

**CHARTER  
OF THE CITY OF  
MONROE, MICHIGAN**

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EDITOR'S NOTE: The Charter of the City of Monroe was approved by the voters on December 8, 1913. Dates appearing in parentheses following section headings indicate that such sections were subsequently amended, added or repealed on the date given.

At the instruction of the City, the Charter set forth herein received only the most superficial editing by the publisher of the Code of the City of Monroe, i.e. minor, nonsubstantive corrections of spelling, capitalization, punctuation, grammar and syntax. In addition, a Table of Contents was prepared, numbering and lettering of sections and subsections were standardized and amended sections were identified with the date or dates of the amendments. The form of the Charter is therefore substantially improved, compared to the form of its original publication.

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**CHARTER**  
**OF THE CITY OF**  
**MONROE, MICHIGAN**

**PREAMBLE**

The electors of the City of Monroe, County of Monroe and State of Michigan, under the authority and pursuant to the provisions of the Constitution and laws of said State, do hereby ordain and establish the following as the Charter of said City of Monroe, Michigan.

**CHARTER**

**ORGANIZATION AND GENERAL POWERS**

**§ C-1. Incorporation.**

The municipal corporation now existing and known as the City of Monroe, Michigan, shall continue as a body politic and corporate under the same name; shall include the territory hereinafter described; with the power and authority to hereafter change said boundaries in the manner prescribed by law.

**§ C-2. Original Boundaries.**

The boundaries of said City shall be as follows: "Beginning at a point in the west line of a tract of land confirmed by patent to Sarah Desmond, now the property of James S. Curtis of the City of New York, and the east line of a tract confirmed by patent to James Fessiere, thirty-seven chains five links from the north border of the River Raisin; and at a point seventeen chains fifty-five links north, twenty degrees east, of the point where the continuation of the south side of Noble Avenue, in the plat of Monroe, intersects said line, and running thence south seventy degrees east, and at the right angles to said line, to the east line of the Alexander Robert Farm, now owned by Austin E. Wing; and running thence on the same course south seventy degrees east to Lake Erie; thence in a southerly direction along the shore of Lake Erie to a point ten hundred and ninety-eight feet south of the south side of the United State Canal; thence north sixty-eight degrees west, to a point where the south line of said City, running from the west line of the Frost Farm, so-called, intersects the east line of the Francis Robert Farm in said City, now or lately owned by George B. Harleston; thence north sixty degrees west, to the west line of the farm known as the Frost Farm; thence north twenty-six degrees east, twenty-three chains eleven links, to the south side of LaPlaisance Bay Turnpike; thence on the same course to the south side of the River Raisin; thence up stream and across the river, to the west line of said Curtis' land, above mentioned; thence north twenty degrees east, thirty-seven chains fifty-five links to the place of beginning," as published in the "Redfield Charter," which described lands and territory originally formed a portion of the Townships of Monroe and Frenchtown in Monroe County, Michigan.

**§ C-3. Ward Established; Precincts.**

The said City shall constitute one (1) ward, which shall be divided into four (4) voting precincts as follows:

The first voting precinct shall comprise that part of said City within the following boundaries, viz: Beginning at the point where the western boundary of the City intersects the center of the River Raisin, thence easterly along the center of said River Raisin to a point where the center line of Cass Street extended northerly would intersect said line; thence southerly along said line of Cass Street to the center of Front Street; thence westerly along the center line of Front Street to the center line of Harrison Street; thence southerly along the center line of Harrison Street to the south City line; thence westerly to the west line of said City; thence northerly along said west line to the place of beginning.

The second voting precinct shall include all the territory of said City which lies east of said first voting precinct and south of the River Raisin as far as the east line of Murray Street, and said line extended northerly to the center of the River Raisin and southerly to the City limits.

The third voting precinct shall comprise all the territory of the City which lies south of the River Raisin and east of said second voting precinct.

The fourth voting precinct shall comprise all the territory of said City which lies north of the center line of the River Raisin, and shall include the "Isle of Patmos" so-called.

**§ C-4. General Powers and Obligations.**

Said City of Monroe:

- (1) Shall succeed to, own and possess and control all the records and documents; all the property of whatever name or nature and whether situate within or without the boundaries of said City; and all privileges, grants, franchises, powers, and immunities now possessed by the existing City of Monroe.
- (2) Shall be subject to and liable for all debts, liabilities, and obligations of the present City now in existence or which may hereafter be incurred; and shall make suitable provision for the liquidation and payment of the same.
- (3) Shall possess all the rights and privileges granted to any municipal corporation by the Constitution and laws of the State of Michigan which may now be in effect or hereafter passed; may sue and be sued in its corporate name; may plead or be impleaded in all courts of law, or in equity, and in all actions whatsoever; may contract and be contracted with; may acquire by purchase, lease, or gift any property, real, personal, and mixed, and hold, lease, use, and dispose of the same, whether the same may lie within or without its boundaries, for the purpose for which it is organized; may make and enforce ordinances; may own, operate and control public utilities; in case of strike or combination, lock out or any other reason whereby the usual sources of supply of anything necessary to the health or welfare of the City or its inhabitants are unable to operate, may take charge of and supply said necessi-

ties but shall not do such act for gain or profit; and may exercise all Municipal powers in the management and control of Municipal property and in the administration of Municipal government, whether such powers be expressly enumerated or not; and may perform any act to advance the interest of the City, the good government and prosperity of the Municipality and its inhabitants, subject to the limitations of the Constitution and laws of the State of Michigan.

## **REGISTRATION, NOMINATION AND ELECTIONS**

### **§ C-5. Authority to Change Precincts.**

The City Council, hereinafter provided for, may by ordinance increase or decrease the number of said election precincts, or change the boundaries thereof, by a majority vote of all said Councilpersons elect.

### **§ C-6. Qualification of Voters; Place of Voting.**

The inhabitants of the City of Monroe having the qualifications of electors under the Constitution of the State, and no others, shall be electors therein; and every elector shall vote in the election precinct where he shall have resided during the twenty (20) days next preceding the day of election. The residence of an elector not being a householder shall be deemed to be in the election precinct in which is located his regular place of lodging.

### **§ C-7. Election Inspectors; Board of Registration.**

Two (2) election inspectors in each precinct, to be designated by the Council, one (1) of whom shall be chairman, shall constitute a Board of Registration therein. The sessions of the Board of Registration shall be held at the same time, and notice thereof shall be given in the same manner, and the duties of the Board of Registration shall be the same in all respects as now provided by the laws of this State, and the Board shall perform such other duties as may be prescribed by ordinance.

### **§ C-8. Registration Procedure.**

Registration and re-registration of electors shall be in accordance with the general election laws of this State, in force at the time thereof.

### **§ C-9. Transfer of Voters When Precincts Altered.**

When changes shall be made in any voting precinct, or a new precinct shall be formed in whole or in part from territory of other precincts, the Boards of Registration of the respective precincts affected by the change shall meet previous to the time prescribed herein for giving notice of their sessions preceding the next election, and the name of each registered elector known to have been transferred by such change from one voting precinct to another precinct, or to a new precinct,

shall be copied into the register of the voting precinct to which the transfer was made and be stricken from the register of the precinct from which the elector was transferred by such change.

**§ C-10. When Regular Election Held; Officers Elected. [Amended 6-23-1921; 12-6-1971; 4-27-1993]**

A regular City election shall be held in the several voting precincts of said City as have been designated heretofore by the City Council of said City or may be designated hereafter, on the Tuesday following the first Monday, in November, 1993, and every odd-numbered year thereafter, at which time there shall be elected, a Mayor for the term of two (2) years, one (1) Councilperson from each precinct of the said City, and a Clerk/Treasurer all for the terms of two (2) years.

**§ C-11. When Officers Assume Duties.**

Justices of the Peace elected under this Charter shall enter upon the duties of their office on the 4th day of July next following their election. All other officers elected under this Charter shall enter upon the duties of their office on the first Monday of January next following their election.

**§ C-12. Filling Vacancies in Elective Offices.**

If a vacancy occurs in any elective office, the City Council shall fill the same by appointment until the next regular election or a special City election called for that purpose, when the vacancy shall be filled by election for the residue of the official term.

**§ C-13. Terms and Dates of Appointments.**

The Mayor and Council shall determine and provide for the number of appointed positions necessary to conduct the City business and as required by Charter.

The terms of office of those appointive positions shall coincide with the City of Monroe fiscal year.

If an appointive office shall become vacant during the term, the appropriate appointing authority may fill that office for the unexpired term.

Upon passage of this amendment, the Mayor and Council, on the recommendation of the City Manager, shall determine the proper administrative procedure to bring the appointive positions in line with the new terms.

**§ C-14. Temporary Disability or Absence of Officers.**

In the event of the temporary disability or absence of any officer of the City, the Council may fill such vacancy for the interim, specifying the duration of such appointment and designating such requirements as appointees must fill.

**§ C-15. Nomination of Elective Officers to be by Petition.**

The mode of nomination of all elective officers provided for by this Charter shall be by petition. The name of any elector of the City shall be printed upon the ballot when a petition in the form hereinafter prescribed shall have been filed in his behalf with the election authorities. Such petition shall be signed by at least fifty (50) and not more than sixty (60) electors of the City.

**§ C-16. Signatures to Nominating Petitions.**

The signatures to a nominating petition need not all be appended to one (1) paper, but to each separate paper there shall be attached an affidavit of the circulator thereof, stating the number of signers of such paper and that each signature appended thereto was made in his presence and in the genuine signature of the person whose name it purports to be. Each signer of a petition shall sign his name in ink or indelible pencil, and shall place on the petition, after his name, his place of residence by street and number.

**§ C-17. Form of Nominating Petitions.**

The form of the petition papers shall be substantially as follows:

(FORM OF PETITION PAPER).

We, the undersigned, hereby present \_\_\_\_\_ whose residence is for the office of \_\_\_\_\_ to be voted for at the election to be held in the City on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_; and we individually certify that we are qualified to vote for candidates for the above office and that we have not signed any other petition presenting any other candidate for the said office.

Name \_\_\_\_\_

Street and Number \_\_\_\_\_

(Space for signature)

Monroe County, State of Michigan-ss.

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

(Signed) \_\_\_\_\_

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

\_\_\_\_\_  
Notary Public

This petition, if found insufficient, shall be returned to \_\_\_\_\_ at No. \_\_\_\_\_ St., Monroe, Michigan.

**§ C-18. Filing of Petition With Clerk; Acceptance by Nominee; Clerk to Examine Petitions; Amendments to Petitions. [Amended 8-9-1956; 8-6-2001 by Res. No. R2001-075<sup>1</sup>]**

<sup>1</sup> Editor's Note: This resolution was approved by the voters at an election held 11-6-2001.

All nominating papers comprising a petition shall be assembled and filed with the City Clerk as one instrument, at least sixty (60) days and not more than ninety (90) days prior to the date of holding the election with respect to which the petition is filed. No petitions shall be accepted by the Clerk after 12:00 o'clock noon at the then prevailing local time on the sixtieth day preceding any election for which said petition is filed.

Any person whose name has been submitted for candidacy by any such petition shall file his acceptance of such candidacy with the election authority at least forty-five (45) days before the day of the election, and in the absence of such acceptance the name of the candidate shall not appear on the ballot.

When a petition of nomination is presented to the City Clerk for filing, he shall forthwith examine the same and ascertain whether it conforms to the provisions of this Charter. If found not to conform thereto, he shall then and there in writing on said petition state the reason why such petition cannot be filed, and shall forthwith return the petition to the person presenting the same, named as the person to whom it shall be returned in accordance with this Charter. The petition may then be amended and again presented to the City Clerk, as in the first instance, but said petition as amended shall finally be filed at least sixty (60) days before the election. The City Clerk shall forthwith proceed to examine the amended petition as hereinbefore provided.

**§ C-19. Reserved. [Amended 8-9-1956]**

**§ C-20. Reserved. [Amended 8-9-1956]**

**§ C-21. Duty of Clerk to File Petitions.**

If either the original or the amended petition of nomination be found sufficiently signed, as hereinbefore provided, the City Clerk shall file the same forthwith.

**§ C-22. Form for Accepting Nomination.**

The acceptance previously referred to shall be substantially in the following form:

State of Michigan,  
County of Monroe,  
City of Monroe,

-ss.

I, \_\_\_\_\_, having heretofore been nominated for the office of \_\_\_\_\_ in said City, do hereby accept the said nomination.

(Signed) \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_ A.D. \_\_\_\_\_.

My commission expires \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Notary Public

**§ C-23. Informalities Not to Invalidate Elections.**

No informalities in conducting Municipal elections shall invalidate the same, if they have been conducted fairly and in substantial conformity with the requirements of this Charter.

**§ C-24. Publication of Candidate; Notice of Elections; Printing of Ballots.**

Immediately upon the expiration of the time for filing the statements and petitions for candidates, the City Clerk shall cause to be published, in proper form, the names of the persons who are to appear upon the ballot, in one (1) publication of one (1) or more newspapers published in the City of Monroe; and the Council shall thereupon cause the ballots to be printed. The City Clerk shall also cause to be published in one (1) or more newspapers printed in said City, in the two (2) issues thereof immediately preceding the date of said election, a notice of said election, designating the time when and place or places where said election shall be held; and shall post or cause to be posted, at least ten (10) days before said election, five (5) copies of said notice in conspicuous positions in each voting precinct of said City.

**§ C-25. Contents of Ballots; Open Hours for Polls; Application of State Law.**

At all City elections the electors shall vote by ballot. Commissioners as a Board of Election Commission shall cause to be printed on the ballots the names of the candidates nominated as hereinbefore provided. The ballots for the election of City officers shall be separate from any other ballot and shall be without insignia, emblem or designation, and shall be in the form as hereinafter provided. Each question or proposition submitted to be voted upon shall be printed upon a separate ballot, and all matters touching the preparing, casting and canvassing of all ballots shall be governed by the general election laws, when not otherwise provided in this Charter. All qualified electors of the City shall be entitled to vote for City officers, and on the day of general City elections, held by virtue of this Charter, the polls shall be opened in each polling precinct at the several places designated by the City Council at 7:00 o'clock in the morning and shall be kept open until 8:00 o'clock in the afternoon, standard time, at which time they shall be closed. The provisions of the general election law with respect to providing ballots and ballot boxes and all necessary equipment and supplies, conducting the election, and to the powers, duties and compensation of election officers, shall apply to elections held under this Charter, except as herein otherwise provided.

**§ C-26. Calling Special Elections.**

Special elections may be appointed by resolution of the Council and held in and for the City at such times and place or places as the Council may designate, the purpose and object of which shall be fully set forth in the resolution appointing the same, provided that not more than two (2) special elections shall be called in one (1) year.

**§ C-27. Notice of Special Elections.**



Whenever a special election is to be held, the Council shall cause to be delivered to the inspectors of election in the several precincts, at least five (5) days preceding the election, a notice signed by the City Clerk, specifying the officer or officers to be chosen and the questions or propositions, if any, to be submitted to the vote of the electors, and the date and place or places at which such election is to be held, and all provisions herein contained relative to the giving of notices and preparation of ballots in the holding of regular elections shall apply to such special election.

**§ C-28. Ballot Boxes.**

The City Council shall provide and cause to be kept by the City Clerk, for use at all elections, suitable ballot boxes of the kind required to be kept for use in townships.

**§ C-29. Canvassing; Certification of Returns.**

The City Council shall convene on the second day succeeding each election, at the hour of 8:00 o'clock p.m., at their usual place of meeting, and determine the results of the election upon each question and proposition voted upon, and what persons are duly elected to the several offices respectively at said election; and thereupon the City Clerk shall make duplicate certificates under the corporate seal of the City, of such determination, upon any question or proposition voted upon, and of the persons who are declared elected to the several offices respectively, one of which said certificates he shall file in the office of the County Clerk of Monroe County and the other shall be filed in the office of the City Clerk.

**§ C-30. Officers to Hold Over Until Successors Qualify.**

Any person holding any office under this Charter, at the expiration of the terms of such office, shall continue to hold the same until his successor shall be elected and qualified; and when a person is elected or appointed to fill a vacancy in any office, he shall hold the same during the unexpired portion of the regular term limited to such office, and until his successor shall be elected or appointed and qualified.

**§ C-31. Duties of Election Commissioners.**

At the first election held under this Charter, the present Board of Election Commissioners shall act and perform the duties pertaining to such Board, and thereafter, at each succeeding election following the adoption of this Charter, the City Council shall constitute and act as such Board of Election Commissioners and Canvassers.

**§ C-32. Eligibility for Elective Office.**

No person shall be eligible as a candidate for any elective office in said City, except Justice of the Peace and Constable, unless he shall be twenty-five (25) years of age and a citizen of the United States and of the State of Michigan, and shall have resided in said City for a period of not less

than two (2) years immediately prior to his nomination; and no person shall be eligible to any office in said City unless he shall be able to read and write the English language.

**§ C-33. Offering Bribes or Rewards to Candidates Prohibited.**

Any person who shall agree to perform any service in the interest of any candidate for any office provided for in this Charter, or in behalf of any proposition to be submitted, in consideration of any money or other valuable thing for such services performed in the interest of any candidate or proposition, shall be guilty of a misdemeanor and shall, upon conviction, be punished by a fine not exceeding fifty dollars (\$50.00), or be imprisoned in the County Jail not exceeding thirty (30) days, provided that this section shall not be construed to prohibit any candidate or person interested in any measure to be submitted from having printed circulars setting forth his platform, or his views upon public questions, and having the same distributed in said City.

**§ C-34. Bribing or Treating Voters Prohibited.**

It shall be unlawful for any candidate for any office created by this Charter, or for any person interested in any proposition to be submitted to the electors at any Municipal election, or any person in his or its behalf, directly or indirectly, to buy or give to, or cause to be bought for or given to, any elector any cigars or intoxicating liquors or any money or thing of value; 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 or positions. Any persons violating the provisions of this section of this Charter shall be guilty of a misdemeanor and shall, upon conviction, be punished by a fine not to exceed fifty dollars (\$50.00) or by imprisonment in the County Jail not exceeding thirty (30) days, or both, in the discretion of the court.

**§ C-35. Hiring Campaign Workers Prohibited.**

It shall be unlawful for any candidate at any Municipal election for any Municipal office, or any person interested in any proposition to be submitted, or any person in his or her behalf, directly or indirectly, to employ either with money, promises of money or other valuable consideration, office, place or employment, any person to do any campaign work, electioneering or soliciting votes for such candidate; and it shall be unlawful for any persons to agree to perform any such services in behalf of any such candidate or proposition for any consideration, profit or benefit whatsoever. Any violation of this section shall be a misdemeanor and shall upon conviction be punishable as provided in the preceding section.

**§ C-36. Transportation of Voters to Polls Prohibited.**

It shall be unlawful for any candidate for any Municipal office or any person interested in any proposition to be submitted, or anyone in his or its behalf, directly or indirectly, to employ or hire any hack, carriage, motor vehicle or other 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 upon conviction be punishable as provided in § C-33 of this Charter.

**§ C-37. Ineligibility of Defaulters and Felons.**

No person shall be eligible to any office who has been a defaulter to the City or who has been convicted of any felony in court.

**§ C-38. Signing More Than One Nominating Petition.**

It shall be unlawful for any person to sign more than one (1) nominating petition for the same office, except where there are two (2) or more candidates to be elected to the same office, when he may sign as many as there are persons to be elected for such office.

**§ C-39. General Requirements for Ballots.**

All ballots used in elections held under the authority of this Charter shall be without party mark or designation. Ballots used for the election of candidates shall contain a complete list of the offices to be filled, and the names of candidates for each office and shall be arranged under the title thereof as hereinafter provided. The ballots shall be so printed that each elector shall be enabled to designate for each office the candidate of his first choice, the candidate of his second choice and the candidate of his third choice.

**§ C-40. Form of Ballots. [Amended 9-12-1934]**

Regular (or Special) Municipal Election.

Instructions – To vote for any candidate, make a cross (X) in the square in the appropriate column according to your choice, at the right of the name voted for.

If you wrongly mark, tear, or deface this ballot return it and obtain another.

**§ C-41. Printing; Number of Ballots.**

The names of candidates on all such ballots shall be printed in rotation as follows:

The ballots shall be printed in as many series as there are candidates for the office for which there is the greatest number of candidates. The whole number of ballots to be printed shall be divided by the number of series and the quotient so obtained shall be the number of ballots in each series. In printing the first series of ballots the names of candidates for each office shall be arranged in alphabetical order under the title thereof. After printing the first series, the first name in each list of candidates for the various offices shall be placed last in such list and in the next series printed, and the process shall be so repeated until each name in the largest list of candidates shall have been printed first an equal number of times. The ballots so printed shall then be combined in tablets, so as to have the fewest possible ballots having the same order of names printed thereon together on the same ballot.

**§ C-42. Space for Write-ins.**

One (1) space shall be left below the printed names of the candidates for each office to be voted for, wherein the voter may write the name of the person for whom he may wish to vote.

**§ C-43. Counting Ballots. [Amended 9-13-1934]**

In counting the ballots cast at any election of officers, held under the authority of this Charter, the precinct officers shall enter the total number of ballots on a tally sheet provided therefor. They shall also carefully enter on such tally sheets the number of votes for such candidates and make return thereof to the election authorities provided by general law.

**§ C-44. Majority Required to Elect. [Amended 9-13-1934]**

The candidate for any office receiving the majority of votes cast over any other candidate for that office shall be declared elected.

**§ C-45. Determination of Ties; Majority Defined. [Amended 9-13-1934]**

A tie between two (2) or more candidates shall be determined by lot under the direction of election authorities provided by general law. Whenever the word "majority" is used in the preceding section, it shall mean more votes than any other single candidate at such election for the office in question.

**ELECTIVE AND APPOINTIVE OFFICERS****§ C-46. Elective Officers Designated. [Amended 4-27-1993]**

The elective officers are hereby fixed and designated as follows:

One (1) Mayor and six (6) Councilpersons and a Clerk/Treasurer.

The Mayor and six (6) Councilpersons shall be elected at large.

There shall not be more than one (1) Councilperson from each precinct as constituted and they must reside in the precinct from which they are elected.

The elected position of Clerk/Treasurer shall fulfill all duties and responsibilities and have such power and authority as provided by Charter, ordinance and statute.

**§ C-47. Appointive Officers Designated; Removal. [Amended 6-23-1921]**

The appointive officers of the said City are hereby fixed and designated as follows and shall be appointed by the Council:

One (1) City Attorney, for a term of two (2) years.

Three (3) Building Inspectors, for terms of three years, whose terms shall be so arranged that one (1) Inspector shall be appointed each year.

