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# HUNTINGTON WOODS MICHIGAN

CITY CHARTER  
Updated May 2016

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## PREAMBLE

We, the people of the City of Huntington Woods, (formerly the Village of Huntington Woods), County of Oakland, State of Michigan, under the authority of the Constitution and laws of our State, in order to promote, maintain and better provide for the growing needs of our community, insure economical and efficient administration of all City affairs, and to promote the peace, health, safety, contentment and general welfare of all its people, do ordain and establish this Charter.

CHAPTER I

NAME, BOUNDARIES AND WARD

Section 1. The City of Huntington Woods shall include all the territory embraced within the limits of the former Village of Huntington Woods, to which municipal corporation the City of Huntington Woods is successor, and which is more particularly described as follows:

Commencing at the northwest corner of Section 20, Royal Oak Township, Oakland County, Michigan, said point being the intersection of the center line of Coolidge Highway, formerly known as Monnier Road with the center line of Eleven Mile Road; thence east along the north line of Sections 20 and 21, Royal Oak Township, being the center line of Eleven Mile Road, to the point where said north line of Sections 20 and 21 intersects the center line of Woodward Avenue; thence southeasterly along the center line of Woodward Avenue to the point where said center line intersects the north and south quarter line of said Section 21; thence south along said north and south quarter line of Section 21, being the City limits of the City of Royal Oak, to the point of intersection of said north and south quarter line of Section 21 with the south line of Section 21, being the center line of Ten Mile Road; thence west along the south line of Sections 20 and 21; being the center line of Ten Mile Road, to the point of intersection of said south line of Sections 21 and 20 with the west line of Section 20, being the center line of Coolidge Highway, formerly known as Monnier Road; thence north along the west line of Section 20, being the center line of Coolidge Highway, formerly known as Monnier Road, to the place of beginning; being all of Section 20 and part of Section 21, Township of Royal Oak, Oakland County, Michigan.

Section 2. The City of Huntington Woods shall consist of one ward. The entire City shall constitute a single election precinct until otherwise provided by the City Commission.

CHAPTER II

GENERAL POWERS

\* Section 1. The said City of Huntington Woods shall be a body corporate and politic, shall have perpetual succession, shall have a corporate seal, may sue and be sued and may contract and be contracted with.

Section 2. The City shall have power:

- \* (1) To acquire by purchase, gift, condemnation, lease, or otherwise, real and personal property, or any interest therein, for any public use or purpose within the scope of its power, located either within or without its corporate limits and either within or without the limits of the County of Oakland, unless prohibited by the Constitution or laws of the State; and to hold, manage, control, lease, sell or otherwise dispose of the same. The City Commission shall by ordinance establish procedures for the sale, lease or other disposition of real and personal property, or any interest therein, except any improved park land, or any part thereof, the sale of which will require the approval of the majority of electors voting thereon at a general or special election. The City Commission may appropriate funds for the maintenance and upkeep of property acquired by it. Any gift or property may be accepted whether made directly or in trust and if in trust the Commission shall have full power to carry out the terms of such trust.
- (2) To acquire, construct, establish, own, equip, maintain, conduct, manage and operate libraries, hospitals, markets, markethouses, play grounds, parks, public grounds, recreation buildings, comfort stations, police stations, jails, fire houses, City Hall, office buildings for use of City officials, public buildings, sewage disposal systems and plants, lighting systems and plants, water systems and pumping stations, water filtration plants, public parking grounds, public works, works and plants for the preparation, manufacture, storage, handling or transportation of materials required in public work, and all improvements, buildings, establishments, institutions and places which are necessary or convenient for the transaction of public business or for promoting the health, morals, safety or welfare of the inhabitants of the City whether the same be specifically enumerated herein or not; and to acquire sites therefor.
- (3) To make and enforce ordinances and resolutions for the care, protection, control and management of property belonging to the City located within the corporate limits. It may also make and enforce such ordinances and resolutions as to such property located without the corporate limits, as is permissible under the laws of the State.
- (4) To establish any department that it may deem necessary for the general welfare of the City and for the separate incorporation thereof; provided that these provisions shall not extend to and include public schools.

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\* Subsection (1) amended November 3, 1987.

- (5) To establish by ordinance, 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, and such regulations in one or more districts may differ from those in other districts.
- (6) To enact a building code and a housing code; to regulate the erection and repair of buildings; to prevent the erection of unsafe buildings and to provide for the removal of any such buildings, to require building permits for all buildings and structures erected in the City; to regulate the maintenance and occupancy of buildings in so far as the same affects health and safety.
- (7) To regulate and license the location, construction, size and height of bill-boards and the maintenance thereof; or to entirely prohibit the construction of bill-boards in the City.
- (8) To establish and maintain definite fire limits and to prohibit within such limits the construction of buildings and other structures of wood and other materials easily inflammable.
- (9) To enact and enforce ordinances in relation to the prevention and suppression of fires and to provide for the inspection of private property for the purpose of determining whether a fire hazard exists.
- (10) To prescribe by ordinance the limits or districts within which shall be prohibited the location of shops, the prosecution of any trade or business, the storing of lumber, wood or other easily inflammable material in open places, or the carrying on of any other trade, business or occupation, or the storing of any material in any manner or circumstances, which, in the opinion of the Commission, may increase the danger from fire.
- (11) To regulate the height, construction and location of all fences; to provide for the building and maintenance of partition fences and all things in relation thereto; to provide for a board of fence viewers to determine all disputes between owners in relation to partition fences and for the enforcement of the decisions of such board.
- (12) To regulate the construction of cellars and basements so far as the same in any manner affects the public safety or health.
- (13) To regulate and license the storing, handling, disposing and sale of combustible and explosive substances of every character.
- (14) To regulate, restrict and limit the number and location of oil and gasoline stations.

- (15) To define, prohibit, abate, suppress, regulate and prevent all nuisances and all things detrimental to the health, morals, comfort, safety, convenience and welfare of the inhabitants of the City, and the causes thereof.
- (16) To prevent the introduction or spreading of malignant, infectious or contagious diseases within the City, and to remove persons having such diseases to such proper places, either within or without the City limits, as may be deemed necessary for the public health.
- (17) To care for and give relief to poor and indigent persons, delinquent and juvenile offenders, and mentally or physically deficient persons.
- (18) To provide for taking a census of the City.
- (19) To provide for and regulate the numbering of buildings upon the streets and highways of the City.
- (20) To regulate the planting and setting of trees, shrubs, flowers and plants in the streets of the City; and to exercise jurisdiction over all diseased or noxious trees, shrubs and plants.
- (21) To regulate and control the aerial construction of Public Utilities and to require if deemed necessary, pin space or bracket contact on all poles without expense to the City.
- (22) To regulate and control the disposition and handling of garbage, ashes, dead animals and any other thing detrimental to public health or good sanitation.
- (23) To license and control public fuel supplies and markets of every kind, and to own, maintain and operate fuel yards and markets.
- (24) To regulate the speed of motor vehicles and to prohibit the reckless driving thereof, upon the streets, highways and alleys of the City.
- (25) To regulate traffic and parking of automobiles and other vehicles; to prohibit such parking on designated highways, streets and alleys or parts thereof; to provide for the impounding of vehicles parked in violation of such regulation or prohibitions and of vehicles abandoned and left on the streets, highways and alleys of the City; and to provide for the sale of any impounded vehicle which shall not be claimed and the impounding and other charges paid, within sixty days after being impounded.
- (26) To make and enforce local, police and sanitary regulations.
- (27) To inspect, regulate and control all weights and measures and the use thereof and to seize and destroy inaccurate or fraudulent weights and measures.

- (28) To regulate and license taxicabs, jitneys, and all kinds of vehicles used for the conveyance of persons and property for hire; and to regulate, license and control the drivers of such taxicabs, jitneys and other vehicles above mentioned.
- (29) To regulate and license hotels, rooming houses, boarding houses and restaurants.
- (30) To regulate and license billiard and pool tables, and rooms, and bowling alleys, and to restrict the number and location thereof.
- (31) To regulate and license theatres, motion picture shows, public shows, exhibitions, and other amusements.
- (32) To regulate and license public dances or to prohibit the same.
- (33) To regulate and license auctioneers, pawnbrokers, hawkers, peddlers, solicitors, transient merchants, junk dealers and junkyards. The above occupations may also be prohibited unless such prohibition may be contrary to State or Federal law.
- (34) To regulate or prohibit the use, selling, storing and transportation of firearms and fireworks.
- (35) To prohibit the manufacture, transportation, possession, and sale of intoxicating liquors, except for medicinal, mechanical, chemical, scientific or sacramental purposes in accordance with the laws of the State.
- (36) To license dogs and other animals and to prevent their running at large.
- (37) To require all employees in barber shops, beauty parlors and places where foods are handled to submit to physical examinations and to prohibit the employment in any such place of any person who is afflicted with any infectious disease.
- (38) To provide for the inspection, and to regulate and license the manufacture, sale and keeping for sale, of provisions, foods, food supplies and beverages.
- (39) To regulate and license trades, occupations and amusements, not inconsistent with State and Federal laws, whether the same be specifically herein mentioned or not.
- (40) To prescribe the terms and conditions upon which licenses shall be granted and may require the payment of such license fees and the furnishing of such bond as the Commission shall deem reasonable and proper. Licenses shall be subject to revocation by the Commission as provided in each particular ordinance.
- (41) To issue the bonds of the City for the purpose of providing the first cost of installation and connection of sewers and water works on and to property in the City used solely for dwelling house purposes, when such installation and



connection shall be ordered by the proper health authorities; and to provide a lien on such property for the amount of such cost and the manner of payment thereof.

- (42) To regulate the obstructing of streets, highways and alleys by trains, engines, cars or otherwise; to regulate the speed of all locomotives and railroad trains and street cars within the City.
- (43) To require that wires in streets, highways and alleys be placed underground, and to maintain the right to use one duct without expense to the City.
- (44) To establish building lines; and to establish by ordinance future street lines where the City contemplates to open or widen any street or highway.
- (45) To regulate public utilities; to purchase, contract for the purchase, condemn, construct, own, lease, and operate public utilities subject to the provisions of the State law.
- (46) To provide for the separation of grades at the intersection of streets and alleys with railroads and street railways.
- (47) To enforce restrictions in any approved plats, or to enforce any conditions or covenants on the use of any lands within the City. The Commission may pass appropriate resolutions to give any restrictions the effect of ordinances, and may take necessary action in any court of competent jurisdiction to enforce any restrictions in plats, or any conditions or covenants on the use of any lands, with the same authority as the seller of the land so platted or any purchasers thereof.
- (48) To establish and maintain a Fire Department, to make rules and regulations in relation thereto, and provide equipment and fire stations therefor.
- (49) To make contracts or arrangements with any municipality, individuals, or corporation, for fire protection and for the services of its Fire Department.
- (50) To exercise all municipal powers in the management and control of municipal property and in the administration of the municipal government, whether such powers be expressly enumerated or not; to do any act to advance the interest of the City, the good government and prosperity of the municipality and its inhabitants, and through its legally constituted authority to pass all laws and ordinances relating to its municipal concerns, subject to the constitution and general laws of this State.
- (51) To do any act permitted by the provisions of Act No. 279 of the Public Acts of 1909, as amended or as may be amended, (commonly known as the Home Rule Act) whether such act is specifically mentioned herein or not.

Section 3. The City shall possess all the powers which are permitted to be possessed by cities in this State under the constitution and general laws of the State and the enumeration of

particular powers in this Charter shall not operate as an exclusion or limitation of any general powers. If there shall be included in this Charter any power which is not permissible under the State law at the time of the adoption of this Charter, and which in the future it should become permissible to grant because of subsequent legislation, then said power as herein given shall automatically become operative without the re-enaction of the same.

Section 4. The City Commission shall exercise all the powers of the City which are not otherwise delegated in this Charter, and said Commission shall have authority to make and enforce ordinances and resolutions in relation thereto, and also such as they may deem necessary or proper for the safety, order and good government of the City and the general welfare of the inhabitants thereof, subject to the constitution and laws of the State and the provisions of this Charter.

CHAPTER III

PLAN OF GOVERNMENT

Section 1. The form of government provided for in this Charter shall be known as the "Commission Form of Government." All powers of the City, except as herein otherwise provided, are hereby vested in the Commission which shall consist of a Mayor and four Commissioners to be elected at large.

Section 2. The Commission shall constitute the legislative and governing body of said City, with power and authority to pass such ordinances and adopt such resolutions as they shall deem proper in order to exercise the powers possessed by said City.

Section 3. The Mayor and Commissioners shall be elected on a non-partisan ticket from the City at large and shall be subject to recall as hereinafter provided. No person shall be eligible to the office of Mayor or Commissioner who shall not be at the time of his election or appointment, 25 years of age and a citizen of the United States and have been a resident of the City of Huntington Woods at least one year.

Section 4. At the election at which this Charter shall be submitted there shall be elected a Mayor whose term of office shall begin upon the taking effect of this Charter and who shall serve until 7:30 p. m. on the first Monday following the regular municipal election in the year 1934. At the regular municipal election in the year 1934 and in every second year thereafter there shall be elected a Mayor, whose term of office shall begin at 7:30 o'clock p. m. on the first Monday following his election and shall expire at 7:30 o'clock p. m. on the first Monday following the regular municipal election in the second year thereafter.

Section 5. At the election at which this Charter shall be submitted there shall be elected four (4) Commissioners whose terms of office shall begin upon the taking effect of this Charter. The two candidates for Commissioner receiving the highest number of votes at said election shall be deemed to be elected and shall serve until 7:30 o'clock p. m. on the first Monday following the regular municipal election in the year 1934 and the two candidates for Commissioner receiving the next highest number of votes at said election shall be deemed to be elected and shall serve until 7:30 o'clock p.m. on the first Monday following the regular municipal election in the year 1933. At the regular municipal election in the year 1933 and every year thereafter there shall be elected two Commissioners. The term of office of each Commissioner except those elected at the election at which this Charter is submitted, shall begin at 7:30 o'clock p. m. on the first Monday following his election and shall expire at 7:30 o'clock p. m. on the first Monday following the regular municipal election in the second year thereafter. The Commission shall be the judge of the election and qualifications of its own members.

Section 6. At 7:30 o'clock p. m. of the day upon which this Charter shall take effect, and on the first Monday following each regular municipal election thereafter, the Commission shall meet at the usual place for holding the meetings of the legislative body of the City, for the purpose of organization. Thereafter the Commission shall meet at such times as may be prescribed by ordinance or resolution, provided that it shall meet regularly not less than once a month. The Mayor, any two Commissioners, or the Manager, may call special meetings of the

Commission upon at least ten hours' written notice to each member, served personally or left at his usual place of residence, provided, however, any special meeting at which all members of the Commission are present shall be a legal meeting for all purposes, without such written notice. All meetings of the Commission shall be public and any citizen may have access to the minutes and records thereof at all reasonable times. The Commission shall determine its own rules and order of business. It shall keep a journal of its proceedings in English which shall be signed by the Mayor and Clerk.

Section 7. Three members of the Commission shall constitute a quorum, but a less number may adjourn from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance, and all pending business noticed or set down for hearing at such meetings shall be taken up and heard at such adjourned meeting or at the next regular meeting without further notice. The Commission shall act only by ordinance or resolution. The affirmative votes of a majority of the Commission-elect shall be required for the passage of any ordinance or resolution, unless in any given case a different number is required by this Charter or State law.

Section 8. The Mayor shall be the presiding officer of the Commission and chief executive head of the City, and shall have such other powers and perform such other duties as are or may be imposed or authorized by the laws of the State and this Charter. In times of public danger or emergency, he may take command of the police, and such other departments and subordinates of the City as may be deemed necessary by the Commission, and maintain order and enforce laws. The Mayor as a member of the Commission shall have the right to vote upon all matters before the Commission and shall possess all the other rights and powers of members of that body. He shall not have the right of veto.

