

Revised

CHARTER

of the

CITY

of

ITHACA

Effective September 1, 1984

ITHACA, MICHIGAN

CITY OF ITHACA

FINAL CHARTER REVISION

ADOPTED AUGUST 7, 1984

EFFECTIVE SEPTEMBER 1, 1984

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| Provide the transition from the government of the City of Ithaca to that as a City under this Charter Revision. | |

CHARTER

PREAMBLE

We, the people of the City of Ithaca, grateful to God for the blessings of freedom, peace, health, safety, and justice, and desirous of further securing these blessings to ourselves and our posterity, and to provide for the public peace and health and for the safety of persons and property, do hereby ordain and establish this charter for the City of Ithaca.

CHAPTER I NAME, AND GENERAL PROVISIONS

A. Name.

The city shall be a body corporate under the name, "The City of Ithaca."

B. Boundaries.

1. The city shall embrace the territory constituting the City of Ithaca on the effective date of this charter, together with such annexations thereto and less any detachments therefrom that may be made from time to time. Such territory is more accurately described as:

All of Section 31 of Twp. 11 North Range 2 West, Section 6 of Twp. 10 North Range 2 West, Section 1 of Twp. 10 North Range 3 West, and Section 36 of Twp. 11 North Range 3 West, Gratiot County Michigan.

2. Upon annexation or detachment of territory, the boundaries shall be deemed thereby to be changed without amendment of this section.

3. The Clerk shall maintain and keep available in his office for public inspection an official description of the current boundaries of the city.

C. Wards.

The city shall constitute one ward until required by population to have more than one ward.

D. Records to be Public.

All records of the city shall be public, unless otherwise provided by law; shall be kept in city offices, except when required for official reasons or for purposes of safekeeping to be elsewhere; and shall be available for inspection at all reasonable times in compliance with the Freedom of Information Act.

E. Public Records as Evidence.

All papers, books, or other records of any matter required by law, or by the provisions of any ordinance or regulation, to be kept in any of the city departments shall be deemed public records, and they, or copies duly certified by the custodian thereof, shall be prima facie evidence of their contents in all suits at law or in equity or in other proceedings.

F. Definitions and Interpretations.

Except as otherwise specifically provided or indicated by the context of this charter:

1. The word "board" includes the word "commission";
2. The word "city" means the City of Ithaca;
3. The word "council" means the City Council of the City of Ithaca;
4. The word "law" denotes applicable federal law, the Constitution and

- statutes of Michigan, the applicable common law and this charter;
5. The word "officer" includes, but shall not be limited to, the Mayor, the members of the Council, and, as hereinafter provided, the administrative officers, deputy administrative officers, and members of city boards created by or pursuant to this charter;
 6. The word "person" extends and may be applied to bodies politic and corporate and to partnerships and associations, as well as to individuals;
 7. The words "printed" or "printing" include typewriting, printing, engraving, stencil duplicating, lithographing, photostating, or any similar method of reproducing written language which is understandable by average literate persons;
 8. The words "publish" or "published" include publication in the manner provided by law, or, where there is no applicable law, in one or more newspapers of the city qualified by law, for the publication of legal notices, or by posting in at least three places in each election precinct;
 9. Except in reference to signatures, the words "written" and "in writing" include hand written script, printing, typewriting, teletype and telegraphic communications, and other forms of written language readable by the average literate person;
 10. All words indicating the present tense are not limited to the time of the adoption of this Charter, but extend to and include the time of the happening of any event or requirement to which a charter provision is applied;
 11. The singular includes the plural, the plural includes the singular, and the masculine gender extends to and includes the feminine gender and the neuter;

G. Official Performance.

Whenever this charter requires the performance of an act by an officer, the act may be performed by a deputy or by a subordinate, under the officer's direction, unless otherwise provided by law.

H. Penalties for Violations of Charter.

Any person found guilty of an act constituting a violation of this charter may be punished by a fine or imprisonment, or by both such fine and imprisonment, in the discretion of the court. No such fine shall exceed the sum of five hundred dollars nor shall any such imprisonment exceed ninety days. This section shall not operate to limit or prejudice the power to remove officers or discharge employees as provided in this charter;

I. Chapter and Section Headings.

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

J. Amendments.

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

K. Severability of Charter Provisions.

If any provision, section, or clause of this charter, or the application thereof to any person or circumstance, is held invalid, such invalidity shall not affect any remaining portion or application of this charter, which can be given effect without the invalid portion or application, and, to this end, this charter is declared to be severable.

CHAPTER II MUNICIPAL POWERS AND LIABILITIES

A. General Powers.

1. Unless otherwise provided or limited in this charter, the city shall possess and be vested with all the powers, privileges, and immunities, expressed or implied, which cities are permitted by law to exercise or to include in their charters. The enumeration of particular powers, privileges, or immunities in this section or elsewhere in this charter shall not be held to be exclusive.

2. The city shall have power to manage and control its finances, rights, interests, buildings, and property, to enter into contracts, to do any act to advance the interests, good government, and prosperity of the city and its inhabitants, and to protect the public peace, morals, health, safety, and general welfare. In the exercise of such powers, the city may enact ordinances, rules, and regulations, and take such other action as may be required, not inconsistent with law. The power of the city shall include, but shall not be limited to, the following:

a. To declare as a hazard or nuisance any act or condition, upon public or private property, or both, which is or may be dangerous to the health, safety, morals, or welfare of the inhabitants of the city, including, but not limited to, the accumulation of rubbish and the growing of noxious weeds; to provide for the abatement thereof; and to provide that the costs of such abatement shall be charged as a special assessment against the real property on which the hazard or nuisance is located.

b. To provide for the public welfare by:

(1) Regulating trades, occupations, and amusements within the city, and prohibiting trades, occupations, and amusements which are detrimental to the safety, health, morals, or welfare of its inhabitants;

(2) Regulating the preparation, storage, transportation, and sale of foods, drugs, and beverages for human consumption;

(3) Provide for the collecting and disposing of garbage and rubbish;

(4) Licensing and regulating the number of vehicles, which carry persons or property for hire, fixing the rates of fare and charges, and determining the location of stands for such vehicles;

(5) Licensing and regulating billboards and advertising signs and the locations thereof;

(6) Regulating the construction, erection, alteration, equipment, repair, moving, removal, and demolition of buildings and structures and their appurtenances and service equipment;

(7) Establishing zones within the city and regulating therein the use and occupancy of lands and structures; the height, area, size, and location of buildings; the required open spaces for light and ventilation of buildings, and the density of population;

(8) Regulating, limiting and, prohibiting the construction and use of buildings and lands in order to promote the public safety and to prevent fires;

(9) Regulating and controlling the use of streams, waters, and water courses within the city.

c. To establish and reasonably control streets, alleys, bridges, and public places, and the space above and beneath them, and the use thereof by:

(1) Creating and vacating the same and acquiring and disposing of land, or any interest in land, required therefore;

(2) Providing a plan of streets and alleys within the city and for a distance of not more than three miles beyond its limits;

(3) Compelling all persons to care for the untraveled portions of streets

lying between the curbs and sidewalks, which abut upon premises owned, controlled or occupied by them, and to keep the same free from weeds and from objects which are offensive or hazardous to public health and safety, and, upon the failure to do so, to cut and remove such weeds and remove such objects and assess the cost thereof against such property as a special assessment;

(4) Compelling all persons to keep sidewalks which are in the area of streets immediately adjacent to the premises owned, controlled, or occupied by them, free from snow, ice, dirt, wood, weeds, shrubbery, or any other object which obstructs such sidewalks, or which makes the same offensive or hazardous to the public health or safety, and upon failure to do so, to cut and remove such weeds and remove such objects and to assess the cost thereof against such property as a special assessment;

(5) Providing for the grade of streets and requiring public utility users of the streets to conform thereto with respect to their tracks or facilities located on, above, or under the streets; requiring railroads to keep their tracks and the street surface between, and for a distance of one and one half feet on each side of them, in reasonable repair at all times;

(6) Regulating the speed of vehicles, trains, and locomotives upon or across the streets within the provisions and limitations of law, and the stopping and parking of the same upon the streets and at street crossings;

(7) Providing for and regulating the lighting of streets and alleys.

(8) Preventing and abating the encumbering of streets and alleys or any part thereof;

(9) Regulating the location of buildings and structures and of trees and shrubbery at or near street corners and street intersections with alleys so as to provide for the public safety and welfare in the use of streets and alleys;

(10) Providing for and regulating the numbering of buildings upon property abutting the streets and alleys and compelling the owners and occupants thereof to affix numbers thereto;

(11) Providing for the use, by other than the owners, of property located on, above, or under the streets, alleys, and public places, in the operation of a utility upon the payment of a reasonable compensation therefore to the owner thereof;

(12) Providing for the planting, removal, and general care and protection of trees and shrubbery within the streets and public places of the city and preventing the cutting of limbs and branches for the placing and maintenance of utility wires without the consent of the council.

d. To undertake any public work or make any public improvement or any repair or replacement thereof, either directly or by contract with private persons; and to participate in any public work or public improvement under any lawful plan by which the whole or partial support of such work or public improvement is provided by another governmental unit or agency;

e. To construct, provide, maintain, extend, operate, and improve;

(1) Within the city; a city hall; city office buildings; community buildings; police stations; fire stations; civic auditoriums; public libraries; and polling places; and,

(2) Either within or without the corporate limits of the city or of Gratiot County; public parks; recreation grounds and stadiums; municipal camps; public grounds; zoological gardens; museums; airports and landing fields; facilities for the landing of helicopters; cemeteries; electric light and power plants and systems; communication facilities; gas plants and systems; public heating plants and systems; waterworks and systems; sewage disposal plants and systems; storm sewers; garbage disposal facilities; refuse and rubbish disposal facilities; market houses and market places; public transportation

facilities; facilities for the storage and parking of vehicles; hospitals; and any other structure or facility which is devoted to or intended for public purposes within the scope of the powers of the city;

f. To acquire by purchase, gift, condemnation, construction, lease, or otherwise, real and personal property, and interests in property, either within or without the corporate limits of the city or of Gratiot County, for any public use or purpose within the scope of its powers, including, but not by way of limitation, the uses and purposes set forth in this section;

g. To join with any other municipal corporation or with any other unit or agency of government, or with any number or combination thereof, by contract, or otherwise, as may be permitted by law, in the ownership, operation, or performance, jointly, or by one or more on behalf of all, of any property, facility, or service which each would have the power to own, operate, or perform separately.

CHAPTER III OFFICERS

A. City Officers.

1. The elective officers of the city are the Mayor, and six council persons

2. The appointive officers of the city are the City Manager, City Clerk, the Treasurer, the Assessor, the City Attorney, the Police Chief, the Fire Chief, the Health Officer, and members of city boards.

B. Eligibility for Elective City Office.

1. To be eligible for election to a city office, a person shall be an elector of the city and shall have been a resident of the city for a period of not less than one year preceding the date of his election.

2. A person appointed to fill a vacancy in an elective office must have such qualifications at the time of his appointment.

