

All official bonds shall be corporate surety bonds and the premiums thereon shall be paid by the village. All bonds of all officers or employees shall be filed with the Clerk, except that any bond pertaining solely to the Clerk shall be filed with the Treasurer.

DELIVERY OF OFFICE:

Section 5.15. Whenever any officer or employee shall cease to hold such office or employment for any reason whatsoever, he shall within five days, or sooner on demand, deliver to his successor in office or to his

superior all the books, papers, moneys and effects in his custody as such officer or employee. Any officer violating this provision may be proceeded against in the same manner as public officers generally for a like offense under statute. Any employee found guilty of violating this provision by a competent tribunal may be punished by a fine of not to exceed one hundred dollars or imprisonment for not to exceed ninety days, or both, in the discretion of the court.

EMPLOYEE WELFARE BENEFITS:

Section 5.16. The Council shall have the power to adopt and make available to the administrative officers and employees of the village and its departments and boards any recognized standard plan of group life, hospital, health or accident insurance, either independently of, or as a supplement to any retirement plan provided for such employees and officers.

CHAPTER 6

THE COUNCIL: PROCEDURE AND MISCELLANEOUS POWERS AND DUTIES

REGULAR MEETINGS:

Section 6.1. The Council shall provide by resolution for the time and place of its regular meetings and shall hold at least two such meetings each month. A regular meeting shall be held on the Monday following each regular village election.

SPECIAL MEETINGS:

Section 6.2. Special meetings shall be called by the Clerk on the written request of the President or any three members of the Council on at least twenty-four hours written notice to each member of the Council, served personally or left at his usual place of residence, but a special meeting may be held on shorter notice if all members of the Council are present or have waived notice thereof in writing.

BUSINESS OF SPECIAL MEETINGS:

Section 6.3. No business shall be transacted at any special meeting of the Council unless the same has been stated in the notice of such meeting. However other than the enactment of an ordinance, any business which may lawfully come before a regular meeting may be transacted at a special meeting if all the members of the Council present consent thereto, and all the members absent file their written consent.

MEETING TO BE PUBLIC:

Section 6.4. All regular and special meetings of the Council shall be open to the public and citizens shall have a reasonable opportunity to be heard.

QUORUM: ADJOURNMENT OF MEETING:

Section 6.5. A majority of the members of the Council in office shall be a quorum for the transaction of business at all Council meetings, but in the absence of a quorum a lesser number may adjourn any meeting to a later time or date, and in the absence of all members the Clerk may adjourn any meeting for not longer than one week.

COMPULSORY ATTENDANCE AND CONDUCT AT MEETING:

Section 6.6. Any three or more members of the Council may by vote either request or compel the attendance of its members and other officers of the village at any meeting. Any member of the Council or other officer who when notified of such request for his attendance fails to attend such meeting for reason other than confining illness or absence from Monroe County shall be deemed guilty of misconduct in office unless excused by the Council. The presiding officer shall enforce orderly conduct at meetings and any member of the Council or other officer who shall fail to conduct himself in an orderly manner at any meeting shall be deemed guilty of misconduct in office when a Chief of Police is appointed he shall serve as the sergeant-at-arms of the Council in the enforcement of the provisions of this section, and until such appointment the council shall otherwise appoint a sergeant-at-arms for the Council.

ORGANIZATION AND RULES OF THE COUNCIL:

Section 6.7. The Council shall determine its own organization, rules and order of business subject to the following provisions:

- (a) A journal of the proceedings of each meeting in the English language shall be kept by the Clerk and shall be signed by the presiding officer and clerk of the meeting;
- (b) A vote upon all ordinances and resolutions shall be taken by "Yes" and "No" vote and entered upon the records, except that where the vote is unanimous it shall only be necessary to so state;
- (c) No member of the Council shall vote on any question in which he has a financial interest, other than the common public interest, or on any question concerning his own conduct, but on all other questions each member who is present shall vote when his name is called unless excused by the unanimous consent of the remaining members present. Any member refusing to vote except when not so required by this paragraph shall be guilty of misconduct in office;
- (d) In all roll call votes the names of the members of the Council shall be called in alphabetical order, and the name to be called first shall be advanced one position alphabetically in each successive roll call.
- (e) Any standing committees of the Council shall be composed of at least three members. The Council shall not assign the administration of any department of the village to any member or committee of the Council.

PUBLIC HEALTH AND SAFETY:

Section 6.8. The Council shall see that provision is made for the public peace and health and for the safety of persons and property. The Council may provide for and establish a police force, a fire department and health department.

POLICE DEPARTMENT:

Section 6.9. (a) The Council may provide for and establish a police force as provided for in the laws of the State of Michigan.

(b) The Chief of Police shall keep a permanent record to be furnished by the village of all arrests and the cause thereof, and shall enter therein within twenty-four hours after any person shall be arrested, the name of the person so arrested, the cause of the arrest, the age and nationality of the person arrested, and if discharged without being taken before court, the reason for such discharge, and if tried, the result of such trial and punishment inflicted and amount of fines and cost, if any paid and the name of the judicial officer before whom such person was tried, which record shall be the property of the village.

(c) The Chief of Police shall report in writing and on oath to the Council at their first meeting in each month, all arrests made by him and the cause thereof, and all persons discharged from arrest during the month; also the number remaining in confinement for breaches of the ordinances of the village; the amount of all fines and fees collected shall be paid into the village treasury during the same week when received, and the treasurer's receipt therefor shall be filed with the Clerk.

FIRE DEPARTMENT:

Section 6.10. The Council may first provide for an organized volunteer fire department and enact such ordinances and establish and enforce such regulations as they shall deem necessary to guard against the occurrence of fires, and to protect the persons and the property of the citizens against damage and accident resulting therefrom; and for this purpose to establish rules and regulations for the government of the department, the employees, firemen, and officers thereof; and for the care and management of the engines, apparatus, property and buildings pertaining to the department.

FIRE CHIEF:

Section 6.11. The Chief of the fire department shall be subject to the regulations of the Council, and shall have the supervision and direction of the department, and the care and management of fire engines, apparatus and property.

HEALTH DEPARTMENT:

Section 6.12. The Council shall constitute the Board of Health of the village, and it and its officers shall possess all powers, privileges and immunities granted to Boards of Health by Statute.

CHAPTER 7

LEGISLATION

PRIOR LEGISLATION:

Section 7.1. All valid ordinances and regulations of the Township of Berlin County of Monroe, State of Michigan, which are in force and effect at the time of the effective date of this charter and not contrary or inconsistent with this charter, shall continue in force and effect until respective ordinances and regulations are enacted by the village.

ORDINANCES, RESOLUTIONS, MOTIONS AND ORDER:

Section 7.2. All official action of the Council shall be by ordinance, resolution, motion or order. Action by resolution, motion or order shall be limited to matters required or permitted to be so done by this charter or state or federal law or pertaining to the internal affairs or concerns of the village government. All other acts of the Council and all acts carrying a penalty for the violation thereof shall be by ordinance. Each ordinance shall be identified by a short title and serial number.

The style of all ordinances shall be: "The Village of South Rockwood ordains:" ENACTMENT AMENDMENT, REPEAL AND EFFECTIVE DATE OF ORDINANCES.

Section 7.3. Subject to the exceptions which follow hereafter, (a) ordinances may be enacted by the affirmative vote of not less than three members of the Council, and the affirmative vote of the President in case of a tie, (b) no ordinance shall be amended or repealed except by an ordinance adopted as aforesaid, (c) no ordinance shall be enacted at the meeting at which it is introduced nor until after publication of the proposed ordinance or summary thereof, and (d) the effective date

of all ordinances shall be prescribed therein but the effective date shall not be earlier than ten days after enactment nor before publication thereof. It is provided, however, that an ordinance which is declared therein to be an emergency ordinance which is immediately necessary for the preservation of the public peace, health or safety may be enacted at the meeting at which it is introduced or before publication of the proposed ordinance or summary thereof, and may be given earlier effect than ten days after its enactment by the affirmative votes of five members of the Council if six members are present at the meeting at which it was enacted or by the affirmative votes of four or five members of the Council are present at the meeting at which it is enacted.

