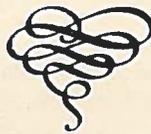


THE  
CHARTER  
OF THE  
CITY OF VASSAR



TUSCOLA COUNTY, MICHIGAN

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ADOPTED FEBRUARY 19, 1945  
Declared by Charter Commission Feb. 21, 1945

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# Brief History of the Charter for the City of Vassar

On September 28, 1944 the voters of the Village of Vassar elected to become a city and on that date, named a charter commission whose sole purpose was the drafting of a proposed charter.

Members of the Charter Commission were qualified citizens of Vassar as follows:

ARTHUR WATERHOUSE,  
Chairman  
LEMUEL LEE,  
Vice Chairman  
MARGRET Y. WILLIS,  
Secretary

HARRY ROWLAND  
DR. WARD FREELAND  
KENNETH PRIESTLEY  
FLOYD WATERMAN  
LEWIS WALTON  
C. J. DEEDRICK

On January 25, 1945 copies of the proposed charter were placed in the hands of every voter within the boundary of the City of Vassar.

On February 19, 1945 the voters again went to the polls and accepted the following charter for the City of Vassar.

The total number of votes cast were 409 of which 238 were in favor of the new charter and 169 were negative votes.

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**PREAMBLE**

To the end that the inhabitants of the City of Vassar may live well through the effectual maintenance of public peace, health, and morals, and the efficient achievement of those public services, activities, and enterprises which reflect intelligent opinion as to the needs of the public welfare, the electors of the City of Vassar in the County of Tuscola and State of Michigan, pursuant to the authority granted them by the constitution and general laws of said State, hereby establish this Charter of the City of Vassar.

**CHAPTER 1**

**BOUNDARIES AND SUBDIVISIONS OF THE CITY**

**Boundaries:**

Section 1.1. The following described territory, together with all territories that may hereafter be annexed thereto, shall be and remain a body corporate under the official name and title of "City of Vassar," and shall be subject to the municipal control of said city:

The East half of Section 12 in Township 11 North, of Range 7 East; also the entire Fractional Section 7, and the North half of the North half of Fractional Section 18, all in Township 11 North, of Range 8 East, being in the Township of Vassar, in the County of Tuscola.

**Ward:**

Section 1.2. The City of Vassar shall consist of one (1) ward.

**CHAPTER 2**

**GENERAL MUNICIPAL POWERS**

**Powers of the City:**

Section 2.1. Unless otherwise provided or limited in this charter, the City of Vassar and its officers shall be vested with any and all powers, privileges, and immunities, expressed and implied, which cities and their officers are, or hereafter may be, permitted to exercise or to provide for in their charters under the constitution and laws of the State of Michigan, and of the United States of America, including all the powers, privileges, and immunities which cities are permitted to, or may, provide in their charters by Act No. 279 of the Public Acts of 1909, as amended, as fully and completely as though those powers, privileges, and immunities were specifically enumerated in and provided for in this charter, and in no case shall any numeration of particular powers, privileges, or immunities in this charter be held to be exclusive. The city and its officers shall have power to exercise all municipal powers in the management and control of municipal property and in the administration of the municipal government, whether such powers be expressly enumerated or not; to do any act to advance the interests of the city, the good government and prosperity of the municipality and its inhabitants, and through its regularly constituted authority, to pass and enforce all laws, ordinances, and resolutions relating to its municipal concerns, subject to the constitution and general laws of the state and the provisions of this charter.

**Exercise of Powers:**

Section 2.2. Where no procedure is set forth in this charter for the exercise of any power granted to or possessed by the city and its officers, resort may be had to any procedure set forth in any

statute of the State of Michigan which has passed for the government of cities or townships, or in any other statute of the State of Michigan. If alternate procedures are to be found in different statutes, then the Council shall select that procedure which it deems to be most expeditious and to the best advantage of the city and its inhabitants. Where no procedure for the exercise of any power of the city is set forth, either in this charter or in any statute of the State of Michigan, the Council may prescribe by ordinance a reasonable procedure for the exercise thereof.

**Continuation of Rights and Liabilities:**

Section 2.3. The adoption of this charter shall not be regarded as discharging, impairing, or limiting any right vested in or liability of the Village of Vassar at the time of the adoption of this charter.

All licenses, contracts, and franchises granted by the Village of Vassar and in force when this charter becomes law, shall remain in full force and effect until the time for which they were respectively granted has expired, or until any such licenses or franchises may have been taken over by the city by purchase, condemnation, grant, or otherwise.

**CHAPTER 3**

**GOVERNMENTAL ORGANIZATION**

**Division of Powers of Government:**

Section 3.1. All of the powers of municipal government possessed by the city are hereby divided into three (3) general divisions, i.e., legislative or policy forming, administrative, and judicial. No person or body belonging to or being a part of one (1) such division shall exercise powers imposed by this charter upon or properly belonging to another. It shall be the duty of every officer of the city to preserve the three (3) divisions of the city government distinct and separate.

**City Governing Body:**

Section 3.2. All legislative or policy forming powers of the city shall be vested in, exercised, and determined by a Council of five (5) members, who shall be designated and known as Councilmen. In all cases where the word "Council" is used in this charter, the same shall mean and shall be synonymous with the terms "commission," "common council," "board of aldermen," "governing body," or "legislative body," or any other synonymous term, as the same may be used in any state or Federal law in referring to legislative or governing bodies of cities.

**Terms of Office:**

Section 3.3. At each regular city election there shall be elected from the city at large three (3) Councilmen, the two (2) receiving the highest number of votes shall hold office for two (2) years and the one (1) who shall receive the third highest number of votes shall hold office for one (1) year. The terms of office of Councilmen shall commence on and date from the Monday next following the date of the regular city election at which they are elected.

**Judge of Qualification of Members:**

Section 3.4. The Council shall be the judge of the eligibility and qualification of its own members, subject only to review by the courts.

**Remuneration of Members of the Council:**

Section 3.5. The members of the Council shall receive the sum of thirty-six (36) dollars per annum to be paid annually, as remuneration for their services to the city. Such sum shall constitute the only salary or remuneration which may be paid to members of the Council for services rendered by them to or on behalf of the city during the term of office for which they are elected. Upon authorization of the Council, reasonable expenses may be allowed to its members when actually incurred on behalf of the city outside of its corporate limits.

**Selection of Mayor and Mayor Pro Tem:**

Section 3.6. The Council shall, at its first regular meeting following each regular biennial city election, select one (1) of its members to serve as Mayor and one (1) to serve as Mayor Pro Tem. The Mayor Pro Tem, shall perform the duties of the Mayor when, on account of absence from the city, disability, or otherwise, the Mayor is temporarily unable to perform the duties of his office, and in case of vacancy in the office of Mayor, until such vacancy is filled by the Council. The Mayor Pro Tem, shall preside over the meetings of the Council at the call of the Mayor. In the event of a vacancy occurring in the office of Mayor or Mayor Pro Tem., the Council shall appoint one of its elected members to fill such vacancy.

**Duties of Mayor:**

Section 3.7. (a) Insofar as required by law, and for all ceremonial purposes, the Mayor shall be recognized as the executive head of the city. He shall have an equal voice and vote in the proceedings of the Council, but shall have no veto power.

(b) He shall be a conservator of the peace, and may exercise within the city the powers conferred upon sheriffs to suppress disorder, and shall have the power to command the assistance of all able-bodied citizens to aid in the enforcement of the ordinances of the city, and to suppress riot and disorderly conduct.

(c) He shall authenticate by his signature such instruments as the Council, this charter, or the laws of the State of Michigan or of the United States shall require.

**City Manager:**

Section 3.8. All administrative powers and functions of the city shall be vested in the City Manager. He shall be elected by the Council on the basis of training and ability in the field of engineering or such other experience, not less than four (4) years in duration, in work which would qualify him for the position of City Manager, without regard to his political or religious preferences. He need not be a resident of the city at the time of his appointment but shall, unless excused by the Council, become a resident of the city within ninety (90) days after his appointment and so remain throughout his tenure of office. The Council shall designate a qualified person to perform the duties of City Manager during a vacancy in the office. No person who holds or has held any elective city office shall be eligible for appointment as City Manager or acting City Manager, nor shall any such person perform the duties of the City Manager during a vacancy in that office, until two (2) years

have elapsed following the expiration of the term for which he was elected.

**Functions of the City Manager:**

Section 3.9. The functions of the City Manager shall be:

(a) To appoint the Treasurer, Assessor, Health Officer, Chief of Police, Fire Chief, and such other administrative officers as shall require appointment under the ordinances or resolutions of the Council, and, subject to the approval of the Council, the Clerk and City Attorney;

(b) To see that all laws and ordinances are enforced;

(c) To manage and supervise all public improvements, works, and undertakings of the city;

(d) To have charge of the construction, repair, maintenance, lighting, and cleaning of streets, sidewalks, bridges, pavements, sewers, and of all public buildings or other property belonging to the city;

(e) To manage and supervise all city utilities;

(f) To be responsible for the preservation of property, tools, and appliances of the city;

(g) To see that all terms and conditions imposed in favor of the city or its inhabitants in any public utility franchise, or in any contract, are faithfully kept and performed.

(h) To attend all meetings of the Council, with the right to take part in discussions, but without the right to vote;

(i) To prepare and administer the annual budget under policies formulated by the Council and keep the Council fully advised at all times as to the financial condition and needs of the city;

(j) To recommend to the Council for adoption such measures as he may deem necessary or expedient;

(k) To be responsible to the Council for the efficient administration of all functions of the city government;

(l) To act as the Purchasing Agent for the city and its boards or departments, with authority to purchase any materials, supplies, or equipment for which funds are provided in the budget and in all other cases subject to purchasing procedures established by the Council;

(m) To prepare an annual report of the city's business and make the same available to the public in such form as will disclose pertinent facts concerning the activities and finances of the city government;

(n) To conduct all sales of personal property which the Council may authorize to be sold;

(o) To perform such other duties as may be prescribed by this charter or required of him by ordinances or by direction of the Council, or which are not assigned to some other official in conformity with the provisions of this charter.

