

# **RIVER ROUGE, MICHIGAN**

## **CITY CHARTER**

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**CHARTER**





## CHARTER

***Editor's note:***

*This charter was approved by Governor Alex. J. Groesbeck on February 23, 1922, and was adopted by the electors on April 3, 1922, in accordance with the provisions of the Home Rule City Act; Public Acts, 1909, No. 279; C.L., 1948, secs. 117.1 et seq.; Mich. Stat. Anno., secs. 5.2071 et seq. Two classes of charter provisions are set forth in this act, (1) mandatory, (2) permissive. The mandatory provisions of this charter are indicated in the annotations with the respective citations.*

*The section numbers in this charter have been furnished by the previous editor. For the corresponding section numbers of the original charter, see cross reference table "A" in the appendix.*

*The words appearing in brackets herein have been inserted by the previous editor for the purpose of clarification.*



## ARTICLE 1: IN GENERAL

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**SEC. 1 'CITY', 'COUNCIL', DEFINED.**

The term 'city' whenever used in this charter, shall be construed to mean the City of River Rouge. The term 'council' as used in this charter, shall be construed to mean the same as the term 'common council' as designating the governing body of the city whenever used in this charter or in any law of the state.

**SEC. 2 CORPORATIONS; STOCK, OWNERSHIP PROHIBITED.**

The city shall not become the owner or holder of stock or shares in any incorporated company.

**SEC. 3 PUBLICATION, POSTING; REQUIREMENTS; PRIMA FACIE EVIDENCE.**

When, by the provision of this charter, or the laws of the state, notice of any matter or proceedings is required to be published or posted, an affidavit of the publication or posting of the same, made by the printer of the newspaper in which the same was inserted, or by some person in his employ knowing the facts, if such notice was required to be by publication, or by the person posting the same when required to be by posting, shall be prima facie evidence of the facts therein contained. Such affidavit of publication or posting shall be filed with the city clerk within six months from the date of the last publication thereof or of the posting of the same.

**SEC. 4 PROCESS AGAINST CITY; SERVICE.**

All process against this city shall run against said city in its corporate name and may be served by leaving a certified copy with the mayor or city clerk, at such time and manner as may be provided by law.

**SEC. 5 PLATS; COUNCIL APPROVAL REQUIRED.**

No lands or premises shall hereafter be laid out, divided and platted into lots, streets and alleys, within said city, except by permission and approval of the council by resolution passed for that purpose; nor until the proprietor shall file with the city clerk a proper bond, correct survey, plan and map of such grounds and the subdivision thereof, platted and subdivided as approved by the council, and made to their satisfaction; showing also the relative position and location of such lots, streets and alleys with respect to the adjacent lots and streets of the city, nor shall any such plat and dedication of the streets and public grounds thereon be recorded in the office of [the] register of deeds of Wayne county, until a certificate has been endorsed thereon by the city clerk, under the seal of said city, showing that such

plat and dedication has been approved by the council; nor shall said city by reason of such approval, be responsible for the improvement, care and repairs of such streets and alleys excepting such as the council shall accept and confirm by ordinance or resolution.

**Editor's note:**

*For procedure relative to adoption of plats by the city council, see C.L., 1948, secs. 125.52 et seq.; Mich. Stat. Anno., secs. 5.3007(2) et seq. See also C.L., 1948, secs. 560.1 et seq.; Mich. Stat. Anno., secs. 26.431 et seq.*

**SEC. 6 SALOONS PROHIBITED.**

No license shall be granted to any person, firm or corporation authorizing such person, firm or corporation to operate a saloon for the sale of malt, brewed, vinous, distilled, fermented, spirituous or intoxicating liquors within the limits of the city; provided, however, that nothing herein contained shall prevent the sale of such liquors for medicinal, mechanical, chemical, scientific or sacramental purposes by any druggist or registered pharmacist under and in compliance with the national and state laws, and such other requirements as may be imposed by ordinance.

**SEC. 7 INTOXICATING LIQUORS; MANUFACTURE, SALE; LICENSE PROHIBITED, EXCEPTION.**

No license shall be granted to any person, firm or corporation authorizing such person, firm or corporation to manufacture or sell malt, brewed, vinous, distilled, fermented or spirituous intoxicating liquors within the limits of the city; provided, however, that nothing herein contained shall prevent the sale of such liquors for medicinal, mechanical, chemical, scientific or sacramental purposes by any druggist or registered pharmacist under and in compliance with the national and state laws, and such other requirements as may be imposed by ordinance.

**SEC. 8 SAME; MANUFACTURE, SALE; PROHIBITION, EXCEPTION.**

The manufacture and sale, either at wholesale or retail, of malt, brewed, vinous, distilled, fermented, spirituous and intoxicating liquors within the corporate boundaries of this city are hereby prohibited; provided, however, that nothing herein contained shall prevent the sale of such liquors for medicinal, mechanical, chemical, scientific or sacramental purposes by any druggist or registered pharmacist under and in compliance with the national and state laws, and such other requirements as may be imposed by ordinance.

**SEC. 9 SAME; TRANSPORTATION; ORDINANCE AUTHORIZED.**

The council shall have power to provide, by ordinance, for the regulation or prohibition of the transportation or delivery of malt, brewed, vinous, distilled, fermented, spirituous and intoxicating

liquors within the limits of the city of River Rouge; provided, that such prohibition shall not affect the transportation and delivery to a druggist or registered pharmacist, of such liquors under and in compliance with the general laws of the United States and the state of Michigan permitting the transportation and delivery of such liquors for medicinal, mechanical, chemical, scientific or sacramental purposes.

#### **SEC. 10 PURCHASES OVER \$500.00; REQUIREMENTS.**

No contract shall be entered into by the city for the making of any public improvement or for the purchase of any materials, tools, apparatus, or any other thing or things, the consideration or cost of which shall exceed five hundred dollars, until specifications shall be prepared therefor, and published advertisement made for sealed proposals thereon; provided, however, that by a vote of five-sevenths of the members of the council-elect, such contracts may be made without advertisement, the consideration for which shall not exceed one thousand dollars.

#### **SEC. 11 'FREEHOLDER', DEFINED.**

The term 'freeholder' is, for the purpose of this charter, hereby defined to mean any person holding an inheritable interest in lands under a deed, either individually or by entireties, or under land contract by which such person is purchasing land situated in this city, either individually or jointly with another or others or by entirety. Any person possessing the qualifications of a freeholder, as herein defined, shall be deemed to be an 'owner' of property for the purpose of complying with any provision of this charter.

#### **SEC. 12 'NEWSPAPER OF GENERAL CIRCULATION', DEFINED.**

'A newspaper of general circulation', as referred to or mentioned in this [charter] shall be construed to mean any newspaper published at least once in each week in this city or in the city of Detroit, having a general circulation in this city. The council shall secure competitive bids from the publishers of such newspapers, and award the printing of all official notices, reports and advertisements for a portion or all of any fiscal year. Such successful bidder shall be the official newspaper of the city.

***Editor's note:***

*The word 'chapter' appeared in the original; the word 'charter' has been inserted in brackets for the reason that that word was evidently intended.*

#### **SEC. 13 COUNCIL PROCEEDINGS; RECORD, PUBLICATION, REQUIRED.**

All records of the proceedings of the council and records of the city shall be kept in the English language in the books or journal of the city and all council proceedings shall be published weekly in the official newspaper of the city within one week from the day on which said meeting occurs.