In case an ordinance is given effect earlier than ten days after its enactment, the requirements for publication before such ordinance becomes operative may be met by posting copies thereof in conspicuous locations in three public places in the village, other provisions of this charter notwithstanding, and the Clerk shall, immediately after such posting, enter in the Ordinance Book under the record of the ordinance a certificate under his hand stating the time and place of such publication by posting, which certificate shall be prima facie evidence of such publication by posting of the ordinance, but the failure to so record and authenticate such ordinance shall not invalidate it or suspend its operation. Such ordinance shall also be published in accordance with Section 7.4 but not as a requirement for the effectiveness thereof.

No ordinance granting any public utility franchise shall be enacted except in accordance with the provisions of Section 14.1.

No ordinance shall be amended by reference to the title only, but the amended section or sections of the ordinance as amended shall be re-enacted and published. However, an ordinance or section thereof may be repealed by references to its title and ordinance or code number only.

PUBLICATION AND RECORDING OF ORDINANCES:

Section 7.3. Each ordinance shall be published within fifteen days after its enactment in one of the following two methods: (a) The full text thereof may be published in a newspaper as defined in Section 15.4., or (b) in cases of ordinances over five hundred words in length a digest, summary of statement of purpose of the ordinance, approved by the Council may be published in a newspaper as defined in Section 15.4., either separately or as part of the published Council proceedings or summary thereof, including with such newspaper publication a notice that printed copies of the full text of the ordinance are available for inspection by and distribution to the public at the office of the Clerk; if method (b) is used, then printed copies shall promptly be so made available as stated in such notice.

All ordinances shall be recorded by the Clerk in a book to be called "The Ordinance Book", and it shall be the duty of the President and Clerk to authenticate such records by their official signature thereon but the failure to so record and authenticate any such ordinance shall not invalidate it or suspend its operation.

PENALTIES FOR VIOLATION OF ORDINANCES:

Section 7.4. The Council may provide in any ordinance for the punishment of those who violate its provisions. The punishment for the violation of any village ordinance shall not exceed a fine of one hundred dollars or imprisonment for ninety days, or both, in the discretion of the court.

SPECIAL PROCEDURE ON VOTE ON CERTAIN COUNCIL ACTIONS:

Section 7.5. (a) Action to vacate, discontinue or abolish any highway, street, lane, alley or other public place, or part thereof, shall be by resolution. After the introduction of such resolution and before its final adoption, the Council shall hold a public hearing thereon and shall publish notice of such hearing at least one week prior thereto.

(b) The following actions shall require the affirmative vote of four members of the Council for the effectiveness thereof:

(1) Vacating, discontinuing or abolishing any highway, street, lane, alley or other public place, or part thereof;

- (2) Leasing, selling or disposing of any village owned real estate or interest therein;
- (3) Condemning private property for public use;
- (4) Creating or abolishing any office;
- (5) Appropriating any money;
- (6) Imposing any tax or assessment;
- (7) Reconsidering or rescinding any vote of the Council.

TECHNICAL CODES ADOPTED BY REFERENCE:

Section 7.6 Subject to the provisions of this section, there may be adopted as a village ordinance or code, by reference thereto in an adopting ordinance, in whole or part, provisions of (a) any Michigan Statute, or (b) and detailed technical regulation promulgated or enacted by (1) any state or federal agency, (2) any municipality, or (3) any organization or association which has developed a recognized standard code or set of such technical regulations. Such adopting ordinance shall clearly identify and state the purpose of the provisions or regulations so adopted. Where any ordinance or code, or amendment thereto, adopting provisions by reference is enacted, all requirements for its publication may be met, other provisions of this charter notwithstanding, by, (a) publishing the ordinance citing such provisions in a manner provided by this charter for the publication of other ordinances and including as part of such publication a notice that printed copies of the provisions so cited are available for inspection by the distributor to the public at the office of the Clerk, and (b) so making copies available for public inspection and for distribution to the public at a reasonable charge.

SEVERABILITY OF ORDINANCES:

Section 7.7 Unless an ordinance shall expressly provide to the contrary, if any portion of an ordinance or the application thereof to any person or circumstances shall be found to be invalid by a court, such invalidity shall not affect the remaining portions or applications of the ordinance which can be given effect without the invalid portion or application, provided such remaining portions or applications are not determined by the court to be inoperable, and to this end ordinances are declared to be severable.

INITIATIVE AND REFERENDUM:

Section 7.8 An ordinance may be initiated by petition, or a referendum on an enacted ordinance may be had by petition, as hereinafter provided.

INITIATORY AND REFERENDARY PETITIONS:

Section 7.9 An initiatory or referendary petition shall be signed by not less than twenty-five per cent of the registered electors of the village, as of the date of the last regular village election, and all signatures on said petitions shall be obtained within thirty days before the date of filing the petition with the Clerk. Any such petition shall be addressed to the Council and may be the aggregate of two or more petition papers identical as to contents and simultaneously filed by one person. An initiatory petition shall set forth in full the ordinance it proposes to initiate, and no petition shall propose to initiate more than one ordinance. A referendary petition shall identify the ordinance, or part thereof, it proposes to have repealed.

Each signer of a petition shall sign his name and place thereon after his name the date and his place of residence by street and number or by other customary designation. To each petition paper there shall be attached a sworn affidavit by the circulator thereof, stating the number of signers thereof, and that each signature thereon is the genuine signature of the person whose name it purports to be, and that it was made in the presence of the affiant. Such petitions shall be filed with the Clerk who shall, within fifteen days, canvass the signatures thereon. If the petition does not contain a sufficient number of signatures of registered electors of the village, the Clerk shall notify forthwith the person filing such petition and fifteen days from such notification shall be allowed for the filing of supplemental petition papers. When a petition with sufficient signatures is filed within the time allowed by this section, the Clerk shall present the petition to the Council at its next regular meeting.

COUNCIL PROCEDURE ON INITIATORY AND REFERENDARY PETITIONS:

Section 7.10 Upon receiving an initiatory or referendary petition from the Clerk, the Council shall, within thirty days, unless otherwise provided by statute, either;

- (a) Adopt the ordinance as submitted by initiatory petition;
- (b) Repeal the ordinance, or part thereof, referred to by a referendary petition; or
- (c) Determine to submit the proposal provided for in the petition to the electors.

SUBMISSION OF INITIATORY AND REFERENDARY ORDINANCES TO ELECTORS:

Section 7.11 Should the Council decide to submit the proposal to the electors, it shall be submitted at the next election held in the village for any other purpose, or, in the discretion of the Council, at a special election called for that specific purpose. The result of all elections held under the provisions of this section shall be determined by a majority vote of the electors voting thereon, except in cases where otherwise required by statute or Constitution.

ORDINANCE SUSPENDED: MISCELLANEOUS PROVISIONS ON INITIATORY AND REFERENDARY PETITIONS:

Section 7.12 The presentation to the Council by the Clerk of a valid and sufficient referendary petition proposing to repeal an ordinance which has been in effect one year or less on the date of filing such petition shall automatically suspend the operation of the ordinance in question pending repeal by the Council or final determination by the electors.

An ordinance adopted by the electorate through initiatory proceedings may not be amended or repealed for a period of one year after the date of the election at which it was adopted, and an ordinance repealed by the electorate may not be re-enacted for a period of one year after the date of the election at which it was repealed. It is provided, however, that any ordinance may be adopted, amended or repealed at any time by appropriate referendum or initiatory procedure in accordance with foregoing provisions of this chapter or if submitted to the electorate by the Council on its own motion.

If two or more ordinances adopted at the same election shall have conflicting provisions, the provisions in the ordinance receiving the highest number of affirmative votes shall govern.