One (1) Chief of Police, for a term of one (1) year.

One (1) Chief of the Fire Department, for a term of one (1) year.

One (1) City Engineer, for a term of one (1) year.

Four (4) members of the Board of Review of whom the City Attorney shall be one (1), for a term of one (1) year.

Three (3) Election Inspectors for each election precinct, for a term of one (1) year.

One (1) City Physician, for a term of one (1) year.

One (1) Inspector of Weights and Measures, for a term of one (1) year.

One (1) Dog Warden, for a term of one (1) year.

And such other officers, and for such terms of office, as the Council may by ordinance provide.

All appointive officers may be removed by a majority vote of the Council at its pleasure.

## **DEPARTMENTS OF GOVERNMENT**

### **§ C-48. Corporate Powers Vested in Council.**

All the corporate powers of the City are hereby vested in a Council, consisting of a Mayor and two (2) other Councilpersons, elected as provided in this Charter.

### **§ C-49. Departments Enumerated.**

The executive and administrative powers, authority and duties shall be distributed among the three (3) departments, as follows:

- (1) Department of Public Affairs and Finance.
- (2) Department of Public Utilities, Health, Welfare and Charities.
- (3) Department of Public Works.

**§ C-50. Department Superintendents.**

The Mayor shall be Superintendent of the Department of Public Affairs and Finance. The Council shall, at the first regular meeting after the election of its members, designate by a majority vote one Councilperson to be Superintendent of the Department of Public Utilities, Health, Welfare and Charities, and one to be Superintendent of the Department of Public Works. But such designation may be changed whenever it appears that the public service would be benefited thereby.

**POWERS AND DUTIES OF OFFICERS****ELECTIVE OFFICERS****§ C-51. Functions of Mayor, Council and City Manager.****I. Mayor and Council**

- (1) The Mayor and City Council shall exclusively hold and exercise all policy forming and legislative functions and all powers and rights relative to control of City property, and shall declare and define either by ordinance or resolution all general practices and principles relative to the conduct of City services.
- (2) The Mayor and Council shall form such policies and instructions, relating to purchases, employment, conduct of departments and services, and maintenance or improvement of City property.
- (3) The Mayor and Council shall delegate to the City Manager the administration and execution of all policies and instructions.
- (4) Except as noted in this section and in the remainder of the Charter, all policies and instructions mentioned in this section shall be determined by a majority vote of the Mayor and Council. On the question of discharge of the City Manager, the office can only be vacated by a two-thirds vote of the Mayor and Council.
- (5) On the recommendation of the Director, towards suspension or discharge of an appointive office or officer, the Mayor and Council shall, within ten (10) days, conduct such inquiry as it may desire, give opportunity to said appointive officer for an open hearing of his case before the full Council and vote by roll upon said recommendation.
- (6) No Mayor or member of Council shall solicit the Manager in favor of any prospective contractor or seller in connection with the City purchases or in the interest of any individual in connection with his employment by the City. No Mayor or Councilperson shall deliver any order or instruction to any City employee.
- (7) Exceptions. The specific injunctions mentioned above shall not, however, prohibit or restrict free and full discussions between the Mayor and Council and the Manager of all phases of City purchases and employment policies; nor shall they restrict or prohibit the

Mayor in exercising his special authority and function conferred upon him by other sections of this Charter.

- (8) Penalties. Any Mayor or Councilperson who commits any act in violation of these principles as defined, or in violation of either of the specific injunctions mentioned, shall be charged with a misdemeanor, and upon conviction shall ipso facto be disqualified from office.

## II. City Manager

- (1) Within the confines of this Charter, the chief administrative officer of the City of Monroe shall be known as the City Manager. Where the entitlement appears in the balance of the Charter as the Director of Purchases and Services, the title of City Manager shall be read.
- (2) The City Manager shall have the sole authority, under such policies and instructions as designated by the Mayor and Council, to make or delegate his authority, and he shall be held responsible and accountable to the Mayor and Council as a body for purchases. The City Manager shall be held solely responsible for the proper administration and execution as to all policies and instructions formed by the Mayor and Council relating to purchases, employment, conduct of departments and services, and the maintenance or improvement of City property.
- (3) Except where it is stated otherwise in this section, the City Manager shall exercise direct supervision and control of employment in all departments and services and shall be responsible at all times for their proper organization and efficiency.

### **§ C-52. Compensation of Mayor and Councilpersons. [Amended 12-5-1951]**

The members of the Council shall be entitled to and shall receive as full compensation for their services the following annual salaries, payable quarterly: The Mayor shall receive the sum of two thousand dollars (\$2,000); each Councilperson shall receive the sum of one thousand dollars (\$1,000); and such additional compensation for their services as supervisors as is provided by law or in this Charter.

### **§ C-53. Compensation of Appointive Officers and Employees.**

The Council shall by ordinance fix the salary and compensation of all appointive officers and employees of the City, except day laborers and day employees, unless otherwise provided by law or in this Charter.

### **§ C-54. Council to Judge Election and Qualification of Members.**

The Council shall be judge of the election and qualification of its own members, subject to review by the courts in cases of contest.

**§ C-55. Council to Adopt Procedure and Punish Members.**

The Council shall determine its own rules of procedure, may punish its members for disorderly conduct and may compel the attendance of its members.

**§ C-56. General Powers of Council.**

The Council may exercise all Municipal powers necessary for the management and control of Municipal property and the administration of the Municipal government, whether such powers be expressly enumerated or not, may do any act to advance the interests of the City and the good government and prosperity of the Municipality and its inhabitants, and may enact all laws and ordinances relating to its Municipal concerns, subject to the Constitution and laws of this State and the United States.

**§ C-57. Duties of Individual Councilpersons.**

Each Councilperson shall be required to attend all sessions of the Council and serve as superintendent of the department to which he may be assigned, and to perform such other duties as may be assigned him by the Council. No Councilperson shall vote on any question in which he shall have a direct personal interest, but on all other questions he shall vote, unless excused by a majority vote of the Councilpersons elect.

**§ C-58. Regular and Special Meetings of Council. [Amended 11-3-1998]**

The Council shall hold regular stated meetings for the transaction of business at such times and places within the City as shall be prescribed by ordinance, not less than two (2) of which shall be held in each month. The Mayor and any one (1) member of the Council, or any two (2) members of the Council, may appoint special meetings of the Council, written notices of which shall be given to each Councilperson, or left at his place of residence, at least two (2) hours before the meeting.

**§ C-59. Quorum of Council; Meetings to be Public; Journal.**

A majority of the members of the Council shall constitute a quorum to do business. The Council shall sit with open doors at all sessions and shall keep a journal of its proceeding in English, which shall be a public record.

**§ C-60. Restrictions on Elective Officers.**

No elective officer shall hold any other office or hold any office or employment, except that to which he was so elected, compensation for which is paid out of the public money, nor be elected or appointed to any, more particularly with reference to an office created by, or the compensation



of which was increased or fixed by, the Council while he was a member thereof, until after the expiration of one (1) year from the date when he ceased to be a member of the Council.

**§ C-61. Financial Interest of Elective and Appointive Officers.**

No member of the Council nor any elective or appointive officer of the City shall be co-partner, officer or agent of any person, firm, company or corporation seeking to hold any franchise from or contract with the City of Monroe, nor shall any member of the Council or any other officer or employee of the City be directly or indirectly interested in any work, business or contract, the expense, price or consideration of which is paid from Municipal moneys, or by assessment levied by ordinance or resolution of the Council. Contracts made in violation of this provision shall be void and any violation of this section shall be a misdemeanor and shall ipso facto render vacant the position held by the officer or person violating it.

**§ C-62. Oath of Mayor and Councilpersons.**

Before entering upon the duties of their offices, the Mayor and each of the Councilpersons 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 Constitutions of the United States and of the State of Michigan; to endeavor to secure and maintain an honest and efficient administration of the affairs of the City of Monroe, free from partisan distinction or control; and to perform the duties of their several offices to the best of their abilities.

**§ C-63. When Two-Thirds Vote of Council Required; Rescinding and Reconsidering Votes.**

No office shall be created or abolished, no taxes or assessment imposed, nor any contract approved, nor franchise granted, nor any street, alley or public grounds vacated, nor any real estate or interest therein acquired, sold or disposed of, nor private property taken for public use unless two-thirds of the members of the Council shall vote in favor of the same; nor shall any vote of the Council be rescinded or reconsidered at a special meeting, unless the full Council be present.

**§ C-64. When Action of Council to be Written; Voice Voting.**

All ordinances, resolutions and such other matters as the Council or Mayor may designate shall be presented in writing and a vote upon all questions shall be taken by yeas and nays and be entered upon the journal.

**§ C-65. Council Records Kept by Clerk.**

The Council shall cause all records of the corporation and all proceedings of the Council, and all books, documents and reports, contracts, receipts, vouchers and papers relating to the finances and affairs of the City, or of the official act of any officer of the corporation, unless required by law to be kept elsewhere, to be deposited and kept in the office of the City Clerk, when not other-

wise inconsistent with this act (Charter), and arrange, file and keep the same so as to be convenient to access and inspection; and all such records, books, papers or official correspondence shall be subject to inspection by any person interested therein at all reasonable times.

**§ C-66. Removal of Appointive Officers and Employees.**

The Council may remove from office any appointive officer or employee of the City at its pleasure.

**§ C-67. Council to Provide for Payment of Accounts.**

The Council shall examine, settle, allow and order paid all accounts and demands properly chargeable against the City, when presented in due form as provided in this Charter and in compliance with the ordinances of the City and orders of the Council, and shall have authority to provide means for the payment of the same and for defraying contingent expenses of the City, subject only to the limitations and restrictions provided by law.

**§ C-68. Duties of Mayor. [Amended 4-27-1993]**

The Mayor, as Commissioner of the Department of Public Affairs and Finance, shall have under his special supervision the assessment and collection of taxes of every kind, and the collection of all revenue belonging to the City from whatever source derived, except as provided in § C-90; shall also have special supervision of the Treasurer's and Assessor's offices and it shall be his duty to see that the work of those offices is properly and efficiently administered; and shall be the chief executive officer of the City, and conservator of the peace. He shall, by virtue of his office, be president of the Council, and preside at the meetings thereof. He shall, from time to time, give the Council information concerning the affairs of the City, and recommend such measures as he may deem expedient. He shall countersign all orders drawn upon the City depository and see that the regulations of the Council are enforced. As a member of the Council he shall have the right to vote on all questions, unless otherwise herein provided, but shall have no power to veto. He shall have authority to command the assistance of all able bodied citizens to aid in the enforcement of the ordinances of the City and to suppress riot and disorderly conduct.

**§ C-69. Duties of Superintendent of Public Works.**

The Councilperson having charge of the Department of Public Works shall, unless herein otherwise provided, have under his special charge the supervision of streets, alleys, public grounds, public buildings and other property of the City, and it shall be his duty to keep the same clean, sanitary and in proper condition and repair, and to enforce all rules and regulations necessary to these ends. He shall also have under his special charge the supervision of all public improvement, except as herein otherwise provided, including the construction, maintenance and repair of pavements, sewers, drains, bridges and sidewalks, and shall see that all contracts therefor are faithfully performed and complied with.

**§ C-70. Duties of Superintendent of Public Utilities.**

The Councilperson having charge of the Department of Public Utilities shall have under his special charge the construction, maintenance and operation of all utilities owned or operated by the City, and it shall be his duty to enforce all rules and regulations necessary to these ends. He shall also be charged with the duty of inspecting all public utilities operated in the City and the enforcement of rules and regulations governing the same which may be adopted under the provisions of this Charter, and with the enforcement of all the terms and conditions of any franchises under which any person, company or corporation may furnish to the City or the inhabitants thereof, water, light, power, transportation, telephone, telegraph or other service or commodity, and more particularly with reference to the carrying out of the provisions of this Charter relative to franchises and public utilities. He shall also have special supervision and be charged with the proper administration of the Department of Health, Welfare and Charities.

**§ C-71. Authority of Council to Define Other Duties.**

The Council shall by ordinance define the powers and duties of all City officers whether elected or appointed, where the same have not been defined by this Charter. Additional duties may be imposed upon such officers whose duties are partially defined hereunder and the Council shall have the authority and power from time to time to add thereto, alter or restrict the same.

**§ C-72. Officers' Bonds; Authority of Council to Require.**

The Council shall have power to require any officer, agent or employee of the City to execute a good and sufficient bond to the City in such amount and containing such conditions as the Council shall by resolution or ordinance determine.

**§ C-73. Officers' Bonds; City Employee Not to Act as Surety.**

No officer, agent or employee shall become surety on the official bond of another officer, agent or employee of the City, nor upon any bond or contract executed or made to the City.

**§ C-74. Authority of Council to Make Rules and Regulations.**

The Council shall have power to make and enforce such rules and regulations as may be deemed proper for the organization, management and conduct of the business of each of the departments of the City government, not inconsistent with the provisions of this Charter.

**§ C-75. Investigation of Departments by Councilpersons. [Amended 11-8-1934]**

The Council shall assign to each of its members one or more departments or services of the City for his especial instruction and study. It shall be the special duty of each Councilperson to counsel with the City Manager in matters relating to the efficiency and economy of such departments or services as shall be assigned to him, and to report and recommend to the Council in matters relat-

ing to them, but this shall in no wise lessen the responsibility of all Councilpersons, individually and collectively, for the efficiency and economy of all departments and services. It shall be proper at any and all times for any Councilperson to report and recommend concerning departments other than those especially assigned to his inspection. It shall be proper at all times for the Mayor to direct a special inquiry for the purpose of informing the Council in any matter relating to any department or service, and to appoint to that duty a member or members other than the Councilperson regularly assigned.

**§ C-76. Procedure for Accounts and Claims. [Amended 11-8-1934]**

All accounts or claims incurred for any department shall be certified to the Council by the City Manager; and all accounts shall, before payment, be first approved by the Council and no money shall be paid for any purpose except upon a warrant signed by the Mayor, Clerk and Treasurer after the authorization by the Council.

**§ C-77. Approval of Officers' Bonds Required.**

Any officer or employee required by the provisions of this Charter, the general laws of the State or by any ordinance of the City of Monroe to give bond, shall not enter upon the duties of his office or employment until such bond shall be duly filed and approved.

**§ C-78. Officers' Bonds; By Whom Approved; Filing.**

All such bonds shall be approved by the Council, which shall be charged with the enforcement thereof. All said bonds shall be filed with the City Clerk, excepting the bond of the City Clerk, which shall be filed with the City Treasurer.

**§ C-79. Repealed. [Repealed 11-3-1981]**

**§ C-80. Authority of City Manager. [Amended 11-8-1934; 4-9-1941; 4-27-1993]**

The City Manager shall have the right and authority to hire and discharge, or temporarily suspend, any employee in any department or service; provided that any employee who is required by the laws of the State or by this Charter to subscribe to and file an oath of office shall not be employed, appointed or discharged except by a majority vote of the City Council; and provided further, that his authority to hire, discharge and suspend employees shall not extend to the authorized employees of the City Clerk, the City Treasurer and City Assessor. The City Clerk, the City Treasurer and the City Assessor shall, however, hire, discharge or temporarily suspend employees in accordance with the provisions of the personnel manual hereinafter mentioned; and said employees shall have the right to a public hearing before the Civil Service Commission which shall advise the appointing authority in writing of its findings.

The City Manager shall carry out the authority herein vested in him in accordance with the provisions of a personnel manual which he shall prepare and issue. This manual shall be prepared with

the advice and assistance of the Civil Service Commission, appointed as provided in §§ C-325 to C-345 inclusive of this Charter, and it shall be submitted to the City Council for approval. Among other things, the personnel manual shall provide: (1) that appointments and promotions shall be based solely upon the fitness, training and experience of the individual with no discrimination on account of political or religious opinions; (2) that no employee shall be demoted, suspended or discharged for gender or political or religious reason, but such demotions, suspensions or discharges shall be made only for misconduct, inefficiency or other just cause; (3) that any demoted, suspended or discharged employee if hired through or put under Civil Service shall have the right to a public hearing before the Civil Service Commission after which said Civil Service Commission shall advise the City Manager in writing of its findings.

**§ C-81. Salaries and Compensation Not to be Increased During Term.**

The salary or rate of compensation of any elective or appointive officer of the City shall not be increased or diminished during his term of office; and no person who shall have resigned or vacated any office shall be eligible to the same office during the term for which he was elected or appointed when during the same time the salary or rate of compensation has been increased.

**§ C-82. Councilpersons Ineligible for Certain Offices.**

No member of the Council shall after his election and during the time for which he was elected, or within one (1) year thereafter, be appointed to any office or employment which shall have been created, or the emoluments of which shall have been increased, during such time.

**§ C-83. Mayor and Council Declared Successors to Former Mayor and Council.**

The Mayor and other members of the Council first elected under this Charter and their successors in office shall be held and deemed, in law and in fact, the successors of the Mayor and Council in office when this Charter shall take effect, and upon the qualification of such Mayor and Councilpersons comprising the Council elected under the provisions of the Charter, all the powers, rights and duties of their predecessors in office shall cease; and thereafter the said Mayor and Council comprising the Council so elected shall have and exercise all the rights, powers and duties of the City Council as may be conferred by the Constitution and laws of this State and by this Charter.

**§ C-84. Bond of Councilpersons.**

Each member of the Council, before entering upon the duties of his office, shall give a bond with good and sufficient sureties, payable to the City of Monroe in the sum of one thousand dollars (\$1,000), conditioned upon the faithful performance of the duties of his office, said bond and the sureties thereof to be approved by the Justice of the Peace of said City whose term shall first expire, and, when so approved, recorded by the City Clerk in a record book of bonds kept for that purpose in the office of said Clerk and when so recorded said bonds shall be filed with the City Treasurer.

**§ C-85. Justices of the Peace; Constable.**

Each Justices of the Peace shall file an oath of office with the City Clerk, and shall give bond required by law of Justices of the Peace of townships, and shall have the same jurisdiction, powers and duties as are or may be conferred upon Justices of the Peace of townships. They shall be deemed Justices of the Peace of the County of Monroe, and shall be subject to the general laws of the State in relation to civil causes before Justices of the Peace, and appeals from their judgment may be made to the Circuit Court for the County of Monroe in the same manner as is provided by law for appeals from Justices' judgments in townships, and they shall have jurisdiction of all prosecutions for violation of all ordinances of the City, or violation of the provisions of this Charter, and shall have authority for the imposition of all penalties provided herein.

The Constable of the City shall have the like power and authority in matters of a criminal or civil nature, and in relation to the service of all manner of process, as are conferred by law upon Constables in townships, and shall receive like fees for their services; shall have power to serve all warrants and process issued for violation of the ordinances of the City and shall discharge all duties required of them by any ordinance, resolution or regulation of the Council. Every Constable, before entering upon the duties of his office, shall file with the City Clerk a bond, as is required of Constables in townships, and such additional bond as may be required by the Council.

**§ C-86. Representation on Board of Supervisors. [Amended 6-23-1921; 4-8-1931]**

The Mayor, the City Assessor and three (3) Councilpersons elected by the said City Council, shall represent the City on the Board of Supervisors of Monroe County, and shall perform all the duties and possess the same authority as Supervisors of the Township, under the State Law, while acting upon the Board of Supervisors and shall receive the same compensation. Additional Councilpersons may be appointed by the City Council to represent the City on such Board of Supervisors as the laws of the State may from time to time provide.

**§ C-87. Selection of Grand and Petit Jurors.**

The Council of the City shall select and return the list of grand and petit jurors from each election precinct to the Clerk of the County of Monroe in the same manner and at the same time, as the like duty is required by law to be performed by Township Supervisors.

**APPOINTIVE OFFICERS****§ C-88. Duties of City Clerk.**

The City Clerk shall be clerk of the Council and shall perform all such duties as are, or may be, imposed upon him by the general laws of the State or by provisions of this Charter, and such other duties as the Council may prescribe. He shall be the Clerk of the Board of Canvassers, the Board of Review and the Board of Building Inspectors, but he shall not be entitled to vote on any board.

**§ C-89. Treasurer to Have Custody of Assets; Payments.**

The City Treasurer shall have the custody of all the moneys, bonds, mortgages, notes, leases and evidences of value belonging to the City, except as herein otherwise provided. He shall pay no money out of the Treasury except in pursuance and by virtue of law and on warrant signed by the City Clerk and countersigned by the Mayor, which shall specify the purpose for which the amount thereof is to be paid.

**§ C-90. Treasurer to Collect Taxes; General Powers and Duties; Accounts.**

The City Treasurer shall be the official collector and shall collect the City, State and County taxes, and all assessments levied in the City. He shall perform such duties in relation to the collection of taxes as the laws of the State and ordinances of the City may prescribe, and shall be subject to all the requirements of the general laws of the State relating to the collection of such State and County taxes, and for that purpose shall give bonds to said City in such sum and with such sureties as the Council may require and approve, and such Treasurer shall also give the Treasurer of Monroe County such further surety as is, or may be, required by law of the several township treasurers of the several townships of this State; and he shall keep an accurate account of, and be charged with, all the taxes and moneys appropriated, raised or received for each fund of the City, and shall keep a separate account of each fund, and shall pay each warrant out of the particular fund constituted or raised for the purpose for which said warrant is issued and having the name of such fund endorsed thereon by the Clerk. For the purpose of collection and return of all taxes and the return of property delinquent for the non-payment of taxes, and for the purpose of suits for the collection of taxes, the said Treasurer, on giving the surety so required, shall possess all the powers and perform all the duties of the several township treasurers of the State as prescribed by law, and shall perform such other duties respecting the collection and return of taxes as this Charter imposes.

**§ C-91. Treasurer to Give Receipts for Taxes.**

The City Treasurer shall, on receiving payment of any tax levied by the Council and assessed against any person or property upon the tax roll of the City, make, execute and deliver a duplicate receipt for such taxes, showing the amount paid and describing the property upon which the same was paid, one of which shall be retained by the person paying such tax, and the duplicate shall be deposited with the Clerk of said City. Such receipts shall have plainly written or printed upon the face thereof and below the space for the signature the following; "One copy of this receipt to be deposited with the City Clerk of the City of Monroe, and the other delivered to the person paying the above taxes."

**§ C-92. Funds Handled by Treasurer; Inspection of Books.**

The City Treasurer shall receive all the moneys paid in for school purposes, and all moneys belonging to the City, except such as are required by this act to be in the keeping of some other officer, and shall deposit the same daily in the City depository or depositories selected and designed by the Council, and shall take vouchers therefor in duplicate, filing one of the said vouchers with

the City Clerk of said City, and filing the other in the office of the City Treasurer. Said City Treasurer shall keep an account of all receipts and expenditures of said City, in such manner as the Council shall direct, in proper books of account, to be provided by said City, which books of account shall be the property of said City, and constitute a part of the public records thereof. The books required to be kept by such depository or depositories shall at all times, during the business hours of the day, be kept open and subject to inspection by any member of the Council, the City Treasurer, the City Clerk or the City Attorney.

