

CHARTER
of the
CITY OF ZEELAND

County of Ottawa

Michigan

ADOPTED JUNE 27, 1967
EFFECTIVE JULY 1, 1967

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of the
CITY OF ZEELAND
County of Ottawa
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Members of the Charter Commission:

Randell Dekker, Chairman

Cleo Huizenga

William Vanden Bosch

Vernon Lokers

Kenneth De Jonge

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Corey Van Koevering

Louis Mannes

Leon Van Harn, Clerk

Hannes Meyers, Jr., Legal Advisor

CHARTER

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PREAMBLE

We, the people of the City of Zeeland, Michigan, desirous of maintaining to ourselves, and preserving for and directing to our posterity the priceless heritage and right of self-government, so generously bestowed upon us by Almighty God through the endless efforts and the long labors of our forefathers, do hereby ordain and establish this charter, to the end that Christian ideals and principles may be served in spirit as well as in letter.

CHAPTER 1

BOUNDARIES AND SUBDIVISION OF THE CITY

Boundaries:

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

The South three-quarters ($S-\frac{3}{4}$) of the West three-quarters ($W-\frac{3}{4}$) of the South one-half ($S-\frac{1}{2}$) and the North one-quarter ($N-\frac{1}{4}$) of the West one-half ($W-\frac{1}{2}$) of the Southwest one-quarter ($SW-\frac{1}{4}$) of Section Eighteen (18), and the West three-quarters ($W-\frac{3}{4}$) of the North one-half ($N-\frac{1}{2}$) of Section Nineteen (19), all of Town Five (5) North, Range Fourteen (14) West; and the South three-quarters ($S-\frac{3}{4}$) of the East one-half ($E-\frac{1}{2}$) of the Southeast one-quarter ($SE-\frac{1}{4}$) of Section Thirteen (13), and the North three-quarters ($N-\frac{3}{4}$) of the East one-half ($E-\frac{1}{2}$) of the Northeast one-quarter ($NE-\frac{1}{4}$) in Section Twenty-four all of Town Five (5) North, Range Fifteen (15) West; and a parcel of land situated and being a part of Sections Thirteen (13) and Twenty-four (24), Town Five (5) North, Range Fifteen (15) West, as is described as follows: Commencing at a point where the West line of the East one-half ($E-\frac{1}{2}$) of the East one-half ($E-\frac{1}{2}$) of Section Thirteen (13), Town Five (5) North, Range Fifteen (15) West intersects with the Section

line between Sections Thirteen (13) and Twenty-four (24) of said Township, which said point is the point of beginning; thence North along West line of the East one-half (E- $\frac{1}{2}$) of the East one-half (E- $\frac{1}{2}$) of said Section Thirteen (13) to the South line of the right-of-way of the Chesapeake & Ohio Railway Co., as the same is now located; thence in a Southwesterly direction along the South line of said right-of-way to a point directly North from the Northwest corner of Schuitema's subdivision of part of the Northeast one-quarter (NE- $\frac{1}{4}$) of the Northwest one-quarter (NW- $\frac{1}{4}$) of Section Twenty-four (24), Town Five (5) North, Range Fifteen (15) West, Holland Township, Ottawa County, Michigan; thence South to the Northwest corner thereof; thence South along the West boundary line of said Subdivision to the Southwest corner thereof; thence East to the West line of the East one-half (E- $\frac{1}{2}$) of the East one-half (E- $\frac{1}{2}$) of Section Twenty-four (24), Town Five (5) North, Range Fifteen (15) West; thence North along said line to the point of beginning;

Also, part of Sections Seventeen (17), Eighteen (18), Nineteen (19), and Twenty (20), Zeeland Township, Ottawa County, described as: Beginning at the West one-quarter (W- $\frac{1}{4}$) corner of Section Eighteen (18), thence North to a point one hundred fifty-two (152) feet South of the Northwest corner of the South thirty-five (S-35) rods of the Northwest fractional one-quarter (NW-Frac- $\frac{1}{4}$) of Section Eighteen (18), thence East two hundred (E-200) feet, thence North seventy-five (N-75) feet, thence East two hundred (E-200) feet, thence North parallel with the West line of the Section to the North line of Section Eighteen (18), thence East to a point two hundred fifty (250) feet West of the Northeast corner of Section Eighteen (18), thence South parallel with the East line of Section Eighteen (18), to the center line of Old State Highway M21, thence Northeasterly along the center line of said highway to a point which is four hundred twenty-seven (427) feet West of the North and South one-quarter (N & S- $\frac{1}{4}$) line of Section Seventeen (17), thence South parallel with said North and South one-quarter (N & S- $\frac{1}{4}$) line to the Westerly line of the right-of-way of New State Highway M21, thence Southwesterly along the Westerly line of said right-of-way to the South line of Section Seventeen (17), thence West to a point which is one thousand one hundred thirty (1130) feet East of the Northwest corner of Section Twenty (20), thence South zero (0°) degrees twenty-three (23') minutes West six hundred fifty-six and 75/100 (656.75) feet, thence West to a point which is six hundred fifty-four and 3/10 (654.3) feet South of the Northeast corner of Section Nineteen (19), thence West on the center line of Central Avenue to its intersection with the center line of Goodrich Street, thence South on the center line of Goodrich Street to the extended South line of Lot Ten (10) of Southeast Heights Addition, thence West to the Northeast corner of Lot Seventy-one (71) of Highland Park Addition, thence South to the Southeast corner of Lot Seventy-six of said Highland Park Addition, thence East to the Northeast corner of Lot Fifty-six (56), thence South to the center line of Lincoln Avenue, thence West to the East line of the West three-quarters (W- $\frac{3}{4}$) of the North one-half (N- $\frac{1}{2}$) of Section Nineteen (19) (city limits), thence North to the Northeast corner of the South three-quarters (S- $\frac{3}{4}$) of the West three-quarters (W- $\frac{3}{4}$) of the South one-half (S- $\frac{1}{2}$) of Section Eighteen

(18), thence West to the North and South one-quarter (N & S- $\frac{1}{4}$) line of Section Eighteen (18), thence North to the center of Section Eighteen (18), thence West six hundred eighty-six (W-686) feet, thence South to the North line of the South three-quarters (S- $\frac{3}{4}$) of the West three-quarters (W- $\frac{3}{4}$) of the South one-half (S- $\frac{1}{2}$) of Section Eighteen (18), thence West to the Southeast corner of the North one-quarter (N- $\frac{1}{4}$) of the West one-half (W- $\frac{1}{2}$) of the Southwest one-quarter (SW- $\frac{1}{4}$) of Section Eighteen (18), thence North to the Northeast corner of the North one-quarter (N- $\frac{1}{4}$) of the West one-half (W- $\frac{1}{2}$) of the Southwest one-quarter (SW- $\frac{1}{4}$) of Section Eighteen (18), thence West to beginning; (Annexed, effective June 1, 1962);

Also, part of Sections Nineteen (19) and Twenty (20), Zealand Township, Ottawa County, Michigan, described as: beginning on the East line of the West three-quarters (W- $\frac{3}{4}$) of the North one-half (N- $\frac{1}{2}$) of Section Nineteen (19) at its point of intersection with the Northerly line of the right-of-way of New State Trunk Line Highway M21, thence Easterly and Northeasterly along said line of said right-of-way in Sections Nineteen (19) and Twenty (20) to a point which is six hundred fifty-six and $\frac{75}{100}$ (656.75) feet South zero (0°) degrees twenty-three (23') minutes West from a point one thousand one hundred thirty (1130) feet East of the Northwest corner of Section Twenty (20), thence West to a point on the East line of Section Nineteen (19) which is six hundred fifty-four and $\frac{3}{10}$ (654.3) feet South of the Northeast corner of Section Nineteen (19), thence West on the center line of Central Avenue to its intersection with the center line of Goodrich Street, thence South on the center line of Goodrich Street to the extended South line of Lot Ten (10) of Southeast Heights Addition (a recorded plat), thence West to the Northeast corner of Lot Seventy-one (71) of Highland Park Addition (a recorded plat), thence South to the Southeast corner of Lot Seventy-six (76) of said Highland Park Addition, thence East to the Northeast corner of Lot Fifty-six (56), thence South to the center line of Lincoln Avenue, thence West to the East line of the West three-quarters (W- $\frac{3}{4}$) of the North one-half (N- $\frac{1}{2}$) of Section Nineteen (19), thence South to beginning; (Annexed, effective June 1, 1963);

Also, that part of the Township of Holland, County of Ottawa, State of Michigan, which is described as follows: Commencing at the East one-quarter (E- $\frac{1}{4}$) corner of Section Thirteen (13), Town Five (5) North, Range Fifteen (15) West; thence West along the East and West one-quarter (E & W- $\frac{1}{4}$) line of Section Thirteen (13) to the center line of Jefferson Street; thence South along the center line of Jefferson Street to the South line of the Chesapeake and Ohio Railway Company right-of-way; thence Easterly along the South line of the Chesapeake and Ohio Railway Company right-of-way to the West line of the East one-half (E- $\frac{1}{2}$) of the Southeast one-quarter (SE- $\frac{1}{4}$) of Section (13); thence North along the West line of the East one-half (E- $\frac{1}{2}$) of the Southeast one-quarter (SE- $\frac{1}{4}$) of Section Thirteen (13) to the North line of the South three-quarters (S- $\frac{3}{4}$) of the East one-half (E- $\frac{1}{2}$) of the Southeast one-quarter (SE- $\frac{1}{4}$) of Section Thirteen (13); thence East along the North line of the South three-quarters (S- $\frac{3}{4}$) of the East one-half (E- $\frac{1}{2}$) of the Southeast one-quarter (SE- $\frac{1}{4}$) of Section

Thirteen (13), to the East line of Section Thirteen (13); thence North along the East line of Section Thirteen (13) to the point of beginning; (Annexed, effective September 30, 1965);

Also, that part of the Township of Holland, County of Ottawa, State of Michigan, which is described as follows: Commencing at a point where the center line of Huizenga Street intersects the West line of Section Twenty-four (24), Town Five (5) North, Range Fifteen (15) West; thence Easterly along the center line of Huizenga Street to the East line of Lot One Hundred Ten (110), Huizenga's Subdivision No. Four (4), extended South; thence North along the East line of said Lot One Hundred Ten (110), extended, to the Southwest corner of Lot One Hundred Fourteen (114) of said Subdivision; thence East along the South line of Lot One Hundred Fourteen (114), Huizenga's Subdivision No. Four (4), and along the South lines of lots Eighty-nine (89) and Eighty-eight (88), Huizenga's Subdivision No. Two (2), to the Southeast corner of said Lot Eighty-eight (88); thence North along the East line of said Lot to the Southwest corner of Lot Eighty-seven (87) of said Subdivision; thence East along the South lines of Lots Eighty-seven (87) to Eighty (80), both inclusive, to the Southeast corner of Lot Eighty (80) of said Subdivision; thence North along the East line of Lot Eighty (80) extended, to the center line of Alice Street; thence East along the center line of Alice Street to the center line of 101st Avenue; thence North along the center line of 101st Avenue to the North line of William Street; thence East to the Southwest corner of Schuitema's Subdivision; thence North along the West line of said Subdivision to the Northwest corner thereof; thence North to the South line of the Chesapeake & Ohio Railway Company right-of-way; thence Southwesterly along the South line of the Chesapeake & Ohio Railway Company right-of-way to the West one-eighth (W-1/8) line of Section Thirteen (13), Town Five (5) North, Range Fifteen (15) West; thence South along the West one-eighth (W-1/8) line of said Section Thirteen (13) to the center line of old state trunk line M21; thence Westerly along the center line of old state trunk line M21 to the center line of Paw Paw Drive; thence Southwesterly along the center line of Paw Paw Drive to the West line of Section Twenty-four (24), Town Five (5) North, Range Fifteen (15) West; thence South along the West line of said Section to the point of beginning; (Annexed, effective September 30, 1965);

Also, that part of the Township of Holland, County of Ottawa, State of Michigan, which is described as follows: Commencing at a point where the North line of William Street intersects the center line of 101st Avenue; thence South along the center line of 101st Avenue to the South line of Lot One (1), Huizenga's Subdivision, extended West; thence East along the South line of Lot One (1), Huizenga's Subdivision, extended, and along the South lines of Lots Forty-two (42) and Forty (40) both inclusive, Huizenga's Subdivision No. One (1), to the Southeast corner of Lot Forty (40) of said Subdivision; thence South along the West lines of Lots Thirty-seven (37) and Thirty-six (36), extended, to the center line of Huizenga Street; thence East along the center line of Huizenga Street to the center line of 100th Avenue; thence North along the center line of 100th Avenue to the South line of said Lot Fifty (50), Huizenga's Subdivision No. One (1), extended

West; thence East along the South line of said Lot Fifty (50), extended, to the North and South one-quarter (N & S- $\frac{1}{4}$) line of Section Twenty-four (24), Town Five (5) North, Range Fifteen (15). West: thence North along the North and South one-quarter (N & S- $\frac{1}{4}$) line of said Section to the Southeast corner of Schuitema's subdivision; thence West along the South line of said Subdivision to the Southwest corner thereof; thence Westerly to the point of beginning; (Annexed, effective September 30, 1965);

And also, that part of the Township of Holland, County of Ottawa, State of Michigan, which is described as follows: Commencing at a point on the North line of State Trunk Line Highway M21 which is the Southwest corner of Lot Seventy-two (72), Huizenga's Subdivision No. Two (2), thence East along the North line of State Trunk Line Highway M21 to a point which is two hundred forty-eight (248) feet East of the North and South one-quarter (N & S- $\frac{1}{4}$) line of Section Twenty-four (24), Town Five (5) North, Range Fifteen (15) West; thence North parallel to the North and South one-quarter (N & S- $\frac{1}{4}$) line of said Section to the South Line of Huizenga Street; thence West along the South line of Huizenga Street to the North and South one-quarter (N & S- $\frac{1}{4}$) line of Section Twenty-four (24); thence North along said North and South one-quarter (N & S- $\frac{1}{4}$) line to the Northeast corner of Lot Fifty-one (51), Huizenga's Subdivision No. One (1); thence West along the North line of Lot Fifty-one (51), Huizenga's Subdivision No. One (1), extended, to the center line of 100th Avenue; thence South along the center line of 100th Avenue to the center line of Huizenga Street; thence West along the center line of Huizenga Street; to the East line of Lot Thirty-five (35), Huizenga's Subdivision No. One (1), extended; thence North along the East line of Lot Thirty-five (35), extended, to the Northeast corner of said Lot; thence West along the North lines of Lots Thirty-five (35), Thirty-four (34), Thirty-three (33), and Thirty-two (32), extended, to the center line of 101st Avenue; thence North along the center line of 101st Avenue to the center line of Alice Street; thence West along the center line of Alice Street to the East line of Lot Eighty (80), Huizenga's Subdivision No. Two (2), extended; thence South along the East line of said Lot Eighty (80), extended, to the Southeast corner of said Lot; thence West along the South lines of Lots Eighty (80) to Eighty-seven (87) both inclusive of said Subdivision to the Southwest corner of Lot Eighty-seven (87); thence South along the East line of Lot Eighty-eight (88) of said Subdivision to the Southeast corner thereof; thence West along the South lines of Lots Eighty-eight (88) and Eighty-nine (89) of said Subdivision and along the South line of Lot One Hundred Fourteen (114), Huizenga's Subdivision No. Four (4) to the Southwest corner of said Lot; thence South along the West line of Lot One Hundred Thirteen (113), Huizenga's Subdivision No. Four (4), extended to the center line of Huizenga Street; thence East along the center line of Huizenga Street to the West line of Lot Seventy-two (72), Huizenga's Subdivision No. Two (2), extended; thence South along the West line of Lot Seventy-two (72), extended, to the point of beginning; (Annexed, effective September 30, 1965).

Composition of City:

Section 1.2. The City of Zeeland shall consist of one ward and shall be constituted of the persons residing or domiciled within the territorial boundaries herein specified; of all property, both real and personal, located or having a legal situs therein, and of the public facilities, improvements, and works thereof.

Election Precincts:

Section 1.3. The election precinct of the city shall remain as established on the date that this charter becomes law. The Council shall, by ordinance, when required by law, create, establish, and alter the boundaries of the election precincts of the city.