CHAPTER 8

GENERAL FINANCE

FISCAL YEAR:

Section 8.1 The fiscal year of the village and of all its agencies shall begin on the first day of July of each year and end on the thirtieth day of June of the following year.

BUDGET PROCEDURES:

Section 8.2 At the first regular Council meeting in May of each year the Clerk shall submit a recommended budget for the ensuing fiscal year, which budget shall contain at least the following:

- (a) Detailed estimates, with supporting explanations, of all proposed

expenditures for each department and office of the village, together with the expenditures for corresponding items for the last preceding fiscal year in full and for the current fiscal year to March 1 and estimated expenditures for the balance of the current fiscal year.

(b) Statements of the bonded and other indebtedness of the village, showing the debt redemption and interest requirements, the debt authorized and unissued and the condition of sinking funds, if any.

(c) Detailed estimates of all anticipated revenues of the village from sources other than taxes, with a comparative statement of the amounts received by the village from each of the same or similar sources for the last preceding fiscal year in full and for the current fiscal year to March 1 and estimated revenues for the balance of the current fiscal year.

(d) A statement of the estimated balance or deficit for the end of the current fiscal year.

(e) An estimate of the amount of money to be raised from current and delinquent taxes and the amount to be raised from bonds issued, which, together with any available unappropriated surplus and any revenues from other sources, will be necessary to meet the proposed expenditures.

(f) Such other supporting information as the Council may request.

BUDGET HEARING:

Section 8.3 A public hearing on the proposed budget shall be held before its final adoption at such time and place as the Council shall direct. Notice of such public hearing, a summary of the proposed budget and notice that the proposed budget is on file in the office of the Clerk shall be published at least one week in advance of the hearing. The complete proposed budget shall be on file for public inspection during office hours at such office for a period of not less than one week prior to such hearing.

ADOPTION OF BUDGET:

Section 8.4 Not later than the second regular monthly meeting in May the Council shall, by resolution, adopt a budget for the next fiscal year and shall appropriate the money needed for municipal purposes during such year and shall in such resolution provide for a levy of the amount necessary to be raised by taxes upon real and personal property for municipal purposes subject to the limitations contained in Section 9.1.

BUDGET CONTROL:

Section 8.5. Except for purposes which are to be financed by the issuance of bonds or by special assessment, or for other purposes not chargeable to a budget appropriation, no money shall be drawn from the treasury of the village except in accordance with an appropriation thereof for such specific purpose, nor shall any obligation for the expenditure of money be incurred without an appropriation covering all payments which will be due under such obligation in the current fiscal year. The Council by resolution may transfer any unencumbered appropriation balance, or any portion thereof, from one account, department, fund or agency to another. The Council may make additional appropriations during the fiscal year for unanticipated expenditures required of the village, but such additional appropriation shall not exceed the amount by which actual and anticipated revenues of the year exceed the revenues as estimated in the budget unless the appropriations are necessary to relieve an emergency endangering the public health, peace or safety.

Except in those cases where there is no logical account to which an expenditure can be charged, expenditures shall not be charged directly to the contingent fund (or other similar fund); instead, the necessary part of the appropriation for the contingent fund (or other similar fund) shall be transferred to the logical account and the expenditures then charged to such account.

At the beginning of each quarterly period during the fiscal year, and more often if required by the Council, the officer responsible for the maintenance of the village accounting system shall submit to the council data showing the relation between the estimated and actual revenues and expenditures to date, and if it shall appear that the revenues are less than anticipated, the Council may reduce appropriations, except amounts required for debt and interest charges, to such a degree as may be necessary to keep expenditures within the revenues.

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

DEPOSITORY:

Section 8.6 The Council shall designate depositories for the village funds and shall provide for the regular deposit of all village moneys.

INDEPENDENT AUDIT:

Section 8.7 An independent audit shall be made by an independent accountant experienced in municipal accounting, to be selected by the Council.

CHAPTER 9

TAXATION

POWER TO TAX: TAX LIMIT:

Section 9.1 The village shall have power to assess taxes and levy and collect rents tolls and excises. The annual general advalorem tax levy shall not exceed two per cent of the assessed value of all real and personal property subject to taxation in the village, exclusive of any levies authorized by statute to be made beyond charter tax rate limitations.

SUBJECTS OF TAXATION:

Section 9.2 The subjects of ad valorem taxation for municipal purposes shall be the same as for state, county and school purposes under the general law. Except as otherwise provided by this charter village taxes shall be levied, collected and returned in the manner provided by statute.

EXEMPTION FROM TAXES:

Section 9.3 No exemptions from taxation shall be allowed, except as expressly required or permitted by statute.

TAX DAY:

Section 9.4 Subject to the exceptions provided or permitted 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.

PREPARATION OF THE ASSESSMENT ROLL:

Section 9.5 On or before the first Monday in March in each year the Assessor shall prepare and certify an assessment roll of all property in the village subject 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. On or before the first Monday in March the

Assessor shall give by first class mail a notice of any increase over the previous year in the assessed value of any property or of the addition of any property to the roll to the owner as shown by such assessment roll. The failure to give any such notice or of the owner to receive it shall not invalidate any assessment roll or assessment thereon.

BOARD OF REVIEW:

Section 9.6 The Board of Review shall be composed of three freeholders of the village who shall meet the eligibility requirements contained in Section 5.1 and who during their term of office shall not be village officers or employees or nominees or candidates for elective village office. One member of the board shall be appointed by the Council annually in January, 1957 and each year thereafter for a term of three years, to replace the member whose term expires that year. The Council shall fix the compensation of the members of the Board. The Board shall annually in February select its own chairman for the ensuing year, and the Assessor shall be clerk of the Board and shall be entitled to be heard at its sessions, but shall have no vote.

MEETINGS OF BOARD OF REVIEW:

Section 9.7 The Board of Review shall convene in its first session on the Tuesday following the second Monday in March of each year at such time of day and place as shall be designated by the Council and shall remain in session for at least eight hours for the purpose of reviewing and correcting the roll. In each case in which the assessed value of any property is increased over the amount shown on the assessment roll as prepared by the Assessor or any property as added to such roll by the Board, or the Board has resolved to consider at its second session such increasing of an assessment or the adding of any property to such roll, the Assessor shall give notice thereof to the owners as shown by such roll by first class letter mailed not later than the day following the end of the first session of the Board. Such notice shall state the date, time, place and purpose of the second session of the Board. The failure to give any such notice or of the owner to receive it shall not invalidate any assessment roll or assessment thereon.

The Board of Review shall convene in its second session on the Tuesday following the fourth Monday in March of each year at such time of day and place as shall be designated by the Council and shall continue in session until all interested persons have had an opportunity to be heard, but in no case for less than eight hours. At the second session, the Board may not increase any assessment or add any property to the rolls, except in those cases in which the Board resolved at its first session to consider such increase or addition at its second session.

NOTICE OF MEETINGS:

Section 9. 8. Notice of the time and place of the sessions of the Board of Review shall be published by the Clerk at least ten days prior to each session of the Board.

DUTIES AND FUNCTIONS OF BOARD OF REVIEW:

Section 9. 9 For the purpose of reviewing and correcting assessments, the Board of Review shall have the same powers and perform like duties in all respects as are by statute conferred upon and required of boards of review in townships, except as otherwise provided in this charter. It shall hear the complaints of all persons considering themselves aggrieved by assessments, and if it shall appear that any person or property has been wrongfully assessed or omitted from the roll, the Board shall correct the roll in such manner as it deems just. In all cases the roll shall be reviewed according to the facts existing on the tax day and no charge in the status of any property after said day shall be considered by the Board in making its decisions. Except as otherwise provided by statute, no person other than the Board of Review

shall make or authorize any change upon, or additions or corrections to, the assessment roll. It shall be the duty of the Assessor to keep a permanent record of all proceedings and to enter therein all resolutions and decisions of the Board.

