

# CHARTER OF THE



# CITY OF ROOSEVELT PARK

EFFECTIVE 11/29/2004

On November 5, 2002, the electors of the City of Roosevelt Park voted to revise the current Charter for the City. On January 2, 2003, the electors of the City elected a Charter Commission to review the existing Charter and propose the necessary revisions. The current Charter was last revised in 1975. Since that time, several sections have been superseded by changes in State law. Those provisions in conflict with State law are void, because the City is required to follow State law. There are other sections that may still be legal, but are not consistent with the current practices of a Home Rule City such as Roosevelt Park. The Charter Commission examined the entire existing Charter and after comparing it to existing State law and the current municipal practices of similar communities where Charters were recently revised, made the following changes:

- Creating gender neutral language throughout the Charter;
- Revising the Chapters addressing special assessments, franchises and public utilities and contracts with the City to conform to the changes in State law since 1975;
- Creating a neutral local officers compensation commission to address the compensation of City Council members on a periodic basis;
- Amending the sections addressing the creation and duties of the Board of Review to ensure compliance with State law;
- Creating a more formalized process to enact ordinances by requiring a second reading of ordinances before adoption unless certain circumstances apply and/or immediate action is necessary; and
- Additional language addressing the City's power under the Home Rule Cities Act to regulate the use of land.

Many people contributed to this review and the Commission is appreciative of their efforts. The Charter Commission expressed their appreciation for the cooperation of all the city officials and employees during the preparation of this publication. Particular acknowledgment is due Mr. Steven F. Stapleton, City Attorney, Ms. Marcia Jeske, City Clerk and Mr. Keith Riesberg, City Manager for their assistance during the progress of the work. The Commission strongly encourages the citizens of Roosevelt Park to take pride in their Charter and review the Charter on a consistent basis to ensure that it adequately reflects both State law and the high standards its citizens have come to expect.

Charter Commission of the City of Roosevelt Park:

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David L. Martin – Vice-Chair  
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**CHARTER  
CITY OF ROOSEVELT PARK  
MICHIGAN**

**Chapter I  
Name and Boundaries**

**Name of City**

Section 1.1. The official name and title of the City shall be the City of Roosevelt Park.

**Boundaries**

Section 1.2. All that territory situated in the County of Muskegon, State of Michigan, described as Section One (1), Town Nine (9) North, Range Seventeen (17) West, shall constitute the boundaries of the City of Roosevelt Park.

**Ward**

Section 1.3. The City of Roosevelt Park shall consist of one (1) ward and the number of precincts as provided by City Council.

**Chapter II  
General Municipal Powers**

**Powers of the City**

Section 2.1. The City of Roosevelt Park shall have and exercise all powers pertaining to municipal corporations and all those granted or recognized by the laws of the State of Michigan, whether herein expressly mentioned or not. The grant of any power herein contained shall not be construed as excluding any other power, but the City shall be presumed to have all powers necessary or suitable for the maintenance of good government and for the promotion of the welfare and happiness of its inhabitants that are not forbidden by the Constitution and general laws of the State of Michigan

**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 was passed for the government of cities, 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 shall prescribe by ordinance a reasonable procedure for the exercise thereof.

## **Chapter III The Elective Officers of the City**

### **The City Council Elective Officers**

Section 3.1. In the manner and at such times as prescribed in this Charter, there shall be elected at large in the City of Roosevelt Park seven (7) Council Members.

#### **Qualification**

Section 3.2. No person shall be eligible to any elective office who is a defaulter to the City, not a duly registered elector in the City, or who shall have been found guilty by a competent tribunal of the commission of a felony. All votes for any person contrary to the provisions of this Section shall be void.

#### **Terms of Office**

Section 3.3. Each Council Member shall hold office for a term of three (3) years from the first Monday following the regular City election at which they are elected. The terms of office shall be limited to three consecutive elected terms of three years. A person limited by this Section shall not be eligible for elective office as a Council Member until he or she has allowed one year to lapse between the ending of the last elected term of three years and the beginning of another elected term of three years. This Section and its limitations apply to Council Members serving at the time this Charter is adopted.

Example: The purpose of this Section is to limit the ability of an individual to serve as an elected council member on a consecutively elected basis for more than nine years. If an individual is elected to three (3) consecutive three (3) year terms and intends to run for election again as a council member, then he or she must first sit out one year before running again for another three year term.

#### **Oath of Office**

Section 3.4. Each City Council Member of the City, before entering upon the duties of his or her office and within the time specified in this Charter, shall take and subscribe to the oath of office prescribed by the State Constitution for officers of the State of Michigan, which shall be filed and kept in the office of the Clerk.

#### **Surety Bonds**

Section 3.5. Any City officer elected under authority of this Charter may be required to give a bond to be approved by the Council for the faithful performance of the duties of his or her office in such sum as the Council shall determine, but all officers receiving or distributing City funds shall be bonded or insured to protect the financial interests of the City. All official bonds shall be corporate surety bonds and the premiums thereon shall be paid by the City. All official bonds shall be maintained on file in the City Clerk's office.



### **Notice of Election**

Section 3.6. Notice of the election of any officer of the City and of the requirement of any official bond to be given by any such officer, shall be given him or her by the Clerk, in writing, within five (5) days after the canvass of the vote by which he or she was elected. If within ten (10) days from the date of notice, such officer shall not take, subscribe, and file with the Clerk his or her oath of office, or shall not execute and file with the Clerk the required bond, such neglect shall be deemed a refusal to serve and the office shall thereupon be deemed vacant, unless the Council shall, for good cause, extend the time in which such officer may qualify as above set forth.

### **Vacancy Defined**

Section 3.7. In addition to other provisions of this Charter, a vacancy shall be deemed to exist in any elective office upon any of the following: when any such officer dies, resigns, is removed from office, moves from the City, is convicted of a felony or of misconduct in office under this Charter, is judicially declared to be mentally incompetent, is absent from three (3) consecutive regular meetings of the Council, is absent from the City for sixty (60) days, unless excused by the Council for cause to be stated in the record of the Council proceedings.

### **Vacancies**

Section 3.8. Any vacancy occurring on the City Council shall be filled within thirty (30) days after such vacancy occurs using procedures established by the remainder of the City Council. Any person appointed to fill a vacancy shall serve the remainder of the unexpired term.