Section 9. The Commission shall at its organization meeting following the adoption of this Charter and at each organization meeting following each regular municipal election, elect by ballot, a member of the Commission as Mayor Pro-Tem, who, during the absence or disability of the Mayor to perform his duties, shall act in his stead and shall exercise all the duties and possess all the powers of the Mayor. In the absence or disability of the Mayor Pro-Tem, the Commission may temporarily appoint one of its members to that office.

\* Section 10. The Mayor and each Commissioner shall be paid for services the sum of One (\$1.00) dollar.

Section 11. Absence from five consecutive regular meetings of the Commission shall automatically operate to vacate the seat of a member of the Commission, unless the absence is excuse.

Section 12. The City Commission shall have the authority to divide the administrative and executive functions of the City into divisions and such divisions into departments, and to change the same from time to time. If the Commission should divide the administrative and executive functions into divisions and departments and place any of the same under the Manager, then except for the purpose of inquiry, the Commission and each of its members shall deal with such divisions and departments as shall be placed under the Manager, solely through

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\* Section 10 amended November 3, 1981

the Manager and shall not give any order or direction either publicly or privately, to any of the subordinates of the Manager.

Section 13. The Commission may after this Charter takes effect and from time to time thereafter as a vacancy occurs, appoint a City Manager who shall be responsible to the Commission and who shall in addition to the powers and duties specified in this Charter, have such executive and administrative powers and duties as shall be delegated to him by ordinance or resolution of the Commission. He shall be chosen by the Commission solely on the basis of his executive and administrative qualifications. He shall be a citizen of the United States and shall have attained the age of 25 years. He shall receive such compensation as shall be fixed by the Commission and shall hold office during the pleasure of the Commission. He shall be present at all meetings of the Commission and shall be entitled to be present at all meetings of its committees. He may take part in all discussions, but shall have no vote. The Commission may provide that the powers and duties of any appointive officer shall be exercised and performed by the Manager, or it may appoint the Manager to any appointive office.

Section 14. The Commission may appoint an Assistant Manager who shall, when directed by the Commission, perform the duties of Manager in case of his sickness, absence from the City, disability, suspension, removal or resignation.

Section 15. The City Clerk shall be appointed by the City Manager subject to the approval of the City Commission, and shall serve for such term as is determined by the City Manager subject to the approval of the City Commission.

Section 16. The City Clerk in addition to the powers and duties elsewhere specified in this Charter, shall keep the corporate seal and have the custody of all books, official bonds, records, papers and documents, which are not by this Charter or the ordinance of the City, entrusted to some other officer; he shall be Clerk of the Commission, shall attend all of its meetings and shall keep a record of all of its proceedings; he shall issue all licenses as authorized by the Commission or by ordinance, and shall keep a record thereof; he shall, upon request, make certified copies of all papers or documents in his custody, and such copies shall be evidence in all places or proceedings of the matters therein contained to the same extent as the original would be, and if it shall be necessary to employ extra help to make such certified copies he may charge therefor the cost of such extra help; he shall have power to administer oaths and take affidavits, and he shall keep a record of all property belonging to the City.

Section 17. The City Treasurer shall be appointed by the City Manager subject to the approval of the City Commission, and shall serve for such term as is determined by the City Manager subject to the approval of the City Commission.

Section 18. The City Treasurer in addition to the powers and duties elsewhere specified in this Charter, shall have the custody of all moneys, bonds (other than official), mortgages, notes and securities belonging to the City; he shall receive and disburse all moneys belonging to the City and shall keep an accurate account of all such receipts and expenditures; he shall collect the State, County and School taxes as provided by the laws of the State; he shall collect City taxes, special assessments, and other moneys belonging to the City as required by this Charter or by the Commission. He shall give bond in such amount and with such sureties as is satisfactory to the Commission.

Section 19. The Commission may from time to time appoint a City Attorney who shall serve during the pleasure of the Commission and whose powers and duties shall be prescribed by the Commission.

Section 20. The Commission shall, within thirty (30) days after this Charter takes effect, and from time to time thereafter whenever a vacancy occurs, appoint an Assessor, Health Officer, Chief of Police and two (2) members of the Board of Review, which appointees shall hold office during the pleasure of the Commission. The Commission may, by ordinance, create such other offices as it may deem advisable and provide for appointment thereto. The Commission may appoint one person to two or more offices if the same are not incompatible.

Section 21. The City Assessor shall perform such duties in relation to the assessing of property and levying of taxes and special assessments as are prescribed by this Charter. He is hereby authorized and required to perform the duties required under the laws of the State in relation to the assessing of property and levying of taxes for State, County and School purposes.

Section 22. The Health Officer shall be either a legally licensed physician or some person of recognized qualifications in the matter of public health and sanitation. He shall have power, subject to the laws of the State, to prevent, remove or abate nuisances dangerous to life or health. He may require the owner or occupant of any premises to remove any such nuisance or to correct any condition on such premises which causes a nuisance. If such owner or occupant shall refuse or neglect to comply with any such requirement, the Health Officer may cause such nuisance to be removed or such condition corrected, and the expense thereof may be recovered in a suit against such owner or occupant, or a special assessment may be levied against such owner or occupant and upon the premises. The Health Officer shall have charge of food inspection and matters of sanitation.

Section 23. The Chief of Police shall be charged with the enforcement within the City, of the laws of the State and the Charter and Ordinances of the City, unless it is otherwise provided in such laws, Charter or Ordinances. He shall be in charge of the Police Force of the City, which shall consist of himself and such number of officers and patrolmen as the Commission may designate. The members of the Police Force shall have power and it shall be their duty to suppress all riots, disturbances and breaches of the peace; to enforce the laws of the State, the provisions of this Charter and the Ordinances of the City; to arrest any person found in the act of violating the laws of the State, the provisions of this Charter or the Ordinances of the City, and to take such persons before the proper officer or magistrate for punishment; to make complaints against persons known or believed by them to be guilty of having violated such laws, Charter or Ordinances; to arrest all persons fleeing from justice; and to serve and execute, anywhere within the State, all processes directed or delivered to them in proceedings for the violation of the ordinances of the City or laws of the State. They are hereby vested within the limits of the City, with all the powers conferred by law upon sheriffs and constables for the preservation of quiet and good order and the enforcement of law. They shall have all the powers of sheriffs to make arrests of persons who have committed or who are suspected of having committed any crime or misdemeanor within the City or who have escaped from the custody of the Police Force, and they shall have power to pursue, arrest and detain without the City limits any such person to the same extent as the sheriff of the County. They shall possess

all the powers ordinarily exercised by a Metropolitan Police Force. The Commission shall have authority to vest the police with such additional powers as may be necessary for the good government and order of the City. The Commission shall, within six months after this Charter takes effect and from time to time thereafter, adopt rules and regulations for the government of the Police Force. Appointments to and removals from the Police Force, except as to the office of Chief of Police, shall be made as provided in such rules and regulations.

\* Section 24. Three qualified freeholders and electors of the City, other than the City Assessor, who shall be appointed by the City Commission as hereinbefore provided, shall constitute the Board of Review of the City in relation to assessments made for general taxation purposes, whether under the provisions of this Charter or the general laws of the State. Said Board of Review shall perform such duties and have such powers as are provided in this Charter and the general laws of the State. The members of the Board of Review shall receive such compensation as shall be fixed by the Commission.

† Section 25. Upon the taking effect of this Charter and at its organization meeting in April of each year thereafter, there shall be appointed by the Commission such number of members of the Board of Supervisors of Oakland County as the City may be entitled to under the general laws of the State, who shall hold office until his or their respective successors are appointed and qualify. In case any such member of the Board of Supervisors shall be absent from the County, shall be disabled, or shall fail to perform the duties of his office, the Commission may appoint some other qualified person to discharge the duties of such office during such absence, disability or failure. It shall be lawful for the Commission to appoint any elective or appointive officer of the City to the office of member of the Board of Supervisors of Oakland County, provided, however, that whenever such elective or appointive officer shall be appointed a member of such Board of Supervisors, his term of office as such member shall expire whenever he ceases to hold such elective or first appointive office. The representatives of the City, aforesaid, shall be endowed with all the rights, powers and duties conferred upon supervisors of Townships by the general laws of this State, except where otherwise provided for in this Charter. Members of the Board of Supervisors from this City shall be entitled to retain any compensation paid to them as members of such Board.

Section 26. Subject to the provisions of this Charter, the Commission shall fix the salary or compensation of all officers and employees of the City.

Section 27. All officers of the City shall perform such duties and possess such powers as are or may be prescribed by this Charter, by the general laws of the State or by the Commission.

Section 28. Relatives by blood or marriage of the Mayor, any Commissioner or the Manager, within the second degree of consanguinity or affinity are hereby disqualified from holding any appointive office during the term for which such Mayor or Commissioner was elected, or during the tenure of office of such Manager.

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\* Section 24 amended April 5, 1965.

† Section 25 amended April 1, 1957

Section 29. The Commission may require any officer or employee to give a bond for the faithful performance of his duty, in such amount as it may determine, and the premium thereof shall be paid by the City. Any officer or employee required by the provisions of this Charter, the general laws of the State, any ordinance of the City, or by the Commission, to give bond, shall not enter upon the duties of his office or employment until such bond shall be duly filed, approved and recorded. All such bonds except as herein otherwise provided, shall be approved by the Commission and filed with the Clerk, excepting the bond of the Clerk, if any, which shall be filed with the Treasurer.

Section 30. All bonds required under the provisions of this Charter shall be surety company bonds.

Section 31. No elective officer shall hold any office except that to which he was elected, the compensation for which is paid out of City funds, nor shall he be elected or appointed to any office created or the compensation of which was increased or fixed, by the Commission while he was a member thereof, until the expiration of one year from the date when he ceased to be a member of the Commission.

Section 32. All elective officers, and all officers who are appointed for a definite term or periodically, shall hold office until their successors are elected or appointed, and qualify.

Section 33. In addition to other provisions herein contained, a vacancy shall exist in any elective office when an elected officer fails to qualify as in this Charter provided, dies, resigns, is removed from office, removes from the City or is convicted of a felony.

Section 34. A vacancy in any elective office shall within thirty days after such vacancy occurs be filled by appointment by a majority of the members of the Commission, or of the remaining members of the Commission when the vacancy is in the Commission. Such appointee shall hold office until the next regular municipal election, taking place more than forty days after such vacancy occurs, at which election a successor shall be elected for the unexpired term of the person in whose office the vacancy occurs. Provided, however, that the term of no member shall be lengthened by his resignation and subsequent appointment. When a vacancy occurs in any office to which a person has been appointed for a definite term, such vacancy shall within 30 days be filled for the unexpired term, by appointment made in the manner provided for full term appointment to such office.

Section 35. No member of the Commission, the Manager or other officer or employee of the City shall knowingly accept any gift, frank, free ticket, pass, reduced price or reduced rate of service from any person, firm or corporation operating a public utility within the City, or from any person known to him to have or to be endeavoring to secure a contract with the City. The provisions of this section shall not apply to the transportation of policemen or firemen in uniform or wearing their official badges, when the same is provided for by ordinance or otherwise. Except as herein otherwise provided no member of the Commission shall be eligible to an appointive office within its gift, during the period for which he was elected.

Section 36. All officers and employees shall be elected or appointed with reference to their qualifications and fitness, and for the good of the public service, and without any reference to their political faith or party affiliations.



Section 37. It shall be the duty of the City Clerk, within five days after the meeting and determination of the Commission, as provided in this Charter, to notify each person elected, in writing, of his election; and he shall also, within five days after the appointment of any person to any office, in like manner notify such person of the appointment.

Section 38. No person shall be elected or appointed to any office in the City who has been or is a defaulter to the City or to any school district, County or other Municipal Corporation of the State. All votes for or any appointment of any such defaulter shall be void.

Section 39. Every officer elected or appointed to any City office, before entering upon the duties of his office, shall take and subscribe to an oath of office, which shall be filed and kept in the office of the City Clerk, to support the Constitution of the United States, and the Constitution of the State of Michigan; to endeavor to secure and maintain an honest and efficient administration of the affairs of the City of Huntington Woods, free from partisan distinction or control, and to perform the duties of his office to the best of his ability. In case of his failure to do so, within ten (10) days after the time fixed for taking office, he shall be deemed to have declined the office unless the time therefor shall be extended by the Commission.

Section 40. The City Commission may authorize the appointment of a Deputy City Clerk, Deputy City Treasurer, and such other Deputy City officers as it may deem advisable. Each such Deputy shall be appointed by the officer for whom he is Deputy, subject to the confirmation of the Commission. The Commission or any such officer may remove his Deputy at pleasure. Each such Deputy shall possess all powers and authority of his superior officer. Deputies shall receive such compensation as the Commission may by resolution prescribe. The Commission may also authorize City officials to employ such other persons as shall be necessary to carry on the business of the City.

Section 41. If for any reason any appointment shall not be made by the Commission within the time provided in this Charter, it may be made at any subsequent regular or special meeting.

CHAPTER IV

REGISTRATION, NOMINATION AND ELECTION  
REGISTRATION

Section 1. The registration and re-registration of electors in the City of Huntington Woods shall be conducted as provided for in the Constitution and General Laws of the State of Michigan.

NOMINATION

Section 2. Candidates for any elective office, to be voted for at any municipal election under the provisions of this Charter, shall be nominated by petition in the manner hereinafter prescribed, and the names of such candidates for any such office and no others shall be placed on the election ballot to be voted for at the next regular municipal election.

Section 3. Such petition for nomination shall be in substantially the following form:

We, the undersigned, being duly qualified electors of the City of Huntington Woods, and residing at the places set opposite our respective names hereto, do hereby request that the name of (name of candidate) who resides at No. \_\_\_\_\_ Ave., Huntington Woods, Michigan, be placed on the ballot as a candidate for (name of office) at the election to be held in said City on \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_. We further state that we know him to be a qualified elector of said City and a person of good moral character and qualified in our judgment for the duties of such office.

Names of qualified electors	Number	Street	Date
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

It shall be unlawful for any person to sign more than one such nominating petition for the same office, except where two or more candidates are to be elected for the same office. Then he may sign as many petitions as there are persons to be elected for said office. Any signatures contrary hereto shall not be counted upon said petition.

Such petitions shall be without any mark or designation showing the party affiliation of the person being so nominated. The person circulating a nominating petition shall, before the acceptance of such petition by the City Clerk, subscribe to the following oath:

State of Michigan  
County of Oakland,

\_\_\_\_\_ being duly sworn, deposes and says that he is the circulator of the foregoing petition containing signatures, that the signatures appended thereto were made in his presence and are the signatures of the persons whose names they

purport to be, and that all of said signers are qualified electors of said City to the best of his knowledge and belief.

Signed \_\_\_\_\_  
Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_\_.

\_\_\_\_\_  
Notary Public, Oakland County, Michigan  
My Commission expires \_\_\_\_\_

Section 4. All nominating petitions shall be filed with the City Clerk on or before four o'clock p. m. on the fourth Saturday prior to any regular or special election at which any officer or officers of the City is or are to be elected. No person shall be nominated to any office in the City unless the petition or petitions filed in his behalf for such an office have been signed by not less than twenty-five qualified electors of the City. The petition or petitions filed for any candidate shall not contain more than fifty signatures of qualified electors.

Section 5. The City Clerk shall forthwith examine the petition or petitions filed for each candidate and if satisfied that the required number of electors have signed the same, he shall endorse thereon the word "Approved" with the date of filing the same, but should he find that the petition or petitions for any candidate do not contain the required number of the electors as herein provided, he shall immediately notify such candidate of the additional number of names of electors required.

\* Section 6. When the petitions for nomination of any candidate shall be found to contain the required number of names of electors, the City Clerk shall forthwith notify the person therein placed in nomination. Any person, desiring to become a candidate for any elective office shall on or before four o'clock p. m. of the twentieth day prior to such election, file with the Clerk an acceptance of such nomination in substantially the following form:

FORM OF ACCEPTANCE

State of Michigan)  
County of Oakland) ss  
City of Huntington Woods)

I, \_\_\_\_\_ hereby accept the nomination for the office of  
\_\_\_\_\_ in said City.