ENDORSEMENT OF ROLL:

Section 9. 10 After the Board of Review has completed its review of the assessment roll, and not later than the first Monday in April, the majority of its members shall endorse thereon and sign a statement to the effect that the same is the assessment roll of the village for the year in which it has been prepared. The omission of such endorsement shall not affect the validity of such roll.

CLERK TO CERTIFY TAX LEVY:

Section 9. 11. Within three days after the Council has adopted the budget for the ensuing year, the Clerk shall certify to the Assessor the total amount which the Council determines shall be raised by general ad valorem tax. He shall also certify all amounts of current or delinquent special assessments and all other amounts which the Council requires to be assessed, reassessed or charged upon any property or against any person.

VILLAGE TAX ROLL:

Section 9. 12. After the Board of Review has completed its review of the assessment roll, the Assessor shall prepare a copy of the assessment roll to be known as the "Village Tax Roll," and upon receiving the certification of the several amounts to be raised, as provided in Section 9. 11. the Assessor shall spread upon said tax roll the several amounts determined by the Commission to be charged, assessed or reassessed against persons or property. He shall also spread the amounts of the general ad valorem village tax according to and in proportion to the several valuations set forth in said assessment roll. To avoid fractions in computation on any tax roll, the Assessor may add to the amount of the several taxes to be raised not more than the amounts prescribed by statute. Any excess created thereby on any tax roll shall belong to the village.

TAX ROLL CERTIFIED FOR COLLECTION:

Section 9. 13. After spreading the taxes the Assessor shall certify the tax roll, and the President shall annex his warrant thereto directing and requiring the Treasurer to collect prior to March first of the following year from the several persons named in said tax roll the several sums mentioned therein opposite their respective names as a tax or assessment and granting to him, for the purpose of collecting the taxes, assessments and charges on such roll all statutory powers and immunities possessed by township treasurers for the collection of taxes. On June fifth, the roll shall be delivered to the Treasurer for collection.

TAX LIEN ON PROPERTY:

Section 9. 14. On July first, the taxes thus assessed shall become a debt due to the village from the persons to whom they are assessed and the amounts assessed on any interest in real property shall become a lien upon such real property, for such amounts and for all interest and charges thereon, and all personal taxes shall become a first lien on all personal property of such persons so assessed. Such lien shall take precedence over all other claims, encumbrances and liens to the extent provided by statute and shall continue until such taxes, interest and charges are paid.

TAXES DUE: NOTIFICATION THEREOF:

Section 9. 15. Village taxes shall be due on July first of each year. The Treasurer shall not be required to call upon the persons named in the village tax roll, nor to make personal demand for the payment of taxes, but he shall (a) publish between June fifteenth and July first, notice of the time when said taxes will be due for collection and the penalties and fees

for late payment of same, and (b) mail a bill to each person named in such roll, but in cases of multiple ownership of property, only one bill need be mailed.

COLLECTION FEES:

Section 9. 16. All taxes paid on or before ^{Sept. 14} August thirty-first of each year shall be collected by the Treasurer without collection fee. On September ~~first~~ he shall add to all taxes paid thereafter a collection fee of four per cent of the amount of said taxes. Such collection fee shall belong to the village and constitute a charge and shall be a lien against the property to which the taxes themselves apply, collectible in the same manner as the taxes to which they are added.

It is provided, however, that if delivery of the tax roll to the Treasurer, as provided in Section 9.13, is delayed for any reason by more than thirty days after June fifth, the application of the schedule of collection fees provided herein shall be postponed thirty days for the first thirty days of such delay and shall be postponed an additional thirty days for each additional thirty days, or major fraction thereof, of such delay.

DELINQUENT TAX ROLL TO COUNTY TREASURER:

Section 9. 17. All village taxes remaining uncollected by the Treasurer on the first day of ~~March~~ ¹⁹¹⁴ following the date when said roll was received by him shall be returned to the County treasurer to the extent and in the same manner and with like effect as provided by statute for returns by township treasurer on township, school and county taxes. Such returns shall include all the additional assessments, charges and fees hereinbefore provided, which shall be added to the amount assessed in 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.

CHAPTER 10

BORROWING POWER

GRANT OF AUTHORITY TO BORROW:

Section 10. 1. Subject to the applicable provisions of statute and constitution, the Council may by ordinance or resolution borrow money and issue bonds and other evidence of indebtedness therefor, for any purpose within the scope of powers vested in the village. Such bonds or other evidences of indebtedness shall include, but not be limited to, the following types:

(a) General obligation bonds which pledge the full faith, credit and resources of the village for the payment of such obligations, including bonds for the village's portion of public improvements;

(b) Notes issued in anticipation of the collection of taxes, but the proceeds of such notes may be spent only in accordance with appropriations as provided by Section 8.4.

(c) In case of fire, flood, or other calamity requiring an emergency fund for the relief of the inhabitants of the village, or for the repairing or rebuilding of any of its municipal buildings, works, bridges or streets, emergency obligations therefor due in not more than three years.

(d) Bonds issued in anticipation of special assessments, which bonds may be an obligation of one or more special assessment district, or may be both an obligation of such special assessment districts, and the general obligation of the village;

(e) Mortgage bonds for the acquiring, owning, purchasing, constructing or operating of any public utility as provided in Article 8, Sections 23 and 24 of the Constitution; provided such bonds shall not impose any liability upon the village but shall be secured only upon the property and revenues of such public utility, including a franchise, stating the terms upon which, in case of foreclosure, the purchases may operate the same, which franchise shall in no case extend for a longer period than

twenty years from the date of the sale of such utility and franchise on foreclosure. Such mortgage bonds shall be sold to yield not to exceed six per cent per annum. A sinking fund shall be created in the event of the issuance of such bonds, by setting aside such percentage of the gross or net earnings of the public utility as may be deemed sufficient for such payment.

(f) Bonds for the refunding of the funded indebtedness of the village;

(g) Revenue bonds as authorized by Public Act 94 of 1933 as amended which are secured only by the revenues from a public improvement and do not constitute a general obligation of the village.

LIMITS OF BORROWING POWERS:

Section 10. 2. The net bonded indebtedness incurred for all public purposes shall not at any time exceed ten per cent of the assessed value of all the real and personal property in the village subject to taxation as shown by the last preceding assessment roll of the village, provided that in computing such net bonded indebtedness where shall be excluded money borrowed under the following sections: 10. 1. (b) (tax anticipation notes), 10. 1. (d) (special assessment bonds even though they are also a general obligation of the village), 10. 1. (e) (mortgage bonds), 10. 1. (g) (revenue bonds), and any other obligations excluded by statute or Constitution from such limitations. The resources of the sinking fund pledged for the retirement of any outstanding bonds shall also be deducted from the amount of the bonded indebtedness.

The amount of emergency loans which the Council make under the provision of Section 10.1 (c) may not exceed one-fourth of one percent of the assessed value of all the real and personal property in the village (or such larger percentage as villages may by statute be permitted to provide in their charter) notwithstanding such loan may increase the indebtedness of the village beyond the limitation fixed in the preceding paragraph.

The total amount of such special assessment bonds issued under Section 10. 1 (d) which are a general obligation of the village shall at no time by reason of future issues, other than issues of refunding bonds, exceed the statutory limitations thereon, nor shall such bonds be issued in any calendar year in excess of the amount so permitted to be issued by statute unless authorized by a vote of the electors in the manner provided by statute.

VOTE OF ELECTORS REQUIRED:

Section 10. 3. Unless approved by three-fifths of the electors voting thereon at any general or special election, the Council shall not have power to authorize any issue of bonds except special assessment bonds, bonds for the village portion of local improvements, not to exceed forty percent of the cost of such improvement, refunding bonds, bonds for relief from fire, flood or calamity or for payment of judgments, revenue bonds and other bonds excluded by statute from the requirement for such vote. Only those electors having the Constitutional qualifications for voting on the approval of bond issues shall be entitled to vote on such question.