CHAPTER 2

GENERAL MUNICIPAL POWERS

General Powers of the City:

Section 2.1. It is the intent of the Charter Commission in framing this charter, and of the people of the city in adopting it, to include all the powers, privileges, and immunities, expressed or implied, which cities and their officers are, or hereafter may be, permitted to exercise, under the Constitution and laws of the State of Michigan, within the scope of the powers granted to the City of Zeeland by the provisions of this charter. The city and its officers shall have power to exercise each and all such municipal powers in the management and control of municipal property and in the administration of the municipal government of the city, whether they 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 and the welfare of its inhabitants, subject to the Constitution and general laws of the State and the provisions of this charter.

In addition to the powers possessed by the City of Zeeland under the Constitution and the general laws of the State of Michigan, and those set forth in this charter, the city shall have power with respect to, and may, by ordinance or other appropriate and lawful acts, provide:

1. For the use, regulation, improvement, and control of the surface of its streets, alleys, and public ways, and of the space above and below them;

2. For the use, by others than the owner, of property located in streets, alleys, and public places of the city in the operation of a public utility, subject to any limitations imposed by State law;

3. For a plan of streets and alleys within the city and for a distance of not more than three miles beyond its limits;

4. For the use, control, and regulation of streams, waters, and water courses within its boundaries, subject to any limitations imposed by law;

5. For the installation and connection of sewers and water works on and to property within the city; for assessing the cost thereof to the several properties and making the same a lien thereon;

6. For maintaining the peace within the city, and preventing and punishing the disturbance of any meeting which is assembled for any lawful purpose;

7. For the acquiring, establishment, operation, extension, and maintenance of facilities for the storage and parking of vehicles within its corporate limits, including the fixing and collection of charges for services and use thereof on a public utility basis, and for such purpose to acquire by gift, purchase, condemnation, or otherwise, the land necessary therefor;

8. For the acquisition of the following improvements, including the necessary lands therefor, by purchase, gift, condemnation, lease, construction or otherwise, either within or without its corporate limits and either within or without the corporate limits of the county in which it is located, viz: City hall, police stations, fire stations, boulevards, streets, alleys, public parks, recreation grounds, municipal camps, public grounds, zoological gardens, museums, libraries, airports, cemeteries, public wharves, and landings upon navigable waters, levees and embankments, watch-houses, city prisons and work houses, penal farms, institutions, hospitals, quarantine grounds, electric light and power plants and systems, gas plants and systems, waterworks plants and systems, sewage disposal plants and systems, city dumps, garbage disposal plants or facilities, pounds, community buildings, stadia, convention halls, auditoria, dormitories, hospitals, market houses and market places, office buildings for city officers and employees, public works, and public buildings of all kinds; and for the costs and expenses thereof;

9. For the acquisition by purchase, gift, condemnation, lease, or otherwise of private property, either within or without its corporate limits and either within or without the corporate limits of the county in which it is located, for any public use or purpose within the scope of its powers, whether herein specifically mentioned or not. If condemnation proceedings are resorted to for the acquisition of private property outside the corporate limits of the city, such condemnation proceedings may be brought under the provisions of Act No. 149 of the Public Acts of 1911, as amended or as may be amended, entitled "An act to provide for the condemnation by state agencies and public corporations of private property for the use or benefit of the public and to define the terms 'public corporations,' 'state agencies' and 'private property' as used herein," being sections 213.21 to 213.41 inclusive of the Compiled Laws of 1948, or such other appropriate provisions therefor as exist or shall be made by law;

10. For the maintenance, development, and operation of its property, and, upon the discontinuance thereof, to lease, sell, or dispose of the same subject to any restrictions placed thereupon by law;

11. For regulating, restricting, and limiting the number and locations of oil and gasoline stations;

12. For establishing standards to govern the construction, alteration, equipment, or removal of buildings and structures within the city; the zoning of the city in the manner and for the purpose permitted by law; and, in any zoning ordinance passed or effective in the city, or independently thereof, to regulate and establish the line upon which buildings may be erected on any street, lane, or alley in said city, and to prevent such buildings being erected nearer the street than such line;

13. For the regulation of trades, occupations, and amusements within the city, not inconsistent with State and Federal laws, and to prohibit such trades, occupations, and amusements as are detrimental to the health, morals, or welfare of its inhabitants;

14. For preventing injury or annoyance to the inhabitants of the city from anything which is dangerous, offensive, or unhealthful, and to prevent and abate nuisances and punish those occasioning them or neglecting or refusing to abate, discontinue, or remove the same;

15. For licensing, regulating, and limiting the number and locations of advertising signs or displays and billboards within the city;

16. For establishing, acquiring, and operating airports, either within or without its corporate limits, and for regulating all airports located within its boundaries, and, for the purpose of promoting and preserving the public peace, safety, and welfare, for the control and regulation of the use of the air above the city by aircraft of all types, subject to any limitations imposed by law;

17. For the prohibition or regulation of the use, occupancy, sanitation, and parking of house trailers within the city, and the right of the city to so regulate any house trailer shall not be abrogated because of any detachment thereof from its wheels or because of placing it on, or attaching it to the ground by means of any temporary or permanent foundation, or in any manner whatsoever;

18. For preventing and punishing violations of the Sabbath day, and the disturbance of any religious meeting, congregation, or society, or other public meeting assembled at any time for any lawful purpose; and for requiring all places of business to be closed on the Sabbath day.

Exercise of Powers:

Section 2.2. All powers granted to and possessed by the city shall be exercised as provided in this charter or by State law. Where no procedure is set forth in this charter or in the State law for the exercise of any power granted to or possessed by the city and its officers, the Council may provide a procedure for the exercise thereof by ordinance, or resort may be had to any applicable procedure set forth in any statute of the State of Michigan which has been enacted for the government of any political subdivision of the State or for the exercise of such powers by the State itself.

Intergovernmental Contracts:

Section 2.3. The city shall have power to join with any municipal corporation, or with any number or combination thereof, by contract, or otherwise, as may be permitted by law, for the ownership, operation, or performance, jointly, or by any one or more, on behalf of all, of any property, facility, or service which each would have the power to own, operate, or perform separately.

The city shall have the right to contract with any person or with any other municipal corporation to furnish to property, outside the corporate limits of the city, for an adequate consideration, and within limitations imposed by law, any lawful municipal service which it is furnishing to property within its corporate limits.

Continuation of Rights and Liabilities:

Section 2.4. The adoption and taking effect of this charter shall not discharge, impair, or limit any right vested in or obligation incurred by the City of Zeeland at the time this charter became law.

CHAPTER 3

INTERPRETIVE AND LIMITING PROVISIONS

City Records:

Section 3.1. All records of the city shall be public, shall be kept in city offices except when required for official reasons or for purpose of safekeeping to be elsewhere and shall be available for inspection at all reasonable times.

Tense:

Section 3.2. 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 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.

Number and Gender:

Section 3.3. As used in this charter, every word importing the singular number only may extend to and embrace the plural number, and every word importing the plural number may be applied and limited to the singular number. Every word importing the masculine gender only shall be extended and applied to the feminine as well as the masculine gender.

Definitions:

Section 3.4. (a) The word "person" may extend and be applied to bodies corporate and politic and to partnerships, associations, and joint adventures, as well as to individuals;

(b) The words "printed" and "printing" shall include reproductions by printing, engraving, stencil duplicating, lithographing, or any similar method of reproducing or recording language;

(c) Except as otherwise provided or permitted in this charter or by State law, the terms "publication," "publish," and "published" shall mean publication in a newspaper which is printed, pub-

lished, and circulated within the city and which is qualified by law to publish legal advertisements;

(d) The words "statute" and "State law" shall mean the statutes and laws, including the Constitution, of Michigan;

(e) Except in reference to signatures, the words "written" and "in writing" shall include printing, typewriting, and teletype and telegraphic communications.

Headings:

Section 3.5. 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.

No Estoppel by Representation:

Section 3.6. No official of the city shall have power to make any representation or recital of fact in, or which may be deemed to constitute a part of, 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.

Effect of Illegality of Any Part of Charter:

Section 3.7. 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 part of the charter, except that specifically affected by such holding.

Amendments:

Section 3.8. 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 any two or more amendments, adopted at the same election, have conflicting provisions, the one receiving the largest affirmative vote shall prevail as to those provisions.

CHAPTER 4

GENERAL PROVISIONS AFFECTING OFFICERS OF THE CITY

Officers to be Elected:

Section 4.1. The elective offices and officers of the city shall be a Mayor, six Councilmen, an Assessor, and two Justices of the Peace. The Council shall set the compensation of each elective office, the compensation of which is not fixed by this charter. Such compensation shall be fixed for each term of office not later than thirty days before the final date for filing nomination petitions prior to each regular election at which the office is to be filled: Provided, that if the Council does not act within the time so limited, the compensation thereof shall remain as last fixed by the Council.

Officers to be Appointed:

Section 4.2. The appointive offices and officers of the city shall be a Treasurer, a Clerk, a City Superintendent, a City Attorney, a Police Chief, a Fire Chief, a Health Officer, one Constable, the members of the Board of Review, the members of the Nominating Commission, the members of the Board of Public Works, and other boards and commissions of the city which are created by or under the authority of this charter or State law. Upon the recommendation of the Mayor, and to assure the proper administration of city affairs, the Council may create additional appointive offices and officers of the city, or may combine any appointive offices, in any manner not inconsistent with State law, and prescribe the duties thereof: Provided, that no such combination of offices shall include the Board of Review or the Board of Public Works; neither shall the members of such boards be eligible for or hold any other city office. The Council shall set the compensation of all appointive officers, within and subject to budget appropriations.

City Employees:

Section 4.3. All personnel employed by the city, who are not elected officers or declared to be appointive officers by or under authority of this charter, shall be deemed to be employees of the city.

Eligibility for Office in the City:

Section 4.4. Except as otherwise provided in this charter, an elector of the city shall be eligible to hold elective or appointive

office if he shall be a resident of the city, or of the township in case of residency in an annexed area, for two years, and shall not be in default to the city, the County of Ottawa, or to the school district located within the city. In the case of appointive officers, the Council may, by a two-thirds vote, waive the requirement of residence in the city at the time of appointment: Provided, that each person for whom such requirement is waived shall become a resident of the city within ninety days following his appointment and shall remain a resident of the city during the entire time that he shall hold office in the city government. Failure so to become an elector of the city and thereafter to be a resident of the city shall create a vacancy in the office to which any such person was appointed.

Election of Mayor, Assessor and Justices of the Peace:

Section 4.5. (a) At each regular city election held in odd numbered years, there shall be elected a Mayor, who shall hold office for a term of two years, commencing on and dating from the second meeting of the Council in April following the date of such election.

AMENDED (b) At each regular city election held in even numbered years there shall be elected an Assessor, who shall be elected from the city at large and shall hold office for a term of two years, commencing on and dating from the first day of July next following the date of such election.

(c) The provisions of the general law of the State of Michigan relating to the time and manner of electing Justices of the Peace shall apply to Justices of the Peace of the city. No one shall be eligible for the office of Justice of the Peace who on the last day for filing nominating petitions has attained the age of 70 years.

Certain Elective Officers Ineligible:

Section 4.6. No elective officer shall be eligible for appointment to any office or employment of the city, until one year has elapsed following the term for which he was elected or appointed to such office, except as otherwise provided in this charter.

Vacancies in Office:

Section 4.7. Any city office shall become vacant before the expiration of the term of such office for any one or more of the following reasons:

(a) The occurrence of any event or the doing of any act specified by State law to create a vacancy;

(b) Removal from office by the Governor of Michigan;

(c) The absence from the city of any officer continuously for more than sixty days without permission of the Council;

(d) In the case of the Mayor and Councilmen, absence from four consecutive regular meetings of the Council or from twenty-five per cent of such meetings in any fiscal year of the city, unless such absence shall be excused by the Council at the time it occurred and the reason therefor entered in the proceedings of the Council;

(e) Assumption by the officer of any office which is incompatible with the city office held by him.

Removals by Council:

Section 4.8. The Council may remove any elective officer of the city for any one or more of the following reasons:

(a) When, after a hearing thereon, it shall be satisfied from sufficient evidence submitted to it that such officer has failed to perform the duties of his office for ninety days because of physical or mental disability;

(b) When it shall be satisfied from sufficient evidence submitted to it that such officer has been guilty of official misconduct, wilful neglect of, or gross inefficiency in the performance of his duties as an officer of the city. The Council shall take no action under this provision upon any charges against any officer of the city, until certified copies of such charges and of all supporting affidavits and exhibits have been personally served upon such officer and an opportunity, after at least fifteen days notice, given him to be heard in his defense. No officer who has been removed from office under authority of this provision shall be eligible to election or appointment to any city office for a period of three years from the date of such removal.

Resignations:

Section 4.9. Resignations of elective officers, and the City Attorney 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 the City Attorney, shall be made in writing to the Mayor

and shall be immediately acted upon by him. The Mayor shall announce the resignation of any such officer of the city to the Council at its next meeting subsequent to the receipt of such resignation by him and shall report his action thereon.

Recall:

Section 4.10. 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.

Filling Vacancies:

Section 4.11. If a vacancy occurs in any elective office, the Council shall, within thirty days after such vacancy occurs, appoint a person who possesses the qualifications required of holders of said office until the first meeting of the Council following the meeting of the Board of Canvassers to canvass the votes of the next city election and for the balance of the term in the case of the City Attorney. In the event that a vacancy occurs on the Council within thirty days prior to a regular city election, such vacancy shall not be filled by the Council until the first meeting after its organization meeting following such election.

If a vacancy occurs in any appointive office, such vacancy shall be filled, within thirty days thereafter, in the manner provided for making the original appointment.

Term of Office Cannot Be Shortened or Extended:

Section 4.12. Except by procedures provided in this charter, the terms of the elective 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 elective officer of the city shall, after his term has expired, continue to hold office until his successor is elected or appointed, and has qualified.

Increase or Decrease of Compensation:

Section 4.13. The Council shall not grant or authorize extra compensation to any city officer, elective or appointive, to any employee, agent or contractor, after the service has been rendered or the contract entered into. Nor shall the salary of any officer, elective or appointive, be increased or decreased after his election or appointment during any fixed term of office for which he was elected or appointed.

Oath of Office and Bond:

Section 4.14. Every officer, elected or appointed, and each of such employees as the Council shall designate, before entering upon his office or employment, shall take the oath prescribed by section 1 of Article XI of the Constitution of the State of 1963 and shall file the same with the Clerk, together with any bond which he may be required by statute, this charter or by the Council to give. In case of failure to comply with the provisions of this section within ten days from the date of his election or appointment, 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.

Surety Bonds:

Section 4.15. Except as otherwise provided in this charter, the Council may require any officer or employee to give or fulfil the requirements for a bond, to be approved by the Council, conditioned upon the faithful and proper performance of the duties of the officer or employment concerned, in such sum as the Council shall determine. All such officers or employees who receive, distribute, or are responsible for the city funds shall be bonded. The resignation, removal, or discharge of any officer or employee, or the appointment of another person to such office or employment, shall not exonerate such officer or employee or any sureties of such officer or employee from any liability incurred by such officer, employee, or sureties. All official bonds shall be corporate surety bonds and the premiums thereon shall be paid by the city. Bonds required by this section shall not be renewed upon the expiration of the terms for which issued, but, in each case, new bonds shall be furnished. No official bond shall be issued for a term exceeding three years. The bonds of all officers and employees shall be filed with the Clerk, except that of the Clerk himself, which shall be filed with the Treasurer.

Business Dealings with City:

Section 4.16. An officer of the city, who intends to have business dealings with the city, either directly or indirectly, whereby he may acquire from the city an income or benefits other than that provided as remuneration for his official duties, shall file with the Clerk a statement, under oath, setting forth the nature of his interest therein and that his participation therein is to the general welfare of the city; such statement shall be transmitted to the Council by the City Clerk at the first regular meeting of the Council following the filing of the same with his office.

Giving of Surety Forbidden:

Section 4.17. No officer of the city shall give recognizance or give or become surety. Any officer who shall violate the provisions of this section shall be guilty of misconduct in office.

