

CITY OF
ST. JOHNS, MICHIGAN

CHARTER

Including Amendments

To July 1, 1950

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Statement of the Charter Commission

To the Voters of St. Johns, Michigan.

We submit for your consideration this proposed charter.

Being entrusted with this task, we have been constantly impressed with its importance and with the responsibility involved. In preparing this document, the charters of practically all cities in Michigan now operating under the Commission-Manager form of Government were carefully examined and studied, extensive correspondence was had with responsible officials of many of these cities, the views and opinions of present and former officials and many citizens of our own city were solicited, and the best and most noted authorities in the country on the subject of charter-building were freely consulted. The best suggestions from the various sources have been accepted and incorporated in this charter the provisions of our present charter which have from experience demonstrated their value have been retained.

It has been our aim to write this charter so that the fundamental laws of the city will be brief, simple and understandable to all. In carrying out this policy all detail and immaterial matter has been excluded. The charter, if adopted, will be our municipal constitution wherein is contained and defined the essential powers to carry on our government and promote our common welfare.

The form of city government in this proposed charter is what is known as the "Commission-Manager Plan" and, that it may be more thoroughly understood, the following essential features and advantages of the proposed charter are herewith set forth:

It treats the city as a unit for election and general administration purposes. All ward lines and voting precincts as now existing are abolished. The whole of the city is embraced in one voting precinct, though additional voting precincts may be created by the commission.

Aside from two justices of the peace and a constable, the elective officers of the city are limited to a mayor and two commissioners, constituting the Commission; all other officers are appointive.

The boards of registration in the several wards are abolished; the city clerk at his office constitutes a board of registration for the entire city; a board of election inspectors consisting of three electors of the city is to be appointed by the Commission.

Party politics are eliminated. The preferential short ballot is provided for and all nominations are to be made by petition. All municipal elections are strictly non-partisan.

All assessments are made by a single assessor; the office of supervisor is abolished, and the city will be represented on the board of supervisors by the City Attorney, City Assessor and one of the two commissioners not mayor, to be designated by the Commission, thereby retaining the present representation on the board; three freeholders not officers of the city to be appointed by the Commission will constitute a board of equalization and review; greater uniformity in assessments will be secured.

All appointive offices are filled by the Commission, who may suspend or remove from office any appointive officer or employee of the city at its pleasure.

Commission government is estab-

lished under three departments, viz.: Department of Public Affairs and Finance; Department of Public Utilities, and Department of Public Improvements; each of the departments to be superintended by one of the commissioners; the Department of Public Affairs and Finance to be under the superintendency of the mayor; all municipal authority centers in the Commission.

City Manager

The City Commission selects a competent, experienced and trained person on account of his particular fitness and ability to manage the affairs of the city. His duties, like those of a managing officer of a large company or corporation, are to supervise and control the conduct of the officers and employees of the city, and to manage the city affairs in an efficient and economical manner. Administrative responsibility is definitely placed and cannot be shifted.

ADVANTAGES OF CHARTER

It secures Home Rule for St. Johns.

It established a simple, direct and businesslike form of government.

It creates a single-headed administrative establishment, and this administrative unity makes for harmony between departments, since all are subject to a common head.

It insures expertness in administration at the point where it is most valuable, namely, at the head.

Regular municipal elections will be held every two years, in the fall.

It makes elective officers responsive to public opinion by means of the initiative and referendum, and it furnishes through the recall a simple method of removing inefficient or corrupt officials.

It permits public work to be done by direct labor as well as by contract.

It fixes the fiscal year as commencing on January 1, thus permitting public improvements to be begun early in the spring.

It centralizes purchasing, which will effect greater savings in the purchase of supplies.

It recognizes the people as the sole source of governmental power and imposes upon each member of the community the duty and responsibility of actively interesting himself in the affairs of the city.

In the interest of a progressive town and the welfare of all its people, we recommend the adoption of this charter.

Respectfully submitted,

COOLEY E. BALL,
J. BYRON DANLEY,
LOUIS B. RICHMOND,
ARTHUR E. WILSON,
GEORGE H. SCHOENHALS,
FRED C. BURK,
JOHN T. MILLMAN,
JOHN F. PARR,
CHARLES T. BABCOCK, Chairman
WM. COCHRANE, Clerk.

PREAMBLE

We, the people of the City of St. Johns, Michigan, in order to obtain the benefits of local self-government, to encourage direct and businesslike methods in the conduct of our municipal affairs, to conserve and utilize public values for public benefit, and to promote our common welfare, do enact the following charter:

GENERAL

Powers of the City.

Section 1. The inhabitants of the City of St. Johns, Michigan, as its limits now are or hereafter may be established, shall continue to be a body politic and corporate, to be known as the "City of St. Johns", and as such shall have and may exercise all powers which now are or hereafter may be conferred upon, or reserved to, cities of the same class under the constitution and laws of the State as fully and completely as though said powers were specifically enumerated herein, and no enumeration of particular powers by this charter shall be held to be exclusive.

City Boundaries.

Section 2. The following described territory is and constitutes the City of St. Johns, and is subject to the municipal control of said corporation; The same territory which now constitutes the said City of St. Johns.

WARD AND VOTING PRECINCTS

Section 3. All wards heretofore existing in said city are hereby abolished and said city shall hereafter consist of one ward.

Section 4. The city (ward) hereafter shall constitute one voting precinct which shall embrace the whole of said city (ward), though additional voting precincts may be created by the Commission, either through a division of said precinct into two or more voting precincts or the addition of new territory to said city. All voting precincts as now existing in said city are hereby abolished.

Section 5. The Commission may, by ordinance, increase the number of voting precincts or change their boundaries. No division shall be made within thirty (30) days next preceding election, and provided that in case of the division of any precinct or addition in number, there shall be a new registration of the electors of

the precinct before the next election thereafter, electors to be registered in the several precincts in which they respectively reside.

Section 6. Each precinct shall be an election district, and all elections shall be held at such place in each precinct as the Commission shall designate.

THE CITY COMMISSION

Creation of City Commission.

Section 7. There is hereby created a City Commission which shall have full power and authority, except as herein otherwise provided, to exercise all the powers conferred upon the city, and is authorized to pass all laws and ordinances relating to its municipal concerns, and provide proper penalties for the violation thereof, subject to the constitution and general laws of the State and this charter.

Composition of City Commission.

Section 8. The City Commission shall consist of five members, who shall be elected on a general ticket from the city at large and shall serve for a term of six years, except as herein otherwise provided, and shall be subject to recall as hereinafter provided.

Qualifications.

Section 9. (a) Members of the City Commission shall have been residents of the city for a term of at least two years immediately prior to their election or appointment, and have the qualifications of electors therein. The City Commission shall be the judge of the election and qualifications of its own members, subject to review by the courts. No member of the City Commission shall, during his term of office, hold any other city office unless otherwise provided in this charter.

(b) No member of the City Commission, or other officer shall be interested directly or indirectly in the profits of any contract, job or work, or be financially interested, directly or indirectly, in the sale to the city of any land, materials, supplies or services (other than official services). Any member of the City Commission, or other officer of the city, offending against the provisions of this section shall upon conviction thereof, be fined or imprisoned, or both, as is provided by law, and shall forfeit his office.

Restriction on Powers of City Commission.

Section 10. Any member of the Com-

mission who shall have been convicted of a felony while in office shall thereby forfeit his office. Neither the Commission nor any of its members or unconstitution-shall dictate the appointment of any person to office or employment by the City Manager to prevent him from exercising his judgment in the appointment of officers and employees in the administrative service. Except for the purpose of inquiry the Commission and its members shall deal with the administrative service solely through the City Manager, and neither the Commission nor any member thereof shall give orders or directions to any of the subordinates of the City Manager.

Organization and Procedure of City Commission.

Section 11. (a) At eight o'clock P.M. on the first Monday of November following a regular municipal election, the City Commission shall meet at the usual place for holding the meetings of the legislative body of the City, at which time the newly elected Commissioners shall assume the duties of their office. Thereafter the City Commission shall meet at such times as may be prescribed by ordinance or resolution except that they shall regularly meet semi-monthly. Special meetings may be called at any time by the Mayor or by one other Commissioner, by giving such notice to its members of such special meeting as the Commission shall provide. All meetings of the City Commission shall be public and any citizen shall have access to the minutes and records thereof at all reasonable times. The Commission shall determine its own rules and order of business and shall keep in the English language a written or printed journal of each and all of its sessions.

(b) The City Commission, at the time of organizing, shall elect one of its members Mayor, who will be Superintendent of Public Affairs and Finance; one Commissioner election Superintendent of Public Utilities; and one Commissioner elected Superintendent of Public Improvement. The City Commission shall also elect from among their own number a Vice-Mayor who shall perform all the duties of Mayor, when, on account of absence from the city or otherwise, the Mayor is temporarily unable to perform the duties of his office, or in case of a vacancy in the office of Mayor, until such vacancy is filled by the City Commission.

(c) A majority of the members elected to the City Commission shall be a quorum to do business, but, in the absence of a quorum, one Commissioner may adjourn any regular or special meeting to a later date. Except as otherwise provided in this charter, the affirmative vote of a majority of the members elected to the City Commission shall be necessary to adopt any ordinance or resolution. The vote upon the passage of all ordinances, and upon the adoption of all such resolutions as this charter or the City Commission by its rules shall prescribe, shall be taken by "YEA" and "NAY" vote and entered upon the record.

Salaries, Absences, Vacancies.

Section 12. (a) The salary of each Commissioner shall be three dollars (\$3.00) for each regular meeting that he may attend. No pay for special meetings.

(b) In case of a vacancy in the office of City Commissioner, the vacancy for the unexpired term shall be filled by the remaining Commissioners within thirty days after such vacancy occurs; provided, however, that the affirmative vote of a majority of the remaining members shall be required to elect.

Powers of Mayor.

Section 13. (a) Insofar as required by law, and for all ceremonial purposes, the Mayor shall be the executive head of the City. He shall have a voice and vote in the proceedings, but no veto power.

(b) He shall authenticate by his signature such instruments as the City Commission, this charter or the laws of the State shall require.

(c) He shall exercise only such powers as the state laws, this charter, or the City Commission specifically confer upon him.

Appointments.

Section 14. (a) The City Commission shall elect a Mayor, City Manager, City Clerk, City Treasurer, Marshal, Health Officer, City Attorney, and City Assessor, all of whom, except as otherwise provided in this charter, shall hold office at the pleasure of the City Commission.

(b) The Commission shall also appoint the members of all boards authorized by this charter, except the board of education, and all officers thus appointed shall enter upon their official duties on the first Monday following their appointment and shall serve until their successors are

chosen; provided, however, that the Commission shall have the right to discontinue any office created by it, or to appoint a successor to any appointed officer of the city, when in its judgment the best interests of the city will be enhanced thereby. The Commission may also increase or decrease the salaries of all appointed officers during their continuance in office, and specify the manner in which their salaries shall be paid, and shall also appoint such other officers as **may** be required by **law**.