**SEC. 14 ACCOUNTS; UNIFORM SYSTEM REQUIRED.**

The system of accounts of the city shall conform to any uniform system which may be required by law.

***Editor's note:***

*It is mandatory that the charter shall provide for a system of accounts which shall conform to such uniform system as may be required by law, see C.L., 1948, sec. 117.3(n); Mich. Stat. Anno., sec. 5.2073.*

**SEC. 15 RECORDS; PUBLIC INSPECTION.**

All the records of the city shall be public and open to inspection at all times.

***Editor's note:***

*It is mandatory that the charter shall provide that all records of the municipality shall be public, see C.L., 1948, sec. 117.3(1); Mich. Stat. Anno., sec. 5.2073.*

**SEC. 16 FISCAL YEAR.**

The fiscal year of the city shall begin with the first day of July of each year, and end with the thirtieth of June next thereafter.

**SEC. 17 ACCOUNTS, RECORDS; AUDIT, INSPECTION, ETC.**

All books, papers, records and accounts of any officer, elected or appointed, or of any office or department of the city, shall be the property of the city, and shall at all times be subject to audit, examination or inspection by any members of the council, or by any person employed or designated by the council for that purpose.

**SEC. 18 OFFICERS AND EMPLOYEES; APPOINTMENT, REMOVAL, ETC.; CIVIL SERVICE SYSTEM, COMPLIANCE REQUIRED.**

In appointment, removal and promotion of officers and employees of the police, fire and other departments of the city, the mayor and council shall as far as possible conform to a uniform civil service system, based on their respective qualifications and performances of duties and without any reference to their religious faith or party affiliations.

***Editor's note:***

*For charter provisions relative to civil service, see secs. 463 et seq., infra.*

**SEC. 19 OFFICERS AND EMPLOYEES; MILITARY SERVICE, LEAVE OF ABSENCE.**

Whenever any officer or officers, employee or employees of the city of River Rouge shall be called into the military or naval service of the United States, or shall voluntarily enter such service in time of war, the council shall have the power to grant to such officer or officers, employee or employees, an indefinite leave of absence to cover the period of such service.

**SEC. 20 SEVERABILITY.**

Should any portion of this charter be declared void, illegal or unconstitutional, such finding shall not invalidate the remainder of this charter.

**SEC. 21 CHARTER AMENDMENTS; PROCEDURE.**

This charter may be amended or revised in the manner provided by the general laws of this state, and may be vacated by majority vote of the qualified electors voting thereon at any regular election or any special election called by the council of the city of River Rouge, and the procedure in such case shall be the same as is provided by law for the amendment or revision of the charters of cities. This charter shall not be amended, revised or repealed, or the integrity of the municipal organization and incorporation of the city surrendered, abandoned or lost, otherwise than in the manner hereinbefore provided.

**SEC. 22 CITY SEAL; FORM.**

Until otherwise changed by the council, the seal of the city of River Rouge shall be the same as the seal of the village of River Rouge except that the word 'city' shall be substituted in place of the word 'village' and the date '1922' shall be added thereto.

**SEC. 23 CITY RESIDENCE; TERM CONSTRUED.**

Whenever in this charter or in any ordinance passed thereunder, a residence in the city of River Rouge for a set time shall be required, in determining the time of such residence, residence in the village of River Rouge shall be included.

**SEC. 24 VILLAGE RIGHTS, LIABILITIES, ETC.; CITY SUCCESSOR.**

The city of River Rouge, upon the taking effect of this charter, shall succeed to and be vested with all the property, real and personal, moneys, contracts, rights, credits, effects, records, files, books and papers, and all other property of every name and nature, belonging to the municipal corporation styled



and designed as the 'village of River Rouge' to which municipal corporation the city of River Rouge is successor, and no rights or liabilities, either in favor of or against said village of River Rouge existing at the time this charter shall become effective, and no suit or prosecution of any kind, or other legal proceedings, shall be in any manner affected by the incorporation of the territory comprised within the limits of the village of River Rouge, as the city of River Rouge, but the same shall stand or progress as if no such change had been made and all debts and liabilities of the former village of River Rouge shall be deemed to be the debts and liabilities of the city of River Rouge, and all taxes levied and uncollected at the time of such change shall be collected the same as if such change had not been made, and all bonds, the issuance of which has been authorized by the electors of the village of River Rouge, may be issued and sold, and all proceedings in relation thereto may be taken the same as if no change in the form of incorporation had been made; provided, that when a different remedy is given in this charter or in any ordinance pursuant thereto, which can be made applicable to any rights existing at the time of the incorporation of the city under or subject to this charter, and the same shall be deemed cumulative to the remedies before provided, and may be used accordingly.

#### **SEC. 25 VILLAGE OFFICERS CONTINUED, EXCEPTION.**

The president and six councilmen constituting the village council of the village of River Rouge in office at the time this charter shall take effect, shall have and exercise the powers and duties of the mayor and council respectively under the provisions of this charter, and shall constitute the council as in this charter provided, until their successors are duly elected and qualified, as herein provided. The treasurer, attorney, assessor, engineer, sanitary inspector, health officer, chief of the fire department, chief of the police department, auditor, the two members of the board of review of the village of River Rouge and the board of special assessors, shall perform the duties of their respective offices under the provisions of this charter until their successors are elected or appointed, qualify and enter upon the duties of their respective offices. The clerk of the village of River Rouge shall perform the duties of clerk under the provisions of this charter, and the street commissioner of the village of River Rouge shall perform the duties of the superintendent of public service, under the provisions of this charter, until their successors are elected or appointed and qualify and enter upon the duties of their respective offices. All other appointive officers under the charter or ordinances of the village of River Rouge, shall continue to hold such offices and to perform the duties required of them by this charter or the ordinances under which they were appointed until the officers provided under the terms of this charter to perform such duties or their successors under the city incorporation, shall have been appointed as herein provided, and shall have qualified and entered upon the duties of their respective offices. When the successors to such officers, elected or appointed, under the organization of the village of River Rouge, shall have been elected or appointed, and shall have qualified and entered upon the duties of their respective offices, as herein provided, then the duties and compensation of such village officers respectively shall terminate.

#### **SEC. 26 VILLAGE ORDINANCES, ETC., CONTINUED.**

All ordinances of said village of River Rouge, and all rules, regulations and resolutions of the council and of any board of said village, heretofore in force and not inconsistent with the provisions of

this charter, shall remain in full force and effect after the adoption of this charter, and are hereby declared to be re-enacted by virtue of and under the powers conferred by this charter until altered, amended or repealed by the council or board, as the case may be.

#### **SEC. 27 VILLAGE ASSESSMENTS; PAYMENT, ENFORCEMENT.**

In cases where a special assessment has been made by authority of and confirmed by the council of said village of River Rouge, and the same, or some part thereof, shall not have been collected when this charter shall take effect, said city, as hereby incorporated, shall have authority to enforce the payment thereof, and the same proceedings may be had therefor as are provided in this charter.

#### **SEC. 28 VILLAGE LICENSES CONTINUED, EXCEPTION.**

All licenses granted by said village of River Rouge under its act of incorporation shall be and remain in full force and virtue until the expiration of the time for which they were respectively granted.