Delivery of Office and Its Effects by Officer to His Successor:

Section 4.18. Whenever any officer or employee shall resign, or be removed from office, or the term of office for which he has been elected or appointed has expired, he shall, on demand deliver to his successor in the office or to his superior, all books, papers, moneys, and effects in his custody which were necessary to or which were obtained as a part of, or were necessary to the performance of his duties as such officer or employee. Any person violating this provision shall be deemed guilty of a misdemeanor, and may be prosecuted therefor in the same manner as public officers generally for the like offense under the general laws of the State. Every officer and employee of the city shall be deemed an officer within the meaning and provisions of such general laws of the State for the purpose of this section.

CHAPTER 5

THE CITY COUNCIL

City Governing Body:

Section 5.1. All legislative or policy forming powers of the city shall be vested in, exercised, and determined by the City Council consisting of the Mayor and six Councilmen who are elected from the city at large. In all cases where the word Council is used in this charter, the same shall mean the City Council of the City of Zeeland and shall be synonymous with any term employed in any State or Federal law referring to legislative or governing bodies of cities. Members of the Council shall be known and designated as Councilmen.

Election and Terms of Office:

Section 5.2. At each regular city election there shall be elected two Councilmen. Each such Councilman shall be elected to serve for a term of three years, which term shall commence on and date from the second meeting of the Council in April following the date of the regular city election at which he is elected.

Judge of Qualifications of Members:

Section 5.3. The Council shall be the judge of the eligibility and qualifications of its own members, subject only to review by the courts.

Remuneration of Mayor and Members of the Council:

Section 5.4. The Mayor shall be compensated for his service to the city at the rate of three hundred dollars per annum and each Councilman shall be compensated for his service to the city at the rate of two hundred dollars per annum. Such compensation shall be paid annually in each case, during the month of March, and, except as otherwise provided in this charter, shall constitute the only compensation which may be paid to the Mayor and to members of the Council for the discharge of any official duty for or on behalf of the city during their terms of office.

Upon authorization of the Council, reasonable expenses may be allowed to its members when actually incurred on behalf of the city.

Functional Duties of the Mayor:

Section 5.5. (a) Insofar as required by law, and for all ceremonial purposes, the Mayor shall be recognized as the executive head of the city and shall preside over all meetings of the Council and preserve order thereat and shall have and exercise all powers granted to Mayors of cities by State law and by this charter.

(b) He shall be a conservator of the peace, and may, in the event of emergency or disaster, 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 have an equal voice and vote with other members of the Council upon all matters before the Council for consideration, but shall not have the power of veto.

(d) The Mayor shall appoint all of the administrative officers of the city, by and with the advice and approval of the Council.

(e) The Mayor shall have power to remove all administrative officers of the city appointed by him: Provided, that any such removal from office shall be effective only when approved by resolution of the Council. Each appointive officer of the city shall hold

office until his successor is appointed and has qualified for such office as in this charter provided and required.

(f) The appointive administrative officers of the city, except the City Attorney, the Board of Review, and the Board of Public Works, shall, in the performance of their duties as the holders of such offices, serve under the direction of the Mayor as the administrative representative of the Council and shall report and be responsible to him. Neither the Council nor any member thereof shall give orders as to the performance of his duties to any such officer or to his subordinates, either publicly or privately.

(g) 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.

Selection of Mayor Pro Tem:

Section 5.6. The Council shall, at its first regular meeting, following each regular city election, select one of its members 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 shall succeed to the office of Mayor in the case of vacancy in that office. The Mayor Pro Tem shall preside over the meetings of the Council during the absence of the Mayor, and at the call of the Mayor. In the event that a vacancy occurs in the office of Mayor Pro Tem, through advancement to the office of Mayor, or otherwise, the Council shall appoint one of its elected members to fill such vacancy. Until such time as the Council shall so appoint a Mayor Pro Tem, the line of succession of persons who shall act as Mayor shall be according to seniority in continuous service as members of the Council. In the event that two or more persons shall have equal seniority as members of the Council, such line of succession shall be according to the alphabetical order of their surnames.

Meetings of the Council:

Section 5.7. (a) The Council shall provide by resolution for the time and place of its regular meetings and shall hold two regular meetings each month: Provided, that no change shall be made in the time or place of its regular meetings, until after ten days following publication of notice of such change. 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 shall be held at the regular meeting place of the Council. Special meetings of the Council shall be called by the Clerk on the written request of the Mayor or any two Councilmen, on at least six hours written notice to each member of the Council, designating the time, and purpose of such meeting and served personally or left at his usual place of residence by the Clerk or someone designated by him. Notwithstanding the foregoing requirement for the calling of special meetings, any special meeting of the Council shall be a legal meeting when all members of the Council are present. In the event that one or more of the members may be absent from any special meeting and such member or members have waived, in writing the requirement that notice shall be given at least six hours prior to the time specified for the holding of such meeting, such 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, other than the enactment of an ordinance, any business which may lawfully come before a regular meeting may be transacted at a special meeting if all of the members of the Council present consent thereto, and all of the members absent file their written consent.

(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) Four 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, any number of members less than a quorum may adjourn any regular or special meeting to a later date.

(f) Except in those cases where a larger majority is required by state law or the provisions of this charter, no ordinance or resolution shall be adopted or passed; nor shall any appointments be made, nor any person removed from office, as required or permitted by this charter, except by the affirmative vote of at least four members of the Council.

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

(h) The Council shall provide by resolution for such standing committees of the Council as shall be required for the proper conduct of the duties and functions of the Council.

(i) The Mayor and each Councilman shall be required to attend all meetings of the Council. The Council may compel the attendance of its members and other officers of the city at its meetings, and may prescribe and enforce such fines for nonattendance, in such manner as it may, by ordinance, prescribe. 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 Police Chief, or such other person as the Council shall designate, shall serve as the Sergeant-at-Arms of the Council in the enforcement of the provisions of this section and of Section 5.5 (a) of this chapter.

(j) Except as otherwise provided in this charter, each member of the Council shall vote on each question before the Council for a determination, unless excused therefrom by a vote of at least four of the members of the Council.

Public Health and Safety:

Section 5.8. 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, health, and recreation, and for the safety of persons and property.

Health:

Section 5.9. The Council shall constitute the Board of Health of the city, and shall possess all powers, privileges, and immunities granted to boards of health by State law. The Mayor shall be chairman of the Board of Health, the Health Officer shall be its executive officer and the City Clerk its secretary. All actions taken by the Council in the exercise of the powers herein conferred shall be deemed to be actions in its capacity as the Board of Health.

Licenses:

Section 5.10. 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 as it may deem proper for the granting and continuing of such licenses.

Publication:

Section 5.11. In the event that no newspaper shall be printed, published, and circulated in the city, the Council may determine that such publication may be made in a newspaper which is of general circulation in the city, or that such publication may be made by posting in the office of the Clerk and in five other places in the city. In case publication is made by posting, a notice of such posting, setting forth, by a description thereof, the purpose or nature of the notice, ordinance, or proceeding posted, and the location of the place where posted, shall be published at least once in a newspaper, which is of general circulation in the city, within seven days after such posting was done.

Cemetery Regulations:

Section 5.12. The Council shall have power to enact all ordinances deemed necessary for the establishment, maintenance, and protection of cemeteries, together with improvements thereon and appurtenances thereto, owned or hereafter acquired by the city either within or without its 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 or religious society, or any corporation, company, or association. The Council may provide by ordinance that any bodies buried within the city, in violation of any rule or ordinance made in respect to such burials, be taken up and reburied in such a manner as shall conform to the ordinances of the city.

Streets, Alleys, and Public Places:

Section 5.13. The city shall have and exercise the reasonable control of its streets, alleys, and public places. Except insofar as limited by State law and the provisions of this charter, the Council shall have power to establish, vacate, use, 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; 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 such streets, alleys, and public places of the city; and the licensing and regulation of the construction and use of openings in its streets, and alleys, and the sidewalks thereof, and all vaults, structures, and excavations under the same. When the Council shall deem it advisable to vacate, discontinue, or abolish any public place, street, or alley, or any

part thereof, it shall, by resolution, so declare and, in such resolution, shall appoint a time, not less than thirty days thereafter, when the Council shall meet and hear objections thereto. Notice of such hearing and of the purpose thereof shall be published not less than once in each of the three calendar weeks preceding such hearing. If any such objection is made, such public place, street, or alley, or part thereof, shall not be vacated, discontinued, or abolished, except by the affirmative vote of five members of the Council.

Gifts and Trusts:

Section 5.14. The Council may, in its discretion, receive and hold any gift or bequest made to the city or any officer, board or department thereof for any municipal purpose and shall apply the same in accordance with the terms and conditions, if any, of such gift and may, by contract or otherwise, if permitted by or consistent with the terms of the gift or bequest, transfer any such gift or bequest to or permit such gift or bequest to remain in the hands of any person, group of persons, or corporation to administer the same for the benefit of the city in accordance with the terms and conditions of such gift or bequest.

Rights as to Property:

Section 5.15. 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 Ottawa, property of every type and nature which may be required for or incidental to the present or future exercise of the purposes, powers, and duties of the city government established in this charter.

City Contracts and Purchases:

Section 5.16. The Council shall be responsible for the control of letting and making of contracts and shall provide by ordinance the necessary procedures governing purchasing and making of contracts. Such ordinance shall specify an amount below which and the purposes for which purchases may be made by the city administration, either without specific authorization of the Council, or without the necessity of formal competitive bidding, or both. The Council, in its discretion, shall have the right to reject any and all bids for work or for the furnishing of materials for the city.

Restrictions on Powers of the Council:

Section 5.17. 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 park, cemetery, or any part thereof, except where such park is not required under an official master plan of the city, or to engage in any business enterprise requiring an investment of money in excess of ten cents per capita, unless approved by three-fifths of the electors voting thereon at any general or special election.

Investigations:

Section 5.18. The Council, or any committee authorized by it for the purpose, shall have the power to inquire into the conduct of any department, office, or officer of the city and to make investigations as to municipal affairs, and for that purpose may summon officers and employees of the city to appear before the Council or such committee of the Council to give information under oath pertinent to such inquiry, administer oaths, and require the production of books, papers, and other evidence. Any officer or employee of the city who shall fail or refuse to obey such summons or to produce books, papers, or other evidence as ordered or required to be produced under the provisions of this Section, shall on conviction thereof in any court of competent jurisdiction, be subject to a fine of not more than one hundred dollars, or imprisonment for not more than ninety days, or both, in the discretion of the court.

CHAPTER 6

CITY LEGISLATION

Status of Charter:

Section 6.1. This charter shall constitute the basic law of the City of Zeeland, subject only to the Constitution and general laws of the State of Michigan and of the United States of America.

Prior Legislation Preserved:

Section 6.2. All ordinances, resolutions, rules and regulations of the City of Zeeland, which are not inconsistent with the provisions of this charter and which were in force and effect on the effective date of this charter shall continue in full force and effect until repealed or amended. Those provisions of any ordinance, resolution, rule or regulation which are inconsistent with this charter are hereby repealed.

City Legislation Defined:

Section 6.3. All legislation of the City of Zeeland, other than this charter, shall be by resolution or by ordinance. The word "resolution" as used in this charter shall be the official action of the Council in the form of a resolution or a motion, which does not constitute an ordinance or a step in the adoption of an ordinance, 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.

Ordinance Enacted:

Section 6.4. 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 Zeeland Ordains." Except in the case of any ordinance which the Council, with the approval of not less than five of its members, has voted to be an emergency ordinance, no ordinance shall be finally passed by the Council until at least two weeks have elapsed following the introduction thereof. Any ordinance of the city may be repealed by reference to its number and title. The section or sections of any ordinance which is revised, altered, or amended shall be reenacted, and published at length. 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.

Publication of Ordinances:

Section 6.5. Each ordinance passed by the Council shall be published, at least once after its adoption by the Council, before it shall become operative. The date upon which an ordinance shall become operative shall be specifically provided in the ordinance itself. When the ordinance imposes a penalty, unless such ordinance be declared to be an emergency ordinance by the Council, in which case the operative date shall be the date of publication, such operative date shall not be less than twenty-one days from the date of its publication. Publication of any ordinance as required herein may be accomplished by publication of such ordinance, after its final passage, as a part of the published proceedings of the Council.

Penalties:

Section 6.6. Each person who is found, by a court of competent jurisdiction, to be guilty of any violation of this charter or of misconduct in office, shall be subject to a fine which shall not exceed five hundred dollars or to imprisonment for not more than ninety days, or to both such fine and imprisonment, in the discretion of the court.

The Council may provide in ordinances passed by it for the punishment of violations thereof. No punishment for the violation of any ordinance shall exceed a fine of five hundred dollars or imprisonment for ninety days, or both, in the discretion of the court.

Imprisonment for the violation of this charter or of any city ordinance, or for misconduct in office, may be in the county jail or city jail, or in any work house of the State authorized by law to receive prisoners of the city.

Time Limit for Prosecution of Ordinance Violations:

Section 6.7. Prosecutions for violations of the ordinances of the city shall be commenced within two years after the commission of the offense.

Proceedings for Prosecution of Ordinance Violations:

Section 6.8. Except as the same may be inconsistent with or otherwise provided in Chapter 8 of this charter, all proceedings relative to the arrest, custody, and trial of persons accused of violation of the provisions of the laws and ordinances of the city, shall be governed by, and conform to, as nearly as may be, the provisions of law relating to the proceedings in criminal cases cognizable by justices of the peace.

Technical Codes:

Section 6.9. The Council may adopt, as a city ordinance, any provision of State law or any detailed technical code or set of regulations which has been promulgated by the State of Michigan, or by departments, boards, or agencies thereof, or by any organization or association which is organized and conducted for the purpose of developing any such code or set of regulations, by reference thereto in any adopting ordinance and without publishing such technical code or set of regulations in full: Provided, that such code or set of regulations is fully identified in said ordinance and that the purpose of said code or set of regulations shall be published with the adopting ordinance and that printed copies thereof are kept in the office

of the Clerk, available for distribution to the public at all times. Such publication shall contain notice to the fact that a complete copy of said code or set of regulations is available for public use and inspection in the office of the Clerk.

Compilation or Codification:

Section 6.10. (a) Copies of all ordinances enacted and amendments to the city charter adopted after the effective date of this charter shall be available at the office of the Clerk.

(b) Within two years after the adoption of this charter, and at least once in every ten years thereafter, 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. The placing of not less than two hundred printed copies of such compilation or code in the office of the Clerk for public inspection and distribution shall constitute publication of such compilation or code. No further publication of any such compilation or codification of the ordinances of the city shall be required for the validity thereof. In case the codification or compilation shall have been maintained current and up-to-date during any ten-year period, no recompilation or recodification of the ordinances of the city shall be required during or at the end of such period.

(c) 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.

Initiative and Referendum:

Section 6.11. An ordinance may be initiated, or a referendum on an ordinance enacted by the Council may be had by a petition, as hereinafter provided.

Petitions:

Section 6.12. A petition initiating an ordinance, or requesting a referendum on an ordinance, shall be signed by not less than fifteen per cent of the number of electors of the city who voted for governor of the State of Michigan at the last fall election held in the state. Before being circulated for signatures, all such petitions shall be approved as to form by the City Attorney. 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 name

and shall place thereon, after his name, the date and place of his residence by street and number, or by other customary designation. To each petition paper there shall be attached a sworn affidavit 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 days, canvass the signatures thereon to determine the sufficiency thereof. No signature on any petition initiating an ordinance or requesting a referendum on an ordinance shall be counted in the canvass thereof which was signed more than six months prior to the date on which such petition was filed with the Clerk, or in case the date following such signature has been altered in any manner. If any such petitions shall be found to contain an insufficient number of signatures of registered electors of the city, or to be improper as to form or not to be in compliance with the provisions of this section, the Clerk shall notify the person filing such petition forthwith, and ten days from such notification shall be allowed for the filing of supplemental petition papers. When found sufficient and proper, the Clerk shall certify such fact on the petition or not less than one paper thereof, indicating the date and time of such certification, and shall present the petition to the Council at its next regular meeting.

Council Procedures:

Section 6.13. Upon receiving a petition initiating an ordinance or requesting a referendum on an ordinance from the Clerk, the Council shall, within thirty days, either:

(a) If it be an initiatory petition, adopt the ordinance as submitted in the petition, or submit the proposal to the electors of the city and provide for the holding of the election thereon; or

(b) If it be a referendary petition, repeal the ordinance to which the petition refers or submit the proposal to the electors of the city and provide for the holding of the election thereon.