Date \_\_\_\_\_

Signature \_\_\_\_\_

Provided, however, in the event any incumbent elective official, whose term of office does not expire on the Monday following such election, desires to become a candidate for any other elective office, his nominating petitions for such other elective office, together with his acceptance of such nomination, shall be filed on or before the seventh (7th) Saturday preceding

\_\_\_\_\_  
\* Section 6 amended September 12, 1950.

such election, and such acceptance so filed shall constitute the resignation of such official, and he shall be deemed to have resigned as of the first (1st) Monday following such municipal election. Thereupon notwithstanding any other provisions of this Charter, the unexpired term of such office so to be vacated, shall be filled by electoral vote at the same election, and nominating petitions may be filed therefor and notice thereof shall be included in the notice of such election as otherwise provided by this Charter.

Section 7. All such petitions shall be open to public inspection after being filed in the office of the City Clerk, in accordance with such reasonable rules and regulations as shall be prescribed by him.

## ELECTIONS

\* Section 8. Regular municipal elections shall be held for the City of Huntington Woods on the first Monday in April of each year for the election of officers of said City in accordance with the provisions of this Charter. The term of office of elected City officials expiring at 7:30 p. m. on the first Monday following the Tuesday succeeding the first Monday in November of 1957 shall be extended to expire at 7:30 p. m. on the second Monday in April of 1958. The term of office of elected City officials expiring at 7:30 p. m. on the first Monday following the Tuesday succeeding the first Monday in November of 1958 shall be extended to expire at 7:30 p. m. on the second Monday of April of 1959.

Section 9. Special elections may, subject to the general laws of the State, be held at such times as the Commission may by resolution determine, the purpose and object of which shall be set forth in the resolutions calling such elections.

Section 10. Any matter which by the terms of this Charter shall be submitted to the electors of the City, may be submitted at any municipal election or at any State or County primary or election.

Section 11. Notice of the time and place of holding any election and of the officers to be elected and the questions to be voted upon, shall, except as herein otherwise provided, be given by the Clerk by publishing a copy thereof at least ten days before the date of election in a newspaper of general circulation in the City, and by posting such notice in at least three (3) public places in each of the election precincts.

Section 12. Election ballots shall be printed without any party mark, emblem, vignette, or designation whatever, on plain, white substantial paper, and the same shall be printed, numbered, and the names of candidates transposed and alternated, in accordance with the provisions of the general laws of the State regulating the same at elections in this State.

Section 13. The ballot for officers shall be in substantially the following form.

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\* Section 8 amended April 1, 1957.

OFFICIAL BALLOT

Candidates for election to the City offices of (naming offices to be filled) of the City of Huntington Woods, at the election held on the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

(Place a cross in the square opposite the names of the persons for whom you desire to vote.)

FOR MAYOR  
Vote for One

(Here list the names of candidates with a square at the left of each name.)

FOR COMMISSIONERS

Vote for (designate the number of Commissioners to be elected.) (Here list the names of candidates with a square at the left of each name.)

FOR TREASURER  
Vote for One

(Here list the names of candidates with a square at the left of each name.)

FOR CLERK  
Vote for One

(Here list the names of candidates with a square at the left of each name.)

FOR JUSTICE OF THE PEACE  
Vote for One

(Here list the names of candidates with a square at the left of each name.)

FOR CONSTABLE  
Vote for One

(Here list the names of candidates with a square at the left of each name.)

Section 14. The City Clerk shall prepare all ballots for printing and copies of all ballots shall be on file in the office of the Clerk at least ten days before election. The Clerk shall cause to be delivered at each polling place prior to the time of the opening of the polls a number of ballots equal to the total number of voters registered, plus twenty-five (25%) percent, and also, all supplies, stationery, books, blanks and accessories necessary for the conduct of election by the several election boards.

Section 15. Immediately upon the closing of the polls the board of election inspectors in each precinct shall count the ballots and ascertain the number of votes cast in such precinct for

each of the candidates and upon each of the questions and propositions voted upon, and shall make immediate returns thereof to the City Clerk upon blanks to be furnished by the City Clerk.

Section 16. A recount of the votes cast at any City election for any office or upon any proposition, may be had in accordance with the general election laws of the State, except that the deposit accompanying the petition shall be twenty-five (\$25. 00) dollars.

Section 17. The City Commission shall convene at 7:30 o'clock p. m. on the second day succeeding any regular or special election and shall canvass the results of such election, and shall determine the vote upon all questions and propositions and declare whether the same have been adopted or rejected and what persons have been elected at such election to the several offices respectively. The person receiving the highest number of votes for any office shall be deemed to have been duly elected to that office. If more than one person is to be elected to any office, then the persons, equal in number to the number to be elected to that office, receiving the highest number of votes for that office, shall be deemed to have been duly elected to that office. Certificates of election shall be issued to each candidate elected to the several offices.

Section 18. If any person shall make a false oath or affidavit in connection with any matter required by this Chapter or shall violate any provisions of this Chapter or shall knowingly neglect or refuse to perform any duty herein prescribed, such person shall be guilty of a misdemeanor, and upon conviction shall be punished as in this Charter provided.

Section 19. The inhabitants of the City, having the qualifications of electors under the constitution and general laws of the State and no others, shall be electors therein. Every elector who is registered in accordance with the general laws of the State shall be entitled to vote at any election held under the provisions of this Charter. Every elector shall vote in the election precinct where he shall reside on the day of election. The residence of any elector, not being a householder, shall be deemed to be the election precinct in which is located his regular place of lodging.

Section 20. The polls for all municipal elections shall be open at seven o'clock a. m. of election day and remain open until eight o'clock, p. m. of said day, unless otherwise provided by the Commission.

Section 21. The Commission shall provide all necessary voting booths, equipment, ballot boxes and supplies for the conduct of all elections.

Section 22. When a City election is held on the same day as a National, State or County election or primary, the same election officials shall act in both the City election and the National, State or County election or primary.

Section 23. The general election laws of the State when applicable shall apply to all regular and special City elections, in relation to election precincts, polling places and their equipment, inspectors and clerks of election and their appointment, powers and duties, the powers and duties of all City officers, the conduct of elections and the manner of voting, assisted voters, absent voters, election returns, canvass by precinct, inspectors or precinct counting boards of inspectors, recounts and correction of frauds and errors in returns, and in

general to all election matters whether the same be herein specifically enumerated or not; provided, however, that when there is a conflict between such general laws and this Charter as to any matter which may be lawfully regulated by Charter, then the provisions of this Charter shall control.

Section 24. Inspectors and Clerks, and other election officials shall receive such compensation as shall be fixed by the Commission.

Section 25. The City Commission shall have power, and it shall be their duty to remove any inspector or clerk of election if in their judgment such inspector or clerk should be removed for the proper and efficient conduct of the election; to fill any vacancy in the office of inspector or clerk of election; and in general to perform such acts as election commissions in Cities are authorized to perform.

Section 26. If at any election of municipal officers there shall be no choice between candidates by reason of two or more candidates having received an equal number of votes, then the election commission shall appoint a date for the appearance of such persons as have received tie votes, for the purpose of determining by lot among such persons the right to such office, and shall cause notice thereof to be given to all such persons interested, if such persons can be found. The manner of determining by lot shall be the same as provided by the general laws of the State for such determination in case of a tie vote for a County officer. In no case, however, shall the election of any person be determined by lot without first a recount of the votes cast at such election, if one of the persons receiving such tie vote shall demand such a recount.

Section 27. Any person who shall agree to perform any service, in the interest of any candidate for any office provided for in this Charter, in consideration of any money or other valuable thing for such services, shall be guilty of a misdemeanor and shall upon conviction, be punished as in this Charter provided.

Section 28. It shall be unlawful for any candidate for any office created by this Charter, or any person in his behalf, directly or indirectly, to buy or give to, or cause to be bought for, or given to any elector, anything or article; it being the intent of this section to prohibit the custom of treating in any manner by candidates for public office or by any person on behalf of such candidates. Any person violating the provisions of this section shall be guilty of a misdemeanor and shall, upon conviction, be punished as in this Charter provided.

Section 29. It shall be unlawful for any candidate or any person in his behalf, directly or indirectly, to employ either with money or other valuable considerations, or with promises of money, office, place, employment or other valuable consideration, any person to do any campaign work, electioneering or soliciting votes for such candidate, and it shall be unlawful for any person to agree to perform any such service in behalf of any such candidate for any consideration, profit or benefit whatsoever. Any violation of this section shall be a misdemeanor, and shall be punished as provided in this Charter.

Section 30. No appointive officer or City employee shall do any campaign work for any other person who is a candidate for an elective office. Any violation of this section shall be a misdemeanor, and shall be punished as provided in this Charter.

Section 31. It shall be unlawful for any candidate for any municipal office, or any one in his behalf, directly or indirectly, to employ for consideration any conveyance for the purpose of conveying voters to the polls at any municipal election. Any violation of this section shall be a misdemeanor, and shall be punished as provided in this Charter.

Section 32. Every candidate and every treasurer of a political committee shall, within ten days after any primary election, and again within twenty days after any general election, in or concerning which he shall have received or disbursed any money, prepare and file in the office of the City Clerk of the City of Huntington Woods, a full, true and detailed account and statement subscribed and sworn to by him before an officer authorized to administer oaths, setting forth each and every sum of money received or disbursed by him for nomination or election expenses, the date of each receipt, the name of the person from whom received or to whom paid, and the person to whom and object or purpose for which disbursed. Such statements shall also set forth the unpaid debts and obligations, if any, of such candidate or committee, incurred for the purposes, as above set forth, with the nature and amount of each, and to whom owing, in detail, and if there are no such unpaid debts or obligations of such candidate or committee, such statement shall state such fact.

Section 33. No informalities in conducting a municipal election shall invalidate the same if such election shall be conducted in substantial conformity with the requirements of this Charter.



CHAPTER V

RECALL

Section 1. Any elective officer of the City of Huntington Woods may be removed by the qualified electors of the City in accordance with the general laws of the State providing for recall of City officials.

CHAPTER VI

ORDINANCES

Section 1. The enacting clause of all ordinances shall read, "The City of Huntington Woods ordains," but such caption may be omitted when said ordinances are published in book form or are revised and digested by authority of the Commission.

Section 2. The adoption of any ordinances by the Commission shall require for its passage the concurrence of a majority of the Commission elect, unless a greater number in any case shall be required by this Charter or by State law.

Section 3. All ordinances, except as herein otherwise provided, shall require for their passage the concurrence of a majority of the Commission. No ordinance passed by the Commission (except when otherwise required by the general laws of the State or by the provisions of this Charter) shall take effect before twenty days after the day of its final passage.

\* Section 4. It shall be the duty of the Clerk to cause every ordinance to be published once, as soon as practicable after its passage, by publication of the same in a newspaper circulated within the City, or by posting copies thereof in three public and conspicuous places in the City. The Clerk shall immediately after such publication enter in the record of ordinances in a blank space to be left for such purpose under the record of the ordinance, a certificate under his hand stating the time and method of publication and the newspaper in which such ordinance was published or the places where such ordinance was posted. Such certificate shall be prima facie evidence of the due publication of the ordinance.

Section 5. All ordinances shall be recorded in a book marked "Ordinance Records" and the record of each ordinance shall be authenticated by the signature of the Mayor and Clerk. Such record and authentication shall be done within one week after the final passage of any ordinance, but failure to so record and authenticate any ordinance shall not invalidate it or suspend its operation.

Section 6. No repealed ordinance shall be revived unless the whole or so much as is intended to be revived shall be re-enacted. When any section or part of a section of any ordinance is amended, the whole section as amended shall be re-enacted.

Section 7. The Commission shall have authority to provide in any ordinance for the punishment of those who violate the same, by a fine not exceeding five hundred (\$500.00) dollars or imprisonment for a period not exceeding three (3) months, or both, in the discretion of the court. Such ordinance may further provide that in case any person shall fail to pay any fine so imposed, that he may be imprisoned until such fine shall be paid, provided that no person shall be imprisoned for a single violation of any ordinance for a longer period than three (3) months. Such imprisonment may be in the City prison, if any, County Jail of Oakland County, or in any work house in the State authorized by law to receive prisoners from the City.

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\* Section 4 amended November 8, 1955.

Section 8. Prosecution for violation of any ordinance of the City shall be commenced within two (2) years after the commission of the offense; provided that the limitations herein imposed shall only apply to violations penal in their nature, and shall not be construed as a limitation of the City's right to forfeit any franchise, grant or license for violation of the terms and conditions thereof, after said two year period.

Section 9. Any Justice of the Peace of the City shall have authority to hear, try and determine all causes and suits arising under the ordinances of the City and to inflict punishment for the violation thereof as provided in the several ordinances. The jurisdiction herein granted to the Justice of the Peace of the City shall not be deemed to be exclusive in event that jurisdiction in such cases be granted to other judicial officers by State law.

Section 10. Prosecutions for violations of the ordinances of the City may be commenced by warrant, and all process in such cases shall be in the name of "The People of the State of Michigan." The practice in such cases shall be the same, as near as may be, as in criminal cases cognizant by a Justice of the Peace under the general laws of the State. If no jury be demanded by the defendant, it shall be deemed to be waived. Actions against corporations for the violation of ordinances may be brought in assumpsit and if the court shall find that the defendant in any such case is guilty of violating the ordinance, he shall render judgment for such part of the maximum fine specified in the ordinance, as he would impose in a similar case commenced by warrant.

Section 11. Any police officer of the City shall have power to execute within the City all process issued in any prosecution or proceeding for the violation of any ordinance of the City and shall have the same power to execute such process outside the City as the Sheriff of the County has to execute process in criminal cases. Such process may also be executed by any other officer authorized by law to serve process issued by a Justice of the Peace. Ordinarily, however, such process shall first be given to a Police Officer of the City to execute.

Section 12. In all judicial proceedings it shall be sufficient to plead any ordinance by title and the number of the section or sections, and it shall not be necessary to plead the entire ordinance or section.

Section 13. Judicial notice shall be taken of the enactment, existence, provisions and continuing force of all ordinances of the City.

Section 14. Whenever it shall seem necessary to prove an ordinance or resolution of the Commission, in any judicial proceedings, the same may be proved by the record thereof kept by the Clerk, by a copy thereof duly certified by the Clerk under the seal of the City, or from any volume purporting to have been published, printed and compiled by authority of the Commission.

Section 15. All fines imposed for violation of provisions of this Charter or the ordinances of the City, if paid before the accused is committed, shall be received by the court before whom the conviction is had. If any fine shall be collected upon execution, the officer or person receiving the same shall immediately pay over the money collected to said court. If the accused be committed, payment of the fine and costs imposed shall be made to the Sheriff or other keeper of the jail, prison or other place in which such person is confined, who shall within thirty

(30) days thereafter pay the same to the court who committed such offender, or his successor in office.

## CHAPTER VII

## INITIATIVE AND REFERENDUM

Section 1. Any ordinance which may legally be adopted by the Commission of the City of Huntington Woods may be proposed by petition signed by a number of registered electors of the City of Huntington Woods equal to the percentage hereinafter provided, but in no case shall the number of signers be less than fifteen (15%) percent of the total votes cast for the Mayor or of the highest vote cast for any Commissioner. Such petition shall be addressed to the Commission and shall set forth at length the ordinance proposed to be enacted. With each signature attached thereto shall be given the place of residence, with street and number, of the elector so signing, and the date when such signature was attached. Such signatures need not be all on one paper, but all petitions shall be filed with the City Clerk at one and the same time. An affidavit or affidavits shall be made by one or more registered electors of the City, which affidavits shall state that each signature appearing upon such petition to which such affidavit is attached, is the genuine signature of the person whose name it purports to be, and that to the best of affiant's knowledge and belief, the signers whose names are attached to said petition are registered electors of the City of Huntington Woods.