Section 15. The Commission may, by resolution, declare that certain specific sidewalks, curbings, gutters and shade trees adjacent to any property abutting upon any public street, shall be constructed, repaired, planted or removed. Upon the passage of such resolution, the City Manager shall cause written notice of the passage thereof to be served upon the owner or agent of the owner, of each parcel of land abutting upon such street, who may be a resident of the city, in the manner provided by law for the service of summons in circuit court civil actions. He shall return a copy of the notice, with the time and manner of service endorsed thereon, signed by the person serving it, to the city clerk, who shall file and preserve such return. For the purpose of such service, if the owner of any such property be not a resident of the city, any person charged with the collection of rent, or the payment of taxes on such property, or having control thereof in any way, shall be regarded as the agent of the owner, and service upon such person shall have the like force and effect as though personal service were made upon the owner thereof. If it appears in any such return, however, that the owner is a non-resident, or that neither said owner nor agent could be found, one publication of a copy of the resolution in a newspaper of general circulation published in the city shall be deemed sufficient notice to such owner.

Section 16. If such sidewalks, curbings or gutters be not constructed or repaired or such trees planted or removed within fifteen days after the service of the notice provided for in the preceeding section, or the completion of the publication thereof, the City Manager may proceed by direct employment of labor or by contract, to carry out the said construction or re-

pair at the expense of the owner, as in case of other improvements; and all such expense shall be reported by the City Manager to the Commission. The Commission shall thereupon, by ordinance, assess the cost and expense thereof upon the owner or owners of all the property bounding or abutting thereon or benefited thereby, and such assessment shall be collected in the same manner as other assessments, with the collection fee of five per cent and interest for failure to pay at the time fixed by the assessment resolution.

Section 17. The Commission may at any time borrow money and authorize the issuance of notes and bonds, therefor in anticipation of the collection of assessments levied for the purpose of paying the cost of constructing or repairing sidewalks, curbings, and gutters, whicher are to be or have been constructed by the City Manager upon the failure of the owners of the property to construct or repair the same, pursuant to notice as hereinbefore provided.

Section 18. The Commission shall provide, by ordinance, for the care, supervision, control and improvement of public highways, streets, avenues, alleys, sidewalks, public grounds and bridges, within the city, and shall cause them to be kept open, in repair and free from nuisance.

Section 19. When it deems it necessary the Commission may cause any street, alley or public highway to be opened, straightened, altered, diverted, narrowed, widened or vacated.

Section 20. No street or alley hereafter dedicated to public use by the proprietor of ground platted in the city shall be deemed a public street or alley, or under the care and control of the Commission unless the dedication be accepted and confirmed by ordinance passed for such purpose, or unless the provisions hereof relating to subdivisions shall have been complied with.

Section 21. The Commission in vacating any street or part of street or changing the name of any street, may include in one ordinance the change of name or the vacation or narrowing of more than one street, avenue or alley, but before vacating any street or part thereof, or narrowing any street the Commission shall first pass a resolution declaring its intention so to do. The City Manager shall cause

notice of such resolution to be served in the manner that service of summons is required to be made in circuit court civil actions upon all persons whose property abuts upon the portion of the street affected by the proposed vacation or narrowing, and by publication once in one newspaper of general circulation published in the city as to all persons who cannot be personally served. Said notice shall state the time and place at which objections to said proposed improvement may be heard before the Commission. The Commission may by ordinance declare such vacation or narrowing, and such order of the Commission vacating or narrowing a street or alley which has been dedicated to public use by the proprietor shall, to the extent to which it is vacated or narrowed, operate as a revocation of the acceptance thereof by the Commission; but the right of way and easement therein of any lot owner shall not be impaired thereby.

Section 22. The Commission shall determine its own rules of procedure, may punish its members for disorderly conduct, and may compel the attendance of its members.

Section 23. The Commission shall prescribe the time of its meetings, which shall be held at the City Hall, provided that at least one regular meeting be held semi-monthly, and shall prescribe the manner in which special meetings thereof may be called.

Section 24. The Commission shall, in addition to all powers herein expressly granted, have and possess all the powers heretofore granted or which may be hereafter granted by the general laws of this State to city councils, or that may belong to such bodies by reason of their being the legislative body within such city.

ORDINANCES

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

Section 2. The adoption of an ordinance by the Commission shall require for its passage the concurrence of a majority of the members of the Commission.

Section 3. The time when an ordinance

shall take effect shall be prescribed therein. No ordinance, except emergency measures and the annual appropriation bill, shall go into effect until twenty days after its passage, nor shall any resolution or ordinance for a bond issue, franchise, or general public improvement calling for the expenditure of money from the general funds of the city, go into effect for a like period of twenty days after being passed by the Commission. If, at any time within said twenty dates, a petition signed by twenty-five per cent of the highest vote cast for commissioner at the last municipal election to be filed with the city clerk requesting that any such ordinance or resolution be repealed, amended, rescinded or submitted to a vote of the electors, it shall not become operative until the steps indicated herein shall have been taken, and said petition shall have printed or written thereon the names and addresses of at least five electors who shall be officially regarded as filing such petition.

Section 4. All ordinances shall be published once within one week after their passage, in one or more newspapers of general circulation printed within the city, and the city clerk shall certify on the record of ordinances the date of publication and newspaper in which any ordinance was so published; and such certificate shall be prima facie evidence that legal publication of such ordinance has been made.

Section 5. 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, and except also the annual appropriation bills.

Section 6. 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 week after the final passage of any ordinance, but failure to so record and authenticate any ordinance shall not invalidate it or suspend its operation.

Section 7. 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.

Section 8. No repealed ordinance shall be revived unless the whole or so much as is intended to be revived shall be re-enacted. When any section or part of a section of any ordinance is amended, the whole section as amended shall be re-enacted.

Section 9. Prosecutions for the violation of the ordinances of the city shall be commenced within two years after the commission of the offense; provided, that the limitations herein imposed shall only apply to violations penal in their nature, and shall not be construed as a limitation of the city's right to forfeit any franchise, grant or license for violation of the terms and conditions thereof, after said two-year period.

Section 10. Prosecutions for the violations of the ordinances of the city, except against corporations, 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.

Section 11. Whenever a pecuniary penalty or forfeiture shall be incurred for the violation of any ordinance, and no provision shall be made for the imprisonment of the offender upon conviction thereof, such penalty or forfeiture may be recovered in an action or debt, or in assumpsit; and if it be a forfeiture of any property, it may be sued for and recovered in an action of trover, or other appropriate action. Whenever a corporation shall incur a penalty or forfeiture for the violation of any ordinance, the same shall be sued for in one of the actions aforesaid.

Section 12. All process issued in any prosecution or proceeding for the violation of any ordinance of the city shall be directed to the city marshal or constable of the city, and may be executed in any part of the State by any officer authorized by law to so serve process.

Section 13. Fines paid into the city treasury for violations of ordinances of the city shall be disposed of as the Commission may direct. The expenses of the apprehension and punishment of persons violating the ordinances of the city, excepting such part as shall be paid by costs collected, shall be defrayed by the city.

Section 14. Ordinances submitted to the

Commission by initiative petition, and passed by the Commission without change, or passed in an amended form and not required to be submitted to vote of the electors by the committee of the petitioners, shall be subject to the referendum in the same manner as other ordinances.

Section 15. Ordinances passed as emergency measures shall be subject to referendum in like manner as other ordinances, except that they shall go into effect at the time indicated in such ordinances. If, when submitted to a vote of the electors an emergency measure be not approved by a majority of those voting thereon, it shall be considered repealed as regards any further action thereunder, but such measure so repealed shall be deemed sufficient authority for payment, in accordance with the ordinance, of any expense incurred previous to the referendum vote thereon.

Section 16. In case a petition be filed requiring that a measure passed by the Commission providing for a franchise, an expenditure of money, a bond issue, or a public improvement, be submitted to a vote of the electors, all preliminary steps to the actual granting of such franchise, to such actual expenditure, actual issuance of bonds, or actual execution of a contract for such improvement, may be taken prior to the election, but nothing shall be done which will bind the city by the action of the Commission.

Section 17. No case or prosecution shall be commenced under any ordinance of the city until the complaining party has furnished security for costs, unless the same be commenced by order of the City Manager, the City Commission or City Attorney.

Section 18. If any person who shall have received any such fine, or any part thereof, shall neglect to pay over the same pursuant to the foregoing provision, it shall be the duty of the City Commission to cause suit to be commenced immediately therefor, in the name of the City, and to prosecute the same to effect. Any person receiving any such fine, who shall willfully neglect or refuse to pay over the same, as required by the foregoing provisions, shall be deemed guilty of a misdemeanor and shall be punished accordingly.

Section 19. The City Commission shall as soon as possible pass ordinance and measures necessary to make the several

Provisions of this charter effective, and shall provide proper penalties for the violation of the charter and ordinances.

ELECTIVE OFFICERS

Section 1. In the City of St. Johns after the adoption of this charter, there shall be elected by the qualified voters of the whole city, the following officers, viz.: three Commissioners, two Justices of the Peace, and a Constable.

Section 2. Five commissioners shall be elected for a period of six years each; provided that the present commissioners shall serve the remainder of their respective terms for which elected, or until their successors are elected and qualified. Provided further that there shall be elected four (4) members at the next regular election in 1950. That the two so elected receiving the highest number of votes shall be elected for a period of six years, the one receiving the next highest number of votes shall be elected for a period of four years, and the one receiving the next highest number of votes shall be elected for a period or two years.

Section 3. The two Justices of the Peace shall be elected for a period of four years as provided by the laws of the State of Michigan, one being elected every two years, and the term of office of each shall commence at twelve o'clock noon on the fourth day of July following his election and he shall hold office until his successor is elected and has qualified. The first election for Justice of the Peace under this charter shall be on the first Tuesday after the first Monday in November, 1928, when one shall be elected for two and one for four years.

Section 4. The Constable shall be elected for a period of two years. A Constable shall be elected at the first election under this charter and shall hold office from the first Tuesday after the first Monday in April, 1919, until his successor is elected and has qualified.

Section 5. The Justices of the Peace in the City of St. Johns whose term of office has not expired shall hold their offices until their term of office shall expire by limitation.

Section 6. The municipal elections to be held under the provision of this char-

ter shall be on the first Tuesday after the first Monday in November, 1918, and every two years thereafter.

Section 8. No person shall be elected to any office in said city unless he shall be at the time a resident and elector of the city, and removal from the city shall constitute a vacancy.

Section 9. The inhabitants of the city having the qualifications of electors under the constitution and laws of the State shall be electors therein, and every elector shall be entitled to vote in the election precinct where he shall have resided during the twenty days next preceding the day of election, and at such place or places therein as shall be designated by the Commission. The residence of any elector, not being a householder, shall be deemed to be the election district in which is located his regular place of lodging.

Section 10. If a vacancy occurs in any elective office, the Commission shall fill the same by appointment until the next municipal election, or the Commission may, within twenty days after the vacancy occurs, call a special election for the purpose of filling such vacancy as they may deem for the best interests of the city.

Section 11. A vacancy shall be deemed and considered to exist in any elective office when the person elected thereto fails to qualify within seven days after notice of his election has been handed to him or sent by registered mail to his last known address, or to give such security as the provisions of this charter or the ordinances of the Commission of said city shall require, dies, resigns, ceases to be a resident of the city, absents himself continuously therefrom for a period of more than thirty days without permission from the Commission, is convicted of a felony, judicially determined to be mentally incompetent, or forfeits his office by judicial proceedings.

Section 12. Special elections may be called by resolution of the City Commission. Said resolution shall set forth the time, purpose and place of such special election; provided, that not more than two such special elections shall be called in any one year.

REGISTRATION

Section 1. The city clerk shall constitute a Board of Registration for the entire city, and for that purpose shall be in session at the office of the city clerk, on the Saturday next preceding a general election, or any special election, and on such other days as shall be appointed by the Commission, not exceeding three days in all, previous to any such election, from eight o'clock in the forenoon until eight o'clock in the afternoon.