**Other Administrative Offices:**

Section 3.10. There shall be, within the administrative service of the city, a Clerk, a Treasurer, a Health Officer, an Assessor, a Chief of Police, and a Fire Chief, each of whom shall be appointed by and serve at the pleasure of the City Manager, except that the Clerk shall be appointed by the City Manager subject to the appro-

val of the Council. The Council may, by resolution upon the recommendation of the City Manager, create such additional administrative offices, or combine any administrative offices in any manner not inconsistent with state law, and prescribe the duties thereof as it may deem necessary for the proper operation of the city government. No creation of any administrative office, or combination thereof one with another, shall abolish the office of City Manager nor diminish any of the duties or responsibilities of that office as set forth in this charter. The compensation of all such administrative officers shall be fixed by the City Manager in accordance with budget appropriations.

**Duties of Administrative Officers:**

Section 3.11. All appointive officers of the city shall perform such duties as are provided for such officers by state law, this charter, the city ordinances, and the administrative directives of the City Manager. The Clerk shall be the chief accountant and auditor of the city and shall maintain a system of accounts which shall conform to such uniform system as may be required by state law. All such administrative officers shall be responsible to the City Manager in and for the performance of the duties of their several offices.

**City Officers and Employee Benefits:**

Section 3.12. The Council may provide, by ordinance, for a merit system of personnel management for employees in the service of the city, for the pensioning of its appointive officers and its employees, and for making available to its appointive officers and employees any recognized standard plan of group life, hospital, health, or accident insurance.

**Justice of the Peace:**

Section 3.13. The powers and duties of the judicial division of the city government shall be vested in the Justice of the Peace and an Associate Justice of the Peace. Each of the said Justices of the Peace shall hold office for terms of four (4) years from the fourth (4th) of July next following the city election at which he was elected. One of said Justices of the Peace shall be elected at each regular city election held in odd numbered years and the Justice of the Peace (not associate) shall be elected in each such city election held in each year following the even numbered year which is divisible by four (4). The bond of the Justices of the Peace shall be that required by justices of the peace in townships. In all cases where the term Justice of the Peace is used in this charter, the same shall apply to and indicate the Associate Justice of the Peace, unless the contrary is indicated. In all his official acts and in all court proceedings, the Associate Justice of the Peace shall be designated as "Justice of the Peace," the word "Associate" being herein used to distinguish between the Justice of the Peace required to devote full time, and the one required to devote partial time to the duties of his office. The Associate Justice of the Peace shall perform the duties of the Justice of the Peace and have jurisdiction only upon the call of the Justice of the Peace, in the event that the Justice of the Peace is disqualified to act, and in the absence or disability of the Justice of the Peace.

The Justice of the Peace shall possess the same qualifications as are prescribed in this charter for elective officers.

Except as otherwise provided in this charter, said Justice of the Peace shall have and exercise the same jurisdiction and powers in all civil and criminal matters, causes, suits, and proceedings, and shall perform the same duties in all respects, so far as occasion may require, and shall be subject to all the regulations and restrictions as are or may be conferred upon or required of justices of the peace under the general laws of the state.

Such Justices of the Peace shall also have:

(a) Authority to hear, try, and determine all suits and prosecutions for the recovery and enforcing of fines, penalties, and forfeitures imposed by this charter and the ordinances of the city, and to punish offenders for the violation of such charter and ordinances, as, in such charter and ordinances, is prescribed and directed;

(b) Concurrent jurisdiction to the amount of five hundred dollars (\$500) in all civil matters ex contractu and ex delicto, with such exceptions and restrictions as are or may be provided by state law;

(c) The same power and authority as the circuit courts of the state possess to set aside, upon legal cause shown therefor, the verdict or judgment in any civil cause, and grant a new trial therein, whenever a motion in writing is made and filed with the Justice within five (5) days after the rendition of the verdict or judgment in said case, which motion shall briefly and plainly set forth the reasons and grounds upon which it is made and shall be supported by an affidavit or affidavits setting forth the facts relied upon and filed at the time of filing of said motion, and a notice of the hearing of such motion with a copy of the motion and affidavits filed as aforesaid, shall be served upon the adverse party or his attorney at least two (2) days before the hearing thereof; such motion shall be determined within two (2) days after the same shall have been heard and submitted and such motion shall be submitted and heard within one week after the same shall have been filed; the time for taking an appeal from judgment in case motion be not granted shall begin to run from the time when such motion shall be overruled; in no case shall the pendency of such motion stay the issuing and levy of an execution in such case, but in case of levy under execution pending such motion, no sale of the property so levied on shall be advertised or made until the final determination of such motion;

(d) Such additional powers and authorities as may be conferred upon city justices of the peace by state law, being the intent of this section that the Justices of the Peace in the City of Vassar shall have and exercise all powers and authority which such justices in cities may now or hereafter be permitted to exercise under state law, under this charter, or ordinances of the city.

The only compensation of such Justice of the Peace shall be the usual fees of that office, as provided by the general laws of the state. Each Justice of the Peace shall make an itemized monthly report to the Council of all the fees collected in all proceedings before his court; and shall pay into the city treasury all moneys belonging to the city which shall have been received for or on account

of violations of any provisions of this charter or ordinances of the city forthwith upon receipt thereof. Any Justice failing to make such report within sixty (60) days shall forfeit his office, and the Council shall appoint a Justice to fill the vacancy until the next regular city election.

**Constable:**

Section 3.14. One (1) Constable shall be elected at each regular city election for a term of one (1) year commencing on and dating from the Monday next following the date of the election at which he is elected to office. Such Constable shall have like powers and authorities in matters in civil and criminal nature and in relation to the service of process, civil and criminal, as are conferred by law on constables in townships. He shall have power also to serve all processes issued for breaches of ordinances of the city. The only compensation of the Constable shall be the usual fees of that office. The bond of the Constable shall be that required of constables in townships.

The Council may from time to time appoint any police officer or officers as additional Constables or to fill any vacancy which may occur in the office of Constable.

**Vacancy in the Office of Justice of the Peace or Constable:**

Section 3.15. Wherever a vacancy shall occur in the office of Justice of the Peace or Constable by reason of death, resignation, removal or otherwise, except by reason of recall, the Council shall fill such vacancy until the next regular city election.

**City Representation on Board of Supervisors:**

Section 3.16. Until such time that the City of Vassar shall be entitled to an additional number of representatives upon the Board of Supervisors of the County of Tuscola, by reason of an increase of population or otherwise, under the laws of the state, the city shall be entitled to two (2) representatives upon such board. Such two (2) representatives of the city upon the Board of Supervisors of the County of Tuscola shall be comprised of the Assessor and one (1) elector of the city to be appointed by the Council. In case of the necessary absence or the temporary inability of any city member of the Board of Supervisors to serve or perform the duties of his office at any given session of the Board or part thereof, the Mayor shall appoint one of the administrative officers of the city or any other qualified person to serve during such absence or inability and shall certify such appointment to the County Clerk. In the event that the city may be entitled to additional representatives upon such Board of Supervisors by reason of a population increase, or otherwise, as provided by state law, the Council shall appoint some elector or electors of the city to serve as the supervisor or supervisors to which the city is so entitled. Supervisors appointed by the Council shall serve in such capacity at the pleasure of the Council. All Supervisors of the city shall be entitled to retain any compensation and mileage paid to them by the county as members of the Board of Supervisors.

**CHAPTER 4**

**ELECTIONS AND APPOINTMENTS**

**Eligibility for Office in City:**

Section 4.1. No person shall be elected or appointed to any office

who is in default to the city. The election or appointment of any such defaulter shall be void. No person shall be eligible to any office of the city, other than that of City Manager and City Attorney, unless he shall be an elector in the city, and shall have been a resident of the city for at least two (2) years immediately prior to the date of his appointment to office or of the election at which he is a candidate for office.

**Vacancies in Offices:**

Section 4.2. Every city office shall become vacant upon the happening of any of the following events before the expiration of the term of such office.

- (a) For any reason specified by state law as grounds for creating a vacancy;
- (b) If the officer of the city shall absent himself continuously from the city for more than sixty (60) days without the permission of the Council;
- (c) In the case of the Mayor and members of the Council, where such officer shall miss three (3) consecutive regular meetings of the Council, or twenty-five (25) per cent of such meetings in any fiscal year of the city, unless such absences shall in each case be excused by the Council and the reason therefor entered in the proceedings of the Council;
- (d) If the officer shall be convicted of any act constituting misconduct in office under the provisions of this charter.

**Resignations:**

Section 4.3. Resignations of elected officers and of the City Manager shall be made in writing and filed with the Clerk and shall be acted upon by the Council at its next regular meeting following receipt thereof by the Clerk. Resignations of appointive officers, other than City Manager, shall be made in writing to the City Manager, and shall be immediately acted upon by him.

**Filling Vacancies:**

Section 4.4. If a vacancy occurs in any elected office, the Council shall, within thirty (30) days after such vacancy occurs, appoint a person who possesses the qualifications required of holders of the office in which the vacancy exists to fill such vacancy until the Monday next following the next regular city election, at which election the vacancy shall be filled by election for the balance of the term of the person whose office is so filled.

If a vacancy occurs in any appointive office, other than that of City Manager, the City Manager shall, within thirty (30) days thereafter, appoint a qualified person to fill such vacancy in the manner required for making the original appointment.