**§ C-93. Designation of City Depository.**

The Council shall have the power to contract with one or more safe and secure banking institution or institutions, for a period of not exceeding three (3) years, as a depository or depositories for the safe keeping of any part or portion or all of the public moneys belonging to, or in the custody of said City, and for the payment of interest thereon, at the rate not exceeding that established by law, upon such moneys of the City or in its custody, deposited with such banking institution or institutions to be drawn from on current account by said City through its proper officers or officer. Interest on all moneys shall belong to and be credited to the Contingent Fund of said City. Every such contract with a banking institution shall permit the Council, whenever it shall deem that the interests of the City require it, to terminate such contract and withdraw all the money deposited with such institution, and in such case the books required to be kept by such depository shall be delivered into the custody of the City Clerk by such depository.

**§ C-94. Rules and Regulations Concerning Depository.**

The Council of said City, by ordinance, resolution or otherwise, may make such rules and regulations and prescribe such conditions relative to entering into any contract with a depository or depositories of all such moneys aforesaid, the drawing upon such money and securities to be given by such depository or depositories, as the said Council may deem reasonable and just and for the best interests of the said City, not inconsistent with the provisions of this Charter.

**§ C-95. Duties of Depository to Keep Accounts and Make Reports.**

The depository or depositories so designated by the Council shall keep an accurate account in a set of books of all moneys belonging to, or in the custody of, said City, deposited with such depository or depositories, which books shall be provided by such depository or depositories and shall be delivered to the Council upon the expiration of the trust. Such depository or depositories shall report in writing monthly to the Council of said City the amount of moneys belonging to or in the custody of said City, then on deposit with such depository or depositories.

**§ C-96. Bids Required for Depository Contracts.**

The Council shall, within thirty (30) days next preceding the termination of any existing contract, advertise in one or more of the newspapers of said City for at least one (1) publication for sealed proposals from banking institutions for the highest rate of interest obtainable from such banking



institutions on daily balances of money belonging to the City, or in its custody, and the lowest rate of interest to be paid by the City for such temporary loans as the City shall have power to make.

**§ C-97. Basis for Awarding Depository Contract; Bond of Depository.**

The Council shall have power to award the deposit of moneys belonging to the City or in its custody in such amounts as may be for the best interests of the City, to such safe and secure banking institution or institutions as in their judgment shall offer the best terms to such advertisement and in accordance therewith, and shall require such depository or depositories to give suitable bonds in such penalty as the Council shall determine, and with such sureties as the Council shall approve, before any transfer of any such moneys as aforesaid can be made to such depository or depositories.

**§ C-98. Deposits When No Official Depository Designated.**

In case no agreement is entered into for depositing any of the moneys as aforesaid, or in case such agreement is terminated, and at any time when there shall be no such depository or depositories, the City Treasurer shall receive and deposit all moneys belonging to the City or in its custody in a bank or banks as ordered by the City Council, and shall pay the same out upon warrants drawn upon him as provided by law.

**§ C-99. Ordering, Drawing and Signing of Warrants; Accounts Kept by Clerk; Treasurer's Reports. [Amended 6-23-1921]**

All warrants drawn upon the City Treasurer for City purposes shall be drawn in pursuance of an order from the Council, which warrants shall be signed by the said Clerk and countersigned by the Mayor of the City.

The Clerk shall keep an accurate account, under separate heads, of all expenditures and of all orders and warrants drawn upon the City Treasurer in suitable books to be kept by him for such purpose.

Such books shall be furnished by and belong to the City of Monroe, and shall be public records of the said City of Monroe.

The first week in each month the Treasurer shall report to the Council the balance in his hands belonging to each fund, which report shall be printed and published in one of the Monroe papers.

**§ C-100. Report and Cancellation of Warrants Not Called for; Handling of School Funds by Treasurer.**

The City Clerk shall, at the first regular meeting of the Council of said City in each month, report in writing to said Council the amount of all warrants drawn as aforesaid upon the City Treasurer which have not been called for within thirty (30) days after the countersigning of such warrants, together with the names of the persons to whom each of said warrants is payable, and out of what

City funds payable. Upon the receipt of such report the said Council shall have the power to order the cancellation of such warrants not called for, provided that any such cancellation shall not be taken or held to impair or render void the legality of any claim or demand. The City Treasurer shall, in respect to the school moneys received by him, perform all duties and be subject to all the liabilities that the township treasurers of the State are now, or in the future shall be, subject to by law, in respect to the keeping and paying out of moneys collected for school purposes.

**§ C-101. Rights of Electors to Inspect Books; Reports by Treasurer.**

The books and accounts of the City Treasurer shall be open to the inspection of any elector of said City. The City Treasurer shall exhibit to the Council, in the month of December each year, a full and fair account of the receipts and expenditures of the said City and all moneys coming into his hands by virtue of his office since the date of the last annual report of the City Treasurer, and also the condition of the Treasury of said City, and such other matters as he may deem advisable and in the interests of the City, which account, if found correct, shall be printed and filed in the office of the City Clerk. And he shall from time to time make such other reports as the Council may require.

**§ C-102. Council May Require New and Additional Bonds From Treasurer; Depositories.**

The Council is hereby authorized to require new or additional bonds or security from the City Treasurer, and from the depositories of all moneys belonging to the City or in the custody of the City and deposited in such depositories, at any time or times when it shall deem the interests of the City require it should be done to protect the City against loss or risk of loss of any moneys deposited or to be deposited with such City Treasurer or City depositories.

**§ C-103. Treasurer to be Treasurer of Board of Education.**

The City Treasurer shall be the Treasurer of the Board of Education, and as such Treasurer shall perform all the duties imposed upon him by the provisions of this Charter, the laws of the State of Michigan, the ordinances of the City, and rules and regulations of the Board of Education, and shall give a bond to the said Board of Education for the faithful performance of his duties, in such amount and with such security as shall be approved by the Board of Education.

**§ C-104. Duty of Treasurer to Collect Fees and Penalties.**

It shall be the duty of the City Treasurer to collect the usual fees provided by law, and all such penalties as are provided in this Charter, or as shall be specified by ordinance upon all past due taxes from time to time, and all fees so collected by him shall be paid into the City Treasury.

**§ C-105. Duties and Supervision of Chief of Police. [Amended 4-27-1993]**

The Chief of Police of the City shall be subject to the direction of the City Manager. It shall be his duty to preserve the peace of the City, and to see that all ordinances and regulations of the Coun-

cil are obeyed and enforced; to serve and execute all process directed or delivered to him in all prosecutions for violations of the State laws or ordinances; and he shall perform such other duties as the Mayor and Council may require of him.

**§ C-106. Duties of City Attorney.**

The City Attorney shall be the legal advisor of the Council and of all officers of the City, and shall act as the attorney and solicitor for the corporation in all legal proceedings in which the corporation is interested, and he shall make investigation of and prosecute all offenses against the ordinances of the City, and shall be a member of the Board of Review. He shall attend all sessions of the Council unless excused by the Council, and shall render his opinion in writing when requested.

**§ C-107. General Duties of City Engineer.**

The City Engineer shall be the official surveyor of the City; shall perform such duties as are imposed upon him by the provisions of this Charter or the ordinances or resolutions of the Council; and such other duties as may be required of him by the Council.

**§ C-108. Plats and Maps Kept by City Engineer.**

The City Engineer shall keep in the office of the City Clerk:

- (1) A plat book of the City, showing the location, width, grade and boundaries of all streets, alleys, sidewalks and public grounds, and whenever any change is made in any street, alley, sidewalk or public ground, he shall indicate on such plat book the changes so made.
- (2) A plat book showing the location, grade, size, kind and connection of every sewer, his reference points and a statement of the cost of each sewer. He shall also in said plat book, or in one especially provided for that purpose, keep a record and plat of all water pipes, hydrants, cut-off valves and the plans of the water system in use in the City, and all artesian wells and supply pipes, which occupy any part of a street or alley.
- (3) He shall make all necessary plats or maps of all grounds or places within or without the City limits, owned and controlled by the City, for use in his office or in the City Clerk's office, and such other plats as may be ordered by the Council.

**§ C-109. Preservation of Survey Notes; Clerk Declared Custodian.**

The City Engineer shall secure and preserve in the office of the City Clerk the original notes of the surveys of the land of the City, together with his own notes and also surveys of the grounds and the recorded plats thereof, and the City Clerk shall be custodian of the same that ready reference may be had to all such information.

**§ C-110.    Duty of Engineer to Make Surveys for Public Improvements.**

The City Engineer shall make all necessary surveys, maps, plats, diagrams, estimates, plans and specifications for all public improvements, buildings and grounds, as directed by the Council, and as an employee of the Council he shall serve in any capacity as the Council may direct, and while so engaged shall be subject to the direction of the superintendents of the respective departments having charge of the work then being performed by him.

**§ C-111.    Duties of City Physician and Board of Health.**

The City Physician shall be the Health Officer of the City, and together with the Council shall constitute the Board of Health of the City. The Health Officer and Board of Health of the City shall perform all duties and make all reports required of them by the general laws of the State. All bills arising in connection with the enforcement of laws and regulations relating to health shall be audited by the Council.

**§ C-112.    Powers and Duties of Board of Building Inspectors.**

The Board of Building Inspectors shall have such power and shall perform such duties as may be prescribed by ordinance or resolution.

**§ C-113.    Duties of Inspector of Weights and Measures.**

The duties of the Inspector of Weights and Measures shall be such as the Council may by ordinance or resolution prescribe.

**§ C-114.    Duties of Dog Warden.**

The Dog Warden shall perform such duties as may be prescribed by ordinance or resolution.

**FINANCE AND TAXATION**

**§ C-115.    Fiscal Year; Taxing Power of Council. [Amended 3-9-1932]**

The fiscal year for the City shall commence on the first day of July, 1932, and on the first day of July of each year thereafter.

The Council of the City shall have 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 in this Charter granted.

**§ C-116.    General Revenue Funds.**

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 Council may by ordinance determine.

**§ C-117. Special Revenue Funds.**

The revenue and moneys raised by taxation in the special assessment districts of the City shall be divided into the following special funds.

- First – A street fund for defraying the expenses of grading improving, repairing, and work upon the street therein, and for the payment of all street expenses which the Councilpersons shall charge upon the street fund.
- Second – A district sewer fund for each main sewer or district sewer for defraying the expenses of sewers and drainage in and chargeable to the main sewer district.
- Third – Special assessment funds. Any moneys raised by special assessment levied in any special assessment district to defray the expenses of any work, paving, improvement, repairs, sanitation or drainage therein, shall constitute a special fund for the purpose for which it was raised. The money raised by special assessment in any special assessment district for sewers, paving, repairs or improvements of any kind, shall constitute a special fund for the purpose for which it was raised and such fund shall be used for no other purpose whatever; provided, that if there be a surplus after paying for such special improvement, it shall be returned pro rata to the owners assessed therefor.

**§ C-118. Maximum General Tax.**

The aggregate amount which the Council may raise by general tax upon the taxable real and personal property in the City, for the purpose of defraying the general expenses and liabilities of the corporation, shall not exceed in any one (1) year one and one-half (1 1/2) percent of the assessed value of all real and personal property in the City.

**§ C-119. Special Assessments Authorized. [Amended 11-4-1954]**

In addition to the above amounts, the Council may raise by special assessment, in any special assessment district for the purpose of grading, paving, curbing and otherwise improving the streets and for constructing sewers and drains and building retaining walls upon or along any stream or water front or dock line and making other local improvements chargeable upon the lands and property of the district, according to the frontage or benefits and for all other purposes for which the main sewer funds and special assessment funds are constituted, such sums as they shall deem necessary.

**§ C-120. Budget; Date of Submission to City Manager; Adoption by Council. [Amended 11-6-1979]**

- (1) On or before the first day of April of each year, the City Manager shall submit to the Council, which will be taken up at the regular Council meeting in the first week of April, a Budget of General Fund for the ensuing fiscal year and accompanying message.
- (2) The City Manager's message shall explain the budget both in fiscal terms and in terms of the work programs. It shall outline the proposed financial policies of the City for the ensuing fiscal year, describe the important features of the budget, indicate any major changes from the current year in financial policies, expenditures and revenues together with the reasons for such changes, summarize the City's position and include such other material as the City Manager deems desirable.
- (3) The budget shall provide a complete financial plan of all services and activities covered by the General Fund Budget for the ensuing fiscal year, and except as required by law or this Charter so be in such form as the City Manager deems desirable or the Council may require. The Council may adopt procedures for the presentation of the budget to the Council and for study of the budget by the Council prior to its adoption, in addition to the requirements of this Charter, and the City Manager shall proceed with the budget in the manner prescribed in those procedures. In organizing the budget, the City Manager shall utilize the most feasible combination of expenditure classification by department and activity. It shall begin with a clear general summary of its contents; shall show in detail all estimated income indicating the proposed property tax levy and all proposed expenditures, including debt service for the ensuing fiscal year; and shall so be arranged to show comparative figures for actual and estimated income and expenditures for the proceeding fiscal year. It shall estimate and take into account any anticipated surplus or deficit as of the end of the current fiscal year and provide for the elimination of any anticipated deficit.
- (4) The City shall by ordinance adopt the budget on or before the last day of April of the fiscal year currently ending. Adoption of the budget ordinance shall constitute an appropriation of the amount specified therein for the Municipal purpose indicated, and shall constitute a levy of the property tax therein specified, which levy shall not exceed the tax rate limit stated in this Charter.

**§ C-121. Capital Improvement Program and Budget. [Amended 11-6-1979]**

- (1) The staff and the Municipal Planning Commission shall prepare, and the Commission shall then adopt and submit to the Mayor and Council, a six (6) year capital improvement program by the first of February of the fiscal year then ending.
- (2) The capital improvement program shall include:
  - A. A clear general summary of its contents;
  - B. A list of all capital improvements which are proposed to be undertaken during the six (6) fiscal years next ensuing, with appropriate supporting information and the necessity for such improvements;

- C. Cost estimates, method of financing and the recommended time schedule for each such improvement;
- D. Such other information as the staff and Planning Commission or Mayor and Council deem necessary.

The above information may be revised and extended each year with regard to capital improvements still pending or in process of construction or acquisition.

- (3) The Mayor and Council shall, by the last day of February, adopt the capital improvement program.
- (4) The Mayor and Council, concurrent with adoption of its General Fund Budget, shall fund the capital improvement program, by establishing a budget, to the degree necessary to accomplish the Mayor's and Council's goals and objectives of the capital improvement program during the next fiscal year.

**§ C-122. Notice; Publication and Public Record; Public Hearing. [Amended 11-6-1979]**

- (1) Capital Improvement Program and Budget.

At the time of submission of the capital improvement program and budget, notice shall be published, setting a public hearing the third week in February.

- (2) General Fund Budget.

At the time of submission of the General Fund Budget, notice shall be published, setting a public hearing the third week in April.

- (3) Copies of both the capital improvement program and budget and the General Fund Budget shall be public documents, and available at the office of the City Clerk.
- (4) Notice.
  - A. Notice shall be by publication in a newspaper of general circulation within the community.
  - B. Notice shall be published ten (10) days before such public hearing.
  - C. Notice shall be that copies of each respective document are available at the office of the City Clerk.
  - D. Notice shall set a specific day and time of said hearing.
- (5) Public Hearings.
  - A. The Mayor and Council, or their designee, shall conduct the public hearings.

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- B. Each interested citizen shall, at the public hearing, have an opportunity to express their views on the proposed budgets and/or programs.

**§ C-123. Amendments Prior to Adoption. [Amended 11-6-1979]**

After the respective public hearings, the Mayor and Council may make such amendments as will add or increase programs or amounts or delete or decrease programs or amounts, except expenditures required by law or for debt service or for estimated cash deficit.

**§ C-124. Administration; Appropriation; Limitations After Budget Adoption. [Amended 11-6-1979]**

- (1) Supplemental Appropriations. If during the fiscal year the City Manager certifies that there are available for appropriation, revenues in excess of those estimated in the budget, the Mayor and Council, by ordinance, may make supplemental appropriations for the year up to the amount of such excess.
- (2) Emergency Appropriations. To meet the public emergency caused by fire, flood or other calamity, the Council may make emergency appropriations. Such appropriations may be made by emergency ordinance in accordance with the provisions for emergency action. To the extent that there are no available unappropriated revenues to meet such appropriations, the Council may, by such emergency ordinance, authorize the issuance of emergency notes, in accordance with the provisions of State law. This section shall not be construed to authorize any bonded indebtedness exceeding what is permitted under the provisions of this Charter.
- (3) Reduction of Appropriations. If at any time during the fiscal year it appears probable to the City Manager that the revenues available would be insufficient to meet the amount appropriated, the City Manager shall report to the Council without delay, indicating the estimated amount of the deficit, any remedial action by him and his recommendation as to other steps to be taken. The Council shall then take such further actions as it deems necessary to prevent or minimize any deficit and for that purpose it may, by ordinance, reduce one (1) or more appropriations.
- (4) Transfer of Appropriations. At any time during the fiscal year, the City Manager may transfer part or all of any unencumbered appropriation balance among the programs within the department, office or agency, by the City Manager informing the Council, proposing, and the Mayor and Council, passing a resolution, to transfer part or all of any unencumbered appropriations balance from one (1) department, office or agency to another.
- (5) Limitations. No appropriation for debt service may be reduced or transferred and no appropriation may be reduced below any amount required by law to be appropriated by more than the amount of the unencumbered balance thereof. The supplemental emergency appropriations and reduction or transfer of appropriations authorized by this section may be made effective immediately upon adoption.



- (6) Lapse of Appropriations; Continuation. Every appropriation, except an appropriation for capital expenditure, shall lapse at the close of the fiscal year to the extent that it is not been expended or encumbered. An appropriation for a capital expenditure shall continue in force until the purpose for which it was made has been accomplished or abandoned.
- (7) Allotment of Appropriations. At such time as the City Manager shall specify, each department, office or agency shall submit work programs for the ensuing fiscal year, showing the requested allotments of its appropriation by periods within the year. The City Manager shall review and authorize such allotments with or without revision as early as possible in the fiscal year. He may revise such allotments during the year if he deems desirable and shall revise them in accordance with supplemental, emergency, reduced or transferred appropriations made pursuant to this Charter.

**§ C-125. Reserved. [Amended 11-6-1979]**

**§ C-126. Reserved. [Amended 11-6-1979]**

**§ C-127. Reserved. [Amended 11-6-1979]**

**§ C-128. Reserved. [Amended 11-6-1979]**

**§ C-129. Reserved. [Amended 11-6-1979]**

**§ C-130. Reserved. [Amended 11-6-1979]**

**§ C-131. Reserved. [Amended 11-6-1979]**

**§ C-132. Tax Required for Bonds and Interest.**

It shall be the duty of said Council each and every year, so long as the City shall remain in debt, to include in the taxes levied, a sum not less than the amount of the bonds and interest coming due in said year.

**§ C-133. Debt Limit; Use of Proceeds From Borrowing.**

The Council is hereby prohibited, except as herein otherwise provided, from borrowing any money or authorizing the creation of any liability or indebtedness against the City in any one year exceeding in the aggregate the amount of five (5) percent of the assessed valuation of the property in said City, nor shall it be lawful for said City to ever create an indebtedness existing from time to time to exceed eight (8) percent of the assessed valuation of the property of the preceding year,

and in case any sum or sums of money shall be borrowed by said Council the same shall be paid out of the sum raised by taxes for such year, if the payment is not otherwise provided, and all sums of money borrowed by said City shall be applied to the purpose for which the sum was borrowed, and for no other purpose whatever; but nothing in this section shall be construed to prohibit said Council from making assessments for the purpose of local improvement.

**§ C-134. Annual Audits and Statements Required.**

Immediately upon the close for the fiscal year, the Council shall audit, or cause to be audited, and settle the accounts of the City Treasurer and other officers of the City, and the accounts also, so far as practicable, of all persons having claim against the City, or accounts with it not previously audited; and shall make out or cause to be made out a statement in detail of the receipts and expenditures of the corporation during the preceding year, which statement shall distinctly show the amount of all taxes raised for each fund, the amount levied by special assessment and the amount collected on each, and the amount borrowed, and upon what time and terms and for what purpose; also the items and amounts received from all sources during the year, the expenses thereof, classifying the expenditures for each purpose separately. Said statement shall also show the amount and items of all indebtedness outstanding against the City, and to whom payable, and with what rate of interest; the amount of salary or compensation paid or payable to each officer of the City for the year, and such other information as shall be necessary to a full understanding of all the financial concerns of the City.

**§ C-135. Filing and Publication of Annual Statements.**

Said statement, signed by the Mayor and City Clerk, shall be filed in the office of the City Clerk, and a copy thereof published in one or more newspapers of the City, or in pamphlet form, or both.

**§ C-136. Maturity and Terms of Bonds.**

Every bond issued by the City shall be made payable within thirty years from the date of issue and shall contain on its face a statement specifying the object for which the same is issued, and, if issued for the purpose of raising money for any public improvement, the particular public improvement shall also be specified on the face of such bond; and it shall be unlawful for any officer of such City to sign or issue any such bond unless matters are set forth on the face of the same, as aforesaid, or to use such bonds, or proceeds from the sale thereof, for any other object than that mentioned on the face of such bond.

**§ C-137. Annual Assessments Required.**

An assessment of all property in the City shall be made annually by the City Assessor, and the property subject to taxation for Municipal purposes shall be the same as for state, county, and school purposes under the general tax law. All personal property shall be assessed to the owner thereof on the third Monday in January of the year in which the assessment is made.

**§ C-138. Completion and Contents of Assessment Rolls; Ownership of Personal Property.**

On or before the first Monday in March of each year the City Assessor shall make and complete an assessment roll of the City, upon which he shall set down the name of every person liable to be taxed in the City, with a full description of all the real and personal property therein liable to be taxed, provided that the description of personal property on said roll may be made by using the word "Personal," except in cases where the general law requires the kind of personal property assessed to be designated on said roll. In making said assessment roll, the City Assessor shall be governed by all the provisions of the general law for the assessment of property in townships, and all personal property found in the City may be assessed therein, whether the owner thereof resides in such City or elsewhere.