C. Persons Ineligible for City Office or Employment.

A person who holds or has held an elective city office shall not be eligible for appointment to an appointive office or for employment for which compensation is paid by the city, until one year has elapsed following the term for which he was elected or appointed. The city shall not have power to give any official position to one who is in default to the city.

D. Compensation of Officers.

Except as otherwise provided in this charter, the compensation of all elective officers, board members, and other appointed city officers shall be established by the Council.

E. Oath of Office.

Every officer of the city, before entering upon his duties, shall take the oath or affirmation required by the Constitution of the State of Michigan. The Council may require designated employees to take such oath before entering upon their employment. Oaths of office shall be filed with the Clerk.

F. Surety Bonds.

In order to protect the city and the public, the Council may require appropriate surety bonds of officers and employees. No bond shall be renewed upon its expiration. The premium of such bonds shall be paid by the city.

Blanket bonds covering two or more officers or employees, or both, may be substituted for individual bonds.

G. Giving of Surety by Officers and Employees Forbidden.

No officer or employee shall give or furnish any bail, bond, or recognizance, nor shall he be the agent of any bondsman or insurer in connection with any bond or insurance which may be required by law, ordinance, or by the Council.

H. Vacancies in Office.

1. A city office shall become vacant upon the occurrence of any of the following:

- a. the expiration of the term of office;
- b. the death of the incumbent;
- c. a resignation, when accepted by the appointing authority;
- d. a removal from office in any manner provided by law;
- e. ceasing to possess at any time the qualifications or eligibility for office required by this charter for election or appointment to office by any person elected or appointed thereto;
- f. final conviction of a felony involving moral turpitude, or an offense involving a violation of an oath of office;
- g. a judicial determination that the incumbent is of unsound mind;
- h. a decision of a competent tribunal declaring the election or appointment of the incumbent void;
- i. failure to take the oath or make the affirmation, or file the bond, required for the office within ten days from the date of election or appointment or within such other time, not exceeding thirty days thereafter, as the Council may fix;
- j. in the case of Councilpersons including the Mayor, absence from four consecutive regular meetings of the Council, unless such absences, with reasons therefore stated at the time and appearing in the journal of the meeting from which the member was absent, be excused, or twenty-five percent of such meetings in any calendar year, unless such absences are so excused;
- k. absence from the city or failure to perform the duties of such office for sixty consecutive days, unless such absence from the city or failure to perform the duties of office shall be excused by the Council prior to the expiration of such sixty day period;
- l. the Council may provide by ordinance for creating vacancies in elective offices because of failure to perform the duties of office. Such provisions will be self-executing.

I. Resignations.

Resignations of officers shall be made in writing and filed with the clerk, who shall immediately notify the proper officials concerned.

J. Removal from Offices.

The Council may remove officers appointed by it except persons who are appointed to fill vacancies in elective offices.

K. Recall.

An elective officer may be recalled and the vacancy thereby created filled in the manner prescribed by law.

L. Filling Vacancies.

1. If a vacancy occurs in an elective office, except in the case of recall, the Council shall fill the vacancy by appointment within thirty days thereafter. If the vacancy occurs less than forty-eight hours prior to the last date and time set for filing nominating petitions for offices to be filled at the next regular election, such vacancy shall be filled only for a term ending on the day of the first meeting of the Council next following such regular city elections, at which time, or within three weeks thereafter, it shall be filled for a term ending on the first meeting in November following the next regular city election. Each such appointment, except as otherwise provided, shall be for a term ending at the first meeting in November following the next regular city election.

2. If a vacancy occurs in an appointive office, such vacancy shall be filled within ninety days thereafter in the manner provided for making the original appointment. Such time may be extended for not more than an additional ninety days, by Council resolution setting forth the reasons therefore.

M. Delivery of Office to Successor.

Whenever an officer or employee leaves an office or employment for any reason, he shall deliver forthwith to his successor or supervisor in the office or employment of employment or to the Mayor, all property of the city, such as books, working papers, moneys, and effects, which are in his custody, possession, or control.

**CHAPTER IV
THE CITY COUNCIL**

A. The City Council.

The Council shall consist of the Mayor and the six Councilpersons. The Mayor shall be elected from the city at-large for terms of two years. The Councilpersons shall be elected by the city at-large for terms of four years. The Mayor shall be a member of the Council of equal standing with Council members who are elected to such office and shall have the additional powers and duties provided by law. The Council shall exercise all of the legislative and policymaking powers of the city and shall provide for the performance of all duties and obligations imposed upon the city by law. The compensation of each Councilperson shall be set by the Council on a per meeting actually attended basis, but such compensation shall not be paid for more than thirty meetings in any fiscal year of the city.

B. Expiration of Terms of Office.

The terms of Councilpersons shall expire on the first meeting in November following each regular city election. When appointments are made to fill vacancies in the manner provided by Chap. III L. 1. of this charter, appointees shall qualify for and assume the duties of office within ten days after appointment, unless such time be extended for not more than sixty days by the Council.

C. Organization of the Council.

The Council shall meet and organize on the first regular meeting in November following each regular city election. At such meeting, or within one week thereafter, the Council shall elect from its membership a Mayor pro-tempore and do such other acts as may be required for its organization and the conduct of its business. The Council shall provide by ordinance for the interim order of the succession of its members to the office of Mayor pro-tempore and for the prompt and temporary reconstitution of the Council in the event that its membership is reduced to less than a quorum.

D. The Mayor.

1. The Mayor shall be recognized as the chief executive officer of the city and shall perform all duties provided or required of him by law or by the Council.

2. He shall be the presiding officer of the Council.

3. He shall be a member of the Council with all the powers and duties of that office, including the right and duty to vote on questions before the Council.

4. He shall advise the Council concerning the affairs of the city and make recommendations thereon.

5. In emergencies, he shall have the powers conferred by law upon peace officers and shall exercise such powers, as the city's chief executive officer, to prevent disorder, to preserve the public peace and health, and to provide for the safety of persons and property.

6. He shall make all appointments subject to prior approval of the Council, unless any such appointment is required by law or ordinance to be made by another officer or agency of the city.

7. He shall not possess the veto power.

8. The compensation of the Mayor shall be \$500.00 per year, payable quarterly, in addition to his compensation as a member of the Council. The Council shall have the power to review and adjust the Mayor's compensation.

E. The Mayor Pro-tempore.

The Mayor pro-tempore shall succeed to the office of Mayor when a vacancy occurs in that office. He shall have and exercise the powers and duties of the Mayor when the Mayor is absent or unable to perform the duties of his office. When a doubt exists concerning the ability of the Mayor to perform the duties of his office, the Council shall by resolution, determine whether the Mayor pro-tempore shall act in the place of the Mayor. Such determination shall stand until the Council determines that such disability or inability ceases.

F. Meetings of the Council.

1. The Council shall meet in the established Council Chamber, or in such other place as may be established by ordinance, and shall hold at least two regular meetings in each month.

2. Special meetings of the Council shall be held at the regular meeting place of the Council. Special meetings shall be called by the City Clerk on the written request of the Mayor, or of any two members of the Council.

3. At least 18 hours written notice shall be given designating the time and purpose of a special meeting. Such notice shall be given personally by the Clerk to each member of the Council or written notice may be left at his usual place of residence or business by the Clerk or by someone designated by him. A copy of such notice shall also be delivered at the place of business of each newspaper printed and published in the city, but this requirement shall not be jurisdictional to the holding of any such meeting.

4. In an emergency, any special meeting shall be a legal meeting of all members are present or, if there be a quorum present, and all absent members have waived in writing the required notice thereof. Waivers may be made either before or after the time of the meeting.

5. An affidavit of the giving or service of any notice required by this section shall be made a part of the journal of a special meeting. All waivers of notice shall be attached to and made part of the journal of the meeting.

6. No business shall be transacted at any special meeting of the Council except that stated or given in the notice of the meeting.

7. All regular and special meetings of the Council shall be public meetings

in compliance with the Open Meeting Act, and the public shall have a reasonable opportunity to be heard.

8. Four members of the Council shall be a quorum for the transaction of business. In the absence of a quorum, any number less than a quorum may adjourn a meeting to a later date.

9. The Council shall determine its own rules and order of business and shall keep a journal in the English language, of all its proceedings. The journal of each meeting of the Council shall be signed by the Clerk. The vote upon all matters considered by the Council shall be taken by "Yes" or "No" votes which shall be entered upon record, except that, where the vote is unanimous, it shall be necessary only so to state.

10. The Council may compel attendance at its meetings of its members and any officers or employees of the city. It may punish for non-attendance in such manner as it may prescribe by its rules.

11. Any vote by member of Council on any question upon which he or she has a substantial direct or indirect interest shall comply with Act 317 of the Public Acts of 1968.

12. The vote of at least four members shall be required for official action by the Council, unless a larger majority is required by law.

13. The Clerk shall prepare an agenda of the business to be considered at each regular Council meeting, no business shall be considered by the Council, unless placed upon the agenda for the meeting not later than 12:00 o'clock noon, on the Friday preceding the meeting, except upon the approval of five or more members of the Council.

G. Health Functions of the Council.

The Council shall be the Board of Health of the City. In such capacity it shall act to preserve the public health as provided by and in accordance with law. The health functions of the Council may be exercised by any county or district health department which may have health jurisdiction in the city to the extent and in the manner provided by law.

CHAPTER V CITY LEGISLATION

A. City legislation Preserved.

All by-laws, ordinances, resolutions, rules and regulations of the City of Ithaca which are not inconsistent with the provisions of this Charter, in force and effect at the time of the adoption of this Charter, shall continue in force as by-laws, ordinances, resolutions, rules and regulations of the City of Ithaca until repealed or amended by action of the proper authorities.

B. City Code.

All legislation of the City of Ithaca shall be by ordinance or by resolution, and from time to time, shall be reviewed by Council to determine if conditions warrant revision of the ordinances or resolutions. Such ordinances or resolutions shall be an ordinance or resolution of the City, and shall be amended and parts thereof shall be repealed only by ordinance or resolution.

C. Introduction, Consideration, Style, and Recording of Ordinances.

1. Each proposed ordinance shall be introduced in written form. The style of all ordinances adopted by the Council shall be, "The City of Ithaca Ordains".

2. Unless declared to be emergency in nature by a vote of not less than five members of the Council, no ordinance shall be adopted by the Council except

at a regular Council meeting held not less than one week subsequent to its introduction. An emergency ordinance may be adopted at any regular or special meeting of the Council.

3. Each ordinance shall be recorded by the Clerk in the Ordinance Book and such recording shall be prima facie evidence of the due and proper adoption thereof.

4. All ordinances, resolutions, and official proceedings of the city may be placed in evidence in all courts and tribunals by a copy thereof certified as true by the Clerk, under the seal of the city, as an alternate to other methods provided or permitted by law.

D. Publication of Ordinances.

Each ordinance shall be published in a manner provided by the Council and permitted by law, before it shall become operative. If publication is made by posting, a notice of the place of posting and a brief statement of the purpose of the ordinance shall be published in one or more of the newspapers published in the city within ten days after posting.