**Term of Office Cannot be Shortened or Extended:**

Section 4.5. Except by procedures provided in this charter, the terms of the elected officials of the city and of officers of the city appointed for a definite term shall not be shortened. The terms of officers of the city may not be extended beyond the period for which any such officer was elected or appointed except that an elected officer of the city shall, after his term has expired, continue to hold office until his successor is elected and has qualified.

**Increase or Decrease of Compensation:**

Section 4.6. The Council shall not grant or authorize extra compensation to any city officer, elected or appointive, or to any employee, agent or contractor, after the service has been rendered or the contract entered into. Nor shall the salary of any city officer, elected or appointed, be increased or decreased after his election or appointment during any fixed term of office for which he was elected or appointed.

**Oath and Bond of Office:**

Section 4.7. Every officer, elected or appointed, before entering upon the duties of his office, shall take the oath of office prescribed by Section 2 of Article XVI of the Constitution of the State and shall file the same with the Clerk, together with any bond which he may be required by this charter or by the Council to give. The oath and bond of the Clerk shall be filed with and kept by the Treasurer. In case of failure to comply with the provisions of this section within ten (10) days from the date of his election or appointment, such officer shall be deemed to have declined the office and such office shall thereupon become vacant unless the Council shall, by resolution, extend the time in which such officer may qualify as above set forth.

**Qualifications of Electors:**

Section 4.8. Each person who has the constitutional qualifications of an elector in the State of Michigan, or who will have such qualifications at the next ensuing regular or special city election, shall be entitled to register as an elector of the City of Vassar in the voting district in which he resides.

**Election Procedure:**

Section 4.9. The general election laws of the state shall apply to and control, as near as may be, all procedures relating to registration and city elections, except as such general laws relate to political parties or partisan procedure, or require more than one (1) publication of notice, and except as otherwise provided by this charter.

**Regular City Elections:**

Section 4.10. A non-partisan regular city election shall be held on the first Monday in April in each year.

**Special Elections:**

Section 4.11. Special city elections shall be held when called by resolution of the Council at least thirty (30) days in advance of such election, or when required by this charter or the general laws of the state. Any resolution calling a special election shall set forth the purpose of such election. No more than two (2) special city elections shall be held in any one calendar year.

**Election Precincts:**

Section 4.12. The Council shall, by ordinance, establish convenient election precincts which shall comply with the provisions of state law.

**Election Commission:**

Section 4.13. An election commission is hereby created, consisting of the Clerk, Mayor, and the Justice of the Peace. The Clerk shall be the chairman. The commission shall have charge of all

activities and duties required of it by state law and this charter relating to the conduct of elections in the city. The compensation of election personnel shall be determined in advance by the Council. In any case where election procedure is in doubt, the election commission shall prescribe the procedure to be followed. When a city election is held on the same day as a national, state, or county election or primary, the same election officials shall act in both the city and the national, state, or county election or primary.

**Notice of Election:**

Section 4.14. Notice of the time and place of holding any city election and of the officers to be elected and the questions to be voted upon, shall be given by the Clerk by publication at least once in some legal newspaper having a bonafide list of paying subscribers, published and circulated in the city and, if deemed advisable by the Council, by posting in two (2) or more conspicuous places in the city not less than ten (10) days prior to such election. Notice of all other elections in the city shall be given in the same manner and at the same times as provided in the state election laws for the giving of notices in state elections.

**Voting Hours:**

Section 4.15. The polls of all elections shall be opened and closed at the time prescribed by law for the opening and closing of polls at state elections.

**Nomination Petitions:**

Section 4.16. Persons desiring to qualify as candidates for any elective office under this charter shall file a petition therefor with the Clerk signed by not less than twenty-five (25) nor more than fifty (50) registered electors of the city not later than 12:00 o'clock noon on the fourth Saturday prior to the date of the regular city election. Official blank petitions in substantially the same form as required by state law for state and county officers, except for references to party, shall be prepared and furnished by the Clerk. Before the Clerk shall furnish any nomination petitions to any person, he shall enter thereon in ink the name of the person desiring to become a candidate for office in the city, or the person in whose behalf the petition is to be circulated, and the name of the office for which he is to be a candidate. Nomination petitions for the purpose of filling a vacancy shall so state in connection with the name of the office for which the petition is to be circulated. The Clerk shall publish notice of the last day and time for filing nomination petitions at least one (1) week before, and not more than three (3) weeks before that date. No person shall sign his name to a greater number of petitions for any one office than there will be persons elected to said office. Where any name appears on more petitions than there are candidates to be elected to said office, such name shall not be counted upon any petition for that office.

**Approval of Petitions:**

Section 4.17. The Clerk shall accept for filing only nomination petitions on official blanks, furnished by him, containing the required number of signatures for candidates having those qualifications required for elective city officers by this charter. When petitions are filed by persons other than the person whose name appears thereon

as a candidate, they may be accepted for filing only when accompanied by the written consent of the person in whose behalf the petition or petitions were circulated. The Clerk shall, within five (5) days after receipt thereof, determine the sufficiency of the signatures on each petition filed, and if he finds that any petition does not contain the required number of legal signatures of registered electors, he shall immediately notify the candidate in writing of the insufficiency of his petition. Each petition which is found by the Clerk to contain the required number of signatures of registered electors shall be marked "In Order," with the date thereof, and he shall so notify the candidate whose name appears thereon, in writing.

**Public Inspection of Petitions:**

Section 4.18. All nominating petitions shall be open to public inspection in the office of the Clerk beginning five (5) days after the final filing date for such petitions.

**Form of Ballots:**

Section 4.19. The form of the ballot used in any city election shall conform as nearly as may be to that prescribed by the general laws of the state, except that no party designation or emblem shall appear upon any city ballot. The names of qualified nominees for each office shall be listed in a single column and shall be rotated on the ballot. In all other respects the printing and numbering of ballots shall conform to the general laws of the state, relating to elections.

**Canvass of Votes:**

Section 4.20. The Council shall be the board of canvassers to canvass the votes cast at all elections under this charter. The Council shall meet on the first Thursday after each city election and publicly canvass the returns of such election, and shall determine the vote upon all questions and propositions, and declare whether the same have been adopted or rejected and what persons have been elected at such election. 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 to be elected.

**Tie Vote:**

Section 4.21. If, at any city election, there shall be no choice between candidates by reason of two (2) or more persons having received an equal number of votes, then the Council shall name a date for the appearance of such persons for the purpose of determining the election of such candidate by lot as provided by state law. Should any person or persons fail or refuse to appear, in person or by representative, to determine the result of any tie election at the time and place named by the Council, such determination shall be made by lot in his or their absence at the direction and under the supervision of the Council. Such determination shall, in any event, be final.

**Recount:**

Section 4.22. 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.

**Recall:**

Section 4.23. Any elective official may be removed from office by the electors of the city in the manner provided by the general laws of the state. A vacancy created by the recall of any elective official shall be filled in the manner prescribed by law.

**Initiative and Referendum:**

Section 4.24. An ordinance may be initiated by petition, or a referendum on an ordinance enacted by the Council may be had, by a petition, as hereinafter provided.

**Petitions:**

Section 4.25. An initiatory or a referendary petition shall be signed by not less than fifteen (15) per cent of the registered electors of the city who have signed said petition within six (6) months before date of filing the petition with the Clerk. Before being circulated for signatures, all such petitions may be approved as to form by the Clerk. No such petition need be on one paper, but may be the aggregate of two (2) or more petition papers. Each signer of a petition shall sign his name in ink or indelible pencil, and shall place thereon, after his name, the date and his place of residence by street and number, or by other customary designation. To each petition paper there shall be attached a sworn affidavit by the circulator thereof, stating the number of signers thereto and that each signature thereon is the genuine signature of the person whose name it purports to be, and that it was made in the presence of the affiant. Such petition shall be filed with the Clerk who shall, within ten (10) days, canvass the signatures thereon to determine the sufficiency thereof. If found to contain an insufficient number of signatures of registered electors of the city, or to be improper as to form or compliance with the provisions of this section, the Clerk shall notify forthwith the person filing such petitions, and ten (10) 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.

**Council Procedure:**

Section 4.26. Upon receiving an initiatory or referendary petition from the Clerk, the Council shall, within thirty (30) days, either

- (a) If it be an initiatory petition, adopt the ordinance as submitted in the petition or determine to submit the proposal to the electors of the city;
- (b) If it be a referendary petition, repeal the ordinance to which the petition refers or determine to submit the proposal to the electors of the city.

**Submission to Electors:**

Section 4.27. 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 other 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 the constitution or laws of the State of Michigan.

**Ordinance Suspended:**

Section 4.28. The certification by the Clerk of the sufficiency of a referendary petition within thirty (30) 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 final determination by the electors as the case may be. An ordinance adopted by the electorate through initiatory proceedings may not be amended or repealed by the Council for a period of two (2) years after the date of the election at which it was adopted. Should two (2) or more ordinances, adopted at the same election, have conflicting provisions, the one receiving the highest vote shall prevail as to those provisions.

**CHAPTER 5**

**FUNCTIONS OF THE COUNCIL**

**Public Health and Safety:**

Section 5.1. Through the established departments and agencies of the city government, together with any such departments or agencies as may be created under authority of this charter, the Council shall provide for the public peace and health and for the safety of persons and property.

**Health:**

Section 5.2. The Council, together with the City Manager, shall constitute the Board of Health of the city. The Board of Health shall adopt rules and regulations for their own government and shall possess all powers, privileges, and immunities granted to boards of health by state law. The Board of Health shall have supervision of all matters relating to the sanitary condition of the city and the preservation of the life and health of its inhabitants. The Mayor shall be president and the Health Officer shall be the secretary and executive officer of the Board of Health.