Section 2. Said petitions when signed by the requisite number of registered electors shall be filed with the City Clerk. Such Clerk shall attach thereto a certificate, setting forth the name and address of the person or persons filing the said petition in his office, and the date when said petition was filed. A copy of said petition, exclusive of signatures, together with said certificate, shall be entered in a record book to be kept for that purpose in the office of the City Clerk.

Section 3. Within ten days from the date of the filing of said petition with the City Clerk, it shall be the duty of such Clerk to ascertain by comparison of said petition with the registration books of the City of Huntington Woods, whether or not such petitions are signed by the requisite number of registered electors, and following such examination, the Clerk shall attach to such petition his certificate showing the result of such examination.

Section 4. If the certificate of the Clerk so attached shows the petition to be insufficient, he shall within ten days cause notice in writing, setting forth the fact that such petition is found to be insufficient, to be served upon one or more of the persons designated in the certificate attached by him to said petition as the persons who filed said petition in his office. Additional signatures properly verified as hereinbefore provided may be filed with the Clerk at any time within fifteen days from the date of the service of such notice. The City Clerk shall attach his certificate to such additional petitions and shall cause the same to be entered in the record book along with the original petition and certificate. The Clerk shall within five days after the filing of such additional petitions make like comparison of the additional signatures with the registration books and attach thereto his certificate of the results. If the number of signatures are still shown to be insufficient, or if no additional signatures are so filed, such petition shall be deemed to be of no effect. A new petition for the same purpose, however, may be later filed.

Section 5. When the petition shall be found by the City Clerk to be sufficient he shall so certify, and submit the same with his certificate to the Commission at its next regular meeting.

Section 6. If the petition accompanying the proposed ordinance be signed by a number of registered electors of said City equal to at least twenty (20%) per centum of the vote cast for Mayor at the last preceding regular election for that office and contains a request that said proposed ordinance be submitted to a vote of the electors at a special election, the Commission shall, within twenty (20) days thereafter, either:

- (a) Pass said ordinance without alteration (subject to the referendum provided by this Charter), or
- (b) Call a special election to be held within ninety (90) days from the date of the meeting of the Commission at which the City Clerk shall have submitted said petition and certificate, and at such special election said proposed ordinance shall be submitted without alteration to the vote of the qualified electors of said City.

Provided, however, that if a regular, primary or special election is to be held in said City in not less than thirty days and within four months from the date of said meeting, then said ordinance shall be submitted at such regular, primary or special election, and no other special election for the purpose of submitting said ordinance shall be called.

Section 7. If the petition be signed by registered electors of the City of Huntington Woods equal in number to at least fifteen (15) per centum of the vote cast for Mayor at the last preceding municipal election for that office, and said ordinance be not passed without alteration by the Commission within twenty (20) days as provided in the preceding section, then such ordinance, without alteration, shall be submitted by the Commission to electoral vote at the next regular or primary election that shall occur at any time after thirty (30) days from the first regular meeting of the Commission following the expiration of said twenty (20) days.

Section 8. Within thirty (30) days after the publication of any ordinance duly passed by the Commission, a petition may be presented to the Commission protesting against such ordinance continuing in effect. Said petition shall contain the text of such ordinance and shall be signed by registered electors of the City equal in number to at least twenty (20%) per centum of the vote cast for Mayor at the last preceding regular election for that office which number shall in no case be less than seventy-five (75). Said ordinance shall thereupon and thereby be suspended from operation and the Commission shall immediately reconsider such ordinance. If the ordinance be not entirely repealed, the Commission shall submit the question of whether or not it shall become effective to a vote of the electors of the City, either at the next regular or primary election or at a special election which may in its discretion be called for that purpose, but such ordinance shall not be restored to operation unless a majority of the electors voting thereon at such election shall vote in favor thereof. The procedure in regard to such petition of protest and referendum shall be the same as provided in this Chapter for the initiative and referendum on a proposed ordinance, with such modifications as the nature of the case may require.

The provisions of this section shall not apply to any ordinance required to be passed by the general laws of this State or by this Charter, or to any ordinance which is necessary for the immediate preservation of public peace, health or safety.

Section 9. The Commission may, of its own motion, submit to a referendum for adoption or rejection at any regular, primary or special election held in said City, any proposed ordinance or measure or a proposal for the repeal or the amendment of any ordinance, in the same manner and with the same force and effect as provided in this Chapter for submission on petition. No such ordinance or amendment shall be submitted, however, at any election to be held less than thirty (30) days from the date of the meeting of the Commission at which such ordinance or amendment is ordered submitted.

Section 10. If the provisions of two or more proposed ordinances or measures, adopted or approved at the same election, are inconsistent, then the ordinance or measure receiving the highest affirmative vote shall prevail.

Section 11. Whenever any ordinance is submitted to the voters of the City at any election, the Commission shall cause such ordinance to be published in full in a newspaper of general circulation in the City, designated by the Commission, once each week for two consecutive weeks immediately preceding such election, and the Commission may in its discretion, provide for the further publication of said ordinance or a summary thereof, setting forth the principal provisions, in one or more additional newspapers having a general circulation in the City.

Section 12. The ballots used when voting upon such ordinance shall be provided in accordance with the law, and shall state the nature of the ordinance in terms sufficient to identify it, and on separate lines, shall be printed the words, "For the Ordinance," and "Against the Ordinance," with a square opposite each line in which the voter may make his cross to indicate his choice. If a majority of the qualified electors voting on said proposed ordinance shall vote in favor thereof, the same shall thereupon become an ordinance of the City.

Section 13. No ordinance adopted under this Charter by a referendum vote shall be repealed or amended except by a referendum vote.

Section 14. The Commission may by ordinance or resolution make such regulations not in conflict herewith as it may deem necessary to carry out the provisions of this Chapter.

Section 15. In computing the number of signers to any petition provided for in this Chapter, no signature shall be counted which was affixed thereto more than sixty (60) days prior to the filing of such petition with the City Clerk.

Section 16. The terms "regular election" and "primary election" as used in this Chapter shall include those held under state law as well as those held under the provisions of this Charter.

CHAPTER VIII

CONTRACTS

\* Section 1. The authority to authorize the making of contracts on behalf of the City is vested in the City Commission. All contracts, except as otherwise provided in this chapter or ordinance of the City Commission in accordance with Section 2 of this chapter, shall be approved by the City Commission and shall be signed on behalf of the City by the Mayor and Clerk.

Section 2. The City Commission shall by ordinance establish the procedures for the making of contracts for public improvements and the purchase of supplies and materials. The ordinance shall provide the dollar limits within which contracts for public improvements may be made and supplies or materials may be purchased without the necessity of City Commission approval.

The City shall not, however, undertake the performance of any construction work exceeding an estimated cost of five hundred (\$500.00) dollars, until it has first advertised for sealed proposals therefor.

Section 3. Every contract shall reserve to the City the right, when it shall become satisfied that the work provided for in such contract will not be completed within the time limited, to furnish additional material and labor if necessary, and to render such other assistance as it may deem advisable for the completion of such contract, at the expense of the contractor, and to be retained by the City out of the contract price or recovered by legal proceedings.

Section 4. Every contract to which the City is a party, shall reserve to the City the right to determine finally all questions as to the proper performance of such contract, or any unfinished portion thereof, and in case of the improper, dilatory or imperfect performance thereof to suspend the work at any time and to order the partial or entire reconstruction of the same; and whenever because of unreasonable delay in the work or for other just cause it shall declare such contract forfeited, it may complete or relet the work covered by such contract or any unfinished portion thereof. Power is hereby given the City to determine all such questions arising under any such contract, according to the true intent and meaning thereof.

Section 5. When it becomes necessary in the prosecution of any work or improvement under contract to make minor alterations or modifications of such contract or the plans and specifications thereof, such alterations, changes or modifications shall be made by the Commission.

Section 6. No such order shall be made until the price to be paid for the work or material or both, and the credits, if any, to be allowed to the City under the altered or modified contract, shall have been agreed upon in writing and signed by the Contractor and by the Mayor and Clerk.

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\*Sections 1 and 2 amended November 3, 1981.



Section 7. Upon the completion of any public work or improvement, wherein a bond for construction or maintenance has been furnished, the Manager shall, before the payment of the final estimate or balance due thereon, file with the City Clerk and City Attorney a written report, certifying whether such work or improvement has, in his judgment, been done in all respects in accordance with the construction specifications.

Section 8. It shall be the duty of the Manager, annually, during the life of all maintenance bonds given to the City upon public works or improvements, to report in writing to the Commission the defects and costs of repair and maintenance of such work or improvements.

Section 9. It shall be the duty of the Commission promptly to institute appropriate proceedings on behalf of the City, whenever there shall have been default in complying with such construction or maintenance specifications.

Section 10. No public improvements, costing more than five hundred (\$500. 00) dollars, shall be contracted for or commenced until original drawings, tracings, profiles, details and estimates for same shall have been submitted to the Commission and approved and signed by the proper City Officials; and the same shall become the property of the City and thereafter remain on file in the office of the Manager subject to the inspection of the public.

Section 11. No member of the Commission, the Manager, or any other officer or employee of the City, shall personally be interested in any contract with or for the City, nor in the expenditures of any money on the part of the City, and every such contract shall be voidable.

## CHAPTER IX

## GENERAL FINANCE, CITY BUDGET AND FUNDS

\* Section 1. Beginning July 1, 1981 the fiscal year of the City shall be the twelve month period from July 1st of one year through June 30th of the following calendar year.

Section 2. The City Clerk shall be the general accountant of the City and shall keep a complete set of accounts showing the financial transactions for all departments of the City, which accounts shall conform to any uniform system required by law. Forms for all such accounts shall be adequate to record all cash receipts and disbursements, all revenues accrued and liabilities incurred, and all transactions affecting the acquisition, custody and disposition of all property, and for the making of such reports of the financial transactions and conditions of the City as may be required by law, ordinance or resolution. He shall at least once a month, and oftener if required, furnish the Commission with a statement showing the condition of the several funds and accounts of the City.

Section 3. The City Treasurer shall receive and disburse all moneys belonging to the City and shall keep an accurate detailed account of all money received and disbursed by him and of the particular fund into which or from which the same is paid, and shall make a daily report thereof to the City Clerk. He shall pay out no money except upon warrant issued as in this Charter provided. He shall at least once a month, and oftener if required, furnish the Commission with a statement showing all the cash on hand and in the bank at the beginning of the preceding month, the receipts and disbursements for the preceding month and the cash and bank balances at the end of the preceding month. He shall make such other reports as the Commission may require.

Section 4. No money shall be drawn from the Treasury except upon the warrant of the Clerk countersigned by the Manager and voucher checks signed by the President, Clerk and Treasurer. Every warrant shall specify the fund from which it is payable and shall be paid from no other fund. No warrant shall be drawn upon the Treasury after the fund from which it should be paid has been exhausted and if any such warrant shall be drawn it shall be void. No warrants shall be issued until the same have first been authorized by the Commission; provided, however, that warrants may be issued for the payment of freight, discharged labor, or other current expenses without the prior authorization of the Commission if authorized by the Manager, but the total amount of such warrants issued between any successive regular meetings of the Commission shall not exceed such an amount as the Commission shall from time to time establish. All liquidated accounts and demands against the City shall be received and audited by the Clerk who shall enumerate them on a regular form prescribed by the Commission. The Manager and Clerk shall certify to the Commission as to the correctness or incorrectness of the various amounts on such list. The Commission shall authorize the issuance of warrants on the Treasury for the payment of such items as shall be approved by it.

Section 5. All taxes, special assessments and license fees accruing to the City shall be collected by the City Treasurer. All moneys received by any officer or employee of the City for or in connection with the business of the City shall be paid promptly into the City Treasury, and

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\* Section 1 amended June 2, 1980.

shall be deposited by the Treasurer with such responsible banking institutions as may be designated by the Commission and furnishing such security as the Commission may determine, and all interest on such deposits shall accrue to the benefit of the City. The Commission shall provide for the prompt and regular payment and deposit of all City moneys as required by this section. All fees received by any officer or employee in his official capacity shall belong to the City except as in this Charter otherwise provided.

Section 6. The revenues raised by general taxation upon all the property in the City, or by loan to be repaid by such tax, shall be divided into such and so many funds as the Commission may by ordinance or resolution determine.

Section 7. No later than thirty days after the close of each fiscal year, the Commission shall provide that an annual audit be made of the accounts of all the officers and departments of the City Government, by certified public accountants, who have no personal interest, direct or indirect, in the financial affairs of the City or any of its officers or employees.

\* Section 8. Not later than the first regular meeting in April of each year, the City Manager shall submit to the Commission a budget for the ensuing fiscal year. The budget shall conform to applicable State statutes, and shall contain the following information:

- (a) The recommendations of the City Manager as to all appropriations to be made including appropriating for contingencies; also a comparative statement, in parallel columns, of the appropriation and expenditures for the current and next preceding fiscal year and the increases and decreases in the appropriations recommended;
- (b) An itemized statement of the taxes required and of the estimated revenue of the City from all other sources, for the ensuing fiscal year, with comparative statement in parallel columns of the taxes and other revenues for the current and next preceding fiscal year, and of the increases and decreases estimated or proposed;
- (c) A statement of the financial conditions of the City; and
- (d) Such other information as may be required by the Commission. Summaries of such budget shall be printed and available for distribution not later than two weeks after its submission to the Commission and a public hearing shall be held by the Commission before such thereon.

Section 9. Not later than the second regular meeting of the Commission in May of each year the Commission shall pass an annual appropriation resolution, which shall be based upon the budget submitted by the City Manager, as approved or amended by the Commission and shall conform to applicable State statutes. The total amount of appropriation shall not exceed the revenues of the City as estimated by the Commission. No liabilities shall be incurred by any officer or employee of the City, except in accordance with the provisions of the annual **appropriation resolution and after at least one week's notice in a newspaper circulating in the**

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\* Sections 8 and 9 amended August 5, 1980.

City, the Commission may amend such resolution so as to authorize the transfer of unused balances appropriated for one purpose to another purpose, or to appropriate available revenues of a class not included in the annual budget.

Section 10. If for any cause there shall be at the end of any fiscal year, surpluses in any current expense funds, such surplus shall be transferred and credited by the Commission to the Current Surplus Fund. The Commission shall have power to withdraw any portion of such funds and apply same to contingent expenses, reduction of taxes, or acquisition of property.

\* Section 11. For the six month period from January 1, 1981 through June 30, 1981, there shall be a transitional half-fiscal year. On or before November 18, 1981, the City Manager shall submit to the City Commission a half fiscal year budget for said fiscal year, and the City Commission shall pass an appropriation resolution for such half fiscal year. Said half year budget and such appropriations, and the proceedings for the submission and adoption of such half-year budget, shall conform to the provisions of this Charter and applicable State statutes.

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\* Section 11 added August 5, 1980.

## CHAPTER X

## BONDS

Section 1. The City Commission may borrow on the faith and credit of the City such sum or sums of money as it may deem expedient and issue the bonds of the City therefore, for any purpose within the scope of its powers; provided that at no time shall the bonded indebtedness of the City exceed the limits provided by Act 279 of the Public Acts of 1909 and particularly by Act No. 142 of the Public Acts of 1931, as now existing or as the same may be amended, nor shall the bonded indebtedness for any specific purpose mentioned in said acts exceed the limits specified therein for such purpose.

Section 2. School bonds, emergency bonds as hereinafter defined, bonds issued to cover cost of public improvements in connection with which a special assessment district is made to pay therefor and which are a charge upon such district, bonds issued to cover the cost of acquiring, constructing, improving, or operating public utilities which are a lien or mortgage on the utility or payable from the income of such utility and which are not a general obligation of the City, shall not be included in computing the bonded indebtedness of the City for the purpose of determining the limitation thereon, and also for such purpose the resources of the Sinking Fund shall be deducted from the bonded indebtedness.