Submission to Electors:

Section 6.14. Should the Council decide to submit the proposal to the electors in either case, it shall be submitted at an election to be held not less than forty days, nor more than ninety days, after the date of action thereon by the Council: Provided, that, if any election, other than a school election, is to be held, in the city, for any purpose whatsoever, within one hundred and twenty days after such action by the Council, such proposal shall be submitted to the electors of the city at such election. If such proposal must be

submitted at a special election, and no such election may be held in the city because of any limitation thereof imposed by law, then such proposition shall be submitted to the electors of the city at the next election other than a school election, held in the city for any purpose whatsoever. 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 6.15. The certification by the Clerk of the sufficiency of a petition for referendum within thirty days after the publication 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.

Status of Initiatory Ordinance:

Section 6.16. An ordinance adopted through initiatory proceedings may not be amended or repealed by the Council for a period of two years after the date of the election at which it was adopted. Should two or more ordinances, adopted at the same election, have conflicting provisions, the one receiving the highest vote shall prevail as to those provisions.

CHAPTER 7

THE ADMINISTRATIVE SERVICE

Administrative Officers:

Section 7.1. The administrative officers of the city shall be the City Superintendent, Clerk, Treasurer, Assessor, City Attorney, Health Officer, Chief of Police, Fire Chief, members of the Board of Review, members of the Board of Public Works, and such additional appointive officers as shall be provided for by or under the authority of this charter or State law.

Appointments by the Mayor:

Section 7.2. The Police Chief, the Fire Chief, and the Health Officer shall be appointed by the Mayor, with the advice and approval of the Council. Such officers shall serve under the direction of and until removed by the Mayor.

AMENDED

Appointments by the Council:

Section 7.3. The Council shall appoint the City Superintendent, the Clerk, the Treasurer and the City Attorney, who shall serve until removed by the Council.

Appointments by the City Superintendent:

Section 7.4. With the advice and consent of the Council, the City Superintendent shall appoint such officers and employees, other than officers which are required to be otherwise appointed by this charter, as shall be designated for appointment or employment by him by resolution or ordinance of the Council. Officers and employees of the city who are appointed by the City Superintendent shall serve under his direction and shall be subject to removal by him.

Review of Continuation of Appointive Officers:

Section 7.5. The continuance in office of each appointive officer of the city shall be reviewed by the authority appointing him, at the first meeting of the Council in the month of May of each year.

Functions of the Clerk:

Section 7.6. (a) The Clerk shall be the clerk of the Council and shall attend all its meetings and keep a permanent journal, in the English language, of every session of the Council;

(b) He shall keep a record of all ordinances, resolutions, and actions of the Council, which record shall be public;

(c) He shall have power to administer all oaths required for municipal purposes, by State law, this charter, and the ordinances of the city;

(d) He shall be custodian of all papers, documents, surety bonds, and records pertaining to the City of Zealand, the custody of which is not otherwise provided for by this charter;

(e) He shall be custodian of the city seal and shall affix it to all documents and instruments requiring the seal of the city, and shall attest the same;

(f) He shall give ample notice to the proper officials of the city of the expiration or termination of any franchise, contract, or agreement to which the city is a party, and to city officers personally of the expiration of any official bonds required of them;

(g) He shall certify, by his signature, all ordinances and resolutions enacted or passed by the Council;

(h) Except as otherwise provided in this charter or by city ordinance, he shall be the recording clerk of the boards of the city and shall attend all their meetings and keep a permanent journal in the English language of every session thereof;

(i) He shall issue all licenses required to be issued by the ordinances of the city;

(j) He shall be the chief elections officer of the city;

(k) He shall keep and shall be the custodian of the books of account of the assets, receipts, and expenditures of all departments of the city;

(l) With the advice and approval of the Council, he shall prescribe a method of keeping accounts for all departments and offices of the city, which method shall be uniform as near as practicable and shall conform to the laws of the State;

(m) He shall examine and verify all accounts and claims against the city, except claims for unliquidated damages. He shall not sign any draft, check, or warrant, until he has verified the correctness of the account for which the same is issued. He shall not allow the payment of any account unless the money has been appropriated therefor; nor shall he sign any draft, check, or warrant for any account against the city, unless sufficient money is in the fund against which it is drawn;

(n) He shall examine and verify all books of account of the Treasurer and of the Justices of the Peace of the city at least once each month. At the end of each fiscal year, and at any other time, upon the direction of the Council, he shall examine and verify all books of account kept by each officer, board, or department of the city.

(o) He shall perform such other duties as may be prescribed for him by State or Federal law and this charter.

Functions of the Treasurer:

Section 7.7. (a) The Treasurer shall have custody of all moneys of the city, and all evidences of value belonging to the city, or held in trust by the city;

(b) He shall receive and collect all moneys belonging to and receivable by the city, including license fees, taxes, assessments, and all other charges belonging to and payable to the city, and shall, in all cases, give a receipt therefor;

(c) He shall keep and deposit all moneys or funds of the city in such manner and only in such places as the Council may determine and shall report the same in detail to the Clerk;

(d) He shall perform such other duties as may be prescribed for him by State or Federal law, this charter, and by the ordinances or resolutions of the Council.

Deputies of the Clerk and Treasurer:

Section 7.8. The Clerk and the Treasurer may appoint their own deputies, subject to confirmation by the Council. The Clerk and the Treasurer may terminate the status of their deputies at their pleasure, upon written notice to the Mayor. Such deputies shall, in each case, possess all the powers and authorities of their superior officers, except as the same may be from time to time limited by their superiors or by the Council. Deputies need not be residents of the city.

Functions of the Assessor:

Section 7.9. (a) The Assessor shall possess all the powers vested in, and shall be charged with all the duties imposed upon assessing officers by State law;

(b) He shall make and prepare all regular and special assessment rolls in the manner prescribed by this charter, the ordinances of the city, or by State law;

(c) He shall create and maintain a card index file of all lots and parcels of land in the city. Such index shall set forth, for each lot or parcel of land, the legal description thereof and all information pertaining thereto and the improvements thereon which is pertinent to the valuation thereof. Such card index file shall be corrected annually to show the status of property in the city on tax day;

(d) He shall perform such other duties as may be prescribed for him by State or Federal law and this charter.

Functions of the City Attorney:

Section 7.10. The City Attorney shall be the corporate counsel of the city. He shall give his opinion in writing when requested to do so by the Council or by the Mayor. He shall act as attorney for the city in actions or hearings in all courts and before all legally constituted tribunals or commissions whenever the city is a party there-to or requires legal representation. He shall prepare or officially pass upon, in writing, before execution, all contracts, franchises, bonds, or other instruments in which the city is concerned. The Council shall set his compensation for the normal duties of the office of City Attorney which may be in the form of a salary or an hourly rate, or a combination thereof. The Council may pay additional special compensation for extraordinary or special undertakings, provided the special compensation is agreed to by the Council and the City Attorney before the service for which such special compensation is to be paid has been rendered.

Special Legal Counsel:

Section 7.11. The Council may retain and compensate special legal counsel in relation to any special project, undertaking, or litigation. Such counsel may be employed to work independently in the special matter or in cooperation with or as assistant to the City Attorney.

City Superintendent:

Section 7.12. The City Superintendent shall be responsible to the Council for all matters relating to the construction, management, maintenance, and operation of the physical properties and services of the city, except such as shall be placed with such other officer, or agency of the city, by virtue of the terms of this charter, by city ordinance or resolution of the Council. He shall also be responsible to the Council for all planning in connection with any changes in, improvements of, or additions to such properties or services as are required to meet the needs of the city and its inhabitants, except that planning which pertains solely to the electric and water utilities of the city.

City Police:

Section 7.13. Members of the police force of the city shall be appointed by the Police Chief, with the advice of the Mayor and approval of the Council. The Police Chief and his subordinates shall have and exercise all the immunities, privileges, and powers of police officers under the common law, statutes of the State, and the ordinances of the city, for the preservation of quiet, good order, and for the safety of persons and property in the city.

Fire Fighting and Prevention:

Section 7.14. Members of the fire fighting and prevention force of the city shall be appointed by the Fire Chief with the advice of the Mayor and approval of the Council. The Fire Chief and his subordinates shall be responsible for the use, care, and management of the city's fire fighting apparatus and property and shall conduct such supervisory and educational programs within the city and with its inhabitants and industrial and business interests as will diminish the risk and potentiality of fires within the city. The Fire Chief, or any person lawfully acting in his stead, may command any person present at a fire to aid in the extinguishment thereof and to assist in the protection of property thereat. If any person shall wilfully disobey any such lawful requirement or other lawful order of any such officer, he shall be deemed guilty of a violation of this charter, which charter constitutes the governing law of the City of Zeeland, and shall be subject to punishment therefor as in this charter provided. The chief executive officer of the fire forces of the city, or any person lawfully acting in his stead, with the concurrence of the Mayor, or of any two Councilmen, may cause any building to be pulled down or destroyed, when deemed necessary in order to arrest the progress of fire. Reimbursement by the city for the cost of any such building to persons having an interest therein shall be made in the manner provided by Section 11 of Chapter XXIX of Act No. 215 of the Public Acts of 1895, which section, insofar as it establishes the procedure for such reimbursement, is hereby adopted and made a part of this charter by reference.

Purchasing Agent:

Section 7.15. The Council may designate any administrative officer as purchasing agent for the city.

Functions of Other Administrative Officers:

Section 7.16. The duties of all administrative officers, not otherwise provided for herein, shall be those established by law and by ordinance or resolution of the Council.

Merit System of Personnel Management:

Section 7.17. The Council may provide by ordinance for a merit system of personnel management for the city. Such ordinance, when adopted, shall provide a professional and impartial approach to municipal personnel problems based solely upon the fitness, training, and experience of the individual. It is the intent of this section, to secure, when enacted, the establishment of a merit system

program as an integral part of the administrative service of the city to the end that the handling of the personnel activities will be done in a manner equitable to the city employee, satisfying for the administrative officials to use, and, by increased efficiency, improved administration, economical to the citizens.

Pension Plan:

Section 7.18. The Council may maintain for the benefit of the administrative officers and employees of the city, either with the State of Michigan, or by an actuarially sound plan of its own, a pension and retirement plan. Such pension and retirement plan may be in lieu of or in addition to any Federal Social Security plan which may be available to the administrative officers and employees of the city.

Employees' Group Benefits:

Section 7.19. The Council shall have the power to make available to the administrative officers and employees of the city and its departments, boards, and agencies, Federal Social Security, if available, and recognized standard plans of group life, hospital, health, and accident insurance.

CHAPTER 8

JUSTICE COURT

Present Law:

Section 8.1. No proceeding, suit, or prosecution of any kind, which is before or pending before the Justices of the Peace of the city at the time this charter became law, shall be affected in any manner by the adoption or taking effect of this charter. As to such proceedings, suits, and prosecutions, all the provisions of the law, as the same existed at the time this charter became law, whether general or special, relating to the powers, jurisdiction, and duties of the Justices of the Peace therein and the conduct of such proceedings, suits, and prosecutions before such Justices of the Peace, and appeals therefrom, shall remain in full force and effect.

Jurisdiction:

Section 8.2. Justices of the Peace elected in the City of Zeeland shall have and exercise therein and within the county, 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, as are or may be conferred upon or required of Justices of the Peace by the general laws of the State. They shall have authority to hear, try, and determine all suits and prosecutions for the recovery or enforcing of fines, penalties, and forfeitures imposed by the ordinances of the city, and to punish offenders for violations of such ordinances, as in the ordinances prescribed and directed, subject only to the limitations prescribed and directed in section 6.6 of this charter.

Such Justices of the Peace shall also have:

(a) Jurisdiction to the amount of five hundred dollars in all civil matters, ex contractu and ex delicto, with such exceptions and restrictions as are or may be provided by State law;

(b) 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 case, and grant a new trial therein, whenever a motion in writing is made and filed with the Justice of the Peace within five days after the rendition of the verdict or judgment in said case. Such 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. 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 days before the hearing thereof. Such motion shall be determined within two 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 such 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;

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

Proceedings in Justice Courts:

Section 8.3. The proceedings in all suits and actions before said Justices of the Peace, and in the exercise of the powers and duties conferred upon and required of them, shall, except as otherwise provided in this charter, be according to and governed by the general laws of the State, which are applicable to justice courts and to the proceedings before such courts.

Docket:

Section 8.4. Every Justice of the Peace shall enter in the docket kept by him the title of all suits and prosecutions commenced or prosecuted before him for violations of the ordinances of the city, and all the proceedings and the judgment rendered in every such cause and the items of all costs taxed or allowed therein; and also the amounts and date of payment of all fines, penalties, and forfeitures, moneys, and costs received by him on account of any such suit or proceeding. Such docket shall be submitted by the Justice of the Peace, at all reasonable times, to the examination of any person desiring to examine the same and shall be produced by the Justice of the Peace to the Council whenever required. Such docket, in the event of the death of a Justice, his resignation or upon the expiration of his term of office, whichever event shall occur first, shall be turned over to the City Clerk for filing with the city, unless other disposition is required by State law or this charter.

Compensation of Justices of the Peace:

Section 8.5. The provisions of the general law of the State of Michigan applying to the compensation of Justices of the Peace shall apply to Justices of the Peace of the City of Zeeland: Provided, that the Council may, by ordinance, provide for placing the Justices of the Peace of the city on a salary instead of on a fee basis. Such ordinance shall fix their salaries and may not be amended at any time after the thirtieth day before the last day for filing nominating petitions for any election at which a Justice of the Peace is to be elected, nor may the salary of any Justice be changed during the term of office for which he has been elected or appointed. In the event that no ordinance is passed amending the salary of the Justices, such salary shall remain the same for the ensuing term as it was for the previous term.

The salary of the Justices of the Peace shall be in lieu of all fees, both in civil and criminal cases, to which said Justices might be entitled, but for the provisions of this section, except those for the performance of marriage ceremonies and for administering oaths in matters not connected with suits and proceedings in this court.

Disposition of Fines:

Section 8.6. All fines, penalties, costs and forfeitures collected or received by any Justice of the Peace, for, or on account of, violations of any ordinances of the city, shall be paid over by such Justice to the City Treasurer on or before the 10th day of the month next after the collection or receipt thereof; and the Justice shall take the receipt of the City Treasurer therefor.

Each such Justice shall report, on oath, to the Treasurer, at the time of making the payments herein provided for, the name of every person against whom a prosecution has been commenced, or judgment rendered for any of such fines, penalties, costs or forfeitures, and the amount of all moneys received by him on account thereof, or on account of any such suit or prosecution.

All fines, penalties, costs and forfeitures, recovered for the violation of the penal laws of the State, when collected by the Justices of the Peace, shall be disposed of as provided by law.

Prosecutions Under State Penal Laws:

Section 8.7. The expenses of prosecutions before Justices of the Peace of the city, for violations of State criminal laws, and in punishing the offenders, shall be paid by the County of Ottawa.

Bond Required:

Section 8.8. Each Justice of the Peace, in addition to any other security required by law to be given for the performance of his official duties, shall, before entering upon the duties of his office, give a corporate surety bond to the city, in a penalty of one thousand dollars, to be approved by the Mayor, which approval shall be endorsed upon the bond, conditioned for the faithful performance of the duties of Justice of the Peace within and for the city. The premium thereon shall be paid by the city.

Official Misconduct:

Section 8.9. Any Justice of the Peace who shall be guilty of misconduct in office, or who shall wilfully neglect or refuse to perform or discharge any of the duties of his office required by this chapter or any of the ordinances of the city, shall be deemed guilty of a violation of this charter and shall be punishable accordingly.

Unclaimed Property:

Section 8.10. Every Justice of the Peace of the city shall account, on oath, to the Council, for any such moneys, goods, wares, and property, seized or stolen, as shall remain unclaimed in his office; and shall make such disposition thereof as shall be prescribed by law.

Rules of Court:

Section 8.11. Subject to the approval of the Council, the Justices of the Peace of the city may, by court rule, regulate the office hours and make other necessary and proper rules for the regulation and conduct of the city's justice court, which rules shall not be inconsistent with the provisions of this charter and the general laws of the State.

Court Room and Supplies:

Section 8.12. The Council shall provide and maintain a place which shall be suitable for holding court and shall furnish the necessary furniture, fixtures, dockets, books, forms, and stationery for use in the business of the justice courts of the city and shall provide for the heating, lighting, and maintenance of said court room. The Council shall prescribe, by ordinance, for the use of such court room by the Justices of the Peace of the city.