### **Creation and Powers of City Council**

Section 3.9. There is hereby created a City Council composed of seven (7) Council Members who shall have full power and authority, except as herein otherwise provided, to exercise all the legislative powers conferred upon the City by the Constitution, the General Laws of the State of Michigan, and by this Charter.

### **Salaries of Members of the Council**

Section 3.10. The Council shall maintain by ordinance, as allowed by State law, a Local Officers Compensation Commission, which shall establish the compensation of each, elected City official. The elected officers of the City shall also receive payment for reasonable and necessary expenses incurred in the performance of official duties.

Until the Local Officers Compensation Commission meets and establishes the compensation of each elected City official, each member of the Council shall receive, as remuneration for his or her service to the City, the sum of Twenty-five Dollars (\$25) per regular or special Council meeting actually attended, but in no case to exceed Seven Hundred Fifty Dollars (\$750) per year. In addition to this remuneration as a member of the Council, the Mayor shall receive the sum of Five Hundred Dollars (\$500) per year. Such salaries shall be payable semi-annually and, except as otherwise provided in this Charter, shall constitute the only salary

or remuneration which may be paid for services performed by members of the Council for the discharge of any official duty for or on behalf of the City during their term of office. In addition to remuneration for his or her service to the City, City Council members may also be reimbursed for reasonable traveling expenses when actually incurred on behalf of the City outside the limits of the City of Roosevelt Park. Reimbursement must be submitted and approved by Council.

### **Judge Qualification of Members**

Section 3.11. The Council shall be the judge of the qualification of its own members, subject only to review by the courts.

### **Organization of the Council**

Section 3.12. The Council shall, at its first regular meeting in December of each year, elect one of its members to serve as Mayor and one of its members to serve as Mayor Pro Tem, and shall, by resolution, set the times for holding regular meetings of the Council. Such meetings shall be called to order and shall be presided over by the Clerk until the Mayor is chosen. The Mayor and Mayor Pro Tem shall serve as such until their successors have been chosen and have qualified as herein provided. The Mayor Pro Tem shall preside over the meetings of the Council at the call of the Mayor, or, when on account of absence from the City, disability, or otherwise, the Mayor is temporarily unable to perform the duties of his or her office, and in case of vacancy in the office of Mayor, until such vacancy is filled by the Council. In the event of a vacancy occurring in the office of Mayor or Mayor Pro Tem, the Council shall elect from its elected membership to fill such vacancy.

### **Mayor**

Section 3.13. The Mayor shall be the chief executive officer of the City, a voting member of the City Council and shall attend and preside at meetings of the Council, represent the City in intergovernmental relationships, appoint, with the advice and consent of the Council, the members of citizen advisory boards and commissions, appoint the members and officers of Council committees, assign, subject to the consent of Council, agenda items to committees and perform other duties specified by the Council. The Mayor shall be recognized as head of the City government for all ceremonial purposes and by the Governor for purpose of military law but shall have no administrative duties.

### **Regular Meetings of the Council**

Section 3.14. Regular meetings of the Council shall be held at least twice in each calendar month commencing at a time set by the Council at its yearly organizational meeting, at the usual place of holding meetings of the Council. If any time set by resolution of the Council shall be a legal holiday, then such regular meeting shall be held on the next following secular day which is not a legal holiday or on such other day as may be set by the Council.

## **Special Meetings of the Council**

Section 3.15. Special meetings of the Council may be called by the Clerk on the written request of the Mayor or any two (2) members of the Council on twenty-four (24) hours written notice to each member of the Council designating the purpose of such meeting and served personally or left at his or her usual place of residence by the Clerk or someone designated by him or her. Any special meeting at which all members of the Council are present or have waived the requirement of the twenty four (24) hour notice, in writing, shall be a legal meeting for all purposes, without such notice.

## **Business at Special Meetings**

Section 3.16. 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.

## **Meetings of the Council To Be Public**

Section 3.17. All business of the Council shall be conducted at a public meeting held in compliance with the Open Meetings Act, Public Act 267 of 1976, MCL 15.261 to 15.275. The rules of order shall provide that citizens shall have a reasonable opportunity to be heard on matters within the jurisdiction of the Council.

## **Quorum**

Section 3.18. Four (4) members of the Council shall be a quorum for the transaction of business, but in the absence of a quorum, two (2) or more members may adjourn any regular or special meeting to a later date.

## **Rules of Order**

Section 3.19. The Council shall determine its own rules and order of business and shall keep a written or printed journal of all its proceedings in the English language which shall be signed by the City Clerk. The vote upon the passage of all ordinances, and upon the adoption of all resolutions and expenditures of monies 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 in such record. Each member of the Council who shall be recorded as present at any meeting shall vote on all questions decided by the Council at such meeting, unless excused by the unanimous consent of the members present, or compelled to abstain by State law.

## **Vote Required**

Section 3.20. Except as otherwise provided in this Charter, no ordinance or resolution shall be adopted or passed except by the affirmative vote of at least four (4) members of the Council.

## **Restriction on Powers of the Council**

Section 3.21. The Council shall make no contract with any person who is in default to the City, nor shall it grant any exclusive license nor make any contract granting any exclusive right or privilege under the government of the City.

## **Discipline**

Section 3.22. The Council may, by a vote of not less than two (2) of its members, compel the attendance of its members and of other officers and employees of the City at its regular and special meetings and may enforce orderly conduct therein. Any member of the Council who refuses to attend such meetings and conduct himself in an orderly manner there at shall be deemed guilty of misconduct in office. The Council may require the attendance of any elective or appointive officer of the City for the purpose of securing from them any information upon the affairs of the City within their jurisdiction. The Chief of Police, or any designated officer, shall serve as the Sergeant-at-Arms of the Council in the enforcement of the provisions of this section.

## **Investigations**

Section 3.23. The Council may subpoena witnesses, administer oaths, and compel the production of books, papers, and other evidence to conduct formal investigation into the conduct of any department, office, or officer of the City and make investigations as to malfeasance, misfeasance, nonfeasance, or irregularities in municipal affairs. Failure 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.

## **Depositor of City Funds**

Section 3.24. The Council shall select depositories in which the funds of the City may be deposited.

## **Public Health and Safety**

Section 3.25. Through the established departments of the City government, the Council shall provide for the public peace and health and for the safety of persons and property.