**§ C-139. Membership, Powers and Duties of Board of Equalization and Review.  
[Amended 8-9-1956]**

The City Attorney and three (3) freeholders appointed by the Council shall constitute a Board of Equalization and Review of the assessment roll of the City, a majority of whom shall constitute a quorum for the transaction of business. They shall have power, and shall have authority to and shall correct any errors or deficiencies found therein, either as to names, valuation or descriptions; and of their own motion, or on cause shown, may reduce or increase the valuation of any property; and shall add to said assessment roll any property in said City that may have been omitted, and shall value the same, and shall strike from said roll any property wrongfully thereon; and generally shall perfect said roll in any respect by said Board deemed necessary and proper. No freeholder shall be appointed on said Board any two (2) years in succession. The Council shall fix and determine annually the compensation of the members of the Board.

**§ C-140. Meetings and Procedures of Board of Equalization and Review.**

The said Board shall meet on the first Tuesday of March in each year, at the place of meeting of the Council, at nine o'clock in the forenoon, notice of which meeting and the time and place of holding the same shall be given by the City Clerk at least two (2) weeks prior to the time of meeting by publishing a notice thereof in one (1) or more newspapers of said City and also by posting the same in three (3) public places in said City, at which time and place the Assessor shall submit to said Board the general assessment rolls. They shall select one (1) of their number as Chairman and shall continue in session at least four (4) days and not more than eight (8) days successively, and at least eight (8) hours in each day, during said session; and any person, persons or corporations desiring to do so may examine his, her or its assessments on such roll and may show cause, if any exists, why the valuation thereof should be changed, and the said Board shall forthwith consider and act upon such petition or request and decide the same, and their decision shall be final. They may examine on oath any persons or corporation touching the matter of his, her or its assessment, and the Chairman, or any member of said Board, may administer oaths. They shall keep a record of the proceedings and all changes made in said roll, and the amount added to or deducted from the total valuation shall be entered upon such record, which record shall be deposited with the City Clerk, who shall be clerk of said Board, but shall have no vote thereon. The decision of a majority of all the members of said Board upon all questions shall govern. The roll as prepared by the Assessor shall stand approved and adopted as the act of the Board of Review, except as changed as herein provided. Said Board shall have the same power and perform the

same duties in all respects as boards of review in townships, in reviewing and correcting assessments made by supervisors of townships, except as in this Charter otherwise provided. After the said Board of Review shall have completed the revision of said roll, the City Clerk shall endorse and sign a statement upon the roll, to the effect that the same is the general assessment roll for the City for the year in which it has been prepared, as approved by the Board of Review. Such statement may be in the following form, namely:

STATE OF MICHIGAN  
 City of Monroe – SS.

I hereby certify that the Board of Review of the City of Monroe has reviewed, equalized, and corrected the within assessment roll, and have (deducted from, or added to, as the case may be) \_\_\_\_\_ dollars (from or to, as the case may be), the valuation of the real estate made by the Assessor; and have determined the aggregate value of such real estate to be \_\_\_\_\_ dollars, and the total value of the personal estate to be \_\_\_\_\_ dollars for the year A.D., \_\_\_\_\_.

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

Upon the completion of such roll, and its endorsement in manner aforesaid, it shall be returned to the Assessor and shall be conclusively presumed by all courts and tribunals to be valid, and shall not be set aside, except for causes mentioned in the general laws of the State relating to the assessment of property and the levy and collection of taxes thereon. The omission of such endorsement, however, shall not affect the validity of any such roll.

**§ C-141. Duty of Assessor to Spread Taxes; Form of Roll.**

After the confirmation of the assessment roll, and on or before the first Monday of May in each year, the City Assessor shall spread the several taxes to be raised in said City according and in proportion to the equalized valuations entered by the Board of Review in the assessment roll of the City.

Such taxes shall be entered in separate columns with appropriate headings. The total of all taxes assessed against any one (1) valuation or parcel of property shall be added and carried out in the last column upon the right hand side of such roll. The City Clerk shall carefully foot the several columns of valuation and taxes and make a detailed statement thereof and said Clerk shall immediately charge the amount of taxes to the City Treasurer.

**§ C-142. Issuance of Tax Warrants; Authority of Treasurer to Seize and Sell Goods.**

The City Assessor shall thereupon prepare a copy of said assessment roll, with the taxes assessed as hereinbefore provided, and annex thereto a warrant signed by the City Clerk, commanding the City Treasurer to collect the several sums mentioned in the last column on or before the thirtieth day of June next following; and the said warrant shall authorize and command the Treasurer, in case any person named in the assessment roll shall neglect or refuse to pay his tax, to levy the same by distress and sale of goods and chattels of such person, and the said Treasurer shall have the same power and authority to enforce collection of said taxes, by a seizure and sale of personal property, or by suit, as is conferred upon township treasurers by the general tax law, and deliver said tax roll and warrant to the City Treasurer on or before the first Monday in May.

**§ C-143. Collection of Taxes by Treasurer.**

Upon receiving such tax roll and warrant, the City Treasurer shall proceed to collect such taxes at such place and such hours as the Council shall direct to the first day of July in each year, and at such other times as the Council may prescribe, to receive payment of taxes.

**§ C-144. Tax Due Date; Penalty.**

The taxes so assessed shall become due and payable on the second Monday in May, and shall be payable from the second Monday in May to the first day of July without penalty, and five (5) percent penalty shall be collected on all taxes remaining unpaid after June thirtieth, and shall be returned as delinquent after that date, provided that for the first fiscal year under this Charter the Council shall have the authority to extend the time of payment and grant further time for the collection of said taxes upon such terms as the Council shall deem just and equitable.

**§ C-145. Treasurer to Give Notice When Tax Rolls Received.**

The City Treasurer shall give six (6) days' notice to the taxpayers of the City that such rolls have been delivered to him, by publishing such notice in one (1) or more newspapers published in said City for one (1) publication preceding the second Monday in May, which notice shall be a sufficient demand for the payment of all taxes on said rolls, and that payment therein specified may be made to him at any time up to and including June thirtieth without any collection fees therefor, provided, that the failure to give the notice specified in this section for the payment of such tax shall not invalidate the said tax, nor release the person assessed from the penalty herein specified.

**§ C-146. Tax Liens.**

The taxes thus assessed shall become at once a debt to the City from the person against whom they are assessed, and the amounts assessed on any interest in real estate shall, on the second Monday in May, become a lien upon such real property, and the lien for such amount, and for all interest and charges thereon, shall continue until payment thereof, and all personal taxes shall also be a lien on all personal property of such person so assessed from and after the second Monday in May of each year, and shall take precedence of any sale, assessment, chattel mortgage, levy or other lien on such personal property executed or made after said second Monday in May, except where such property is actually sold in the regular course of trade.

**§ C-147. Deadline for Collecting Taxes; Application of State Tax Laws.**

All such taxes shall be collected before the first day of July in each year and all provisions of the general tax law in relation to the making of the assessment roll and the levying, collecting and paying of said taxes are hereby adopted so far as the same are applicable.

**§ C-148. Statement of Collected and Uncollected Taxes; Penalty.**

If the City Treasurer shall be unable to collect any of the taxes on such roll assessed on real property before the first day of July in each year, he shall make a statement of the same with a full and perfect description of such property with the taxes upon such parcel thereof, which statement shall be verified by his affidavit that such taxes remain unpaid and that he has not after diligent inquiry been able to secure any goods or chattels liable to pay such sum, whereupon he could levy the same, and he shall also make a statement showing the tax upon personal property remaining unpaid, and the names of the persons against whom they are assessed and the amount against each, which statement he shall verify by his affidavit that the amount so mentioned as uncollected remains unpaid and that he has not been able after diligent inquiry to discover any goods or chattels belonging to the persons liable to pay such sum, whereupon he could levy the same. He shall also make a statement showing the amount of all moneys collected by him on account of taxes on said roll, which statement he shall verify by his affidavit. Such statement shall be filed with the City Clerk on or before the first day of July.

The Council shall direct the City Clerk to assess all such delinquent taxes so returned with a penalty of five cents (5¢) on each dollar of the sum total of taxes assessed to each particular description of land or other property, which penalty shall be carried out opposite to each such particular description of land or other property in a column provided for that purpose, placing the aggregate sum of unpaid one mill, library and general City taxes and special assessment taxes in the column headed "Delinquent City Taxes," and all unpaid special district assessments shall be placed in the column headed "Special Assessments," and the aggregate sum thereof, including the five (5) percent penalty tax, shall be placed in the column headed "Total Delinquent City Taxes."

**§ C-149. Clerk to Preserve Rolls and Present Same to County Supervisors.**

The City Clerk shall keep the original assessment rolls in his office until the meeting of the Board of Supervisors of Monroe County in the month of October, and present such rolls to said Board, which rolls, after equalization by said Board, shall be the assessment rolls of the City for all taxation purposes, whatsoever, except the levying of taxes to be collected in the months of May and June as herein provided.

**§ C-150. Delinquent Taxes; Assessor to Apportion.**

On the first day of November, the City Assessor shall apportion and spread upon the tax rolls all State and County Taxes certified to him by the Board of Supervisors or otherwise, school taxes, delinquent City taxes and such other taxes as are legally required to be spread upon such rolls.

**§ C-151. Delinquent Taxes; Duty of Clerk to Deliver Copy of Roll and Warrant to Treasurer.**

Within thirty (30) days after the first of November the City Clerk shall deliver a certified copy of the above mentioned assessment roll to the City Treasurer, to be filed in his office as designated by the Council, to which roll shall be annexed a warrant signed by the City Clerk and directed to

the Treasurer, and in all other respects as near as may be as warrants to township treasurers for the collection of State, County and Township taxes.

**§ C-152. Delinquent Taxes; Notice by Treasurer to Taxpayers.**

Upon receiving said tax roll as herein provided, the City Treasurer shall give notice to the taxpayers of the City that such roll has been delivered to him and that the taxes therein levied may be paid to him at a place designated by the Council at any time from the first day of December up to and including the tenth day of January next ensuing, without any charge for collection, but that a five (5) percent collection fee will be charged and collected upon all taxes remaining unpaid on said tenth day of January. Said notice shall be given by publishing the same for one (1) publication in one (1) or more newspapers published in said City. But any defect in said notice or any omission to comply with the provisions of this section, shall not invalidate said tax roll or any measure thereafter to be taken to enforce collection of the taxes thereon.

**§ C-153. Fees and Penalties to Belong to City.**

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

**§ C-154. Powers of Treasurer When Collecting Unpaid Taxes.**

For the collection of all taxes remaining unpaid on the general tax roll on the tenth day of January, the City Treasurer shall proceed in the same manner as township treasurers are required by law to do for the collection of taxes in townships and shall for that purpose have all the power and authority conferred by law upon township treasurers for such purposes. And it is hereby made mandatory upon the City Treasurer to exhaust all legal remedies for the collection of unpaid personal taxes before the return thereof.

**§ C-155. Collection of School Taxes.**

All school taxes collected by the City Treasurer shall be by him deposited daily in the depository of the Board of Education to the credit of said Board, and the said City Treasurer shall pay to the County Treasurer all moneys payable to him at the same time and in the same manner as is required of township treasurers by the general tax law, and he shall make return of delinquent taxes to the County Treasurer according to the general laws of the State regarding township treasurers and said general laws shall govern in all things relating to the levy and collection of taxes not herein otherwise provided for.

**§ C-156. Return of Uncollected Taxes of County Treasurer.**

If the City Treasurer shall be unable to collect any taxes on his roll assessed on real property, he shall make return thereof to the County Treasurer and shall also make a statement showing the

taxes upon personal property remaining unpaid in the same manner as is required of township treasurers by the general tax law.

**§ C-157. Tax Procedure for 1914.**

That no inconvenience may arise from the change in the Charter of the City hereby made in relation to the appropriation, levying and collecting of taxes, it is hereby declared that for the year 1914 the passing of the annual appropriation bill, the making of the assessment rolls, the meeting of the Board of Review and all other matters relating to the levying and spreading of the taxes and the collection thereof shall be governed by the provisions of the present Charter of said City, except when the provisions of this Charter may be made applicable.

**SPECIAL ASSESSMENTS**

**§ C-158. Property Subject to Special Assessments.**

When, by the provisions of this Charter, the cost and expense of any local or public improvement may be defrayed in whole or in part by special assessment upon the lands abutting upon, or adjacent thereto, or otherwise benefited by the improvement, such assessment may be made as in this Charter provided.

**§ C-159. General Powers of Council Concerning Improvements. [Amended 8-9-1956]**

In all cases, public improvements shall be made in the discretion of the City Council. The Council shall have the power to determine, by resolution, with or without petition, that the whole or any part of the expense of any public improvement shall be defrayed by special assessment upon the property in special districts especially benefited, in proportion of the benefits derived or to be derived.

**§ C-160. Resolution Authorizing Improvement Required.**

When the City Council shall determine to make any public improvement or repairs and defray the whole or any part of the cost and expense thereof by special assessment, they shall so declare by resolution, stating the improvement and what part or portion of the expense thereof shall be paid by special assessment, and what part, if any, shall be appropriated from the general funds of the City, and shall designate that district or lands and premises upon which the special assessment shall be levied.

**§ C-161. Estimates of Expenses Required; Notice; Objections. [Amended 8-7-1956]**

- (a) Before ordering any public improvement or repairs, any part of the expenses of which is to be defrayed by special assessment, the City Council shall cause estimates of the expenses thereof to be made, and also plats and diagrams of the work and of the locality to be improved, and deposit the same with the City Clerk for public examination; and they shall



cause ten (10) days notice thereof, and of the improvement or work, and of the district to be assessed, and of the time when the City Council will meet and consider any objections thereto, to be published once immediately preceding the time of such meeting, in one (1) or more newspapers of said City.

- (b) No resolution finally determining to proceed with an improvement and establishing any special assessment district therefor shall be adopted, except by the affirmative vote of two-thirds of the members of the Council if, prior to such adoption written objections to the proposed improvement have been filed by the owners of property in the district which, according to estimates, will be required to bear more than fifty (50) percent of the amount of such special assessments.

**§ C-162. Costs Subject to Special Assessments. [Amended 8-5-1954]**

The cost and expenses of any improvement which may be defrayed by special assessment shall include the cost of surveys, plans, assessments, cost of construction, and inspection.

**§ C-163. When Special Assessments Levied.**

Special assessments to defray the estimated cost of any improvement shall be levied before the letting of the contract for the improvement

**§ C-164. Resolution Directing Assessor to Make Special Assessment.**

When any special assessment is to be made pro rata upon the lots and premises in any special district, according to frontage or benefits, the City Council shall by resolution direct the same to be made by the City Assessor; and shall state therein the amount to be assessed, and whether according to frontage or benefits; and describe or designate the lots and premises or locality constituting the district to be assessed.

**§ C-165. Payment of Portion Attributable to Non-taxable Property.**

If there shall be included in any special assessment district lots belonging to the City, school, other public buildings, or public grounds not taxable, such part of the expense of such improvement as in the opinion of the Council and City Assessor making the special assessment would be justly apportionable to such public ground, buildings, and City property and to any interior squares or places formed by the intersection of streets were they taxable, shall be paid from the general fund, or from the proper street district fund, or partly from each, as the Council shall determine to be just.

**§ C-166. Preparation of Special Assessment Roll; Liens.**

Upon receiving such order and direction, the City Assessor shall make out an assessment roll, entering and describing therein the lots, premises and parcels of land to be assessed, with the names

of the persons, if known, chargeable with the assessment thereon; and shall levy thereon and against such persons the amount to be assessed, in the manner directed by the City Council and the provisions of the 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, parcel of land, or premises, or if the same shall be assessed without the name of the owner, or in the name of the person other than the owner, such assessment shall not for any such cases be vitiated, but shall in all respects be as valid as a claim upon and against such lot, parcel of land, or premises as though assessed in the name of the proper owner, and when the assessment roll shall have been confirmed, be in a lien upon such lot, parcel of land, or premises, and be collected as in other cases.

**§ C-167. Methods of Assessing by Frontage or Benefits; Report by Assessor to Council.**

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 frontage of such premises abutting upon the improvement bears to the whole frontage of all the lots assessed, unless, on account of the shape or size of any lot, 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 such relative portion of the whole sum to be levied as shall be proportionable to the estimated benefit resulting to such lot from the improvement. When the City Assessor shall have completed the assessment, he shall report the same to the City Council, such report to be signed by the Assessor and may be in the form of a certificate, endorsed on the assessment roll as follows:

STATE OF MICHIGAN

City of Monroe – SS.

to the City Council of the City of Monroe:

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

Dated \_\_\_\_\_, \_\_\_\_\_, City Assessor

**§ C-168. Filing and Notice of Special Assessments; Hearing.**

When the special assessment shall be reported by the City Assessor to the City Council, as in this Charter directed, the same shall be filed in the office of the City Clerk, and numbered consecutively. Before adopting such assessment the City Council shall cause notice to be published giving ten (10) days notice, by one (1) publication during said ten (10) days, in one (1) or more newspapers of the City, of the filing of the same with the City Clerk, and appointing a time when the City Council and the City Assessor will meet to review said assessment. Any person objecting to the assessment may file his objection thereto in writing with the City Clerk. The notice pro-

vided for in this section may be addressed to the persons whose names appear upon the special assessment roll, and to all others interested therein, and may be in the following form:

**NOTICE OF SPECIAL ASSESSMENT**

To (insert the names of the persons against whom the assessment appears), and to all other persons interested:

**TAKE NOTICE.**

That the roll of special assessment hereinbefore made by the City Assessor, for the purpose of defraying that part of the cost which the City Council 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 given that the City Council and the City Assessor of the City of Monroe, will meet at the office of the City Council in said City on (insert the date fixed upon), to review said assessment, at which time and place opportunity will be given all persons interested to be heard.

Dated \_\_\_\_\_, \_\_\_\_\_, City Clerk

**§ C-169. Action by Council After Hearings.**

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

**§ C-170. Special Assessments Final When Confirmed.**

When any special assessment shall be confirmed by the Council it shall be final and conclusive.

**§ C-171. When Special Assessment Lien Attaches.**

All special assessments shall, from the date of confirmation thereof, constitute a lien upon the respective lots or parcels of land assessed, and shall be a charge against the person against whom assessed until paid.

**§ C-172. Payment of Special Assessments in Installments. [Amended 4-4-1928]**

Upon the confirmation of any special assessment the amount thereof may be divided into not more than ten (10) installments, one (1) of which shall be collected each year at such times as the

City Council shall determine, with annual interest at a legal rate of interest per annum; but the whole assessment after confirmation may be paid to the City Treasurer at any time in full, with proportionate interest thereon.

**§ C-173. When Assessments Due.**

All special assessments, except such installments thereof as the City Council shall make payable at a future time, as provided in the preceding section, shall be due and payable on confirmation.

**§ C-174. Installments to be Collected From Original Roll.**

If any special assessment be divided into installments, it shall not be necessary to make a special assessment roll for each installment, but the assessment on the original assessment roll shall be divided into installments, and each installment, as the same become due with the accrued interest upon all unpaid installments, shall be collected from said original assessment roll.

**§ C-175. Refunds or Additional Assessments Authorized.**

Should any special assessment prove insufficient to pay for the improvement or work for which it was levied, and the expenses incident thereto, the City Council may, within the limitations prescribed for such assessments, make an additional pro rata assessment to supply the deficiency; and in case a larger amount shall be collected than was necessary, the excess shall be refunded ratably to those by whom it was paid.

**§ C-176. Correction of Invalid Assessments.**

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

**§ C-177. Effect on Lien When Assessment Vacated.**

No judgment or decree, nor any act of the City Council vacating a special assessment, shall destroy or impair the lien of the City upon the premises assessed for such amount of the assessment as may be equitably charged against the same, lawfully assessed thereon.

**§ C-178. Warrant for Collection of Special Assessment.**

When any special assessment shall be confirmed and be payable as hereinbefore provided, the City Clerk shall within ten (10) days thereafter attach his warrant for the collection thereof to said special assessment roll, therein commanding the City Treasurer to collect from each person the amount 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 on demand, then to levy and collect the same by distress and sale of goods and chattels of such persons, and return said roll and warrant, together with his doings thereon, within sixty (60) days from the date of the warrant.

**§ C-179. Collection by Treasurer.**

Upon receiving said special assessment roll and warrant, the City Treasurer shall proceed to collect the amounts assessed thereon. If any person shall neglect or refuse to pay his assessment on demand, the Treasurer shall seize and levy upon any personal property found within the City, or elsewhere within the County, belonging to such person, and sell the same at public auction, first giving six (6) days notice of the time and place of such sale, by posting such notices in three (3) of the most public places in the City or Township, where such property may be found. The proceeds of such sale, or so much as may be necessary for that purpose, shall be applied to the payment of the assessment and for the costs and expenses of such seizure and sale, and the surplus, if any, shall be paid to the person entitled thereto.

**§ C-180. Return by Treasurer to Clerk.**

The Treasurer shall make return of said assessment roll and warrant to the City Clerk, according to the requirements of the warrant, and if any assessments in said roll shall be returned unpaid, the Treasurer shall attach to his return a statement, verified by affidavit, containing a list of the persons delinquent and a description of the lots and premises upon which assessments remain unpaid, and the amount unpaid on each.

**§ C-181. Renewal of Warrants; Reassessment When Unpaid.**

Said warrant may be renewed from time to time by the City Clerk, if the Council shall so direct, and for such time as they shall determine, and during the time of such renewal the warrant shall have the same force and the City Treasurer shall perform the same duties and make the like returns as above provided. In case any assessment shall be finally returned by the City Treasurer unpaid as aforesaid, the same shall be certified to the Board of Supervisors of Monroe County in the manner provided in §§ C-148, C-149 and C-150, and shall then be reassessed, with interest included at the rate of ten (10) percent per annum from the date of the confirmation of the assessment until the first day of December, and then collected in all respects as other taxes are collected.

**§ C-182. Collection by Suit Authorized.**

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 persons assessed, in an action of assumpsit, in any court having

jurisdiction of the amount. In every such action a declaration upon the common count for money paid shall be sufficient. The special assessment roll and certified order or resolution confirming the same shall be prima facie evidence of the regularity of the proceedings in making the assessment, and of the right of the City to recover judgment therefor.

**§ C-183. Effect of Irregularities.**

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

**§ C-184. Borrowing Authorized When Collection of Special Assessment Extended.**

It shall be within the power of the Council to direct and empower the Mayor and Clerk to issue and negotiate for and in behalf of the City, not exceeding a legal rate of interest, annual interest notes, free of taxation, for the aggregate amount of any special assessment tax, the time for the payment of which has been extended beyond the year of the original warrant for their collection. Such notes shall be made payable at the office of the City Treasurer and shall fall due at such times as the Council shall determine such tax can be collected, and the proceeds of such notes shall be deposited with the City Treasurer, and by him, disbursed on the order of the Council, in payment of the cost and expense of the public improvement on account of which they have been issued and for no other purpose whatever; and the proceeds of such extended tax, when collected, shall be used for the payment of said notes and for no other purpose.