Section 3. No bonds except special assessment bonds, funding bonds, refunding bonds, emergency bonds as authorized in this Charter, and bonds to pay judgments and decrees as authorized by State law, shall be issued until the issuance thereof has been approved by three-fifths of the electors of the City voting thereon at a general or special election. The approval of the electors shall not be required for the issuance of notes or certificates of indebtedness for loans made in anticipation of the collection of taxes as in this Charter provided.

Section 4. No bonds except serial bonds shall be issued without providing a Sinking Fund from which to pay them at maturity. Such Sinking Fund shall conform to all requirements of the State laws.

Section 5. Every bond issued by the City shall contain on its face a statement specifying the object for which the same is issued, and it shall be unlawful for any officer of the City 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 other object than that mentioned on the face of such bond. Any such officer who shall violate any of the provisions of this section shall be deemed guilty of a misdemeanor.

Section 6. Bonds of the City may be either term or serial bonds and shall conform to Act 142 of the Public Acts of 1931 (Section 2692) and all of the provisions of the State statutes. They shall be signed by the Mayor and attested by the Clerk under the seal of the City. The coupons evidencing the interest upon said bonds may be executed with the facsimile signatures of said Mayor and Clerk. A complete and detailed record of all bonds shall be kept by the City Clerk.

Section 7. In case of fire, flood or other calamity, the Commission by a three-fourths vote of its members elect may borrow for the relief of the inhabitants of the City and for the

preservation of municipal property a sum not to exceed three-eighths of one per centum of the assessed valuation of all real and personal property in the City, due in not more than five years, even if such loan would cause the indebtedness of the City to exceed the limit fixed in this Charter.

Section 8. Bonds may be issued to pay the judgment or decree of any Court against the City, as is or may be provided by State law.

Section 9. Funding and refunding bonds may be issued in accordance with Act No. 142 of the Public Acts of 1931 (Section 2695) and the provisions of the statutes of the State when authorized by the Commission.

Section 10. The Commission shall have authority to raise money by loan, in anticipation of the receipts from special assessments, for the purpose of defraying the costs of the improvement for which the assessment was levied, but such loan shall not be made until after the special assessment roll shall have been confirmed. Bonds may be issued for such loans which shall not exceed the amount of the assessment for the completion of the whole work, and which shall draw such interest, not exceeding six (6%) per cent per annum, as the Commission may determine. Such special assessment bonds may be issued on the faith and credit of the City or if permissible under the State law, may be issued on the faith and credit of the special assessment district only. The assessment when collected shall be set apart into a separate fund for the payment of such bonds. Contractors for the construction of street pavements and sewers may be required to take their pay in said bonds in lieu of any cash payment provided in the contract. Said bonds in no event shall be sold or otherwise disposed of at less than their par value.

Section 11. Whenever any portion of the cost of any improvement shall be assumed by or charged to the City at large, and the balance of such cost assessed to the property benefited, then the Commission may provide for the payment of the City's portion of such cost in installments in the same manner as shall be provided for the payment of the portion assessed to the benefited property. In such case bonds may be issued in anticipation of the payment of the amount assessed to the City at large, the same as they may be issued in anticipation of the payment of the amount assessed to the benefited property. There shall be appropriated each year an amount sufficient to pay such bonds issued against the City's portion, when they fall due.

Section 12. The City may for the purpose of acquiring, owning, purchasing, constructing or operating any public utility within the scope of its powers, issue mortgage bonds therefor beyond the general limits of bonded indebtedness prescribed by law; provided that such mortgage bonds issued beyond the general limits of bonded indebtedness prescribed by law shall not impose any liability upon the City, but shall be secured only upon the property and revenues of such public utility, including the franchise if any, stating the terms upon which in case of foreclosure, the purchaser may operate the same, which franchise shall in no case extend over a longer period than twenty (20) years from the date of sale of such utility and franchise on foreclosure; and provided further, that said mortgage bonds shall be sold for not less than par, bear interest at a rate not in excess of six (6%) per centum per annum, and the total amount of such mortgage bonds shall not exceed sixty (60%) per centum of the original cost of the utility; and provided further, that there shall be created a Sinking Fund for the

payment of such mortgage bonds at maturity by setting aside such percentage of the gross or net earnings of such utility as may be deemed sufficient for such payment.

Section 13. The City Commission shall make such investments of the moneys in the Sinking Fund and such disposals of securities held in such fund, as they may deem expedient, provided, however, that investments shall be made in only such securities as in Act No. 142 of the Public Acts of 1931 (Section 2694) and as are approved by the laws of the State. The City Treasurer shall have the custody of all securities and moneys held in the Sinking Fund.

Section 14. It shall be the duty of the Commission to include in the amount of taxes levied each year an amount sufficient to pay the annual interest on all loans, any installments of the principal thereof falling due before the time of the following tax collection and all payments required to be made to the Sinking Fund.

Section 15. When the proceeds from the sale of any bonds shall have been paid into the City Treasury, the principal thereof shall be credited to the fund for which the bonds were issued, and be applied exclusively to the purpose for which the bonds are authorized. No moneys received from the sale of any bonds issued for any permanent public improvement shall be used for maintenance. The premiums and accrued interest received, if any, shall be credited to the interest fund.

Section 16. All bonds and evidences of debt which shall have been paid or which shall have been refunded, shall be properly cancelled.

Section 17. The Commission may if it deems advisable, provide for the registration of any bonds issued by the City.

Section 18. If any bonds properly authorized are not issued within three years after authorization, such authorization of bonds shall thereafter be null and void.

## CHAPTER XI

## GENERAL ASSESSMENTS AND TAXATION

Section 1. The City Assessor shall on or before the third Monday in May in each year, make an assessment roll of all persons and property liable under the laws of the State to taxation in the City, and in so doing, unless otherwise provided in this Charter, he shall conform to and be governed by the provisions of the general laws of the State governing assessing officers performing like duties in the assessment of persons and property for State, County and School taxes.

Section 2. The subjects of taxation for municipal purposes shall be the same as for State, County and School purposes under the general laws of the State.

Section 3. The Board of Review shall meet for the purpose of reviewing and correcting said assessment roll, at a designated place in the City, on or before the Tuesday next following the first Monday in June of each year and shall continue in session that day and the next, between the hours of 2 p. m. and 8 p. m. It shall elect a Chairman and Clerk. A majority shall constitute a quorum. The members of said board shall take the constitutional oath of office which shall be filed with the City Clerk. For the purpose of reviewing and correcting such assessments, the Board of Review shall have the same powers and perform like duties in all respects, as are by the general tax law conferred upon and required of Boards of Review in Townships, in reviewing assessments in Townships for State and County taxes. They shall hear the complaints of all persons considering themselves aggrieved by such assessment, and if it shall appear that any person has been wrongfully assessed, or omitted from the roll the Board shall correct the roll in such manner as they shall deem just.

Section 4. The Clerk of the Board of Review shall keep a record of all proceedings of the Board and of all changes made in the roll, and shall sign and file the same with the City Clerk, together with statements made by persons assessed.

Section 5. The City Assessor shall on or before the third Monday in May mail to each taxpayer at his last known address, a notice of the meeting of the said Board of Review stating the time and place of meeting. Such notice shall also contain a statement showing by lot numbers the assessment on each parcel of real estate owned or on which taxes are paid by such taxpayer, together with a statement of his personal property assessment. In addition to such notice, further notice shall be given of such meeting by posting said notice in six public places in the City, not less than seven days before the day of review, and by publishing such notice once in a newspaper in circulation within the City, at least seven days before the day of review. Failure to give any of the notices herein specified shall not invalidate the assessment roll or any assessment therein contained.

Section 6. Immediately after the review of the assessment roll as aforesaid, the Chairman and Clerk of the Board of Review shall endorse the roll as provided by the general tax laws. The omission of such endorsement shall not affect the validity of such roll. Upon the completion of said roll and its endorsement in the manner aforesaid the same shall be conclusively presumed by all courts and tribunals to be valid, and shall not be set aside except



for such causes as are provided in the general tax laws of the State for the setting aside of assessment rolls for State, County and School purposes.

Section 7. The assessment roll herein provided for shall be the assessment roll for State, County, School and City taxes and for any other taxes that may be authorized by law.

Section 8. After the Board of Review shall have approved such assessment roll, the Assessor shall, within the proper time, spread thereon the amount of the State and County taxes, and also School taxes if raised at the same time as the State and County taxes, in the manner and form provided therefor by the general tax laws of the State, and such taxes shall become a debt and a lien, and be levied, collected, accounted for and returned, and the property assessed therefor, sold, held, redeemed and conveyed, at the time and in the manner and form provided for by the general tax laws of the State. The Assessor shall prepare a copy of said assessment roll, with said taxes assessed as above provided, which roll shall be known as the "General Tax Roll", and shall annex thereto such warrant signed by him, as is provided for by the general tax laws of the State. Said general tax roll shall thereupon be delivered to the City Treasurer, who shall collect said taxes in the manner provided by the general laws of the State.

Section 9. In all proceedings in relation to the assessment, spreading and collection of taxes for school purposes, and in relation to the receipt and disbursement of all moneys belonging to the school district, the City Assessor, City Clerk, and City Treasurer shall have like powers and duties as are prescribed by the laws of this State for Supervisors of Townships, Township Clerks and Township Treasurers respectively.

Section 10. State and County taxes and also school taxes, if raised at the same time as the State and County taxes, shall be collected by the City Treasurer in the manner provided by the general laws of the State.

Section 11. Subject to the provision of this Charter and the statutes of the State, the Commission shall levy such taxes each year as may be necessary to meet the appropriations made (less the estimate of the amount of revenue from other sources) and all sums required by law to be raised on account of the City debt.

Section 12. The Commission shall have the authority within the limits herein prescribed, to raise annually by taxation such sums of money as may be necessary to defray the expenses and pay the liabilities of the City and to carry into effect the powers of this Charter granted.

Section 13. The aggregate amount which the Commission may raise by a general tax upon the taxable real and personal property in the City, shall not exceed in any one year two per centum of the assessed value of all real and personal property in the City, as fixed by the assessment roll of the year in which the tax is levied.

Section 14. The City Clerk shall certify to the City Assessor the total amount which the Commission determines shall be raised by general tax; all amounts of special assessments which the Commission requires to be reassessed upon any property or against any person; and all other amounts which the Commission may determine shall be reassessed against any person or property.

Section 15. After the endorsement of the assessment roll by the Chairman and Clerk of the Board of Review, the Assessor shall prepare a copy thereof to be known as the "City Tax Roll," and upon receiving the said certificate of the several amounts to be raised, as provided in the preceding section, the Assessor shall proceed to assess the several amounts determined by the Commission to be re-assessed against persons or property as determined by said Commission; and shall also proceed to assess the amounts of the General City Tax according and in proportion to the several valuations set forth in said assessment roll. He shall set down in columns opposite to the several valuations of real and personal property on said tax roll the respective sums in dollars and cents, apportionable to each, placing general taxes in one column, special assessments in a second column, school taxes if raised at the same time as City taxes, in a third column, and the amounts of any other re-assessments in a fourth column.

Section 16. After extending the taxes as aforesaid, the Assessor shall certify under his hand said tax roll, and the Mayor of the City shall annex his warrant thereto, directing and requiring the Treasurer to collect from the several persons named in said roll the several sums mentioned therein opposite their respective names as a tax or assessment, and authorizing him, in case any person named therein shall neglect or refuse to pay such sums, to levy the same by distress or sale of his, her or their goods and chattles, together with the costs and charges of such distress and sale. Said warrant shall further direct that all taxes paid on or before the 10th day of August of the same year, shall be collected without additional charge, and that there shall be added to all taxes paid after said 10th day of August one (1%) per cent for each and every month or fraction thereof that the same remains unpaid; provided however, that said warrant shall also provide that if any person shall pay one-half of the general City tax on or before said 10th day of August, he may pay the other one-half of such tax on or before the 30th day of October of that year without additional charge, but should the said latter one-half not be paid before said thirtieth day of October, then the same shall be subject to said charge of one (1%) per cent per month, or fraction thereof, from August 10th preceding. Said City tax roll and annexed warrant, together with a true copy thereof, shall be delivered by the Assessor to the Treasurer on or before the twentieth day of June of the year when made.

Section 17. Within ten days after receiving the "City Tax Roll" covering City taxes and the "General Tax Roll" covering State and County taxes, and School taxes, if raised at the same time as State and County taxes, the City Treasurer shall give notice by mail to each taxpayer whose name and post-office address appears on the assessment roll, stating the amount of tax assessed to him and a brief description of the property taxed, but no failure to send such notice nor error in such notice shall invalidate the legality of the tax levy.

Section 18. City taxes shall be due on the first day of July of the year when levied and shall be payable as stated in the warrant of the Mayor annexed to said roll.

Section 19. The City taxes when assessed shall become at once a debt to the City from the person to whom they are assessed, and the amounts assessed on any interest in real property shall on the first day of July of the year when assessed become a lien upon such real property, and the lien for such amounts and for all interest and charges shall continue until payment thereof. All personal taxes shall also be a lien on all personal property of such persons so assessed, from and after the first day of July in each year, and shall take precedence of any sale, assignment or chattel mortgage, levy or other lien on such personal property, executed or

made after said first day of July, except where such property is actually sold in the regular course of trade.

Section 20. In case any person shall neglect or refuse to pay any tax imposed upon any real or personal property belonging to him, as aforesaid, the City Treasurer may enforce the collection thereof by distress and sale or by suit in the name of the City, in the same manner and to the same extent as Township Treasurers may enforce the payment of State and County taxes.

Section 21. If the Treasurer has been unable to collect any of the City taxes on said roll on real property before the first day of March following the date when said roll was received by him, then it shall be his duty to return all such unpaid taxes on real property to the County Treasurer in the same manner and with like effect as returns by Township Treasurers of State and County taxes. Such returns shall include all the additional charges hereinbefore provided, which charges shall in such return be added to the amount assessed in said roll against each description. The taxes thus returned shall be collected in the same manner as other taxes returned to such County Treasurer are collected under the provisions of the general tax laws of the State, and the same rate of interest and all charges shall be collected thereon, and all taxes upon lands so returned as delinquent shall be and remain a lien thereon until paid.

Section 22. Moneys collected by the County Treasurer or received from the sale of lands for delinquent City taxes, shall be paid over to the City Treasurer. All of the provisions of the general tax laws relative to the sale and redemption of lands returned for delinquent taxes shall apply to the sale and redemption of lands returned for delinquent taxes assessed under the provisions of this Charter.

Section 23. The Commission shall have the power when it shall appear that any tax or special assessment is unjust because of clerical error, or has been illegally assessed, to refund the same or such unjust portion, if collected, or if not collected, to vacate the tax or assessment, in whole or in part. No such action on the part of the Commission shall in any way affect or invalidate any other tax or assessment levied or collected in said City. In event of the refund or vacation of a tax or special assessment illegally assessed, the Commission shall have power to order the same or any portion thereof to be reassessed if a valid assessment might have been made in the first instance.

Section 24. Any person owning an undivided share or other part or parcel of real property, assessed in one description, may pay on the part thus owned by paying an amount having the same relation to the whole tax as the part on which payment is made has to the whole parcel. The person making such payment shall accurately describe the part or share on which he makes payment and the receipt given and the record of the receiving officers shall show such description and by whom paid; and in case of the sale of the remaining part or share, for non-payment of taxes, he may purchase the same in like manner as any disinterested person could. These provisions shall include all taxes that may be assessed against real property including special assessments.

Section 25. It shall be the duty of the City Treasurer, upon request made by any party, to issue his certificate showing all unpaid taxes, special assessments, water rates and other charges which are a lien upon any specified property, and which are payable at his office, and

he may upon being authorized by the City Commission charge the party requesting the same such sum as the Commission shall establish for each parcel, which fee shall be paid into the City Treasury and credited to the general fund. The issuance of such certificate shall not create any liability upon the part of the City or City Treasurer, except that in event of fraud on the part of the City Treasurer in the issuance thereof he shall be liable therefor.

Section 26. The fees and penalties for the collection of all taxes provided for by this Charter, or the general laws of the State, shall belong to the City and shall be paid by said Treasurer into the City Treasury.