Traffic Violations Bureau:

Section 8.13. The Council shall have power and authority to pass an ordinance establishing a Traffic Violations Bureau for the handling of traffic cases, other than driving while under the influence of intoxicating liquors or narcotics, failure to stop in the event of an accident, or reckless driving. In such Traffic Violations Bureau, any person who has received any notice to appear in answer to a traffic charge under the ordinances of the city may, within the time specified in the notice, in lieu of making an appearance in court, answer to the charges set forth in such notice by paying a prescribed fine, and, in writing, pleading guilty to the charge. The creation of such a Bureau by the Council shall not operate so as to deprive any person of a full and impartial hearing in court, should such person so choose.

CHAPTER 9

SUPERVISORS

Number of Supervisors:

Section 9.1. Until such time as the City of Zeeland shall be entitled to an additional number of representatives upon the Board of Supervisors of the County of Ottawa, by reason of an increase of population or otherwise, under the laws of the State, the city shall be entitled to four representatives upon such Board.

Election of Supervisors - Term of Office:

Section 9.2. The representatives of the city on the Board of Supervisors of Ottawa County shall be a member of the Council, to be designated by the Council, the Assessor, and two electors of the city possessing the qualifications required by this charter for eligibility to hold an elective city office. Such electors shall be elected by the electors of the city, one at the regular city election occurring in each even numbered year and one at the regular city election occurring in each odd numbered year and shall hold office for a period of two years, beginning on and dating from the first Monday following their election. In the event that a vacancy shall occur in such office of Supervisor, the Council shall fill such office in the same manner as vacancies in elective city offices are filled. In the event of a vacancy in the office of Supervisor, the Clerk shall act for the city and its inhabitants in such capacity, until such vacancy has been filled as hereinabove provided.

Additional Supervisors:

Section 9.3. 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 the Supervisor or Supervisors to which the city is so entitled from the membership of the Council or the administrative officers of the city, or from the electors of the city, having the qualifications required by this charter for elective city officers, to serve until the first Monday following the next regular city election occurring in an even numbered year. The successors of such Supervisors shall be elected at each regular city election occurring in even numbered years and shall hold office for a period of two years, beginning on and dating from the first Monday following their election, except that whenever the city is entitled to an even number of additional representatives under this section, one-half of them shall be elected at the regular city election occurring in even numbered

years and one-half of them shall be elected at the regular city election occurring in odd numbered years. In the event that the Council does not appoint any such additional Supervisor, the Clerk shall act for the city and its inhabitants as such Supervisor, until such appointment or appointments shall be made.

Temporary Absences:

Section 9.4. In case of necessary temporary absence or the temporary inability of any member of the Board of Supervisors, representing the City of Zeeland, to serve or perform the duties of his office, the Mayor shall appoint an administrative city officer or any other qualified elector of the city to serve during such absence or inability, or each such absence or inability, if more than one exists, and the Mayor or the Clerk shall supply such appointee or appointees with such credentials of appointment as shall be required for his or their seating upon the Board of Supervisors during such appointment.

Duties of City Supervisors:

Section 9.5. The Supervisor or Supervisors of the city shall perform the duties required to be performed by Supervisors under the general laws of the State, except as otherwise provided in this charter. Each Supervisor shall, in the performance of his duties, represent the city, its inhabitants, and its government as a whole.

Compensation of Supervisors:

Section 9.6. Each Supervisor of the city shall be entitled to retain any compensation and mileage paid to him by the county as a member of the Board of Supervisors.

CHAPTER 10

BUDGET PROCEDURE AND GENERAL FINANCE

Fiscal Year:

Section 10.1. The fiscal and budget year of the city shall begin on the first day of July.

Budget Procedure:

Section 10.2. The Council shall designate the Mayor, or some other officer of the city, other than a member of the Council, as the budget officer of the city. On or before the 15th day of February

in each year, each city officer, department head, and the executive officer of each board of the city shall submit to the budget officer an itemized estimate of the expected income and expenditures during the next fiscal year, for the department of activities under his control. The budget officer shall prepare a complete itemized budget proposal for the next fiscal year of the city and shall submit it to the Council at the first regular meeting thereof in April preceding the fiscal year. Such budget proposal shall not be acted upon by the Council until after the second meeting thereof in April preceding the fiscal year.

Budget Document:

Section 10.3. The budget proposal 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 board, department, and officer 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 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.

Budget Hearing:

Section 10.4. A public hearing on the proposed budget of the city 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 at least one week in advance thereof 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 week prior to such public hearing.

Adoption of Budget Tax Limit:

Section 10.5. Not later than the first meeting of the Council in the month 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 purposes 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 one and one-half per cent of the assessed valuation of all real and personal property in the city. Such levy may be increased from time to time for periods not exceeding five years by a majority of the electors of the city voting at the election at which the proposition to do so shall be submitted, but such increase shall be limited to an amount which will not cause the total levy under authority of this section to exceed two per cent of the assessed value of the real and personal property in the city for any year in which such increase shall be authorized, subject to the provisions of State law relative to the assessment and levy of taxes for the payment of the principal of and interest on bonds or other evidences of indebtedness issued by the city.

Funds for Public Improvements:

Section 10.6. The Council may establish and maintain a fund or funds for the purpose of appropriating, providing, setting aside, and accumulating moneys to be used for acquiring, extending, altering, or repairing public improvements which the city is authorized by law to acquire, alter, or enlarge. Moneys so appropriated, set aside, or accumulated shall not be transferred, encumbered, or otherwise disposed of, except for the purpose for which they were appropriated, set aside, or accumulated, unless approved by a vote of five members of the Council, after a public hearing thereon. In no event shall any moneys which are so set aside or appropriated, be so transferred, encumbered, or otherwise disposed of, except for the purpose of acquiring, extending, altering, or repairing public improvements. Notice shall be given of each such public hearing not less than seven days before the date of such public hearing.

Transfer of Operating Appropriations:

Section 10.7. 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, during the fiscal year to which such budget applies, except pursuant to the budget appropriation. The Council may, however, transfer any unencumbered operating appropriation balance, or any portion thereof, from one city operating fund or account to another, upon the written recommendation of the Mayor, by a vote of not less than five members of the Council. The balance in any budget appropriation, except such as may be appropriated for the payment of any debt of the city, which has not been encumbered at the end of each fiscal year shall revert to the general fund and shall be subject to the allocations made in the budget of the next fiscal year.

Budget Control:

Section 10.8. At the beginning of each quarterly period during the fiscal year, and more often if required by the Council, the Clerk shall submit to the Council data showing the relation between the estimated and actual income and expenses to date. If it shall appear that the income of the city 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 income of the city.

Depository:

Section 10.9. The Council shall designate the depository or depositories for the 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.

Claims Against City:

Section 10.10. All claims against the city for materials, services, or for any other reason or purpose shall be filed with the Clerk, who shall verify the same and place such claims or a schedule thereof before the Council with supporting data concerning the authority for, or basis of, each such claim and the budget fund or account against which it is to be charged, if allowed.

Notice to City of Claim for Injuries:

Section 10.11. The city shall not be liable in damages for injury sustained by any person, either to his person or property, by reason of the negligence of the city, its officers or employees, or by reason of any defective highway, public work, public service

improvement, or facility of the city, or by reason of any obstruction, ice, snow, or other encumbrance thereon, unless, within sixty days after such injury shall have occurred, such person or his representative shall serve or cause to be served upon the Clerk, a notice in writing which shall set forth substantially the time and place of such injury, the manner in which it occurred, the nature of the act or defect complained of, the extent of such injury as far as the same has become known, the names and addresses of the witnesses known at the time to the claimant, and a statement that the person receiving such injury intends to hold the city liable for such damage 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 of the reasons or circumstances aforesaid, unless brought within the period limited by law from the time such injury was sustained, nor unless he shall have first presented to the Clerk his claim in writing. Such claim shall be under oath, and set forth the nature and extent of such injury and the amount of damages claimed by reason thereof. Such claim shall be presented by the Clerk to the Council and the Council shall be given an opportunity to act thereon, either by allowing or refusing to allow the claim.

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 claim, as in this section required, were not presented and filed within the time and in the manner as herein provided.

Withdrawal of Funds:

Section 10.12. Unless otherwise provided by this charter, all funds drawn from the treasury shall be drawn pursuant to the authority and appropriation of the Council and by checks or warrants signed by either of two officers of the city, to be designated by resolution of the Council, and counter-signed by the Clerk. Each such check or warrant shall specify the fund and the account thereof from which it is payable and shall be paid from no other fund or account thereof.

Independent Audit:

Section 10.13. An independent audit shall be made of all accounts of the city government at least annually, or more frequently if deemed necessary by the Council. Such audit shall be made by certified public accountants to be appointed by the Council and shall be completed within ninety days following the close of the fiscal year. The results of such audit shall be made public in such manner as the Council may determine and a copy thereof shall be placed in the office of the Clerk for public inspection at any reasonable time.

Municipal Borrowing Power:

Section 10.14. Subject to the applicable provisions of State law and this charter, the Council, by proper ordinance or resolution may authorize, from time to time, the borrowing of money on the credit of the city and the issuing of bonds therefor, for any purpose or purposes within the scope of its powers. The net bonded indebtedness incurred for all public purposes shall not at any time exceed ten per cent of the assessed value of all the real and personal property in the city: Provided, that in case of fire, flood, or other calamity, the Council may borrow for the relief of the inhabitants of the city and for the preservation of municipal property, a sum not to exceed three-eighths of one per cent of the assessed value of all the real and personal property in the city, due in not more than five years, even if such loan would cause the indebtedness of the city to exceed the limit fixed in this charter.

In computing the net bonded indebtedness for the purpose hereof, the following shall not be included:

1. Bonds issued in anticipation of the payment of special assessments, even though they are also a general obligation of the city;
2. Mortgage bonds, which are secured only by a mortgage on the property or franchise of a public utility;
3. The principal and interest of revenue bonds which are payable solely from net revenues derived from the operation of the public improvement purchased, acquired, constructed, improved, enlarged, extended, or repaired, or any combination thereof, by the proceeds of such bonds;
4. Bonds issued to refund moneys advanced or paid on special assessments for water main extensions.

The resources of the sinking fund pledged for the retirement of any outstanding bonds shall also be deducted from the amount of the bonded indebtedness.

The Council may borrow money and issue the bonds of the city therefor in anticipation of the payment of special assessments which bonds shall be either solely an obligation of the special assessment district, or both an obligation of the special assessment district and a general obligation of the city. All collections on special assessment rolls shall be set apart in a special fund and shall be used for the purpose for which they were levied and for the payment of the principal and interest on any bonds issued in anticipation of the payment of such special assessments. If there be any deficiency in the special assessment fund to meet the payment of any such principal and interest, moneys shall be advanced from the general funds of the city to meet such deficiency and shall be replaced in such general fund when the special assessment fund shall be sufficient therefor.

Subject to the applicable provisions of State law, the city may borrow money, from time to time, and issue its bonds therefor, the principal and interest of which shall be payable solely from the net revenues of the public improvement or improvements purchased, acquired, constructed, improved, enlarged, extended, or repaired by the use of the money so borrowed.

The city may issue mortgage bonds beyond the general limit of indebtedness prescribed by law, for the purpose of acquiring, extending, or improving any public utility, for supplying water, light, heat, or power, owned or operated by it, or which it is authorized to acquire: Provided that such mortgage bonds, issued beyond the general limit of bonded indebtedness prescribed by law, shall not impose any liability upon the city, but shall be secured only upon the property and revenues of such public liability, including a franchise, stating the terms upon which, in case of foreclosure, the purchaser may operate the same, which franchise shall in no case extend for a longer period than twenty years from the date of the sale of such utility and franchise on foreclosure. Such mortgage bonds shall be sold to yield not to exceed six per cent per annum. In the event that any such mortgage bonds are sold by the city, there shall be created a sinking fund by setting aside such percentage of the gross or net earnings of the public utility as may be deemed sufficient for the payment of the mortgage at maturity.

The Council may also borrow money on the faith and credit of the city, to provide for the refunding, from time to time, of moneys advanced or paid on special assessments imposed for water main extensions as buildings shall be connected with such water main extensions, and for the issuance of bonds therefor, due in not more than thirty years, in an amount which shall not exceed fifty thousand dollars.

No bond of the city, regardless of type or purpose, shall bear interest at a rate which shall exceed six per cent per annum.

The city may enter into installment or lease - purchase contracts for the acquisition of real or personal property or equipment. Each such contract shall not extend over a period greater than twenty years. All such deferred payments shall be included in the budget for the year in which the installment is payable unless the Council has determined that it is in the best interest of the city to sell or abandon said contract for the city's equity in said property. All such installment or lease - purchase contracts must be submitted to and approved by the Municipal Finance Commission of the State of Michigan.

Unissued Bonds:

Section 10.15. 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 within three years after authorization, such authorization shall, as to such bonds, be null and void.

CHAPTER 11

GENERAL TAXATION

Power to Tax:

Section 11.1. 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 ad valorem taxes, rents, tolls, and excise or specific taxes.

Subjects of Taxation:

Section 11.2. The subjects of ad valorem taxation for municipal purposes shall be the same as for state, county, and school purposes under the general law. Except as otherwise provided by this charter, city taxes shall be levied, collected, and returned in the manner provided by State law.

Personal Property - Change of Status:

Section 11.3. If the Treasurer finds or reasonably believes that any person, who is or may be liable for taxes upon personal property, the taxable situs of which was in the city on tax day, designs to depart from the city; or to remove therefrom personal property, which is or may be liable for taxation; or to conceal himself or his property therein; or to do any other act tending to prejudice, or to render wholly or partly ineffectual, the proceedings to collect such tax, unless proceedings therefor be brought without delay, he shall cause notice of such finding to be given such person, together with a demand for the immediate payment of such tax. Thereupon, such tax shall become immediately due and payable and the Treasurer shall have and exercise all the powers, privileges, and prerogatives granted by law to township and city treasurers for the collection thereof. If the exact amount of any such tax has not, at the time of such finding, been determined because the same has not, at the time, been spread upon any tax roll or tax rolls, the Treasurer shall

estimate the amount of the tax upon such personal property and such estimate shall be deemed to be the amount of tax upon such property which, together with other taxes which have been accrued thereon, shall become payable as hereinabove provided. The tax so estimated by the Treasurer shall, upon the giving of the notice herein provided for, become a lien upon the property liable for such tax. Such lien shall be of the same type and legal effect as the lien upon personal property provided in Section 11.16 of this chapter. If such estimate of the Treasurer shall be in excess of the amount of tax spread against such property upon the tax roll or tax rolls aforesaid, he shall refund such excess upon demand of the person from whom collected or his legal representative. If such person furnishes evidence satisfactory to the Treasurer, by bond or otherwise, that he will duly pay the tax or taxes to which the Treasurer's finding relates, then such tax or taxes shall not be payable prior to the time otherwise fixed for the payment thereof.

Exemptions:

Section 11.4. No exemptions from ad valorem taxation shall be allowed, except such as are expressly required or permitted to be made by State law. In the case of exemptions made to persons who, in the opinion of the Assessor and Board of Review, by reason of poverty, are unable to contribute towards the public charges, the Assessor or Board of Review shall require, as a condition to the grant of exemption, a trust deed or assignment to the city of all or any part of the real or personal property or insurance of the beneficiary of such exemption. Each such trust deed or assignment shall be prepared by the City Attorney. Such trust deed or assignment shall not deprive the grantor thereof of his right to enjoy the use, occupancy, and profits of the property so deeded or assigned, but shall give to the city, in the event that the fee to such property is transferred to another, in any manner whatsoever, such an interest therein as will provide for and secure to the city the payment of an amount equal to all taxes which were or would have been assessed and levied against such property by the city, but for such exemption or exemptions and which remain unpaid at the time the city exercises its rights under the terms of such deed or assignment. Such deed shall be in proper form for and shall be recorded in the office of the Register of Deeds of the County of Ottawa.

Assessment:

Section 11.5. The Assessor shall place a value, in accordance with State law, upon all property, both real and personal, in the city. Such value shall be determined by the Assessor in accordance with established assessment rules, techniques, and procedures.

Council to Furnish Forms, Files, Supplies:

Section 11.6. The Council shall supply to the Assessor all forms, files, indexes, and supplies which it shall deem to be required for establishing and maintaining a record of all real property in the city and a continuing assessment of the value thereof.