E. Effective Date of Ordinances.

1. Unless declared to be an emergency ordinance as provided in Chapter V C. 2., no ordinance shall become operative until twenty days after adoption by the Council, or by the electors of the city in the case of an ordinance adopted through initiatory procedures.

2. No ordinance which provides for or establishes a tax shall become operative less than thirty days after adoption by the Council, or the electors of the city in the case of an ordinance adopted through initiatory procedures.

F. Penalties.

The Council shall provide for the punishment of violations of the ordinances of the city. Such punishment may be by a fine of not to exceed \$500.00, or by imprisonment for not more than ninety days, or both, in the discretion of the Court. Imprisonment may be in the city or county jail, or in any workhouse or penal institution of the State which is authorized by law to receive prisoners of the city.

G. Time Limit for Prosecution of Ordinance Violations.

No prosecution for the violation of any ordinance shall be commenced after the expiration of two years after the commission of the offense.

H. Initiative and Referendum.

The electors of the city may initiate any ordinance or secure a referendum of any ordinance by petition.

I. Initiative or Referendary Petitions.

An initiatory or a referendary petition shall be signed by registered electors of the city equal to not less than fifteen percent of the number of registered electors of the city according to the records of the Clerk on the date the petition is filed. No referendum shall be permitted respecting any ordinance required to be passed by the Council by any law, except in the manner provided by such law. Such petition may be the aggregate of two or more petition papers. Each signer of a petition shall sign his name and shall, himself, place thereon after his name, the date and his place of residence by street and number. To each petition paper there shall be attached a sworn affidavit by the circulator thereof, stating that each signature thereon is the genuine signature

of the person whose name it purports to be and that it was signed in the presence of the affiant. Such petition shall be filed with the Clerk who shall, within ten days, canvass the signatures thereon to determine the sufficiency thereof. Any signatures obtained more than sixty days before the filing of such petition with the Clerk shall not be counted. If found to contain an insufficient number of signatures of registered electors, or to be improper as to form or compliance with the requirements of this section, the Clerk shall notify, forthwith, the person filing such petition, and ten days from such notification shall be allowed for the filing of supplemental petition papers. When found sufficient and proper, the Clerk shall present the petition to the Council at its next regular meeting.

J. Same - Council Procedure.

Upon receiving an initiatory or referendary petition from the Clerk, the Council shall, either:

1. If it be an initiatory petition, adopt the ordinance as submitted in the petition within thirty days after the receipt thereof, or determine to submit the proposal to the electors; or

2. If it be a referendary petition, repeal the ordinance to which the petition refers within thirty days after the receipt thereof, or determine to submit the proposal to the electors.

K. Same - Submissions to Electors.

Should the Council decide to submit the proposal to the electors, it shall be submitted at the next election held in the city for any purpose, or, in the discretion of the Council, at a special election. The result shall be determined by a majority vote of the electors voting thereon, except in cases where otherwise required by law.

L. Same - Status of Ordinances Adopted.

An ordinance adopted by the electorate through initiatory proceedings may not be amended or repealed by the Council for a period of two years after the date of the election at which it was adopted. Should two or more ordinances be adopted at the same election which have conflicting provisions, the one receiving the largest affirmative vote shall prevail as to those provisions.

M. Same - Ordinance Suspended.

The certification by the Clerk of the sufficiency of a referendary petition within forty days after the passage of the ordinance to which such petition refers shall automatically suspend the operation of the ordinance in question, pending repeal by the Council or the final determination of the electors thereon.

CHAPTER VI THE ADMINISTRATIVE SERVICE

A. The Administrative Officers.

1. The administrative officers of the city shall be the City Manager, the Assessor, the City Attorney, the Clerk, the Treasurer, the Chief of Police, the Fire Chief, and each of the department heads. The Council may, by ordinance or by resolution, create such additional administrative offices, or combine any administrative offices, in any manner not inconsistent with law, and prescribe the duties thereof as it may deem necessary for the proper operation of the city government.

2. In making appointments of administrative officers, the appointing authority shall consider only the public services and the fitness of the appointee for, and his ability to discharge the duties of the office to which he is appointed.

3. The residency requirements of the City Administrative offices shall be at the discretion of the City Council.

B. Administrative Officers - Appointment, Terms and Compensation.

1. All administrative officers shall be appointed by the Council and shall serve for indefinite terms at the pleasure of the Council.

2. The Council may, at any time, remove for just cause any administrative officers and members of the City Boards.

3. The administrative officers, other than the City Attorney, shall be responsible to and perform their duties under the general supervision of the Council.

4. All persons employed by the city who are not elective or administrative officers, or members of a board created by this charter, or declared to be administrative officers by or under authority of this section, shall be deemed to be employees of the city.

5. The compensation of all administrative officers, shall be in accordance with budget appropriations therefore. Within budget appropriations, reasonable expenses may be allowed to administrative officers when actually incurred and after they have been audited by the Clerk and approved by the Council.

C. City Clerk.

1. The Clerk shall be clerk of the Council. He or his deputy shall attend all meetings of the Council and keep a permanent journal of its proceedings, in the English language.

2. 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, the custody of which is not otherwise provided by law. He shall give to the proper officials ample notice of the expiration or termination of their terms of office and of any official bonds, franchises, contracts, or agreements to which the city is a party.

3. He shall keep a record of all ordinances, resolutions, and actions of the Council and shall keep the Council informed with respect thereto. The Clerk shall keep the Administrative Officer so informed concerning such matters as are within the scope of his powers and authority as fixed by the Council.

4. He shall have power to administer all oaths required by law and the ordinances of the city.

5. He shall certify all ordinances and resolutions enacted or passed by the Council and such certification shall be prima facie evidence of the due and proper action of the Council thereon.

6. He shall be the general accountant of the city, shall keep the books of account of all city assets, receipts, and expenditures, and shall keep the Council informed as to the city's financial affairs. He shall provide the system of accounts of the city. Such system of accounts of the city shall conform to such uniform systems as may be required by law.

7. He shall maintain an inventory of city-owned property.

8. He shall balance all the books of account of the city at the end of each calendar month, and shall make a report thereon to the Council and the City Manager.

9. He shall, at any time upon direction of the Council, examine and audit

all books of accounts kept by any official or department of the city, to matters concerning misconduct in office and violations of this charter and the ordinances of the city.

10. Unless the Council shall delegate such duties to another officer of the City, he shall be the Budget Officer of the city and prepare and submit to the Council the annual budget proposal of the City, together with supporting information in explanation thereof.

11. He shall perform such other duties as the Council shall direct or which may be required of him by law.

D. City Treasurer.

1. The Treasurer shall have the custody of all money of the city and all evidences of value belonging to or held in trust by the city.

2. He shall keep and deposit all money or funds in such manner and only in such places as the Council may determine or as may be required by law.

3. He shall have such powers, duties, and prerogatives in regard to the collection and custody of state, county, school district, and city taxes and moneys as are conferred by law.

4. He shall perform such other duties as may be prescribed by law or by the Council.

E. Deputies of the Clerk and Treasurer.

The Clerk and the Treasurer may appoint and remove their deputies, subject to the budget allowances therefore and the approval of the Council relative to appointments. Each deputy shall possess all the powers and authorities of his superior officer.

F. City Manager.

1. The City Manager shall be appointed by the Council, and will be the administrative agent of the Council, and be vested with the administrative powers of the city granted to him by the Charter, and shall perform the duties of that office under authority of, and be accountable to the Council. To be eligible for appointment as City Manager, a person must have had training for or previous experience in city, public, or business administration. He shall serve at the pleasure of and be subject to removal by the Council, but he shall not be removed from office during a period of sixty days following any regular City Election, except by the affirmative vote of five (5) members of the Council.

2. The City Manager shall have the power and duty to:

a. Supervise and coordinate the work of the administrative officers and departments of the city placed under his control and direction, except the clerk, treasurer, city attorney, city assessor and fire chief.

b. Establish and maintain a central purchasing service for the city and to conduct the sale of any and all personal property which the Council may authorize to be sold.

c. Be responsible for the preservation of all property, tools and appliances which are owned by the city.

d. Supervise and coordinate the personnel policies and practices of the departments under his supervision.

e. Keep informed and report to the Council concerning the work of the administrative officers and departments under his supervision, and, to that end, secure from the administrative officers and department heads such information and periodic or special reports as he or the Council may deem necessary.

f. Have charge of construction repair, maintenance and clean-up of streets, sidewalks, bridges, pavements, sewer, water and all of the public buildings or other property belonging to the city.

g. Attend all meetings of the City Council, with the right to take part in any discussion but without the right to vote on any proposition.

h. He shall possess such other powers and perform such additional duties as may be granted to or required of him by the Council.

i. See that all laws and ordinances are enforced.

G. City Attorney.

1. The Attorney shall act as the legal advisor of and be responsible to the Council in all respects concerning the performance of the functions of its official duties. He shall advise the administrative officers concerning their statutory and charter duties, when so requested, and shall file with the Clerk a copy of all written opinions given by him.

2. He shall prosecute ordinance violations and shall represent the city in cases before courts and other tribunals.

3. He shall prepare or review all ordinances, regulations, contracts, bonds, and such other instruments as may be required by this charter or by the Council, and shall promptly give his opinion as to the legality thereof.

4. He shall attend the meetings of the Council as requested.

5. He shall be the attorney for the several boards of the city.

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

7. Upon the Attorney's recommendation, or upon its own initiative, the Council may provide for an assistant to the City Attorney and may retain special legal counsel to handle any matter in which the city has an interest, or to assist the City Attorney in connection therewith.

H. Assessor.

1. The Assessor shall possess all the powers vested in and shall be charged with all the duties imposed upon assessing officers by law.

2. He shall make and prepare all regular and special assessment rolls in the manner prescribed by law.

3. He shall perform such other duties as may be prescribed by law or the Council.

I. Police Department.

1. The Police Department shall be under the direction of the Chief of Police.

2. Police Officers of the city shall have all the powers, immunities, and privileges granted to peace officers by law for the making of arrests, the preservation of order, and the safety of persons and property in the city. Any person arrested shall be taken before the proper magistrate or court for examination or trial, without unnecessary delay. Police officers shall make and sign complaints to or before the proper officers and magistrates against any person known to be, or, upon complaint or information, believed to be guilty of any violation of this charter or ordinances of the city, or of the penal laws of the State. For purposes of making arrests, violations of this charter and city ordinances shall be deemed to be misdemeanors.

J. Fire Department.

1. The Fire Department shall be under the direction of the Fire Chief. In its appointment of any Fire Chief, the Council shall give primary consideration to any person nominated for such position by the members of the Fire Department,

as long as the department shall remain a volunteer department. No other person shall be appointed as Fire Chief except by the vote of five or more members of the Council.