**Meetings of the Council:**

Section 5.3. (a) The Council shall provide by resolution for the time and place of its regular meetings and shall hold at least one (1) regular meeting each month. If any time set for the holding of a regular meeting of the Council shall be a holiday, then such regular meeting shall be held at the same time and place on the next secular day which is not a holiday.

(b) Special meetings of the Council may be called by the Clerk on the written request of the Mayor or of any two (2) members of the Council, on at least twenty-four (24) hours written notice to each member of the Council, designating the time, place, and purpose of any such meeting and served personally or left at his usual place of residence by the Clerk or someone designated by him. Notwithstanding the foregoing requirements for the calling of special meetings, any special meeting of the Council at which all members of the Council are present or have, in writing, waived the requirement that notice be given at least twenty-four (24) hours prior to the time specified for the holding of such meeting and at which a quorum of the Council is present, shall be a legal meeting.

(c) No business shall be transacted at any special meeting of the Council unless the same has been stated in the notice of such meeting. However, if all the members of the Council are present at

any special meeting of the Council, then any business which might lawfully come before a regular meeting of the Council may be transacted at such special meeting.

(d) All regular and special meetings of the Council shall be open to the public and the rules of order of the Council shall provide that citizens shall have a reasonable opportunity to be heard.

(e) Three (3) members of the Council shall be a quorum for the transaction of business at all meetings of the Council, but, in the absence of a quorum, two (2) members may adjourn any regular or special meeting to a later date.

(f) Except that there shall be no standing committees of the Council, the Council shall determine its own rules and order of business and shall keep a journal of all of its proceedings in the English language which shall be signed by the Mayor and the Clerk. The vote upon the passage of all ordinances, and upon the adoption of all resolutions shall be taken by "Yes" and "No" votes and entered upon the record, except that where the vote is unanimous, it shall only be necessary to so state. Any citizen or taxpayer of the city shall have access to the minutes and records of all regular and special meetings of the Council at all reasonable times.

(g) The Council may, by vote of not less than two (2) of its members, compel the attendance of its members and other officers of the city at its regular and special meetings and enforce orderly conduct therein; and any member of the Council or other officer of the city who refuses to attend such meetings or conduct himself in an orderly manner thereat shall be deemed guilty of misconduct in office. The Chief of Police shall serve as the Sergeant-at-arms of the Council in the enforcement of the provisions of this section.

**Intergovernmental Contracts:**

Section 5.4. The city may join with any governmental unit or agency, or with any number or combination thereof, by contract or otherwise as may be permitted by law to perform jointly, or by one or more, for or on behalf of the other or others, any power or duty which is permitted to be so performed by law or which is possessed or imposed upon each such governmental unit or agency.

**Licenses:**

Section 5.5. The Council shall by ordinance prescribe the terms and conditions upon which licenses may be granted, suspended, or revoked; and may require and exact payment of such reasonable sums for any licenses as it may deem proper. The persons receiving the licenses shall, before the issuing thereof, execute a bond to the city, when required by an ordinance, in such sum and with such securities as prescribed by such ordinance, conditioned for the faithful observance of the charter of the city, and the ordinance under which the license is granted.

**Streets and Alleys:**

Section 5.6. Except, insofar as limited by state law and the provisions of this charter, the Council shall have power to establish and vacate and use, and to control and regulate the use of its streets, alleys, bridges, and public places (whether such public places be located within or without the limits of the city) and the space above and beneath them. Such power shall include, but not be

limited to, the proper policing and supervision thereof; to the licensing and regulation, or the prohibition of the placing of signs, awnings, awning posts, and other things which are of such nature as to impede or make dangerous the use of sidewalks or streets, upon or over the sidewalks or streets of the city; and the licensing and regulation of the construction and use of openings in the sidewalks or streets, and of all vaults, structures and excavations under the same.

**Zoning Ordinance and Building Code:**

Section 5.7. Within two (2) years after the adoption of this charter, the Council shall enact a zoning ordinance and building code for the city.

**Rights as to Property:**

Section 5.8. The Council shall have the power to acquire for the city by purchase, gift, condemnation, lease, construction or otherwise, either within or without the County of Tuscola, property of every type and nature which may be required for or incidental to the present or future exercise of the purpose, powers, and duties of the city government established by this charter.

**Ordinance Enactment:**

Section 5.9. All legislation of the City of Vassar shall be by ordinance or by resolution. The word "resolution" as used in this charter shall be the official action of the Council in the form of a motion, and such action shall be limited to matters required or permitted to be done by resolution by this charter or by state or Federal law and to matters pertaining to the internal affairs or concerns of the city government. All other acts of the Council, and all acts carrying a penalty for the violation thereof, shall be by ordinance. Each ordinance shall be identified by a number and a short title. Each proposed ordinance shall be introduced in written or printed form. The style of all ordinances passed by the Council shall be, "The City of Vassar Ordains:". Except in the case of ordinances which are declared to be emergency ordinances, no ordinance shall be finally passed by the Council at the same meeting at which it is introduced. No ordinance shall be revised, altered, or amended by reference to its title only, but the section or sections of the ordinance revised, altered, or amended shall be re-enacted and published at length, and all ordinances, when enacted, shall be immediately recorded by the Clerk in a book to be called "The Ordinance Book"; and it shall be the duty of the Mayor and Clerk to authenticate such record by their official signatures thereon.

**Penalties:**

Section 5.10. The Council shall provide in each ordinance for the punishment of those who violate its provisions. No punishment for the violation of any city ordinance or for the commission by any officer of the city of any act declared by this charter to constitute misconduct in office shall exceed a fine of five hundred (500) dollars or imprisonment for ninety (90) days, or both in the discretion of the court, except that any officer of the city found guilty of any act declared by this charter to constitute misconduct in office, shall, in addition to such fine or imprisonment, or both, forfeit his office.

**Publication of Ordinances:**

Section 5.11. Each ordinance passed by the Council shall be

published at least once within fifteen (15) days after the adoption of an ordinance by the Council. All ordinances of the city shall become effective immediately upon the publication thereof, unless a date upon which an ordinance shall become effective, which is subsequent to the date of the publication thereof, is specifically provided in the ordinance itself. The publication of any ordinance in full after its final passage as a part of the published proceedings of the Council shall constitute publication of such ordinance as required herein.

**Technical Codes:**

Section 5.12. The Council may adopt any provision of state law or any detailed technical regulation of a city ordinance or code by citation of such provision of state law or by reference to any recognized standard code, official or unofficial, provided that any such provision of state law or recognized official or unofficial standard code shall be clearly identified in the ordinance adopting the same as an ordinance of the city. Where any recognized official or unofficial standard code is so adopted, it may be published by providing to the public not less than fifty (50) copies in book or booklet form, available for public distribution at a reasonable charge, and any amendment to or revision of such adopted code or detailed technical ordinance may be published in the same manner.

**Franchises and Contracts:**

Section 5.13. Every ordinance or resolution granting any franchise or right to occupy or use the streets, highways, bridges, or public places in the city for any purpose shall be complete in the form in which it is finally passed, and remain on file with the Clerk for public inspection for at least one (1) week before the final passage or adoption thereof. No exclusive franchise or grant of right to occupy or use the streets, or public places of the city shall ever be granted.

**Compilation:**

Section 5.14. (a) Copies of all ordinances enacted after the effective date of this charter, and all amendments to this charter shall be available at the office of the Clerk.

(b) Within two (2) years after the adoption of this charter and at least once in every ten (10) years the Council shall direct and complete the compilation or codification and the publication of the charter and of all ordinances of the city, then in force, in loose-leaf or pamphlet form, and may provide for a reasonable charge for copies thereof. No further publication of any such compilation or codification shall be required for the validity thereof. In case the compilation or codification of the ordinances of the city shall have been maintained current and up-to-date during any ten (10) year period, no re-compilation or re-codification of the ordinances of the city shall be required during or at the end of such period.

The copies of ordinances and of any compilation, code, or codes referred to in this chapter may be certified by the Clerk and, when so certified, shall be competent evidence in all courts and legally-established tribunals as to the matters contained therein.

**Restrictions on the Council:**

Section 5.15. Except for the purpose of inquiry, the Council and

its members shall deal with the administrative service solely through the City Manager and neither the Council nor any member thereof shall give orders to any subordinate of the City Manager, either publicly or privately; neither shall any member of the Council direct or request: (1) the appointment of any person to, or the removal of any person from, any employment or office for which the City Manager is responsible; (2) the purchase of any specific materials, supplies or equipment; or (3) the recommendation of any specific firm or person for the letting of a city contract. It is not the intention of this provision to prevent frank discussion of the business of the city between the City Manager and any member of the Council at any time, but to prevent the personal favoritism or prejudice of any member of the Council from hampering the administration of the city as above set forth in this chapter. Any violation of the provisions of this section shall constitute misconduct in office.

(b) The Council shall not have the power to make any contract with or give any official position to any person who is in default to the city. Further, the Council shall not have the power to sell any property of a value in excess of two (2) dollars per capita according to the last preceding U. S. census, or any park, cemetery, or any part thereof, or any property bordering on a water front, or vacate any street or public place leading to a water front, or engage in any business enterprise requiring an investment of money in excess of ten cents per capita, unless approved by the vote required therefore by state law. Except as otherwise provided in this charter, no ordinance or resolution shall be adopted or passed except by the affirmative vote of at least three (3) members of the Council.