Time for Making Assessment Rolls:

Section 11.7. 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 11.8. The Board of Review shall be appointed by the Council and shall be comprised of three persons who are tax payers of the city and have been residents of the city for not less than three years. Such three members shall be appointed in the first instance, one to serve for a term of one year, one to serve for a term of two years, and one to serve for a term of three years; and the Council shall, annually thereafter in the month of January, appoint one such member of the Board to serve for a full term of three years. The Council shall set the compensation of the Board of Review.

Meeting of Board of Review:

Section 11.9. The Board of Review shall meet on the first Tuesday following the first Monday in March of each year at such 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 two days, and as much longer as may be necessary. The Board shall remain in session during such hours as the Council may designate, but not less than six hours on each of said two days. The Board of Review shall hold a meeting on the fourth Monday of March and, at that meeting, shall complete the review of the assessment roll submitted to it and shall endorse and approve the same as provided and required by law. If, for any cause, a quorum of the Board of Review does not assemble, or in the event that such Board shall fail or refuse to act, during the days above mentioned, the roll, as prepared by the Assessor shall stand as if approved by the Board of Review.

Notice of Meetings:

Section 11.10. The Clerk shall give notice to the public of the time and place of the meeting of the Board of Review by publica-

tion, at least once, not less than two weeks immediately preceding such meeting. Failure to give such notice shall not invalidate the tax.

Organization and Functions of the Board of Review:

Section 11.11. On the first day of its first 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. It shall be the duty of the Assessor to keep a permanent record of all the proceedings of the Board and to enter therein all resolutions and decisions of the Board. The Assessor shall have the privilege of participating in all proceedings and discussions of the Board, but shall not have the right to vote upon any decision of the Board. The members of said Board shall be officers of the city and shall take the constitutional oath of office which shall be filed with the Clerk. A majority of the members of the Board shall constitute a quorum. 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 fit. In all cases, the assessment roll shall be reviewed according to the facts existing on the assessment day of the year for which such roll is made 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 11.12. After the Board shall have completed its review of the assessment roll, a majority of its members shall immediately endorse thereon 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 ending 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 Levy:

Section 11.13. Within three 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, together with such other assessments and other lawful charges as the Council shall authorize to be spread against or charged to the property and persons appearing upon such roll.

City Tax Roll:

Section 11.14. After the last day for the meeting of the Board of Review, the Assessor shall prepare a copy of the assessment roll to be known as the "City Tax Roll," and upon receiving the certification of the amount to be raised, as provided in the preceding section, the Assessor shall 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 on any tax roll, the Assessor may add to the amount of these several taxes to be raised not more than the amount prescribed by State law, which added amount, when collected shall be credited to the general funds of the city. For convenience, the city tax roll may be divided into volumes. Assessments and other lawful charges authorized by the Council to be spread against or charged to property or persons upon such roll shall be so spread and charged upon such roll as directed by the Council.

Tax Roll Certified for Collection:

Section 11.15. After extending the taxes aforesaid and not later than the first 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 power and immunities possessed by township treasurers for the collection of taxes under the general laws of the State.

Taxes Lien on Property:

Section 11.16. The city taxes thus assessed against personal property 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 there-

of. 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 property 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.

Notification of Taxes Due:

Section 11.17. The Treasurer shall not be required to make personal demand for the payment of taxes, but notice shall be given to the taxpayers of the city, by forwarding a statement of taxes due by first class mail, addressed to the several owners or occupiers 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 roll. Neither the failure on the part of the Treasurer to give said notice, nor the failure of any person to receive such notice, shall invalidate the taxes on said tax roll nor release any person or property assessed from the penalty provided in this chapter in case of nonpayment of the same.

Tax Payment Schedule:

Section 11.18. City taxes shall be due on the first day of July of the fiscal year when levied. All taxes paid on or before the first day of August of such year shall be collected by the Treasurer without the addition of any fee for collection. There shall be added to all taxes remaining unpaid after the said first day of August, a collection fee of two per cent and interest on the amount of such taxes remaining unpaid at the rate of one-half of one per cent per month or fraction of a month from the first day of August to the date such taxes are paid. Such collection fees and interest shall be collectable in the same manner as the taxes, assessments, and charges to which they are added. All such collection fees and interest shall be paid into the general fund of the city.

State, County, and School Taxes:

Section 11.19. For the purpose of assessing and collecting taxes in the city for county and school purposes, the city shall be considered the same as the township, and all provisions of State law relative to the collection of such taxes and fees to be paid there-

for, the accounting therefor to the appropriate taxing units, and the returning of taxes 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 or any part thereof are collected at the same time as city taxes, they shall be collected subject to the same privileges and conditions as city taxes under the provisions of this charter.

Lien for Taxes, Assessments, and Charges:

Section 11.20. All taxes, assessments, charges, interest, and fees levied, spread, or charged on any such tax roll shall be and remain a lien upon the property until paid.

Apportioning of Tax on Portion of Taxed Item:

Section 11.21. Any person owning an undivided share or other part of any parcel of real property, assessed in one description, may pay the taxes assessed against such description or may pay the share or part owed by him by paying an amount having the same relation to the whole tax as the value of the part on which payment is made bears to the value of the whole description and the receipt given and the record of the receiving officer shall show that such payment was made and the claimed interest upon which it was made.

Tax Roll to County Treasurer:

Section 11.22. All taxes, special assessments, charges, interest, and collection fees, on the city tax roll which remain unpaid on the first day of March following the date when said roll was received by the Treasurer shall, on that date, become delinquent and shall be returned to the county treasurer at the time and 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 which shall, in such return, be added to the amount assessed in said tax roll against each description. The taxes, assessments, charges, and fees, thus returned shall be collected in the same manner as 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 a City Lien:

Section 11.23. The city shall have power insofar as the exercise thereof shall not conflict with or contravene the provisions of any general law of the State, 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 the purchase of such property 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. Any such procedure exercised by the city in the protection of its tax lien shall be deemed to be for a public purpose.

CHAPTER 12

ELECTIONS

Qualifications of Electors:

Section 12.1. 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 city election, shall be entitled to register as an elector of the City of Zeeland in the election precinct in which he resides.

Election Procedure:

Section 12.2. All primary and general city elections for the nomination and election of officers of the City of Zeeland shall be non-partisan. 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 procedures, or require more than one publication of notice and except as otherwise provided by this charter. The compensation of all election personnel shall be determined by the Council.

Regular City Elections:

Section 12.3. A non-partisan regular city election shall be held on the first Monday in April in each year.

Special Elections:

Section 12.4. Special city elections shall be held when called by resolution of the Council, adopted at least forty-five 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 special city elections shall be held in any one calendar year.

Primary Election:

Section 12.5. A non-partisan city primary election shall be held on the date prescribed by state law for the holding of general spring primary elections. If, upon the expiration of the time for filing nominating petitions for any elective city office, it appears that petitions have been filed for no more than twice the number of candidates to be elected to such office, then no primary election shall be held with respect to such office, and the Clerk shall publish notice of such fact. Candidates in number equal to twice the number of persons to be elected to each city office, who receive the highest number of votes at any such city primary election shall be declared the nominees for election to the respective offices for which they are candidates. As to any office, with respect to which no primary is required to be held, persons named in petitions as candidates for election to such office shall be certified by the Clerk to the election commission to be placed upon the ballot for the next subsequent regular city election. No person whose name is not printed on the primary election ballot, but whose name is written thereon, or appears on the ballot on a sticker pasted thereon at such election, except such stickers as have been placed thereon by the election commission as provided by law, shall be nominated for election to any office, unless he shall receive at least twenty-five votes nominating him for such office.

Election Commission:

Section 12.6. An election commission, consisting of the Clerk, the Mayor, and the City Attorney, is hereby created. The Clerk shall be 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. In any case where election procedure is in doubt, the election commission shall prescribe the procedure to follow.

Notice of Election:

Section 12.7. 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 in the same manner and at the same time as provided in the state election laws for the giving of notices by township clerks in the case of state elections, except that no second publication of notice of any such election shall be required.

Voting Hours:

Section 12.8. 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 12.9. Persons desiring to qualify as candidates for any office under this charter shall file an official petition therefor with the Clerk signed by not less than twenty-five nor more than fifty registered electors of the city. Such petitions shall be filed with the Clerk not later than 12 o'clock, noon, on the fourth Saturday prior to the date of the regular city primary election. Official blank petitions in substantially the same form as required by State law or designated by the Secretary of State for non-partisan judicial officers, shall be prepared and furnished by the Clerk. Before the Clerk shall furnish 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 of 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, and no petition which has been altered with respect to such entries shall be received by the Clerk for filing under the provisions of this section. 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, time, and place for filing nomination petitions at least one week before, and not more than three weeks before that date. No person shall sign his name to a greater number of petitions for any one office to be filled at the next regular city election than there will be persons elected to said office. Where any name appears on more than such number of petitions for any office, such name shall not be counted upon any petition for that office.

Approval of Petitions:

Section 12.10. The Clerk shall accept for filing only nomination petitions on official blanks 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 days after the final filing date, determine the sufficiency of the signatures of each petition filed, and if he finds that any petition does not contain the required number of signatures of registered electors, he shall immedi-

ately 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 for candidates shall be marked "In Order" with the date thereof, and he shall immediately so notify the candidate whose name appears thereon, in writing.

Public Inspection of Petitions:

Section 12.11. All nomination petitions shall be open to public inspection in the office of the Clerk.

Supplemental Nominations:

Section 12.12. The commission of the city government, existing at the time this charter took effect, known as the Nominating Commission, shall be continued. Such commission is and shall continue to be composed of five members who shall be appointed by the Mayor, with the advice and approval of the Council, four for terms of two years and one for the term of one year. Three members of the commission shall be appointed at the first meeting of the Council in May in each year, two for terms of two years and one for the term of one year. In the event that the number of nomination petitions filed for any elective office or offices of the city does not equal twice the number of persons to be elected to such office or offices at the next ensuing election, the commission herein created shall nominate such a number of representative qualified electors of the city who signify their willingness to serve in such office or offices, if elected thereto, as a candidate or as candidates for such office or offices as will make the number of candidates therefor equal twice the number of persons to be elected thereto. Such nominations shall be made by the Nominating Commission not less than thirty days prior to each regular city election and certified by the said commission to the Election Commission. The inability of the said commission to nominate any person or persons to any office or offices, as in this section required, shall not affect the validity of the election, either as a whole, or with respect to the office or offices for which no such nomination was made.

Form of Ballots:

Section 12.13. The form, printing, and numbering of ballots or the preparation of the voting machines used in any city primary or election, shall conform, as nearly as may be, to that prescribed by or in accordance with State law, except that no party designation or emblem shall appear thereon. The names of qualified nominees

for each office shall be listed under a separate heading for each office and shall be rotated on the ballots.

Canvass of Votes:

Section 12.14. The members of the four-member Board of Canvassers established by State law for cities shall be the board of canvassers to canvass the votes cast at all city primaries and elections: Provided, that if any of such persons are candidates for office at an election to be canvassed, such person shall not be a member of the board of canvassers at such election. A majority of the members of such board, as so constituted, shall be a quorum for the transaction of the business of the board. The board of canvassers shall meet on the first Thursday after each city primary and election, and publicly canvass the returns of such primary or 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 nominated for election or elected at such primary or election.

Tie Vote:

Section 12.15. If, at any city primary or election, there shall be no choice between candidates by reason of two 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 nomination or election of such persons 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 absences, at the direction and under the supervision of the Council. Such determination shall, in any event, be final.

Recount:

Section 12.16. A recount of the votes cast at any city primary or election for any office, or upon any proposition, may be had in accordance with the general election laws of the State.

CHAPTER 13

UTILITY FRANCHISES AND MUNICIPAL OWNERSHIP

Public Utility Franchises:

Section 13.1. All public utility franchises granted after the adoption of this charter, whether it be so provided in the granting ordinance or not, shall be subject to the right of the city:

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

(b) To require proper and adequate extension of plant and the 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 health, 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 the 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 the streets, alleys, bridges, and public places of the city, as shall arise from its use thereof and to protect and save the city harmless from all damages arising from said use.

Franchise and Contracts:

Section 13.2. 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 thirty days before the final passage or adoption thereof, or approval for referral to the electorate. No exclusive franchise shall ever be granted, nor shall any irrevocable franchise be granted by the city, unless such proposition shall have first received the affirmative vote of at least three-fifths of the electors of the city voting thereon at a regular or special election. No such franchise ordinance, or resolution, shall be approved by the Council for referral to the electorate until a public hearing has been held thereon, nor until the grantee named therein has filed with the Clerk his unconditional acceptance of all terms of such franchise. No special election for such purpose shall be ordered by the Council, unless the expense of holding such election, as determined by the Council, shall have first been paid to the Treasurer by the grantee.

A franchise ordinance, or ordinance granting or authorizing the granting of a license to use or occupy the streets of the city for public utility purposes, which is subject to revocation at the will of the city, may be enacted by the Council without referral to the voters, but shall not be enacted nor become operative unless it shall have been complete in the form in which it is finally enacted, and remain on file with the Clerk for public inspection for at least thirty days before the final enactment thereof.

General Powers Respecting Municipal Utilities and Services:

Section 13.3. 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, airports, landing fields, and aeronautical facilities, hospitals, and public utilities, including, but not by way of limitation, public utilities for treating and supplying water, and for supplying light, heat, power, gas, sewage treatment, and garbage disposal facilities, or any of them, to the city and its inhabitants; and also to sell and deliver water, light, heat, power, gas, and other public utility services, without its corporate limits to an amount not exceeding the limitations set by the State Constitution or by statute. The power to supply, as herein possessed and reserved, shall include the power to extract and process water, electricity, or gas from natural resources, to manufacture the same, or to purchase the same from others.

Management of Utilities of the City:

Section 13.4. The Council shall provide by ordinance for the management, maintenance, improvement, and operation of the utilities, other than the water and electric utilities, of the city. The management and operation of the utilities of the city, other than the water and

electric utilities, shall be under the general supervision and responsibility of the City Superintendent. The operation of the water and electric utilities of the city shall be under the general supervision and responsibility of the Board of Public Works.

Board of Public Works:

Section 13.5. The Board of Public Works of the City of Zeeland, comprised of five members, having been created, is hereby continued and shall continue to be known and designated as the Board of Public Works. Members of the said Board shall possess the qualifications required by this charter for elective officers of the city. The term of office of each Board member shall be for five years, commencing on and dating from the first day of July next following his appointment. At the first meeting of the Council in the month of May in each year, the Council shall appoint one Board member. Each Board member, before he assumes the office to which he has been appointed, shall take the oath of office required of other officers of the city within the time and in the manner required by this charter.

Board Rules and By-Laws:

Section 13.6. The Board shall make and adopt such by-laws, rules and regulations as it shall deem necessary and expedient for the conduct of its business, subject to the approval of the Council. No contract, act, by-law, rule, or regulation of the Board shall be valid, binding, or of force, except as aforesaid, and unless the same shall be made at a regular meeting or at a special meeting of said Board called for that purpose and entered upon the records of the proceedings of said meeting.

Meetings of the Board:

Section 13.7. The Board shall hold regular stated meetings for the transaction of business, at such times and places within the city as it shall prescribe, one of which shall be held in each month. The chairman or any three members of the Board may call special meetings thereof. Notice of each special meeting shall be given, in writing, to each member or left at his place of residence at least six hours before the meeting. All meetings and sessions of the Board shall be public. A majority of the members shall be a quorum for the transaction of business; a less number may adjourn from time to time. The favorable vote of not less than three members of the Board shall be required for the adoption of any rule, by-law, resolution, or question.

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Limitations of the Board:

Section 13.8. Any member of the said Board or any employee thereof who shall be directly or indirectly interested in any contract or contracts made by the Council for the purchase or sale of any material or supplies of any kind shall be subject to the provisions of Section 4.16 of this charter, and, before the making of any such contract, shall file a statement with the Clerk as required by, and as set forth in, said section. No member of the Board shall demand or receive any compensation of any kind for any labor or services performed in or about any matter under the charge of the Board, except that each member of said Board shall be paid a salary of two hundred dollars per annum, except the chairman who shall receive three hundred dollars per annum.