## **Streets and Alleys**

Section 3.26. The Council shall have the power to establish, vacate, use, and control and regulate the use of its streets, alleys, bridges, and public places, whether such public places be located within the City limits or outside of the City limits, and the space above and beneath them. Such power shall include, but not be limited to, the proper policing and supervision thereof and to the licensing and regulation, or the prohibition of the placing of signs, awnings, awning posts, and things which are of such nature as to impede or make dangerous the use of sidewalks, upon or over the sidewalks of the City, and the licensing and regulation of the construction and use of openings in the sidewalks, and of all vaults, structures, and excavations under the same.

## **Waters and Water Courses**

Section 3.27. For the benefit of the public morals, peace, health and welfare, the City shall have and possess the power to use and to control and regulate the use of all streams, waters, and watercourses within its limits, but not in any manner that conflicts with State law or action thereunder where a navigable stream is bridged or dammed; or with riparian or littoral rights without the City's corporate limits.

## **Plats**

Section 3.28. No lands or premises shall be laid out, divided and platted into lots, streets and alleys, within the City except by the approval of the Council as provided by law. No plat shall be approved by the Council unless the same meets all requirements of the applicable zoning ordinances then in effect.

## **Licenses**

Section 3.29. The Council shall by ordinance prescribe the terms and conditions upon which licenses may be granted, suspended, or revoked; and may require an exact payment of such reasonable sums for any licenses as it may deem proper. The persons receiving the licenses shall, before the issuance thereof, execute a bond to the City, when required by any ordinance, in such sum and with such securities as prescribed by such ordinance, condition for the faithful observance of the Charter of the City, the ordinance under which the license is granted, and otherwise conditioned as any such ordinance may prescribe.

## **Rights as to Property**

Section 3.30. The Council shall have the power to acquire by purchase, gift, condemnation, lease, construction or otherwise, either within the City corporate limits or outside of the City corporate limits, and either within the County of Muskegon or outside the County of Muskegon, real or personal property, for any public use or purpose within the scope of its powers, whether herein specifically mentioned or not; and shall have the power to maintain and operate the same to promote the public health, safety and welfare.

## **Cemeteries and Parks**

Section 3.31. The Council shall have the power to enact all ordinances deemed necessary for the establishment, maintenance and protection of all cemeteries and parks, together with the improvements thereon and appurtenances thereto, owned or hereafter acquired by the City either within the corporate limits or outside the corporate limits. All ordinances pertaining to public health and welfare in the regulation and protection of public cemeteries shall apply equally to all cemeteries within the City belonging to or under the control of any church, religious society, corporation, company or association. The Council may cause any bodies buried within the City, in violation of any rule or ordinance made in respect to such burials, to be taken up and reburied in such manner as shall conform to the ordinances of the City, or to be buried elsewhere. In any cemetery established by the City, a plan for the perpetual care of all lots, plots, and lands therein shall be established.

## **Trusts**

Section 3.32. All trusts established for cemetery, park, or other municipal purposes shall be used and continued in accordance with the terms of such trusts, subject to State law. The City may, in its discretion, receive and hold any property in trust for cemetery, park, or other municipal purposes and shall apply the same to the execution of such trusts and for no other purposes whatsoever, except as provided by State law.

## **Restriction on Powers**

Section 3.33. The Council shall have the power for the maintenance, development and operation of its property, and upon discontinuance thereof, to lease, sell or dispose of the same, subject to any restrictions placed thereupon by law, provided that the City may not sell any park or cemetery, or any part thereof, except where the park or cemetery is not required under an official master plan of the City. The money received shall be used to procure a similar capital asset or be placed in the fund from which the capital asset was originally purchased.

# **CHAPTER IV LEGISLATION**

## **Ordinances**

Section 4.1. Each proposed ordinance shall be introduced in written or printed form. The style of all ordinances shall be: "The City of Roosevelt Park Ordains." No ordinance shall be passed at the same meeting at which it is introduced, unless: (1) at least two-thirds of the Council vote to waive these requirements; or, (2) the ordinance is declared to be an emergency ordinance affecting the public peace, health or safety by a vote of not less than five (5) Council members. 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 as provided by this Charter and allowed by State law. An ordinance may be repealed by reference to its number and title only. The effective date of any ordinance shall be prescribed therein and shall not be less than ten (10) days after its adoption and publication. The Council may affix an earlier effective date to an ordinance if any emergency arises affecting the public peace, health or safety. However, the Council must attach a declaration of emergency to said ordinance. No ordinance shall take effect until after publication. No measure making or amending a grant, renewal or extension of a franchise or other special privilege shall be passed as an emergency measure.

## **Ordinance Record**

Section 4.2. All ordinances when enacted shall be recorded by the Clerk in a book called the "Ordinance Book," within thirty (30) days after such ordinances have been enacted, and it shall be the duty of the Clerk or Deputy Clerk to authenticate such record by their official signatures.

## **Publication of Ordinances**

Section 4.3. Except as otherwise provided in this Charter, all ordinances when enacted shall be published forthwith by the Clerk in the manner provided by this Charter for publication of notices, and the Clerk shall enter his or her certificate as to the manner and date of publication under each ordinance in the Ordinance Book.

The Council may adopt any detailed technical regulations (e.g. building code, electrical code, property maintenance code, etc.) or any provision of the State law as a City ordinance or code by reference provided that any provision of State law or recognized official or unofficial standard code shall be clearly identifiable in the ordinance adopting the same as an ordinance of the City. Where any code or provision of State law is adopted by reference, all requirements for its publication may be met, other provisions of this Charter notwithstanding, by publishing a summary of the ordinance in the manner allowed by State law and provided for by the publication of other ordinances and by making available to the public copies of the code for inspection or provision of State law cited therein at a reasonable charge.

## **Codification**

Section 4.4. If the Council shall, by ordinance order a general revision and compilation or codification of all City ordinances, the same shall be published as required by the laws of the State of Michigan. Such compilation shall contain an ordinance indicating, by number and title, the ordinances of the City which are repealed and compiled ordinances, together with any amendments thereto, and additions thereto as the ordinances of the City and designating when such ordinances shall become effective.