Section 2. The city clerk shall provide a suitable register for each polling precinct in the city, and in such register shall be kept an accurate registration of all qualified electors of such precinct in the same manner as that prescribed for registration in cities of the same class.

Section 3. At all times when not in use at the various polling places in the city, the books of registration required by law shall be kept in the office of the city clerk.

Section 4. Whenever the Board of Registration as provided in this chapter shall be in session, each elector in the City of St. Johns shall be entitled to have his name placed in the register for the precinct in which he resides by application to such Board in the same manner as that provided by law for the registration of voters in cities and townships. No person shall be permitted to vote at any municipal election held in said city without having been registered.

Section 5. In all other matters not herein specifically provided for, the general laws of the State of Michigan applicable to the registration of electors shall apply and be in force in this city when not inconsistent with the provisions of this charter.

NOMINATIONS AND ELECTIONS

State Laws to Govern-Party Procedure Not to Apply.

Section 1. The registration of voters, nominations and elections held under this charter shall be in accordance with the general laws of the State, except as herein otherwise provided. Nothing in the laws of the State applying to party registration, enrollment or any other party procedure shall apply to registrations, nominations and elections held hereunder.

Nominations.

Section 2. (a) Candidates for all elective offices in the City shall be nominated from the city at large by petitions only. The name of any elector of the city shall be printed on the ballot whenever a petition, as hereinafter prescribed, shall have been filed in his behalf with the City Clerk. The City Clerk shall provide uniform nomination petition blanks.

(b) Each petition shall contain the name of the candidate, giving his place of residence, and shall specify the office for which he is nominated. Each elector signing such petition shall add to his signature his place of residence, and the date on which he signed. No elector shall sign the nominating petition of more than one candidate for any elective office. The signatures to the nominating petition need not all be appended to one paper, but to each separate paper there shall be attached an affidavit of the circulator thereof, stating that each signature appended thereto was made in his presence, and is the genuine signature of the person whose name it purports to be.

(c) Each nominating petition to be valid shall contain the names of not less than fifty nor more than seventy-five qualified electors. No such petition shall be circulated more than sixty days prior to the day of election, and all such petitions shall be filed with the City Clerk not less than sixteen days prior to the day of said election.

Central Election Board.

Section 3. Three weeks prior to every regular municipal election the City Commission shall appoint a Central Election Board, consisting of the City Clerk and three electors of the city, not otherwise in the employ of the city. The City Clerk shall act as Chairman of said board. Said board shall appoint sufficient clerical assistants to enable it to adequately transact its business. Said board shall meet at the city hall upon the closing of the polls on the day of any regular election, and shall then determine the result of such election in the manner prescribed in this charter, or by ordinance enacted thereunder, and shall certify and deliver its findings to the City Board of Canvassers.

City Board of Canvassers.

Section 4. The City Clerk and any two City Commissioners appointed by

the Mayor for that purpose shall constitute the City Board of Canvassers, and they shall meet at the City Hall on Thursday next succeeding any city election at nine o'clock in the forenoon of that day, and shall canvass the result of the election. Said board, upon completion of the canvass, shall file a statement with the City Commission of the candidates elected or the vote on any question or proposition, and the result thereof. The City Commission shall thereupon enter this result upon the official records of the city.

Precinct Election Board.

Section 5. The City Commission shall appoint for each precinct a board of Elections. The inspectors and clerks of elections shall be residents of the precincts in which they serve. In case of the absence of any member of the Precinct Board at the time for the opening of the polls, the vacancy shall be filled by the members of said board there present.

City Clerk to Provide Materials.

Section 6. Suitable ballot boxes and the necessary supplies and materials for conducting elections shall be provided by the City Clerk.

Cost of Elections.

Section 7. The expense of all elections, except as otherwise provided for in this charter, shall be paid by the city.

Publication of Notice.

Section 8. Notice of the time and places of holding any election, and of the officers to be elected and the propositions to be voted upon shall, except as otherwise provided in this charter, be given by the City Clerk at least ten days before such election, by posting such notices in three public places in each election precinct, and by publishing a copy thereof at least once in a newspaper published and circulated in this city at least ten days before such election. In case of a special election, the notice shall set forth the purpose and object of such special election as fully as is required in the resolution or petition calling the same.

Conduct of Elections.

Section 9. (a) The members of the City Commission shall be nominated by petition. The form of the ballots, the method of conducting elections and the rules for counting the ballots shall be governed by ordinance to be enacted by

the City Commission, which ordinance shall contain all the provisions relating thereto hereinafter prescribed in the schedule of this charter.

(b) At the regular municipal election at which the Justice of the Peace is to be elected, the candidate receiving the highest number of votes shall be declared elected.

(c) At the regular municipal election at which the Constable is to be selected, the candidate receiving the highest number of votes shall be declared elected.

(d) All cases of contested elections for municipal offices shall be decided by the City Commission as nearly as may be in accordance with the laws of the State regulating the proceedings in cases of contested elections of county officers.

Section 10. At any general or special election held in said City at which elective offices are to be filled, it shall be the duty of the City Clerk to prepare the ballots therefor in a number and manner as required by the State law, except that the names of all candidates for elective offices shall be printed on one ballot and shall be headed "Official ballot for city offices" but shall have no party designation or mark whatever. The names of the candidates to be voted for shall appear on such ballot in the following order:

- City Commissioners.
- Justices of the Peace.
- Constables.

Section 11. All candidates for each office shall be grouped, and immediately above the names of all candidates for an office there shall appear the words "Vote for One" except that when more than one is to be elected for the same office, it shall indicate above the names of the candidates the number to be voted for. The provisions of the general law for transposing and alternating the names of the candidates shall apply to said ballot.

THE ADMINISTRATIVE SERVICE

City Manager.

Section 1. The City Commission shall appoint a City Manager who shall be the administrative head of the municipal government under the direction and supervision of the City Commission, and who shall hold office at the pleasure of the City Commission. He need not be a resident of the City at the time of his ap-

pointment. During the absence of disability of the City Manager, the City Commission may designate some properly qualified person to execute the functions of the office.

Section 2. The powers and duties of the City Manager shall be:

- (a) To see that all laws and ordinances are enforced.
- (b) Except as herein otherwise provided, to have power of appointment and removal over all City employees not appointed by the City Commission.
- (c) To see that all terms and conditions imposed in favor of the City or its inhabitants in any public utility franchise, or in any contract, are faithfully kept and performed.
- (d) To have general supervision over all public improvements, works and undertakings, except as otherwise provided in this charter.
- (e) To attend all meetings of the City Commission, with the right to take part in the discussions, but having no vote.
- (f) To prepare the annual budget, and keep the City Commission fully advised as to the financial condition and needs of the City.
- (g) To recommend to the City Commission for their adoption such measures as he may deem necessary or expedient.
- (h) To see that all accidents to city employees are reported to the State Industrial Accident Board.
- (i) To perform such other duties as may be prescribed by this charter or be required of him by ordinance or director of the City Commission.

City Clerk.

Section 3. (a) The City Clerk shall be clerk of the City Commission. He shall attend all meetings of the City Commission, and shall keep a permanent journal of its proceedings. He shall keep a record of all ordinances, resolutions and regulations of the City Commission.

(b) He shall be custodian of the city seal, and shall affix it to all documents and instruments requiring the seal, and shall attest the same. He shall also be custodian of all papers, documents and records pertaining to the City of St. Johns the custody of which is not otherwise provided for. He shall give to the proper department or officials ample notice of the expiration or termination of an franchises, contracts or agreements.

He may administer all oaths required by this charter or by the City Commission.

(c) He shall certify by his signature all ordinances and resolutions enacted or passed by the City Commission, and perform any other duties required of him by this charter or by the City Commission.

The Clerk shall be the general accountant of the City and all claims against the municipal corporation shall be filed with him for payment; and, after examination thereof, he shall report the same, with all accompanying vouchers and counter-claims of the city, and the true balance as found by him to the Commission for allowance and when allowed by the Commission, shall draw his warrant, countersigned by the City Manager, or Mayor in his absence, upon the Treasurer for the payment thereof, designating thereon the fund from which payment is to be made. The Clerk shall not draw any warrant upon any fund after the same has been exhausted.

When any tax or money shall be levied, raised or appropriated the Clerk shall report the amount thereof to the Treasurer, stating the objects and funds for which it is levied or appropriated, and the amounts thereof to be credited to each fund.

The Clerk shall exercise a general supervision over all officers charged in any manner with the receipts, collection and disbursement of the city revenues, and over all the property and assets of the city. Except as otherwise provided herein, he shall have charge of all books, vouchers and documents relating to the accounts, contracts, debts and revenues of the municipal corporation; he shall countersign and register all bonds issued; and keep a list of all the property and effects belonging to the city, and all its debts and liabilities; he shall keep a complete set of books, exhibiting the financial condition of the municipal corporation and all its departments, funds, resources and liabilities, with a proper classification thereof, showing the purpose for which each fund was raised. He shall also keep an account with the Treasurer, in which he shall charge him with all the moneys received for each of the several funds of the city and credit him with all the warrants drawn thereon, keeping a separate account with each fund. When any fund has been exhausted, the Clerk shall immediately advise the Commission thereof.

The Clerk shall present to the Commission, at each regular Commission meeting, a detailed statement of the receipts, expenditures and financial conditions of the city, of the debts to be paid and the money required to meet the estimated expenses of the municipal corporation. He shall, in conjunction with the City Manager, assist in preparing the annual budget and shall perform such other duties pertaining to his office, or otherwise, as the Commission may require.

The Clerk may, subject to the approval of the Commission, appoint a deputy who shall possess all the powers and authority of the Clerk and may exercise all the duties thereof subject to the control of the Clerk, unless otherwise provided by the Commission. The Clerk shall be responsible for all the acts and defaults of such deputy and he may remove such deputy at his pleasure.

Before entering upon the duties of his office, the Clerk shall execute a bond to performance of his trust, in such sum as may be fixed by the Commission, which bond shall be filed with the City Treasurer, and he shall take the official oath.

City Attorney.

Section 4. (a) The City Attorney shall act as legal advisor to and attorney and counsel for, the municipality and all its officers in matters relating to their official duties. He shall give written opinions to any official or department of the City when requested in writing so to do, and shall file a copy of the same with the City Clerk.

(b) He shall conduct for the City all cases in court whenever the City is a party thereto.

(c) He shall prepare, or officially pass upon, all contracts, bonds and other instruments in writing, in which the City is concerned, and shall certify before execution as to their legality and correctness of form.

(d) He shall keep in his office copies of all franchises granted by the City, and of all contracts and agreements entered into by or in behalf of the City (the originals of which shall be in the custody of the City Clerk), together with the proper data and information concerning the same.

(e) He shall perform such other duties as may be prescribed by this char-

ter or by the City Commission.

City Treasurer.

Section 5. (a) The City Treasurer shall have the custody of all moneys, the City Clerk's bond, and all evidences of value belonging to the City, or held in trust by the City.

(b) He shall receive all moneys belonging to and receivable by the City, including license fees, and shall keep a correct account of all receipts and expenditures. He shall collect all taxes, assessments and other charges belonging to and payable to the City.

(c) He shall keep and deposit all moneys or funds in such manner and only in such places as the City Commission may determine. He shall report in detail to the City Clerk each day all moneys collected by him.

(d) He shall pay no moneys out of the treasury except in the manner prescribed in this charter.