**§ C-185. Remitting Taxes Authorized.**

The Council shall have the power, by two-thirds vote of all the members elect, to remit any and all tax to any person or upon any property liable for such tax, when in the judgment of the Council such action is for the best interests of the public, and it shall be the duty of the City Clerk and City Treasurer to execute the order of the Council so passed.

## ORDINANCES

**§ C-186. Enacting Clauses.**

The enacting clause of all ordinances shall read, "The City of Monroe Ordains," but such caption may be omitted when said ordinances are published in book form or are revised and digested by authority of the Council.

**§ C-187. Pleading by Title or Section Authorized.**

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

**§ C-188. Judicial Notice.**

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

**§ C-189. Proving Ordinances or Resolutions.**

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

**§ C-190. Vote Required for Adoption.**

The adoption of an ordinance by the Council shall require for its passage the concurrence of a majority of the members of the Council.

**§ C-191. Effective Date.**

The time when any ordinance shall take effect shall be prescribed therein, which time shall not be less than twenty (20) days from the date of its passage, where such ordinance prescribes a punishment, forfeiture or penalty.

**§ C-192. Publication.**

All ordinances shall be published once within one (1) week after their passage, in one (1) or more newspapers printed and circulated within the City, and City Clerk shall certify on the record of ordinances the date of publication and newspapers in which any ordinance was so published; and such certificate shall be prima facie evidence that legal publication of an ordinance has been made.

**§ C-193. Passage on Day of Introduction.**

No ordinance shall be finally passed on the day it is introduced, except in case of public emergency and then only on request of the Mayor in writing.

**§ C-194. Recording.**

All ordinances shall be recorded in an indexed book marked "Ordinance Record"; and the record of each ordinance shall be authenticated by the signature of the Mayor and City Clerk. Such record and authentication shall be done within one (1) 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.

**§ C-195. Signature of Mayor and Clerk Required.**

Immediately upon the final passage of any ordinance the Mayor and City Clerk shall sign the same under a certificate of the day and date of its passage.

**§ C-196. Repeals and Amendments.**

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.

**§ C-197. Limitation on Prosecutions.**

Prosecutions for violation of the ordinances 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 (2)-year period.

**§ C-198. Existing Ordinances Continued in Effect.**

All ordinances, regulations and resolutions in force at the time this Charter shall take effect and not inconsistent with the provisions thereof, shall remain and be in force until amended, modified or repealed.

**§ C-199. Jurisdiction of Circuit Court.**

The Circuit Court of the County of Monroe shall have original jurisdiction in all cases arising under the ordinances of the City for violation thereof, when a fine or forfeiture imposed shall exceed fifty dollars (\$50.00), or where the offender may be imprisoned for a term not exceeding three (3) months.

**§ C-200. Prosecutions; Commencement, Form and Practice.**

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 Justices of the Peace under the general laws of the State.

**§ C-201. Service of Process in Prosecutions.**

All process issued in any prosecution for the violation of any ordinances shall be directed to the Chief of Police or to any police officer of the City or County of Monroe, and may be executed in any part of the State by an officer authorized by law to serve process issued by a Justice of the Peace.

**§ C-202. Service of Process Against City.**

Service of all process in suits against the City shall be made on the Mayor and City Clerk or City Attorney.

**FRANCHISES AND PUBLIC UTILITIES**

**§ C-203. Maximum Period of Franchises and Licenses.**

No franchise or grant shall be granted by the City for a longer period than thirty (30) years. No license shall be granted by the Council for a longer period than one (1) year.

**§ C-204. Referendum Required on Irrevocable Franchises.**

No franchise or grant, except licenses for the sale of intoxicating liquors, which is not revocable at the will of the Council 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 a majority of the electors voting thereon at such election. Women taxpayers may vote and no franchise or grant shall be renewed except by a majority vote of the electors.

**§ C-205. Exclusive Franchises Prohibited; Renewal of Franchises. [Amended 1-26-1916]**

No person, firm or corporation shall ever be granted any exclusive franchise, license, right or privilege whatever, and no franchise shall be renewed before three (3) years prior to its expiration.

**§ C-206. Leasing and Assigning Franchises.**

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.

**§ C-207. Modification of Franchises.**

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

**§ C-208. Utility Licenses Authorized.**

The City shall have the right to license and impose a license fee on streetcars, telephones, gas meters, electric meters, water meters or any other device used for measuring service, also telephone, telegraph, electric light and power poles and wires. All said license fees shall be exclusive of and in addition to other lawful taxes upon the property of the holder.

**§ C-209. Rights Reserved by City When Granting Franchise.**

The grant of every franchise or privilege 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 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, extension and accommodation for the people and insure their comfort and convenience.

**§ C-210. City to Control Tracks, Poles, Etc.; Conditions of Street Railway Franchises.**

The City, by and through its Council, shall have the power to require any corporation holding a franchise from the City, to allow the use of its tracks, poles and wires by any other corporation to which the City shall grant a franchise, upon the payment of a reasonable rental therefor, and any franchise or right which may hereafter be granted to any person or corporation to operate a street railway within the City or its suburbs shall be subject to the condition that the City shall have the right to grant any other person or corporation desiring to build or operate a street railway or interurban railway within or into the City, the right to operate its cars over the tracks of said street railway insofar as may be necessary to enter and leave the City and to reach the section thereof used for business purposes, provided that the person or corporation desiring to operate its cars over the lines of said street railway shall first agree in writing with the owner thereof to pay it reasonable compensation for the use of its tracks and facilities. And if the person or corporation desiring to use the same cannot agree with said owner of said street railway as to said compensation, within sixty (60) days from offering in writing so to do, and as to terms and conditions of the use of said tracks and facilities, then the Council shall, by resolution after a fair hearing to the parties concerned, fix the terms and conditions of such use and compensation to be paid therefor, which

award of the Council, when so made, shall be binding upon and observed by the parties concerned.

**§ C-211. Supervision and Prosecution of Public Utilities.**

The Commissioner of Public Utilities shall maintain general supervision over all public utility companies insofar as they are subject to municipal control. The Mayor shall cause to be instituted such actions or proceedings as may be necessary to prosecute public utility companies for violations of law, and the Council 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.

**§ C-212. Records Kept by Commissioner of Public Utilities.**

The Commissioner of Public Utilities shall provide and cause to be kept in the office of the City Clerk the following books of records and references:

First: A Franchise Record, indexed and of proper form, in which shall be transcribed accurate and correct copies of all franchises or grants by the City to any person, persons or corporations owning or operating any public utility. The index of said record shall give the name of the grantee and thereafter the name of any assignee thereof. Said record shall be a complete history of all franchises granted by the City and shall include a comprehensive and convenient reference to actions, contests or proceedings at law, if any, affecting the same.

Second: A Public Utility Record, for every person, persons or corporation owning or operating any public utility under any franchise granted by the City, into which shall be transcribed accurate and correct copies of each and every franchise granted by the City to said person, persons or corporation or which may be controlled or acquired by them or it, together with copies of all annual reports and inspection reports, as herein provided, and such other matters of information and public interest as the Commission of Public Utilities may from time to time acquire. All annual and inspection reports shall be published once in one (1) or more newspapers of general circulation published in the City, or printed and distributed in pamphlet form, as the Council may deem best, and in case annual reports are not filed and inspections are not made as provided, the Mayor shall in writing report to the Council the reason therefor, which report shall be transcribed in the record of the person, persons or corporations owning or controlling said franchise or grant and published once in one (1) or more newspapers of general circulation published in the City, or printed and distributed in pamphlet form, as the Council may deem best. The provisions of this section shall apply to all persons or corporations operating under any franchise now in force or hereafter granted by the City.

**§ C-213. Authority of Council to Set Terms of Franchises.**

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

**§ C-214. Permits Involving Streets and Public Places Authorized; Revocation.**

The Council may grant a permit at any time, in or upon any street, alley or public place; provided, that such permit shall be revocable by the Council at its pleasure at any time, whether such right to revoke be expressly reserved in said permit or not.

**§ C-215. Compensation for Use of Streets and Public Places.**

No franchise, lease or right to use the streets or public places or property of the City shall be granted by the City without fair compensation to the City therefor. Where the franchise, leasee or grant 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 at the end of every ten (10)-year period during the life of said franchise, 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 lawful on account of such use.

**§ C-216. Application of Other Provisions to Street Franchises.**

All contracts, grants, rights, privileges or franchises for the use of streets and alleys of this City not herein mentioned shall be governed by all the provisions of this Charter, and all amendments, extensions or enlargements of any contract, right, privilege or franchise previously granted by this City to any person, firm or corporations, for the use of the streets and alleys of such City shall be subject to all the conditions herein provided for in this Charter for the making of original grants and franchises.

**§ C-217. Franchises to be Granted and Amended by Ordinance Only.**

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

**§ C-218. Authority to Inspect and Regulate Public Utilities.**

The Council shall by ordinance provide for efficient inspection and regulation of all public utilities operated in the City, and to that end shall provide means for the inspection of the quality, heat and light units, and pressure of the gas furnished to consumers; the candle power, voltage and insulation of electric wires; heat and power furnished the City and its inhabitants; the pressure, pu-

ity, regularity of supply and quality of all water furnished to the City and its inhabitants; and the inspection and installation of meters for registering the consumption of any commodity sold by any grantee operating under any franchise, grant or license from the City of Monroe or the State of Michigan, it being the intention of this Charter 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 and ordinances, and the laws of the State.

**§ C-219. Fraud in Obtaining Franchises.**

Any false or fraudulent representation made or implied, which shall be used as an inducement to the granting of any franchise, grant, privilege or license, shall, if established to the satisfaction of the Council, upon a hearing at which the beneficiary of such franchise, grant, privilege and license shall have the right to be represented in person or by counsel or both, work the forfeiture of such grant.

**§ C-220. Authority of City to Supply Necessary Services in Emergency.**

Whenever by reason of strikes, combinations, lock outs or any reason, the ordinary source of supply of anything necessary to the health or welfare of the inhabitants of said City shall be unable or refuse to operate, the City shall have authority to undertake such supply during such emergency, requiring the inhabitants to pay therefor only the actual cost of such service.

**§ C-221. Franchises and Privileges to Specify Property Affected; Construction of Ambiguities.**

Every franchise or privilege hereafter granted shall plainly specify the streets, alleys, avenues or property to which the same shall apply, and any ambiguity appearing in the language of the franchise, grant or privilege shall be construed in favor of the City and against the claimant under such grant.

**§ C-222. Cancellation and Revocation of Franchises.**

The Council may revoke, cancel or annul any franchise that may have been granted by the City which shall have become void or forfeited in whole or in part.

**§ C-223. Right of City to Purchase Franchises.**

Every grant or franchise shall provide certain dates or periods thereafter upon and at which the City shall have the right to purchase of and from the firm, person or corporation holding and operating under such grant and franchise, all right, title, interests, property and business used, owned, operated or conducted in connection with or under or by virtue of such grant or franchise, and may provide for the taking over of the same by the City upon the payment therefor of its then fair valuation; provided, that the proposition to purchase such franchise, at the price so fixed or

agree upon, shall receive the affirmative vote of a majority of the qualified electors of said City voting thereon at a regular or special Municipal election.

**§ C-224. Determination of Value When Franchise Purchased by City.**

Whenever the City shall elect to purchase such franchise, the valuation shall be determined by arbitration, unless the owners of such property and franchise shall agree with the City upon a consideration for the same; and if determined by arbitration, the proceedings shall be as follows:

The Council shall select one (1) arbitrator and the owner of the property or franchise shall select another, and the two (2) thus chosen shall select a third, and the value fixed by the arbitrators or a majority of them so chosen shall be binding upon both parties; and, in case they fail to agree upon a third party within ten (10) days, said third party shall be appointed by the Judge of the Judicial Circuit for this district.

**§ C-225. Railroad Franchises to Require Street Maintenance.**

It shall also be provided in each and every franchise for the building and operating of a railroad track in said City, that the grantee or grantees shall pave, clean and keep in repair the bed, pavement and roadway of the street or alley where such track or tracks are located between the rails and tracks and to an extent of not less than twenty-four (24) inches outside of the rails of said tracks as used and located.

**§ C-226. Authority to Grant Street Railway Franchises; Liability for Damages.**

The City Council shall have authority to permit any railroad company or street railway company to lay its tracks and operate its road with steam, electric or other power in or across streets, highways and public alleys of the City, as the Council may deem expedient, upon such terms and conditions and subject to such regulations, to be observed by said company, as the said Council may prescribe; and to prohibit the laying of such tracks or operating of any such road except upon such terms and conditions. But such permission shall not affect the right or claims of any persons against the company for damages sustained by reason of the construction or location of any railroad or street railroad in or across such street, highways or alleys.

**§ C-227. Regulation of Franchises Affecting Streets.**

The Council may establish regulations and adopt ordinances relative to any franchise or any party using the same or operating thereunder at any time within the City upon the following matters, vis:

- (1) To provide for and change the location and grade of street crossings of any railroad track.
- (2) To compel any railroad company or street railway company to raise or lower its railroad track to conform to the street grades, which may be established by the City from time to

time. To construct crossing in such manner and with such protection to persons crossing thereat, as the Council may require.

- (3) (a) To require and compel any railroad company and any street railway company to make, clean, keep open and repair ditches, drains and sewers along and under or across their railroad tracks.
- (b) To erect and keep in repair any viaduct over or tunnel under such street or over and under any such track or tracks, including approaches, as may be by the Council deemed necessary for the convenience, safety and protection of the public.
- (c) To pay all costs of grading, paving, repaving, draining and repairing such part of the streets and alleys as is or may be used or occupied by such railroad or railway company. Such cost shall be a lien upon the property and franchise of the company and shall be assessed and taxed against the same, like other taxes. The portion of the street or alley used or occupied by said railway companies shall be deemed to be the space between their tracks and twenty-four (24) inches on the outside of their rails and all the spaces between two (2) or more tracks, turnouts or switches.

If any such railroad company or street railway company shall neglect to perform any such requirements according to the direction of the Council, the Council may cause the work to be done at the expense of such company and the amount of such expense shall be collected at the suit of the City against the company in a civil action before any court, or the Council may revoke the franchise of said company for failure to perform any such requirements.

## PUBLIC SAFETY

### § C-228. Board of Health; Establishment.

There is hereby established in and for the City of Monroe a department to be known as the Board of Health, consisting of the City Physician and the City Council.

### § C-229. Board of Health; Officers and Duties.

The Mayor shall be President and the health officer Secretary of the Board. The Health Officer shall be the executive officer of the Board, and it shall be his duty to enforce the rules and regulations of the Board of Health. He shall receive all complaints of the violations of all ordinances in respect to the public health and investigate the same, and report thereon to said Board.

### § C-230. Board of Health; Qualifications of Officers; Powers.

The Health Officer shall be a legally licensed physician resident within the City of Monroe. The Board of Health shall adopt rules and regulations for their own government, and shall within the limits prescribed by the State law, Charter and ordinances, have general supervision of all matters relating to the sanitary condition of the City and the preservation of the life and health of the peo-

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ple within their jurisdiction, and make such rules and regulations as they may deem advisable for the prevention of disease and for the protection of the health of the public.

**§ C-231.    Police Department to be Established and Maintained by Ordinance.**

The Council shall by ordinance establish and provide for the maintenance of a Police Department and a Fire Department.

**§ C-232.    Police Department; Composition.**

The Police Department shall consist of the Chief of Police and as many subordinate officers, policemen and employees as the Council shall by ordinance determine.

**§ C-233.    Police Department; Regulation by Ordinance.**

The Council shall by ordinance make and establish rules for the regulation and government of the Police Department, prescribe and define the powers and duties of the officers and employees of such Department, and shall prescribe and enforce such police regulations as will most effectually preserve the peace and good order of the City, preserve the inhabitants from personal violence and protect public and private property from destruction by fire and unlawful depredation.

**§ C-234.    Fire Department; Composition.**

The Fire Department shall consist of the Chief of the Fire Department, who shall be fire warden, and as many subordinate officers, firemen and employees as the Council shall by ordinance determine.

**§ C-235.    Fire Department; Regulation by Ordinance.**

The Council shall by ordinance make and establish rules for the regulation and government of the Fire Department, prescribe and define the powers and duties of the officers and shall enact such ordinances and establish and enforce such regulations and provide such means as they shall deem necessary to guard against the occurrence of fires, and to protect the property and the persons of the inhabitants of the City against damage and accident resulting therefrom.

**PUBLIC IMPROVEMENTS**

**§ C-236.    General Powers of Council; Retaining Walls.**

The Council shall have supervision and charge of the construction, maintenance and repair of all sidewalks, crosswalks, culverts, bridges, fountains and reservoirs, of main and lateral sewers and drains, of engine houses, police stations, City Hall and public works of every description in said City, except schoolhouses, and shall have charge of the construction, maintenance and repairing,



cleaning and altering of all ditches, gutters, paving, streets, alleys, passageways, parks and grounds, and also the construction, maintenance and repair of all retaining walls along the banks of the River Raisin, or elsewhere in said City, as hereafter may be established. The cost and expense of said retaining walls, when so planned, constructed and established by them, shall be paid by placing such percent thereof as they may deem just upon the City at large, and the remainder shall be assessed according to benefits upon all lands and premises which, in their judgment, are benefited by said improvement, as may be established along the River Raisin, or elsewhere.

**§ C-237. Form and Approval of Contracts; Supervision of Work.**

All contracts for work to be performed for the City or any improvements therein shall be in the name of the City of Monroe, to be first approved as to form by the City Attorney and be executed by the Mayor and City Clerk, and their performance shall be supervised on behalf of the City by the Superintendent of Public Improvements.

**§ C-238. Authority to Require Contractor's Bond.**

In addition to the bond required by law to be furnished by the contractor for the payment of all labor performed and materials furnished, the Council, under every contract and upon all work performed or agreed to be done for the City, shall require a bond in such penalty and with such sureties as shall be approved by the Council, conditioned for the faithful performance of such contract or work; and before the contractor shall be entitled to any payment whatever, he shall at any and all times furnish satisfactory evidence to the Council that all bills and obligations for labor and materials have been paid and satisfied.

**§ C-239. Reserved. [Repealed 8-7-1956]**

**§ C-240. Cost Estimate and Specifications Required.**

Whenever the Council shall have decided upon the making of any public improvement or repairs authorized by this Charter, the Council shall determine the kind and quantity of the material to be used, and estimate in detail the probable expense of such work, and shall likewise have prepared full specifications covering the work to be done, and materials to be furnished, which shall be filed with the City Clerk and be open to the inspection of any interested person.

**§ C-241. Improvements Permitted Either by Direct Employment or Contract; Types of Contracts Permitted.**

Public improvements of any kind may be made by the Councilpersons either by direct employment of the necessary labor and purchase of the necessary supplies and materials, with separate accounting as to each improvement made, or by contract duly let after competitive bidding, either for a gross price or upon a unit basis for the improvement, or by contract containing a guaranteed maximum and stipulating that the City shall pay within such maximum the cost of labor materials plus a fixed percentage of profit to the contractor. The Council, by resolution, shall determine by

which of the foregoing methods any improvement shall be made. Contracts may provide a bonus per day for completion of the contract prior to a specified date, and liquidated damages of the City to be exacted in like sum for every day of delay beyond a specified date.

**§ C-242. Liability of City for Damages; Notice of Injury.**

The City shall not be liable for damages for personal or other injury unless the person suffering the injury, or someone in his behalf, shall serve a notice in writing upon the City Clerk, within sixty (60) days after such injury shall have occurred; which notice shall state when, where and how the injury occurred and the apparent extent thereof. The failure to so notify the City within the time and within the manner specified herein shall exonerate, excuse and exempt the City from any and all liability on account of any such injury.

**§ C-243. Authority Over Streets; Financing Street Improvements.**

The Council shall have authority to lay, open, widen, extend, straighten, alter, close, vacate or abolish any highway, street or alley in the City, whenever they shall deem the same a public improvement; and if in so doing it shall be necessary to use, take or cause damage to private property, the same may be taken in the manner provided by the general laws of the State for taking private property for public use. The expense of such improvement 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 Council, a portion of such costs and expenses may be paid by special assessments as aforesaid, and the balance for the general funds.

**§ C-244. Hearing on Vacating Streets Required.**

When the Council shall deem it advisable to vacate, discontinue or abolish any street, alley or public ground, or any part thereof, they shall by resolution so declare, and in the resolution shall appoint a time, not less than ten (10) days thereafter, when they shall meet and hear objections thereto; notice of such meeting, with a copy of said resolution, shall be published for one (1) publication before the time appointed for such meeting, in one (1) or more of the newspapers of the City.

**§ C-245. Record of Resolutions or Ordinances Vacating Streets.**

Every resolution or ordinance discontinuing or vacating any street, alley or public ground shall be recorded in a book of street records, and the record shall be prima facie evidence of all the matters therein set forth.

**§ C-246. Establishing and Altering Street Grades.**

The Council shall have authority to determine and establish the grade of all streets, avenues, alleys and public grounds within the City, and may change or alter the grade of any street, alley or

public ground, or of 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 made in the book of street records in the office of the City Clerk and it shall be the duty of the surveyor to make such record.

**§ C-247. Only One Assessment Allowed for Changing Street Grades.**

Whenever any street or public highway shall have been graded or pavement shall have been constructed, in conformity to grades established by authority of the City, and the expenses thereof shall have been assessed upon lots or lands bounded by or abutting upon such street, alley or public highway, the owner or owners of such lots or lands shall not be subject to any special assessment occasioned by any subsequent change of grade in such pavement, alley or public highway, but the expenses of all improvements occasioned by such change of grade shall be chargeable to and be paid by the City.