2. The Fire Department shall be responsible for the prevention and extinguishment of fires and the protection of persons and property against damage and accident resulting therefrom. The Fire Chief shall be responsible for the use, care, and management of the city's fire fighting apparatus and property. He shall conduct supervisory and educational programs to diminish the risk of fires within the city and surrounding contract area. He, or any of his authorized subordinates, may command any person present at a fire to aid in the extinguishment thereof and to assist in the protection of life or property. If any person wilfully disobeys any such lawful requirement, he shall be deemed guilty of a violation of this charter.

3. The Fire Chief or any of his authorized subordinates may cause any building to be pulled down or destroyed, when he or they deem necessary in order to arrest the progress of fire. In such case no action shall be maintained against the city or any person therefore. If any person having an interest in such building shall apply to the Council within three months after the fire for damages or compensation for such building, the Council may pay him such compensation as it may deem just. The Council may ascertain the amount of such damage or compensation by agreement with the owner of the property, or by the appraisal of a jury selected in the same manner as in the case of juries selected to appraise damages for the taking of property for public use. No compensation shall be paid on account of any loss which would probably have occurred to a building, if it had not been pulled down or destroyed under authority of this section.

K. Other Administrative Officers.

The duties of administrative officers for which provision is not made herein, shall be those established by law and by the ordinances and resolutions of the Council.

L. City Library.

1. A Library may be maintained as a City Library, under the general supervision and control of a Library Board composed of five persons who shall be appointed by the Council for terms of five years each, with the term of one member expiring in each year. Such Board shall be responsible to the Council for the due and proper administration of the affairs of the city's library, including the appointment of a librarian and such other personnel as may be required therefore.

2. In each annual budget of the city, the Council may provide for the funds required for the operation of the library and for its maintenance and improvements. In no case shall the funds so provided be less than such as may be required by law to qualify the city library for State aid under the law.

M. Planning Department.

There shall be a Planning Commission. The voting members of the Planning Commission shall be nine in number, and shall be comprised of persons, who possess the qualifications required by this charter for elective officers, and by Act No. 285 of the Public Acts of 1931, as amended, to be appointed by the Mayor subject to the approval thereof by the Council: Provided, that with the consent of the Council, one of such persons may be a non-resident of the city who has an interest in the planning of the general area of which the City of Ithaca is a part. The Planning Commission shall possess and shall exer-

cise all of the powers and functions granted to and required of planning commissions under the provisions of Act No. 285 of the Public Acts of 1931, and such amendments and supersiding acts as may be enacted.

N. Citizen Committees.

The Council may create citizen advisory committees for the purpose of studying and investigating specific problems or needs of any department, function, or interest of the city where there is no board created to make such studies or investigations. Each such committee shall render its report to the Council within two years after its creation, and shall then cease to exist unless the work of the committee is extended thereafter by the Council for a period not exceeding one year.

O. Other Boards of Commissions.

The Council by Ordinance or Resolution may from time to time create or dissolve certain boards of Commissions for specified purposes. Residency requirements shall be at the discretion of the City Council.

P. Additional Administrative Powers and Duties.

From time to time, the Council may, by ordinance, prescribe additional powers and duties, not inconsistent with this charter, to be exercised and administered by appropriate officers and departments of the city.

Q. Nepotism.

No two persons who are within the second degree of consanguinity or affinity shall be employed within the same department of the city.

R. Civil Service.

The Council may provide, by ordinance, for a merit system of personnel management for employees in the service of the city. Whether or not a merit system plan of personnel management be adopted, the standards for employment and the salary and wage scales for comparable city positions of employment and work, and in all city departments, shall be as uniform as possible.

S. Employee Welfare Benefits.

The Council shall have power to make available to the administrative officers and employees of the city, other than members of the several boards, any recognized standard plan of group life, hospital, health, or accident insurance, either independently of, or as a supplement to, any pension plan provided by the city for its employees.

T. Pension Plan.

The Council may provide a pension plan for its employees, either independent of, or combined with, or supplemental to the Federal Social Security pension program. The city pension plan shall be based upon actuarial principles similar to those upon which the pension plan for employees of the State of Michigan is based, but the benefits of the city pension plan need not be limited to or bound by such State plan.

U. Personnel Policy.

The Council shall by ordinance establish guidelines relating to the hiring and dismissal of officers and employees.

CHAPTER VII GENERAL FINANCE

A. Fiscal Year.

The fiscal and budget year of the city shall begin on the first day of July of each year.

B. Budget Procedure.

Not later than the first day of March of each year, each officer, department, and board of the city shall meet with the Budget Officer and submit an itemized estimate of its expected income and expenditures during the next fiscal year for the department or activities under its control. The Budget Officer shall compile such information and list the same upon a budget proposal form. He shall review such budget requests, and in a column parallel to and adjacent to that containing such budget requests, shall enter his budgetary recommendations for each item requested by the several officers and departments, with such additions thereto and deletions therefrom as he shall deem proper. Not later than the second meeting of the Council in April of each year, he shall submit to the Council a recommended budget for the next fiscal year which, considering any anticipated unexpended balance or deficit at the end of the current fiscal year, is within the tax limit and other anticipated revenue of the city.

C. Public Inspection of Budget Proposal.

The budget proposal of the Budget Officer, together with his recommendations and its supporting schedules and information shall be available for public inspection in the office of the Clerk.

D. Budget Hearing.

A public hearing on the budget proposal shall be held not less than one week before its final adoption, at such time as the Council shall direct. Notice of the public hearing shall be published by the Clerk at least one week in advance thereof and the budget proposal shall be available in the office of the Clerk during such week.

E. Adoption of Budget.

1. At a regular meeting held not later than the second Tuesday in June of each year, the Council shall, by resolution, adopt a budget for the ensuing fiscal year and make an appropriation of the money needed therefore. Such resolution shall designate the sum to be raised by taxation for the general purposes of the city and for the payment of principal and interest on its indebtedness. Failure to adopt such resolution within the time herein set shall not invalidate either the budget or the tax levy therefore.

2. A copy of the appropriations for each fiscal year, certified by the Clerk, shall be furnished to the Budget Officer within ten days after the date of the adoption of the budget resolution.

F. Budget Control.

1. Except for purposes which are to be financed by the issuance of bonds or by special assessments, no money shall be drawn from the treasury of the city, except in accordance with the budget in effect and the appropriation for such purpose, nor shall any obligation for the expenditure of money be incurred without an appropriation covering all payments which will be due under such obligation during the fiscal year. The Council upon written recommendation

of the Budget Officer, and by the affirmative vote of not less than five of its members, may appropriate unappropriated funds or transfer any unencumbered appropriation balance, or any portion thereof, from any budget item or account, department, or agency to another.

2. Expenditures shall not be charged directly to any contingent or general account. Instead, the necessary amount of the appropriation from such account shall be transferred to the appropriate budget item or account and the expenditure then charged thereto. The Budget Officer shall be responsible for the administration of the foregoing requirements in subsection 1 and 2 of this section.

3. Following each quarter, the Budget Officer shall submit to the Council data showing the relation between the estimated and actual revenues and expenditures to the end of the preceding quarter; and if it shall appear that the revenues are less than anticipated, the Council may, by resolution, reduce appropriations, except amounts required for debt and interest charges, to such a degree as may be necessary to keep expenditures within the revenues.

4. Following the end of each fiscal year a certified audit shall be filed with the Council.

G. Special Accounts.

1. The Council may, by ordinance, establish and maintain accounts for accumulating moneys to be used for acquiring, extending, altering, constructing, or repairing public improvements and for the purchase of equipment of any type, in each case either for a specific item or items or for future unspecified public improvements or equipment or both.

2. Appropriations to such accounts may be made by the Council either in the annual appropriation resolution or from time to time during the fiscal year, from available funds, from whatever source derived which are not required for other appropriations or obligations of the city. Such accounts shall be continuing accounts and the balances therein at the end of each fiscal year shall remain a part thereof.

3. At the end of each fiscal year, the Council may transfer any unencumbered balance or any part thereof into one or more of the accounts authorized to be created by this section.

4. Moneys which are accumulated for the purpose of public improvements, as set forth in sub-section 1. hereof, shall be used only at the direction of the Council and only for the purpose provided in the original ordinance establishing such account, unless their use for some other municipal purpose be authorized by a majority vote of the electors of the city who vote on the proposition to amend such ordinance to provide for a change in the use of the moneys in such account. After the purpose of any such account has been fulfilled, any balance remaining therein may be transferred by the Council to any other special account or to the general fund of the city.

5. Moneys which are accumulated for the purpose of purchasing equipment, as set forth in sub-section 1. hereof, shall be expended only for the purpose provided in the ordinance establishing any such account, or as such ordinance may be amended from time to time, and when no longer required for such purpose, such moneys or any part thereof may be transferred to the general fund by a resolution of the Council.

H. Withdrawal of City Moneys.

1. Unless otherwise provided by law or by ordinance, all moneys drawn from the treasury shall be drawn pursuant to the authority and appropriation of the Council. The Council, upon the recommendation of the Budget Officer,

where necessary to expedite operating procedures, may authorize by resolution, designated officers and employees of the city to make minor disbursements from petty cash accounts, which disbursements shall be accounted for and shall be audited by the Clerk.

2. Checks for the disbursement of city funds shall be signed by the Clerk or Treasurer.

3. Checks may be issued prior to authorization by the Council for such purposes and up to such amounts as the Council shall provide.

I. Notice to City of Claim for Injuries.

1. The city shall not be liable in damages for injury to person or property by reason of negligence of the city unless, within 120 days after such injury occurred, the person damaged, or his representative, causes a written notice to be served upon an officer of the city upon whom process may be served by law. Such notice shall state that such person intends to hold the city liable for such damages and shall set forth substantially the time and place of the injury, the manner in which it occurred, the nature of the act or defect complained of, the extent of the injury so far as known, and the names and addresses of witnesses known to the claimant.

2. No person shall bring action against the city for damages to person or property arising out of any of the reasons or circumstances aforesaid, unless brought within the period prescribed by law, nor unless he has first presented to the Clerk a claim in writing and under oath, setting forth specifically the nature and extent of the injury and the amount of damages claimed. The Clerk shall refer the claim to the Council for action.

3. Failure to give notice of injury or present a claim within the time and in the manner provided shall bar any action upon such claim.

4. The provisions and requirements of this section shall not apply to or control claims for damages to persons or property which arise out of the exercise of any proprietary function of the city.

5. This section shall not be deemed to waive any defense of immunity which the city may have from claims for damages arising out of negligence or otherwise, but shall apply in all cases which such defense is not available to the city.

J. Depositories.

The Council shall designate depositories for city funds in accordance with law, and shall provide for the regular deposit of all city moneys.

K. Independent Audit.

An independent audit shall be made of all accounts of the city government at the close of each fiscal year, and shall be completed within ninety days thereafter. Special independent audits may be made at any time that the Council may designate. All such audits shall be made to the Council by a Certified Public Accountant designated by it. Each audit and reports supplemental thereto shall be made public in the manner that the Council determines and copies of the audit shall be placed in the office of the Clerk.