#### **SEC. 29 VILLAGE PROCEEDINGS; VALIDITY.**

All acts and proceedings of every kind and nature had or taken by the village of River Rouge under and in accordance with the provisions of the statutes governing or applicable to said village, as incorporated before this charter shall take effect, are hereby declared legal and binding upon the city of River Rouge, as incorporated hereunder, and upon all persons interested therein or affected thereby; and all bonds, special assessment or other proceedings so had and taken are hereby declared to be sufficient, regardless of provisions in this charter to the contrary, and the said proceedings shall be continued and completed under and in accordance with the provisions contained in this charter.

#### **SEC. 30 VILLAGE PROCEEDINGS CONTINUED; INTERPRETATION.**

Wherever in this charter any reference is made to any action or proceeding which has been taken, unless the context would otherwise imply, it shall be deemed to include any action or proceeding taken by the village of River Rouge and all provisions of this charter, except where otherwise expressly or impliedly provided, shall be construed as if no change had been made from a village to a city form of government.

## ARTICLE 2: INCORPORATION AND BOUNDARIES

### Section

- Sec. 31 Creation; name; general powers
- Sec. 32 Boundaries; description

### **SEC. 31 CREATION; NAME; GENERAL POWERS.**

The municipal corporation heretofore created by the vote of the electors on the 14th day of March, A.D., 1921, pursuant to the constitution and statutes of the state of Michigan, and known as 'The City of River Rouge', shall be a body corporate and politic, under the name and style of 'The City of River Rouge', and as such shall have and may exercise all powers which now are or hereafter may be conferred upon or reserved to cities under the constitution and laws of the state as fully and completely as though said powers were specifically enumerated herein, and said city of River Rouge by such name may sue and be sued, plead and be impleaded, complain and defend in any court of competent jurisdiction, contract and be contracted with, have a common seal and change the same at pleasure, acquire, appropriate, hold, control, lease, encumber, convey and dispose of real and personal property for the use or benefit of said municipal corporation. The city of River Rouge may do any act to advance the interests of the city, the safety, order, good government, general welfare and prosperity of the municipality and its inhabitants; and may make all laws and ordinances relating to municipal concerns and those which shall be necessary and proper for carrying into execution the foregoing powers.

***Editor's note:***

*For specific enumeration of city powers, see secs. 112 to 115, inclusive, infra.*

### **SEC. 32 BOUNDARIES; DESCRIPTION.**

The boundaries of said city of River Rouge, shall be the same as those fixed and established as the boundaries of the former village of River Rouge, to which municipal corporation the city of River Rouge is successor, which boundaries are described as follows:

Beginning at a point in the westerly line of the Lake Shore and Michigan Southern Railway Company's right-of-way, said point being distant 955 feet southerly from the intersection of the northerly line of Cora avenue, extended westerly to intersect the said westerly line of the Lake Shore and Michigan Southern Railway Company's right-of-way, running thence easterly in a parallel line to the said northerly line of Cora avenue to the easterly line of Private Claim 496, township of

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Ecorse; running thence northerly along said easterly line of Private Claim 496 to intersect a straight line drawn from the northwest corner of Lot Seven, Private Claim 43, township of Ecorse, in a westerly direction, to a point where the northerly line of Cora avenue intersects the westerly line of River road in said township; running easterly along said line drawn as above mentioned to the northwest corner of Lot Seven, Private Claim 43; running thence northerly along the westerly line of Lot Eight Private Claim 42, to the northwest corner of said Lot Eight; running thence easterly along the northerly line of said Lot Eight to the Detroit river; thence northerly upstream along the Detroit river to the River Rouge; thence upstream along the River Rouge to the intersection of the westerly line of Private Claim 455; thence southwesterly along the westerly line of Private Claim 455 to the center line of Visger road; thence easterly along the center line of Visger road to the westerly line of the Lake Shore and Michigan Southern Railway Company's right-of-way; thence northerly along the westerly line of the Lake Shore and Michigan Southern Railway Company's right-of-way to the place of beginning.

## ARTICLE 3: ELECTIONS

### Section

- Sec. 33 City composed of one ward
- Sec. 34 Election precincts; boundaries
- Sec. 35 Election precincts; number, boundaries; changes, council authority
- Sec. 36 Electors; registration, state law
- Sec. 37 Candidates; nomination
- Sec. 38 Primary elections; time of holding
- Sec. 39 Same; election officials, selection
- Sec. 40 Primary elections; polls, hours open
- Sec. 41 Statement of candidacy, form; nominating petitions, form, affidavit
- Sec. 42 Primary elections; notice; contents, publication
- Sec. 43 Primary ballots; alternating names, regulations
- Sec. 44 Same; printing, numbering; party designation prohibited
- Sec. 45 Statement of candidacy; filing, fee
- Sec. 46 Primary ballot; form
- Sec. 47 Ballots; delivery to chief of police, number
- Sec. 48 Electors; qualifications
- Sec. 49 Challengers; appointment, etc.; state law
- Sec. 50 Primary elections; conduct, procedure
- Sec. 51 Same; canvass of returns; results, publication
- Sec. 52 Candidates; nomination, determination
- Sec. 53 Candidates; insufficient number, primary elections not required
- Sec. 54 Special primary elections; procedure; resolution required
- Sec. 55 Filling vacancies; petitions, statements of candidacy, contents; ballots
- Sec. 56 Annual elections; time of holding
- Sec. 57 Special elections; council authority
- Sec. 58 Electors; qualifications; 'residence', defined
- Sec. 59 Ballots; form; non-partisan basis
- Sec. 60 Election commission; composition, duties; specific officials, duties
- Sec. 61 Election officials; compensation
- Sec. 62 Election notices; posting, publication
- Sec. 63 Elections; conduct, procedure; officials, powers; state law
- Sec. 64 Canvass of votes; results, statement

- Sec. 65 Certificates of determination
- Sec. 66 Tie vote, determination
- Sec. 67 Recount of votes; petition, procedure
- Sec. 68 Services for candidates; rewards prohibited, penalty
- Sec. 69 Candidates; entertainment, gifts, etc., prohibited, penalty
- Sec. 70 Influencing elections; prohibitions, penalty
- Sec. 71 'Regular election', defined

**Editor's note:**

*It is mandatory that the charter shall provide for the time, manner and means of holding elections, see C.L., 1948, sec. 117.3(c); Mich. Stat. Anno., sec. 5.2073.*

**SEC. 33 CITY COMPOSED OF ONE WARD.**

The city of River Rouge shall consist of one ward.

**Editor's note:**

*It is mandatory that the charter shall provide for the establishment of one or more wards, see C.L., 1948, sec. 117.3(e); Mich. Stat. Anno., sec. 5.2073.*

**SEC. 34 ELECTION PRECINCTS; BOUNDARIES.**

The city of River Rouge, until otherwise changed by ordinance or resolution of the council, shall be divided into four election precincts, whose boundaries and numbers shall be as follows:

*Precinct No. 1.* All that portion of the city of River Rouge, bounded on the east by the center line of West Jefferson avenue, and on the north by the center line of South Dearborn avenue, west, and said line extended on the west by the westerly city limits, and on the south by the southerly city limits.