(e) He shall have such powers and duties in regard to the collection and custody of the taxes and moneys of School District Number Four of the City of St. Johns as may be conferred upon him by this charter or by the laws governing said School District.

(f) He shall perform such other duties as may be prescribed for him by this charter or by the Director of Finance.

City Assessor.

Section 6. (a) The City Assessor shall possess all the powers vested in, and be charged with all the duties imposed upon, assessing officers by the general laws of the State.

(b) He shall make and prepare all regular and special assessment rolls in the manner prescribed by ordinance and the general laws of the State.

(c) He shall act for the City as one of the members of the Board of Supervisors.

(d) He shall perform such other duties as may be prescribed for him in this charter or by the Director of Finance.

Purchasing Agent.

Section 7. (a) The City Commission shall designate some office of the City, other than the Treasurer, to act as its purchasing agent, by whom all purchases of supplies for the City shall be made, and who shall approve all vouchers for the payment of the same. Said purchasing agent shall also conduct all sales of personal property which the City Commis-

sion may authorize to be sold as having become unnecessary or unfit for the city's use.

(b) All purchases and sales shall conform to such regulations as the City Commission may from time to time prescribe, but in either case, if an amount in excess of Five Hundred Dollars (\$500.00) is involved, opportunity for competition shall be given. Where purchases or sales are made on joint account of separate departments, the purchasing agent shall apportion the charge or credit to each department. He shall see to the delivery of supplies to each department.

(c) Until the City Commission shall otherwise provide, the City Manager of the City shall act as such purchasing agent.

Board of Health.

Section 8. The City Commission shall have and exercise for the city all the powers and authority conferred upon boards of health by the general laws of the State or by ordinance, so far as the same are not inconsistent with this charter, and the City Commission may enact all ordinances deemed necessary for the preservation and protection of the health of the inhabitants of the City, for preventing the introduction or spreading of malignant, infectious and contagious diseases within the City, and for the removal of persons having such diseases to such proper place within or without the City limits as may be deemed necessary for the public safety. The City Commission may enact such ordinances as it may deem proper or expedient for regulating the proceedings and mode of exercising such powers and authority. The City Commission may establish, maintain and regulate suitable hospitals at places within or without the corporate limits of the City.

Health Officer.

Section 9. (a) The Health Office shall have and exercise all the powers and authority conferred upon health officers by the general laws of the State or by ordinance, and shall perform all the duties required of such officers, unless otherwise provided in this charter. It shall be his duty to enforce all laws and ordinances concerning the public health, and for that purpose he shall have all the powers of police officers of the city.

(b) Subject to the approval of the City

Commission, the Health Officer may from time to time deal specifically with any particular problem relating to questions of health, poverty, sanitation, housing, labor, hygiene, unemployment, provident loans and legal aid, and carry on such works as may tend to promote the physical, moral or social welfare of the inhabitants of the City.

(c) He shall perform such other duties as may be required of him by this charter or by the City Manager.

Bond and Sinking Fund Trustees.

Section 10. The members of the City Commission shall constitute the Bond and Sinking Fund Trustees. They shall be charged with direct supervision and control over the issuance and sale of such bonds as may be issued from time to time for legally authorized municipal purposes, and shall manage and control the sinking funds created for the liquidation of such bonds, subject to the provisions of the general laws of the State. The sinking funds shall in no case be diverted from the purposes for which they were created.

Supervisors.

Section 11. The City of St. Johns shall be represented on the Board of Supervisors of Clinton County by the City Attorney, City Assessor and one member chosen by the City Commission from their own number. They shall be appointed during the month of February of each year, and shall assume their office on the first day of April of each year, and continue in office during the pleasure of the City Commission, not to exceed one year thereafter unless reappointed. Vacancies may be filled at any time by the City Commission. They shall possess all the powers and perform all the duties of Supervisors of Townships under the general laws, not inconsistent with this charter and not delegated to other officers; provided, that in case the city shall hereafter become entitled by general law to additional representation on the Board of Supervisors, such additional representation shall be chosen by the City Commission.

Section 12. The City Commissioner who acts as Supervisor shall receive such pay for his services in so doing as shall be fixed by the Commission, but not exceeding the pay received for the same services by representatives of the Board of Super-

visors from the townships in said county.
Marshal.

Section 13. The Marshal of said City shall be appointed by the Commission and shall be an elector of the City; he shall obey and execute all lawful precepts and commands of the Mayor, Commission and Manager, and shall perform such duties and receive such compensation as shall be fixed by the Commission by ordinance.

INITIATIVE, REFERENDUM AND RECALL

Initiative-Requirements of Petition for.

Section 1. Any proposed ordinance may be submitted to the City Commission by petition filed with the City Clerk and signed by registered voters of the City in number of not less than fifteen per cent (15%) of the highest number of total valid ballots cast for any Commissioner at the last preceding regular election, and verified by the person or persons who obtained the signatures thereto. Such verifications shall state that said signatures were obtained by the person or persons verifying the same, that the said signatures are the genuine signatures of the persons purporting to sign the same, and that the person or persons verifying such petition believe that the signers thereof are fully qualified and registered electors of the City. Said petitions shall give the residence of each of said electors signing the same, precinct and the date of signing the same. Such initiatory petition shall contain said proposed ordinance in full and a request that if said proposed ordinance be not passed by the City Commission the same shall be submitted to a vote of the electors. Said petition shall also contain any existing ordinance which would be altered or abrogated thereby.

Duty of City Clerk and City Commission.

Section 2. Upon filing said petition the City Clerk shall at once ascertain and certify its number of qualified signers. If such certificate shows the required number of qualified signers, the City Commission within twenty (20) days thereafter shall either enact said proposed ordinance without alteration or submit the proposed ordinance to the electors as hereinafter provided. If such ordinance shall be enacted by the City Commission it shall be subject to the regulations and restrictions upon the manner of the enactment as though it

had originated in the City Commission.

Submission to a Vote.

Section 3. If the City Commission shall determine not to enact an ordinance proposed by initiatory petition, it shall be resolution provide for its submission unamended to the electors, and shall fix the time for the submission thereof and shall call a special election for that purpose not later than three (3) months thereafter unless a general election or a special election for another purpose is to be held in six (6) months. In such case if a special election has not been called to vote upon such ordinance the same shall be submitted at the first regular election held thereafter. As such election all registered voters having the qualifications of electors shall be entitled to vote. If a majority of the electors voting on the question vote in favor of the proposed ordinance it shall go into effect upon proper publication or notice as provided in Sections 7 and 9, Ordinances of this Charter.

Conflicting Ordinances – Which to Prevail.

Section 4. If the provisions of two or more ordinances, both of which were adopted or approved by the electors at the same election, whether by initiatory provision or referendum as provided in this charter, be inconsistent, then the ordinance receiving the lesser affirmative votes shall be of no force or effect so far as it or any of its provisions are inconsistent with the other ordinance or ordinances adopted or approved.

Manner of Recalling or Amending.

Section 5. An ordinance proposed by petition and adopted by a vote of the electors as herein provided, shall not be recalled or amended except by a majority vote of the electors voting thereon at an election called and held under the provisions of the City Charter.

Referendum-Requirements of Petition for

Section 6. If within twenty (20) days from the time of the enactment of any ordinance other than emergency measures by the City Commission, or if at any time before the same shall have been published or posted and due notice of enactment given as provided in Sections 7 and 9, Ordinances of this Charter, a petition shall be filed with the City Clerk protesting against such ordinance taking effect and signed by registered voters of the city in number of not less than fifteen

per cent (15%) of the highest number of total valid ballots cast for any Commissioner at the last preceding regular election, and verified as required in Section 5, Nominations and Elections of this Charter, and certified by the Clerk as required in this charter, the same shall thereupon be suspended from taking effect; and the City Commission shall at its next regular session reconsider such ordinance and act thereon; and if the same shall not be entirely repealed the City Commission shall submit such ordinance by the method hereinbefore provided for referendum or ordinances initiated by petition, to the vote of the qualified electors of the city, either at the next regular municipal election or at a special election which may be called for that purpose at the discretion of the City Commission and such ordinance shall not take effect unless a majority of the qualified electors voting thereon at such election shall vote in favor thereof.

The Recall of Elective Officials.

Section 7. Any elective officer may be removed by the qualified electors of the city, at the time and in the manner provided by the general laws of the State.

FINANCIAL PROVISIONS

Fiscal Year.

Section 1. The fiscal year of the city shall begin July 1.

Funds.

Section 2. All money and all other forms of personal property, and all real estate belonging to the City shall be carried in the name of the City of St. Johns.

The Estimate.

Section 3. Not later than April 1 of each year, the City Manager shall submit to the City Commission an estimate of the contemplated expenditures for the ensuing year, together with the estimated revenues for that year, and such other information as the City Commission may require.

Appropriation Resolution.

Section 4. On or before June 1 of each year, the City Commission shall take up, consider and pass an annual appropriation resolution to cover the expenditures as determined by the City Commission.

Receipts.

Section 5. All moneys shall be received

by the City Treasurer regardless of the source.

Transfer of Funds.

Section 6. The City Commission may transfer any part of an unencumbered balance of an appropriation to a purpose or object for which the appropriation for the current year has proved insufficient, or may authorize a transfer to be made between items appropriated to the same office or department, or between activities.

Unused Balances.

Section 7. Any unused balances of appropriations at the end of the year shall revert into the general fund.

Payments.

Section 8. Payments by the City shall be made only upon vouchers certified to by the head of the appropriate department or other division of the City government, and by means of warrants on the City Treasurer, issued by the City Clerk and countersigned by the City Manager.

BONDING

Payments for Special Assessments.

Section 1. (a) For the purpose of making public improvements, or for any other purpose within the scope of its powers, the City Commission may issue bonds on the credit of the city in such sum or sums as it may deem expedient, subject to the limitations of this charter and of Section 4, Act 279 of the Public Acts of the State of Michigan, 1909, as amended and now in force.

(b) The proceeds of any bond issue shall be used for the purpose for which the same was issued, and for no other purpose. All city bonds shall be signed by the Mayor and countersigned by the City Clerk. The attached coupons may be signed with the printed facsimile signature of the City Clerk. The bonds shall be numbered or lettered by the City Clerk consecutively and shall be paid at maturity and cancelled, and shall not be reissued or refunded. All bonds may be registered or unregistered. All proceedings authorizing the issuance of bonds shall be by resolution, and nothing herein contained shall require the publication of said resolutions.

(c) Any bonded indebtedness, or renewal thereof, against the City shall be void unless approved by three-fifths of

the qualified electors voting thereon; but loans raised to meet the current expenses as provided in this section, street and sewer improvement bonds, and emergency bonds for the purposes and within the limits enumerated in subdivision "b" of Section 4 of Act 279 of the Public Acts of the State of Michigan, 1909, or any amendment thereof, shall be valid without such approval.

(d) If necessary to meet the ordinary running expenses of the city, as provided for in the budget, the City Commission, by the affirmative vote of two of its members, may anticipate the collection of taxes therefor, by loans payable not later than September next following, and such anticipated taxes when collected shall be first used in payment of such loans.

City and Street Improvement Bonds.