CHAPTER VIII TAXATION

A. Power to Tax - Tax Limit.

The city shall have the power to assess taxes and to lay and collect rents, tolls, and excises. The annual general ad valorem tax levy for municipal purposes shall not exceed one and one-half per cent (15.0 mills) of the assessed

value of all real and personal property in the city.

B. Subject of Taxation - Tax Procedure.

1. The subjects of ad valorem taxation for municipal purposes shall be the same as for state, county, and school purposes under the general law.

2. Except as otherwise provided by this chapter, city taxes shall be assessed, levied, and collected in the manner provided by law.

C. Exemptions.

The power of taxation shall never be surrendered or suspended by any grant or contract to which the city shall be a party. No exemptions from taxation shall be allowed, except such as are expressly required or permitted by law.

D. Tax Day.

Subject to the exceptions provided or permitted by law, the taxable status of persons and property shall be determined as of the thirty-first day of December, or such other date as may subsequently be required by law, which shall be deemed the tax day. Values on the assessment roll shall be determined according to the facts existing on the tax day for the year for which such roll is made, and no change in the status or location of any such property after that day shall be considered by the Assessor or the Board of Review.

E. Personal Property - Jeopardy Assessment.

If the Treasurer finds or reasonably believes that any person who is, or may be, liable for taxes upon personal property, the taxable situs of which was in the city of tax day, intends to depart or has departed from the city; or to remove or has removed therefrom personal property which is, or may be, liable for taxation; or to conceal or conceals himself or his property; or does any other act tending to prejudice, or to render wholly or partly ineffectual the proceedings to collect such tax, he shall proceed to collect the same as a jeopardy assessment in the manner provided by law.

F. Preparation of the Assessment Roll.

Prior to the date of the meeting of the Board of Review in each year, the Assessor shall prepare and certify an assessment roll of all property in the city. Such roll shall be prepared in accordance with the requirements of law, and may be divided into volumes, which the Assessor shall identify by number, for purposes of convenience in handling the assessment roll and for locating properties assessed therein. The attachment of any certificate or warrant required by this chapter to any volume of the roll, either as an assessment roll or as a tax roll, shall constitute the attachment thereof to the entire roll, provided the several volumes are identified in such certificate or warrant. Values of property set forth on the assessment roll shall be determined according to recognized methods of systematic assessment.

G. Board of Review.

1. A Board of Review is hereby created, composed of three members who have the qualifications for holding elective city office, as set forth in Chapter 3 B of this charter.

2. The members of the Board of Review shall be appointed by the Council, and may be removed for reasons of nonfeasance or misfeasance by the vote of five members of the Council. One member shall be appointed in the money of

May of each year, for a term of three years, commencing on the following July first.

3. The Board shall annually, on the first day of its meeting, select one of the members chairperson for the ensuing year. The Assessor shall be Clerk of the Board, and shall be entitled to be heard at its sessions, but shall have no vote on any proposition or question.

H. Duties and Functions of Board of Review.

For the purpose of revising and correcting assessments, the Board of Review shall have the same powers and perform like duties, in all respects, as are, by law, conferred upon and required of boards of review in townships, except as otherwise provided in this charter. At the time, and in the manner provided in the following section, it shall hear the complaints of all persons considering themselves aggrieved by assessments. If it shall appear that any person or property has been wrongfully assessed or omitted from the roll, the Board shall correct the roll in such manner as it deems just. Except as otherwise provided by law, no person other than the Board of Review shall make any change upon, or addition or correction to, the assessment roll. The Assessor shall make a permanent record of all proceedings of the Board and enter therein all resolutions and decisions of the Board. Such record shall be placed on file following adjournment of the Board of Review.

I. Meetings of Board of Review.

1. The Board of Review shall convene at 9:00 o'clock a.m. on the second Monday in March in each year at a place designated by Council, or on such other date as may subsequently be required by law for the meeting of boards of review in cities, and continue in session from day to day for not less than six hours on each day for not less than three days for the purpose of considering the assessment roll of the city.

2. Not later than one week prior to his certification of the assessment roll, the Assessor shall (1) complete to the best of his ability a tentative assessment roll and make it available for public inspection in his office for a period of at least one week, and (2) give a notice of any change, as compared with the previous year, in the assessed value of any property on, or of the addition of any property to the roll. Such notice shall be sent by first class mail with postage thereon fully pre-paid and addressed to the owner thereof according to the records of the Assessor. Such notice shall advise the person to whom it is addressed that the change in valuation or addition of property to the roll may be discussed with the Assessor at his office prior to the meeting of the Board of Review. The failure of any owner of property to receive any such notice shall not invalidate any assessment roll or any assessment thereon.

3. The Assessor shall, during such period of public inspection, hear and review inquiries regarding the assessment of property on the assessment roll and may consider information so received by him in determining values on the assessment roll certified by him to the Board of Review.

4. The Board of Review may examine on oath any person appearing before it respecting the assessment of property on the assessment roll. Any member of the Board may administer the oath.

J. Notice of Meetings.

Notice of the time and place of the annual meeting of the Board of Review shall be published by the Assessor not less than one week nor more than three weeks prior thereto.

K. Certification of Roll.

After the Board of Review has completed its review of the assessment roll, and not later than the first Monday in April, or such other date as may subsequently be required by law, the majority of its members shall sign a certificate to the effect that the same is the assessment roll of the city for the year in which it has been prepared, as approved by the Board of Review, which certificate, when attached to any volume of the roll shall constitute a conclusive presumption of the validity of the entire roll, as provided in F of this chapter. In the event that the Board of Review shall fail or refuse to so review the assessment roll of the city, such roll, as prepared and presented to the Board of Review by the Assessor shall be the assessment roll for the year for which it was prepared, and shall stand as though it had been certified by the Board of Review.

L. Validity of Assessment Roll.

Upon the completion of the assessment roll, and from and after midnight ending the last day of the meeting of the Board of Review, it shall be the assessment roll of the city for county, school, and city taxes, and for other taxes on real and personal property that may be authorized by law. It shall be presumed by all courts and tribunals to be valid, and shall not be set aside, except for cause set forth by law.

M. Clerk to Certify Levy.

After the adoption of the budget for the ensuing year, the Clerk shall certify to the Assessor the total amount which the Council determines shall be raised by general ad valorem taxation, together with such other assessments and lawful charges and amounts which the Council requires to be assessed, reassessed, or charged upon the city tax roll against property or persons.

N. City Tax Roll.

After the Board of Review has completed its review of the assessment roll, the Assessor shall prepare a tax roll, to be known as the "City Tax Roll." Upon receiving the certification of the several amounts to be raised, assessed, and charged for city taxes, as provided in the preceding section, the Assessor shall proceed forthwith, (1) to spread the amounts of the general ad valorem tax according to and in proportion to the several valuations set forth in said assessment roll, and (2) to place such other assessments and charges upon the roll as are required and authorized by the Council. For convenience, the city tax roll may be divided into two or more volumes. The city tax roll may be, either an independent tax roll, or may be a combination city tax roll and a tax roll for state, county, school, and other taxes, charges and assessments.

O. Taxes a Debt and Lien.

The taxes on real and personal property shall become a debt to the city from the owner or person otherwise to be assessed, on the tax day provided by law. The amounts assessed on any interest in real property shall become a lien upon such real property on the first day of July following the said tax day and the lien for such amounts, and for all interest and charges thereon shall continue until payment thereof. All personal taxes shall also be a first lien, prior, superior, and paramount, on all personal property of persons so assessed from and after the first day of July following the said tax day and shall so remain until paid. Said tax liens on personal property shall take precedence over all other claims, encumbrances, and liens upon said personal property whatsoever, whether created by chattel mortgage, title retaining contract, execution, or upon any other final process of a court, attachment, replevin, judg-

ment, or otherwise. No transfer of personal property assessed for taxes shall operate to divest or destroy such lien, except where such property is actually sold in the regular course of retail trade.

P. Tax Roll Certified for Collection.

After spreading the taxes and placing other assessments and charges upon the roll, the Assessor shall certify the tax roll, and attach his warrant thereto directing and requiring the Treasurer to collect, prior to March first of the following year, from the several persons named in the roll the several sums mentioned therein opposite their respective names as tax, charge, or assessment. Said warrant shall grant to and vest in the Treasurer, all the statutory powers and immunities possessed by township treasurers for the collection of taxes.

Q. Tax Payment Date.

City taxes shall be due and payable on August first of each year.

R. Taxes Due - Notification Thereof.

The Treasurer shall not be required to make personal demand for the payment of taxes but, upon receipt of the city tax roll, he shall forthwith mail a tax statement to each person named in the tax roll, which mailed statement shall be a sufficient demand for the payment of all taxes assessed. Neither the failure on the part of the Treasurer to mail such statement, nor the failure of any person to receive the same, shall invalidate the taxes on the tax roll or release any person or property assessed from the liabilities provided in this charter in case of non-payment.

S. Tax Payment Schedule.

The Council shall provide a tax payment schedule and the amount of administrative fee and interest to be added to taxes, charges, and assessments on the city tax roll which remain unpaid on the 1st day of October of each year. The Administrative fee may be waived by the Governing body of the City of Ithaca. When so added, such administrative fee and interest shall be treated in all respects as an item of taxes and collected as such. If delinquent city taxes are collected by returning the same to the county treasurer, then all charges and assessments on the tax roll, and any administrative fee and interest thereon, which remain unpaid at the time the delinquent tax roll is returned to the county treasurer shall be included with the city taxes spread upon such roll and shall be collected by the county treasurer in like manner as delinquent taxes are collected on delinquent tax rolls returned to county treasurers under the general property tax act.

T. Failure or Refusal to Pay Personal Property Tax.

If any person shall neglect or refuse to pay any tax on personal property assessed to him, the Treasurer shall collect the same by seizing any personal property of such person, to an amount sufficient to pay such tax, together with any charges and interest added thereto, wherever the same may be found in the State. No property shall be exempt from such seizure. He may sell the property seized to an amount sufficient to pay the taxes and all charges, fees, penalties and interest, in accordance with statutory provisions. The Treasurer may also sue the person to whom a personal property tax is assessed, in accordance with the powers granted him by law.

U. State, County, and School Taxes.

For the purpose of assessing and collecting taxes for state, county, and school purposes, the city shall be considered the same as a township, and all provisions of law relative to the collection of, and accounting for, such taxes and the penalties and interest thereon shall apply. For the purpose of collecting state, county, and school taxes, the Treasurer shall perform the same duties and have the same powers as township treasurers under state law.

V. Protection of City Lien.

The city shall have power, insofar as the exercise thereof shall not conflict with or contravene the provisions of law, to acquire such an interest in any premises within the city, by purchase at any tax or other public sale, or by direct purchase from or negotiation with the State of Michigan or the owner, as may be necessary to assure to the city the collection of its taxes, special assessments, charges, and any interest thereon which are levied against any lot or parcel of real property or to protect the lien of the city therefor, and may hold, lease, or sell the same. Any such procedure exercised by the city to assure the collection of its taxes or the protection of its tax or other liens shall be deemed to be for a public purpose. The Council may adopt any ordinance which may be necessary to make this section effective.