*Precinct No. 2.* All that portion of the city of River Rouge bounded on the east by the line of West Jefferson avenue, and on the south by the center line of South Dearborn avenue, west, and said line extended on the west by the westerly city limits, and on the north to the River Rouge and the northerly city limits.

*Precinct No. 3.* All that portion of the city of River Rouge bounded on the west by the center line of West Jefferson avenue, and on the south by the center line of South Dearborn avenue, east, said line extended on the east to the Detroit river and the easterly city limits and on the north by the River Rouge and the northerly city limits.

*Precinct No. 4.* All that portion of the city of River Rouge bounded on the west by the center line of West Jefferson avenue, and on the north by the center line of South Dearborn avenue, east, and

said line extended on the east to the Detroit river and the easterly city limits and on the south by the southerly city limits.

### **SEC. 35 ELECTION PRECINCTS; NUMBER, BOUNDARIES; CHANGES, COUNCIL AUTHORITY.**

The council of said city may by ordinance or resolution increase or diminish the number of said election precincts, or change the boundaries thereof, whenever it shall be deemed necessary or convenient for conducting elections in said city. Said changes shall be made in the manner provided for by the general laws of this state.

### **SEC. 36 ELECTORS; REGISTRATION, STATE LAW.**

The registration of qualified electors of the city of River Rouge for and before the election at which this charter shall be submitted and the primary election to be held upon the 13th day of March, 1922, shall be in the manner and at the time provided by chapter [XXV] of this charter, but the registration for all elections subsequent to the election at which this charter is submitted shall be at the times and in the manner provided by the general laws of the state of Michigan for the registration of electors.

***Editor's note:***

*The words 'chapter XXVI' appeared in the original; the correct chapter number has been inserted in brackets. All of sections of such chapter contain merely procedural provisions prescribing the method for the adoption of the charter and such sections, being temporary, have been omitted from this charter.*

*It is mandatory that the charter shall provide for the registration of electors, see C.L., 1948, sec. 117.3(c); Mich. Stat. Anno., sec. 5.2073.*

*For state law relative to the registration of electors and the conduct of elections, see C.L., 1948, secs. 151.1 et seq.; Mich. Stat. Anno., secs. 6.68 et seq.*

### **SEC. 37 CANDIDATES; NOMINATION.**

Candidates for all offices to be voted for at any municipal election under the provisions of this charter shall be nominated at the primary election and no other names shall be printed on the election ballot for election of such officers, except those selected in the manner thereafter prescribed.

***Editor's note:***

*It is mandatory that the charter shall provide for the nomination of elective officers by partisan or non-partisan primary or by petition, see C.L., 1948, sec. 117.3(b); Mich. Stat. Anno., sec. 5.2073.*

**SEC. 38 PRIMARY ELECTIONS; TIME OF HOLDING.**

(a) A primary election, if required by the City Charter, for nomination of candidates for all elective municipal offices to be filled at the regular municipal election shall be held on the Tuesday following the first Monday in August of each odd numbered year. All nominating petitions for offices to be filled at the general election shall be filed by 4:00 o'clock, P.M., local time on the seventh (7th) Tuesday prior to the primary election.

(b) The general election of municipal officers shall be held on the Tuesday following the first Monday in November in every odd numbered year at such places in the several election precincts as shall be designated by the City Council.

(c) The term of office of Mayor shall be four (4) years beginning with the election on the 6th day of November, 1973. The existing term of office of the Mayor shall be extended to the Tuesday following the first Monday in November of 1973. At the general election to be held on November 6, 1973, and every four (4) years thereafter there shall be elected a Mayor, who shall hold office until the Tuesday following the first Monday in November of the fourth (4th) year following his election.

(d) The term of office of three Commissioners shall be four (4) years, beginning with the election on the 6th day of November, 1973. The term of office of three Commissioners shall be four (4) years, beginning with the election on the 4th day of November, 1975. The existing term of office of the six (6) Commissioners currently serving shall be extended to the Tuesday following the first Monday in November of 1975. At the general election to be held on November 6, 1973, three (3) Commissioners shall be elected to hold office until the Tuesday following the first Monday in November of the fourth (4th) year following their election, and three (3) Commissioners shall be elected to hold office until the Tuesday following the first Monday in November of the second year following their election, in all subsequent general elections, three (3) Commissioners will be elected, who shall hold office until the Tuesday following the first Monday in November of the fourth (4th) year following their election.

(e) The existing term of office of the City Clerk, Treasurer, Assessor and two Constables currently serving shall be extended to the Tuesday following the first Monday in November of 1973. At the general election to be held on November 6, 1973, and every two (2) years thereafter, there shall be elected a City Clerk, a Treasurer, an Assessor, and two (2) Constables, who shall hold office until the Tuesday following the first Monday in November of the second year following their election.

(f) The existing term of office of the Municipal Judge and the Associate Municipal Judge shall be extended to the Tuesday following the first Monday in November of the year in which their current terms expire. At the general election to be held on November 6, 1973, and every four (4) years thereafter there shall be elected one (1) Associate Municipal Judge, who shall hold office until the Tuesday following the first Monday in November of the fourth year following his election. At the general election to be held on November 4, 1975, there shall be elected one (1) Municipal Judge, who shall hold office until the Tuesday following the first Monday in November of the fourth year following his election.



(g) Except as otherwise provided, all elected officials having been declared elected and qualified, shall be sworn-in to office on the first Tuesday following the general election at which they are elected. All elective officers shall, after their several terms have expired, continue to hold office until their successors are elected, qualified and sworn-in to office. If any officer shall be elected or appointed to an unexpired term, he shall continue in office until the expiration of the term which he was elected or appointed to complete and until his successor is elected, qualified and sworn-in to office.

(h) Except as otherwise provided herein, the requirements and procedures for nomination of officers, the requirements and procedures relative to primary elections, and the requirements and procedures relative to the general elections, as presently constituted in the City Charter of the City of River Rouge, as amended, shall remain in full force and effect to the extent consistent with the Constitution and laws of the State of Michigan and the Constitution of the United States.

*Editor's note:*

*This section constitutes an amendment adopted by the electors on April 5, 1943. This section also constitutes as amendment adopted by the electors in June of 1971.*

**SEC. 39 SAME; ELECTION OFFICIALS, SELECTION.**

The officers for primary elections shall be the same as for the elections and shall be selected in the same manner and have the same powers and duties as officers for elections and shall receive such compensation in full for their services as shall be determined by the council prior to such primary election. In case any inspector or clerk or officer of election shall fail to appear at the hour of the opening of the polls at any primary election, or shall not remain in attendance during the primary election, such office shall be deemed to be vacant and shall be filled in the same manner as is provided by the general law for filling such vacancies at elections.

**SEC. 40 PRIMARY ELECTIONS; POLLS, HOURS OPEN.**

The primary election shall be held at the same places, as far as possible, and the polls shall be opened and closed at the same hours as are provided for municipal elections.