Section 2. The City Commission shall have power to cause the public streets, highways, avenues and alleys of said City to be graded, macadamized, paved, re-paved, re-surfaced or graveled and otherwise constructed, improved and repaired and the gutters paved, and sidewalks constructed. The cost and expense thereof may be paid by the corporation, or the same, or any part thereof, may, as the City Commission by resolution determine, be assessed on the property adjacent thereto and benefitted thereby. The terms "paved" and "Macadamized" shall be deemed to include the construction of gutters, curbing, cross-walks, and ballasting. For the purpose of meeting the expense thereof in anticipation of the collection of the assessments and taxes to defray the expense and cost thereof, the City Commission may by resolution authorize and direct that a sum of money, not exceeding the entire cost of said work, shall be borrowed by the issue of bonds to be known as "Street Improvement Bonds". At any time before the confirmation of the special assessment roll for grading, macadamizing, paving, re-paving, re-surfacing, graveled or otherwise constructing, improving or repairing any street, the City Commission may determine, by resolution, that the corporation shall pay the cost and expense thereof for the street intersections and the expense of laying and relaying the water mains and services, sanitary, storm and connecting sewers. In case the City Commission shall determine by resolution that the corporation shall pay

a portion of the expense of the work, or pay for grading, macadamizing, paving, re-paving, re-surfacing, graveled or otherwise constructing, improving or repairing the street intersections, or the expense of laying and relaying water mains and services, sanitary, storm and connecting sewers, or any or all of the same, the total amount of the bonds issued shall be divided into two portions. One portion of said bonds shall not exceed the cost of the improvement that is to be assessed to the abutting property, and said bonds shall be known as "Street Improvement Bonds". The other portion shall not exceed the amount that the city is to pay for said work, and the bonds issued to raise the same shall be known as "City Improvement Bonds". Both street improvement bonds and city improvement bonds shall be a direct city obligation. All street improvement bonds and city improvement bonds shall be made payable in equal amounts each year for a period not exceeding ten years from the date of issue, as the City Commission may direct. The City Commission may provide that all or any part of the street improvement bonds and the city improvement bonds may be retired at the time of any yearly payment of interest by the City Commissioner giving the holder of said bonds a written notice of its intention to retire said bonds not less than ninety days previous to the date on which interest falls due. All of said bonds shall bear an endorsement giving the nature of the work for which said bonds were issued. Said bonds shall not be sold for less than par and the proceeds thereof shall be paid the City Treasurer and by him placed to the credit of the fund to be known by the name endorsed upon the bonds. As rapidly as money is collected upon the special assessment roll for the improvement for which street improvement bonds were issued, the same shall be placed to the credit of a fund to be known as the "Street Improvement Fund". On or before the day that any of said bonds shall fall due, the City Commission shall transfer or pay into a special fund enough money to pay said bonds. Whenever the City Commission shall direct any of the cost and expense of the improvements, herein authorized, to be assessed to the abutting or contiguous property, the total amount assessed shall be divided into as many equal

annual installments as there are years in the term for which the bonds for said improvements were issued. All of the installments shall draw the same interest as the bonds issued for the improvement. On all installments not paid within thirty days after they fall due, there shall be added and collected an additional two per cent per annum as a collection fee. All assessments under this charter shall be collected in the same manner and with all the remedies that are prescribed for the collection of other city taxes, except as the same may be in this section varied. The term "water service" shall be construed to mean water services from the main to the curb, and the term, "connecting sewers", shall be construed to mean connecting sewers from the main or lateral sewer to the curb.

Sewer Bonds.

Section 3. Whenever the City Commission shall determine that the whole or any part of the expense of laying sanitary sewers shall be defrayed by an assessment upon the property adjacent thereto and benefited thereby, it may provide that the total amount to be assessed shall be divided into not to exceed five equal installments, one installment to be due and payable each year. The City Commission may also provide for meeting the expense of said improvements in anticipation of the collection of the assessment and taxes to defray the cost and expense thereof in the following manner: The City Commission shall by resolution determine what proportion of the cost of constructing said sewers shall be assessed upon the property adjacent thereto and benefited thereby. The City Commission may then authorize that a sum of money not exceeding the cost of the improvement to be assessed to the property adjacent thereto and benefited thereby shall be borrowed by the issue of bonds to be known as "Sewer Bonds", bearing interest at a rate not exceeding six per cent. All "Sewer Bonds" shall be a direct city obligation and shall be made payable in equal amounts each year for a period not exceeding five years from the date of issue, as the City Commission may direct. All of said bonds shall bear an endorsement giving the nature of the work for which said bonds were issued. Said bonds shall not be sold for less than par and the proceeds thereof shall be

paid by the City Treasurer and by him placed to the credit of a fund to be known by the name endorsed upon the bonds. As rapidly as money is collected upon the special assessment rolls for the improvement for which the bonds were issued, the same shall be placed to the credit of a fund to be known as the "Sewer Bonding Fund". On or before the day that any of said bonds shall fall due, the City Commission shall transfer or pay into a special fund enough money to pay such bonds. The total amount to be assessed to the adjacent property for any such improvement shall be divided into as many equal annual installments as there are years in the terms for which the bonds of said improvement were issued. All of the installments shall draw the same interest as the bonds issued for the improvement. On all installments not paid within thirty days after they fall due, there shall be added and collected an additional two per cent per annum as a collection fee. All assessments under this charter shall be collected in the same manner and with all the remedies that are prescribed for the collection of other city taxes, except as the same may be in this section varied.

Sinking Fund.

Section 4. No bonds shall be issued without providing for a sinking fund to pay them at maturity, but no sinking fund shall be required in the case of serial bonds which fall due annually.

GENERAL TAXATION

Subjects of Taxation.

Section 1. The subjects of taxation for municipal purposes shall be the same as for State, County and School purposes under the general law, and the amount annually raised shall not exceed the limit fixed by the State Law.

Time for Making Assessment Rolls.

Section 2. Between January 1 and the first meeting of the Board of Review in each year, the Assessor shall make and complete an assessment roll in the manner and form provided in the general tax law.

Valuing of Real and Personal Property.

Section 3. Said Assessor shall estimate, according to his best information and judgment, the true cash value of every parcel of real property and set

the name down opposite such description. He shall also estimate the true cash value of all personal property of each person and set the same down opposite the name of such person.

Delivery of Assessment Roll.

Section 4. The Assessor shall sign and deliver the assessment roll to the Board of Review at its first meeting.

Board of Review – Appointment of Members.

Section 5. There shall be a Board of Review, consisting of three members, to be appointed by the City Commission, one in January of each year, and whose term shall commence on the first day of May next following and shall continue three years; provided, that in April, Nineteen Hundred Nineteen, three members of said Board shall be so appointed, to serve terms of one, two and three years, respectively commencing May 1st, Nineteen Hundred Nineteen. Vacancies in said Board may be filled by the City Commission at any time.

Organization and Procedure of Board of Review.

Section 6. The Board of Review shall meet on the third Monday of May of each year, and continue in session until the assessment roll shall have been revised, corrected and approved, but not later than the Saturday following the fourth Monday in May each year. It shall, except as herein otherwise provided, have and exercise the powers and duties of Boards of Review in townships, and with like effect. It shall elect its chairman, and the City Clerk shall act as secretary. It shall be the duty of such secretary to keep permanent record of all proceedings, and to enter therein all resolutions and decisions of the Board.

Notice of Meeting.

Section 7. The City Clerk shall give notice to the public of the time and place of meeting of the Board of Review by publication in at least one newspaper published and circulated in this city at least two weeks immediately preceding such meeting, and also by posting three notices thereof in public places in said City during all of said time.

Powers and Duties of Board of Review.

Section 8. The Board of Review shall have power and it shall be its duty to amend and correct any assessment or

valuation and to place upon the assessment roll of the city any taxable property real or personal, not already assessed, and to strike from said rolls any property, real or person, wrongfully thereon. Any person considering himself aggrieved by reason of any assessment may complain thereof either verbally or in writing to said Board, and said Board shall review the assessment complained of, and may alter and correct the same and may in its discretion increase or decrease any assessment. The concurrence of a majority of the Board shall be sufficient to decide any question of altering or correcting any assessment complained of. And upon the completion of such revision by the Board of Review, the Clerk shall certify the same as is provided for in the case of Cities of the same class.

Confirmation of Roll.

Section 9. When the Board of Review shall have completed its review and correction of such assessment roll the same shall be delivered to the City Commission, and the City Commission shall proceed to fully and finally confirm such assessment roll.

Validity of Tax Roll.

Section 10. Upon the completion of said roll and its confirmation in the manner aforesaid, the same shall be conclusively presumed by all courts to be valid and shall not be set aside except for causes in the general tax law mentioned.

Collection of City Taxes.

Section 11. Upon completion of said rolls they shall be delivered to the City Treasurer, together with a copy of the annual appropriation resolution and a warrant from the City Commission authorizing and directing him to collect from the persons named in said rolls the taxes therein set forth. The taxes shall be due and payable on the first day of July, and shall be payable from the first day of July to the fourteenth day of August without penalty, together with a collection fee of three per cent, shall be added and collected on all taxes remaining unpaid from and including the fifteenth day of August. The City Treasurer shall give notice by publication for three successive days that such taxes are due and payable at his office. It shall thereupon be the duty of the City Treasurer

to collect the taxes and other charges specified in the warrant.

Section 12. All such taxes shall be collected on or before the thirty-first day of October 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.

Section 13. If the City Treasurer shall be unable to collect any of the taxes on such roll assessed on real property before the thirty-first day of October in each year, he shall make a statement of the same, with a full and perfect description of such property with the taxes upon each parcel thereof, which statement shall be verified by his affidavit that such taxes remain unpaid, and that he has not upon diligent inquiry been able to secure any goods or chattels liable to pay such sum whereon he could levy the same; and he shall also make a statement showing the taxes upon personal property remaining unpaid, and 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, whereon 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 shall be filed with the City Clerk. The Commission shall direct the City Assessor to assess in the annual tax roll for state, county and school taxes all such delinquent taxes so returned, with a penalty of four cents on each dollar of the sum total of taxes assessed to each particular description of land or other property, and which penalty shall be carried out opposite to each 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 in the column headed "The Delinquent City Taxes", and all unpaid special district assessments shall be placed on the column headed "Special Assessments", and the aggregate sum thereof including the four per cent penalty tax shall be placed in the column headed "Total Delinquent

City Taxes".

Section 14. The City Clerk shall keep the original assessment rolls in his office until the annual meeting of the board of supervisors of Clinton County, and he shall then present such rolls to said board which rolls shall be the assessment rolls of the city for all taxation purposes whatever, except the levying of taxes to be collected in the months of June, July, August, September and October as herein provided.

Section 15. On the first day of November the City Assessor shall apportion and spread upon the tax rolls all school, state and county taxes, certified to him by the board of supervisors, delinquent city taxes, and such other taxes as are legally required to be spread on the rolls.

Section 16. Within thirty 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, to which roll shall be annexed a warrant signed by the City Clerk and directed to the Treasurer, in all respects as near as may be as warrants to township treasurers for collection of state, county and township taxes.

Section 17. Upon receiving said tax roll as herein provided, the City Treasurer shall give notice to the tax payers of the City that such roll has been delivered to him and that the taxes therein levied may be paid to him at his office any time from the first day of December up to and including the ninth day of January next ensuing, without any charge for collection, but that four per cent 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 one week in a weekly paper 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.

Section 18. 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 covered by said City Treasurer into the city treasury at the end of each month.

Section 19. 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.

Section 20. 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 law of the state relating to township treasurers, and said general law shall govern in all things relating to the levy and collection of taxes not herein otherwise provided for.

Section 21. 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.

Additional City Treasurer's Bonds.