## **Publication of Notices Proceedings and Ordinances**

Section 4.5. Notices or proceedings requiring publication, and all ordinances passed by the Council, shall, unless otherwise provided by this Charter, be published once in a legal newspaper to be selected by the Council that is circulated in the City. All ordinances passed by the Council shall be published as required for a Home Rule City in an official paper or a paper of general circulation in the City and said requirements shall be met at a minimum by publishing a summary of the ordinance and by making available to the public copies of the ordinance at a reasonable charge. Immediately after publication, the Clerk shall enter into the appropriate records (a) a certificate of publication provided by the printer or by an authorized representative of the newspaper in which the notice was published, or (b) a list of those places where such publication was made. The proof of publication of an ordinance(s) shall be entered in the "Ordinance Book" in the blank space left for this purpose following the ordinance to which it refers. Such certificate or list shall be prima facie evidence of due publication of any notice, proceeding or ordinance.

## **Initiative and Referendum**

Section 4.6 An ordinance may be initiated by petition. A referendum on an ordinance enacted by the Council may be had by a petition filed prior to twenty (20) days subsequent to enactment of the ordinance; as hereinafter provided.

### **Petition**

Section 4.7. An initiatory or referendary petition shall be signed by registered qualified electors of the City in number equal to twenty-five (25%) percent of the vote cast for the Council Member receiving the highest number of votes at the last regular City election prior to the filing of the petition. Before being circulated for signatures, all such petitions shall be approved as to form by the Clerk. No such petition need be on one paper, but may be the aggregate of two or more petition papers. Each signer of a petition shall sign his or her name in ink or indelible pencil, and shall place thereon, after his or her name, the date, the month written out, and his or her 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 in accordance with State law. Any such petition shall be filed with the Clerk and certified in accordance with State law. If found to contain an insufficient number of signatures of qualified electors of the City, or to be improper as to form or compliance with the provisions of this section, ten (10) days 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 4.8. Upon receiving a certified 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; (b) if it be a referendary petition, repeal the ordinance; or, (c) in either case, determine to submit the proposal to the electors.

### **Submission to Electors**

Section 4.9. 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 law.



## **General Provisions**

Section 4.10. The certification by the Clerk of the sufficiency of a referendary petition shall automatically suspend 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, and then only by the affirmative vote of not less than four (4) Council members. 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 V Appointive Officers Of The City**

### **Appointive Officers**

Section 5.1. The City Council shall appoint a City Manager, a Clerk, an Assessor, a Treasurer, a Chief of Police, a Superintendent of Public Works, a Fire Chief, a Board of Review, and such additional offices as it deems necessary for the operation of the City government.

### **Appointment and Qualifications of Appointive Officers**

Section 5.2. The appointive officers of the City shall be appointed to and removed from office by the Council. The Council shall, within thirty (30) days after taking office, appoint a City Manager, a Clerk, a Treasurer, a Chief of Police, a Superintendent of Public Works, a Fire Chief, and may appoint a City Attorney. Appointees shall be selected with reference only to their qualifications and fitness, and for the good of the public service and without any reference to their race, color, creed, and sex. The City Council shall make appointments at their first regular meeting in December. No appointive officer except the City Attorney shall hold any other elected or appointed position without the approval of City Council. Other than the City Manager, who may serve in such capacity under a contract to be agreed upon between the City Manager and Council, all other appointed officers of the City serve at the pleasure of City Council.

### **Compensation**

Section 5.3. The compensation of the appointive officers shall be fixed by the Council.

## **Fees**

Section 5.4. Except as otherwise provided in this Charter, all fees paid to any appointed officer in the performance of any duties which may be required under the ordinances of the City, this Charter, or by State law, shall belong to the City and shall be accounted for and deposited forthwith upon receipt thereof in the depository designated by the Council. Failure to do so shall constitute misconduct in office.

## **Surety Bonds**

Section 5.5 All appointed officers receiving or disbursing City funds shall be bonded or insured to protect the financial interest of the City in a sum which shall, in no case, be less than 10% of the estimated amount of City monies which such appointed officer shall receive or disburse during the period of time for which he or she is employed by the City. The resignation or removal of any appointed officer shall not, nor shall the appointment of another to the office, exonerate such officer or his or her sureties from any liability incurred by him, by her, or by them

## **Books, Records and City Property**

Section 5.6. Within ten (10) days after any appointive officer has qualified for the office to which he or she has been appointed, his or her predecessor in such office shall surrender to him or her all the books, papers, records and other City property which may be in his or her custody.

## **Vacancy Defined**

Section 5.7. In addition to other provisions of this Charter, a vacancy shall be deemed to exist in any appointive office when any such officer dies, resigns, is removed from office for misconduct or conviction of crime, or is judicially declared incompetent.

## **Filling Vacancies**

Section 5.8. In the event of a vacancy in any appointive office, the Council shall, except as otherwise provided in this Charter, make every effort to fill said vacancy as soon as reasonably possible.

## **City Manager**

Section 5.9. The City Manager shall be the Chief Administrative Officer of City government. In such capacity, he or she shall be accountable to the City Council for the performance of all administrative functions of the City. Directly responsible to the City Manager shall be the following appointive officers: the Treasurer, the Clerk, the Chief of Police, the Superintendent of Public Works, the Assessor, the Building Inspector, the Electrical Inspector, the Plumbing Inspector, the Fire Chief, and City Attorney.

## **Treasurer**

Section 5.10. The Treasurer shall be charged with the custody of all public monies of the City and shall be responsible for all monies turned over to him or her by other City officials or deposited by them in the depository or depositories designated by the Council. Payment from any account shall not be allowed unless money has been appropriated therefore. Payments shall be made in accordance with the policies and procedures established by the City Council. He or she shall be the general accountant of the City, shall keep the books of account, and shall keep the Council informed as to the financial affairs of the City. The system of accounts of the City shall conform to such uniform systems as may be required by law. He or she shall examine and audit all accounts and claims against the City. He or she shall have such powers, duties, prerogatives in regard to the collection and custody of State, County, School District and City taxes and monies as are conferred by law to enforce the collection of City, State, County, Township and School District taxes upon real and personal property. He or she shall perform such other duties as may be prescribed for him or her by State or Federal law, this Charter, or by the Council.

## **Clerk**

Section 5.11. The Clerk shall be Clerk of the Council. He or she shall attend all meetings of the Council and shall keep a permanent journal of its proceedings in the English language. He or she shall keep a record of all ordinances, resolutions and actions of the Council.

The Clerk shall have power to administer all oaths required by State law, this Charter and the ordinances of the City.

The Clerk shall be custodian of the City seal, and shall affix it to all documents and instruments requiring the seal, and shall attest to same. He or she shall also be custodian of all papers, documents, and records pertaining to the City of Roosevelt Park, the custody of which is not otherwise provided for by this Charter. The Clerk shall be responsible for the service of legal process upon the City. He or she shall give to the proper Officials of the City ample notice of the expiration or termination of any official bonds, franchises, contracts, or agreements to which the City is a party.