**SEC. 41 STATEMENT OF CANDIDACY, FORM; NOMINATING PETITIONS, FORM, AFFIDAVIT.**

Any person desiring to become a candidate for any elective office in the city of River Rouge, shall except as hereinafter in this chapter [secs. 36 to 71, inclusive] provided, on or before 4:00 o'clock p.m. of the 21st day prior to said primary election, file with the city clerk a statement of such candidacy in substantially the following form:

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State of Michigan, )  
County of Wayne, )

I, \_\_\_\_\_, being first duly sworn, depose and say that I reside at \_\_\_\_\_ street, City of River Rouge, County of Wayne, State of Michigan; that I am a qualified voter therein; that I am a freeholder of the said city, and will have been a resident thereof at least two years immediately prior to the date of such election; that I am a candidate for nomination to the office of \_\_\_\_\_ to be voted upon at the primary election to be held on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_ and I hereby request that my name be printed upon the official primary ballot for nomination at such primary election for such office.

Signed \_\_\_\_\_

Subscribed and sworn to before me on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public, Wayne County, Michigan.  
My commission expires \_\_\_\_\_.

Any qualifications specified in the above form which are not required by this charter for any office shall be changed to conform to qualifications required by the charter.

Each candidate shall at the time file therewith a petition of at least 25 and not more than 50 qualified electors, requesting such candidacy. Each petition shall be verified by one or more persons as to the qualifications, residence and street number of each of the persons so signing the petition and the petition shall be substantially in the following form:

The undersigned, duly qualified electors of the City of River Rouge, and residing at the places set opposite our respective names, do hereby request that the name of \_\_\_\_\_ be placed on the ballot as a candidate for nomination for \_\_\_\_\_ (name of office) at the primary election to be held in said city on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. We further state that we know said candidate to be a qualified elector of said city; that said candidate is a freeholder of the City of River Rouge and a resident thereof at least two years immediately prior to the date of such election, to be a person of good moral character and in our judgment qualified for the duties of such office.

Names of qualified electors	Number	Street	Date
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

State of Michigan, )  
County of Wayne, ) ss.

\_\_\_\_\_, being duly sworn, deposes and says that the persons signing the above petition are all qualified electors of the City of River Rouge and that they live at the addresses following their names; that said persons signed the above petition voluntarily for the purposes therein stated and further deponent sayeth not.

\_\_\_\_\_

Subscribed and sworn to before me on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public, Wayne County, Michigan.  
My commission expires \_\_\_\_\_.

It shall be unlawful for any person to sign more than one such nominating petition for the same office, except when there are two or more candidates to be elected for the same office, when he may sign as many petitions as there are persons to be elected for such office.

The city clerk shall prepare and keep on hand blank forms of the nominating petitions above described, and shall furnish same, free of charge, for the use of the voters and candidates in said city.

Any person desiring to become a candidate for any elective office in the city of River Rouge at the election at which this charter shall be submitted for adoption shall, on or before 12 o'clock, noon, central standard time, of March 2, 1922, file with the city clerk of said city the statement of such candidacy and petition accompanying same substantially in the form hereinbefore prescribed in section 6 [41] of this chapter [secs. 36 to 71, inclusive].

All such nomination petitions shall be open to public inspection in the office of the city clerk after being filed therein.

*Editor's note:*

*Ibid.*

*For similar state law, see C.L., 1948, sec. 157.10; Mich. Stat. Anno., sec. 6.129.*

## **SEC. 42 PRIMARY ELECTIONS; NOTICE; CONTENTS, PUBLICATION.**

Immediately upon the expiration of the time for filing the petition and statements for candidates and at least eight days prior to the date of the primary election, the said city clerk shall cause a notice of the primary election to be posted in at least three conspicuous places in each election precinct in the city and to be published in a newspaper of general circulation in the city, designated by the council, and the council may in its discretion provide for the further publication of such notice in one or more additional newspapers having a general circulation in said city. Said notice shall specify the time when, and the places where, such elections are to be held and the offices for which candidates are to be nominated. Said city clerk shall at the time and in like manner post and publish a notice containing the names of all the persons who have filed petitions as candidates for the several offices, which notice shall be included in the notice of the primary election.

*Editor's note:*

*For definition of the term 'newspaper of general circulation', see sec. 12, supra.*

*For similar state law, see C.L., 1948, secs. 188.1 et seq., 191.23; Mich. Stat. Anno., secs. 6.437 et seq., 6.587.*

## **SEC. 43 PRIMARY BALLOTS; ALTERNATING NAMES, REGULATIONS.**

The city clerk shall cause primary ballots to be printed and on file in his office at least twelve days prior to the primary election, but eight days shall be sufficient time before the first primary. Said primary

ballots shall contain the names of the candidates for the several offices and the provisions of the general primary law of the state for transposing and alternating the names of candidates shall apply to said ballot. The names of the candidates for mayor, if one is to be elected, shall first be placed on the primary ballot with a square at the left of each name, and immediately above the names of such candidates shall appear the words, 'vote for one'. Following the names of candidates for mayor, likewise arranged, with a square at the left of each name, shall respectively appear the names of the candidates for clerk, assessor, treasurer, commissioners, [municipal judge] and constables. Immediately above the names for each office shall appear the words, 'vote for \_\_\_\_\_' followed by the word indicating the number to be elected.

Below the names of the candidates for each of the above specified offices there shall be printed as many blank lines as there are offices to be filled with a square opposite each line for the purpose of allowing the elector, if he so desires, to insert the names of any other persons for whom he may desire to vote, whose names do not appear upon such ballot, and if any person whose name is thus inserted shall receive sufficient votes, he shall be declared nominated in the canvass of the votes as hereinafter provided.

***Editor's note:***

*In this charter, wherever the term 'justice court', 'justice of the peace', or 'associate justice of the peace' appeared in the original, such term has been changed to read 'municipal court', 'municipal judge', or 'associate municipal judge', respectively, for the reason that such change has been effected by state law, see C.L., 1948, sec. 730.501; Mich. Stat. Anno., sec. 27.3937(1). See also Code of Ordinances, secs. 9-101 et seq.*

**SEC. 44 SAME; PRINTING, NUMBERING; PARTY DESIGNATION PROHIBITED.**

The ballots shall be printed on plain substantial white paper, and shall be numbered in accordance with the requirements of the general laws of the state governing the numbering of election ballots, but said ballots shall have no party mark, vignette or designation mark whatsoever.

**SEC. 45 STATEMENT OF CANDIDACY; FILING, FEE.**

No candidate shall have his name printed upon said primary election ballot unless he shall have paid to the city clerk at the time of filing statement of candidacy a fee of one dollar[,] which fee shall be turned in by the clerk to the general funds of the city.

**SEC. 46 PRIMARY BALLOT; FORM.**

The primary ballot shall be in substantially the following form:

Official Primary Ballot

Candidates for nominations for city offices of the City of River Rouge at the primary election held on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

(Place a cross in the square opposite the names of the persons you favor as candidates for the respective offices.)

For Mayor  
(Vote for One)  
(Names of Candidates)

[ ] \_\_\_\_\_

For Clerk  
(Vote for One)  
(Names of Candidates)

[ ] \_\_\_\_\_

For Assessor  
(Vote for One)  
(Names of Candidates)

[ ] \_\_\_\_\_

For Treasurer  
(Vote for One)  
(Names of Candidates)

[ ] \_\_\_\_\_

For Commissioners  
(Vote for \_\_\_\_\_)  
(Names of Candidates)

[ ] \_\_\_\_\_

For [Municipal Judge]  
(Vote for One)  
(Names of Candidates)

[ ] \_\_\_\_\_

For Constables  
(Vote for Two)  
(Names of Candidates)

[ ] \_\_\_\_\_

*Editor's note:*  
*Ibid.*

**SEC. 47 BALLOTS; DELIVERY TO CHIEF OF POLICE, NUMBER.**

The city clerk shall deliver to the chief of police in the manner hereinafter provided, a number of ballots for each polling district equal to at least 50 per cent more than the number of votes cast for the office of mayor in such polling district at the last preceding election of such official.