Section 22. Before any tax rolls are delivered to the City Treasurer the City Commission shall require him to give additional bonds in such form and amount and with such conditions and surety or sureties as it shall order and approve. The City Treasurer shall give such additional bonds to the County of Clinton as are required by law of Township Treasurers.

When Tax and Assessment Becomes a Charge and Lien.

Section 23. Every tax and assessment levied by authority of this charter, shall, except when otherwise provided, constitute a charge against the person whom and property upon which it is levied from the date of the confirmation of the assessment roll upon which such tax or assessment has been levied. Every interest in real estate included in the annual assessment roll or in any special assessment roll, shall from the date of the delivery of such roll to the treasurer

be subject to a lien in favor of the City for the payment of all City taxes and assessments levied against it in such roll.

When Personal Property is Subject to Lien for Tax.

Section 24. All personal property of every person in the annual assessment roll shall from and after the second Monday in April be subject to a lien in favor of the City for the payment of all personal taxes to be levied against such person during the same calendar year; all personal property assessed in any supplemental assessment roll shall be subject to a like lien from the confirmation of said roll; such lien shall take precedence of any sale, assignment, or chattel mortgage, levy or other lien on such personal property, executed or made after said lien attaches as herein provided except actual sales from a stock of goods in the course of regular trade at wholesale or retail.

Section 25. The Commission shall continue the present sewer system of the city, and may in the future establish and maintain such additional sewer systems as they may deem 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 or in the statutes of the state of Michigan for the taking of such property for public use. But in all cases when the Commission shall find it practicable, such sewers and drains shall be constructed in public streets and grounds.

Section 26. The cost and expense of establishing and making any main or trunk sewer, constructed without reference to sewer districts, shall be paid from the general sewer fund, excepting such portion or portions thereof as the Commission 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 Commission 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.

Section 27. The Commission may, however, provide for main or trunk sewers without reference to sewer districts, and may direct the preparing of diagrams or plants thereof, which, when approved by the Commission shall be recorded in the office of the City Clerk, in the book of sewer records.

Section 28. Whenever it may become necessary in the opinion of the Commission to provide additional 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, for all that part of the city to be affected thereby.

**PUBLIC IMPROVEMENTS, ASSESSMENTS,
CONTRACTS**

Power of City to Acquire and Dispose of Property.

Section 1. The City shall have and it is hereby given the power to purchase or condemn private property, within or without the City, for the public use within the scope of its power. To that end the City Commission, subject to the general laws of the State, whenever it deems the same essential for the welfare of the inhabitants of the City, may acquire by gift, purchase, condemnation or otherwise, the necessary property for the purpose in view. The City Commission subject to the general laws of the State, shall have the power to hold and improve such property, and to convey or dispose of same.

Plans of Streets and Alleys.

Section 2. The City Commission shall have and it is hereby given the power to adopt a plan of the streets and alleys within the City limits, and for such distance beyond the City limits as is now or may be hereafter authorized by law; and to that end all plats showing such streets and alleys shall be sub-

mitted to and approved by the City Commission before they are filed for record.

Separation of Grade Crossings.

Section 3. The City Commission by ordinance may provide for a general plan of separation of streets from the railroads and street railways at grade crossings within said city, and for the execution of the same under the direction of the City Manager.

**Powers and Duties of the City Commission as
to Public Works.**

Section 4. The City Commission shall:

(a) Determine the necessity for and order all public work and public and special improvements, and make the requisite appropriations and provide for securing the necessary funds therefor.

(b) Declare the same to be a necessary public improvement.

(c) Determine the character of the improvement and determine and fix the district over which the assessment to pay the cost of any public or special improvement shall be levied, and the amount, if any, of the cost of such public or special improvement which shall be levied upon the City at large.

(d) Specify at the time of declaring the necessity of any public or special improvement, whether the cost of the same in the first instance shall be met by issuing bonds of the City therefor in anticipation of the collection of the assessment to defray the expense thereof, and in such case authorize the issuance of such bonds.

(e) Provide for the issuance of bonds of the City for the purpose of providing the first cost of installation and connection of sewer and water on and to property used solely for dwelling house purposes, when such installation and connection shall be ordered by proper health authorities and when the City Commission shall determine that it is inadvisable to collect the cost thereof at the time of installation.

(f) Provide by ordinance the manner of payment and collection for the installation and connections above mentioned, and that the City shall have a lien on the property served for the cost of such installation and connections.

Street Intersection Improvements.

Section 5. The cost of grading, paving or improving of that portion of the public streets and alleys included within

the intersecting lines of the same, shall be paid by the City at large from the proper fund, excepting, however, any part of the same chargeable to any public utility.

Estimating Cost, etc.

Section 6. The estimating of the cost, advertising for bids, supervision and approval of the work upon or for any public work or public or special improvement are vested in the City Manager.

Public Improvement by Direct Labor.

Section 7. The City Commission shall have power to do any public work or make any public improvement by the employment of the necessary labor and the purchase of the necessary supplies and materials, with separate accounting as to each improvement so made or to do such work by contract duly let after competitive bidding.

Contracts.

Section 8. Whenever it becomes desirable for the city to enter into a contract with a second party for any purpose whatever, such instrument shall be drawn or approved as to form, by the City Attorney, and certified to by the City Clerk as to sufficiency of funds. The letting and making of such contracts is hereby vested in the City Commission.

Modifications in Contracts.

Section 9. When it becomes necessary in the prosecution of any work or improvement done under contract to make alterations or modifications in such contract, such alterations or modifications shall be made only upon resolution of the City Commission. No such order shall be effective until the price to be paid for the material and work, or both, under the altered or modified contract shall have been agreed upon in writing and signed by the contractor and the City Manager upon authority of the City Commission.

Notice of Special Improvement.

Section 10. Whenever any special improvement is ordered or declared to be necessary, and whenever any special assessment district is fixed, the City Commission shall give notice and an opportunity to be heard thereon to all persons liable to be assessed therefor. Such notice shall be given in such form and manner as the City Commission shall prescribe; provided, that notice by publi-

cation shall be deemed sufficient.

SPECIAL ASSESSMENTS

Assessment Roll For.

Section 1. The City Assessor shall make all special assessments for said city. If the City Assessor shall be personally interested in any particular special assessment, such particular special assessment may, if the City Commission so determines, be made by the City Manager, or by such other person as the City Commission may, by resolution, designate.

Expenses, Determined by City Commission.

Section 2. When the City Commission shall determine to make public improvements 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 shall be paid by special assessment, and what part if any, has been appropriated from the general funds of the city or shall be borne by the city, and shall designate the district or lands and premises upon which the special assessment shall be levied.

Estimates to be Filed.

Section 3. Before ordering any public improvement or repairs, any part of the expense of which is to be defrayed by special assessment, the City Commission shall cause estimates of the expense thereof to be made, and also plats and diagrams, when practicable, of the work and of the locality to be improved, and file the same with the City Clerk.

Cost, What to Include.

Section 4. The cost and expenses of any improvement which may be defrayed by special assessment, shall include the cost of surveys, plans, assessments, notices, advertising and construction.

Levy, Before Improvement.

Section 5. Special assessments to defray the cost of any improvement may be levied before making the improvement.

Assessments, How Made.

Section 6. 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 Commission 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 districts to be assessed.

Assessors, Duties of In Making Assessments.

Section 7. Upon receiving such order and directions, the City Assessor shall make out an assessment roll, entering and describing therein all the lots, premises and parcels of land to be assessed with the names of the persons, if known, chargeable with the assessments thereon; and shall levy thereon and against such persons the amount to be assessed, in the manner directed by the City Commission and the provisions of this charter, applicable to the assessment. In all cases where the ownership of any description is unknown to the City Assessor, he shall, in lieu of the name of the owner, insert the name "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 a person other than the owner, such assessment shall not, for any such cause, be vitiated, but shall in all respects be as valid 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 a valid lien on such lot, parcel of land or premises, and collected as in other cases.

Section 8. If the assessment is required to be according to frontage, the City Assessor shall assess to each lot or parcel of land such relative portion of the whole amount to be levied as the length or front of such premises abutting upon the improvement bears to the whole frontage of all the lots to be 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, the City Assessor shall assess upon each lot such relative portion of the whole sum to be levied as shall be proportionate to the estimated benefit resulting to such lot from the improvement. When the City Assessor shall have completed the assess-

ment, he shall report the same to the City Commission; such report may be in the form of a certificate, indorsed on the assessment roll as follows:

STATE OF MICHIGAN, City of St. Johns, ss.

To the City Commission of the City of St. Johns:

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 Commission of said city, adopted (give date) for the purpose of paying that part of the cost which the City Commission 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 Commission hereinbefore referred to, and the charter of the city relating to such assessments.

Dated _____

_____ City Assessor.

Assessments on Single Lots.

Section 9. When any expense shall be incurred by the City upon or in respect to any separate or single lot, parcel of land or premises which, by the provisions of this charter, the City Commission is authorized to charge and collect as a special assessment against the same, and not being of that class of special assessments required to be made pro rata upon several lots or parcels of land in a special assessment district, an account of the labor or services for which such expense was incurred, verified by the officer or person performing the labor or services, or causing the same to be done, with a description of the lot or premises upon or in respect to which the expense was incurred, and the name of the owner or person, if known, chargeable therewith, shall be reported to the City Commission in such manner as they shall prescribe. The provisions of the preceding sections of the charter with reference to special assessments generally, and the proceedings necessary to be had before making the improvement shall not apply to assessments contemplated in this section.

Amount, Commission to Determine.

Section 10. The City Commission shall

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

Assessor, Duties of In Making Assessments.

Section 11. Upon receiving the report mentioned in the preceding section, the City Assessor shall make a special assessment roll, and levy as a special assessment therein, upon each lot or parcel of land so reported to him and against the person chargeable therewith, if known, the whole amount or amounts of all the charges so directed as aforesaid to be levied upon each of such lots or premises respectively, and when completed, he shall report the assessment to the City Commission.

Assessments, Filing, Numbering, Review.

Section 12. When any special assessment shall be reported by the City Assessor to the City Commission as this charter directs, the same shall be filed in the office of the City Clerk and numbered consecutively. Before adopting such an assessment the City Commission shall cause notice of the filing of the same with the City Clerk and the appointment of a time when the City Commission and City Assessor shall meet to review said assessment, either to be published once each week in some newspaper published in the city, or to be mailed to the persons whose names appear upon the special assessment roll at their last postoffice address. Any person objecting to the assessment may file his objections thereto in writing with the City Clerk. The notices mailed to the parties may be in the following form:

NOTICE OF SPECIAL ASSESSMENT

Take Notice, That the roll of the special assessment heretofore made by the City Assessor for the purpose of defraying that part of the cost which the City

Commission decided should be paid and borne by special assessment for the (insert the object of the assessment and the locality of the proposed improvement in general terms) is now on file in my office for public inspection. Notice is also hereby given, that the City Commission and City Assessor of the City of St. Johns will meet at the city hall in said city on (insert the date fixed upon) to review said assessment, at which time and place opportunity will be given to all persons interested to be heard.

Dated _____
_____ City Clerk.

In case the notice is published, there may be prefixed to the above notice the names of the persons against whom the assessment appears.

Commission to Review, Confirmation.

Section 13. At the time and place appointed for the purpose, as aforesaid, the City Commission and City Assessor shall meet, and there, or at some adjourned meeting, review the assessment; and shall hear any objections to said assessment which may be made by any person deeming himself aggrieved thereby, and the City Commission 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 City Assessor for revision; or annual it and direct a new assessment; in which case the same proceedings shall be had as in respect to the previous assessment. When such special assessments shall be confirmed, the City Clerk shall make an endorsement upon the roll showing the date of confirmation.