The Clerk shall certify by his or her signature all ordinances and resolutions enacted or passed by the Council and perform any other duties required of him or her by State or Federal law, this Charter, or by the Council and ordinances of the City.

The Clerk shall perform such other duties in connection with his or her office as may be required of him or her by State or Federal law, this Charter, the resolutions, ordinances, or direction of the Council or by the City Manager.

## **Assessor**

Section 5.12. The Assessor shall be the assessing officer of the City overseeing the Assessment of the City and the preparation of the Tax Roll.

## **Board of Review**

Section 5.13. The Council shall appoint two (2) electors of the City and one (1) member of the City Council appointed thereby, to constitute the Board of Review for all general tax assessments. The Board of Review shall have the same powers and perform like duties in all respects as are, by general law, conferred upon and required of Boards of Review in Townships. The Board of Review shall choose its own Chairman and a majority of the members shall constitute a quorum. The Assessor shall be Clerk of the Board and shall keep a record of its proceedings. A copy of the proceedings of the Board of Review shall be filed with the Clerk on or before the fifteenth (15th) day of April following each meeting thereof.

## **Other Appointive Officers**

Section 5.14. The powers and duties of all other appointive officers, except as otherwise provided by State law or this Charter, shall be prescribed by ordinance.

## **Employees Pension and Welfare**

Section 5.15. The Council shall have power to make available to the appointed and administrative officers and employees of the City and its Departments and Boards, any recognized standard plan of group life, hospital, health, or accident insurance. The Council shall also have the power to make available to the appointed and administrative officers and employees of the City and its Departments and Boards a pension plan.

# **Chapter VI Elections**

## **Qualifications of Electors**

Section 6.1. 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 election, shall be entitled to register as an elector of the City of Roosevelt Park in the voting precinct in which he or she resides.

## **Election Procedure**

Section 6.2. The general election laws of the State shall apply to and control, as nearly as may be, all procedures relating to registration and City elections, except any general laws relating to political parties or partisan procedures and except as otherwise provided by this Charter.

### **Regular Elections**

Section 6.3. A non-partisan regular City election shall be held on the first Tuesday after the first Monday in November in each year for the election of City officers.

### **Special Elections**

Section 6.4. Special elections shall be held when called by resolution of the Council at least one hundred twenty (120) days in advance of such election, or when required by this Charter or the General Laws of the State.

### **Notice of Election**

Section 6.5. Notice of the time and place of holding any election and the officers to be elected and the questions to be voted upon shall, except as herein otherwise provided, be given by the Clerk in the same manner and at the same times as provided in the State election laws for the giving of notices of Township Clerks in state elections.

### **Voting Hours**

Section 6.6. The polls of all elections shall be opened at 7:00 a.m., or as soon thereafter as may be, on Election Day and shall remain open until 8:00 p.m., of the same day. Every qualified elector present and in line at the polls at the hour prescribed for the closing thereof shall be allowed to vote.

### **Election Commission**

Section 6.7. The Clerk, Treasurer and City Attorney, together, shall constitute the Election Commission. The Election Commission shall have charge of all activities and duties required by State law, this Charter, and any City ordinance relating to the conduct of municipal elections. The compensation of election personnel shall be determined by the City Council. In any case, where the appropriate election procedure is in doubt, the Election Commission shall prescribe the procedure to be followed. The Clerk shall preside at all meetings of the Election Commission. Two members shall constitute a quorum. Members of the Election Commission shall be paid no compensation in addition to their annual salary or contracted compensation.

### **Nominating Petitions**

Section 6.8. Persons desiring to qualify as candidates for any elective office under this Charter shall file with the Clerk a petition therefore signed by not less than twenty (20) nor more than forty (40) registered electors of the City not later than 4:00 p.m., on the fourteenth Tuesday prior to the date of the regular City election. 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. At

least one (1) week before, and not more than three (3) weeks before, the last day for filing nominating petitions, the Clerk shall publish notice to that effect.

### **Approval of Petitions**

Section 6.9. The Clerk shall accept for filing only nominating petitions on official blanks containing the required number of signatures for candidates having those qualifications required for elective City officers by this Charter. The Clerk shall forthwith determine the sufficiency of the signatures on each petition filed, and if he or she finds that any petition does not contain the required number of legal signatures of registered electors, he or she shall immediately notify the candidate. Each petition which is found by the Clerk to contain the required number of signatures of registered electors for candidates shall be marked “in order,” with the date thereof and he or she shall so notify the candidate whose name appears thereon in writing. When filing a nominating petition, a candidate shall also file an affidavit of identity as required by State law.

### **Public Inspection of Petitions**

Section 6.10. All nominating petitions shall be open to public inspection after being filed in the office of the Clerk in accordance with State law governing the filing and examination of nominating petitions and in accordance with Public Act 442 of 1976, being Sections 15.231 to 15.246 of the Michigan Compiled Laws, otherwise known as the Freedom of Information Act, as amended.

### **Form of Ballots**

Section 6.11. 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 candidates for each office shall be listed in a single column and shall be rotated on the ballots. The printing, numbering and rotating of names on the ballots shall conform to the General Laws of the State, relating to elections.

### **Tie Vote**

Section 6.12. If at any City election there shall be no choice between candidates by reason of two (2) or more having received an equal number of votes, the election of candidates shall be determined by the applicable State Law.

### **Recount**

Section 6.13. 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 6.14. 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 the State law.

## **Chapter VII**

### **General Finance Budget Procedure**

#### **Fiscal Year**

Section 7.1. The fiscal year of the City shall begin on the first day of December. Such year shall constitute the budget year of the City government.

#### **Budget Procedure**

Section 7.2. On or before the first Monday in August each City officer shall submit to the City Manager, or such other officer or officers as may be designated by the Council, an itemized estimate of the expenditures for the next fiscal year for the department or activities under his or her control. The City Manager, or such other officer or officers, shall prepare a complete itemized budget for the next fiscal year and shall submit it to the Council on or before the first Monday in September.

#### **Budget Document**

Section 7.3. The budget document shall present a complete financial plan for the ensuing 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 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 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 years.

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 or the Council may require.