**SEC. 48 ELECTORS; QUALIFICATIONS.**

All persons having the qualifications to vote at the annual municipal election in the city of River Rouge shall be qualified to vote at the primary election.

***Editor's note:***

*For state law, see C.L., 1948, secs. 151.1 et seq.; Mich. Stat. Anno., secs. 6.68 et seq.*

**SEC. 49 CHALLENGERS; APPOINTMENT, ETC.; STATE LAW.**

Challengers may be appointed in such manner and with such rights and privileges as are provided in the general laws of the state.

**SEC. 50 PRIMARY ELECTIONS; CONDUCT, PROCEDURE.**

Primary elections except as hereinafter otherwise provided shall be conducted as nearly as may be in the manner provided for the holding of elections under this charter.

**SEC. 51 SAME; CANVASS OF RETURNS; RESULTS, PUBLICATION.**

Immediately upon the closing of the polls, the inspectors and clerks of election of each precinct shall count the ballots and ascertain the number of votes cast in the precinct for each of the candidates whose names shall be printed or written upon such ballots, and shall count the votes cast for and against any charter amendment or other special question which may be submitted to the qualified electors at such primary election, and make return thereof forthwith to the city clerk upon proper blanks to be furnished such inspectors by the city clerk. The council shall convene at its usual place of meeting at eight o'clock of the first secular day next succeeding the day of such primary election and canvass the returns of inspectors of election as filed with the city clerk by such inspectors, and shall determine and declare the result. Such canvass by the council shall be publicly conducted. Immediately thereafter the city clerk shall cause the result of said primary election as determined and declared by the council to be published at least once in a newspaper of general circulation in the city designated by the council. Publication of the result of said canvass by the council in the minutes of their proceedings shall be deemed a compliance with the above provision.

**SEC. 52 CANDIDATES; NOMINATION, DETERMINATION.**

When only one person is to be elected to any office, then the two candidates receiving the highest number of votes for that office shall be the candidates and the only candidates whose names shall be placed on the ballot for that office at the next succeeding election. When two or more persons are to be

electd to any office then the names of the persons receiving at the primary election the highest number of votes for said office up to a number equal to twice the number of persons to be elected to said office at said election shall be placed upon the election ballot for that office. When two persons are to be elected to any office, then the four candidates receiving the highest number of votes for such office shall be placed on the ballot as candidates for said office at said municipal election.

In case of a tie or if a recount of the votes cast at a primary election is desired, the same proceedings shall be had as provided for such case in sections 31 [66] and 32 [67] of this chapter [secs. 36 to 71, inclusive] relative to elections.

### **SEC. 53 CANDIDATES; INSUFFICIENT NUMBER, PRIMARY ELECTIONS NOT REQUIRED.**

If at the expiration of the time as herein provided for the filing of nomination petitions, the number of candidates for any office to be voted upon shall not exceed the number of candidates to be nominated for such office, then no primary shall be held for such office and the person or persons who have filed such petitions and nominating statements shall be declared to be nominated and the office shall not appear upon the primary ballot. The names of such candidates shall be printed upon the ballot to be voted upon at the next municipal election in the same manner as though such candidates had been nominated at a regularly held primary election.

***Editor's note:***

*This section constitutes an amendment adopted by the electors on April 5, 1943.*

### **SEC. 54 SPECIAL PRIMARY ELECTIONS; PROCEDURE; RESOLUTION REQUIRED.**

Special primary elections may be appointed by resolution of the council and held at such times and places as the council shall determine. The purpose and object for which such primary shall be held shall be fully set forth in the resolution appointing said primary election. The form of the ballot to be used at such special primary election, the manner of holding the election, the counting of ballots, the canvassing of the returns and the publications of the results, shall be the same, as nearly as may be, as hereinbefore provided for regular primary elections.

### **SEC. 55 FILLING VACANCIES; PETITIONS, STATEMENTS OF CANDIDACY, CONTENTS; BALLOTS.**

Whenever it shall be necessary to nominate candidates to fill vacancies, the candidates for the nomination for such office shall state such fact in their petitions and statements of candidacy. The primary ballot shall distinguish thereon the candidates for the unexpired terms from the candidates for the regular full term.

**SEC. 56 ANNUAL ELECTIONS; TIME OF HOLDING.**

An annual election of officers shall be held on the first Monday in April of each year at such places in the several election precincts as shall be designated by the council.

***Editor's note:***

*It is mandatory that the charter shall provide for the time, manner and means of holding elections, see C.L., 1948, sec. 117.3(c); Mich. Stat. Anno., sec. 5.2073.*

**SEC. 57 SPECIAL ELECTIONS; COUNCIL AUTHORITY.**

Special elections may be appointed by resolution of the council and held at such times as it shall determine[.] The purpose and object of such election shall be fully set forth in the statement calling such election.

**SEC. 58 ELECTORS; QUALIFICATIONS; 'RESIDENCE', DEFINED.**

The inhabitants of the city having the qualifications of electors under the constitution and laws of the state and no other shall be electors therein, and every elector shall vote in the election district where he shall reside on the day of election. By the term 'reside' is meant having a fixed habitation without any intention of moving therefrom, and to which, when the person is absent he has the intention of returning, and one coming into the city for temporary purposes only, such as to work upon a particular job, with no intention of making a home in the city shall not be deemed to have gained a residence therein qualifying him to vote.

***Editor's note:***

*The term 'city residence' is also defined in sec. 23, supra.*

**SEC. 59 BALLOTS; FORM; NON-PARTISAN BASIS.**

The ballot at such general election or any special municipal election called for the purpose of electing any officer under the provisions of this charter shall be a separate ballot in the same general form as the ballot for primary elections, so far as applicable, and such election ballot shall be printed without any party mark, emblem, vignette or designation whatsoever on plain substantial white paper and the same shall be printed and numbered in accordance with the provisions of the general laws of the state regulating the printing and numbering of ballots at elections in this state. The names of candidates for the several offices shall be printed upon the ballots and the provisions of the general primary law for transposing and alternating the names of candidates shall apply to said ballot.

The clerk shall cause ballots to be printed and filed in his office in accordance with the general election laws.



The council shall also provide and cause to be kept by the clerk for use at all elections, suitable ballot boxes of the kind required by law to be kept and used in townships.

**SEC. 60 ELECTION COMMISSION; COMPOSITION, DUTIES; SPECIFIC OFFICIALS, DUTIES.**

There shall be a commission of four members to be known as the city election commission, consisting of the city attorney, city clerk, chief of police and superintendent of public service. The members thereof shall meet at the council chamber on the evening of the secular day next preceding the day of each election, and shall report to the commission as a whole as to the preparation each member has made for the election as herein provided, and said election commission shall complete all arrangements for the holding of such elections.

The city attorney shall be chairman of the city election commission and shall advise the election commission on all legal matters and direct all election activities according to law.