**Investigations:**

Section 5.16. The Council, or any person or committee authorized by it for the purpose, shall have power to inquire into the conduct of any department, office, or officer of the city and make investigations as to municipal affairs, and for that purpose may subpoena witnesses, administer oaths, and compel the production of books, papers, and other evidence. Failure on the part of any officer of the city to obey such subpoena or to produce books, papers, or other evidence as ordered under the provisions of this section shall constitute misconduct in office. If such failure shall be on the part of any employee of the city, the same shall constitute a misdemeanor.

**CHAPTER 6**

**GENERAL FINANCE AND TAXATION**

**Fiscal Year:**

Section 6.1. The fiscal year of the city shall begin on the first day of July and end on the 30th day of June the following year. Such year shall constitute the budget year of the city government.

**Budget Procedure:**

Section 6.2. On or before the first Monday in March, each city officer shall submit to the City Manager an itemized estimate of the expenditures for the next fiscal year, for the department or activities under his control. The City Manager shall prepare a complete itemized budget for the next fiscal year and shall submit it to the

Council at its first meeting in April.

**Budget Document:**

Section 6.3. The budget document shall present a complete financial plan for the ensuing fiscal year. It shall include at least, the following information:

(a) Detailed estimates of all proposed expenditures for each department and office of the city, showing the expenditures for corresponding items for the current and last preceding fiscal years, with reasons for increases and decreases recommended, as compared with appropriations for the current year;

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

(c) Detailed estimates of all anticipated income of the city from sources other than taxes and borrowing, with a comparative statement of the amounts received by the city from each of the same or similar sources for the last preceding and current fiscal year.

(d) A statement of the estimated balance or deficit, as the case may be, for the end of the current fiscal year.

(e) An estimate of the amount of money to be raised from current and delinquent taxes and the amount to be raised from bond issues which, together with income from other sources, will be necessary to meet the proposed expenditures.

(f) Such other supporting schedules as the Council may deem necessary.

**Budget Hearing:**

Section 6.4. A public hearing on the budget shall be held before its final adoption, at such time and place as the Council shall direct, and notice of such public hearing shall be published in a legal newspaper having a bonafide list of paying subscribers, published and circulated in the city at least one (1) week in advance by the Clerk. A copy of the proposed budget shall be on file and available to the public for inspection during office hours at the office of the Clerk for a period of not less than one (1) week prior to such public hearing.

**Adoption of Budget, Tax Limit:**

Section 6.5. Not later than the third Monday of May, the Council shall, by resolution, adopt the budget for the next fiscal year and shall, in such resolution make an appropriation of the money needed for municipal purpose during the ensuing fiscal year of the city and provide for a levy of the amount necessary to be raised by taxes upon real and personal property for municipal purposes, which levy shall not exceed two (2) per cent of the assessed valuation of all real and personal property subject to taxation in the city.

**Transfer of Appropriations:**

Section 6.6. After the budget has been adopted, no money shall be drawn from the treasury of the city nor shall any obligation for the expenditure of money be incurred, except pursuant to the budget appropriation. The Council may transfer any unencumbered appropriation balance, or any portion thereof, from one department fund, or agency to another. The balance in any appropriation, which has not been encumbered, at the end of the fiscal year shall revert to

the general fund and be reappropriated during the next fiscal year.

**Budget Control:**

Section 6.7. At the beginning of each quarterly period during the fiscal year, and more often if required by the Council, the City Manager shall submit to the Council data showing the relation between the estimated and actual income and expenses to date; and if it shall appear that the income is less than anticipated, the Council may reduce appropriations, except amounts required for debt and interest charges, to such a degree as may be necessary to keep expenditures within the cash income.

**Depository:**

Section 6.8. The Council shall designate the depository or depositories for city funds, and shall provide for the regular deposit of all city moneys. The Council shall provide for such security for city deposits as is authorized or permitted by the general laws of the state, except that personal surety bonds shall not be deemed proper security.

**Independent Audit:**

Section 6.9. An independent audit shall be made of all accounts of the city government at least annually and more frequently if deemed necessary by the Council. Such audit shall be made by certified public accountants experienced in municipal accounting. The results of such audit shall be made public in such manner as the Council may determine.

**Power to Tax and Secure Revenue:**

Section 6.10. In order to carry out the purposes, powers, and duties of the city government established by this charter, the city may assess, levy, and collect taxes, rents, tolls, and excise or specific taxes.

**Subjects of Taxation:**

Section 6.12. The subjects of ad valorem taxation for municipal purposes shall be the same as for State, County, and school purposes under the general law. Except as otherwise provided by this charter, city taxes shall be levied, collected, and returned in the manner provided by state law.

**Assessment:**

Section 6.13. Unless otherwise provided by state law, the first day of April in each year shall be the assessment day for both real and personal property in the city.

**Time for Making Assessment Rolls:**

Section 6.14. Prior to the first meeting of the Board of Review in each year, the Assessor shall make and complete an assessment roll in the manner and form provided in the general tax law of the state.

**Board of Review:**

Section 6.15. The Council shall annually, in the month of April, appoint three (3) qualified freeholders who are electors of the city to serve as members of the Board of Review and shall set their compensation at the time of their appointment.

**Meeting of Board of Review:**

Section 6.16. The Board of Review shall meet on the third Monday in April at such time and place as shall be designated by the

Council, and shall continue in session from day to day for the purpose of considering and correcting the roll for three (3) days. The Clerk shall give notice to the public of the time and place of meeting of the Board of Review by publication at least once, not less than ten (10) days immediately preceding such meeting.

**Organization and Functions of the Board of Review:**

Section 6.17. On the first day of its meeting in each year, the Board of Review shall elect one of its members chairman. The Assessor shall be Secretary of the Board and shall attend its meetings with the privilege of participating therein, but without the right to vote upon any decision of the Board. It shall be the duty of the Assessor to keep a permanent record of all proceedings, and to enter therein all resolutions and decisions of the Board. A majority of the members of the Board shall constitute a quorum.

The members of said Board shall take the constitutional oath of office which shall be filed with the Clerk. For the purpose of reviewing and correcting assessments, the Board of Review shall have the same powers and perform like duties in all respects as are by the general tax law conferred upon and required of boards of review in townships, in reviewing assessments in townships for township, state, and county taxes. It shall hear the complaints of all persons considering themselves aggrieved by assessments, and if it shall appear that any person or property has been wrongfully assessed, or omitted from the roll, the Board shall correct the roll in such manner as it shall deem just. In all cases, the assessment roll shall be reviewed according to the facts existing on the tax day and no change of the status of any property after said day shall be considered by the Board in making its decisions. Except as otherwise provided by state law, no person other than the Board of Review shall make or authorize any change upon or additions or corrections to the assessment roll.

**Endorsement of Roll—Validity:**

Section 6.18. After the Board shall complete its review of the assessment roll, and on or before the first Monday in May in each year, a majority of its members shall endorse therein and sign a statement to the effect that the same is the assessment roll of the city for the year in which it has been prepared. The omission of such endorsement shall not affect the validity of such roll. Upon the completion of said roll and from and after midnight following the last day of the meeting of the Board of Review, the same shall be the assessment roll of the city for county, school, and city taxes and for any other taxes on real and personal property that may be authorized by law and shall be conclusively presumed by all courts and tribunals to be valid and shall not be set aside except for causes set forth in the general laws of the state.

**Clerk to Certify Tax Levy:**

Section 6.19. Within three (3) days after the Council has adopted the budget for the ensuing year, the Clerk shall certify to the Assessor the total amount which the Council determines shall be raised by general tax; all amounts of special assessments which the Council requires to be assessed or reassessed upon any property or against any person; and all other amounts which the Council may

determine shall be charged, assessed, or re-assessed against any persons or property.

**City Tax Roll:**

Section 6.20. After the last day for the meeting of the Board of Review, the Assessor shall upon receiving the certification of the several amounts to be raised, as provided in the preceding section, proceed forthwith to spread upon the assessment roll the several amounts determined by the Council to be charged, assessed, or re-assessed against persons or property; and shall also proceed to spread the amounts of the general city tax according to and in proportion to the several valuations set forth in said assessment roll. For the purpose of avoiding fractions in computation, the Assessor may add to the amount of the several taxes to be raised not more than one (1) per cent; said excess shall belong to the city.

**Tax Roll Certified for Collection:**

Section 6.21. After extending the taxes aforesaid and not later than the 15th day of June in each year, the Assessor shall certify said tax roll, and the Mayor shall annex his warrant thereto, directing and requiring the Treasurer to collect from the several persons named in said roll the several sums mentioned therein opposite their respective names as a tax or assessment, and granting to him, for the purpose of collecting the taxes, assessments, and charges on such roll, all the powers and immunities possessed by township treasurers for the collection of taxes under the general laws of the state.

**Taxes Lien on Property:**

Section 6.22. The city taxes thus assessed shall become at once a debt due to the city from the persons to whom they are assessed, and the amounts assessed on any interest in real property shall on the first day of July become a lien upon such real property, and the lien for such amounts and for all interest and other charges thereon shall continue until payment thereof. All personal taxes shall also be a first lien, prior, superior, and paramount, upon all personal property of the persons so assessed from and after the first day of July in each year and shall so remain until paid, which said tax liens shall take precedence over all other claims, encumbrances and liens upon said personal property whatsoever, whether created by chattel mortgage, execution, levy, judgment, or otherwise, and whether arising before or after the assessment of said personal taxes, and no transfer of personal property assessed for taxes thereon shall operate to divest or destroy such lien except where such personal property is actually sold in the regular course of retail trade.