PREPARATION AND RECORD OF BONDS:

Section 10. 4. Every bond issued by the village shall contain on its face a statement specifying the object for which the same is issued. It shall be unlawful for any officer of the village to sign or issue any such bond unless such statement is set forth on the face of the same, or to use such bonds or the proceeds from the sale thereof for any object other than that mentioned on the face of such bond. Any officer who shall violate any of the provisions of this section shall be deemed guilty of misconduct in office.

Bonds and all other evidence of indebtedness issued by the village shall be signed by the President and Clerk under the seal of the village.

The coupons evidencing the interest upon said bonds may be executed with the facsimile signatures of the President and the Clerk. A complete and detailed record of all bonds shall be kept by the Clerk.

Upon the payment of any bond or other evidence of indebtedness, the same shall be cancelled.

UNISSUED BONDS:

Section 10. 5. Any authorization by the electors for the issuance of bonds by the village shall be void if such bonds shall not be issued within three years from the date of such authorization.

INSTALLMENT PAYMENT CONTRACTS:

Section 10. 6. The Council may enter into installment contracts for the purchase of property or capital equipment. Each of such contracts shall not extend over a greater period than five years. All such deferred payments shall be included in the budget for the year in which the installment is payable.

CHAPTER 11

SPECIAL ASSESSMENTS

GENERAL POWER RELATIVE TO SPECIAL ASSESSMENTS:

Section 11.1. The Council shall have the power to determine by resolution that the whole or any part of the expense of any public improvement be defrayed by special assessment upon the property especially benefited in proportion to the benefits derived or to be derived.

DETAILED PROCEDURE TO BE FIXED BY ORDINANCE:

Section 11. 2. The Council shall prescribe by ordinance the complete special assessment procedure governing the initiation of projects, preparation of plans and cost estimates, creation of districts, making and confirming of assessments rolls, correction of errors in the making of improvements by the special assessment method.

Such ordinance shall be subject to the following provisions:

(a) No resolution finally determining to proceed with establishing any special assessment district for the making of any public improvement shall be enacted until cost estimates have been prepared and a public hearing has been held on the advisability of so proceeding, which hearing shall be held not less than ten days after notice thereof has been published and sent by first class mail to all property owners in the proposed district as shown by the current assessment roll of the city.

(b) No special assessment roll shall be finally confirmed until after a meeting of the Council has been held for the purpose of reviewing such roll which meeting shall be held not less than ten days after notice thereof has been published and sent by first class mail to all property owners in the proposed district as shown by the current assessment roll of the village.

(c) No original special assessment roll shall be confirmed except by the affirmative vote of five members of the Council if prior to such confirmation written objections to the proposed improvement have been filed by the owners of property in the district which will be required to bear more than fifty percent of the amount of such special assessment.

(d) No public improvement to be financed in whole or part by special assessment shall be made before the confirmation of the special assessment roll for such improvement.

(e) No special assessment district or districts shall be created by the Council for any one public improvement which includes property having an area in excess of twenty-five percent of the total area of the village. No public improvement project shall be divided geographically for the purpose of circumventing this provision.

SPECIAL ASSESSMENT POWERS:

Section 11.3 The Council shall, in the exercise of its powers of special assessment, have power to provide for the following, but this list shall not be exclusive:

- (a) For the construction of public parking facilities as a public improvement financed in whole or part by the special assessment method.
- (b) For installing a boulevard lighting system on any street as a public improvement to be financed in whole or in part by special assessment upon the lands abutting thereupon, provided that the property owners of a majority of the frontage on such street or part thereof to be so improved shall petition therefor.
- (c) For the payment of special assessments in annual installments not to exceed ten in number. The first such installment to be due upon confirmation of the special assessment roll, and subsequent installments to be due on July first succeeding years and to be placed upon the annual village tax roll, if delinquent, and for an interest charge only until the due date of each such deferred installment not to exceed six percent per year, subject to the right of advance payment of any such installment with interest only to the date of payment.

DISPOSITION OF EXCESSIVE SPECIAL ASSESSMENTS:

Section 11. 4. The excess by which any special assessment proves larger than the actual cost of the improvement and expenses incidental thereto may be placed in the general fund of the village if such excess is five percent or less of the assessment, but should the assessment prove larger than necessary by more than five percent the entire excess shall be refunded on a pro rata basis to the owners of the property assessed as shown by the current assessment roll of the village. Such refund shall be made by credit against future unpaid installments to the extent such installments then exist and the balance of such refund shall be in cash. No refunds may be made which contravene the provisions of any outstanding evidence of indebtedness secured in whole or part by such special assessment.

ADDITIONAL ASSESSMENT: CORRECTION OF INVALID SPECIAL ASSESSMENTS:

Section 11. 5. Whenever any special assessments shall, in the opinion of the Council be invalid by reason of irregularity or informality in the proceedings, or if any court of competent jurisdiction shall adjudge such assessment to be illegal, the Council shall, whether the improvement has been made or not, or whether any part of the assessments have been paid or not, have power to cause a new assessment to be made for the same purpose for which the former assessment was made. All proceedings on such reassessment and for the collection thereof shall be conducted in the same manner as provided for the original assessment, and whenever any sum or part thereof levied upon any property in the assessment so set aside has been paid and not refunded, the payment so made shall be applied upon the reassessment or if the payments exceed the amount of the reassessment refunds be made.

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

CONTESTED ASSESSMENTS:

Section 11. 6. No suit or action of any kind shall be instituted or maintained for the purpose of contesting or enjoining the collection of any special assessment (a) unless within thirty days after the confirmation of the special assessment roll written notice is given to the Council of intention to file such suit or action stating the grounds on which it is claimed such assessment is illegal and (b) unless such suit or action shall be commenced within sixty days after confirmation of the roll.

COLLECTION OF SPECIAL ASSESSMENTS:

Section 11.7. Upon the confirmation of each special assessment roll the special assessment shall become a debt to the village from the persons to whom they are assessed and shall until paid be a lien upon the property assessed for the amount of such assessment and all interest and charges thereon. Such lien shall be of the same character and effect as created by this charter for village taxes.

Special assessments or installments thereof, which become due on July first of any year shall be collected in all respects as are village taxes due on July 1 of the same year, and if uncollected on the following first day of March, shall be returned to the County Treasurer with unpaid taxes as provided in Section 9. 17.

The initial special assessment installments which become due other than on July first shall, if unpaid for ninety days or more on May first of any year be certified as delinquent to the Council by the Treasurer and the Council shall place such delinquent assessments on the tax roll for that year together with accrued interest to July first of such year. The total amount of such assessment and interest shall thereafter be collected in all respects as are village taxes due on July first of that year, shall be subject to the same fees and penalties as are village taxes due on that date and if uncollected on the following March first shall be returned to the County Treasurer with unpaid taxes as provided in Section 7. 17.

SPECIAL ASSESSMENT ACCOUNTS:

Section 11.8 Except as otherwise provided in this charter, moneys raised by special assessment for any public improvement shall be credited to a special account and shall be used to pay for the costs of the improvement for which the assessment was levied and expenses incidental thereto or to repay any money borrowed therefor.

ASSESSMENT FOR REMOVAL OF HAZARDS, ETC.:

Section 11.9 The assessment for the cost of the construction of any sidewalk or the abatement of any hazard or nuisance to be made pursuant to Section 2.2 (22) or Section 2.2 (23), or for the cost of removing snow, ice or other obstructions from sidewalks to be made pursuant to Section 2.2 (24) shall be made by resolution of the Council. Notice of the time at which the Council will act thereon shall be given by first class mail to the owner of the property to be assessed as shown by the current tax roll of the village, except that no notice shall be required in the case of assessment for the removal of weeds, snow or ice. For the purpose of collection of such assessment, the adoption of such resolution shall be equivalent to the confirmation of a special assessment roll. The amount of any such assessment shall become a debt to the village upon adoption of such resolution, be due at such time as the Council shall prescribe, and shall be subject to the collection fees and become a lien as provided in Section 11.7. Every such assessment shall also be subject to Sections 11.4 11.5. and 11.6.