**§ C-248. Damages for Change of Grade; Authority to Assess Against Benefited Property; Procedure.**

Whenever the grade of any street or sidewalk shall have been heretofore or shall thereafter be established, and improvements shall hereafter be made by the owner or occupant of the adjacent property in conformity to such grade, such grade shall not be changed without compensation to the owner for all damages to such property resulting therefrom, to be ascertained by a jury as provided for by the general laws of the State, and said damages may be ascertained or agreed upon by and between such City and the owner or occupants of such premises. Whenever such damages shall be ascertained or agreed upon as hereinbefore provided, such damages, or such part thereof as the Council shall deem equitable and just, shall be paid by the City, or the Council may cause such damages, or such part thereof as may be just and proper, to be assessed upon such real estate as may be benefited by reason of the change of such grade, and whenever the Council shall determine to assess such damages, or any part thereof, upon the property benefited, it shall determine and define a district in said City which in its judgment is benefited by the improvement out of which damages arise, and shall cause the same to be assessed upon such district, which said assessment shall be upon the owners or occupants of the taxable real estate in said district in proportions as nearly as may be to the advantage or benefit each lot, parcel or subdivision is deemed to acquire by the improvement out of which said damages arise, but the property on account of which such damages were awarded shall not be included in said district. The assessment shall be made and the amount levied and collected in the same manner as other assessments on a district deemed to be benefited in the grading and improvement of streets, as provided for in this Charter, relative to special assessments and the collection thereof. Such damages, when collected as aforesaid, and when determined by said City, shall be paid to the person entitled thereto.

**§ C-249. Authority to Pay for Street Improvements From General Fund or Special Assessment.**

Such part of the expense of improving any street, lane or alley by grading, paving, planking, curbing or otherwise, and of repairing the same as the Council shall determine, and keeping the same free from dust and nuisance, may be paid from the general fund, or the whole or such part of the

expenses of such improvement as the Council shall determine may be defrayed by special assessments upon the lots and premises included in a special assessment district, to be constituted of the lands fronting upon the part of the street or alley as improved or proposed so to be; or constituted of lands fronting upon such improvement, and such other lands as in the opinion of the Council may be benefited by the improvement.

**§ C-250. Authority to Purchase Property for Public Uses; Jurisdiction When Beyond City.**

When the Council shall deem it for the public interest, grounds and buildings for necessary public uses may be purchased, erected and maintained beyond the corporate limits of the City; and in such cases the Council shall have authority to enforce, beyond the City Limits, and over such lands, buildings and property, in the same manner and to the same extent as if they were situated within the City, all such ordinances and police regulations as may be necessary for the care and protection thereof, and for the management and control of the persons kept or confined in any buildings maintained upon said property.

**§ C-251. Control Over Sidewalks and Crosswalks.**

The Council shall have control of all sidewalks in the public streets and alleys of the City, and may prescribe the grade thereof, and change the same when deemed necessary. They shall have power to build, maintain and keep in repair sidewalks and crosswalks in the public streets and alleys, and to charge the expense of constructing and maintaining such sidewalks upon the lots and premises adjacent to and abutting upon such walks.

**§ C-252. Authority to Compel Building and Maintenance of Sidewalks by Property Owners.**

The Council shall also have authority to require the owners and occupants of lots and premises to build, rebuild and maintain sidewalks in the public streets adjacent to and abutting upon such lots and premises, and to keep them in repair at all times, and to construct and lay the same upon such lines and grades and of such width, materials and manner of construction and within such time as the Council shall by ordinance or resolution prescribe, the expense thereof to be paid by such owner or occupant; or the Council may pay such part of the expense of building or rebuilding such walk as they may deem proper from a special fund created for such purposes.

**§ C-253. Failure of Property Owners to Build and Maintain Sidewalks.**

If the owner or occupant of any lot or premises shall fail to build, rebuild or maintain any particular sidewalk, or shall fail to keep the same in repair or remove the snow, ice and filth therefrom, or to remove and keep the same free from obstruction, encroachments, encumbrances or other nuisances, or shall fail to perform any other duty required by the Council in respect to such sidewalk, then the Council shall cause such sidewalk to be built, rebuilt, repaired or kept clean, and the expense, or such part thereof as the Council shall have determined, shall be charged to such owner or occupant, and the Council may cause the amount of such expenses incurred

thereby, for which such owner or occupant shall have become liable, together with a penalty of ten (10) percent in addition thereto, to be reported to the Assessor, to be levied by him as a special tax or assessment upon the lot or premises adjacent to and abutting upon such sidewalk, which special assessment shall be subject to review, after proper notice is given as in all other cases of special assessments provided for by this Charter. Such tax, when confirmed, shall be a lien upon such lot or premises and the same shall be collected in the same manner as other City taxes, or the City may collect such amount, together with the penalty aforesaid, from the owner or occupant of such premises in an action of assumpsit, together with costs of suit.

## **SEWERS AND DRAINS**

### **§ C-254. Authority of Council.**

The Council of the City may establish, construct and maintain a sewerage system and sewers and drains whenever and wherever necessary, and of such dimensions and materials and under such regulations as they may deem proper for the drainage of the City; and private property, or the use thereof, may be taken therefor in the manner prescribed in this Charter for taking such property for public use. But in all cases when the Council shall deem it practicable, such sewers and drains shall be constructed in public streets and grounds.

### **§ C-255. Plans Required; Establishment of Districts.**

Whenever it may become necessary, in the opinion of the Council, to provide sewerage and drains for the City or for any part thereof, it shall be their duty to devise, or cause a plan of such sewerage or drainage to be devised, as the whole Council shall determine. Such plan shall, in the discretion of the Council, be formed with a view to the division of the City into main sewer districts, each to include one or more main principal sewers, with the necessary branches and connections; the districts to be numbered and so arranged as to be as nearly independent of each other as may be. Plats and diagrams of such plan, when completed by the Council, shall be filed in the office of the City Clerk.

### **§ C-256. Subdividing Districts; Authority to Establish Special District.**

Main sewer districts may be subdivided into special sewer districts in such manner that each special district shall include one or more lateral or branch sewers connecting with the main sewer; and such lands not included in the main sewer district as, in the opinion of the Council, will be benefited by the construction thereof, may be formed into a special sewer district.

### **§ C-257. Authority to Provide Sewers Without Reference to Districts.**

The Council may, however, provide for main or trunk sewers without reference to sewer districts and may direct the preparing of diagrams or plats thereof, which, when approved by the Council, shall be recorded in the office of the City Clerk, in the book of sewer records.

**§ C-258. Financing Construction of Sewers Without Reference to Districts.**

The cost and expense of establishing and making any main or trunk sewers constructed without reference to sewer districts shall be paid from the general sewer fund, excepting such portion or portions thereof as the Council shall deem to be of benefit to adjacent private property, which property shall be described and the benefits thereto determined, assessed and taxed in the manner as hereinafter provided. Such part as the Council shall determine, being not less than one-sixth of the cost and expense of any main sewer district, or the cost of any lateral, branch or local sewer constructed within a special sewer district, shall be paid from the general sewer fund, and the remainder of such costs and expenses shall be defrayed by special assessment upon all the taxable lands and premises included within the main or special sewer district, as the case may be, in proportion to the estimated benefits accruing to each parcel respectively from the construction of the sewer. Assessments according to the benefits as aforesaid shall be made without reference to any improvements or buildings upon the lands.

**§ C-259. Resolution Required Before Constructing District Sewers; Hearings.**

Before proceeding to the construction of any district sewer, the Council shall by resolution so declare, and cause to be prepared, a diagram and plat of the whole sewer district, showing all the streets, public grounds, lands, lots and subdivisions thereof in the district, and the proposed route and location of the sewer, and the depth, grade and dimensions thereof, and shall procure an estimate of the cost thereof; and in the same resolution shall state where such diagram and plate may be found for examination and appoint a time not less than ten (10) days thereafter, when they shall meet and hear objections; notice of such meeting, with a copy of such resolution, shall be published for one (1) publication before the time appointed for such meeting, in one (1) or more newspapers of the City.

**§ C-260. Resolution Required Designating District and Establishing Specifications.**

When the Council shall determine to construct any such district sewer, they shall so declare by resolution, designating the district and describing by reference to the diagram and plat thereof, mentioned in the preceding section, the route and location, grade and dimensions of the sewer, and shall determine in the same resolution what part of the estimated expense of the sewer shall be paid from the general fund, and what part shall be defrayed by special assessment according to benefits; and they shall cause such plat and diagram as adopted to be recorded in the office of the City Clerk in the book of sewer records.

**§ C-261. Sewer Assessment Procedure.**

Special assessment for the construction of sewers shall be made by the Assessor in the manner provided in this Charter for making special assessments.

**§ C-262. Sewer Construction Required on Petition of Property Owners.**

When the owners of a majority of the frontage of lands liable to taxation in any sewer district, or part of the City which may be constituted a sewer district, shall petition for the construction of a sewer therein, the Council shall construct a sewer in such location, and if the land included in the line of such proposed sewer is not within any sewer district, a district shall be formed for that purpose. In other cases sewers shall be constructed in the discretion of the Council.

**§ C-263. Private Sewers; Authority to Require Connection.**

Whenever the Council 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 sewers in repair and free from obstruction and nuisance; and if such private sewers are not constructed and maintained according to such requirement, the Council 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 in the manner herein provided for the levying and collection of special assessments.

**§ C-264. Private Sewers; Right to Connect With Public Sewers.**

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

**§ C-265. Private Sewers; Rental for Using Public Sewers.**

The City may charge and collect annually from persons whose premises are connected by private drains with the public sewers, such reasonable sum, not exceeding ten dollars (\$10.00) per year, as they may deem just, in proportion to the amount of drainage through such private drain; and such charge shall be a lien upon the premises and may be collected by special assessment thereon, or otherwise.

**§ C-266. Assessments to Improve Ditches and Watercourses.**

Such part of the expenses of providing ditches and improving watercourses as the Council shall determine may be defrayed by a special assessment upon the lands and premises benefited thereby, in proportion to such benefits.

**§ C-267. Manner of Paying Expense of Repairing and Constructing Sewer and Drainage Facilities.**

The expense of repairing public sewers, ditches and watercourses may be paid from the general sewer fund. The expenses of constructing public sewers shall be defrayed in the manner herein prescribed for paying the expenses of the construction thereof.

**§ C-268. Control and Protection of Sewers and Drains; Borrowing for Sewer Purposes.**

The Council may enact such ordinances as may be necessary for the protection and control of the public drains and sewers, and to carry into effect the powers herein conferred in respect to drainage in the City.

If the Council shall have determined to construct any main sewer in any main sewer district, or any main trunk sewer, without reference to any sewer district, and if it shall be necessary for the City to borrow money for the payment of the amount determined by the Council to be paid from the general sewer fund toward the construction of such main sewer district, or for the payment of a trunk sewer to be constructed without reference to a sewer district, then before any further proceedings are had looking toward the construction of such sewer, the Council shall cause to be made and recorded on their proceedings an estimate of the amount necessary to be borrowed for such purpose and the question of borrowing such amount shall be submitted to the electors of the City at its next annual election or at a special election called for that purpose by the Council as provided in this Charter.

**§ C-269. Authority to Require Sewer, Water and Gas Connections.**

The Council shall have the authority to compel the making of sewer, water, gas and other connections whenever, in view of contemplated street improvements or as a sanitary regulation, sewer, water, gas or other connections should in their judgment be constructed. They shall cause written notice of their determination thereof to be given to the owner of each lot or parcel of land to which such connections are to be made, which notice shall state the number and character of connections required. Such notice shall be served by a person designated by the Council, in the manner provided for the service of summons in civil action. Nonresidents of the City, or persons who cannot be found, may be served by one (1) publication of such notice in one (1) or more newspapers of general circulation in the City. The notice shall state the time within which such connections shall be made; and if they be not constructed within the said time, the work may be done by the City, and the cost thereof, together with a penalty of five (5) percent assessed against the lots and lands for which such connections are made. Said assessments shall be certified and collected as other assessments for street improvements.

**§ C-270. Authority Over Excavations in Streets and Public Places.**

The Council shall have exclusive control of all streets, alleys and public places in said City; no trench or opening in any such street, alley or public place shall be made except by its permission first obtained and under such regulations as it may prescribe; all connections of any private sewer or drain with any lateral or trunk sewer shall be made under the direction of the Council; and the filling up and restoring the surface of all trenches and excavations in any of the alleys, streets or public places shall be under the control of the Council, whose duty it shall be to see that such connections are made and such fills completed to its satisfactions, and, in case of neglect or refusal of the party making such connection or opening to satisfactorily carry out the orders of the Council, it shall have power to have the work done at the expense of the property concerned; and to collect the same as special assessments are collected.



## APPROPRIATION OF PRIVATE PROPERTY

### § C-271. Purchase or Appropriation Authorized.

Private property may be purchased or appropriated for public use for the purpose of opening, widening, altering or extending streets, alleys and avenues; for the construction of bridges, for public buildings and for other public structures; for public grounds, parks, market places and spaces; and for the improvement of watercourses; for sewers, drains and ditches, for public hospitals, pest-houses, quarantine grounds and public cemeteries, and for other lawful and necessary public uses.

### § C-272. Procedure for Appropriation.

If it shall become necessary to appropriate private property for the public uses or purposes specified in the preceding section, the right to occupy and hold the same, and the ownership therein and thereto, may be acquired by the City and in the manner and with like effect as provided by the general laws of the State relating to the taking of private property for public use.

### § C-273. Condemnation Procedure.

Whenever the Council shall have decided a public improvement to be necessary and shall have declared that they deem it necessary to take private property, describing it, for such public improvement, designating it, and that the improvement is for the use or the benefit of the Municipality, they shall by resolution direct the City Attorney to institute the necessary proceedings in behalf of the Municipality, before the proper court, to carry out the object of the resolution in regard to taking private property by the City for such public use.

## INITIATIVE AND REFERENDUM

### § C-274. Initiative Petition; Generally.

Any proposed ordinance may be submitted to the Council by petition signed by qualified electors of the City, equal in number to the percentage hereinafter required. The procedure in respect to such petition shall be the same as provided in §§ C-286, C-287, C-288 and C-289 of this Charter, with such modifications as the nature of the case requires, except that no blank forms shall be furnished or preliminary affidavit made.

### § C-275. Initiative Petition; Contents; Duty of Council.

If the petition accompanying the proposed ordinance be signed by qualified electors equal in number to at least thirty (30) percent of the entire vote cast for all candidates for governor at the last proceeding general election at which a governor was elected, and contains a request that said proposed ordinance be submitted to a vote of the people, the City Clerk shall thereupon ascertain

and certify its number of qualified signers; whereupon, if such certificate shows the required number of qualified signers, the Council shall within twenty (20) days thereafter, either:

- (1) Pass said ordinance without alteration (subject to the referendum provided by this Charter), or
- (2) Call a special election, to be held within thirty (30) days, unless a general election or special Municipal election is to be held within ninety (90) days thereafter, and at such general or special Municipal election said proposed ordinance shall be submitted without alterations to the vote of the qualified electors of the City.

**§ C-276. Effective Date of Ordinances; Referendum Petitions.**

No ordinance passed by the Council (except when otherwise required by the general laws of the State or by provisions of this Charter, except an ordinance for the immediate preservation of the public peace, health or safety, which contains a statement of its urgency; but no grant of any franchise shall be construed to be an urgency measure, and all franchises shall be subject to the referendum vote herein provided for) shall take effect before thirty (30) days after its final passage and final publication. If, within said thirty (30) days, a petition signed by qualified electors of the City equal in number to at least thirty (30) percent of the entire vote cast for all candidates for governor at the last preceding general election at which a governor was elected, be presented to the Council, protesting against such ordinance taking effect, the same shall thereupon and thereby be suspended from taking effect, the Council shall immediately reconsider such ordinance, and if the same be not entirely repealed, the Council shall submit it, by the method provided in this Charter, to a vote of the qualified electors of the City, either at the next general Municipal election, or at a special election, which may in their discretion be called by them for that purpose, and such ordinance shall not take effect unless a majority of the qualified electors voting on the same at such election shall vote in favor thereof. The procedure in respect to such referendum petition shall be the same as provided in §§ C-286, C-287, C-288 and C-289 of this Charter, with such modifications as the nature of the case may require, except that no blank forms shall be furnished or preliminary affidavits made.

**§ C-277. Referendum on Motion of Council; Effect of Approving Inconsistent Ordinances.**

The Council may, of its own motion, submit to electoral vote for adoption or rejection at a general or special Municipal election, any proposed ordinance or measure, or a proposition for the repeal or amendment of any ordinance, in the same manner and with the same force and effect as provided in this Charter for submission on petition. If the provisions of two (2) 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.

**§ C-278. Publication of Ordinances Before Submitting to Voters.**

Whenever any proposed ordinance is required by this Charter to be submitted to the voters of the City at any election, the Council shall cause it to be published for one (1) publication in one (1) or more newspapers published in the City, immediately preceding such election.

**§ C-279. Form of Ballots; Majority Necessary.**

The ballots used when voting upon such proposed ordinance shall state the nature of the ordinance in terms sufficient to identify it, and on separate lines, the words "For the Ordinance" and "Against the Ordinance." 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 and shall take effect as provided in this Charter.

**§ C-280. Separate Ballots Required for Each Ordinance.**

A separate ballot shall be provided for each proposed ordinance whenever more than one (1) ordinance is submitted at an election.

**§ C-281. Maximum Number of Special Elections.**

There shall not be held under this Charter more than two (2) special elections in any one (1) year.

**§ C-282. Repeal and Amendment of Ordinances Adopted at Elections.**

Any ordinance adopted under this Charter by vote of the people cannot be repealed or amended except by vote of the people.

**§ C-283. Authority of Council to Make Regulations.**

The Council may by ordinance make such regulations, not in conflict herewith, as it may deem necessary to carry out the provisions of this Charter.

**§ C-284. Expense of Franchise Election Paid by Grantee.**

No special election for the sole purpose of granting a franchise, grant or license shall be held under the provisions of this Charter unless the expense of holding such election, as determined by the Council, shall be paid in advance by the grantee in said franchise, grant or license to the City Treasurer, provided that the Council by unanimous vote may waive such payment by said grantee.

**RECALL**

**§ C-285. Officers Subject to Recall.**

The holder of any elective office, except Justice of the Peace and Constable, may be removed at any time by the electors qualified to vote for a successor of such incumbent.

**§ C-286. Recall Affidavits and Petitions.**

Any qualified elector of the City may make and file with the City Clerk an affidavit containing the name of the officer sought to be removed, and a specific statement of the grounds of removal. The City Clerk shall thereupon deliver to the elector making such affidavit a sufficient number of copies of petitions for such recall and removal, printed forms of which he shall keep on hand. Such petitions shall be issued by the City Clerk with his signature and official seal thereto attached; they shall be dated and addressed to the Council, shall contain the name of the person to whom issued, the number of forms so issued, the name of the person sought to be removed, the office from which such removal is sought, the ground of such removal as stated in said affidavit, and shall demand the election of the successor to such office, a copy of which petition shall be entered in a record book to be kept in the office of the City Clerk.

Any defect in said form or record shall not invalidate the same. Said recall petition must be returned and filed with said City Clerk within thirty (30) days of its issuance.

**§ C-287. Signatures on Recall Petitions.**

Said petitions, before being returned and filed, shall be signed by qualified electors equal in number to at least twenty (20) percent of the entire vote cast for the office of Governor on the final ballot at the last preceding general election, and to each signature shall be attached his place of residence, giving street and number. Such signatures need not all be on one (1) paper. A qualified elector of the City shall make an affidavit thereto that each signature appended thereto is the signature of the person whose name it purports to be. All such papers for the recall of any one (1) officer shall be fastened together and filed as one (1) instrument, with the endorsements thereon of the names and addresses of three (3) persons designated as filing the same.

**§ C-288. Duty of Clerk to Examine Petitions.**

Within ten (10) days from the filing of said petition, the City Clerk shall ascertain by examination thereof and of the registration books and election returns, whether the petition is signed by the requisite number of qualified electors and shall attach thereto his certificate showing the result of such examination.

**§ C-289. Procedure When Petition Insufficient.**

If this certificate shows the petition to be insufficient, he shall within ten (10) days so notify in writing one (1) or more of the persons designated on the petition as filing the same; additional signatures properly verified may be filed at any time within ten (10) days from the filing of the certificates. The City Clerk shall within ten (10) days after such refiling, make like examination of the additional signatures, and attach thereto his certificate of the results. If still insufficient, or

if no additional signatures are so filed, he shall return the petition to one (1) of the persons designated as filing it, without prejudice, however, to the filing of a new petition for the same purpose.

**§ C-290. Submission of Petition to Council; Resignation or Election Required.**

When the petition shall be found and certified by the City Clerk to be sufficient, he shall submit the same with his certificate to the Council without delay, and the Council shall, if the officer sought to be removed does not resign within five (5) days thereafter, forthwith after said five (5)-day period order and fix a date for holding the said election, not less than thirty (30) days nor more than forty (40) days from the date of the City Clerk's certificate that a sufficient petition is filed, provided, however, that if any other Municipal elections are to occur within sixty (60) days from the date of the Clerk's certificate, the Council may, in its discretion, postpone the holding of the removal election to the date of such other Municipal election.

**§ C-291. Conduct of Recall Elections.**

The Council shall make or cause to be made publication of notice and all arrangements for holding such election; and the same shall be conducted and returned, and the result thereof declared; in all respects, as are other City elections. If a vacancy occurs in said office after removal election has been so ordered, the election shall nevertheless proceed as herein provided.

**§ C-292. Officer Sought to be Recalled May Also be Candidate.**

Any officer sought to be removed may be a candidate to succeed himself and, unless he requests otherwise in writing, the City Clerk shall place his name on the official ballot without nomination.

**§ C-293. Conformity to Election Provisions.**

The nomination of other candidates, the publication of notice of such removal election, and the conduct of the same, shall all be in accord with the provisions of this Charter relating to elections.

**§ C-294. Incumbent Continued in Office Until Election; Effect of Removal.**

The incumbent shall continue to perform the duties of his office until the removal election. If then elected, he shall continue in office for the balance of his term. If not then elected, he shall be deemed removed upon the qualification of his successor, who shall hold office during the unexpired term. If the successor fails to qualify within ten (10) days after receiving notification of his election, the incumbent shall thereupon be deemed removed and the office vacant.

**§ C-295. Recall Prohibited Until Officer Serves Three Months.**

No recall petition shall be filed against any officer until he has actually held his office for at least three (3) months.

**§ C-296. Ineligibility of Recalled Officers.**

No person who has been removed from an office by recall, or who has resigned from such office while recall proceedings were pending against him, shall be appointed to any office within two (2) years after such removal or resignation.

**BONDED INDEBTEDNESS**

**§ C-297. Authority to Issue Bonds; Limit; Approval by Electors.**

The City Council may borrow money on the credit of the City and issue bonds thereof in a sum not to exceed eight (8) percent of the assessed value of the real and personal property in the City for the purpose of purchasing parks and public grounds and the construction and erection of all public buildings, libraries, hospitals, almshouses, electric light, gas, heat, water and power plants, and other public utilities (except transportation facilities), bridges, sewers and other public work authorized by this Charter, whenever approved by the electors voting thereon at any general or special election, provided that at no time shall the bonded indebtedness of the City exceed eight (8) percent of the assessed valuation of all real and personal property in the City and provided, further, that bonds issued for public improvements in connection with which a special assessment district is made to pay therefor and which are a charge upon such district, shall not be included, and the resources of the sinking fund shall be deducted, in determining the amount of such indebtedness.