**Taxes Due; Notification:**

Section 6.23. City taxes shall be due on the first day of July of the year when levied. The Treasurer shall not be required to call upon the persons named in the city tax roll, nor to make personal demand for the payment of taxes, but he shall give notice to the taxpayers of the city by publication in a newspaper printed and published in the city at least twice, the last of which publication of notice shall be made at least ten (10) days prior to the first day of July in each year, of the time when said taxes will be due for collection, or shall give such notice by first class mail addressed to the

owners of the property upon which taxes are assessed according to the names of such owners and their addresses as indicated on the tax roll, which notice shall be deemed sufficient for the payment of all taxes on said tax roll. Failure on the part of the Treasurer to give said notice shall not invalidate the taxes on said tax roll nor release the person or property assessed from the penalty provided in this chapter in case of non-payment of the same.

**Collection of City Taxes:**

Section 6.24. City taxes shall be due and payable on the first day of July of each year. To all taxes there shall be added one (1) per cent as a collection fee. To all taxes paid after July 31, there shall also be added a three (3) per cent penalty and to all taxes paid after said date there shall also be added interest at the rate of one-half ( $\frac{1}{2}$ ) of one (1) per cent for each month or fraction of a month intervening between the first day of July and the date of payment, or the first day of March of the next succeeding calendar year, whichever date shall first occur. The added collection fees, penalties, and interest herein provided shall belong to the city and shall constitute a charge and shall be a lien against the property to which the taxes themselves apply, collectible in the same manner as the taxes to which they are added.

**Delinquent Tax Roll to County Treasurer:**

Section 6.25. If the Treasurer has been unable to collect any of the city taxes on said roll on real property before the first day of March following the date when said roll was received by him, it shall be his duty to return all such unpaid taxes on real property to the county treasurer in the same manner and with like effect as returns by township treasurers of township, school, and county taxes. Such returns shall be made upon a delinquent tax roll to be prepared by the Treasurer and shall include all the additional charges and fees hereinbefore provided, which charges shall, in such return, be added to the amount assessed in said tax roll against each description. The taxes thus returned shall be collected in the same manner as other taxes returned to the county treasurer are collected under the provisions of the general laws of the state and shall be and remain a lien upon the lands against which they are assessed, until paid.

**Protection of City Lien:**

Section 6.26. The city shall have power to acquire by purchase any premises within the city at any tax or other public sale, or by direct purchase from the State of Michigan or the fee owner, when such purchase is necessary to protect the lien of the city for taxes or special assessments, or both, on said premises and may hold, lease, or sell the same for the purpose of securing therefrom the amount of such taxes or special assessments, or both, together with any incidental expenses incurred in connection with the exercise of this power. Any such procedure exercised by the city in the protection of its tax lien shall be deemed to be for a public purpose.

**State, County, and School Taxes:**

Section 6.27. For the purpose of assessing taxes in the city for state, county, and school purposes, the city shall be considered the same as a township, and all provisions of state law relative to the

collection of such taxes and the fees to be paid therefor, the accounting therefor to the appropriate taxing units, and the returning of property to the county treasurer for non-payment thereof shall apply to the performance thereof by the Treasurer, who shall perform the same duties and have the same powers as township treasurers under state law. In the event that school taxes are collected at the same time as city taxes, they shall be collected subject to the same conditions and privileges as city taxes under the provisions of this charter.

**Municipal Borrowing Power:**

Section 6.28. Subject to the applicable provisions of state law and this charter, the Council, by proper ordinance or resolution, may authorize the borrowing of money for any purpose within the scope of the powers vested in the city and the issuance of bonds of the city or other evidences of indebtedness therefor, and may pledge the full faith, credit, and resources of the city for the payment of the obligation created thereby. The city shall also have power to issue special assessment, mortgages, revenue, or other types of bonds, beyond the debt limits fixed by law for the issuance of bonds or other evidences of indebtedness which are a general obligation of the city, in the manner and for the purposes permitted by this charter, the constitution, and general laws of the State of Michigan.

**Unissued Bonds:**

Section 6.29. No unissued bonds of the city shall be issued or sold to secure funds for any purpose other than that for which they were specifically authorized, and if any such bonds are not issued or sold with three (3) years after authorization, such authorization shall, as to such bonds, be null and void.

**CHAPTER 7**

**PUBLIC IMPROVEMENTS, CONTRACTS, UTILITIES**

**City May Perform Public Work:**

Section 7.1. The Council shall have power to do any public work or make any public improvement by the employment of the necessary labor and the purchase of the necessary supplies and materials with separate accounting as to each improvement so made, or to do such work by contract duly let after competitive bidding. Where competitive bids are secured, the city, or any city department qualified to do the work, may enter a bid on an equal footing with other bidders. The Council shall also have power to do any public work or make any public improvement under any legally constituted plan under which the labor is furnished by any other governmental unit, department, or agency of the United States or the State of Michigan, or which is wholly or in part financed by them or either of them.

**General Power Relative to Special Assessments:**

Section 7.2. The Council shall have the power to determine the necessity of any local or public improvement and to determine that the whole or any part of the expense shall be defrayed by special assessment upon the property especially benefited.

**Survey and Report:**

Section 7.3. Before the Council shall consider the making of any local or public improvement, the same shall be referred by reso-

lution to the City Manager directing him to prepare a report which shall include necessary plans, profiles, specifications, and estimates of cost, and estimate of the life of the improvements, a description of the assessment district or districts, and such other pertinent information as will permit the Council to decide the cost, extent, and necessity of the improvement proposed and what part or proportion thereof should be paid by special assessments upon the property benefited and what part, if any, should be paid by the city at large. The Council shall not determine to proceed with the making of any local or special improvement until such report of the City Manager has been filed, nor until after a public hearing has been held by the Council for the purpose of hearing objections to the making of such public improvements.

**Objections to Improvement:**

Section 7.4. If, at or prior to such meeting of the Council, more than fifty (50) per cent of the number of privately-owned real property to be assessed for any improvement, or in case of paving or similar improvements more than fifty (50) per cent of the number of owners of frontage to be assessed for any such improvement, shall object in writing to the proposed improvement, the improvement shall not be made by proceedings authorized by this chapter without a three-fifths (3/5) vote of the members of the Council.

**Determination by the Council:**

Section 7.5. At the public hearing on the proposed improvement, all persons interested shall be given an opportunity to be heard, after which the Council may modify the scope of the public improvement, if necessary, in such a manner as they shall deem to be in the best interest of the city as a whole. Such notice shall be made by publication in a legal newspaper having a bonafide list of paying subscribers, published and circulated within the city at least one (1) week prior to the holding of the hearing. Such hearing required by this section may be held at any regular, adjourned, or special meeting of the Council. If the determination of the Council shall be to proceed with the improvement, the resolution shall set forth the nature of the improvement, designate the limits of the special assessment district to be affected, prescribe what part or proportion of the cost of such improvement shall be paid by special assessment upon the property benefited, and what part, if any, shall be paid by the city at large, specify the manner and method of paying for or financing the same in each case, and determine whether the cost of the improvement shall be spread upon a special assessment roll before or after the improvement has been completed.

**Financing Public Improvements after Completion:**

Section 7.6. Where the assessment is levied after the completion of the improvement ordered, the City Manager shall, within sixty (60) days after he shall give notice to the Council of the completion of the work, compile the actual cost thereof and certify the same to the Assessor, who shall spread such cost on the special assessment roll as herein required in cases where the levy is made prior to completion of the work.

**Delinquent Special Assessments:**

Section 7.7. Special assessments and all interest and charges

thereon, from the date of confirmation of the roll, shall be and remain a lien upon the property assessed of the same character and effect as the lien created by general law for state and county taxes, and by this charter for city taxes, until paid. From such date after confirmation as shall be fixed by the Council, the same collection fee, penalties, and interest shall be paid on delinquent special assessments and upon delinquent installments of such special assessments as are provided by this charter to be paid on delinquent city taxes. In case any assessment or any part thereof, shall remain unpaid on the first Monday of May following the date when the same became delinquent, the same shall be reported unpaid by the Treasurer to the Council, and such delinquent assessments, together with all accrued interest shall be transferred and reassessed on the next annual city tax roll in a column headed "Special Assessments" with a penalty of four (4) per cent upon such total amount added thereto, and when so transferred and reassessed upon said tax roll shall be collected in all respects as provided for the collection of city taxes.

**Procedures:**

Section 7.8. To make effective the foregoing provisions of this chapter, the making of the assessment roll and correction of errors, the collection of special assessments, the date that the same shall become a lien upon the property assessed, and any other matters concerning the making of improvements by the special assessment method outlined in Sections 8 to 30, inclusive, of Chapter XXIV of Act. No. 215 of the Public Acts of 1895, same being Sections 2037 to 2059 inclusive of the Compiled Laws of 1929, which, insofar as not inconsistent with the provisions of this charter, and except insofar as more than one (1) publication of any notice may be required, is hereby adopted into and made a part of this charter. All acts required therein to be performed by a "board of special assessors" or by any ward supervisor shall be performed by the Assessor.

**Hazards and Nuisances:**

Section 7.9. When any lot, building, or structure within the city, because of accumulation of refuse or debris, the uncontrolled growing of weeds, or age or delapidation, or because of any other condition or happening, becomes, in the opinion of the Council, a public hazard or nuisance which is dangerous to the health or safety of the inhabitants of the city or of those of them residing or habitually going near such lot, building, or structure, the Council may, after investigation, give notice to the owner of the land upon which such nuisance exists, or to the owner of the building or structure itself, specifying the nature of the nuisance and requiring such owner to alter, repair, tear down, or remove the nuisance promptly and within a time to be specified by the Council which shall be commensurate with the nature of the nuisance. If, at the expiration of the time limit in said notice, said owner has not complied with the requirements thereof, or in any case where the owner of the land or of the building or structure itself is not known, the Council may order such hazard or nuisance abated by the proper department or agency of the city which is qualified to do the work required and the cost of such abatement, assessed against the lot, premises, or

description of real property upon which such hazard or nuisance was located.