### **Adoption of Budget, Tax Limit**

Section 7.4. Not later than the second regular meeting in September, the Council shall by Resolution adopt the Budget for next fiscal year and shall, in such Resolution, make an appropriation of the money needed for municipal purposes during the ensuing fiscal year of the City and provide for a levy of the amount necessary to be raised by taxation for municipal purposes. The Council may levy and collect taxes for municipal purposes in a sum not to exceed 2% of the taxable value of real and personal property in the City or as provided by State law.

### **Transfer of Appropriations**

Section 7.5. After the budget has been adopted, no money shall be drawn from the treasury of the City nor shall any obligations 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 in accordance with State or Federal law. The balance of any appropriation, which has not been encumbered at the end of the fiscal year, shall revert to the appropriate fund and be re-appropriated to the next fiscal year budget.

### **Budget Control**

Section 7.6. At the second regular meeting of the Council in each month the City Treasurer shall submit to the Council data showing the relation between the actual and estimated income and expenses to the close of the preceding month; and, if it shall appear that the income is less than anticipated, the Council shall reduce appropriations, except amounts required for debt and interest charges, as necessary to keep expenditures within the cash income. If the revenues exceed the amounts estimated in the budget, the Council may make supplemental appropriations.

### **Depository**

Section 7.7. 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 7.8. An independent audit shall be made of all accounts of the City Government annually, and more frequently if deemed necessary by the Council. Such audit shall be made by or under the direction of Certified Public Accountants. The result of such audit shall be made public in such manner as the Council shall determine.

## **Chapter VIII General Finance General Taxation**

### **Power To Tax**

Section 8.1. 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 8.2. The subjects of ad valorem taxation for municipal purposes shall be the same as for State, county, and school purposes under the General Law of the State. Except as otherwise provided by this Charter, City taxes shall be levied, collected and returned in the manner provided by State law.

### **Exemptions**

Section 8.3. No exemptions from taxation shall be allowed except as expressly allowed by State Law and pursuant to the policy and guidelines established by the City Council.

### **Assessment Roll**

Section 8.4. On or before the first Monday in March of each year, the Assessor shall make and certify an assessment roll of all persons and property in the City liable to taxation.

### **Meeting of Board of Review**

Section 8.5. The Board of Review shall convene on the Tuesday following the first Monday in March to review and correct the Assessment Roll.

### **Meetings, Notice of Meetings**

Section 8.6. Notice of time and place of the sessions of the Board of Review shall be published at least seven (7) days prior to the second Monday in March in accordance with State Law.

### **Endorsement of Assessment Roll**

Section 8.7. On or before the first Monday in April, the Board of Review shall endorse the Assessment Roll as provided by General Law. Such roll shall be the assessment roll of the City for all tax purposes.

### **Certify Tax Levy to Assessor**

Section 8.8. Within ten (10) days after the adoption by the Council of the budget for the next fiscal year, the Clerk shall certify to the Assessor the amount of the tax levy fixed by the Council which the Assessor shall proceed to proportionately assess to each person and piece of property on the assessment roll, together with all special assessments, as well as any other amounts which the Council may require, under authority of State Law or this Charter, or determine to be assessed or reassessed against any property or person.

### **City Treasurer to Collect**

Section 8.9. The Treasurer shall be the collector of all taxes and assessments, general and special, levied in the City, except as herein or by General Law otherwise provided.

### **Taxes, When Due**

Section 8.10. The City Treasurer shall assess late fees on all taxes paid after the date established by the City Council. The penalty to be assessed shall also be established by the City Council.

### **Return to County Treasurer**

Section 8.11. 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 or her, it shall be his or her duty to return the Tax Roll 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 previously 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.

## **State, County, School, and Library Taxes**

Section 8.12. For the purpose of assessing and levying taxes in the City for State, County, School, and Library purposes, the City shall be considered the same as a Township, and all provisions of State Law relative to the collection of such taxes, the accounting therefore to the appropriate taxing units, and the returning of property for nonpayment thereof shall apply to the performance thereof by the Treasurer who shall perform the same duties and have the same powers as Township Treasurers.

### **Chapter IX General Finance Borrowing Power**

#### **General Borrowing**

Section 9.1. 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 therefore, and may pledge the full faith, credit and resources of the City for the payment of the obligation created thereby.

#### **Special Assessment Bonds**

Section 9.2. The Council shall, subject to the applicable provisions of the General Laws of the State, have authority to borrow money in anticipation of the payment of special assessments made for the purpose of defraying the cost of any public improvement, or in anticipation of the payment of any combination of special assessments, and to issue bonds therefore. Special assessment bonds that are issued become an obligation of the special assessment district or districts. All collections on each special assessment roll or combination of rolls shall be set apart in a separate fund for the payment of the principal and interest of the bonds issued in anticipation of the payment of special assessments and shall be used for no other purpose.

#### **Other Bonds**

Section 9.3. The City shall have power to issue revenue or other types of bonds in the manner and for the purpose permitted by the Constitution and General Laws of the State of Michigan.

#### **Preparation and Record**

Section 9.4. Each bond or other evidence of indebtedness shall contain on its face a statement specifying the purpose for which the same is issued and it shall be unlawful for any Officer of the City to use the proceeds thereof for any other purpose, and any

Officer who shall violate this provision shall be deemed guilty of misconduct in office. All bonds and other evidences shall be signed by the Mayor and countersigned by the Clerk, under the Seal of the City. A complete and detailed record of all bonds and other evidences of indebtedness issued by the City shall be kept by the Clerk.

## **Chapter X General Provisions**

### **Special Assessments**

Section 10.1. Provisions for the creation of special assessment districts, rules and regulations, hearings, protests and levying of special assessments shall be determined by ordinance and in accordance with State law. The City shall have the power to issue special assessment bonds in accordance with State law. Such bonds, payable in whole or in part from special assessments, shall not be subject to debt limitations, except as otherwise provided by State law.

### **Conflict of Interest**

Section 10.2. No public official or employee shall violate prescribed standards of conduct established by State law. The use of public office for private gain is prohibited. The Council shall implement this prohibition by ordinance. Ordinances and regulations regarding conflict of interest shall be limited and superseded by State law in matters that are covered in State statute. Any officer violating the provisions of this section shall be deemed guilty of misconduct in office and upon conviction forfeit his or her office.

### **Utilities/Public Franchise**

Section 10.3. The Council shall provide by ordinance for the requirements and conditions pursuant to which a franchise may be granted to public utilities and other franchises. Franchises may be granted pursuant to said ordinance in accordance with the Constitution and laws of the State of Michigan.