FAILURE TO MAIL NOTICE:

Section 11.10 Failure to mail any notice required to be so sent by this chapter or by ordinance shall not invalidate any special assessment or special assessment roll.

CHAPTER 12

PURCHASING - CONTRACT - LEASES

PURCHASE AND SALE OF PROPERTY:

Section 12. 1. The Council shall designate an administrative officer of the village in charge of purchasing, and he shall be responsible for the purchase and sale of all village property. Comparative prices shall be obtained for the purchase or sale of all materials, supplies and public improvements except (a) in the employment of professional services and (b) when the Purchasing Officer (or the Council as hereinafter provided) shall determine that no advantage to the village would result therefrom.

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The Council may authorize a Purchasing Officer to make purchases and sales in amounts not in excess of one hundred dollars, without prior approval of the Council. In all sales or purchases in excess of one hundred dollars and not in excess of one thousand dollars, the sale or purchase shall be first approved by the Council. In all sales and purchases in excess of one thousand dollars, the sale or purchase shall be first approved by the Council, and formal sealed bids shall be obtained, unless the Council by formal unanimous resolution of those present at the meeting determines that no advantage will result from competitive bidding. No sale or purchase shall be divided for the purpose of circumventing the dollar value limitation contained in this section. The Council may authorize the making of public improvements or the performance of any other village work by any village department or agency without competitive bidding.

Purchases shall be made from the lowest competent bidder meeting specifications; sales shall be made to the bidder whose bid is most advantageous to the village. All such bids shall be publicly opened at a regular village Council meeting.

All purchase and sales in excess of twenty-five dollars shall be evidenced by written contract or purchase order.

The Council may by ordinance establish detailed purchasing, sale and contract procedures not inconsistent with this charter.

CONTRACTS:

Section 12. 2. The authority to contract on behalf of the village is vested in the Council and shall be exercised in accordance with the provisions of statute and this charter, provided that purchases and sales may be made by the Purchasing Officer subject to the provisions of Section 12. 1. No contract except (a) an agreement of employment or (b) an agreement for the purchase or sale of goods, wares or merchandise in an amount of one thousand dollars or less, shall be made unless the officer responsible for maintaining the village accounts shall first have certified that an appropriation has been made for payment hereof, or that sufficient funds will be available if it be for a purpose to be financed by the issuance of bonds or special assessments or for some other purpose not chargeable to a budget appropriation. In the case of a contract obligating the village to periodic payments in future fiscal years for the furnishing of a continuing service or the leasing of property such certification shall not cover those payments on the contract which will be due in future fiscal years, but this exception shall not apply to a contract for the construction of a public improvement unless such public improvement is being purchased by installment payments under the provisions of Section 10. 6. A copy of all contracts requiring such certification shall be filed in the office of the Clerk. No contract shall be divided for the purpose of circumventing the dollar value limitation contained in this section.

No contract shall be amended after the same has been made except upon the authority of the Council (except that the Purchasing Officer may amend the terms of purchases and sales made by him subject to the provisions of Section 12.1)

No compensation shall be paid to any contractor or vendor except in accordance with the terms of the contract.

RESTRICTION ON POWERS TO LET PROPERTY:

Section 12. 3. Any agreement or contract for the renting or letting of public property for a period longer than three years shall be subject to the same referendum procedure as provided in the case of ordinances passed by the Council. However, a summary of the terms of any such agreement or contract shall be published within ten days after its approval by the Council and any petition for such referendum must be filed within thirty days after such publication to be effective.

The transfer or assignment of any agreement or contract for the renting or letting of public property may be made only upon approval of the Council, but approval of such transfer shall not be subject to referendum.

CHAPTER 13

MUNICIPAL OWNED UTILITIES

GENERAL POWERS RESPECTING UTILITIES:

Section 13. 1. The village shall possess and hereby reserves to itself all the powers granted to villages by statute and Constitution to acquire, construct, own, operate, improve, enlarge, extend, repair and maintain, either within or without its corporate limits, including, but not by way of limitation, public utilities for supplying water, light, heat, power, gas, sewage treatment and garbage disposal facilities, or any of them, to the municipality and the inhabitants thereof; and also to sell and deliver water, light, heat, power, gas and other public utility services without its corporate limits to an amount not to exceed the limitations set by statute and Constitution.

MANAGEMENT OF MUNICIPALLY OWNED UTILITIES:

Section 13. 2. All municipally owned utilities shall be administered as a regular department of the village government under one or more department heads appointed under the provisions of Section 4.5., and shall serve under the pleasure of the Council, and not by an independent board or commission.

RATES:

Section 13. 3. The Council shall have power to fix from time to time such just and reasonable rates as may be deemed advisable for supplying the inhabitants of the village and others with such public utility services as the village may provide. There shall be no discrimination in such rate within any classification of users thereof, nor shall free service be permitted, but higher rates may be charged for service outside the village limits.

UTILITY RATES AND CHARGES---COLLECTION:

Section 13. 4. The Council shall provide by ordinance for the collection of all public utility rates and charges made by the village. With respect to water, the village shall have all the powers granted to village by Public Act 178 of 1939. When any person, firm or corporation shall fail or refuse to pay any sums due on utility bills, the service upon which such delinquency exists may be discontinued and suit may be instituted by the village for the collection of the same in any competent tribunal.

DISPOSAL OF UTILITY PLANTS AND PROPERTY:

Section 13. 5. Unless approved by a three-fifths majority vote of the electors voting thereon at a regular or special election, the village shall not sell, exchange, lease or in any way dispose of any property, easements, equipment privilege or asset belonging to and appertaining to any municipally owned public utility which is needed to continue operating such utility. All contract, negotiations, licenses, grants, leases or other forms of transfer in violation of this section shall be void and of no effect as against the village. The restrictions of this section shall not apply to the sale or

exchange of any articles of machinery or equipment of any village owned public utility which are worn out or useless or which have been, or could with advantage to the service be, replaced by new and improved machinery or equipment, to the leasing of property not necessary for the operation of the utility, or to the exchange of property or easements for other needed property or easements.

UTILITY ACCOUNTS:

Section 13. 6. Transactions pertaining to the ownership and operation by the village of each public utility shall be recorded in a separate group of accounts under an appropriate fund caption, which accounts shall be classified in accordance with generally accepted utility accounting practice. Charges for all service furnished to, or rendered by, other village departments or agencies shall be recorded. An annual report shall be prepared to show fairly the financial position of the utility and the results of its operations, which report shall be available for inspection at the office of the Clerk.

CHAPTER 14

PUBLIC UTILITY FRANCHISES

GRANTING OF PUBLIC UTILITY FRANCHISES:

Section 14. 1. Public utility franchises and all renewals, extensions thereof and amendments thereto shall be granted by ordinance only. No exclusive franchise shall ever be granted. No franchise shall be granted for a longer period than thirty years.

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

A franchise ordinance or removal or extension thereof or amendment thereto which is subject to revocation at the will of the Council may be enacted by the Council without referral to the voters, but shall not be enacted unless it shall have been in the form in which it is finally enacted and shall have so been on file in the office of the Clerk for public inspection for at least four weeks after publication of a notice that such ordinance is so on file.

CONDITIONS OF PUBLIC UTILITY FRANCHISE:

Section 14. 2. All public utility franchises granted after the adoption of this charter, whether it be so provided in the granting ordinance or not, shall be subject to the following rights of the village, but this enumeration shall not be exclusive or impair the right of the Council to insert in such franchise any provision within the power of the village to impose or require:

- (a) To repeal the same for misuse, non-use or failure to comply with the provisions thereof.
- (b) To require proper and adequate extension of plant and service and maintenance thereof at the highest practicable standard of efficiency.
- (c) To establish reasonable standards of service and quality of products and prevent unjust discrimination in service of rates;
- (d) To require continuous and uninterrupted service to the public in accordance with the terms of the franchise throughout the entire period thereof;

(e) To use, control and regulate the use of its streets, alleys, bridges and public places and the space above and beneath them;

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

REGULATION OF RATES:

Section 14. 3. All public utility franchises shall make provision therein for fixing rates, fares and charges and may provide for readjustments thereof at periodic intervals. The value of the property of the utility used as a basis for fixing such rates, fares and charges shall in no event include a value predicated upon the franchise, goodwill or prospective profits.