**§ C-298. Bonds to Acquire and Operate Utilities.**

When said City is authorized to acquire or operate any public utility, it may issue mortgage bonds therefor beyond the general limit of bonded indebtedness herein prescribed, provided that such indebtedness prescribed herein shall not impose any liability upon the City, but shall be secured only upon the property and revenues of such public utility, including a franchise, stating the terms upon which in case of foreclosure the purchaser may operate the same, which franchise shall in no case extend for a longer period than twenty (20) years from the date of the sale of such utility and franchise on foreclosure.

**MISCELLANEOUS**

**§ C-299. Officers Under Former Charter Continued in Office.**

All officers of the City of Monroe, elected or appointed under the provisions of the former act of incorporation of the City and its amendments, in office at the adoption of this Charter, shall continue to exercise their respective functions until the officers provided for in this Charter shall have been elected or appointed and qualified and entered upon the duties of their office, and thereupon the respective duties, powers and compensation of the former officers shall cease and terminate.

**§ C-300. Previous Ordinances and Regulations Declared Re-enacted.**

All by-laws, resolutions and ordinances of the City, and all resolutions and regulations adopted by the Council, Board of Health or other body within the City, heretofore in force and not inconsistent with this Charter, shall remain in force after the adoption of this Charter, and are hereby declared to be re-enacted by virtue of and under the power conferred by the Charter and until altered, amended or repealed by the Council.

**§ C-301. Previous Assessments and Franchises Declared Effective.**

All assessments, whether general or special, all licenses and franchises granted and every official action heretofore taken by the City not inconsistent herewith, shall remain in full force and effect until they expire by their own limitation or until further acted upon, modified or repealed by the Council.

**§ C-302. Procedure for Publishing Notices.**

When by the provisions of this Charter, notice of any matter or proceedings is required to be published or posted, an affidavit of the publication or posting of the same made by the printer of the newspaper in which the same was published, or by some person in his employ, knowing the facts when such notice is required to be published, or by the person posting the same, when required to be posted, shall be prima facie evidence of the facts therein contained, provided that the same shall be filed with the City Clerk within thirty (30) days from the date of the last publication thereof or of posting the same.

**§ C-303. Issuance of Bonds to Pay Judgments.**

Whenever any judgment or decree of any court shall be rendered or decreed against the City and the City shall be unable to meet the payment of such judgment or decree by reason of the limitation of its power of taxation, then and in such case it shall be lawful for the City Council to issue the bonds of the City to an amount not exceeding the sum of such decree or judgment and the taxable cost arising in the procuring of such judgment or decree, together with the interest thereon, which bonds may be made payable at such time and place and at such rate of interest, not exceeding a legal rate of interest, as shall be prescribed by the City Council, and such bonds shall be sold and disposed of at not less than par value in such manner as may be deemed advisable by said Council.

**§ C-304. Election for Ratification of Charter Required.**

This Charter shall be submitted to the electors of the City of Monroe, Michigan, for their approval or rejection, on the eighth day of December, 1913.

§ C-383                    CHARTER § C-391

**§ C-305.    Publication of Charter Required.**

Prior to such submission, said Charter shall be published once in one (1) or more newspapers published and circulated in said City, at least twenty (20) days before the eighth day of December, 1913.

**§ C-306.    Conduct at Charter Election; Effective Date; Existing Charter Repealed.**

The ballots used at such election shall contain the instructions required under the general election law of the State, and the proposition to be submitted shall be in the following language:

“Shall the revised Charter be adopted (    ) Yes.”

“Shall the revised Charter be adopted (    ) No.”

Every person entitled to vote for City officers under the existing Charter may vote upon such adoption or rejection.

Should the revised Charter so submitted receive more votes in its favor than shall be cast against it, it shall take effect and be the governing law of the City at the time and in the manner provided by Act 5 of the Public Acts of 1913, and upon its so taking effect, Act 215 of the Public Acts of Michigan and Acts amendatory thereto, shall cease and terminate as a Charter of the City of Monroe.

**§ C-307.    Nomination and Election of First Officers.**

It shall be the duty of the Mayor, City Council, the City Clerk and other officers in office when this Charter is adopted, to comply with all requirements of this Charter relating to nominations and elections, to the end that all things may be done necessary to the nominations and election of the first officers to be elected under this Charter according to the provisions hereto.

**§ C-308.    Authority of Councilperson to Administer Oaths; Perjury.**

Any Councilperson elected within the City may administer an oath or affirmation to any person required to make a statement or called upon for testimony concerning any matter pending before the Council or any officers of the City, and any person testifying falsely or making false statements under oath shall be subject to the pains and penalty of perjury.

**§ C-309.    Appeals by City to State Courts.**

If in any case it becomes necessary for the City to appeal to any of the courts of this State, no appeal bond shall be required on behalf of the City, but in case the City be defeated, the judgment against the City, if any, shall be collected in the manner provided by law.



**§ C-310. Books Audited and Closed When Charter Adopted.**

Upon the adoption of this Charter, all the public records and books of account belonging to the City shall be audited, closed and balanced up to such date, and a new record and entry relating to such matters shall be commenced and made as of the day when this Charter becomes operative.

**§ C-311. Absence, Disability and Vacancy in Office of Mayor.**

In the absence or disability of the Mayor, or in case of any vacancy in his office, the Council shall appoint one of its members to preside, and for the time being he shall exercise the powers and duties of the Mayor.

**§ C-312. Special Committees and Boards.**

The Council may provide by resolution or ordinance for special committees or boards from its members or otherwise, who shall perform such duties, make such investigations, have charge of and report upon such matters as may be properly referred to them, and they shall be appointed by the Council.

**§ C-313. When Offices Become Vacant; Resignations.**

Offices shall become vacant upon the occurrence of any of the following:

- (a) Death of incumbent.
- (b) Resignation of incumbent.
- (c) Permanent disability of incumbent.
- (d) Removal of incumbent from office.
- (e) Removal of incumbent from City.
- (f) By such other means as may be provided by law.

Resignations shall be made to the Council in writing, and shall be subject to its approval and acceptance.

**§ C-314. Affidavits Accompanying Claims Against City.**

Before auditing any claim or account or charge against the City, the Council may require the same to be accompanied by an affidavit in the following form.

No. \_\_\_\_\_  
STATE OF MICHIGAN )

COUNTY OF MONROE ) ss.  
)

The undersigned, being duly sworn, deposes and says that he verily believes that the services or property herein charged has been actually performed or delivered for the City; that the sum charged therefor are reasonable and just, and that to the best of his knowledge and belief no set-off exists, nor payment has been made on account thereof, except such as indorsed or referred to in such account or claim.

Sworn and subscribed to before me this \_\_\_\_\_ day of \_\_\_\_\_ A.D. \_\_\_\_\_.

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

**§ C-315. Purchases Prohibited Without Order; Exceptions.**

No property, supplies or other articles of whatever name or nature shall be purchased for or on behalf of the City unless ordered by a vote of the Council, except that articles of immediate necessity may be purchased upon the written order of some member of the Council or the City Clerk, and the City Clerk shall keep a record of all property so purchased for the City, and charge the same to the office or department for which the same was purchased and delivered, and report to the Council at the first meeting in each month, and at such other times as the Council may request, a detailed statement of all such property and supplies so purchased and to whom delivered, during the preceding month.

**§ C-316. Reports by Elective Officers.**

It shall be the duty of each and every elective officer of the City to make a report annually in writing, on the last Monday of December, and on such other dates as the Council may request, of all the property and effects in their hands and under their control belonging to the City as they shall deem for the best interests of the City, and any officer of the City who shall fail or neglect to report as provided in this section, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding fifty dollars (\$50.00) or imprisonment in the County Jail not to exceed ninety (90) days or both such fine and imprisonment in the discretion of the Council.

**§ C-317. Confinement of Arrested Persons; City Prison.**

Any person arrested by order of any process issued from any court of justice in said City, or by authority of any officer of said City, may be confined in the City prison at labor or in the jail of Monroe County, and the laws of this State governing prisoners in said County Jail shall apply to said City prison. The keeper of said City prison shall be allowed such compensation for the keeping and care of such prisoners confined therein as the Council may determine to be just and reasonable, not exceeding the amount allowed by the Board of Supervisors of Monroe County for the keeping of prisoners in the County Jail.

**§ C-318. Prosecutions for Violation of Ordinances.**

All proceedings to recover any penalty or forfeiture for the violation of any ordinances of the City shall be brought in the name of the City of Monroe, under the direction of the Council, and shall be prosecuted by the City Attorney.

**§ C-319. Qualifications of Justices, Jurors and Witnesses.**

No person otherwise qualified shall be disqualified from acting as justice or juror upon any trial or proceeding in any suit brought to recover any forfeiture or penalty for the violation of this Charter or any ordinance of the City, nor be rendered incompetent to serve any process, or to be a witness in any legal proceedings within the said City, or pertaining to the officers thereof, by reason of his being a taxpayer in said City.

**§ C-320. Board of Public Works Abolished.**

The Board of Public Works of the City of Monroe, as heretofore existing, is hereby abolished and all its rights, powers and duties shall hereafter vest in and be exercised by the Council of the City of Monroe; and all regulations of the said Board shall remain in full force and effect until amended, altered or repealed by the Council elected under this Charter, and said Board of Public Works shall remain in office until the Council has been elected and qualified under this Charter.

**§ C-321. Severability.**

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

**§ C-322. First Election Under Charter.**

The first election under this Charter shall be held in the several wards of the City as now constituted, at such place therein as the Council shall direct, on the twenty-ninth day of December, 1913, at which time there shall be elected a Mayor, whose term of office shall expire on the first Monday in January, 1916; one (1) Commissioner whose term of office shall expire on the first Monday of January, 1916; one Commissioner whose term of office shall expire on the first Monday in January, 1918; one Justice of the Peace, whose term of office shall expire on July 4th, 1918; one Constable, whose term of office shall expire on the first Monday in January, 1916.

**§ C-323. Notification of Election or Appointment; Failure to Take Oath and File Bond.**

The City Council shall within five (5) days notify every officer and employee of his election or appointment, and state the amount of his official bond, if any is required.

If any officer shall neglect to subscribe the oath of office and to file the bond herein required within the time prescribed therefor, or if any officer required to execute a new official bond shall fail to do so within the time limited for filing the same, the Council may declare such office vacant and the vacancy shall be filled as hereinbefore provided.

**§ C-324. Installation of Water Facilities Authorized. [Amended 12-7-1927]**

The City Council may install proper water mains, hydrants, pipes or aqueducts in any district within the City of Monroe, which is not properly served by such water mains, hydrants, pipes or aqueducts upon the presentation of a petition by one (1) or more owners of real estate within such district asking for same. The cost of such water mains, hydrants, pipes or aqueducts shall be defrayed by special assessment levied according to benefits upon such lots fronting upon the streets or alleys where such mains, hydrants, pipes or aqueducts are to be laid, provided, that in the event the main installed is larger than six (6) inches in diameter, the difference between the cost of a six (6)-inch main and the cost of the one installed shall be defrayed by the funds of the Department of Water Supply. The manner of levying and collection such special assessment shall be as provided for in this Charter under special assessments, provided, however, that it shall not be necessary for owners of a majority of the frontage to be assessed to petition therefor or consent thereto.

**POLICE CIVIL SERVICE**

**§ C-325. Civil Service Commission Created. [Amended 4-7-1937]**

Within thirty (30) days after the approval of this amendment (§§ C-325 through C-345) by the electors of the City of Monroe, Michigan, a Civil Service Commission shall be created in the manner hereinafter provided, which Commission shall have charge of the administration of the power hereinafter prescribed governing the Police Department of the City of Monroe, Michigan.

**§ C-326. Membership of Commission; Vacancies; Term. [Amended 4-7-1937]**

The Civil Service Commission shall consist of three (3) members, to be appointed by the Mayor and said appointments approved by the legislative body of the City. The appointments shall be for staggered terms of six (6), four (4), and two (2) years, so that no more than one (1) Commissioner's term shall expire in any one (1) year. Vacancies in the office of the Civil Service Commission, whether occurring through expiration of term or for any cause or reason, shall be filled by the Mayor, said appointments to be approved by the legislative body of the City. Where vacancies occur through removal, death, resignation or any cause other than expiration of term, vacancy appointments shall be for the remainder of the term of the Commissioner in whose office the vacancy occurs. Appointments made up on the expiration of a term shall be for the full period of six (6) years.

**§ C-327. Compensation and Officers of Commission. [Amended 4-7-1937]**

Members of the Civil Service Commission shall serve without pay. They shall elect one (1) of their number to act as President and one of their number to act as Secretary of the Commission.

These officers shall serve for one (1) year after their election and until their successors are elected and qualified. The Commission may prescribe such rules and regulations governing their meetings, duties of officers, conduct, and order of business as they shall deem necessary in the premises, not inconsistent with this amendment (§§ C-325 through C-345).

**§ C-328. Qualifications of Members. [Amended 4-7-1937]**

No person shall be appointed a member of said Civil Service Commission who is not a citizen of the United States and who has not been a resident of the City of Monroe, Michigan, for a period of three (3) years, and an elector of said City for a period of at least three (3) years immediately preceding such appointment. No Commissioner shall hold any other office under the United States, the State of Michigan or any other political subdivision thereof, nor shall any Commissioner serve on any political committee or take any active part in the management of any political campaign. Not more than two (2) of said Commissioners at any time shall be adherents of the same political party.

**§ C-329. When Vacancies Filled by Commission. [Amended 4-7-1937]**

In the event the Mayor and the Council of the City of Monroe shall fail to fill vacancies within thirty (30) days after such vacancy or vacancies shall occur, the remaining member or members of the Civil Service Commission may fill such vacancies, certifying such appointment or appointments to the Mayor in writing and such appointee or appointees shall serve until appointments to fill such vacancy or vacancies are made by the Mayor and Council of the City as hereinbefore provided.

**§ C-330. Removal of Commissioner. [Amended 4-7-1937]**

The Mayor or principal executive office of the City may at any time remove any Commissioner for incompetency, dereliction of duty, malfeasance in office or any other good cause which shall be stated in writing and made a part of the record of the Commission and served upon the Commissioner removed or to be removed, either personally or by registered mail; provided, however, that within ten (10) days following the filing by the Mayor of the statement or statements in writing for the removal of said Commissioner, said Mayor or chief executive office shall file in the office of the Clerk of the Circuit Court of the County of Monroe, Michigan, a petition setting forth in full the reason for said removal and praying for the confirmation by said court of the action of the Mayor in so removing the said Commissioner. A copy of the said petition in writing shall be served upon the Commissioner so removed within five (5) days after the same is filed in said Clerk's office. Said Commissioner so removed shall answer the charges of said petition if he desires to contest his removal, said answer to be in writing, filed with the Clerk of said Court and a copy thereof served upon the Mayor within ten (10) days after the service upon such Commissioner of a copy of the Mayor's petition aforesaid. The matter of the Commissioner's removal shall then be deemed at issue and such issue shall have precedence on the docket of said Court and shall be heard by said Court as soon as the removed Commissioner shall demand. All rights hereby vested in said Circuit Court may be exercised by the judge thereof during vacation. In the event that no term of court is being held at the time of the filing of said petition and the judge thereof cannot be reached in the county wherein the petition was filed, said petition shall be heard

in the next succeeding term of said Circuit Court, whether regular or special, and the Commissioner so suspended shall remain suspended until a hearing is had upon the petition of the Mayor. The Court, or the judge thereof, in term or in vacation, shall hear and decide upon said petition. The contestant against whom the decision of the Court or judge thereof in vacation, shall be rendered, shall have the right of appearing in person or by counsel and presenting his defense and to petition the Supreme Court of the State of Michigan for a review of the decision of the Circuit Court or the judge thereof in vacation, as in chancery cases. In the event that the Mayor shall fail to file this petition in the office of the Clerk of the Circuit Court as hereinbefore provided within ten (10) days after the removal of said Commissioner, such Commissioner shall immediately resume his position as member of the Civil Service Commission.

**§ C-331. Effect of Provisions on Existing Commission. [Amended 4-7-1937]**

The powers and duties of the Civil Service Commission provided by this amendment (§§ C-325 through C-345) shall be exercised by any Civil Service Commission now existing in the City of Monroe. The intent of this amendment (§§ C-325 through C-345) shall not be construed to mean the appointment and creation of a separate Civil Service Commission to function under this amendment (§§ C-325 through C-345), but the powers and duties herein prescribed for the Civil Service Commission shall be added to and exercised by any Civil Service Commission functioning at the time of the adoption of this amendment (§§ C-325 through C-345).

**§ C-332. City Clerk Declared Clerk of Commission and Recorder. [Amended 4-7-1937]**

The City Clerk shall “ex officio” be Clerk of the Civil Service Commission and the office of said Clerk shall be the office of said Commission for the keeping and filing of all records and actions of the Commission, which by this amendment (§§ C-325 through C-345) are required to be kept and maintained as public records.

**§ C-333. Application of Provisions; Employees Covered. [Amended 4-7-1937]**

On and after the date this amendment (§§ C-325 through C-345) takes effect, appointments and promotions in the Police Department of the City of Monroe, including the Chief, shall be made only according to qualifications and fitness to be ascertained by examinations, which shall be competitive and no person shall be appointed, reinstated, promoted or discharged as a paid member of said Police Department, regardless of rank or position, in any manner or by any means other than those prescribed in this amendment (§§ C-325 through C-345), provided that all members of the Police Department regardless of position, who have been members of the Department for a period of six (6) months or longer preceding the adoption of this amendment (§§ C-325 through C-345), shall be eligible for examination, upon application, and as to such members, age and physical requirements shall be waived, excepting that each such member so applying for examination shall present to the Civil Service Commission a certificate of the City Physician or the Medical Commission as hereafter provided, certifying that he is free from such physical defects as would prevent his performance of normal police duties, provided that the prior service in the Department by such members may be considered by the Civil Service Commission as a credit preference to such members.

**§ C-334. City Official to Assist Commission; Office Supplies, Etc. [Amended 4-7-1937]**

It shall be the duty of the Mayor, or principal executive officer and heads of departments of the City of Monroe to aid the Civil Service Commission in all proper ways in carrying out the provisions of this amendment (§§ C-325 through C-345), and to allow the reasonable use of public buildings and to cause suitable and convenient rooms and accommodations to be assigned and provided, and to be furnished, heated and lighted for carrying on the work and examinations of the Civil Service Commission and in all proper ways to facilitate the same, and to provide and pay for the necessary clerical and stenographic services for the work of the Civil Service Commission. The Civil Service Commission may order from the proper authorities the necessary stationery, postage stamps, official seal and other articles to be supplied, and the necessary printing to be done, for its official use.

**§ C-335. General Duties and Powers of Commission. [Amended 4-7-1937]**

The Civil Service Commission of the City of Monroe, within the terms of this amendment (§§ C-325 through C-345), shall:

- (1) Prescribe, amend and enforce rules and regulations for carrying into effect the provisions of this amendment (§§ C-325 through C-345). All rules so prepared may from time to time be added to, amended or rescinded.
- (2) Keep minutes of its own proceedings and records of its examinations and other official actions. All recommendations of applicants for office, received by the said Commission or by an officer having authority to make appointments to office, shall be kept and preserved for a period of ten (10) years, and all such records, recommendations, or former employees excepted, and all written causes of removal, filed with it, shall, subject to reasonable regulation, be open to public inspection. It shall keep a roster of the members of the Police Department, together with a record of service and military or naval experience, and file statements on all matters relating to the character and quality of the work done and the attitude of the individual to his work and such other matters as may have a bearing on promotion, transfer or discharge.
- (3) Make investigations, either sitting in a body or through a single Commissioner, concerning all matters touching the enforcement and effect of the provisions of this amendment (§§ C-325 through C-345), and the rules and regulations prescribed thereunder, concerning the action of any examiner or subordinate of the Commission, or any person in the public service in respect to the execution of this amendment; and in the course of such investigations, each Commissioner shall have the power to administer oaths and affirmations and to take testimony.
- (4) Have power to subpoena and require the attendance of witnesses and the production thereof of books and papers pertinent to the investigations and inquiries hereby authorized, and to examine them and such public records as it shall require, in relation to any matter which it has the authority to investigate. The fees of such witness for attendance and travel shall be the same as for witnesses before the Circuit Courts, and shall be paid from the appropriations for the incidental expenses of the Commission. All officers in the public service and

their deputies, clerks, subordinates and employees shall attend and testify when required to do so by said Commission. Any disobedience to, or neglect of, any subpoenas issued by the said Commissioners or any one of them, to any person, shall be held in contempt of court, and shall be punished by the Circuit Court within the county in which the said subpoena has been issued. Any judge of any said courts shall, upon the application of any one of said Commissioners, in such cases, cause the process of said court to issue to compel such person or persons, disobeying or neglecting any such subpoena, to appear or give testimony before the said Commissioners; any one of them shall have power to punish any such contempt.

- (5) Make an annual report to the Mayor or principal executive officer showing its own action, and rules and regulations, and all exceptions thereto in force, and the practical effects thereof, and any suggestions it may approve for the more effectual accomplishments of the purpose of this amendment (§§ C-325 through C-345). Such reports shall be available for public inspection for five (5) days after the time (they) shall have been delivered to the Mayor or principal executive officer of the City of Monroe.

**§ C-336. Applications for Examination and Appointment. [Amended 4-7-1937; 8-5-1952]**

- (1) The Civil Service Commission of the City of Monroe shall require persons applying for admission to any examination provided for under this amendment (§§ C-325 through C-345) or under the rules and regulations of the said Commission, to file in its office, within fifteen (15) days prior to the proposed examination, a formal application in which the applicant shall state under oath or affirmation:

First, his name, residence and post office address.

Second, his citizenship and age, and the place and date of his birth.

Third, his health and physical capacity for public service.

Fourth, his business and employments and residence for at least three (3) years previous, showing that he has been a resident of the City of Monroe for at least one (1) year immediately preceding his application.

Fifth, such other information as may reasonably be required, touching the applicant's qualifications and fitness for public service.