### **Public Works and Improvements**

Section 10.4. The City shall have the right to make and maintain public improvements and public works for municipal purposes, acquire lands therefore in any legal manner, and provide for the cost thereof from public funds, subject only to the limitations of the Constitution and laws of the State of Michigan. The Council shall have the right to apportion costs of such improvements and works between public expenditures and special assessments, as allowed by State law. The City shall have control of all public ways and the spaces above and below same and, further, shall have the power to acquire, operate and maintain public utilities and issue revenue bonds in connection therewith. The Council shall implement said powers by appropriate ordinance.

## **Zoning/Planning**

Section 10.5. The Council shall prescribe through enactment of a zoning ordinance zoning districts regulating the use of land within the City as allowed by State law. The Council shall also establish through enactment of an ordinance, and as allowed by State law, a Zoning Board of Appeals. The members of the Zoning Board of Appeals shall serve at the pleasure of the Council. The number of members, qualifications, terms of office and other provisions regulating the establishment of the Zoning Board of Appeals and its powers shall be prescribed by ordinance as allowed by the enabling State statute(s).

The Council may also provide for the planning of streets and alleys under its jurisdiction and require conformance, as allowed by State law, with said plans and establish a master plan. The Council shall establish a Planning Commission in accordance with the provisions of State law relating to such boards or commissions and the Planning Commission. The members of the Planning Commission shall serve at the pleasure of the Council and the terms of two (2) members shall expire at the end of each year.

## **Licenses of Occupations, Trades or Amusements**

Section 10.6. The City may regulate and license trades, occupations and amusements within its boundaries by ordinance, not inconsistent with State or Federal law.

## **Building Regulations**

Section 10.7. The City may regulate construction, maintenance and repair of buildings and other structures within its boundaries consistent with State law requirements.

## **Purchase Procedure**

Section 10.8. Before making any purchase or contract for supplies, material, equipment, or contractual services, excepting professional services, in an amount determined by Council by resolution at its first regular meeting in December each year, 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, excepting professional services, in the amount determined by Council by resolution at its first regular meeting in December each year, 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; unless by a five-sevenths (5/7) vote the Council shall vote to accept a higher bid on the basis of its merit or value to the City. The Council shall have the power to reject all bids and advertise again.

## **Contracts for City Improvements**

Section 10.9. The Council shall have the power to do any public work or to make any public improvement by the employment of the necessary labor and the purchase of the necessary supplies and materials. The Council shall set by resolution at its first regular meeting in December each year, the amount required for a City improvement to be executed by written contract. Any City improvement authorized by the Council to be done directly by a City Department in conformity with detailed plans, specifications and estimates is exempt from the requirements of this section. All contracts exceeding an amount determined by Council by resolution at its first regular meeting in December each year, shall be awarded to the lowest responsible bidder after such public notice and competition as may be prescribed by Ordinance, unless by a five-sevenths vote (5/7) the Council shall vote to accept a higher bid on the basis of its merit or value to the City. The Council shall have the power to reject all bids and advertise again.

Alterations in any contract may be made only when authorized by the Council. The Council shall also have the power to do any public work or to do any public improvement under any legally constituted plan in which the labor is furnished by any other governmental unit, department or agency of the United States or the State of Michigan, of which is wholly or in part financed by them or either of them.

## **Condemnation/Appropriation of Property**

Section 10.10. The City shall have the right to acquire by condemnation or otherwise, private property for public use in accordance with the General Laws of the State for the taking of private property for public use. The City shall also have the right to acquire by condemnation or otherwise the property of any public utility in accordance with the General Laws of the State.

# **Chapter XI Municipal Rights and Liabilities**

## **Transfer of Jurisdiction Over Streets and Alleys**

Section 11.1. All streets, alleys, and highways located in the City, which have, prior to September 1, 1946, been County Roads by virtue of the provisions of Act No. 130 of the Public Acts of 1931, subsequently repealed by Act No. 51 of the Public Acts of 1951, being Sections 247.651 to 247.675 of the Michigan Compiled Laws, otherwise known as the McNitt Act, shall be under the jurisdiction of the City of Roosevelt Park. The City may adopt a plan of streets, alleys and public highways within its limits and so far beyond its limits as may be permitted by State Law.

## **Liabilities for Damage**

Section 11.2. The City's legal liability to another entity or individual for injuries or damages to persons or property shall be determined in accordance with State law, including but not limited to Public Act 170 of 1964, being Sections 691.1401 to 691.1419 of the Michigan Compiled Laws, otherwise known as the Governmental Tort Liability Act, as amended.

## **Statements of City Officers**

Section 11.3. No Officer of the City shall have the power to make any representation or recital of fact in any franchise, contract, document, or agreement which is contrary to any public record of the City. Any such representation shall be void and of no effect as against the City.

## **Chapter XII Miscellaneous**

### **Public Records**

Section 12.1. Records of the City will be made public in accordance with Public Act 442 of 1976, being Sections 15.231 to 15.246 of the Michigan Compiled Laws, otherwise known as the Freedom of Information Act, as amended.

### **Headings**

Section 12.2. 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.

### **Traffic Violations Bureau**

Section 12.3. The Council shall have the power and authority to establish a Traffic Violations Bureau by ordinance, in accordance with the Statutes of the State of Michigan relating to the creation of such a bureau.

### **Amendments**

Section 12.4. This Charter may be amended at any time in the manner provided by the statutes of the State of Michigan relating to such amendments. A proposed amendment to this Charter shall be presented to the voters of the City at an election in the manner and method provided by State law. If a majority of the registered voters of the City voting upon a proposed Charter amendment vote in favor of it, the amendment shall become effective at the time fixed in the amendment or as provided for in State law.

**Effect of Illegality  
of any Part of Charter**

Section 12.5. 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.

**Chapter XIII  
Schedule**

**Purpose and Status of Schedule Chapter**

Section 13.1. The purpose of this schedule chapter is to inaugurate the government of the City of Roosevelt Park under this Charter and provide the transition from the government of the City under the previous Charter to that under this Charter. It shall constitute a part of this Charter only to the extent and for the time required to accomplish that end.