USE OF PUBLIC PLACES BY UTILITIES:

Section 14. 4. Every public utility whether it has a franchise or not shall pay such part of the cost of improvement or maintenance of streets, alleys, bridges and public places as shall arise from its use thereof and shall protect and save the village harmless from all damages arising from said use. Every such public utility may be required by the village to permit joint use of its property and appurtenances located in the streets, alleys and other public places of the village by the village and by other utilities insofar as such joint use may be reasonably practicable and upon payment of reasonable rental therefor. In the absence of agreement and upon application by any public utility the Council shall provide for arbitration of the terms and conditions of such joint use and the compensation to be paid therefor and the arbitration award shall be final.

CHAPTER 15 MISCELLANEOUS

RECORDS TO BE PUBLIC:

Section 15. 1. All records of the village shall be public and shall be available for inspection at all reasonable times.

DEFINITIONS AND INTERPRETATIONS:

Section 15. 2. Except as otherwise specifically provided or indicated by the context;

(a) 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 provisions is made herein.

(b) The singular number shall include the plural, the plural number shall include the singular and the masculine gender shall extend to and include the feminine gender and the neuter.

(c) The word "person" may extend and be applied to bodies politic and corporate and to partnerships as well as to individuals.

(d) The words "printed" and "printing" shall include reproductions by printing, engraving, stencil duplicating, lithographing or any similar method.

(e) Except in reference to signatures, the words "written" and in "writing" shall include printing and typewriting.

(f) The word "officer" shall include the President and other members of the Council, the administrative officers, and members of village boards and commissions created by or pursuant to this charter.

(g) The word "statute" shall denote the Public Acts of the State of Michigan as in effect at the time the provision of the charter containing the word "statute" is to be applied.

(h) The word "Constitution" shall denote the Constitution of the State of Michigan as in effect at the time the provision of the charter containing the word "Constitution" is to be applied.

(i) All references to specific local or Public Acts shall be to such local or Public Acts of the State of Michigan as in effect at the time the reference to such act is to be applied.

(j) All references to section numbers shall refer to section numbers of this charter.

DEFINITION OF PUBLICATION, MAILING OF NOTICES:

Section 15. 3. The requirement contained in this charter for the publishing or publication of notices or ordinances shall be met by posting copies thereof in five of the most public places in the village by the Clerk or his designated agent. The affidavit of the Clerk or such agent of such posting shall be prima facie evidence of such publication.

In any case in which this charter requires the mailing of notices, the affidavit of the officer or employee responsible for such mailing that such notice was mailed shall be prima facie evidence of such mailing.

VILLAGE LIABILITY:

Section 15. 4. In accordance with the authority granted in Section 25 of Public Acts 278 of 1909, Section 7 of Chapter VII of Public Act 3 of 1895, which section in part limits the liability of villages and prescribes a procedure for claims against the village, is hereby adopted as part of this chapter by this reference thereto, but the village shall not be subject to any limitations or restrictions of said act except as provided in this charter.

TRUSTS:

Section 15. 5. All trusts established for any municipal purpose shall be used and continued in accordance with the terms of such trust, subject to the cy pres doctrine. The Council may in its discretion receive and hold any property in trust for any municipal purpose and shall apply the same to the execution of such trust and for no other purposes except in cases where the cy pres doctrine shall apply.

SUNDAYS AND HOLIDAYS:

Section 15. 6. Whenever the date fixed by this charter or by ordinance for the doing or completion of any act falls on a Sunday or legal holiday, such act shall be done or completed on the next succeeding day which is not a Sunday or legal holiday.

RESTRICTION ON SUBDIVISION OF LANDS:

Section 15. 7. No lands or premises shall hereafter be laid out, divided and platted into streets and alleys within the village except by permission and approval of the Commission by resolution passed for that purpose, nor until the proprietor shall file with the Clerk a correct survey, plan and map of the proposed subdivision platted and subdivided as approved by the Council, which plat shall show the location of all such lots, streets and alleys, and other proposed improvements with respect to the adjacent lots and streets of the village.

PENALTIES FOR MISCONDUCT IN OFFICE:

Section 15. 8. Any officer of the village found guilty by a court of competent jurisdiction of any act declared by this charter to constitute misconduct in office may be punished by a fine of not to exceed one hundred dollars or imprisonment for not to exceed ninety days or both in the discretion of the court. The punishment provided in this section shall be in addition to that of having the office declared vacant as provided in Section 5. 2.

CHAPTER AND SECTION HEADINGS:

Section 15. 9. The chapter, section and sub-section headings used in this charter are for convenience only and shall not be considered as part of the charter.

AMENDMENTS:

Section 15. 10. This charter may be amended at any time in the manner provided by statute. Should two or more amendments adopted at the same election have conflicting provisions the one receiving the largest affirmative vote shall prevail as to those provisions.

SEVERABILITY OF CHARTER PROVISIONS:

Section 15. 11. If any provision, section, article or clause of this charter or the application thereof to any person or circumstances shall be found to be invalid by a court, such invalidity shall not affect any remaining portion or application of the charter which can be given effect without the invalid portion or application, provided such remaining portions or applications are not determined by the court to be inoperable, and to this end this charter is declared to be severable.

CHAPTER 16

SCHEDULE

ELECTION ON ADOPTION OF CHARTER:

Section 16. 1. (a) Date. This charter shall be submitted to a vote of the registered electors of the Village of South Rockwood at a special election to be held on Monday, September 19, 1955. At the same special election the elective officers provided for in this charter shall be elected as hereinafter provided. The charter shall be adopted if a majority of the ballots cast thereon are in favor of adoption.

(b) Form of ballot. The form of the ballot for the submission of this charter shall be as follows:

INSTRUCTIONS: 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 Village of South Rockwood drafted by the Charter Commission elected on February 21, 1955, be adopted?

☒ Yes
☒ No

(c) The Charter Commission shall serve as the Election Commission for this special election. The Chairman of the Charter Commission shall be the Chairman of the Election Commission, and the Clerk of the Charter Commission shall be Clerk of the Election Commission.

(d) The polling place for this special election shall be the Berlin Township Precinct No. II Community Hall, Dixie Highway, South Rockwood, Michigan.

(e) Inspectors of election. The inspectors of election for this special election shall be the following qualified electors of the Village: Ruth Elliott, Charles Todd, Loretta Bondy, Carolyn Yale, Marie Tilley, Evelyn Wohlin, Vivian Bondy, Floyd Gildersleeve and Louise Powell. They shall receive no compensation for their services. In cases of inability of any member to serve, the Charter Commission shall designate a qualified substitute.

(f) Board of Canvassers. The board of canvassers for this election shall be the following qualified electors of the Village: Guy Elliott, Lewis Hughson and Bert Doty. In case of inability of any member to serve, the Charter Commission shall designate a qualified substitute. The board shall meet at the Berlin Township Precinct No. II at 8:00 P. M. on Tuesday, September 20, 1955, to canvass the results of such election.

(g) 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 village. 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 August 18, 1955. The board of registration shall on such last day for registration secure from the Clerk of Berlin Township his record of the persons who are both residents of the Village of South Rockwood as hereinbefore defined and registered voters of the Township of Berlin on such day and shall incorporate such records with their records and shall cause all such persons to be registered as village 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 village electors. Subsequent to the election, the registration records shall be delivered to the Clerk of the Village and shall constitute the original registration roll of the village.