Section 27. The City Clerk, after the Commission has determined the several amounts which they require to be raised by general tax for the several funds of the City, and the aggregate thereof, shall certify the same to the City Treasurer. When such general taxes shall be received by the Treasurer, they shall be apportioned to the several funds of the City pro rata according to the several amounts of said funds so certified.

Section 28. Money may be borrowed in anticipation of the receipts from taxes for the payment of current expenses or to fund deficiencies in current revenue, by the issue of notes or certificates of indebtedness, but the aggregate amount of such loans at any time out-standing shall not exceed the total of such unpaid taxes out-standing. All such loans shall be subject to the provisions of the laws of the State in relation thereto. No temporary loans, authorized by this section, shall be made without approval of four of the members of the Commission.

## CHAPTER XII

## SPECIAL ASSESSMENTS

Section 1. The Commission shall have power to provide for the payment of all or any part of the cost of a public improvement by levying and collecting special assessments upon property specially benefited. The cost of surveys and plans for a public improvement and all expenses incident to the proceedings for the making of such improvement and the special assessment therefor, shall be deemed to be a part of the cost thereof. The term "public improvement" as herein used shall include the repair and reconstruction of any structure or work as well as the original construction thereof. Provided, however, that where the cost of any concrete, asphalt or other hard surface pavement shall have been paid for in whole or in part by special assessment, then the cost of repairing such pavement and of reconstructing the same to the width of the original pavement, shall be borne by the City at large.

Section 2. When the Commission shall determine to make any public improvement and defray the whole or part of the cost thereof, by special assessment, they shall so declare by resolution, stating the nature of the improvement and what part or proportion of the cost thereof shall be paid by special assessment, and what part, if any, shall be paid from the general funds of the City, and shall designate the district or lands and premises upon which the special assessment shall be levied.

Section 3. Before ordering any public improvement, any part of the cost of which is to be defrayed by special assessment, the Commission shall cause estimates of the cost thereof to be made, and also plans, when practicable, of the work and of the locality to be improved, and deposit the same with the Clerk for public examination; and they shall give notice thereof and of the proposed improvement and of the district to be assessed, and of the time and place when the Commission will meet and consider any objections thereto, by publication twice prior to such a meeting in a newspaper circulating in the City, the first publication to be at least five days prior to such a meeting.

Section 4. When any special assessment is to be made upon the lands and premises in any special assessment district, according to frontage or benefits, the Commission shall, by resolution, direct the same to be made by the Assessor and shall state therein the amount to be assessed and whether according to frontage or benefit; and describe or designate an assessment district comprising the lands and premises to be assessed.

Section 5. Upon receiving such orders and direction, the Assessor shall make out an assessment roll, entering and describing therein all the lots and parcels of land to be assessed, with the names of the respective owners thereof, and shall levy thereon and against such property the amount to be assessed, in the manner directed by the Commission and the provisions of this Charter applicable to the assessment. In all cases where the ownership of any description is unknown to the Assessor he shall, in lieu of the name of the owner, insert the word "Unknown" and if by mistake or otherwise, any person shall be improperly designated as the owner of any lot or parcel of land, or if the same shall be assessed without the name of the owner, or with the name of a person other than the owner, such assessment shall not for such causes be vitiated, but shall, in all respects, be as valid upon and against such lot or parcel of land as though assessed in the name of the proper owner. When the assessment shall have

been confirmed, it shall be a lien on each such lot or parcel of land and shall be collected as in this Charter provided.

Section 6. If the assessment is required to be according to frontage, the Assessor shall assess to each lot or parcel of land such relative portion of the whole amount to be levied, as the length of the frontage of such premises bears to the whole frontage of all lots and parcels of land to be assessed unless on account of the shape or size of any lot or parcel of land an assessment for a different number of feet would be more equitable. If the assessment is directed to be according to benefits, he shall assess upon each lot or parcel of land, such relative portion of the whole sum to be levied as shall be proportionate to the estimated benefit resulting to such lot or parcel of land from the improvement. The word frontage as used in this Chapter shall be construed to mean that part of a lot or parcel of land which directly abuts upon the street or alley, improved or to be improved, or in which the improvement is located or is to be located.

Section 7. When the Assessor shall have completed the assessment roll, he shall report the same to the Commission; such report shall be signed by him, and may be in the form of a certificate, endorsed on the assessment roll as follows:

State of Michigan        )  
County of Oakland     ) ss  
City of Huntington Woods)

TO THE COMMISSION  
OF THE CITY OF HUNTINGTON WOODS

I hereby certify that the foregoing is a special assessment roll and the assessment made by me pursuant to a resolution of the Commission of said City, adopted (give date) for the purpose of paying the cost (or that part of the cost which the Commission decided should be borne and paid by special assessment) for the (insert here object of the assessment); that in making such assessment I have, as near as may be according to my best judgment, conformed in all things to the direction contained in the resolution of the Commission hereinbefore referred to, and the Charter of the City relating to such assessment.

Dated \_\_\_\_\_  
\_\_\_\_\_  
Assessor

Section 8. When any expense shall be incurred by the City upon or in respect to any separate or single lot or parcel of land which, by the provision of this Charter, the Commission is authorized to charge and collect as a special assessment against the same, and not being that class of special assessments required to be made pro rata upon several lots or parcels of land in a special assessment district, an account of the labor, material or services for which such expense was incurred, verified by the Manager, with a description of the premises upon or in respect to which the expense was incurred, and the name of the owner, or person chargeable therewith, if known, shall be reported to the Commission in such manner as they shall prescribe. The provisions of the preceding sections of this Chapter with refer apply to

assessments to cover the expense incurred in respect to that class of improvements contemplated in this section.

Section 9. The Commission shall determine what amount or part of every such expense shall be charged and the person, if known, against whom, and the premises upon which the same shall be levied as a special assessment, and as often as the Commission shall deem it expedient they shall require all of the several amounts so reported and determined, and the several lots or parcels of land, and the persons chargeable therewith, respectively, to be reported by the Clerk to the Assessor for assessment.

Section 10. Upon receiving the report mentioned in the preceding section, the Assessor shall make a special assessment roll, and levy as a special assessment therein, upon each lot or parcel of land so reported to him and against the persons chargeable therewith, if known, the whole amount or amounts of all the charges so directed as aforesaid to be levied upon each of such lots or parcels of land respectively, together with a penalty of ten (10%) per centum, and when completed he shall report the assessment to the Commission and thereupon the same proceedings shall be had and with like effect as is provided in this Chapter for special assessments in other cases, except that the Commission may require that the same be paid in one or any other number of installments not to exceed five; provided that notice of the filing of the special assessment roll in such cases and of the reviewing of the same, may be given by sending such notice by registered mail to the persons named in such roll at their last known addresses respectively, instead of giving such notice by publication. If such notice is given by publication, the Commission may order the cost thereof to be added to the roll and distributed pro rata according to the amount of the several assessments therein.

Section 11. When any special assessment roll shall be reported by the Assessor to the Commission, as in this Charter directed, the same shall be filed in the office of the Clerk and numbered consecutively. Before confirming such assessment roll, the Commission shall appoint a time when the Commission will meet and review such assessment and shall cause a notice of such hearing and of the filing of such assessment roll, to be published twice prior to such hearing, in a newspaper circulating in the City, the first publication to be at least five days before such hearing. Any person objecting to the assessment may file his objections thereto in writing with the Clerk. The notice provided for in this section may be in the following form:

NOTICE OF SPECIAL ASSESSMENT

Notice is hereby given that the Special Assessment Roll heretofore made by the Assessor for the purpose of defraying the cost (or that part of the cost which the Commission decided should be paid and borne by special assessment) for the (insert the object of the assessment and locality of the proposed improvement in general terms) is now on file in my office for public inspection. Notice is also hereby given that the Commission of the City of Huntington Woods will meet at \_\_\_\_\_ in said City on \_\_\_\_\_; the \_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_ o'clock to review said assessment at which time and place opportunity will be given to all persons interested to be heard.

Dated \_\_\_\_\_

\_\_\_\_\_  
City Clerk

Section 12. At the time and place appointed for the purpose as aforesaid, the Commission shall meet and then and there, or at some adjourned meeting, review the assessment roll, and shall hear any objections to any assessment which may be made by any person deeming himself aggrieved thereby, and the Commission may correct said roll as to any assessment, description or premises, or other matter appearing therein, and may confirm it as reported or as corrected, or they may refer the assessment roll back to the Assessor for revision, or they may annul it and direct a new assessment, in which case the same proceedings shall be had as in respect to the previous assessment. When a special assessment shall be confirmed, the Clerk shall make an endorsement upon the roll showing the date of confirmation.

Section 13. When any assessment roll shall be confirmed by the Commission it shall be final and conclusive.

Section 14. All special assessments, including deferred payments, shall from the date of confirmation thereof, constitute a lien upon the respective lots or parcels of land assessed, and until paid shall be a charge against the respective owners of the several lots and parcels of land, as assessed.

Section 15. All special assessments shall be payable in such number of approximately equal annual installments, not exceeding ten as the Commission may determine. The first installment of a special assessment shall be due and paid within thirty days after confirmation and one installment shall be due and paid each year thereafter upon the same day of the year as that upon which the roll was confirmed, with annual interest upon all unpaid installments to be fixed by the Commission at a rate not exceeding six (6%) per cent per annum, provided that no interest shall be charged until thirty days after confirmation. The whole assessment against any lot or parcel of land may be paid to the City Treasurer at any time in full with accrued interest and penalties thereon. If any special assessment or any installment of a special assessment is not paid when due, then such assessment or installment shall be deemed to be delinquent and there shall be collected thereon in addition to interest a penalty at the rate of one-half of one percent for each month or fraction thereof that the same remains unpaid before being reported to the Commission for the purpose of being re-assessed upon the City tax roll.

Section 16. In all cases of special assessments of any kind against any property where any such assessments have failed to be valid in whole or in part, the Commission shall be and they are hereby authorized to cause to be reassessed such special assessments, and to enforce their collection; and it is further provided that whenever for any cause, mistake or inadvertence, the amount assessed shall not be sufficient to pay that portion of the cost of the improvement which the Commission has determined should be assessed against the property or the owners of property in the special assessment district, then it shall be lawful, and the Commission is hereby directed and authorized to cause to be made a re-assessment upon all the property in such special assessment district to pay for such improvement and to continue requiring such re-assessment until a valid and sufficient assessment shall have been made.

Section 17. No judgment or decree, nor any act of the Commission vacating a special assessment, shall destroy or impair the lien of the City upon the premises assessed, for such amount of the assessment as may be equitably charged against the same, or, as by a regular mode of proceeding might have been lawfully assessed thereon.



Section 18. When any special assessment shall be confirmed, the Commission shall direct the assessment so made in the special assessment roll to be collected. The City Clerk shall thereupon deliver to the City Treasurer said special assessment roll to which he shall attach his warrant commanding the City Treasurer to collect from each of the persons assessed in said roll the amount of money assessed to and set opposite his name therein, and in case any person named in said roll shall neglect or refuse to pay his assessment, or any part thereof, upon demand after the same has become due, then to levy and collect the same by distress and sale of the goods and chattels of such person. Said warrant shall require the City Treasurer, on the first day of June following the date when such assessment, or any part thereof, has become delinquent, to submit to the Commission a sworn statement of all assessments or parts thereof in said roll which have become delinquent and are unpaid, which shall include a list of persons delinquent, if known, a description of the lots and parcels of land upon which the assessments remain unpaid, and the amount unpaid on each inclusive of accrued interest and penalty.

Section 19. Upon receiving said special assessment roll and warrant the Treasurer shall proceed to collect the amount assessed therein. If any person shall neglect or refuse to pay his assessment upon demand, the Treasurer shall seize and levy upon any personal property found within the City or elsewhere within the State of Michigan, belonging to such person and sell the same at public auction, first giving six days notice of the time and place of such sale by posting such notice in three public places in the City or Township where such property may be found. The proceeds of such sale, or so much thereof as may be necessary for that purpose, shall be applied to the payment of the assessment, the cost and expenses of seizure and sale, and the surplus, if any, shall be paid to the person entitled thereto.

Section 20. In case any assessment, or any part thereof, shall remain unpaid on the first day of June following the date when the same became delinquent, and shall be reported unpaid by the Treasurer to the Commission as aforesaid, the same, together with all accrued interest and penalty shall be transferred and reassessed on the next annual City tax roll in a column headed "Special Assessments" with a penalty of four (4%) per cent upon such total amount added thereto, and when so transferred and reassessed upon said tax roll shall be collected and paid in all respects as provided for the collection of City taxes.

Section 21. At any time after a special assessment has become payable, the same may be collected by suit, in the name of the City, against the person assessed, in an action of assumpsit in any court having jurisdiction of the amount. In every such action a declaration upon the common counts for money paid shall be sufficient. The special assessment roll and certified copy of the resolution confirming the same shall be prima facie evidence of the regularity of all the proceedings in making the assessment, of the whole amount due, and of the right of the City to recover judgment therefor.

Section 22. If, in any such action, it shall appear that by reason of any irregularities or informality, the assessment has not been properly made against the defendant, or upon the premises sought to be charged, the court may nevertheless on satisfactory proof that expenses have been incurred by the City, which is a proper charge against the defendant, or the premises in question, render judgment to the amount properly chargeable against such defendant, or upon such premises.

Section 23. If the owner or occupant of any lot or premises shall fail to remove the snow, ice, and filth from the sidewalk upon which such property abuts, or to remove and keep the same from obstruction, encroachments, encumbrances or other nuisances, or fail to perform any other duty required by the City in respect to such sidewalks or the premises within such time and in such manner as the City shall require, the City may cause the same to be done, and the expense or such part thereof as the City shall have determined, together with a penalty of ten (10%) per centum may be charged and collected as a special assessment against such property as in this Charter provided.

Section 24. Moneys raised by special assessment to pay the cost of any local improvement shall be held as a special fund to pay such cost or to repay money borrowed therefor. If there be a surplus, then such surplus shall be refunded pro rata as follows: where the assessment has been paid in full, by a refund in cash to the owner of the premises at the time the refund was ordered made, and where the assessment has not been paid in full by credit on the assessment roll.

Section 25. The Commission may divide any improvement into parts or sections and provide for separate construction of such parts or sections and may establish a separate special assessment district for each part or section and may issue bonds against such separate district.

Section 26. No improvement, any part of the cost of which is to be assessed to a special assessment district, shall be made until the Commission has first advertised for proposals for making such improvement, and received and opened the same, if any. The Commission may reject any and all of such proposals and may in their discretion make such improvement by the proper officers and agents of the City.

Section 27. Should any lot or parcel of land be divided after a special assessment thereon has been confirmed and before the collection of all the installments, the Commission may require the Assessor to apportion the uncollected amounts upon the several parts of such lot and parcel of land so divided. The report of such apportionment, when confirmed, shall be conclusive upon all the parties and all assessments thereafter made upon such lots shall be according to such division.

Section 28. Whenever any portion of the cost of any improvement shall be assumed by or charged to the City at large, and the balance of such cost assessed to the property benefited, then the Commission may provide for the payment of the City's portion of such cost in installments in the same manner as shall be provided for the payment of the portion assessed to the benefited property.

## CHAPTER XIII

## STREETS AND SIDEWALKS

Section 1. The City shall have control of all streets, highways and alleys within its limits and may use, regulate, control, and improve the same and the space above and beneath them.

Section 2. The Commission shall have power to improve streets, highways and alleys in the City by grading, graveling, curbing, paving, repairing, repaving, maintaining the same free from dust and nuisance, constructing sidewalks, or otherwise, and shall have authority to lay out, open, widen, extend, straighten, alter, close, vacate, or abolish any highway, street or alley or part thereof in the City, whenever they shall deem the same a public improvement. The cost and expense thereof may be paid by special assessment upon the property adjacent to or benefited by such improvement, in the manner in this Charter provided for levying and collecting special assessments; or in the discretion of the Commission, a portion of such cost and expenses may be paid by special assessment as aforesaid, and the balance by the City; or the entire amount may be paid by the City; provided where the cost of any concrete, asphalt or other hard surface pavement shall have been paid for in whole or in part by special assessment, then the cost of repairing such pavement and of reconstructing the same to the width of the original pavement, shall be borne by the City at large.