W. Collection of Delinquent Taxes.

1. All taxes, assessments, and charges upon real property on the tax roll, together with administrative fee and interest added thereto, remaining uncollected by the Treasurer on the first day of March following the date when the roll was received by him shall be subject to one of the following procedures:

a. The real property against which such taxes, assessments, and charges are assessed shall be subject to disposition, sale, and redemption for the enforcement and collection of the tax lien against the same in the method and manner which may be provided by ordinance. The Council may provide by ordinance the procedure for the sale and redemption of real property for such unpaid taxes, assessments, and charges, together with administrative fee and interest added thereto, by judicial sale on petition filed in behalf of the city. Such procedure shall correspond substantially to the procedure provided by law for the sale by the State of tax delinquent real property and redemption therefrom, except that the acts performed by state and county officers shall be held not less than thirty nor more than ninety days prior to the dates of corresponding tax sales under the general law.

b. If no ordinance is in effect pursuant to sub-section (a) of this section, such taxes, assessments, and charges, together with any collection charges and interest added thereto, shall be returned to the County Treasurer, to the extent and in the same manner and with like effect as provided by law for returns by township treasurers of township and county taxes. The taxes, assessments, and charges, together with any administrative fee and interest added thereto, thus returned shall be collected in the same manner as other taxes returned to the County Treasurer are collected in accordance with law, and shall be and remain a lien upon the property against which they are assessed until paid.

X. Disposition of Real Property Held by City.

When the city has acquired any interest in property to protect the city's tax lien thereon, the owner of any interest therein, by fee title, as mortgagee, or as vender or vendee under a land contract shall have the right to purchase the city's interest therein, upon payment to the city of the amount of money which the city has invested therein in the form of taxes, special assessments, charges,

fees, penalties, interest, and costs, paid by the city to protect its title in such property. After the lapse of ninety days after the date that the city acquired title to any such property, the Council may remove the same from the market by determining that such property is needed for and should be devoted to public purposes, naming such purposes, or may sell the same at a price which shall be not less than its market value, as determined and certified to the Council by the Assessor.

CHAPTER IX SPECIAL ASSESSMENTS

A. General Power Relative to Special Assessments.

The Council shall have the power to make public improvements within the city. As to public improvements which are of such a nature as to benefit especially any property or properties within a district, the Council shall have the power to determine, by resolution, that the whole or any part of the expense of any such public improvement shall be defrayed by special assessment upon such property, in proportion to the benefits derived or to be derived.

B. Detailed Procedure to be Fixed by Ordinance.

1. The Council shall prescribe, by ordinance, the complete special assessment procedure governing the initiation of public improvement projects, the preparation of plans and cost estimates, the creation of special assessment districts, notices and hearings, making of special assessment rolls, the correction of errors in such rolls, the confirming of special assessment rolls, the number of installments in which special assessments may be paid, the collection of special assessments, the making of additional assessments where the original special assessment roll proves insufficient to pay the cost of the improvement or the cost of the repayment of the principal of and interest on money borrowed to pay for such improvement, refunds of excessive assessments: Provided that, when such excess is less than five per cent of the total amount of the assessment roll, the excess may be placed in the general fund; and any other matters concerning the making and financing of improvements by the special assessment method. Such ordinance shall include provisions for the following:

- a. The procedure for filing petitions for public improvements;
- b. A survey and report by the City Manager concerning the need for, desirable extent of, and probable cost of such proposed public improvement;
- c. A public hearing by the Council on the necessity of the making of such public improvement with a publication of notice of such hearing: Provided, that no public hearing shall be required when a petition for a public improvement is signed by all of the owners of property to be assessed therefore;
- d. A resolution of the Council determining to proceed or not to proceed with the proposed public improvement;
- e. A public hearing by the Council on the special assessment roll for the project with a publication of notice of such hearing.
- f. A resolution of the Council confirming the special assessment roll for public improvements and stating the date upon which the special assessment therefore, or the first installment thereof, if installment payments be allowed, shall be due and payable, the number of annual installments, if allowed (not to exceed twenty (20) years), in which the special assessment may be paid, and the rate of interest to be charged upon such deferred installments;
- g. That no additional assessment for any public improvement which exceeds 25% of the original assessment shall be made, unless such additional

assessment be reviewed at a meeting of the Council, for which meeting notices shall be published as provided in the case of review of the original special assessment roll;

h. If, under item (d) above, the determination to proceed, determining the probable life of the improvement, finally fixing the special assessment district therefore, and ordering the Assessor to prepare a special assessment roll therefore: Provided that, if prior to the adoption of the resolution to proceed with the making of the public improvement, written objections thereto have been filed by the owners of property in the district, which, according to the City Manager's report, will be required to bear more than fifty per cent of the cost thereof, or by a majority of the owners of property to be assessed, no resolution determining to proceed with the improvement shall be adopted, except by the affirmative vote of five members of the Council.

i. Publications of notices required by this section shall be given in a newspaper published in the city and by first class mail addressed to the owners of the property to be affected, according to the current assessment roll of the city, which publication and mailing shall be not less than seven days prior to the hearing to which it applies.

j. In the event that the proceeds of a special assessment are not required to defray the expense of any public improvement prior to the completion thereof, the special assessment roll therefore may be made within sixty days after the improvement is completed and shall be based upon the actual cost thereof.

H. Condemnation Costs.

The cost of condemning or otherwise acquiring property needed for any public improvement shall constitute a part of the cost of the improvement. Whenever any one parcel of land will be required to pay twenty-five per cent or more of any public improvement, and any portion of that parcel of land is acquired by condemnation or otherwise for the purpose thereof, that part of the cost of the improvement represented by damages for injury to improvements on such property shall be assumed in full by the city, and shall not be included in the special assessment charged to any property benefited.

I. Limitation on Suits and Actions.

No suit or action of any kind shall be instituted or maintained for the purpose of contesting or enjoining the collection of any special assessment or additional special assessment, (1) unless, within thirty days after the confirmation of the special assessment roll, written notice be filed with the Clerk of intention to file such suit or action, stating the grounds on which it is claimed such assessment is illegal, and (2) unless such suit or action shall be commenced within ninety days after the confirmation of the roll.

J. Lien and Collection of Special Assessments.

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

K. Special Assessment Accounts.

Moneys raised by special assessment for any public improvement shall be credited to a special assessment account, and shall be used to pay the special

assessment portion of the cost to the improvement for which the assessment was levied and of expenses incidental thereto, including the repayment of the principal of and interest on money borrowed therefore, and to refund excessive assessments, if refunds be authorized.

L. Certain Postponements of Payments.

The council may provide that any person who meets the criteria set forth in Act 225 of the Public Acts of 1976 and who is unable to contribute to the cost of making a public improvement may defer said payment as set forth therein.

M. All Real Property Liable for Special Assessments.

All real property, including such as is exempt from taxation by law, shall be liable for the cost of public improvements benefiting such property, unless specifically exempted from special assessments by law.

N. Hazards and Nuisances.

When any lot, or premises, building, or structure within the city, because of age or dilapidation, the accumulation of refuse or debris, the uncontrolled growing of noxious weeds, or because of any other condition or happening becomes, in the opinion of the Council, a public nuisance, or hazard which is dangerous to the health, safety, or welfare of the inhabitants of the city or of those residing or habitually going near such lot or premises, or such building, or structure, the Council may, after investigation, give notice to the owner or owners of the land upon which such nuisance or hazard exists or to the owner or occupant of the land or the building or structure itself, by posting notice upon the premises, by personal service, or by registered or certified mail addressed to the address set forth in the current assessment roll of the city, or the records of the assessor, specifying the nature of the nuisance or hazard. If, at the expiration of the time limit in said notice, the owner has not complied with the requirements thereof, or in case where the owner of the land of the building or structure itself is not known or cannot be found, the Council may order such nuisance or hazard to be abated by the proper department or agency of the city which is qualified to do the work required, or may do the work by contract or by hire, and the cost of such abatement may be assessed against the lot, premises, or description of real property upon which such nuisance or hazard is located, by special assessment.

CHAPTER X BORROWING POWER

A. Municipal Borrowing Power.

1. Subject to the applicable provisions of law, the city may borrow money for any purpose within the scope of its powers or which may be permitted by law, and may issue bonds or other evidences of indebtedness thereof. Such bonds or other evidences of indebtedness shall include, but not be limited to the following types:

a. General obligation bonds for the payment of which the full faith and credit of the city is pledged;

b. Special assessment bonds which are issued in anticipation of the payment of special assessments for the purpose of defraying the cost of any one or more public improvements, which bonds shall be both an obligation of the special assessment district and a general obligation of the city;

c. Revenue bonds, as authorized by law;
d. Tax anticipation notes, which may be issued in anticipation of the collection of taxes for the current or next succeeding fiscal years of the city or any other year permitted by law, in the manner and subject to any limitations provided by law;

e. Mortgage bonds, as authorized by law, for the acquiring, owning, purchasing, construction, improving, or operating of any public utility which the city is authorized by law to finance in this manner;

f. Bonds issued in anticipation of future payments from the Motor Vehicle Highway Fund or any other fund of the State which the city may be permitted by law to pledge for the payment of the principal and interest thereof, which bonds, if the law so permits, may also be a general obligation of the city.

2. Whenever any portion of public improvements shall be assessed by or charged to the city at-large and the balance of such cost assessed against the property benefited, the Council may provide for the payment of the city's portion of such cost in installments. In such case, bonds may be issued in anticipation of the payment of the amount assessed against the city at-large, the same as they may be issued in anticipation of the payment of the amount assessed against the benefited property. In such case, the Council shall appropriate in each fiscal year an amount which is sufficient to pay the principal of and interest on such bonds which are required to be paid during that year. Such bonds may be included as part of a total issue of bonds for the public improvement to which they apply and need not be separated from bonds issued in anticipation of the payment of special assessments assessed against the benefited property.

3. Bonds may be issued in anticipation of the collection of special assessments levied with respect to two or more public improvements, but no special assessment district shall be required to pay the obligation of any other special assessment district and the ordinance or resolution creating such districts shall so provide.

4. All collections on special assessment rolls or on any combination of such rolls shall be set apart in a separate fund and shall be used for the purpose for which levied, and for the payment of the principal of and interest on bonds issued in anticipation of such special assessments. If there is any deficiency in any special assessment fund to meet the payment of the principal or interest to be paid therefrom, moneys shall be advanced from the general funds of the city to meet such deficiency, and shall be replaced in the general funds when the special assessment fund shall be sufficient therefore.

5. Each bond or other evidence of indebtedness shall contain on its face a statement specifying the purpose for which the same is issued, and the proceeds thereof shall not be used for any other purpose, except that, whenever the proceeds of any bond issue, or a part thereof, remain unexpended and unencumbered for the purpose for which said bond issue was made, the Council may, by the confirming vote of not less than five members, authorize the use of such unexpended and unencumbered funds:

a. For the retirement of such bond issue, or

b. If such bond issue has been fully retired, then for the retirement of other bonds or obligations of the city provided for by this section: Provided, That in the case of special assessment bonds, such funds shall be refunded to the owners of property against which special assessments therefore were made, or placed in the general fund of the city in accordance with the provisions of Chapter 9 B (1) of this charter, and

c. For such other purposes as may be permitted by law, subject to the provision in paragraph (b) above; or

d. If such funds cannot be so used, then in any manner approved by the vote of not less than five members of the Council.