**Sidewalks, Curbs, and Gutters:**

Section 7.10. The Council may prescribe that sidewalks, except crosswalks, shall be built by the owners of lands within the city in the manner and within the time prescribed by ordinance; provided, that, in case of the failure of any such owner to comply with the provisions of such ordinance, the city may build or cause to be built such sidewalk and assess the cost thereof against such owner and against the land improved thereby, in the manner prescribed in this chapter for making assessments on single lots.

**Assessments on Single Lots:**

Section 7.11. When any expense shall be incurred by the city upon or in respect to any separate or single lot, parcel of land, or premises, which by the provisions of this charter the Council is authorized to charge and collect as a special assessment against the same, which is not of that class of special assessments required to be made pro rata upon several lots or parcels of land in a special assessment district, an account of the labor or services for which such expense was incurred, verified by the officer or person performing the labor or services, or causing the same to be done, with a description of the lot or premises upon or in respect to which the expense was incurred, and the name of the owner or person, if known, chargeable therewith, shall be reported to the Council in such manner as they shall prescribe, and the Council shall direct the same to be spread as a special assessment against such lot or premises on the next city tax roll.

**Additional Assessments, Refunds:**

Section 7.12. When any special assessment roll shall prove insufficient to meet the costs of the improvement for which it was made, the Council may take an additional pro rata assessment, but the total amount assessed shall not exceed the value of benefits received by any lot or parcel of land. Should the assessment prove larger than necessary to five (5) per cent or less, the Council may place the excess in the city treasury. If more than five (5) per cent, the excess shall be refunded pro rata according to assessments. In either case, the Council may provide by resolution that the amount of any such excess may be allowed as a credit on the last installment where such installment still remains unpaid at the time the final cost of the improvement is determined.

**Additional Procedures:**

Section 7.13. In any case where the provisions of this charter, either expressed or incorporated therein, may prove to be insufficient to carry into full effect the making of any special assessment, the Council shall provide by ordinance any additional steps or procedures required to effect the improvement by special assessment.

**Contested Assessments:**

Section 7.14. Except and unless notice is given to the Council in writing of an intention to contest or enjoin the collection of any special assessment for the construction of any pavement, sewer, or other public improvement, the construction of any sidewalk, or the removal or abatement of any public hazard or nuisance, within

thirty (30) days after the date of the meeting of the Council, to hear objections to the making of such improvements, as required by Section 7.4 of this chapter, which notice shall state the grounds on which the proceedings are to be contested, no suit or action of any kind shall be instituted or maintained for the purpose of contesting or enjoining the collection of such special assessment; and, regardless of whether or not any public improvement is completed in any special assessment district, no owner of real property located in such district shall be entitled to commence any suit or action for the purpose of contesting or enjoining the collection of any such special assessment after he has received a benefit from the substantial completion of that portion of such public improvement for which he is assessed.

**Purchasing and Contractual Procedure:**

Section 7.15. Before making any purchase or contract for supplies, materials, equipment, or contractual services, opportunity shall be given for competition, under such rules and regulations, and with such exceptions, as the Council may by ordinance prescribe. All expenditures for supplies, materials, equipment, or contractual services involving more than five hundred dollars (\$500) shall be made on a written contract, and such contract shall be awarded to the lowest responsible bidder after such public notice and competition as may be prescribed by ordinance: Provided, however, that the Council shall have the power to reject all bids and advertise again. The Council shall provide, by ordinance, for the ordinary purchasing procedure to be followed in purchasing city supplies.

**Public Utility Franchises:**

Section 7.16. 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 and maintenance thereof at the highest practicable standard of efficiency;
- (c) To establish reasonable standards of service and quality of products, and prevent unjust discrimination in service 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 of reasonable rental therefor; provided, that, in the absence of agreement, upon application by any public utility, the Council shall provide for arbitration of the terms and conditions of such joint use and the compensation to be paid therefor;

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

**General Powers Respecting Municipal Utilities:**

Section 7.17. The city shall possess and hereby reserves to itself all the powers granted to cities by the constitution and general laws of the State of Michigan to acquire, construct, own, operate, improve, enlarge, extend, repair, and maintain, either within or without its corporate limits, public utilities, including, but not by way of limitation, public utilities for supplying water, light, heat, power, gas, and sewage treatment, and garbage disposal facilities, or any of them, to the municipality and the inhabitants thereof; and also to sell and deliver water, light, heat, power, gas, and other public utilities and services, without its corporate limits to an amount not to exceed the limitations set by state law and constitution. The Council shall have the power to fix, from time to time, such just and equitable rates as may be deemed advisable for supplying the inhabitants of the city and others with water, with electricity for light, heat, and power and with such other utility services as the city may provide.

**Utility Charges—Collection:**

Section 7.18. The Council shall provide, by ordinance, for the collection of all public utility charges made by the city and for such purpose, shall have all the power granted to cities by Act 178 of the Public Acts of 1939. When any person or persons, or any firm or corporation, shall fail or refuse to pay to the city any sums due on utility bills, the utility service or services upon which such delinquency exists may be shut off or discontinued and suit may be instituted by the city for the collection of the same in any court of competent jurisdiction.

**Disposal of Plants:**

Section 7.19. The city shall not sell, exchange, lease, or in any way alien or dispose of the property, easements, income or other equipment, privilege or asset belonging to and appertaining to any utility which it may acquire, unless and except the proposition for such purpose shall first have been submitted, at an election held for the purpose in the manner provided in this charter, to the electors of the city who are qualified to vote on questions involving the direct expenditure of money or the issuance of general obligation bonds of the city and approved by them by a three fifths (3/5) majority vote of the electors voting thereon. All contracts, negotiations, licenses, grants, leases 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 articles of equipment of any city-owned utility as are worn out or useless, or which could, with advantage to the service, be replaced by new and improved machinery or equipment.

**CHAPTER 8  
CITY LIBRARY****Library Commission:**

Section 8.1. There is hereby created the Vassar City Library Board of Trustees consisting of seven (7) persons who are electors of the city, one (1) of whom shall be a member of the Council, all to be appointed by the Council. In the first instance, the members of the Board shall be the six (6) members of the Library Board of the former Village of Vassar and shall serve respectively for the terms for which they were elected. Thereafter, two (2) members shall be appointed for the full term of three (3) years at the first meeting of the Council in May of each year. Members of the Board shall serve without compensation. In all cases where a vacancy occurs, the Council shall fill such vacancy within thirty (30) days for the balance of the term in which the vacancy exists.

**Organization of Board:**

Section 8.2. Said Board shall, within ten (10) days after their first appointment, and annually thereafter, within ten (10) days after the first meeting of the Council in May, organize and elect one (1) of their number president and another vice-president. The Board shall hold at least four (4) regular meetings in each year. A majority of the Board shall constitute a quorum for the transaction of business. The Board shall appoint a secretary and, subject to the civil service provisions of this charter and any ordinance of the city relating thereto, shall employ all necessary personnel required to operate and conduct the affairs entrusted to it, and, subject to budget appropriations, fix their salaries and compensation. The secretary of the Board shall be responsible for the efficient performance of all the clerical work required by said Board and for the keeping of the books, records, papers, and accounts of the Board in conformity with the provisions of this charter regarding the keeping of accounts of the city and its several departments, boards, and agencies. All accounts of the Board shall be subject to audit by the Clerk of the city, the same as the accounts of other departments and boards of the city, and to such other audit as this charter or the Council shall require.

**Powers and Duties of Board:**

Section 8.3. The Board shall be charged and entrusted with the planning for, construction, management, supervision, and control of all library facilities which are or shall be owned and operated by the city and shall have power to make and adopt all such bylaws, rules, and regulations as they may deem necessary and expedient for the transaction of their business, subject in all respects to the general ordinances of the city and the provisions of this charter. The Board shall possess all power and prerogatives necessary to enforce its rules and regulations by any means permitted by law.

**Library Budgets:**

Section 8.4. On or before the second Monday in April of each year, the Board shall submit to the Council careful estimates in detail of the amount of money which, according to the judgment of the Board, will be needed for the library facilities of the city during the ensuing year, which estimates may be increased, modified or

adopted by the Council as in its judgment may seem justifiable. When the budget for the Library Board has been approved, the Council shall enter into the budget of the city the amount thereof and, when the budget of the city is adopted, shall make an appropriation therefor and include the amount required to be raised by taxation therefor in the tax levy of the city. The Board shall administer its budget in all respects, but shall not in any instance permit its expenditures for any purpose to exceed the amount provided in the budget therefor, without first obtaining the consent of the Council, which body may make supplemental appropriations in case of need.

#### CHAPTER 9 MISCELLANEOUS

##### **Notice to City of Claim for Injuries:**

Section 9.1. The city shall not be liable in damages sustained by any person in the city, either to his person or property, by reason of the negligence of the city, its officers, or employees, nor by reason of any defective highway, street, bridge, sidewalk, crosswalk or culvert, or by reason of any obstruction, ice, snow or other encumbrance upon such street, sidewalk, crosswalk or public highway, situated in the city, unless such person shall serve or cause to be served, within sixty (60) days after such injury shall have occurred, a notice in writing, upon the Clerk, which notice shall set forth substantially the time and place of such injury, the nature of the defect, the manner in which it occurred, and the extent of such injury as far as the same has become known, the names and addresses of the witnesses known at the time by claimant, and a statement that the person receiving such injury intends to hold the city liable for such damages as may have been sustained by him. No person shall bring any action against the city for any damages to person or property arising out of any obstruction, ice, snow or other encumbrance upon such street, sidewalk, crosswalk or public highway, situated in the city, unless he shall also present to the Clerk his claim in writing and under oath, setting forth particularly the nature and extent of such injury and the amount of damages claimed by reason thereof, which claims shall be presented to the Council by the Clerk.