Section 3. When the Commission shall deem it advisable to vacate, discontinue or abolish any street, alley or other public highway or any part thereof, they shall by resolution, so declare and in the same resolution shall appoint a time, not less than four weeks thereafter, when they shall meet and hear objections thereto. Notice of such meeting, with a copy of said resolution, shall be published two successive weeks before the appointed time for such meeting, in a newspaper circulating in the City.

Section 4. The Commission shall have authority to determine and establish the grade of all streets, public highways, alleys, sidewalks, curbs and public grounds within the City, and may change or alter the grade of any street, sidewalk, curb, alley or public ground, or any part thereof, whenever in their opinion the public convenience will be promoted thereby. Whenever a grade shall be established or altered a record and diagram thereof shall be kept on file in the proper office of the City.

Section 5. Whenever any sidewalk has been built in conformity to a grade established by the City and the cost thereof paid for by the abutting property owner by special assessment or otherwise, then such owner or his successor in title shall not be required to reconstruct such sidewalk nor shall the abutting property be subject to a special assessment therefor, in event a reconstruction is made necessary by a change in grade made by the City provided such sidewalk is in good condition.

Section 6. The City shall have control of all sidewalks in the public streets, highways and alleys of the City and may construct, re-construct and repair the same or require the abutting owners to construct, re-construct and repair such sidewalks. The City may prescribe the grades of such sidewalks and change the same when deemed necessary. If any abutting property owner shall fail to construct, reconstruct or repair the sidewalk in the street adjacent to his premises after being required to do so by resolution of the Commission and upon such notice as

the Commission shall by ordinance provide, then the City may construct, reconstruct or repair such sidewalk and collect the costs thereof from the abutting property owner, or may make a special assessment against such owner and such abutting property, in the same manner as herein provided for the making of special assessments where any expense has been incurred by the City upon or in respect to any particular lot or parcel of land.

Section 7. The City shall have power to construct and maintain viaducts over and tunnels under the streets, highways and alleys of the City for the purpose of public travel.

Section 8. The Commission shall before constructing or reconstructing any pavement require that public service corporations and owners of abutting property install all pipes, sewer and water service extensions for house service, conduits and the like so that it will not be necessary to cut such pavement for any such purpose. The Commission shall provide the terms and conditions upon which pavements may be cut and may provide that where it is necessary to cut any pavements within two years after its construction or reconstruction by reason of the failure to comply with such requirement, that the person, firm or corporation desiring to cut such pavement shall pay a sum in addition to the cost of cutting and restoration, not to exceed twice such cost.

Section 9. The Commission shall have the power to change the name of any street or highway but before doing so shall set a date for hearing any objections thereto and shall give notice thereof by publication at least once prior to such hearing in a newspaper circulating in the City.

Section 10. The Commission shall have power to regulate or prohibit the placing of signs, awnings, obstructions and other things over or upon the streets, highways and alleys of the City.

Section 11. The Commission may provide for and regulate the planting of shade and ornamental trees in the streets and public highways of the City and may provide for the care and maintenance of such trees.

Section 12. The Commission shall regulate the making of all openings in and removals of earth from the streets, highways and alleys of the City and may prescribe the terms and regulations upon which the same may be made.

Section 13. The Commission may regulate the use of the streets, highways and alleys of the City, subject to the established rights of the public therein.

Section 14. No special assessment to defray the cost and expenses of paving any street, highway or alley, or part thereof, shall be made unless a petition for such improvement signed by the owners of not less than fifty-one (51%) per centum of the frontage of the real estate abutting upon such improvements, has been filed with the City Clerk. Such petition in addition to the signatures of the owners shall contain a description of the property owned by the respective signers thereto, together with the number of feet of frontage of each such description. Such petition shall be verified by the affidavit of the owners or some person or persons with knowledge that said signers are such owners and that such signatures are genuine. The City Engineer shall certify to the Commission the total number of feet of frontage

abutting upon said improvement. Notice of the filing of said petition shall be given in the notice of the meeting of the Commission to hear objections to the making of such improvement, and the determination of the Commission after such hearing shall be final as to the sufficiency of the petition. Provided, however, that the Commission may by a four-fifths vote of its members elect, without the petition aforementioned, pave a street, highway or alley and levy a special assessment to defray the cost thereof, in whole or in part, as in this Charter provided for the making of special assessments.

## CHAPTER XIV

## SEWERS AND DRAINS

Section 1. The Commission may establish, construct and maintain a sewerage system, sewage disposal systems, sewers and drains whenever and wherever necessary, and of such dimensions and materials, and under such regulations as they may deem proper, and the cost thereof may be paid by the City at large or by special assessment or partly by the City at large and partly by special assessment, as the Commission shall determine in each case. Such systems, sewers and drains may be constructed either within or without the City or partly within and partly without the City. Special assessments for the construction of sewers and drains shall be made in the manner provided in this Charter for making special assessments.

Section 2. The owners or occupants of lots and premises shall have the right to connect the same, at their own expense, by means of private drains, with the City sewers and drains, under such rules and regulations as the Commission shall prescribe.

Section 3. The whole or such part of the expense of providing ditches and drains and improving water courses as the Commission shall determine, may be defrayed by a special assessment upon the lands and premises benefited thereby.

Section 4. Whenever the Commission shall deem it necessary for the public health, they may require the owners and occupants of lots and premises to construct private drains therefrom to connect with some public sewer or drain, and thereby to drain such lots and premises; and to keep such private drains in repair and free from obstruction and nuisances; and if such private drains are not constructed and maintained according to such requirement, the Commission may cause the work to be done at the expense of such owner or occupant and the amount of such expense shall be a lien upon the premises drained, and may be collected by special assessment to be levied thereon.

Section 5. The City may acquire, establish, operate, extend and maintain sewage disposal systems, sewers and plants either within or without its corporate limits, as a utility, and may fix and collect charges for service covering the cost of such service, the proceeds whereof shall be exclusively used for the purpose of such sewage disposal system, and which may include a return on the fair value of the property devoted to such service, excluding from such valuations such portions of the system as may have been paid for by special assessment, and which charge may be made a lien upon the property served, and if not paid when due, may be collected in the same manner as other City taxes.

\* Section 6. The City Commission upon a three-fifths vote of the members elect shall have power to contract from time to time with any city, county, metropolitan district or other political subdivision, or any agency of the foregoing, for the disposal of sanitary and/or storm water sewage from the city, for a period not to exceed forty (40) years; provided that before authorizing the execution of any such contract, the City Commission shall cause a copy of the same to be deposited with the City Clerk and a notice of such deposit to be published in a newspaper of general circulation in the City at least once not less than ten (10) days prior to

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\* Section 6 added November 3, 1942.

such authorization. The contract as so deposited may be amended before execution without further notice. No such contract after it has become effective shall be declared invalid for want of proper notice. The amounts to be paid from time to time by the City under any such contract shall not constitute an indebtedness of the City within the meaning of any charter debt limitation. The City Commission shall impose rates, charges and/or assessments upon the users and beneficiaries of sewage disposal services and facilities sufficient to promptly meet the obligations under such contract but in event the receipts therefrom are not sufficient to pay all sums when due under the contract, then the City shall be responsible for any deficit. Such rates, charges and/or assessments shall be made and the payment thereof enforced, by any method permissible by law. The provisions of this section shall not be limited by those of any other section or sections of this Charter. If there be included in this section any provision which is not permissible under the state law at the time of the adoption hereof and which in the future shall become permissible because of subsequent state legislation, then such provision shall automatically become operative without again being readopted. All acts and proceedings within the scope of this section heretofore done or taken, are hereby ratified and confirmed.

## CHAPTER XV

## WATER SUPPLY

Section 1. The City shall provide an adequate water supply for the use of the municipality and the inhabitants thereof. Such water supply may be provided by the purchase of water from some other municipality or by the establishment and maintenance of a water works pumping station. The City shall have the power to construct and maintain water works, water mains, water filtration plants and all other works and facilities necessary for the furnishing of such water supply, and to make improvements and extensions thereto. The Commission shall have power to make all ordinances, rules and regulations expedient for the safe, economical and efficient management of the water works system of the City and all facilities connected therewith. The Commission shall have power to enforce the payment, by special assessment or otherwise, of charges for any and all connections leading from the City's water mains to private property, whether such connections are made upon request of the property owner or made by the City in advance of paving.

Section 2. The Commission shall, by ordinance, establish a uniform schedule of rates, make such rules and regulations for the use of water and the payment therefor as may be deemed expedient. Unpaid charges for the use of water upon any property within the City shall be a lien upon said property. No person, firm, corporation, or association shall be allowed free use of water, nor shall there be discrimination among water users of like classes.

Section 3. The Commission may by ordinance provide for furnishing water to consumers outside of the City limits.



CHAPTER XVI

PLATS

Section 1. No lands or premises shall hereafter be laid out, divided and platted into lots, streets and alleys, within the City, except by permission and approval of the Commission. No plat shall be permitted or approved by the Commission which shall contain any residential lot or lots of less than one hundred ten (110) feet in depth, or less than forty (40) feet in width, unless such plat shall be of an irregular shape, thereby making certain lots unavoidably of less than one hundred ten (110) feet in depth; in which event the Commission shall require the said lot or lots to be of sufficient additional width so that the total number of square feet contained in any lot shall not be any less than four thousand four hundred (4,400) square feet. No plat shall be approved unless it conforms to such general plan as may be adopted by the Commission for the width and location of streets and alleys, which plan however shall not conflict with any such state or county plan. The Commission shall have authority to impose reasonable terms and conditions upon the approval of any plat.

## CHAPTER XVII

## APPROPRIATION OF PRIVATE PROPERTY

Section 1. Private property within the City may be acquired by purchase, gift, lease or condemnation, for any use or purpose within the scope of the powers of the City, and private property without the City may be so acquired when not prohibited by law.

Section 2. Private property may be condemned and appropriated in the manner provided by the general laws of the State.

Section 3. When an award has been made in a condemnation proceeding, if the statute under which such proceeding was instituted does not provide for the assessing of the whole or part of the compensation awarded by the jury upon property specially benefited, then an assessment therefor may be made as herein provided.

Section 4. Whenever in the making of any public improvement and the taking of private property for public use therefor, a jury shall find that it is necessary to take any portion of a particular parcel of land which is less than the entire parcel, if the petition filed on behalf of the City shall so pray, the jury may be required to award the damages for the taking of the portion necessary for the improvement, and also find the value of the entire parcel, and the City shall have the option to be exercised within thirty (30) days after the confirmation of the verdict, to purchase the remaining portion of such parcel, to be used for municipal purposes, for the difference between the value of the entire parcel and the sum awarded for the taking of the portion necessary for the improvement.

Section 5. If the Commission believes that a portion of the City in the vicinity of the proposed improvement, will be benefited by such improvement, they may, by an entry in their minutes, determine that the whole or any just proportion of the compensation awarded by the jury, shall be assessed upon the owners or occupants of real estate deemed to be thus benefited, and thereupon they shall, by resolution, fix and determine the district or portion of the City benefited, and specify the amount to be assessed upon the owners or occupants of the real estate therein. The amount of the benefit thus ascertained shall be assessed upon the owners or occupants of such real estate, in proportion, as nearly as may be, to the advantage which each such lot, parcel or subdivision is deemed to acquire by the improvement. The assessment shall be made and the amount levied and collected in the same manner and by the same officers and proceedings, as near as may be, as is provided in and by this Charter, for assessing, levying and collecting the expense of a public improvement by special assessment. The assessment roll containing such assessments when ratified and confirmed by the Commission, shall be final and conclusive and prima facie evidence of the regularity and legality of all proceedings prior thereto, and the assessment therein contained shall be and continue a lien on the premises on which the same is made until payment thereof.

CHAPTER XVIII

FRANCHISES

Section 1. No franchise shall be granted by the City for a longer period than twenty (20) years.

Section 2. No franchise which is not revocable at the will of the City, shall be granted or become operative until the same shall have been referred to the people at a general or special election and has received the approval of three-fifths of the electors voting thereon at such election.

Section 3. No franchise shall be submitted under the provisions of this Charter, to the electors at a special election, unless the expense of holding the election, as determined by the Commission, shall be paid to the Treasurer in advance of calling such election by the grantee in said franchise.

Section 4. No person, firm or corporation shall ever be granted any exclusive franchise.

Section 5. No franchise, granted by the City, shall ever be leased, assigned or otherwise alienated except in accordance with the express provisions of said franchise and all franchises granted by the City shall provide how, and in what manner, and under what conditions said franchise may be leased, assigned or alienated, and no dealing with the lessee or assignee on the part of the City, which shall recognize the performance of any act or payment of any compensation by the lessee or assignee, shall be deemed to have operated as such consent.

Section 6. No change or modification of any franchise or grant of rights or powers previously granted to any corporation, firm, person or association of persons shall be made, except in the manner and subject to all conditions herein provided for the making of original franchises.

Section 7. The grant of every franchise shall be subject to the right of the City, whether in terms reserved or not, to make all regulations which shall be necessary to secure in the most ample manner the safety, welfare and accommodation of the public, including among other things, the right to pass and enforce ordinances to require proper and adequate extensions of the service of such grant, and to protect the public from danger or inconvenience in the operation of any work or business authorized by the grant of the franchise and the right to make and enforce all such regulations as shall be reasonably necessary to secure adequate, sufficient and proper service, extensions and accommodations for the people and insure their comfort and convenience.

Section 8. The City, by and through its Commission, shall have the power to require any corporation holding a franchise from the City, to allow the use of its tracks, poles, wires and any other facilities that can be jointly used, by any other corporation to which the City shall grant a franchise, subject to reasonable regulations and upon the payment of a reasonable rental therefor. Any franchise which may hereafter be granted, to any person or corporation to operate a public utility within the City, shall be subject to the condition that the City shall have the right to grant to any other person or corporation desiring to build or operate a public utility

within or into the City, the right to the use of such tracks, poles, conduits, wires and other facilities, provided, however, that the person or corporation desiring to use the same shall first agree in writing with the owner thereof as to terms and conditions and to pay it reasonable compensation for the use of its facilities. And if the person or corporation desiring to use the same cannot agree with said owner as to said compensation, terms and conditions within sixty (60) days from offering the same in writing, then the Commission shall by resolution, after hearing the parties concerned, fix the terms and conditions of such use, and compensation to be paid therefor, which award of the Commission, when so made, shall be binding upon and observed by the parties concerned.

Section 9. The Commission may revoke, cancel or annul all franchises that may have been granted by the City, which have become in whole or in part, or which for any reason are illegal or void and not binding upon the City.

Section 10. The enumeration and specification of particular matters in this Charter which must be included in every franchise, shall never be construed as impairing the right of the Commission to insert in such franchise any other further matters, conditions, covenants, terms, restrictions, limitations, burdens, taxes, assessments, rates, fares, rentals, charges, control, forfeitures or any other provisions whatever as it shall deem proper to protect the interests of the people.

\* Section 11. The Commission may grant a permit at any time, in or upon any street, alley, or public place, provided such permit shall be revocable by the Commission at its pleasure at any time, whether such right to revoke be expressly reserved in said permission or not, provided, that when such permit is granted for water mains, sewers or drains, it may be made irrevocable unless the grantee be a private person, firm or corporation.

Section 12. No franchise or permit to use the street or public places or property of the City shall be granted by the City without fair compensation to the City therefor except that permits may be granted to property owners to use adjacent portions of a street or alley without compensation to the City. Where the franchise fixes the rate of fare or the rate to be charged for the service rendered or commodity furnished by the grantee, such rate of fare or price of service or commodity furnished shall be subject to review and change during the life of said franchise at the end of such periods, not exceeding ten years, and in such manner and form, as in said franchise shall be provided. No such compensation by any such grantee shall ever be in lieu of any lawful taxation upon its property, or of any license or charges which are not levied on account of such use.