(h) Notice of registration. The secretary of the Election Commission shall give notice for the Board of Registration of the days, hours and place that the registration will be conducted by publishing the same in The Monroe Evening News on August 4, 1955, said publication being not less than ten days prior to the last day for receiving registrations.

(i) Notice of election. The secretary of the Election Commission shall cause to be published with the publication of this charter in The Monroe Evening News on August 22, 1955 a notice of this election, the location of the polling place, that on the date fixed therefor the question of adopting such proposed charter will be voted upon, and that the elective officers provided for in this charter will be elected on the same date. He shall also post such notices in at least ten public places not less than two weeks prior to such election.

(j) Procedure governing elections. In all respects not otherwise provided for in this chapter of this charter, the election procedure shall be in accordance with the provisions of the other chapters of this charter.

FIRST ELECTION OF VILLAGE OFFICERS:

Section 16. 2. (a) Election. The first election of officers provided for in this charter shall be held on Monday, September 19, 1955 in conjunction with the election of the adoption of this charter. At this election the voters shall be entitled to vote for not more than one candidate for President not more than six candidates for Council.

(b) Terms. The three candidates for Council who receive the three highest number of votes shall be declared elected for a term beginning on Monday, September 26, 1955 and ending on the Monday next following the date of the regular village election in 1959. The three candidates for

Council who receive the fourth, fifth and sixth highest number of votes, shall be declared elected for a term beginning on Monday, September 26, 1955, and ending on the Monday next following the date of the regular village election in 1957. After this election the provisions contained in this charter relative to elections and terms of elective officers shall govern.

(c) Nominations. Candidates for the first election of officers shall be nominated by petition in a manner identical to that provided for in Section 3.6 and 3.7, except that (1) petitions shall be filed with the Clerk of the Election Commission who shall perform all the duties in connection with such nomination petitions as are required by this charter of the Village Clerk, and (2) nomination petitions shall be filed not before Tuesday, August 23, 1955, and not after 5:00 p.m. Thursday, September 1, 1955, and there shall be no opportunity thereafter to file corrected, supplemental or replacement petitions, other provisions of this charter notwithstanding. Notice of the days permitted for filing nomination petitions and of the number of persons to be elected to each office shall be published both in the manner provided in this charter for the publication of notices and by newspaper publication in the same issue of the newspaper in which the charter is published. The Clerk of the Election Commission shall on August 23, 1955, make available a supply of official petition forms as required by Section 3.6. The Clerk of the Election Commission shall make his final determinations as to the validity and sufficiency of such nomination petitions on or before Saturday, September 3, 1955, other provisions of this charter notwithstanding. The names of those candidates who file valid and sufficient nomination petitions and have the qualifications required for office shall be certified to the Election Commission to be placed on the ballot.

(d) Other election procedure. In all respects not otherwise provided for in this section the procedure for the election of officers shall be in accordance with the provisions of Section 16.1.

EFFECTIVE DATE OF CHARTER:

Section 16. 3. For the purpose of initiating the procedure for the election on the adoption of this charter and for nominating and electing the first village officers this charter shall take effect on August 22, 1955. For all other purposes this charter shall take effect on Monday, September 26, 1955, at 8:00 p.m., Eastern Standard Time. At such time the first officers elected shall assemble at the Berlin Township Precinct No. II. The meeting shall be called to order by a member of the Charter Commission designated by it for the purpose. Such member shall administer the oath of office to each elective officer of the village, and such officers shall thereupon be qualified for and shall assume the duties of their office.

Such officers shall then have control over the territory constituting the village as provided in this charter.

INTERIM FINANCE AND TAXATION PROVISIONS:

Section 16. 4. The first Council of the village shall have power to borrow in anticipation of its first collection of taxes sufficient money for the purpose of paying in full the just and legal expenses of the incorporation of the village and establishment of a government for the village and the payment of necessary operating expenses of the village from the time this charter becomes law until such time as the first taxes are collected. Such loan shall be made in the manner provided by statute for tax anticipation notes.

A village tax levy for the year 1956 may be made by the Council in accordance with the provisions of Chapters 8 and 9 of this charter, subject only to the following changes in dates:

(1) The Assessor shall prepare and certify the assessment roll on or before the first Monday in June, 1956.

(2) The Board of Review shall convene only once in 1956 on the second Monday in June of 1956 (notice shall be published at least ten days prior thereto);

- (3) The Board of Review shall complete its review of the roll and endorse the roll not later than the second Monday in June, 1956,
- (4) The Clerk shall submit a proposed budget to the Council on or before June 1, 1956.
- (5) The Council shall adopt a budget appropriation for the year and provide for the levy of taxes not later than seventy-two hours after the endorsement of the assessment roll by the Board of Review;
- (6) The tax roll shall be delivered to the Treasurer on June 29, 1956. The period from the effective date of this charter to June 30, 1956 shall constitute a special interim fiscal period and the appropriations and accounts of such period shall be kept separate from the appropriations and accounts for the regular fiscal years beginning July 1, 1956. However, no separate audit need be made of this interim fiscal period; it shall instead be audited at the same time that the 1956-57 fiscal year is audited.

FIRST BOARD OF REVIEW:

Section 16. 5. Before May 1, 1956, the Council shall appoint a Board of Review of three persons who meet the qualifications for the office as provided in this charter, shall designate a chairman to serve until February 1, 1957, and shall fix their compensation. Such members shall take office on or before June 1, 1956. One such member shall be designated to serve for a term expiring in January, 1957, one such member for a term expiring in January, 1958, and one such member for a term expiring in January, 1959. Thereafter the provisions of Section 9.6 shall govern.

TOWNSHIP ASSETS: SHARING OF STATE AID:

Section 16. 6. The Council shall take immediate steps to obtain the share of the village in real property owned by the Township of Berlin and in distributions of state funds, moneys or grants which by law are required to be distributed among cities, villages, townships and (or) counties of the state in accordance with Section 10 of Public Act 278 of 1909.

STATUS OF SCHEDULE CHAPTER:

Section 16. 7. The purpose of this schedule chapter is to inaugurate the government of the village under this charter and it shall constitute a part of this charter only to the extent and for the time required to accomplish this end.

RESOLUTION OF ADOPTION:

At a regular meeting of the Charter Commission of the Village of South Rockwood held on the 29th. day of April, 1955, the following resolution was offered by Commissioner Robert Doty.

Resolved: That the Charter Commission of the Village of South Rockwood does hereby adopt the foregoing proposed charter for the Village; that a copy shall be transmitted to the Governor of the State of Michigan for his approval, and that the proposed charter shall be published in the Monroe Evening News on August 22, 1955.

The resolution was seconded by Commissioner Neland Gaynier and adopted by the following vote:

YEAS: Commissioners

Francis Anson
Robert Doty
Neland Gaynier
Dallas D. Chinavare
Charles Howard Malone

NAYS: None

ABSENT: None

The Chairman declared the foregoing resolution carried and requested the Charter Commission to authenticate said resolution and also copies of the Charter to be presented to the Governor and by attesting their names thereto in the following manner:

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

STATE OF MICHIGAN- ss

COUNTY OF MONROE

Charles Howard Malone, Secretary (Clerk) of the Charter Commission of the Village of South Rockwood, being duly sworn says that an election duly called and held in the Village of South Rockwood on the 21st day of February, 1955, the following named persons were duly elected as the Charter Commission to frame a charter for the Village, namely: Francis Anson, Charles Howard Malone, Robert Doty, Neland Gaynier, and Dallas D. Chinavare, 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 Village of South Rockwood in accordance with the requirements of this charter and the laws of the State of Michigan.

Further deponent sayeth not.

"Charles Howard Malone"
Secretary (Clerk) of the
Charter Commission of the
Village of South Rockwood.

Dated: April 29, 1955.

Subscribed and sworn to before me this 29th. day of April, 1955.

Notary Public, Monroe County,
Michigan
My commission expires June 25, 1956

I do hereby approve the above and foregoing charter of the Village of South Rockwood.

Dated:

Approved:

Governor of the State of Michigan