Property Under Control of Board:

Section 13.9. The Board shall have the power and is hereby authorized, subject to the reservations herein contained, to wholly control, regulate, and supervise the construction and maintenance of plants and distribution systems, and the real estate and personal property owned or used in connection with the electric and water plants and distribution systems of the city, and, from time to time, the repairing, altering, and replacing thereof.

Contracts by the Board:

Section 13.10. When funds have been provided therefor in the budget of the Board, as approved by the Council, or exist therein which may be used therefor, the Board may, without the approval of the Council, make or enter into any contract or contracts pertaining to any improvement, alteration, or addition to the utilities under the control of the Board and may purchase any supplies and equipment: Provided, that no such contract or contracts of purchase, except for normal and necessary repairs, shall involve an expenditure exceeding five hundred dollars for any one such improvement, alteration, or addition. Any contract which the Board shall make in violation of the provisions of this section, shall be voidable at the option of the Council.

Personnel and Utilities Manager:

Section 13.11. The Board may employ such personnel as shall be necessary to properly operate the electric and water plants and distribution systems. The Board, subject to the approval of the Council, may appoint a Utilities Manager who shall be considered an appointed officer for purposes of the provisions of Section 7.5 of this charter. His compensation shall be set jointly by the Board

and the Council. The Utilities Manager shall be the manager of the utility plants and systems operated by the Board and shall be responsible to the Board, for all planning in connection with any changes in, improvements of, or additions to such properties or services under the control of the Board. The Board shall have authority and is empowered to prescribe such other duties for the Utilities Manager. The employees' salaries shall be set by the Board with the approval of the Council. Acting under the direction of the Board, the Clerk shall keep a record book in which he shall record the proceedings of the Board, and shall also keep such books of accounts and other records as shall show a complete account of all transactions of the Board, and of the Utilities Manager. All of such books and records shall at all times be open to the inspection of the Board and of the Council. The Clerk shall, from time to time, make out, from such books, such statements of accounts and other business statements as the Board shall direct. All receipts from any source arising from the operations authorized by this chapter shall be paid to and collected by the City Treasurer and shall be immediately deposited by the Treasurer to the credit of the funds established by by-law of the Board or required by law.

The City's Electric System:

Section 13.12. The said Board shall have the general supervision and management of the electric plant and distribution system of the City of Zeeland, and any and all additions thereto or enlargements thereof.

The City's Water Supply System:

Section 13.13. The custody, control, management, and use of the municipally-owned system of water works of the City of Zeeland and the lands, machinery, and apparatus thereof shall be vested in the Board of Public Works of the City of Zeeland, with like powers and duties as to the product of such works as hereinbefore given in relation to electric light and power, and with like duties in relation to the control and management thereof.

Furnishing and Purchasing of Utility Services:

Section 13.14. The Board of Public Works is hereby authorized and empowered to sell and deliver electric current and water, or either, within the corporate limits of the city, and without the corporate limits of the City of Zeeland up to the limits thereon imposed by law, whenever, in the opinion of the Board, with the approval of the Council, it appears advisable to do so, and to provide the necessary facilities, both within and without the corporate limits of the city, for the delivery of such electric current and water or

either of them. With the consent of the Council, the Board may purchase water or electricity from any person, firm, or corporation, municipal or private, if such purchase may be deemed by the Board to be in the best interest of the city and the inhabitants thereof.

Street Lights and Public Buildings:

Section 13.15. The Board shall furnish electric current for the street lights and all public buildings and utilities owned or leased by the city and shall cause to be placed in the streets of the city the number of lights of such capacity as shall be ordered by the Council, and shall operate the same as directed by resolution of the Council.

Water for Public Purposes:

Section 13.16. The Board shall furnish water for the fighting of fire, the cleaning of streets, to the public buildings of the city, and for all public purposes, in the manner and under the directions of the Council.

Sale of Utility Services to the Public:

Section 13.17. Subject to the limitations imposed by law, the Board shall have authority and be empowered to sell and dispose of such electric current and water as shall not be needed for the public purposes of the city to any person as shall desire the same. Subject to the approval of the Council, the rates for such electric power and water, both for public and private use, shall be fixed by the by-laws of the Board and shall be uniform and reasonable in all cases. The Board shall have the right to allow a uniform discount on bills for electric power and water. The rates for electric power and water furnished to private persons shall, in all cases, be deemed to be a debt due to the City of Zeeland, and may be collected, if necessary, in any court of competent jurisdiction by the Board in the name of the city. The Board shall have the authority to require and demand a deposit of sufficient security for meters installed or to be installed on private property and any delinquent bill, or bills, for electric service shall become a lien on the property in which the meter is installed.

Disposal of Electric and Water Utility Revenues:

Section 13.18. All moneys received by or through the provisions of this chapter or by or through the Board from any sale of electric power and water, or from any lease of any property under the control of the Board or in any other manner, or from

the proceeds of any bonds sold, shall be and the same is hereby constituted a fund to be known as the "electric receiving" fund for moneys received for electric power or on account of any activity or property pertinent to the electric facilities of the city; and the "water receiving" fund for moneys received for water or on account of any activity or property pertinent to the water supply system of the city. All moneys aforesaid shall be placed in said funds, and said funds shall in all cases be kept separate and distinct from all other funds of the City of Zeeland and from each other. No moneys in the said funds shall be used or applied in any manner except in the payment of the obligations of said electric and water plants and distribution systems as hereinbefore provided, and except that, after providing for the adequate maintenance and operation of the said plants and distribution systems for the purpose or purposes for which said funds are intended, upon a concurring vote of a majority of the members-elect of the Council and a majority of the members of the Board of Public Works of the City of Zeeland, moneys shall be transferred from such funds into a "replacement" fund for the electric and/or water plant and distribution systems of the city. Provided, however, that said funds shall in no case be permitted to accumulate and be larger than twenty-five per cent (25 per cent) of the book value determined by normal municipal accounting methods of said plants and distribution systems to which they apply. When either of said reserve funds reaches said twenty-five per cent (25 per cent) of the book value determined by normal municipal accounting methods of the plant and distribution system to which it applies, up to thirty-five per cent (35 per cent) of any further surplus, which would otherwise be transferred thereto, may be appropriated by the Council to the general purposes of the city and the balance thereof, shall be transferred to a fund for extensions and contingencies for the electric plant and distribution system or for extensions and contingencies for the water supply system of the city, as the case may be, or the Board of Public Works shall, with the approval of the Council, reduce the rates for such service or services, but only to such an extent that such utility or utilities will remain self-supporting.

Reserve for Contingencies:

Section 13.19. The Board shall provide for the setting aside of a sufficient and adequate reserve for contingencies, both for the electric and for the water supply systems and works of the city. Moneys, from time to time, remaining in said funds may be transferred to any proper general fund of the City of Zeeland, to be used for the purpose of the erection and operation of such street lights and for furnishing electric current for the private lighting and power hereafter provided for, and for the improvement or re-

placement of all or any part of the water supply system of the city. The Board shall have the right and authority to erect and maintain in the streets and alleys of said city such number of poles, guide posts, towers, wires, stays, material, and of water pipes, valves, fire hydrants, and accessories, and such other necessary equipment for the proper maintenance of said plants and distribution systems and accessories.

Other Utility Funds:

Section 13.20. No provision of this chapter shall prevent the creation of any fund or funds for the electric or water supply systems of the city which may be required by State law, nor the placing of moneys in or to the credit of such funds, nor the disbursing of moneys from such funds in accordance with the laws requiring them.

Claims Against the Electric and Water Utility Systems:

Section 13.21. All claims against the electric plant and distribution system, and the water supply system, when approved by the Board shall be, by them, certified to the Council as often as shall be desirable, and not less than at least once in each month, for the approval of the Council. When said claims shall be so approved, orders upon the electric light fund or the water works fund, as the case may be, shall be drawn by the Clerk, shall be due and payable and shall be paid by the Treasurer out of the fund upon which they are drawn in the same manner as other moneys of the city are paid out in accordance with the provisions of Section 10.12 of this charter. No order shall be drawn on either of said funds unless there shall be money in said fund to pay said order in full.

Excess Utilities Property:

Section 13.22. In case there shall be any excess of any real estate, which shall not be required for the use of the Board for the purposes aforesaid, the Board shall have the authority and be empowered to lease any such excess real estate to any suitable and responsible party or parties at such rental as shall be by them deemed meet, but no such lease of real estate shall be operative until the same shall have been approved by a majority of the full membership of the Council.

Annual Financial Report of Board:

Section 13.23. Within ninety days after the thirtieth day of June in each year, and as much oftener as may be desired by the Council, the Board shall report to the Council a full and complete

itemized statement of all receipts and expenditures of the Board and a statement of the condition, progress, and operation of all of the work under its control during the preceding year. The annual report of the Board hereinbefore mentioned shall be caused to be published by the Council in the manner prescribed by it.

Utility Charges:

Section 13.24. Except as otherwise provided in this charter, the Council shall fix the rates to be charged for all public utility services. When any person shall fail or refuse to pay to the city any sums due on such utility bills, the service upon which such delinquency exists may be shut off or discontinued by the proper authority or department of the city and suit may be instituted by the city for the collection of the same in any court of competent jurisdiction.

Lien for Delinquent Utility Charges:

Section 13.25. Except as otherwise provided or limited by State law, the city shall have as security for the collection of all charges for utility services, a lien upon the premises to which such utility services were supplied. Such lien shall become effective immediately upon the distribution or supplying of such utility service or services to such premises.

Except as otherwise provided by State law, all unpaid charges for utility services furnished to any such premises, which, on the 31st day of March of each year, have remained unpaid for a period of three months, or more, shall be reported by the Clerk to the Council at the first meeting thereof in the month of April. The Council thereupon shall order the publication in a newspaper published in the city, of notice to all owners of property within the city that all unpaid utility charges which have remained unpaid for a period of three months or more prior to the 31st day of March, and which have not been paid by the 30th day of April, shall be assessed upon the city's tax roll against the premises to which the utility services, for which the unpaid charges accrued, were supplied or furnished; and that such charges shall be collected in the same manner as the city taxes and said tax roll. If the same have remained delinquent and unpaid after the expiration of the time limited in the Treasurer's warrant for the collection of taxes levied in said tax roll, such charges shall be returned to the County Treasurer to be collected in the same manner as the city taxes on the delinquent tax roll of the city.

In the event that any provision of this section shall prove to be incomplete or inadequate for the carrying out of the purposes thereof,

the Council shall provide by ordinance such additional procedures as may be required for the collection of public utility charges, and, for such purpose, shall have all the powers granted to cities by Act No. 178 of the Public Acts of 1939, as amended.

Disposal of Plants:

Section 13.26. Except for purposes permitted by law and as permitted by this chapter, the city shall not sell, exchange, lease, or in any other way alien or dispose of the property, easements, income, equipment, privileges, or assets belonging to and appertaining to any utility which it may own or acquire, unless and except such proposition shall first have been submitted to the qualified electors of the city at a special city election called for that purpose in the manner provided in this charter, and approved by a three-fifths majority vote of the electors of the city 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. The provisions of this section shall not, however, apply to the sale or exchange of any article of equipment of any city-owned utility which is worn out or useless, or which is being or has been replaced by new and improved machinery or equipment.

CHAPTER 14

PUBLIC IMPROVEMENTS

City May Perform Public Work:

Section 14.1. The Council shall have power to do any public work or make any local or public improvement by the employment of the necessary labor and the purchase of the necessary supplies and material with separate accounting as to each improvement so made, or to do such work by contract duly let after competitive bidding. The Council shall also have power to do any public work or make any local or public improvement under any legally constituted plan under which labor is furnished by 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.

Petitions for Local or Public Improvement:

Section 14.2. Petitions for the making of local or public improvements within the city shall be received by the Clerk and may be considered by the Council at any time. All such petitions received by the Clerk during any calendar year for which the improvements petitioned for have not already been made shall be considered or

reconsidered by the Council during the month of January following the close of such calendar year.

General Powers Relative to Special Assessments:

Section 14.3. 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. The Council shall not be limited in the making of local or public improvements to those for which petitions have been filed. Unless the cost or expense of a local or public improvement is to be borne, in whole or in part, by special assessments upon the property in the city to be benefited thereby, sections 14.4 to 14.15, inclusive, and sections 14.17 to 14.20, inclusive, of this chapter shall not apply or be required therefor.

Financing Public Improvements:

Section 14.4. No contract or expenditure, except for the necessary procedures and resolutions of the Council and for the expense of preparing necessary profiles, plans, specifications, and estimates of cost, shall be made for any public improvement, the cost of which is to be paid by special assessment upon the property benefited thereby, until the Council has passed a resolution determining to proceed with such public improvement as hereinafter provided and required.

Cost of Acquired Property Added:

Section 14.5. Whenever any property is acquired by condemnation or otherwise, for the purpose of any public improvement, the cost thereof, and of the proceedings required to acquire such property, may be added to the cost of such improvement.

Survey and Report:

Section 14.6. Before the Council shall consider the making of any public improvement, the same shall be referred to the City Superintendent directing him to submit a report which shall include necessary plans, profiles, specifications, estimates of cost, and estimate of the life of the improvement, a description of the recommended 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 portion thereof should be paid by special assessment upon the property benefited and what part, if any, should be paid by the city at large.

Determination on the Project:

Section 14.7. After the City Superintendent has presented the report hereinbefore required and after the Council has reviewed said report, a resolution may be passed determining the necessity of the improvement; setting forth the nature thereof; prescribing what part or proportion of the cost of such improvement shall be paid by special assessments upon the property benefited, and what part, if any, shall be paid by the city at large; designating the limits of the recommended special assessment district to be affected; the manner by which the benefits to be derived by property located in such district, through the making of such improvement, shall be measured and assessed; and placing such resolution and the report of the City Superintendent on file in the office of the Clerk for public examination.

Public Hearing on Necessity of Improvement:

Section 14.8. The Council shall not determine to proceed with the making of any local or public improvement until after a public hearing thereon has been held by the Council. No such public hearing shall be held by the Council until after the report of the City Superintendent and the resolution of the Council determining the necessity of the improvement shall have been on file in the office of the Clerk for not less than ten days. Notice of the time and place of such public hearing and of the purpose thereof shall be published by the Clerk not less than ten days prior to the date thereof and the Clerk shall also mail copies of said notice by first-class mail to each owner of or person interested in the property located within the proposed special assessment district as their names and addresses appear on the latest assessment roll of the City of Zeeland, said notice to be mailed at least ten full days prior to the date of said hearing.

Objections to Improvements:

Section 14.9. If at, or prior to, the hearing by the Council on the making of any local or public improvement, the owners of fifty per cent or more of the privately owned real property, or more than fifty per cent of the number of owners of the privately owned real property, which is to be assessed for such improvement, shall object, in writing, to the proposed improvement, the improvement shall not be made, by proceedings authorized by this chapter, without a two-thirds vote of the members of the Council.

Determination by the Council:

Section 14.10. At the public hearing on the proposed improvement, all persons interested shall be given an opportunity to be

heard upon the question of the necessity of the improvement, after which the Council may determine to proceed with the improvement without change, modify the scope of the public improvement or the assessment therefor, or both, as they shall deem to be in the best interest of the city as a whole, or abandon the improvement. If the determination of the Council shall be to proceed with the improvement in any manner, a resolution shall be passed approving the necessary profiles, plans, specifications, and estimates of cost, and directing the Assessor to prepare a special assessment roll in accordance with the Council's determination and report the same to them for confirmation, which special assessment roll may be ordered to be made, either forthwith, or after the completion of the public improvement so ordered.

Special Assessment Roll:

Section 14.11. The Assessor shall make a special assessment roll of all lots and parcels of land within the designated district benefited or to be benefited by the proposed improvement and assess to each lot or parcel of land the amount which each such lot or parcel of land, together with the improvements thereon, is deemed to be or capable of being benefited by the improvement to which such special assessment roll relates, together with the amount to be collected at the time of the collection of each installment or deferred special assessment, if the decision of the Council shall be to collect the cost of such improvement in installments. The amount spread in each case shall be based upon the estimates of cost of the City Superintendent as approved by the Council: Provided, that in the event that the special assessment roll is ordered to be made after the completion of the improvement ordered to be made by the Council, the amount so spread shall be based upon the actual cost of the improvement.

Assessor to File Assessment Roll with Clerk:

Section 14.12. When the Assessor shall have completed such assessment roll, he shall file the same with the Clerk for presentation to the Council for review and confirmation by it.