Confirmation, Final

Section 14. When any such special assessment shall be confirmed by the City Commission, it shall be final.

Special Assessment, Lien On.

Section 15. Special assessments shall, from the date of the confirmation thereof, constitute a lien upon the respective lots or parcels of land assessed, and shall be a charge against the person to whom assessed, until paid.

May Be Paid in Installments.

Section 16. Upon the confirmation of any special assessment roll for street improvements other than sewers, the

amount thereof may be divided into not more than ten installments and sewer rolls may be divided into not more than five installments. One of said installments shall be collected each year, at such times as the City Commission shall determine. However, the whole assessment after confirmation, may be paid to the City Treasurer at any time in full, with the proportionate interest thereon.

First Installment, When Due.

Section 17. All special assessments, except such installments thereof as the City Commission shall make payable at a future time, as provided in the preceding section, shall be due and payable upon confirmation.

Roll for Installments.

Section 18. If any special assessment shall be divided into installments, the assessment roll upon which said special assessment shall be spread shall be made with separate space, showing the amount of each installment, and such roll, when so made shall constitute an assessment roll for each installment as provided by the City Commission; and the warrant hereinafter provided for, shall command the City Treasurer, in addition to all other requirements, to collect the several installments as provided by the City Commission, together with the interest as provided by law on all installments not paid. Such warrant shall have the same effect and confer the same powers upon the City Treasurer as if a separate warrant should be annexed to a separate roll for each installment when due.

Division of Lands After Confirmation of Roll.

Section 19. Should any lots of lands be divided after a special assessment thereon has been confirmed and divided into installments, and before the collection of all the installments, the City Commission may require the City Assessor to apportion the uncollected amounts upon the several parts of lots and lands so divided. The report of such apportionment, when confirmed, shall be conclusive upon all the parties, and all assessments thereafter made upon such lots or lands shall be according to such division.

Insufficient and Excessive Assessments.

Section 20. 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 Commission 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 have been collected than was necessary, the excess shall be refunded ratably to those by whom it was paid.

Irregular and Invalid Assessments.

Section 21. Whenever any special assessment shall, in the opinion of the City Commission, 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 Commission shall, whether the improvement has been made or not, or whether any part of the assessments have been paid or not, have power to cause a new assessment to be made for the same purpose for which the former assessment was made. All proceedings on such re-assessment and for the collection thereof shall be conducted in the same manner as provided for the sum or part thereof, levied upon any original assessment, and whenever any premises in the assessment so set aside has been paid and not refunded, the payment so made shall be applied upon the re-assessment on said premises, and the re-assessment shall to that extent be deemed satisfied.

Vacating Special Assessments.

Section 22. No judgment or decree nor any act of the City Commission vacating a special assessment shall destroy or impair the lien of the city upon the premises assessed, for such amount of the assessment as may be equitably charged against the same, or as by a regular mode of proceeding, might have been lawfully assessed thereon.

When Levied on General Tax Roll.

Section 23. Whenever any special assessment shall be confirmed and be payable, the City Commission may direct the City Clerk to report to the City Assessor a description of such lots and premises as are contained in said roll, with the amount of the assessment levied upon each, and the name of the owner or occupant against whom the assessment was made, and direct said assessor to levy the several sums so assessed as a tax upon the several lots and premises to which they were assessed respectively.

Upon receiving said report, the City Assessor shall levy the sums therein mentioned upon the respective lots and premises to which they are specially assessed, and against the persons chargeable therewith, as a tax in the city tax roll or other general tax roll in which such premises are described, next thereafter to be made, in a column for special assessments, and thereupon the amounts so levied in said tax roll shall be collected and enforced with the other taxes in such tax roll, and in the same manner; and shall continue to be a lien upon the premises assessed, until paid, and when collected shall be paid into the city treasury.

When Collected Directly.

Section 24. When any special assessment shall be confirmed, and be payable as hereinbefore provided, the City Commission, instead of requiring the assessments to be reported to the City Assessor, as provided in the preceding section, may direct the assessment so made in the special assessment roll to be collected directly therefrom; and thereupon the City Clerk shall attach his warrant to said special assessment roll, therein commanding the City Treasurer to collect from each of the persons assessed in said roll, the amount of money assessed to and set opposite his name therein; and in case any person named in said roll shall neglect or refuse to pay his assessment within forty days from the date of the warrant, then to levy and collect the same by distress and sale of the goods and chattels of such person; and return said roll and warrant together with his doings thereon, within sixty days from the date of such warrant.

Collection, How Made.

Section 25. Upon receiving said assessment roll and warrant, the City Treasurer shall proceed to collect the amounts assessed therein, and for that purpose it shall be his duty, immediately upon receiving such roll, to give public notice of the receipt thereof by him, by publication for six days in one or more of the newspapers of the city. If any person shall neglect or refuse to pay his assessment within forty days from the date of the warrant attached to such roll, 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 days' notice of the time and place of such sale, or so much thereof as may be necessary for that purpose, and the proceeds of such sale shall be applied to the payment of the assessment and a percentage of five per centum upon the amount of the assessment for the costs and expenses of said seizure and sale, and the surplus, if any, shall be paid to the person entitled thereto.

Return by Treasurer.

Section 26. The Treasurer shall make return of said assessment roll and warrant to the City Clerk, according to the requirement of the warrant, and if any of the 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 the assessments remain unpaid, and the amount unpaid on each.

Renewal of Warrant Re-Assessment.

Section 27. Said warrant may be renewed from time to time by the City Commission, 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 to the City Treasurer unpaid, as aforesaid, the same may be certified to the City Assessor in the manner provided in Section 23, Special Assessments of this charter, and shall then be re-assessed with interest included at the rate of seven per cent per annum from the date of the confirmation of the assessment until the last day for the payment of taxes, in the next city or other general tax roll, and be collected and paid in all respects as provided in Section 23, Special Assessments of this charter.

Collection by Suit.

Section 28. At any time after a special assessment has become payable, the same may be collected by suit, in the name of the City, against the person assessed, in an action or assumpsit, in any court having jurisdiction of the amount.

Irregularities No Bar.

Section 29. 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 defendants, 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.

Previous Assessment Included.

Section 30. The provisions of this charter shall apply as well to assessments made prior to its adoption and remaining unpaid, as to those made after its adoption.

Condemnation.

Section 31. The City Commission shall by ordinance provide for acquiring by condemnation or otherwise, such property and rights as may be required for any public use or property within the scope of its powers in the manner prescribed by the statutes of the State of Michigan.

Cost of Condemned Property Added.

Section 32. Whenever any property is acquired by condemnation or otherwise for the purpose of any special improvement, the cost thereof may be added to the cost of such special improvement, levied upon the property benefited thereby and collected accordingly.

Liability of Common Carrier for Public Improvements.

Section 33. All freight houses, roadbeds, rights of way and other premises belonging to any railroad or railroad corporation or company within the corporate limits of the City of St. Johns, which are necessarily used in the operating of the respective franchises of the owners of said railroads, and the person, company or corporation owning the same are liable for all valid unpaid assessments for public improvements hereafter made within the City of St. Johns and assessed against the same, but no lien shall attach thereon on account of such assessments and the payment of such assessments shall not be enforced and collected by sale of said property. Assessments of such classes of property shall be made in the same manner as the assessment of other property under the charter of said city for special im-

provements. All special assessments made as aforesaid against the property of said railroad companies, and the owners thereof, for public improvements, and all installments thereof, together with the interest, cost and charges thereon for enforcing the collection of the same, are hereby made and declared legal demands against each and every of said railway corporations or companies against whose property such assessments are made in favor of the City of St. Johns, and if any of the railroad or railway corporations or companies shall fail to make payment thereof within the time payment is required of such special assessments under the roll on which they are extended, then the City of St. Johns may institute an action in assumpsit or other proper legal action in any court of competent jurisdiction against the owners of said properties, and if judgment be rendered thereon in favor of said City of St. Johns, the same may be collected on execution out of any property of said railroad or railway corporations or companies liable to levy and sale on execution.

Cost of Improvements to Include Certain Costs.

Section 34. The cost of public and special improvements for which a special assessment roll shall be made, shall include the cost and expense of making estimates, plans and assessments incidental thereto.

Acceptance of Plats.

Section 35. (a) The City Commission shall not accept any plat or subdivision of any lands or premises either within or without the corporate limits of St. Johns, having thereon streets, lanes or alleys which are intended to be or are dedicated to public use by such plat or subdivision until such streets, lanes or alleys so intended to be dedicated to public use are brought to a grade to be established by the City Commission.

(b) The City Commission shall not accept any plat or subdivision of any lands or premises, either within or without the corporate limits of St. Johns until streets have been platted and dedicated thereby to public use in continuance of any streets which have been dedicated to public use prior thereto, and terminating at the boundary lines of such lands or premises so platted or subdivided and are of the same width, nor until all

streets intended thereby to be dedicated to public use, and which are intended to be continuations of streets terminating at the boundary lines thereof, are so platted as to be exact continuations thereof, and of the same width of such streets terminating at the boundary lines thereof.

FRANCHISES AND PUBLIC UTILITIES

Power to Grant Franchises.

Section 1. The power to grant irrevocable franchises for any public utility, enterprise or service, and to renew, amend and extend the same, shall be exercised by ordinance only, which ordinance shall not become effective until it shall have:

- (a) Been passed by the City Commission.
- (b) Been unconditionally accepted in writing by the grantee.
- (c) Been published in full, together with the grantee's acceptance, in a newspaper of the city, at least once a week for five consecutive weeks, the last insertion to be made within the week immediately preceding date of the popular vote.
- (d) Received the affirmative vote of three-fifths of the electors of said city, voting thereon at a regular or special election, and upon such propositions women taxpayers having the qualifications of male electors shall be entitled to vote.

Revocable Permits.

Section 2. Permits, revocable at the will of the City Commission, for such minor or temporary public utility privileges as may be specified by general ordinance may be granted and revoked by the City Commission from time to time in accordance with the terms and conditions to be prescribed thereby; and such permits shall not be deemed to be franchises as the term is used in this charter. Such general ordinance, however, shall be subject to referendum as provided in Section 1, Initiative, Referendum and Recall of this charter, and shall not be passed as an emergency measure.

Time Limitations and Term.

Section 3. No ordinance granting or renewing a franchise shall be adopted by the City Commission within sixty days after application therefor has been filed, nor shall a franchise ordinance be sub-

mitted to the electors of the city until after the expiration of sixty days after its preparation and adoption by the City Commission and the grantee has filed with the City Commission its unconditional acceptance of the proposed franchise or renewal if granted by the electorate. No franchise shall be renewed before three years prior to its expiration. No franchise shall be granted for a longer term than thirty years, and every amendment and alteration thereof, and all rights thereunder, shall expire the same time as the original grant, unless a shorter term has been prescribed in the amendment or alteration.

Right of the City to Purchase or Condemn.

Section 4. Every franchise or renewal thereof shall reserve to the city the right to purchase or lease all the property of the utility, enterprise or service used in or useful for the operation of such utility, enterprise or service at a price either fixed in the ordinance or to be fixed in the manner provided by the ordinance granting the franchise or renewal, which price shall not include or be affected by the value of the franchise or good will or profits to be earned on pending contracts or any other intangible element. Nothing in such ordinance shall prevent the city from acquiring the property of any such utility, enterprise or service by condemnation proceedings, or in any other lawful mode; and all such methods of acquisition shall be alternative to the power of purchase reserved in the franchise or renewal as herein provided. Upon the acquisition by the city of the property of any utility, enterprise or service by purchase, condemnation or otherwise, all franchises or renewals, and all rights thereunder, shall at once terminate. The power of the city to purchase or condemn the franchise and property of any utility, enterprise or service, as herein before provided, shall apply to existing franchises.