The city clerk shall furnish all supplies and all stationery, books, blanks and accessories necessary for the conducting of elections by the several election boards, and shall report to the election commission at the council chamber on the evening of the secular day next preceding the day of election, a correct list and tabulation of all ballots, supplies, stationery and accessories to be furnished ready for delivery to the chief of police on the morning of election day, and such delivery shall be made by the clerk to the chief of police on the morning of election day at the office of the clerk at least one-half hour before the time of opening the polls.

The chief of police shall have charge of, supervise and be responsible for the delivery of all ballot boxes, supplies, stationery, ballots and accessories, to the election inspectors and election boards at each place of voting at least 15 minutes before the time of opening of the voting places. He shall also take charge of said ballot boxes immediately upon their being sealed by the board of election inspectors, and at once deliver them to the city clerk at his office. He shall properly guard said boxes and secure them from tampering or disturbance from the time they may be delivered to him by the clerk until they are returned to the office of the clerk after sealing.

The superintendent of public service shall have charge of, and supervise and be responsible for the places of voting. He shall see that the polling places are prepared, arranged, furnished, lighted, heated and properly cleaned before each election and that suitable polling places shall be rented in case the city has not provided said polling places and that the rent therefor shall be paid by the city council.

All election inspectors and members of election boards shall meet the election commission on the evening of the secular day next preceding the day of election, at the time of the meeting of the election commission, which shall be held at eight o'clock p.m. They each shall, at such meeting, take the oath of office.

The inspectors of election shall hear the report of the members of the election commission as hereinbefore provided, and shall receive instructions from the election commission as to their duties and shall be privileged to make inquiry concerning their duties, if they so desire.

If any complaint shall be made to the election commission that any inspector of election or other election officer has been guilty of any violation of the provision of this charter or any general law governing elections, or shall be unfit or disqualified for the performance of his duties for any reason, the election commission may, in its discretion, after due investigation of such complaint, remove such inspector or other election officer, and the electors present at the polling place at the time of such removal may elect another suitable person who shall act in place of the inspector or election officer for the balance of election day. The election commission shall report such action, with its reasons therefor, to the council at its next regular meeting, and the inspector so appointed shall receive all or such proportionate part of the compensation allowed by the council for the performance of such duties as the council may direct.

#### **SEC. 61 ELECTION OFFICIALS; COMPENSATION.**

All inspectors of election, clerks, gatekeepers and other election officers shall receive as full compensation for the services required of them at any election such sum as shall be determined by the council prior to the date of the holding of any election.

#### **SEC. 62 ELECTION NOTICES; POSTING, PUBLICATION.**

Notice of the time and place of holding any election and of the officers to be elected and questions to be voted upon, shall, except as herein otherwise provided, be given by the clerk at least ten days before the date of said election by posting such notices in at least three conspicuous places in each election precinct of the city, and by publishing a copy thereof at least ten days before the date of election in a newspaper of general circulation in the city, designated by the council, and if the council shall so direct, by the further publication of such notices in any other newspaper or newspapers of general circulation in the city, and in case of a special election the notice shall set forth the purpose of the election as fully as the same is required to be set forth in the resolution appointing such election.

#### **SEC. 63 ELECTIONS; CONDUCT, PROCEDURE; OFFICIALS, POWERS; STATE LAW.**

All elections in said city shall be conducted as nearly as may be in the manner provided by law for holding general elections in the state, except as herein otherwise provided. The inspectors, clerks and gatekeepers of election at all municipal elections shall have the same powers and authority for the preservation of order and for enforcing obedience to their lawful commands during the time of holding the election and the canvass of votes, as are conferred by law upon inspectors, clerks and gatekeepers of general elections held in this state.

**SEC. 64 CANVASS OF VOTES; RESULTS, STATEMENT.**

Immediately after closing the polls the inspectors and clerks of election shall, without adjourning, publicly canvass the votes received by them and declare the results, and shall immediately thereafter make a statement in writing upon a blank form furnished by the clerk, setting forth in words at full length the whole number of votes given for each office, the names of the persons for whom such votes for each office were given and the number of votes so given for each person, and the whole number of votes given.

**SEC. 65 CERTIFICATES OF DETERMINATION.**

The council shall convene at eight o'clock p.m, on the first secular day next succeeding each election at its usual place of meeting and determine the result of the election upon each question and proposition voted upon, and what persons were duly elected at the said election to the several offices respectively. Thereupon the city clerk shall make duplicate certificates of such determination, showing the results of the election upon any question or proposition voted upon, and what persons are declared elected to the several offices respectively. One of such certificates shall be filed by the clerk in the office of the county clerk of the county of Wayne and the other shall be filed in the office of the city clerk.

**SEC. 66 TIE VOTE, DETERMINATION.**

If there should be no choice by reason of two or more candidates having received an equal number of votes, the council shall, at the meeting mentioned in the preceding section, determine by lot which of such persons shall be considered elected to such office, provided that such determination shall not be made until a recount of the votes cast for such candidates shall have been made by the council.

**SEC. 67 RECOUNT OF VOTES; PETITION, PROCEDURE.**

Any candidate for office failing of election, who shall not be satisfied with the results of the vote as shown by the returns of the boards of election inspectors to the city clerk or as shown by the canvass of the returns of such inspectors by the council, may have a recount of the votes cast for the candidates for such office provided he shall file with the city clerk a petition therefor prior to the final adjournment of the meeting of the council at which such canvass of the returns of the inspectors of election are made as hereinbefore provided, or any citizen interested in any charter amendment or other proposition who shall not be satisfied with the result of the vote upon such charter amendment or proposition as shown by the returns of the boards of election inspectors to the city clerk or as shown by the canvass of the returns of such inspectors by the council, may have a recount of the votes cast upon such charter amendment or other proposition at any election, provided that he shall file with the city clerk a petition signed by 50 qualified electors and taxpayers of the city therefor, prior to the final adjournment of the

meeting of the council at which such canvass of the returns of the inspectors of election are made as hereinbefore provided. The procedure with relation to [any] such recount shall in all respects be in the manner provided by the general election laws of the state.

***Editor's note:***

*The word 'all' appeared in the original; the word 'any' has been inserted in brackets, for the reason that that word was evidently intended.*

**SEC. 68 SERVICES FOR CANDIDATES; REWARDS PROHIBITED, PENALTY.**

Any person who shall agree to perform any service in the interests of any candidate for any office provided for in this charter in consideration of any money or other valuable thing for such service performed in the interests of any candidate, shall upon conviction, be punished by a fine not exceeding one hundred dollars or be imprisoned in the county jail of Wayne county, or both, in the discretion of the court.

**SEC. 69 CANDIDATES; ENTERTAINMENT, GIFTS, ETC., PROHIBITED, PENALTY.**

It shall be unlawful for any candidate for any office created by this charter at any primary or municipal election, or for any person in his behalf, directly or indirectly, to buy or give to, or cause to be bought for or given to, any elector, any cigar or intoxicating liquor or beverage or drink of any kind, it being the intent of this section to prohibit the custom of treating in any manner by candidates for public office, or by any person in behalf of such candidates. Any person violating the provisions of this section shall be guilty of a misdemeanor, and shall upon conviction, be punished by a fine not to exceed one hundred dollars or by imprisonment in the county jail not exceeding thirty days, or both, in the discretion of the court.