Section 13. All franchises and permits for the use of streets and alleys of the City shall be governed by the provisions of this Charter, and all amendments, extensions or enlargements of any franchise or permit previously granted by this City to any persons, firm or corporation, for the use of the streets and alleys of such City, shall be subject to all the conditions herein provided for the making of original grants of franchises and permits, respectively.

Section 14. All contracts, granting or giving any original franchise, or extending or renewing or amending any existing franchise shall be made by ordinance and not otherwise.

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\* Section 11 amended August 3, 1954.

Every such ordinance granting a franchise shall be accepted in writing by the grantee before said ordinance takes effect, and if it is to be submitted to the electors, it shall be so accepted before its submission. Such acceptance shall be filed with the Clerk. Any non-compliance with this section shall automatically annul such permit or franchise.

Section 15. The Commission shall by ordinance provide for efficient inspection and regulation of all public utilities operated in the City. It being the intention of this section to provide means for securing to the City efficient service from all public utilities operated in the City and the proper observance by such operators of the conditions imposed by their respective franchises, ordinances of the City and the laws of the State.

\* Section 16. All ordinances granting franchises, or extensions or renewals thereof, shall reserve to the City the right to terminate the same and to purchase all the property of the utility in the streets and highways and elsewhere, in the City, used in or useful for the operation of the utility, at a price either fixed by the ordinance or to be fixed in the manner provided by the ordinance granting the same. Nothing in such ordinance shall prevent the City from acquiring the property of any such utility by condemnation proceedings or in any other lawful mode; but all such methods of acquisition shall be alternative to the power to purchase reserved in the ordinance granting such franchise, extension or renewal as hereinbefore provided. Upon the acquisition by the City of the property of any utility by purchase, condemnation or otherwise, all franchises, extensions and renewals shall at once terminate.

Section 17. No ordinance granting such franchise, or extension or renewal thereof, shall be valid unless it shall expressly provide therein that the price to be paid by the City for the property that may be acquired by it from such utility by purchase, condemnation or otherwise, shall exclude all value of such franchise, extension or renewal, except that unless otherwise provided in such ordinance, the utility shall be entitled to the return of the proportionate amount of the unused period of any compensation paid to the City for such franchise, extension or renewal.

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\* Section 16 amended April 7, 1941.

## CHAPTER XIX

## JUSTICE COURT

\* Section 1. There shall be one Justice of the Peace for the City of Huntington Woods. At the regular municipal election in 1961 and in every fourth year thereafter there shall be elected a Justice of the Peace who shall hold office for a term of four years from and after the 4th day of July following his election.

Section 2. The provisions of the general laws of the State applying to the election and qualification of Justice of the Peace in townships shall apply to the election and qualification of the Justice of the Peace of this City.

Section 3. Said Justice of the Peace shall have and exercise the same jurisdiction and powers in all civil and criminal matters, causes, suits and proceedings, and shall perform the same duties in all respects, so far as occasion may require, as are or may be conferred upon or required of a Justice of the Peace under the general laws of the State.

Section 4. Said Justice of the Peace shall also have authority and it shall be his duty to hear, try and determine all suits and prosecutions for the recovery and enforcing of fines, penalties and forfeitures imposed by the Charter and Ordinances of the City of Huntington Woods and to punish offenders for the violation of said Charter and Ordinances as therein prescribed and directed.

Section 5. The proceedings in all suits and actions before the said Justice of the Peace and in the exercise of the powers and duties conferred upon and required of him, shall be according to and be governed by the general laws applicable to justice courts and to proceedings before such courts; and in all suits and prosecutions arising under the Charter and Ordinances of the City of Huntington Woods the right of appeal or certiorari from said Justice Court to the Circuit Court for the County of Oakland, or to any other court having jurisdiction, shall be allowed to the parties or any or either of them, and the same recognizance or bond shall be given as is or may be required by law in case of appeal or certiorari from justice courts in analogous cases.

Section 6. Said Justice of the Peace shall enter in a docket the title of all suits and prosecutions commenced or prosecuted before him for violations of the Charter and Ordinances of the City and all the proceedings and the judgment rendered in any such cause, and shall itemize all costs taxed or allowed therein. He shall also enter the amounts and dates of payment of all fines, penalties, forfeitures, moneys and costs received by him on account of said suits or proceedings. Such docket shall be submitted by the Justice at all reasonable times to the examination of any person desiring to examine the same, and shall be produced by the Justice to the Commission whenever required.

Section 7. All the provisions of the general laws of the State in relation to fees chargeable in the several proceedings in Justice Courts, shall apply to the Justice Court for this City.

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\* Section 1 amended April 6, 1959.

Section 8. The Justice of the Peace of this City shall receive as compensation such fees as are provided by the general laws of the State for Justice of the Peace. The fees chargeable by him for services in proceedings for the violation of this Charter or the Ordinances of the City, shall be the same as are chargeable in proceedings before a Justice of the Peace for violation of the criminal laws of the State and shall, upon itemized statement presented to the Commission, be allowed and paid from the proper fund from the City.

Section 9. All fines, penalties, forfeitures and costs collected or received by the Justice of the Peace for or on account of violations of the penal laws of the State shall be paid over by such Justice of the Peace to the County authorities as provided by law. All fines, penalties, forfeitures and costs collected or received by the Justice of the Peace for or on account of violations of the Charter and Ordinances of the City shall be paid over to the City Treasurer at least semi-monthly and oftener if the Commission shall require, and an itemized statement of the same shall at the time of such payment, be filed with the City Treasurer and a duplicate with the City Clerk.

Section 10. Each Justice of the Peace in addition to any security required by law to be given for the performance of his official duties, shall, before entering upon the duties of his office, give a bond to the City in a penalty of two thousand (\$2,000.00) dollars with sufficient sureties to be approved by the Commission conditioned for the faithful performance of the duties of Justice of the Peace within and for the City and for the payment to the City of all moneys collected or received by such Justice which by the provisions of the general laws of the State or of this Charter, he shall be required to pay into the Treasury of the City.

Section 11. The Commission shall have power and authority by ordinance or resolution to regulate the office hours of said justice Court, and to make all other necessary and proper rules for the regulation of the same which are not inconsistent with the provisions of this Charter and the general laws of this State.

Section 12. The Commission shall furnish a suitable place for Justice Court Rooms and shall provide for all necessary expense in connection with the establishment and maintenance of the Justice Courts of said City.

Section 13. There shall be one Constable in and for the City of Huntington Woods, except as in this Charter otherwise provided. All the provisions of the general law applying to the election, qualification and compensation of Constables in townships shall apply to said Constable. Such Constable shall be elected at the election at which this Charter is submitted and at each regular municipal election thereafter, and shall hold office until his successor is elected and qualifies. He may collect for his own use such fees for his services as are provided by law.

Section 14. Said Constable shall have like powers and authority in matters of a civil and criminal nature and in relation to the service of process, civil and criminal, as are conferred by law on Constables in townships. He shall also have power to serve all processes issued for breach of ordinances of the City.

## CHAPTER XX

## MISCELLANEOUS

Section 1. Wherever used in this Charter, the word "State" shall mean the "State of Michigan"; the word "City" shall mean the "City of Huntington Woods"; the word "Commission" shall mean the "City Commission", the word "Clerk" shall mean the "City Clerk" unless from the context the contrary shall plainly appear; words referring to the several officers where not preceded by the word "City" shall be deemed to mean such officers of the City unless the context implies otherwise; the word "resolution" shall be deemed to include official action in form of a motion as well as in form of resolution; the terms "Commission" and "City Commission" shall be construed as meaning "Council" or "Common Council" for the purpose of such general laws of the State as use one or the other of such latter terms in referring to the legislative body of the City; words imparting the singular number only, may extend it and embrace the plural number and words imparting the plural number may be applied and limited to the singular number; words imparting the masculine gender only, may extend and be applied to those of the feminine gender.

Section 2. When reference is made to time in this Charter the same shall be construed to be Eastern Standard Time.

Section 3. Words purporting to give joint authority to two or more public officers or other persons either as a board or otherwise shall be construed as giving such authority to a majority of such officers or other persons unless it shall be otherwise expressly declared.

Section 4. The word "person" may extend and be applied to bodies corporate as well as individuals. The words "written" and "in writing" may be construed to include printing, engraving, typewriting and lithographing, except that this rule shall not apply to provisions requiring written signatures, unless it be otherwise expressly herein provided.

Section 5. Should any portion of this Charter be declared void, illegal or unconstitutional, such finding shall not invalidate the remainder of the Charter.

Section 6. All records of the City shall be public and open to inspection at all reasonable times.

Section 7. All books, papers, records and accounts of any officer elected or appointed, or of any officer or department of the City, shall be the property of the City, and shall at all times be subject to audit, examination or inspection by any member of the Commission, or by any person employed or designated by the Commission for that purpose. And all such books, papers, records, files and accounts shall be kept in such place as may be designated by the Commission.

Section 8. When, by the provisions of this Charter, or the laws of the State, notice of any matter or proceedings is required to be published in a newspaper or posted, an affidavit of the publication or posting of the same, made by the printer of the newspaper in which the same was inserted, or by some person in his employ knowing the facts, if such notice was required to be by publication in a newspaper, or by the person posting the same when required to be by



posting, shall be prima facie evidence of the facts therein contained. Such affidavit of publication or posting shall be filed with the City Clerk.

Section 9. The Commission shall have the power to hold hearings and to compel by subpoena the attendance of witnesses and the production of books, papers and data in any proceeding or hearing pending before it. The forms of the subpoena shall be prepared by the City Attorney. Any person who, having been personally served with subpoena, wilfully disobeys same, shall be guilty of a misdemeanor. Such subpoena may be served by any person of lawful age. Each witness shall be entitled to receive the same fees for attendance as is provided by law for the payment of witness fees in the Circuit Courts of this State. The Commission shall by ordinance prescribe the method to more effectually carry out the foregoing provisions.

Section 10. The City shall not be liable for unliquidated damages for personal or other injuries, unless the person suffering the injury or sustaining the damage, or someone in his behalf, shall serve a notice in writing upon the City within sixty (60) days after such injury shall have occurred. Such notice shall specify the location and the nature of the defect or other basis of the claim, the injury sustained and the name of the witnesses to the accident which are known at that time by said claimant. The failure to so notify the City within the time and in the manner specified herein shall exonerate, excuse and exempt the City from any and all liability on account of such injury. Service of all notices of claims for unliquidated damages against the City shall be made on the Mayor, Manager or Clerk.

Section 11. Whenever in this Charter or in any ordinance passed hereunder, a residence in the City of Huntington Woods for a set time shall be required, in determining the time of such residence, residence in the Village of Huntington Woods shall be included.

Section 12. Until otherwise changed by the Commission, the seal of the City of Huntington Woods shall be the same as the seal of the Village of Huntington Woods except that the date of "1932" shall be substituted in place of the date "1926."

Section 13. The City of Huntington Woods, upon the taking effect of this Charter, shall succeed to and be vested with all the property, real and personal, moneys, contracts, rights, credits, effects, records, files, books and papers, and all other property of every name and nature belonging to the municipal corporation styled and designated as the Village of Huntington Woods to which municipal corporation the City of Huntington Woods is successor, and no rights or liabilities either in favor of or against said Village of Huntington Woods existing at the time this Charter shall become effective, and no suit or prosecution of any kind or other legal proceedings, shall be in any manner affected by the incorporation of the territory comprised within the limits of the Village of Huntington Woods, as the City of Huntington Woods, but the same shall stand or progress as if no such change had been made, and all debts and liabilities of the former Village of Huntington Woods, and all taxes and special assessments levied and uncollected at the time of such change shall be collected the same as if such change had not been made, and all bonds, the issuance of which has been authorized by the electors of the Village of Huntington Woods, may be issued and sold, and all proceedings in relation thereto may be taken the same as if no change in the form of incorporation had been made; provided, that when a different remedy is given in this Charter or in any ordinance pursuant thereto which can be made applicable to any rights existing at the time this Charter

becomes effective, the same shall be deemed cumulative to the remedies before provided, and may be used accordingly.

Section 14. All ordinances of said Village of Huntington Woods and all rules, regulations, and resolutions of the Commission of said Village, in force at the time this Charter takes effect, and not inconsistent with the provisions of this Charter, shall remain in full force and effect after the adoption of this Charter, and are hereby declared to be re-enacted by virtue of and under the powers conferred by this Charter until altered, amended or repealed by the Commission.

Section 15. All licenses granted by said Village of Huntington Woods and in force when this Charter takes effect, shall remain in full force and virtue until the expiration of the time for which they were respectively granted.

Section 16. All acts and proceedings of every kind and nature had or taken by the Village of Huntington Woods under and in accordance with its Charter and the provisions of the statutes governing or applicable to said Village, are hereby declared legal and binding upon the City of Huntington Woods as incorporated hereunder, and upon all persons interested therein or affected thereby, and all bond, special assessment and other proceeding so had and taken are hereby declared to be sufficient, regardless of provisions in this Charter to the contrary, and the said proceedings shall be continued and completed under and in accordance with the provisions contained in this Charter.

Section 17. Wherever in this Charter any reference is made to any action or proceeding which has been taken, unless the context would otherwise imply, it shall be deemed to include any action or proceeding taken by the Village of Huntington Woods and all provisions of this Charter, except where otherwise expressly or impliedly provided, shall be construed as if this Charter were a general revision of an existing Charter and no change had been made from a Village to a City form of government.

Section 18. The President and four Commissioners constituting the Village Commission under the Charter of the Village of Huntington Woods, in office at the time this Charter shall take effect, shall have and exercise the powers and duties of the Mayor and Commissioners, respectively, until such time as the Mayor and Commissioners, respectively, under this Charter are duly elected and qualified. The Manager, Clerk, Assessor, Treasurer and Health Officer, of the Village of Huntington Woods and their deputies shall perform the duties of such respective officers under the provisions of this Charter until their successors are elected or appointed and qualify as provided in this Charter. The Village Manager shall perform the duties of Chief of Police until such officer is appointed and qualifies under the provisions of this Charter. When the successor to any such officer elected or appointed under the organization of the Village of Huntington Woods, shall have been elected or appointed and shall have qualified under the provisions of this Charter, then the duties and compensation of such Village officers respectively shall terminate.

Section 19. Where a person is purchasing real estate on land contract he shall be deemed to be the owner thereof for the purpose of signing any petition for a public improvement or holding office.

Section 20. The Commission may, after the adoption of this Charter, adopt a City plan to the end that said plan shall provide for the logical development of the streets and transportation facilities, parks, boulevards and recreation grounds; sewer and drainage systems; water supply and distribution systems; and the location of public buildings. The Commission shall then appoint such boards, officers and commissions as it may deem necessary to carry this provision into effect.

Section 21. The Chief of the Fire Department or in his absence, the officer in charge, may command any person present at a fire to aid in the extinguishment thereof, and to assist in the preservation of life or property thereat. If any person willfully disobeys any such lawful requirement or other lawful order of any such officer, he shall be deemed guilty of a misdemeanor. He may cause any building to be razed or destroyed when deemed necessary in order to arrest the progress of a fire and no action shall be maintained against any person or against the City therefor. The powers in this section granted to the Chief of such Department, may be exercised by the Mayor and in the absence of the Mayor and Mayor Pro-Tem, by the Manager.

Section 22. All offenses in this Charter declared to be misdemeanors shall be punishable by a fine not exceeding five hundred (\$500.00) dollars or imprisonment for a period not exceeding ninety (90) days or both in the discretion of the Court, and the Court may provide in any case that in event the fine shall not be paid, the offender shall be imprisoned until the payment thereof, provided that no person shall be imprisoned for a single violation for a longer period than ninety (90) days.

Approved by the Governor July 14, 1932.

Adopted at an election held August 22, 1932.