It shall be a sufficient bar and answer in any court to any action or proceeding for the collection of any demand or claim against the city, under this section, that the notice of injury and the verified proof of the claim, as in this section required, were not presented and filed within the time and in the manner as herein provided.

##### **No Estoppel by Representation:**

Section 9.2. No official of the city shall have power to make any representation or recital of fact in any franchise, contract, document, or agreement, contrary to any public record of the city. Any such representation shall be void and of no effect as against the city.

##### **City Records:**

Section 9.3. All records of the city shall be public.

**Prior Village Ordinances and Regulations:**

Section 9.4. All ordinances, resolutions, rules, and regulations of the Village of Vassar 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 full force as ordinances, resolutions, rules, and regulations of the City of Vassar until repealed or amended by action of the proper authorities.

**Tense:**

Section 9.5. Except as otherwise specifically provided or indicated by the context, all words used in this charter indicating the present tense shall not be limited to the time of the adoption of this charter, but shall extend to and include the time of the happening of any event or requirement for which provision is made therein, either as a power, immunity, requirement, or prohibition.

**Headings:**

Section 9.6. The chapter and section headings used in this charter are for convenience only and shall not be considered to be a part of this charter.

**Effect of Illegality of Any Part of Charter:**

Section 9.7. Should any provision or section, or portion thereof, of this charter be held by a court of competent jurisdiction to be invalid, illegal, or unconstitutional, such holding shall not be construed as affecting the validity of this charter as a whole or of any remaining portion of such provision or section, it being hereby declared to be the intent of the charter commission and of the electors who voted thereon that such unconstitutionality or illegality shall not affect the validity of any other part of this charter except that specifically affected by such holding.

**Amendments:**

Section 9.8. This charter may be amended at any time in the manner provided in Act No. 279 of the Public Acts of 1909, as amended. Should two (2) or more amendments, adopted at the same election, have conflicting provisions, the one receiving the largest affirmative vote shall prevail as to those provisions.

**SCHEDULE****Election on Charter:**

Section 1. This charter shall be submitted to a vote of the electors of the City of Vassar for adoption at a special city election to be held on Monday, February 19, 1945. In connection with such election the Village Clerk shall perform all of the duties of the City Clerk in conducting city elections and registrations therefor, by the provisions of this charter and by state law. The registration lists of the Village of Vassar shall be the registration lists for such election. The last day for the registration of electors for such election shall be Saturday, February 17, 1945. The Charter Commission shall be the election commission for such special election upon the adoption of this charter and for the election of the first elective officers of the city. Proper and sufficient notice of registration and of such special election shall be given by the said Village Clerk by publication and posting in the manner prescribed by law. If at said election a majority of the electors shall vote in favor of the adoption of this charter, then the said Clerk, and this Charter Commis-

sion, shall perform all other acts required by law to carry this charter into effect.

**Form of Ballot:**

Section 2. The form of the ballot on submission of this charter shall be as follows:

(Proper Instructions)

"Shall the proposed charter of the City of Vassar framed by the Charter Commission which was elected on September 18, 1944, and which has been approved by the Governor of the State of Michigan, be adopted?"

- Yes  
 No

**First Election of Officers:**

Section 3. At the election upon the adoption of this charter, the first elective officers of the city under this charter, viz: a Mayor, who shall be a Councilman, four Councilmen, a Justice of the Peace, an Associate Justice of the Peace, and a Constable shall be elected. The candidate for the office of Councilman who receives the highest number of votes at such election shall be the first Mayor of the city, all provisions of this charter to the contrary notwithstanding, and shall serve in such capacity for a term of one (1) year. The nomination and election of such first elective officers shall be conducted, as nearly as may be, in the manner prescribed for the election of officers in this charter, and candidates therefor shall be nominated by the filing of petitions, signed by not less than twenty-five nor more than fifty of the qualified electors of such city and filed with the Clerk of this Charter Commission not later than twelve o'clock noon on Saturday, February 3, 1945, Central War Time.

The Charter Commission shall canvass the vote on the adoption of the charter and the election of the first elective officers thereunder and determine the result of the vote at such election in each case at a meeting of the Charter Commission to be held at 7:00 o'clock, p.m., Wednesday, February 21, 1945.

**First Meeting of First City Officers:**

Section 4. The Council first elected under this charter shall assemble at 8:00 o'clock p.m., Central War Time, on the 26th day of February, 1945. The meeting shall be called to order by the chairman of the Charter Commission. At this meeting each elective officer of the city shall take and subscribe to his oath of office and shall thereupon be qualified for the office to which he was elected and shall assume the duties of such office. At the time the elective officers of the City of Vassar assume the duties of the offices to which they were elected as herein required, the Village Council having control of the city shall cease to be and the office of each and every member thereof, and of all other officers of the village shall terminate, and the control of such former Village Council over the territory which formerly was the village, and of the offices of the Township of Vassar over that part of the township included within the city shall cease and be superseded by that of the City of Vassar.

At the time of such first meeting of the new City Council, all

rights, assets, obligations and liabilities of the former Village of Vassar and the officers thereof shall automatically become the rights, assets, obligations and liabilities of the City of Vassar and the officers thereof; and the rights and powers of the Township of Vassar and of the officers thereof over that part of the Township of Vassar included within the City of Vassar cease and the assets and liabilities of said Township shall be divided and apportioned between the city and the township in accordance with the provisions of state law.

**Terms of Office of First City Officers Elected:**

Section 5. The term of office of each officer of the city elected at such election shall commence on and date from the 26th day of February, 1945, and each such officer shall hold the office for the terms therein designated and until his successor has been elected and has qualified for the office in accordance with the provisions of this charter. The three (3) Councilmen receiving the lesser number of votes, and the Constable elected at such election shall hold office until the election and qualification of their successors following the regular city election held in April, 1946. The two (2) Councilmen, including the person elected to the office of Mayor, receiving the highest number of votes, and the Associate Justice of the Peace shall hold office until the election and qualification of their successors following the regular city election held in April, 1947. The Justice of the Peace shall hold office until the election and qualification of his successor following the regular city election held in April, 1949. Thereafter the successors of all such officers shall be elected at the regular city elections provided for by this charter, and shall hold office for the terms established thereby.

**First Administrative Officers of the City:**

Section 6. At such meeting, or as soon thereafter as may be, the Village Clerk, Treasurer, Assessor, and other of the administrative officers of the Village as the Council shall deem necessary for the functioning of the city government until a City Manager has been appointed and has assumed the duties of his office shall qualify for and assume the duties of Clerk, Treasurer, Assessor, and other offices and duties in the city government comparable to those held by them in the Village government or to which they are assigned by the Council. In the discretion of the Council, the holder of one of such offices or any qualified elector of the city may be made acting City Manager. Each such appointive officer shall hold his office subject to the provisions of this charter.

**Status of Schedule Chapter:**

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

**RESOLUTION BY ADOPTION**

At a meeting of the Charter Commission of the City of Vassar held January 22, 1945, the following resolution was offered by Commissioner Priestley and seconded by Commissioner Deedrick.

RESOLVED, That the Charter Commission of the City of Vas-

sar does hereby adopt the foregoing proposed city charter and the clerk of this commission is hereby instructed to transmit the same to the Governor of the State of Michigan, in accordance with the provisions of the statute, for his approval.

The vote on the adoption of said resolution was as follows:

Ayes: Commissioners Deedrick, Freeland, Lee, Priestley, Rowland, Walton, Waterman, Willis and Waterhouse.

Nayes: None.

Absent: None.

Signed—

GEORGE F. CHILDS,

Clerk of the Charter Commission  
of the City of Vassar.

Countersigned by the following Commissioners:

Signed:

C. J. DEEDRICK

DR. WARD C. FREELAND

LEMUEL LEE

KENNETH H. PRIESTLEY

HARRY E. ROWLAND

LEWIS WALTON

FLOYD G. WATERMAN

MARGRET Y. SMITH WILLIS

ARTHUR J. WATERHOUSE, Chairman

All of the commissioners having attested as to said resolution as above and also having attested the copy to be signed by the Governor, the meeting adjourned, subject to the call of the chairman.

STATE OF MICHIGAN:

:SS

COUNTY OF TUSCOLA:

George F. Childs, Village Clerk and clerk of the charter commission of the City of Vassar, being duly sworn, says that at an election duly called and held in the Village of Vassar, on the 18th day of September, 1944, the following named persons were duly elected as a commission to frame a charter for the City of Vassar, namely: Clarence Deedrick, Dr. Ward C. Freeland, Lemuel Lee, Kenneth Priestley, Harry Rowland, Lewis Walton, Arthur Waterhouse, Floyd Waterman, and Margaret Y. Smith Willis: Davis Wightman did resign from the office to which he was elected and Floyd G. Waterman was appointed by the Charter Commission to fill the vacancy:—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 Vassar in accordance with the requirements of the laws of the State of Michigan which provide therefor.

GEORGE F. CHILDS,

Village Clerk and Clerk of the Charter  
Commission of the City of Vassar

Date: January 22, 1945

Subscribed and sworn to before me this 22nd day of January, 1945.

(SEAL)

FRANK B. TINGLAN

Notary Public, Tuscola County, Michigan

My commission expires November 17, 1948

I do hereby certify that the above and foregoing is a true copy of the proposed charter of the City of Vassar which has this day been approved by the charter commission of the City of Vassar.

Dated: January 22, 1945

Signed—

GEORGE F. CHILDS,

Clerk of the Charter Commission  
of the City of Vassar

I do hereby approve the above and foregoing charter of the City of Vassar.

Dated: January 23, 1945

HARRY F. KELLY

Governor of the State of Michigan