- (2) Blank forms for such applications shall be furnished by the said Commission, without charge to all persons requesting same. Said Commission may require in connection with such application such certificate of a citizen, physicians or others having knowledge of the applicant, as the good of the service may require. The said Commission may refuse to examine an applicant, or after examination, to certify as eligible, one who is found to lack any of the established preliminary requirements for the examination for the position or employment for which he applied; or who is physically so disabled as to be rendered unfit for the performance of the duties of the position to which he seeks appointment; or who is addicted to the habitual use of intoxicating liquors or drugs; or who may have been guilty of any crime, or infamous or notoriously disgraceful conduct; or who has been dismissed for the



public service for delinquency or misconduct; or who has made a false statement of any material fact, or practiced or attempted to practice any deception or fraud in his application, in his examination, or in securing his eligibility; or who refused to comply with the rules or regulations of the Commission. If any applicant feels himself aggrieved by the action of the Commission in refusing to examine him, or after examination, to certify him as eligible as provided in this section, the Commission shall, at the request of such applicant, appoint a time and place for a public hearing; at which time such applicant may appear, by himself or counsel, or both, and the Commission shall then review its refusal to make such examination or certifications, and testimony shall be taken. The Commission shall subpoena, at the expense of the applicant, any competent witnesses requested by him. After such review, the Commission shall file the testimony taken in its records and shall again make a decision, which decision shall be final.

- (3) All applicants for any position in the Police Department shall undergo a physical examination, which shall be conducted under the supervision of the City Physician. The City Physician shall report the results of such examination to the Civil Service Commission, on blanks to be provided by the Civil Service Commission. Such examination and reports shall be made by the City Physician without additional cost or charge to the regular pay provided for the City Physician. Said Physician shall certify that an applicant is free from any bodily or mental defects, deformity or diseases that would incapacitate him from the performance of the duties of the position desired before said applicant shall be permitted to take further examinations; provided, always, any applicant for position on the Police Department, or for promotion in the Police Department, having been disqualified by the report of the City Physician, may appeal therefrom to the Mayor, who shall appoint a Medical Commission consisting of two medical doctors, practicing their profession in the City of Monroe, who shall examine said applicant and report to said Civil Service Commission the results of their examination. If said Medical Commission's findings are unanimous in favor of the applicant's qualifications, then said applicant shall be deemed eligible to take the examination for appointment or promotion. If the report of said Medical Commission is not unanimous, but one member thereof shall agree with the findings of the City Physician, then said applicant shall not be deemed eligible to take the examination involved. No applications will be received if the person applying is less than twenty-one (21) years of age, or more than thirty-five (35) years of age at the date of his application, excepting as hereinbefore provided for present members of the police force by § C-333 aforesaid.

**§ C-337. Regulations of Commission; Appointment and Promotion Procedures.  
[Amended 4-7-1937]**

- (1) The Civil Service Commission shall make rules and regulations providing for examinations for positions in the Police Department of the City of Monroe and for appointments and promotions therein, and for such other matters as are necessary to carry out the purposes of this amendment (§§ C-325 through C-345). Due notice of the contents of such rules and regulations and/or any modifications thereof, shall be given by mail in due season to appointing officers affected thereby and said rules and regulations and modifications thereof shall be printed for public distribution. All original appointments to any position in the Police Department shall be for a probationary period of six months. If at the close of this probationary term, the conduct or capacity of the probationer has not been satisfactory to the appointing officer, such appointing officer shall notify such probationer in writing, where-

upon such probationer's employment shall cease; otherwise his retention in the service shall be equivalent to his final appointment.

- (2) Every position in the Police Department, unless filled by promotion or reduction, shall be filled only in the following manner: The appointing officer shall notify the Civil Service Commission of any vacancy in the service which he desires to fill and shall request the certification of eligibles. The Civil Service Commission shall forthwith certify from the eligible list, the name of the person who received the highest average at the preceding examinations held under the provisions of this amendment (§§ C-325 through C-345) within a period of three (3) years next preceding the date of such appointment. The appointing officer shall, thereupon, with sole reference to the relative merit and fitness of the candidate, make the appointment so certified; provided, always, that such appointing officer may require the eligible so certified to furnish such appointing officer a certificate of a medical doctor in good standing and practicing his profession in the City of Monroe, Michigan, certifying that said eligible is free from any bodily or mental defect, deformity or disease that might incapacitate him for the performance of the duties of the position desired, incurred or suffered since the medication examination of the eligible herein before provided. If such certificate cannot be furnished, then the appointing officer shall request the Civil Service Commission to continue its certification of eligible to be appointed until such vacancy is filled. As each subsequent vacancy occurs in the same or in other positions, the same procedure shall be followed. When an appointment is made under the provisions of this amendment (§§ C-325 through C-345), it shall be, in the first instance, for the probationary period of six (6) months as provided in the amendment (§§ C-325 through C-345). The term "appointing official" as used in this amendment (§§ C-325 through C-345) shall be construed to mean a Municipal officer in whom the power of appointment of members of the Police Department is vested by this Charter of the City.
- (3) Whenever there are urgent reasons for filling a vacancy in any position in the Police Department, and there is no list of persons eligible for appointment after a competitive examination, the appointing officer may nominate a person to the Civil Service Commission for a non-competitive examination; and if such nominee or nominees shall be certified by said Commission as qualified, after such non-competitive examination, he may be appointed provisionally to fill such vacancy until a selection and appointment can be made after a competitive examination in the manner prescribed in this amendment (§§ C-325 through C-345); but such provisional appointment shall not continue for a longer period than three (3) months, nor shall successive provisional appointments be made to the same position under this provision.

**§ C-338. Examinations and Promotions. [Amended 4-7-1937]**

All examinations for positions or promotions shall be practical in their character and shall relate to such matters and include such inquiry as will fairly and fully test the comparative merit and fitness of the persons examined to discharge the duties of the employment sought by them. All examinations shall be open to all applicants who have fulfilled the preliminary requirements, stated in other sections of this amendment. Notice of the time and place and purpose of every examination shall be given by the Commission by publication for two (2) weeks preceding such examination in a newspaper published and circulating in the City of Monroe, and such notice shall be posted by the Commission in a conspicuous place in the office and on the bulletin boards of the

City of Monroe for two (2) weeks before such examination. Such further notice of examinations may be given as the Commission shall prescribe. The said Commission shall adopt reasonable regulations for permitting the presence of representatives of the press at the examination. The Commission shall post, in a public place at its office, the eligible list, containing the names and grades of those who have passed examinations for positions or promotions in the Police Department under this amendment (§§ C-325 through C-345), and shall indicate thereon such appointments as may be made from said list. No question in any form of application or any examination shall be so framed as to elicit information concerning the political or religious opinions or affiliations of any applicant; nor shall inquiries be made concerning such opinions or affiliations; and all disclosures thereof shall be discountenanced. No discrimination shall be exercised, threatened or promised by any person in the Police Department against or in favor of an applicant, eligible or employee in the Police Department under this amendment (§§ C-325 through C-345) because of his political or religious opinions or affiliations.

Promotions in the Police Department, including the appointment of the Chief of Police, shall be filled, so far as practical, from among the members of the Police Department. Promotion shall be based upon merit to be ascertained by tests to be provided by the Civil Service Commission and upon the superior qualifications of the person promoted as shown by his previous service and experience provided, however, that no person shall be eligible for promotion until such person shall have completed at least two (2) years' service in the Department. Whenever a position becomes vacant for which examinations are held, the appointing power shall make requisition upon the Commission for the name of the person eligible for appointment thereto. The Commission shall certify the name of the person highest on the eligible list for the class to which the vacant position has been allocated, who is willing to accept employment. If more than one (1) vacancy is to be filled, an additional name shall be certified for each additional vacancy. The appointing power shall forthwith appoint such person to such position. To enable the appointing power to exercise a choice in the filing of positions of promotion in the police service, no promotion shall be deemed complete until after the expiration of a period of six (6) months' probationary service, during which the appointing power may terminate the employment of the person certified to him or it, if during the performance test thus afforded, upon observation or consideration of performance of duty, the appointing power deems him unfit or unsatisfactory for such promotion in the Department. Whereupon the appointing power shall designate the person, certified as standing next highest on any such list, and such person shall likewise enter upon such duties and so on until a person is found who is deemed fit for appointment, whereupon the appointment or promotion shall be deemed complete. The Commission shall have the power to determine in each instance whether an increase in salary constitutes a promotion. All persons failing during the probationary period aforesaid to satisfy the appointing power or officer, on being replaced as aforesaid, shall revert to the position occupied previous to such probationary promotion.

**§ C-339. Demotion, Suspension and Dismissal. [Amended 4-7-1937]**

No person shall be reduced in pay or position, laid off, suspended, discharged or otherwise discriminated against by any appointing officer for religious or political reasons or affiliations. In all cases of reductions, layoff or suspension of an employee or subordinate, whether appointed for a definite term, or otherwise, the appointing authority shall furnish such employees or subordinate with a copy of reasons for layoff, reduction or suspension and his reasons for the same, and give such employee or subordinate a reasonable time in which to make and file an explanation. Such order, together with the explanation, if any, of the subordinate shall be filed with the Commission.

Nothing in this amendment (§§ C-325 through C-345) contained shall limit the power of an appointing officer to suspend without pay, for purposes of discipline, an employee or subordinate for a reasonable period, not exceeding thirty (30) days; provided, however, that successive suspensions shall not be allowed; and provided, further, that the provisions of this amendment (§§ C-325 through C-345) shall not apply to temporary and exceptional appointments made under the authority of this amendment.

**§ C-340. Disciplinary Action; Hearings; Appeals; Removal for Economy. [Amended 4-7-1937]**

The tenure of everyone holding an office, place, position or employment under the provisions of this amendment (§§ C-325 through C-345) shall be only during good behavior and efficient service; and any such person may be removed or discharged, suspended without pay or deprived of vacation privileges or other special privileges for incompetency, inefficiency, dishonesty, drunkenness, immoral conduct, insubordination, discourteous treatment of the public, neglect of duty, violation of the provisions of this amendment (§§ C-325 through C-345) or the rules of the Commission, or any other failure of good behavior, or any other acts of misfeasance, malfeasance or nonfeasance in office, provided, however, no member of any Police Department within the terms of this amendment (§§ C-325 through C-345) shall be removed, discharged or reduced in rank or pay except for cause, and in no event until he shall have been furnished with a written statement of the reasons for such actions. In every case of such removal or reduction a copy of the statement of reasons therefor and answer thereto, if the person sought to be removed desires to file such written answer, shall be furnished to the Civil Service Commission and entered upon its records. If the person sought to be removed or reduced shall demand it, the Civil Service Commission shall grant him a public hearing, which hearing shall be held within a period of ten (10) days from the filing of the charges in writing and a written answer thereto; provided, always, said Civil Service Commission may adjourn such hearing from time to time for a period not to exceed ninety (90) days from the date of filing the answer and demand for hearing of the person sought to be removed. At such hearing the burden shall be upon the removing officer to justify his action. In event that the Civil Service Commission fails to justify the action of the removing officer then the person sought to be removed shall be reinstated with full pay for the entire period which he may have been prevented from performing his usual employment, and no charges shall be officially recorded against his record. A written record of all testimony taken at such hearing shall be kept and preserved by the Civil Service Commission, which record shall be sealed and not available for public inspection, in event that no appeal shall be taken from the action of the Commission. In event that the Civil Service Commission shall sustain the action of the removing officer the person removed shall have an immediate right of appeal to the Circuit Court of Monroe County. Said appeal shall be taken within ninety (90) days from the entry of the Civil Service Commission of its final order; upon such an appeal being taken and docketed with the Clerk of the Circuit Court of the County of Monroe, the Circuit Court shall proceed to hear the appeal upon the original record taken therein and no additional proof shall be permitted to be introduced. The Circuit Court's decision shall be final, saving the employee, however, the right to petition the Supreme Court for a review of the Court's decision. The removing officer and the person sought to be removed shall at all times, both before the Civil Service Commission and upon appeal, be given the right to employ counsel to represent either of them before said Civil Service Commission and upon appeal, should the person removed elect to appeal to the Circuit Court as hereinbefore provided.

If for any reasons of economy it shall be deemed necessary by the Mayor and Council of the City of Monroe to reduce the number of paid members of the Police Department, said officials shall comply with the following procedure:

Such removal shall be accomplished by suspending in successive order the last appointees to said Police Department until adequate suspensions have been made to effect the reduction desires, provided, further, however, that in the event said Police Department shall again be increased in numbers, the policemen so suspended as aforesaid shall be first reinstated before any appointment to said Police Department shall be made, and such reinstatement shall be made in the inverse order of their suspensions.

**§ C-341. Fraudulent and Corrupt Acts Prohibited. [Amended 4-7-1937]**

Any commissioner or examiner or any other person, who shall willfully, by himself or in cooperation with one (1) or more persons, defeat, deceive or obstruct any person in respect to his right of examinations or registration according to this amendment (§§ C-325 through C-345), or to any rules or regulations prescribed pursuant thereto, or who shall willfully or corruptly, falsely, mark, grade, estimate or report upon the examination or proper standing of any person examined, registered or certified, pursuant to the provisions of this amendment (§§ C-325 through C-345), or aid in doing so, or who shall willfully or corruptly furnish to any person any special or secret information, for the purpose of either improving or injuring the prospects or chances of appointment of any person so examined, registered or certified, or to be examined, registered or certified; or who shall impersonate any other person, or permit or aid in any manner any other person to impersonate him in connection with any examination or registration, or application or request to be examined or registered, shall, for each offense be deemed guilty of a misdemeanor.

**§ C-342. Appointments Contrary to Provisions Prohibited; Penalties. [Amended 4-7-1937]**

Whoever makes an appointment to office, or selects a person for employment contrary to the provisions of this amendment (§§ C-325 through C-345), or willfully refuses or neglects otherwise to comply with, or conform to, any of the provisions of this amendment (§§ C-325 through C-345), or violates any of such provisions shall be deemed guilty of a misdemeanor. Misdemeanors under the provisions of this amendment (§§ C-325 through C-345) shall be punishable by a fine of not less than fifty dollars (\$50.00), nor more than one thousand dollars (\$1,000) or by imprisonment in the Detroit House of Corrections or County Jail for a term of not exceeding one (1) year, or by both fine and imprisonment, in the discretion of the Court.

**§ C-343. Appointing Power Defined. [Amended 4-7-1937]**

The "appointing power" as used in this amendment (§§ C-325 through C-345) shall mean the Mayor of the City of Monroe functioning with the approval of the City Council.

**§ C-344. Disciplinary Authority of Chief of Police. [Amended 4-7-1937]**

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The Chief of Police shall exercise the disciplinary powers provided in this amendment (§§ C-325 through C-345) and shall, in addition, prescribe such disciplinary rules and regulations for the government of the Department, not inconsistent with the terms of this amendment (§§ C-325 through C-345) and for enforcing the same.

**§ C-345.    Inconsistent Charter Provisions Repealed. [Amended 4-7-1937]**

All provisions of the Charter of the City of Monroe, Michigan that are inconsistent with or in conflict with the provisions of this amendment (§§ C-325 through C-345) are hereby repealed.

**RETIREMENT OF CITY EMPLOYEES**

**§ C-346.    Retirement System Established; Effective Date. [Amended 11-6-1979]**

A retirement system shall be provided for policemen and firemen and general City employees of the City of Monroe by ordinance. The basis of such pension and retirement system ordinance shall be determined on actuarially sound mortality and service tables. The benefits applicable to the members by the adoption of this Charter amendment shall not be diminished by the retirement system ordinance.

**§ C-347.    Maximum Retirement Allowance. [Amended 11-6-1979]**

The maximum straight-life service retirement allowance per year of service shall be set by the Mayor and Council, by ordinance, and applicable State and Federal law shall govern as to members of the system, who are also members of a recognized bargaining unit.

**§ C-348.    Minimum Retirement Allowance; Exceptions. [Amended 11-6-1979]**

There shall be a minimum straight-life retirement, for full-time employees of nine hundred dollars (\$900.00) per year, except:

- (1) The Mayor and Councilpersons, and other elected or appointed officials whose contributions do not meet the amount necessary to reach the minimum.
- (2) Less than full-time employees as designated by the Mayor and Council. An elected or appointed official may exercise an option not to be a member of the system, by filing in writing, with the City Clerk, a notice indicating that the elected official does not desire to be a member of the retirement system.
- (3) Those above referred to exceptions would draw pensions, where eligible, according to the rates as established under new § C-347.

**§ C-349.    Repeal of Old and Inconsistent Provisions. [Amended 11-6-1979]**

Old §§ C-346 through C-388 inclusive of the Charter of the City of Monroe are hereby repealed. All provisions of the Charter inconsistent with the provisions of this Charter amendment are hereby repealed to the extent of such inconsistency. The adoption of this Charter amendment and the new sections shall not be construed as re-enacting any Charter provision heretofore repealed by said previous enactments.

**§ C-350. Effective Date of Amendment. [Amended 11-6-1979]**

The effective date of this Charter amendment shall be December 30, 1979, but old §§ C-346 through C-388 of the Charter of the City of Monroe as it existed at the time of the adoption of this amendment shall continue in full force and effect until the enactment by the City Council, and the taking effect of the ordinance provided for in § C-346.

**§ C-351. Repealed. [Amended 11-6-1979]**

**§ C-352. Repealed. [Amended 11-6-1979]**

**§ C-353. Repealed. [Amended 11-6-1979]**

**§ C-354. Repealed. [Amended 11-6-1979]**

**§ C-355. Repealed. [Amended 11-6-1979]**

**§ C-356. Repealed. [Amended 11-6-1979]**

**§ C-357. Repealed. [Amended 11-6-1979]**

**§ C-358. Repealed. [Amended 11-6-1979]**

**§ C-359. Repealed. [Amended 11-6-1979]**

**§ C-360. Repealed. [Amended 11-6-1979]**

**§ C-361. Repealed. [Amended 11-6-1979]**

**§ C-362. Repealed. [Amended 11-6-1979]**

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§ C-363.    Repealed. [Amended 11-6-1979]

§ C-364.    Repealed. [Amended 11-6-1979]

§ C-365.    Repealed. [Amended 11-6-1979]

§ C-366.    Repealed. [Amended 11-6-1979]

§ C-367.    Repealed. [Amended 11-6-1979]

§ C-368.    Repealed. [Amended 11-6-1979]

§ C-369.    Repealed. [Amended 11-6-1979]

§ C-370.    Repealed. [Amended 11-6-1979]

§ C-371.    Repealed. [Amended 11-6-1979]

§ C-372.    Repealed. [Amended 11-6-1979]

§ C-373.    Repealed. [Amended 11-6-1979]

§ C-374.    Repealed. [Amended 11-6-1979]

§ C-375.    Repealed. [Amended 11-6-1979]

§ C-376.    Repealed. [Amended 11-6-1979]

§ C-377.    Repealed. [Amended 11-6-1979]

§ C-378.    Repealed. [Amended 11-6-1979]



§ C-379. Repealed. [Amended 11-6-1979]

§ C-380. Repealed. [Amended 11-6-1979]

§ C-381. Repealed. [Amended 11-6-1979]

§ C-382. Repealed. [Amended 11-6-1979]

§ C-383. Repealed. [Amended 11-6-1979]

§ C-384. Repealed. [Amended 11-6-1979]

§ C-385. Repealed. [Amended 11-6-1979]

§ C-386. Repealed. [Amended 11-6-1979]

§ C-387. Repealed. [Amended 11-6-1979]

§ C-388. Repealed. [Amended 11-6-1979]

#### WEEDS AND GRASS

§ C-389. Authority to Require Mowing. [Amended 4-4-1951]

Whenever the Council shall deem it necessary for the public health and welfare, it may require the owners and occupants of lots to mow the weeds and grasses thereon within such time as the Council shall by ordinance or resolution prescribe, the expense thereof to be paid by such owner or occupant.

§ C-390. Authority of City to Mow; Collection of Expenses. [Amended 4-4-1951]

If the owner or occupant of any lot or premises shall fail to mow the weeds or grasses as required by the Council, the Council may cause the same to be done and may cause the amount of the expenses incurred thereby for which such owner or occupant shall have become liable, together with a penalty of ten (10) percent in addition thereto, to be reported to the Assessor to be levied by him as a special tax or assessment upon the lot or premises, which special assessment shall be subject to review, after proper notice is given as in all other cases of special assessment provided

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for by this Charter, and such tax when confirmed shall be a lien upon the premises and the same shall be collected in the same manner as other City taxes, or the City may collect such amount, together with the penalty aforesaid, from the owner or occupant of such premises in an action of assumpsit together with the costs of suit.

**§ C-391. Use of Council. [Amended 11-6-1973]**

After the effective date of the passage of this Charter amendment, wherever the words City Commission appear in the Charter of the City of Monroe, they shall hereinafter read: City Council. That wherever in the Charter of the City of Monroe the word Commissioner appears the word shall hereinafter read: Councilman or Councilwomen. That the official legislative body of the City of Monroe shall now officially be known as City Council and the members of the body as Councilmen or Councilwomen.

**RESOLUTION AND CERTIFICATION**

STATE OF MICHIGAN )  
 ) SS.  
CITY AND COUNTY OF MONROE )

At a meeting of the Charter Commission of the City of Monroe, held at the Council Chamber in said City on Thursday evening, Sept. 4, A.D. 1913:

Present: The whole commission.

Commissioner Kurz offered the following:

Resolved, that the Charter Commission of the City of Monroe, Michigan, does hereby adopt the foregoing proposed Charter, consisting of a Preamble and three hundred and twenty-three Sections, and the Clerk is hereby instructed to transmit the same to the Governor of the State of Michigan in accordance with the provisions of the statute for his approval.

Supported by Commissioner Maurer, accepted and adopted:

Yeas: Commissioners Betz, Bragdon, Hoyt, Kurz, Maurer, Rauch, and Weier.

Nays: None.

Attest:

FRED M. KRESSBACH,  
City Clerk and Ex-Officio Secretary to the Commission.

We hereby certify that the above and foregoing is the proposed Charter for the City of Monroe, Michigan, adopted by us September 4, 1913.

ALONZO B. BRAGDON,  
Commissioner at Large and Chairman.

CHARLES HOYT,  
Commissioner Third Ward and Vice Chairman.

EDWARD C. RAUCH,  
Commissioner at Large.

HENRY W. KURZ,  
Commissioner at Large.

CHARLES A. MAURER,  
Commissioner First Ward.

AUGUST J. WEIER,  
Commissioner Second Ward.

EUGENE C. BETZ,  
Commissioner Fourth Ward.

Attest

FRED M. KRESSBACH,  
City Clerk and Ex-Officio Secretary to Charter Commission.

Approved October 9th, 1913.

WOODBIDGE N. FERRIS,  
Governor of Michigan.