Meeting to Review Special Assessment Roll:

Section 14.13. Upon receipt of such special assessment roll, the Council, by resolution, shall accept such assessment roll and order it to be filed in the office of the Clerk for public examination; shall fix the time when and the place where the Council will meet to review such special assessment roll, and direct the Clerk to publish a notice of a public hearing for the purpose of giving an opportunity for interested persons to be heard. Such notice shall be made

by publication at least ten days prior to the holding of the hearing. The Clerk shall also mail copies of said notice by first-class mail to each owner of or person interested in the property located within the special assessment district as their names and addresses appear on the latest assessment roll of the city, said notice to be mailed at least ten full days prior to the date of said hearing.

Changes and Corrections in Assessment Roll:

Section 14.14. The Council shall meet at the time and place designated for the review of such special assessment roll and at such meeting, or adjourned meeting thereof, all interested persons or parties shall present their objections or other comments, if any, to the special assessment roll for such improvement. After such hearing, the Council may adopt the special assessment roll as submitted by the Assessor; may correct said roll as to any special assessment or description of any lot or parcel of land or other errors appearing therein; may order a new assessment roll to be made, in which event the same proceedings shall be followed in making a new roll as the making of the original roll; or, if such roll is made prior to the making or commencing of such improvement, may abandon the making of such improvement. If, after hearing all objections and making a record of such changes as the Council deems justified, the Council is satisfied with said special assessment roll as submitted by the Assessor or as corrected by it, it shall thereupon pass a resolution confirming such roll, and commanding the Treasurer to collect the various sum appearing thereon, or, if so directed by the Council, to spread the same upon the tax rolls of the city for the full amounts, or upon successive tax rolls of the city in annual installments, if the decision of the Council shall be to collect the costs of such improvements in installments. Such roll shall have the date of confirmation endorsed thereon and shall from that date be final and conclusive for the purpose of the improvement to which it applies, subject only to adjustment to conform to the actual cost of the improvement, as provided in Section 14.20 of this chapter.

Poverty Provisions:

Section 14.15. In any instance where, in the opinion of the Assessor and the Council, because of poverty, the owner of any property which is assessed to defray any part of the cost of making any public improvement benefiting such property, is unable to contribute toward the cost thereof, the Council may provide that the special assessment against such property for such improvement shall not be spread upon the assessment roll therefor. As a consideration for and a condition of such provision by the Council, and to assure the city of

the ultimate payment of such assessment, the beneficiary of such provision shall execute a trust deed or assignment of such property to the city. Such deed or assignment shall be approved by the City Attorney. Such trust deed or assignment shall not deprive the grantor thereof of his right to enjoy the use, occupancy, and profits of the property so deeded or assigned, but shall give to the city, in the event that the fee to such property is transferred to another in any manner whatsoever, such an interest therein as will provide for the payment to the city of any amount equal to all special assessments which would have been assessed and levied against such property by the city for public improvements, had such provision not been made, together with all interest thereon which would have accumulated, had such special assessment or assessments been spread upon such roll, from the date of such roll to the date that the same are paid. Such deed shall be in proper form for and shall be recorded in the office of the Register of Deeds of the County of Ottawa.

Deviation from Plans and Specifications:

Section 14.16. No deviation from original plans or specifications, as adopted, shall be permitted by any officer or employee of the city without authority of the Council by resolution. A copy of the resolution authorizing such change or deviation shall be certified by the Clerk and attached to the original plans and specifications on file in his office.

Collection of Special Assessments:

Section 14.17. Except as the Council shall order any special assessment or installments thereof to be spread upon and collected with any tax roll of the city, all special assessments, except such installments thereof as the Council shall make payable at a future time, as provided in this chapter, shall be due and payable upon confirmation of the special assessment roll. Except when the special assessments for a local or public improvement are ordered by the Council to be spread on the tax roll of the city, within ten days after such special assessment roll has been certified by the Council, the Clerk shall deliver such roll to the Treasurer for the collection of the several sums assessed thereon. The Treasurer shall give notice by first-class mail to persons chargeable upon special assessment rolls of the city in the same manner, and with like effect in the event that such notice is not given or received by any person, as is required for the giving of such notice in the case of taxes upon real and personal property in the city.

Partial Payments - When Due:

Section 14.18. The Council may provide for the payment of special assessments in annual installments. Such annual installments

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shall not exceed ten in number, the first installment being due upon confirmation of the roll and the deferred installments being due annually thereafter, or, in the discretion of the Council, may be spread upon and made part of each annual city tax roll. Until all annual installments have been spread, interest shall be charged on all installments, from and after a date fixed by the Council, at a rate which shall not exceed the six per cent per annum. The whole or any number of deferred installments, with interest accrued thereon, to the date of payment, may be paid in advance of the due dates as established therefor.

Delinquent Special Assessments:

Section 14.19. Special assessments, from the date of the confirmation of the roll for the local or public improvement to which they apply, and all interest and collection charges thereon, 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. Special assessments and the interest accrued thereon and any installments thereof which are collected on the city tax rolls shall be subject to the same collection fees as are provided under this charter for city taxes collected on the same rolls. The lands upon which any delinquent special assessments, collection fees, and interest charges, are a lien, shall be subject to sale, the same as are the lands upon which delinquent city taxes are a lien and subject to sale.

Additional Assessments, Refunds:

Section 14.20. The City Superintendent shall, within sixty days after the completion of each public improvement, compile the actual cost thereof and certify the same to the Treasurer, who shall adjust the special assessment roll to correspond therewith. When any special assessment roll shall prove insufficient to meet the costs of the improvement for which it was made, the Council shall make 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 by five per cent or less, the Council may place the excess in the city treasury. If more than five 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.

Sidewalks:

Section 14.21. The Council shall have the power to require the owners of lots and premises to build, rebuild, and repair, sidewalks in the public streets adjacent to and abutting upon such lots and premises, and to keep them in repair at all times, and to construct and lay the same upon such lines and grades, and of such width, materials, and manner of construction, and within such time as the Council shall, by ordinance or resolution, prescribe, the expense thereof to be paid by such owner or occupant. The Council may also provide that, if any owner or occupant shall fail or refuse to build, rebuild, or repair any such sidewalk as provided by the Council in such ordinance or resolution, the Council may proceed to order the building, rebuilding, or repairing of such sidewalk and charge the same to the owner or occupant as a special assessment, collectable as provided in this charter for the collection of special assessments against single lots of premises. The Council may, by a two-thirds vote of its membership, pay such part of the expense of building or rebuilding any sidewalk as they may deem proper from the general funds of the city.

Assessments on Single Lots:

Section 14.22. When any expense shall be incurred by the city for sidewalks or upon or in respect to any separate or single lot, parcel of land, or lands, 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 City Superintendent, with a description of the lot, and the name of the owner or person, if known, chargeable therewith, shall be reported to the Council in such manner as it prescribes. The Council shall determine what amount or part of the cost of any such expense shall be charged, and the person, if known, against whom, and the premises upon which, the same shall be levied as a special assessment; and as often as the Council shall deem it expedient, it shall require all of the several amounts so reported and determined, and the several persons chargeable therewith respectively to be notified by the Clerk either by first-class mail, sent to their last known address as shown on the assessment roll of the city or by publication. Such notice shall state the basis of the assessment, the cost thereof, and shall give a reasonable time, which shall not be less than thirty days, in which payment shall be made to the Treasurer. In all cases where payment is not made within the time limit set, the same shall be reported by the Treasurer to the Assessor, who shall spread such amounts, together with a penalty of ten per

cent of such amounts, against the several persons or descriptions of real property chargeable therewith on the next roll for the collection of city taxes.

Nuisances:

Section 14.23. The Council may, by ordinance, declare acts or conditions which are or may be dangerous to the health, safety, or welfare of the inhabitants of the city to constitute hazards or nuisances, and shall, in such ordinance or ordinances, provide for the abatement thereof and may also provide that the costs of such abatement be charged against the real property on which the hazard or nuisance is located and the owner thereof as a special assessment.

Hazards Constituting Nuisances:

Section 14.24. When any lot, building, or structure within the city, because of accumulation of refuse, or debris, the uncontrolled growing of noxious weeds, or of age or dilapidation, 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, safety, or welfare of the inhabitants of the city or of those residing or habitually going near such lot, building, or structure, the Council may, after investigation, give notice thereof by publication, by personal service, or by registered mail addressed to the last known address of the owner or owners of the land upon which such nuisance exists, or to the owner of the building or structure itself. Such notice shall specify the nature of the nuisance and require such owner to alter, repair, tear down, abate, or remove the nuisance promptly or 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, the 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, or may do the work by contract or by hire. The cost of such abatement shall be determined by the City Superintendent and reported to the Council, which may order the same to be assessed against the real property upon which such hazard or nuisance is located, by special assessment. The Council shall determine the person, if known, against whom, and the premises upon which the same shall be levied as a special assessment. As often as the Council shall deem it expedient, it shall require all of the several amounts so determined and reported to it, and the several lots or premises and the person chargeable therewith, respectively, to be notified by the Clerk, either by personal service, by registered mail sent to their last known address, as shown on the assessment roll of the city, or by publica-

tion. Such notice shall state the basis of the assessment, the cost thereof, and shall give a reasonable time, which shall not be less than thirty days, in which payment shall be made to the Treasurer. In all cases where payment is not made within the time limit, the same shall be reported by the Treasurer to the Assessor, who shall spread such amounts charged against the several persons or descriptions of real property chargeable therewith, together with a penalty of ten per cent of such amounts, on the next tax roll for the collection of city taxes.

Additional Procedures:

Section 14.25. In any case where the provisions of this charter 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 procedures.

Special Assessment Accounts:

Section 14.26. Except as otherwise provided in this charter, moneys raised by special assessment to defray the cost of any local improvement shall be held in a special fund to pay such cost or to repay any money borrowed or advanced therefor. Except as otherwise provided in this chapter, each special assessment account must be used only for the purposes of the improvement project for which the assessment was levied.

Contested Assessment:

Section 14.27. 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 local or public improvement or the removal or abatement of any public hazard or nuisance, within fifteen days after the date of the resolution of the Council confirming the assessment roll for such improvement, as provided in Section 14.14 of this chapter, or ordering the same to be a special assessment, in the case of an assessment upon a single lot or premises, 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.

Reassessment for Benefits:

Section 14.28. Whenever the Council shall deem any special

assessment invalid or defective for any reason whatever, or if any court of competent jurisdiction shall have adjudged such assessment to be illegal for any reason whatsoever, in whole or in part, the Council shall have power to cause a new assessment to be made for the same purpose for which the former assessment was made, whether the improvement or any part thereof has been completed or not, and whether any part of the assessment has been collected or not. All proceedings on such reassessment and for the collection thereof shall be made in the same manner as provided for the original assessment, except that it shall not be necessary for the Council to again determine the necessity of the improvement or to hold a hearing thereon. If any portion of the original assessment shall have been collected and not refunded, it shall be applied upon the reassessment and the reassessment shall, to that extent, be deemed satisfied. If more than the amount reassessed shall have been collected, the balance shall be refunded to the person making such payment.

CHAPTER 15

BOARDS AND COMMISSIONS

Creation of Boards and Commissions:

Section 15.1. The Council may, by ordinance, upon the recommendation of the Mayor, create such administrative boards and commissions as it shall deem necessary for the efficient administration of the government of the city, and shall prescribe the powers and duties of such boards and commissions: Provided, that the Council shall not have power to grant to any such boards or commission any of the powers or duties of any office created by this charter.

Power to Make Rules and Regulations:

Section 15.2. The Council may, in the ordinance creating a board or commission, or by any amendment thereof, empower any board or commission created under the provisions of this chapter to make rules and regulations concerning matters under its jurisdiction. Such rules and regulations shall become effective upon approval by the Council and the filing of printed copies thereof with the Clerk for public distribution.

Any rule or regulation of a board or commission created under Section 15.1 of this charter may be set aside by resolution of the Council at any time, or may be amended or repealed in the same manner in which it was adopted.

Budget Appropriations and Administration:

Section 15.3. The executive officer of each board and commission created under the provisions of this chapter shall submit annual budget estimates, and the Council shall make annual budget appropriations for such boards and commissions in the manner provided in chapter 10 of this charter for city officers, departments, and boards. Such boards and commissions shall have the same powers and duties, and shall be subject to the same limitations in the administration of such appropriations as are provided for other boards of the city in chapter 10 of this charter.

SCHEDULE

Election to Adopt Charter:

Section 1. This charter shall be submitted to a vote of the qualified electors of the City of Zeeland at a special election to be held in that city on Tuesday, June 27, 1967, between the hours of 7:00 o'clock a.m. and 8:00 o'clock p.m. If this charter is adopted at such election, it shall take effect and become law as the charter of the City of Zeeland on Saturday, July 1, 1967, at 12:01 o'clock a.m.

Form of Ballot:

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

INSTRUCTION—A cross (X) in the square after the word "Yes" is in favor of the adoption of the proposed charter, and a cross (X) in the square after the word "No" is against the adoption of the proposed charter.

Shall the proposed charter of the City of Zeeland drafted by the Charter Commission which was elected on April 5, 1965, be adopted?

YES — ☐

NO — ☐

First Officers Under Charter:

Section 3. (a) The Mayor, each member of the Council, the Supervisors, the two Justices of the Peace, and each Constable of the City of Zeeland, who held office at the time that this charter became law as the charter of the city, shall each continue in the office so held by him for the balance of the term of office to which he was elected. Their successors shall be elected and shall qualify for, assume, and hold the offices to which they have been elected or appointed in accordance with the provisions of this charter.

(b) All incumbent administrative officers and employees of the city, both elective and appointive, including but not limited to the City Clerk, the City Treasurer, the City Assessor, the City Superintendent (presently also referred to as City Service Director), the City Attorney, the Utilities Manager and members of all Boards and Commissions, who held office in or were employed by the city at the time this charter became law as the charter of the city, shall continue in the offices and employment at that time held by them, respectively, for the balance of the terms of office or employment to which they were appointed or employed.

(c) Should the term of office, to which any such incumbent officer has been elected, expire prior to the time when such office is provided to be filled by election under the provision of this charter, such incumbent officer, or his successor in the event of the filling of a vacancy in such office, shall continue in such office as a de jure officer, until such office is filled by election, as in this charter provided, and the compensation of such officers shall be adjusted pro rata for any such additional time served.

(d) The City Council of the City of Zeeland as it was constituted at the time this charter became law as the charter of the city, shall constitute the Council of the City of Zeeland under this charter, and shall perform the duties of such Council, subject to the provisions of this charter, until such time as the terms of office to which its members were, respectively, elected or appointed shall expire and their successors in office have been elected or appointed and have assumed the duties of such office, as in this charter provided.

First Budget:

Section 4. The budget adopted by the Council in May, 1967, under the existing charter, for the fiscal year commencing July 1, 1967, shall be the first budget for the city for purposes of the provisions of this charter.

Status of Schedule Chapter:

Section 5. The purpose of this schedule chapter is to inaugurate the government of the City of Zeeland under this charter and it shall constitute a part of said charter only to the extent and for the time required to accomplish that end.

RESOLUTION OF ADOPTION

At a meeting of the Charter Commission of the City of Zeeland, held in the official Council Chambers of the city, the usual meeting place of the Charter Commission, on Tuesday, March 7, 1967, the following resolution was offered by Commissioner Van Koevering and seconded by Commissioner Vanden Bosch:

Resolved, That the Charter Commission of the City of Zeeland does hereby adopt the foregoing instrument as the proposed revised charter of the City of Zeeland, 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 Act. No. 279 of the Public Acts of 1909, as amended, for his approval.

Upon a vote being taken, said resolution was adopted by the unanimous vote of all those present.

LEON D. VAN HARN

Clerk of the Charter Commission
of the City of Zeeland, Michigan

Attested by the following Commissioners:

CLEO HUIZENGA

WILLIAM VANDEN BOSCH

VERNON LOKERS

GEORGE ALLEN

ALVIE MILLARD

COREY VAN KOEVERING

KENNETH DE JONGE

RANDALL DEKKER, Chairman

LOUIS MANNES (Deceased)

All of the Commissioners having attested as to said resolution, as above set forth 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

EXECUTIVE OFFICE

Lansing, Michigan

I do hereby approve the foregoing Charter of the City of Zeeland, Michigan.

GEORGE ROMNEY
Governor of the State of Michigan

Dated: June 13, 1967

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