Rights of the City.

Section 5. All grants, renewals or amendments of the franchises of any public utility, enterprise or service shall contain a clause subjecting them to all the provisions of this charter, and, whether so provided in the ordinance or not, shall be subject to the right of the city:

(a) To repeal the same by resolution at any time for misuse, non-use, or failure to begin construction within the time prescribed, or otherwise to comply with the terms prescribed.

(b) To require proper and adequate extensions of plant and service, and the maintenance of the plant and fixtures at the highest practicable standard of efficiency.

(c) To fix the maximum rate of charge to the public for the service furnished, and to readjust such rate of charge at intervals to be fixed by said ordinance, but not oftener than once in five years; and to establish and enforce reasonable standards of service and quality or products; provided, that no rate of charge shall ever be fixed above the maximum names in the franchise.

(d) To prescribe the form of accounts for, and at any time to examine and audit the accounts and records of any such utility, and to require annual and other reports by each utility, covering whatever subjects or items (relating to its ownership, conduct, operation, debts or profits) which the City Commission shall specify. The City Commission shall have access to the plants, works or other property of any such utility.

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

Assignment of Franchises.

Section 6. No franchise granted by the City Commission 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 Commission shall provide how and in what manner and under what conditions said franchise may be leased, assigned or alienated.

City to Control and Regulate Use of Streets.

Section 7. The right is hereby reserved to the city to use, control and regulate the use of its streets, alleys, bridges and public places, and the space above and beneath them. Every franchise for the operation of a public utility, enterprise or service occupying the streets, alleys, bridges or public places of the city, or the space above or beneath them, shall be subject to the limitation that the city may permit the joint use of the

property of such public utility, enterprise or service located in the streets, alleys, bridges or public places of the city by any other public utility, enterprise or service of the city, on such reasonable terms as it may impose, and upon payment of a reasonable compensation to the owner thereof. If the owner of such property and the one desiring such joint use are not able to agree on such terms and compensation for the use thereof within sixty days from the time of opening negotiations therefor, then the City Commission shall, by ordinance, after a fair hearing, fix the terms and conditions of such joint use and compensation, which award of the City Commission when so made shall be binding and final and observed by all parties concerned.

Pavement of Streets by Street Railway.

Section 8. No franchise shall be granted or renewed for street railway purposes except the same shall contain a condition that the grantee, its successors and assigns, shall, as the City Commission may direct, pave and keep in repair the street or streets on which its tracks are located, or shall be located, between the outer rails of the track or tracks, and for a space outside of said rails of eighteen inches, in such manner and with such materials as the City Commission may order; and every such franchise or renewal shall contain a requirement that every pavement torn up or damaged by the grantee, its successors or assigns, in the work of constructing or repairing such tracks shall be replaced at the sole expense of such grantee, its successors or assigns, in as good condition and with the same kind of material.

Value to Be Fixed and Determined.

Section 9. Every franchise hereafter granted or renewed shall provide that before the franchise becomes operative the value of the property of the utility, enterprise or service within the city, and of such portion of the property beyond the city limits as is actually or necessarily used in, belonging to and a part of the local service, and which the city may own and operate under the constitution and general laws of the

State, shall be fixed and determined; provided, that such value shall not include or be affected by the value of the franchise, or good will, or profits to be earned on pending contracts, or any other intangible element.

Payment for Public Improvements.

Section 10. All utility grantees, their successors or assigns, using the streets, alleys, bridges or public grounds, or the space over or under the same, shall pay such part of the improvements, repairs, rebuilding and maintenance of the streets, alleys, bridges and public grounds, on, over or under which its wires, pipes, conduits or poles are located as the City Commission shall by resolution in each case determine.

Cost of Special Franchise Election.

Section 11. No franchise shall be submitted to the electors of the city at a special election unless the expense of holding the election, as determined by the City Commission, shall be paid in advance to the City Treasurer by the grantee of said franchise.

Power of City to Compel Resumption of Service.

Section 12. Whenever any public service corporation operating in the city shall fail in the opinion of the City Commission to render adequate service it shall be the duty of the City Attorney, when so instructed by the City Commission, at the expense and in the name of the city, to forthwith institute mandamus or other appropriate proceedings to compel resumption of service.

Power of City to Acquire and Operate Utilities.

Section 14. The City of St. Johns shall have and it is hereby given the right and power to acquire, construct, own, operate and maintain, either within or without its corporate limits, any public utility, enterprise or service, as the City Commission may from time to time

determine and designate, and to acquire all property, real and personal, necessary therefor, and to maintain and operate the same, or to lease the same, or any part thereof, to other corporations or individuals for the purpose of maintenance and operation. Said city may also sell and deliver the products of service of any such utility or enterprise as it is now or may be hereafter authorized to do by the laws of the State.

City May Issue Its Mortgage Bonds.

Section 15. To acquire, construct, own, operate or maintain any public utility, enterprise or service the city may issue its mortgage bonds therefor beyond the limit of general bonded indebtedness prescribed by law, and subject only to the conditions and limitations now or hereafter contained in the constitution and the laws of the State.

Procedure to Acquire Utility.

Section 16. The City Commission by ordinance may prescribe, or the people, by ordinance duly initiated and approved under the provisions of this charter, may prescribe the procedure to acquire any public utility, enterprise or service.

Accounts of Municipally Owned Utilities.

Section 17. Accounts shall be kept for each public utility owned or operated by the city, distinct from other city accounts, and in such manner as to show the true and complete financial result of such ownership, or ownership and operation, including all assets, liabilities, revenues and expenses. Such accounts shall show the actual cost to the city of each public utility owned; all expenses of maintenance; the cost of all extensions, additions and improvements; the amounts set aside for sinking fund purposes, and in the case of city operation, all operating expenses of every description. The accounts shall show as nearly as possible the value of any service furnished to or rendered by any such public utility by or to any other city or governmental department. The accounts shall also show as nearly as possible the value of any service furnished to or rendered by any such public utility by or to any other city or governmental department. The accounts shall also show a proper allowance for depreciation, insurance and interest on the investment on other than invested profits of the utility and estimates of the amount of taxes that would be chargeable against the property if privately owned. The City Commission shall annually cause to be made and printed for public distribution a report showing

the financial results of such city ownership, or ownership and operation, which report shall give the information specified in this section and such other information as the City Commission shall direct.

CLAIMS

The City Commission shall have authority to adjust and settle all accounts and claims against the city and no suit or action shall be maintained against the city on any account or claim until the same shall have been presented to the City Commission and said Commission shall have an opportunity to pass upon the same. The City of St. Johns shall not be liable to respond in any action or proceeding to collect any account or claim of any kind against the city for any greater amount than that named and set forth in the account or claim presented as herein provided. In all cases of claims against said city, for personal injuries or otherwise, the party having the claim shall present the claim to the Commission in detailed form, giving all the substantial facts upon which the same is based, and shall present to the Commission, at such time and place as shall be convenient for the Commission, and not exceeding thirty days from the time of presentation of the claim, all the evidence in his possession, or of which he or his attorney has knowledge, tending to prove the facts in the case, and submit the same to the full and complete examination of said Commission. Provided, that said hearing may be adjourned from time to time to suit the convenience of the parties, not exceeding thirty days more than herein provided; and it shall be a sufficient and complete defense to any action or proceeding for the collection of any such claim or demand against the city, that such claim or demand and the evidence upon which the same is based, has not been presented as hereinbefore provided. All claims for damages against the city growing out of the negligence or default of said city, or any officer or employee thereof, shall be presented to said City Commission in the manner above provided, within sixty days after such claim shall arise, and in default thereof, such claims shall thereafter be forever barred: provided, in all cases of damage sus-

tained by any person either by bodily injuries or to his property, because of the defective condition of any highway, street, bridge, sidewalk, crosswalk or culvert in said city, where provision for notice and production of witnesses is otherwise made by the general laws of the State, this section shall not apply.

MISCELLANEOUS PROVISIONS

Investigations.

Section 1. (a) The City Commission shall have power to investigate charges against any elected or appointed officer of the city, and such other municipal matters as it may deem proper to investigate. To enable said Commission so to do the Municipal Justice of the City of St. Johns is authorized, at the request of the City Commission, or the chairman of any investigating committee, to issue subpoenas, or process by warrant, to compel the attendance of persons and the production of documents, books and papers before said Commission or committee; and the Mayor of the city shall have like power to issue such subpoenas and process.

(b) Whenever the City Commission or any committee of the members thereof, are authorized to compel the attendance of witnesses for the investigation of matters which may come before such Commission or committee, the presiding officer of the Commission, or chairman of such committee, for the time being, shall have power to administer the necessary oaths, and such Commission or committee shall have the same power to compel witnesses to testify as is conferred on justice courts.

Licenses.

Section 2. The City Commission may prescribe the terms, conditions and time, not exceeding one year, upon which licenses may be granted and revoked. The City Commission may provide for punishment by fine or imprisonment, or both, of any person, who without a license, shall exercise any occupation or trade, or do anything for or in respect to which any license shall be required by any ordinance or regulation or said City Commission or this charter.

Oath of Office.

Section 3. Every elective officer before taking office shall take the oath of

office prescribed by law, but the oath of office of each City Commissioner shall be in writing and be filed with the City Clerk, and contain the statement that in his candidacy for nomination and election he has not violated any provisions of the general election laws of the State.

Official Bonds.

Section 4. The City Commission, in fixing the salary of any officer, clerk or employee, shall determine whether such officer, clerk or employee shall give a bond, and the amount thereof, which bond shall be procured from a surety company authorized to do business under the laws of Michigan. Premiums on such bonds shall be paid by the city. It shall be the duty of the City Commission to procure such bonds.

Salaries.

Section 5. The City Commission shall fix by resolution the salary or rate of compensation of all officers and employees of the city, except their own.

Jurors.

Section 6. The City Assessor and Commission shall select and return lists of petit and grand jurors in the same manner and within the same time as is or shall be required of Township officers of the State.

City to Control Use of Streets.

Section 7. The city reserve to itself the use and control of all streets and alleys, both above and below ground, and no grants for the use or occupancy

of any portion thereof, except such as are granted in public utility franchises, shall be made for a longer period than one year, and any revenue derived from such occupancy shall belong, and be paid to the city.

Power of City to Receive Bequests, etc.

Section 8. The City of St. Johns shall have and it is hereby given the power and right to receive bequests, gifts and devises of all kinds of property, both personal and real, absolute or in trust for public, charitable or other purposes; and to do all things and acts necessary to carry out the purposes of such bequests, gifts and devises, with power to manage, sell, lease or otherwise handle or dispose of the same, in accordance with the terms of the bequest, gift or devise.

Saving Clause.

Section 9. If any section or part of a section of this charter proves to be invalid or unconstitutional, the same shall not be held to invalidate or impair the validity, force or effect of any other section or part of a section of this charter unless it clearly appears that such other section or part of a section is wholly or necessarily dependent for its operation upon the section or part of a section so held invalid or unconstitutional.

Amendments.

Section 10. This charter may be amended at any time in the manner provided in Act 279 of the Public Acts of 1909, and amendments thereto.