**Election to Adopt Charter**

Section 13.2. This Charter shall be submitted to a vote of the qualified electors of the territory comprising the City of Roosevelt Park at an election to be held on November 2, 2004, between the hours of 7:00 a.m., and 8:00 p.m., local time. All provisions for the submission of the question of adopting this Charter at such election shall be made in the manner provided by law. The Board of Canvassers serving the County of Muskegon shall canvass the vote cast at said election within three days following the election. If, at said election, a majority of the electors voting thereon shall vote in favor of the adoption of this Charter, then the City Clerk shall perform all other acts required by law to carry this Charter into effect.

**Form of Ballot**

Section 13.3. The form of the optical scan Ballot for the submission of this Charter shall be as follows:

Instructions: Completing the arrow in a single bold line before the word "Yes" is in favor of the proposed Charter, and completing the arrow in a single bold line before the word "No" is against the proposed Charter.

Shall the City Charter proposed by the City of Roosevelt Park Charter Commission be adopted?

--- > Yes  
--- > No



### **Elective Officers of the City**

Section 13.4. The elected officers of the City, who hold office on the effective date of this Charter, shall continue to hold the offices to which they were elected for the balance of the terms to which they were elected and shall conduct their several offices subject to the provisions of this Charter. When the terms of the present elected officials expire, they shall be elected in accordance with the provisions of this Charter.

### **Effective Date of Charter**

Section 13.5. If approved by the registered electors of the City, this Charter shall take effect for all purposes, including but not limited to legislative, administrative, fiscal, budgetary and regulatory powers and actions of the City, after certification of the election and immediately upon filing of the Charter with the County Clerk and the Secretary of State in the manner provided by State law.

### **Council Action**

Section 13.6. In all cases involving the transition of the City government from that under the provisions of the previous Charter to that under this Charter, which are not covered by this schedule, the Council shall supply the necessary details and procedures and will adopt such rules, regulations, and ordinances as may be required thereby. All City ordinances, resolutions, orders and regulations that are in force when this Charter becomes fully effective shall remain in effect, provided, that any ordinances are repealed to the extent that they are inconsistent with this Charter.

### **Continuation of Appointive Officers**

Section 13.7. Except as otherwise provided herein, after the effective date of this Charter, all appointive officers and all employees of the City shall continue in City office or employment which they held in the City prior to the effective date of this Charter and they shall be subject in all respects to the provisions of this Charter.

### **Boards and Commissions**

Section 13.8. The present Boards and Commissions now established shall continue under the terms of the Ordinance establishing them. The terms of office of the members of such Boards and Commissions shall continue as established and they shall continue in office until their successors are appointed in accordance with the terms of office established in the Ordinance creating such Boards and Commissions. The Election Commission of the City as presently constituted will choose the election inspectors for the election to consider the adoption of this Charter.

**City of Roosevelt Park  
Charter Commission  
Resolution of Adoption**

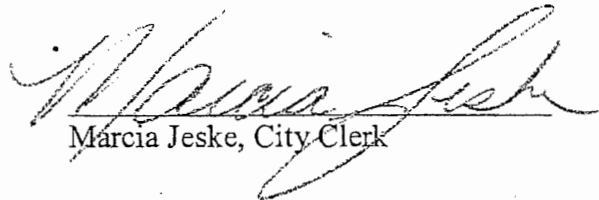
At a meeting of the Charter Commission of the City of Roosevelt Park held on January 26, 2004 at the usual place of meeting of the Commission, the following members of the Charter Commission were present:

Chairman Gail Kunding  
Vice Chairman David Martin  
Charter Commission Members:  
Robert Friel  
Bryan Grover  
Jennifer Hylland  
Bill Ruiter  
Jerry Sauer  
Florence Shriver

At such meeting the following resolution was offered by Commissioner Ruiter and supported by Commissioner Martin and carried.

RESOLVED, that the Charter Commission of the City of Roosevelt Park does hereby adopt the foregoing instrument as the Charter of the City of Roosevelt Park, and the City Clerk of the City of Roosevelt Park is hereby instructed to transmit the same to the Governor of the State of Michigan in accordance with the provisions of Act 279 of the Public Acts of 1909, as amended, for her approval.

9 ayes, 0 nays, 0 absent

  
Marcia Jeske, City Clerk



## City of Roosevelt Park Charter Commission Resolution of Adoption

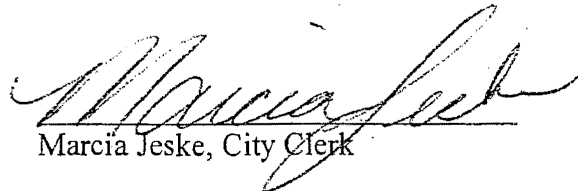
At a meeting of the Charter Commission of the City of Roosevelt Park held on July 28, 2004 at the usual place of meeting of the Commission, the following members of the Charter Commission were present:

Chairman Gail Kundinger  
Vice Chairman Robert Friel  
Charter Commission Members:  
Bill Ruiter  
Jerry Sauer  
Florence Shriver

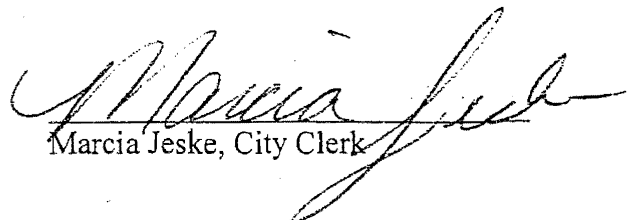
At such meeting the following resolution was offered by Commissioner Ruiter and supported by Commissioner Friel and carried unanimously by roll call vote.

RESOLVED, that the Charter Commission of the City of Roosevelt Park, after reviewing the letter of the Attorney General's office dated July 7, 2004 from Assistant Attorney General George M. Ellworth, Assistant in Charge – Freedom of Information and Municipal Affairs Division, does hereby adopt the foregoing instrument as the Charter of the City of Roosevelt Park, and the City Clerk of the City of Roosevelt Park is hereby instructed to transmit the same to the Governor of the State of Michigan in accordance with the provisions of Act 279 of the Public Acts of 1909, as amended, for her approval and, if approved, submit the Charter to a vote of the qualified electors at an election to be held on November 2, 2004.

5 ayes, 0 nays, 1 absent

  
Marcia Jeske, City Clerk

I hereby certify that the foregoing is a true and complete copy of a resolution duly adopted by the Charter Commission of the City of Roosevelt Park, State of Michigan at a regular meeting held on July 28, 2004 at 6:00 p.m., and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act.

  
Marcia Jeske, City Clerk