6. No bond or other evidence of indebtedness, regardless of type or purpose, shall bear interest at a rate exceeding that fixed by law.

7. All bonds and other evidences of indebtedness shall be signed by the Mayor and countersigned by the Clerk, under the seal of the city. Interest coupons may be executed with the facsimile signatures of the Mayor and the Clerk. A complete and detailed record of all bonds and other evidences of indebtedness shall be kept by the Treasurer. Upon the payment of any bond or other evidence or indebtedness, the same shall be marked "Cancelled" or otherwise defaced by the Treasurer to indicate payment. After all of the bonds of any issue have been paid, they may be destroyed by cremation, with a proper certificate of such destruction filed in the office of the clerk.

B. Limitations Upon Borrowing Power.

1. The net bonded indebtedness incurred for all public purposes shall not at any time exceed ten per cent of the assessed value of all the real and personal property in the city: Provided, That, in computing such net bonded indebtedness, there shall be excluded money borrowed under the provisions of Chapter 10 A, clauses b, c, and d of this chapter, and any other bonds which are not, by law, subject to the debt limitation of the city. The resources of any debt retirement or sinking fund pledged for the retirement of any outstanding bonds which are subject to the debt limitation herein established, shall also be deducted from the amount of the bonded indebtedness.

2. No bonds shall be sold to obtain funds for any purpose other than that for which they were specifically authorized, and if such bonds are not sold within three years after authorization such authorization, shall be null and void, except when delay is caused by litigation or when a bond issue has been authorized to be issued in two or more parts or series. In case of litigation, the three year period shall start at the time of the filing of the final judgment or decree. In case of bonds authorized to be issued in two or more parts or series, the first part or series shall be sold within three years after authorization and the final part or series shall be sold within ten years after authorization.

CHAPTER XI CONTRACTS

A. Contracting Authority of Council.

1. The power to authorize the making of contracts on behalf of the city is vested in the Council and shall be exercised in accordance with the provisions of law.

2. All contracts, except as otherwise provided by ordinance in accordance with the provisions of Chapter 11 (2) hereof, shall be authorized by the Council and shall be signed on behalf of the city by the Mayor and the Clerk.

B. Purchase and Sale of Personal Property.

The Council shall establish, by ordinance, the procedure for the purchase and sale of personal property. Such ordinance shall provide for centralized purchasing on behalf of the city. The ordinance shall also provide the dollar limit within which purchases and sales of personal property may be made without the necessity of securing competitive bids, and the dollar limit and conditions within which purchases and sales of personal property may be made without the necessity of Council approval and signature by the Mayor and the Clerk. No purchase of personal property shall be made unless a sufficient un-

encumbered appropriation is available therefore.

C. Limitations on Contractual Power.

1. The Council shall only have power to enter into contracts which by the terms thereof, will be fully executed within a period of ten years, with the option of renewal by Council approval, unless such contracts shall first receive the approval of a majority of the qualified electors of the city voting thereon at a regular or special election. This limitation shall not apply to any contract for services with a public utility or one or more other governmental units, nor to contracts for debt secured by bonds or notes which are permitted to be issued by the city by law.

2. The city shall not have power to purchase, sell, lease, or dispose of any real estate unless:

a. The resolution authorizing the sale, lease, or disposal thereof shall be completed in the manner in which it is to be finally passed and has remained on file with the Clerk for public inspection for twenty-five days before the final adoption or passage thereof, and unless,

b. Such action is approved by the affirmative roll call vote of five or more members of the Council, and unless,

c. When the proposition is to sell any park, cemetery or any part thereof, except when such park is not required under an official master plan of the city, the proposition to sell, lease, or dispose of the same shall also be approved by a majority vote of the electors of the city voting thereon at any general or special election.

3. Except as provided by ordinance authorized by paragraph 11 (2) of this chapter, each contract for the construction of public improvements or for the purchase or sale of personal property shall be let after opportunity for competitive bidding. All bids shall be opened in public in the Council room by the Clerk, or by the City Manager, at the time designated in the notice of letting, and shall be reported to the Council at its next meeting. The Council may reject any or all bids, if deemed advisable. If, after two or more opportunities for competitive bidding, no bids are received or such bids as were received were not satisfactory to the Council, the Council may either endeavor to obtain new competitive bids or may authorize the City manager or other proper official of the city to negotiate for a contract in the open market. The second bidding herein required may be waived by a vote of five or more members of the Council.

4. No contract shall be made with any person who is in default to the city.

5. No extra compensation shall be paid to any agent, employee, or contractor after the service has been rendered or the contract entered into.

D. Business Dealings with City.

Any officer or employee of the city who intends or does have business dealings with the city directly or indirectly shall comply with Acts 317 of the Public Acts of 1968.

CHAPTER XII ELECTIONS

A. Wards.

The City of Ithaca shall consist of one single ward.

B. Primaries.

Non-Partisan City Primary elections shall be held on the first Tuesday

following the first Monday in August of each odd numbered year. If upon the expiration of the time for filing nominating petitions for any elective city office it appears that petitions have been filed for no more than two times the number of candidates for such office to be filled at the next city election, then no primary election shall be held in respect to such office and the City Clerk shall publish notice of such fact, provided that city primaries shall be held jointly with the state primaries whenever practicable.

C. Elections.

A non-partisan City election shall be held on the first Tuesday after the first Monday of November of each odd numbered year. Special elections shall be held when called by resolution of the City Council at least 60 days in advance of such election or when required by the Charter or the General Laws of the State. Such resolution shall set forth the purpose of the election.

D. Nominating Petitions.

1. Candidates for all elective offices shall be nominated by petitions. Nominating petitions, complying with the requirements of the Michigan Elections Law, signed by not less than two (2%) percent nor more than four (4%) percent of the registered electors of the city shall be filed with the City Clerk no later than four o'clock p.m. on the seventh (7) Monday prior to the date of the City Primary election. Blank petitions shall be provided by the City Clerk and shall be furnished by said Clerk upon request. Before the Clerk shall furnish a form of nominating petition to any person, the Clerk shall enter thereon with typewriter the name of the candidate and the name of the office for which he is to be a candidate. No person shall sign his name to a greater number of petitions for any City office than there are offices to be filled at the following regular City Election. Nothing herein contained shall be construed to prohibit any candidate from having his own nominating petition printed, but they must comply substantially with the above form.

2. In the event that no nominating petitions are filed for any person as a candidate for election from the City, the Council shall, within ten days after the last day for filing nominating petitions for such positions on the Council, meet at the call of the Clerk, as a nominating caucus and nominate two (2) qualified persons, as provided in Chapter 3 B (1) of this charter, who are residents of the City, qualified electors, as candidates therefore. Notice of such meeting shall be given by the Clerk by personal service upon each member of the Council or by leaving such notice with some responsible person at either the residence or place of business of the person served, not less than 24 hours prior to the time set for such meeting in the notice thereof.

E. Approval of Petitions.

The City Clerk shall accept for filing only such nominating petitions for qualified candidates as shall comply with the requirements of Chapter 12 D (1) hereof and contain the required number of signatures. The City Clerk shall, within three (3) days after the final date determine the sufficiency of signatures on each petition filed, and, if he finds any petition does not contain the required number of official signatures of registered electors, he shall immediately notify the candidate in writing of the insufficiency of his petition by certified mail unless delivered personally. Any candidate whose petitions are found to be invalid or insufficient shall be allowed to file supplementary or replacement petitions from 4:00 o'clock in the afternoon on the 6th day after the last day for filing original petitions. Petitions which are found by the City Clerk to contain the required number of signatures of registered electors for

qualified candidates shall be marked "Approved", with the date thereof. All nomination petitions shall be open to public inspection in the office of the City Clerk beginning five (5) days after the final date for such petitions.

F. Law Governing Elections and Registration.

The General election laws for the State shall apply to and control, as near as may be, all procedure as well as all substantive questions relating to registration, primaries and elections except as such laws relate to political parties or partisan procedure or require more than two publication of notice and except as otherwise provided by this charter. In any circumstance where the application of said laws may be uncertain, the election commission shall construe the same and prescribe the procedure.

G. Canvass of Vote.

The County Board of Canvassers shall canvass the votes at all elections under this charter, and shall determine the vote upon all questions and propositions and declare whether the same have been adopted or rejected and what persons have been elected at such elections. The candidate or candidates (where more than one are to be elected to the same office) who shall receive the greatest number of votes shall be declared elected.

H. Elective Commission.

The Election Commission shall consist of the City Clerk, Assessor, and one other city officer appointed by the Council preceding each regular city election. The Clerk shall be the chairperson. The commission shall appoint the inspectors of election and fix their compensation and shall perform all of the duties required of the City Election Commission by the State Law or this charter.

I. Affidavit of Qualification for Office.

On or before the third day after the last day for filing nominating petitions each person for whom a valid nominating petition has been filed, or someone acting on his behalf, shall file with the clerk an affidavit that he is possessed of all of the qualifications set forth in this charter for an elective city office. Such affidavit shall be on a form provided by the Clerk. If such affidavit be not filed as herein required, the candidate shall be deemed to have withdrawn and his name shall not be placed on any election ballot.

J. Form of Ballots.

The form, printing, and numbering of ballots used in any city election shall conform, as nearly as may be, to that prescribed by law, except that no party designation or emblem shall appear thereon. The names of qualified nominees for each office shall be listed on the ballot under a separate heading for each office and shall be rotated on the ballots as required by law.

K. Delivery of Registration Books and Supplies.

The Clerk shall be responsible for the custody and safe keeping of all registration books and supplies. On election day, he shall deliver them to the respective Board of Inspectors of Election, taking their receipt therefore.

L. Absentee Ballots.

The electors of the city shall be entitled to vote by absentee ballots at any city selection under the circumstances and in the manner provided by law.

M. Recount.

A recount of the votes cast at any city election for any office, or upon any proposition, may be had in accordance with the general election laws of the State.

N. Tie Vote.

If, at any city election, the outcome cannot be determined because two or more persons received an equal number of votes, the County Board of Canvassers shall name a date for the appearance of such persons for the purpose of determining the election of one of them by lot. Should any person fail to appear, in person or by representative, to determine the result of any tie at the time and place named, such determination shall be made by lot in his absence, at the direction and under the supervision of the County Board of Canvassers. Such determination shall be final.

O. Voting Hours.

The polls of all Elections shall be opened and closed at the time prescribed by State Law.

CHAPTER XIII UTILITY FRANCHISES AND MUNICIPAL OWNERSHIP

A. Public Utility Franchises.

1. All public utility franchises granted after the adoption of this charter, whether it be so provided in the granting ordinance or not, shall be subject to the right of the city:

a. To repeal the same for misuse, or non-use, or for failure to comply with the provisions thereof;

b. To require proper and adequate extension of plant and service maintenance thereof at the highest practical standard of efficiency;

c. To establish reasonable standards of service and quality of products, and prevent unjust discrimination in service or rates;

d. To require continuous and uninterrupted service to the public in accordance with the terms of the franchise throughout the entire period thereof;

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

f. To require the public utility to which any franchise is granted to permit joint use of its property and appurtenances located in the streets, alleys, and public places of the city by the city and other utilities insofar as such joint use may be reasonably practicable and upon payment or reasonable rental therefore: Provided, That, in the absence of agreement, upon application by the public utility, the Council shall provide for arbitration of the terms and conditions of such joint use and the compensation to be paid therefore;

g. To pay such part of the cost of improvement or maintenance of the streets, alleys, bridges, and public places of the city, as shall arise from its use thereof, and to protect and save the city harmless from all damages arising from said use.

h. Require the public utility to file with the city such drawings and maps of the location and nature of its facilities, as the Council may request.

B. Limitations on the Granting of Franchises.

No franchise shall be granted by the city for a term exceeding thirty years and no exclusive franchise shall ever be granted. Each franchise shall include a

provision requiring the franchise to take effect within one year after the adoption of the ordinance granting it, except in the case of grants to take effect at the end of an existing franchise. An irrevocable franchise and any extension or amendment of such franchise may not be granted by the city, unless the ordinance granting such franchise has first received the affirmative vote of at least three-fifths of the electors of the city voting thereon at a regular or special city election. An irrevocable franchise ordinance may be approved by the Council, for referral to the electorate, only after a public hearing has been held thereon and after the grantee named therein has filed with the Clerk his unconditional acceptance of all the terms of the franchise. No special election for such purpose may be ordered by the Council, unless the expense of holding such election has first been paid to the Treasurer by the grantee.

C. Procedure for Granting Franchises.

Every ordinance granting a franchise, license, or right to occupy or use streets, alleys, bridges, or public places shall remain on file with the Clerk for public inspection in its final form for at least thirty days before the final adoption thereof, or the approval thereof for referral to the electorate.

D. Sale or Assignment of Franchises.

The grantee of a franchise may not sell, assign, sublet, or allow another to use the same, unless the Council gives its consent. Nothing in this section shall limit the right of the grantee of any public utility franchise to mortgage its property or franchise, nor shall restrict the rights of the purchaser, upon foreclosure sale, to operate the same, except that such mortgages or purchaser shall be subject to the terms of the franchise and provisions of this chapter.

E. Plans of Facilities in Streets and Public Places.

The Council may, by ordinance, require, as a condition to the placing or installment thereof, that each public utility conducting a business in the city file with the city a duplicate copy of layout plans of pipes, conduits, and other facilities which are to be placed on, under, or above the surface of the city's streets, alleys, bridges, and public places.

F. General Powers Respecting Municipal Utilities and services.

The city shall possess and hereby reserves to itself all the powers granted to cities by law to acquire, construct, own, operate, improve, enlarge, extend, repair, and maintain, either within or without its corporate limits, a hospital and public utilities, including, but not by way of limitation, public utilities for treating and supplying water, and for supplying light, heat, power, gas, sewage treatment, and garbage disposal facilities, or any of them to the city and its inhabitants, and also to sell and deliver water, light, heat, power, gas, and other public utilities and services without its corporate limits to an amount not exceeding the limitations set by or in accordance with law. The power to supply, as herein possessed and reserved, shall include the power to extract and process water, electricity, or gas from natural sources, to manufacture the same, or to purchase the same from others.

G. Administration and Operation of Municipal Utilities.

The Council shall be responsible for the care, protection, preservation, control, improvement, and extension of the utility plants and facilities of the city, and shall adopt such ordinances and resolutions as are required therefore. Such utility plants and facilities shall each be a department of the city, and the management thereof shall be the duty of the City Manager, who shall be

responsible to the Council therefore. Such public utility department shall be subject to the provisions of this Charter relating to departments of the city, including such as relate to annual budgets and financial accounting, and to the provisions of this chapter. The City Manager may appoint a Manager of the city utilities and, with the approval of the Council, other administrative personnel as shall be required to carry out the operation, maintenance, improvement, and extension of the said city utilities and utility facilities.

H. Utility Charges - Collections.

The Council shall fix the rates to be charged for all public utility services of the city. The Council shall provide, by ordinance, for the collection of public utility charges, and for such purpose shall have all the power granted to cities by Act No. 178 of the Public Acts of 1939 and Act No. 94 of the Public Acts of 1933, as amended in each case. When any person shall fail, or refuse to pay to the city any sum due on utility bills, the utility service or services upon which such delinquency exists may be shut off or discontinued by the city, and suit may also be instituted by the city for the collection of the same in any court of competent jurisdiction.

I. Annual Audit.

The cost of making the annual audit of the accounts of each public utility of the city shall be defrayed from the funds of the utility.

J. Annual Reports.

The annual audit of each public utility of the city shall show, as nearly as possible, the financial results of the city ownership and operation of the public service works of the city.

K. Purchase of Electricity, Water, Sewage Disposal Service.

The city may purchase and resell electricity, water, and sewage disposal services, or any one or more of them, from any person, municipal or private, if such purchase may be deemed by the Council to be in the best interests of the city and its inhabitants.

L. Disposal of Plants.

Except for purposes permitted by law, the city shall not sell, exchange, lease, or in any other way alien or dispose of the property, easements, income, or other equipment, privileges, or assets belonging to and appertaining to any utility which it may own or acquire, unless and except such proposition shall first have been submitted at an election held for that purpose in the manner provided in this charter, to the electors of the city and approved by them at a regular city election by a three-fifths majority vote of the electors voting thereon. All contracts, negotiations, leases, grants, or other forms of transfer in violation of this provision, shall be void and of no effect as against the city. The provisions of this section shall not, however, apply to the sale or exchange of any article of equipment that is obsolete, worn out, or useless, or which could, with advantage to the service, be replaced by new and improved machinery or equipment.

SCHEDULE

Purpose of Status of Schedule Chapter - Section 1: The purpose of this Schedule Chapter is to inaugurate the government of the City of Ithaca under this Charter Revision and provide the transition from the government of the

City of Ithaca to that as a City under this Charter Revision. It shall constitute a part of this Chapter only to the extent and for the time required to accomplish its purpose.

Election to Adopt Charter - Section 2: This Charter shall be submitted to a vote of the qualified electors of the City of Ithaca at an election to be held on August 7, 1984, between the hours of 7:00 a.m. and 8:00 p.m. All provisions for the submission of the questions of adopting this Charter as revised at such election shall be made in the manner provided by law.

Form of Ballot - Section 3: The form of the question on submission of this Charter shall be as follows: Shall the proposed Revised Charter for the City of Ithaca which was framed by the Charter Revision Commission elected November 8, 1983, be adopted:

_____ yes _____ no

and shall be set forth on voting machines and paper ballots in the usual manner therefore.

Election of Officers - Section 4: At the next regular City election after the adoption of this amended Charter, four Council persons at-large shall be elected. The three largest vote getters shall serve for a term of four years. The fourth largest vote getter shall serve for a term of two (2) years and thereafter that at-large seat shall serve for a term of four years.

Effective Date - Section 5: If this Charter is adopted at the election thereon, it shall take effect and become the Charter of the City of Ithaca, Michigan on September 1, 1984.

Conduct of Election - Section 6: The election at which this revised Charter shall be submitted to the electors shall be conducted by the Charter Revision Commission provided, however, that the said Charter Revision Commission may delegate such responsibilities as it deems proper to the City Clerk of the City of Ithaca.

RESOLUTION OF ADOPTION

At a meeting of the Charter Commission of the City of Ithaca, held on the 23rd day of April, A.D. 1984, the following resolution was offered by Commissioner Warren Larry:

RESOLVED, That the Charter Commission of the City of Ithaca does hereby adopt the foregoing proposed Charter of the City of Ithaca, and the Clerk of this Commission is directed to transmit a copy thereof to the Governor of the State of Michigan for his approval in accordance with the Statute of the State.

The resolution was seconded by Commissioner Gerald Kench and adopted by the following vote:

Yeas: Commissioners Robert Atkinson, Irene Gruesbeck, Gerald Kench, Warren Larry, Marilyn Lumsden, Evelyn Parling, Andrew Vozar, Robert Wetzel.

Nays: None

Absent: Eugene Becker

Richard Parling, Clerk of the Charter Commission of the City of Ithaca, being duly sworn, says that at an election duly called and held in the city of Ithaca on November 8, 1983, the following named persons were duly elected as a Charter Commission to frame a revised charter for the City of Ithaca, namely:

Robert Atkinson - Chairman
Gerald Kench - Vice-Chairman
Eugene Becker - Commissioner
Irene Gruesbeck - Commissioner
Warren Larry - Commissioner
Marilyn Lumsden - Commissioner
Evelyn Parling - Commissioner
Andrew Vozar - Commissioner
Robert Wetzel - Commissioner

and that the annexed and foregoing charter was duly framed and adopted by said Charter Commission by the foregoing resolution which is a true and correct copy thereof, and, that the said Charter Commission directed that said charter be presented to the electors of the City of Ithaca in accordance with the requirements of the laws of the State of Michigan which provide therefor.

Dated: April 23, 1984

• Richard D. Parling
Clerk of the Charter Commission,
City of Ithaca

• Subscribed and sworn to before me this 24th day of April, 1984

Jennie V. Vozar
Notary Public, Gratiot County, Michigan
My Commission expires October 7, 1984

I do hereby approve the above and foregoing charter of the city of Ithaca.

Dated: July 31, 1984

James J. Blanchard
Governor of the State of Michigan

I, Richard Parling, City Clerk for the City of Ithaca, Gratiot County, Michigan, hereby certify that the foregoing is a true copy of the revised Charter of the City of Ithaca, duly adopted at an election held August 7, 1984 in the said City of Ithaca.

Yes - 171

No - 29

I further certify that the vote was canvassed and approved on the 10th day of August, 1984.

I further certify that two copies of this Charter were filed with the County Clerk and the Secretary of State on the 17th day of August, 1984.

Richard D. Parling
City Clerk
City of Ithaca, Michigan

The members of the Charter Commission responsible for this Charter were privileged to have the original Charter to use as a guide. The longer we labored on this new Charter, the more we came to respect the wisdom of the members of the original Charter Commission. Their contribution to this Community was far reaching. It, therefore, seems appropriate that their names should be perpetuated in all future Charters of the City of Ithaca. Their names are:

Miles A. Nelson - Chairman
Donald A. Baker - Vice-Chairman
Guy W. Weller - Secretary
Charles G. Larry - Commissioner
V. Lowell Sheline, M.D. - Commissioner
Mrs. Mable Roberts - Commissioner
Fred H. Passenger - Commissioner
Roger D. Williams - Commissioner
R. J. Lippert - Commissioner