**SEC. 70 INFLUENCING ELECTIONS; PROHIBITIONS, PENALTY.**

It shall be unlawful for any person, firm or corporation to employ, directly or indirectly, either with money[,] promises of money or other valuable considerations, offices, place or employment, any person to do any campaign work, electioneering, or soliciting of votes, for or against any candidates, or for or against the approval of any franchise, charter amendment, or other proposition; and it shall be unlawful for any person to agree to perform any such service for any consideration, profit or benefit whatsoever. Any violation of this section shall be deemed a misdemeanor and shall be punished as provided in section 34 [69].

**SEC. 71 'REGULAR ELECTION', DEFINED.**

Whenever it is provided in this charter that any ordinance or proposition may be submitted to the electors at a regular election, the term 'regular election', for the purpose of such submission[,] may be

deemed to mean all regular elections, including regular primary elections, held either under the provisions of this charter or the laws of the state.



## ARTICLE 4: ELECTIVE AND APPOINTIVE OFFICERS

### Section

- Sec. 72 Elective officers; enumeration
- Sec. 73 Same; election, term
- Sec. 74 Associate municipal judge; election, term
- Sec. 75 Elective officers; compensation
- Sec. 76 Same; qualifications
- Sec. 77 Elective offices; filling vacancies
- Sec. 78 Additional elective offices, creation; temporary appointments; council, authority
- Sec. 79 Appointive officers; enumeration; appointment procedure
- Sec. 80 Initial appointments, term; subsequent appointments, time, term
- Sec. 81 Appointive officers; oath required; tenure of office
- Sec. 82 Appointive officers; qualifications; nepotism prohibited
- Sec. 83 Elective officers; appointments, restriction
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- Sec. 85 Election or appointment; notice required; city clerk, duty
- Sec. 86 City officers; oath required, form
- Sec. 87 Same; bonds, filing
- Sec. 88 New or additional bonds; council authority
- Sec. 89 Official bonds; resignation, removal, etc.; liability continued
- Sec. 90 Officers; failure to qualify, report
- Sec. 91 Officers; failure to qualify; office vacated
- Sec. 92 Defaulters; disqualification
- Sec. 93 Officers; compensation; increase, decrease; restriction
- Sec. 94 Contracts; financial interest prohibited, penalty
- Sec. 95 Termination of office; delivery of books, etc., required, penalty
- Sec. 96 Officers, employees; acting as surety, prohibition
- Sec. 97 Officers; removal or resignation pending recall; appointment, election; time, restriction
- Sec. 98 Vacating office; causes enumerated
- Sec. 99 Deputies, assistants; appointments
- Sec. 100 Appointive officers; additional duties, council determination
- Sec. 101 Fees; payment into treasury
- Sec. 102 Franchises; financial interest, gifts, etc.; prohibition, penalty

**SEC. 72 ELECTIVE OFFICERS; ENUMERATION.**

There shall be elected at large in said city the following officers, viz.: one mayor, one clerk, one assessor, one treasurer, six commissioners, one [municipal judge], two constables, and such additional elective officers as shall be created by amendment of this charter.

***Editor's note:***

*In this charter, wherever the term 'justice court', 'justice of the peace', or 'associate justice of the peace' appeared in the original, such term has been changed to read 'municipal court', 'municipal judge', or 'associate municipal judge', respectively, for the reason that such change has been effected by state law, see C.L., 1948, sec. 730.501; Mich. Stat. Anno., sec. 27.3937(1). See also Code of Ordinances, sec. 9-101.*

*This section constitutes an amendment adopted by the electors on April 7, 1924.*

**SEC. 73 SAME; ELECTION, TERM.**

At the municipal election in November 2009 and every four years thereafter, there shall be elected a mayor, a clerk, a treasurer, an assessor, six commissioners and two constables who shall hold office until the first Tuesday after the first Monday in November of the fourth year following their election.

***Editor's note:***

*This section constitutes an amendment adopted by the electors on November 4, 1958. It is mandatory that the charter shall provide for the election of such officers as may be deemed necessary, see C.L., 1948, sec. 117.3(a); Mich. Stat. Anno., sec. 5.2073. This section also constitutes an amendment adopted by the electors on April 4, 2004, and on November 4, 2008.*

**SEC. 74 ASSOCIATE MUNICIPAL JUDGE; ELECTION, TERM.**

At the regular municipal election held in the year 1925, and every four years thereafter, there shall be elected one [associate municipal judge], whose term of office shall begin on the fourth day of July following his election, and who shall hold office for four years; provided, however, that the [associate municipal judge] elected in the year 1925 shall qualify and enter upon the duties of his office as soon as he is elected, and shall hold said office until the fourth day of July in the year 1925.

***Editor's note:***

*This section constitutes an amendment adopted by the electors on April 7, 1924.*

**SEC. 75 ELECTIVE OFFICERS; COMPENSATION.**

Said elective officers shall receive such compensation as the council shall determine by ordinance within the limitations hereafter set forth:



The mayor shall receive, per annum, during his term, a sum equivalent to Five Hundred (\$500.00) Dollars in excess of the annual salary paid to all appointed full time department heads of the city.

The Mayor Pro-Tempore shall receive the sum of Five Hundred (\$500.00) Dollars, annually, in excess of the regular compensation of a Commissioner.

The clerk shall receive not less than Seven Thousand (\$7,000.00) Dollars nor more than Ten Thousand (\$10,000.00) Dollars per annum.

The assessor shall receive not less than Seven Thousand (\$7,000.00) Dollars nor more than Ten Thousand (\$10,000.00) Dollars per annum.

The Treasurer shall receive not less than Seven Thousand (\$7,000.00) Dollars or more than Ten Thousand (\$10,000.00) Dollars per annum.

Each commissioner shall receive not less than fifteen hundred dollars nor more than twenty-five hundred dollars per annum.

The Municipal Judge shall receive not less than Seven Thousand (\$7,000.00) Dollars nor more than Ten Thousand (\$10,000.00) Dollars per annum.

The Associate Municipal Judge shall receive not less than Two Thousand Eight Hundred (\$2,800.00) Dollars per annum plus Thirty (\$30.00) Dollars per day for each day he shall hold court in excess of twenty-five (25) days.

The constables shall not receive any fixed compensation, but may collect from the parties for whom they perform services such fees as are provided by law. No elected officer shall hold any other office in the city of River Rouge nor shall he receive any compensation from said city other than the compensation which he shall receive as provided herein.

All charter provisions inconsistent with the provisions of this section are hereby repealed to the extent of such inconsistency.

**Editor's note:**

*This section constitutes an amendment adopted by the electors on May 11, 1954. An amendment adopted by the electors on April 2, 1956, changed the compensation of the Assessor to the amount set forth in this section. An amendment adopted by the electors on April 3, 1961, changed the compensation of Mayor and Mayor Pro-Tempore to the amount set forth in this section. An amendment adopted by the electors on April 4, 1966, changed the compensation of the Clerk, Treasurer, Assessor, Municipal Judge and Associate Municipal Judge to the amount set forth in this section.*

*It is mandatory that the charter shall provide for the compensation of city officers, see C.L., 1948, sec. 117. 3(d); Mich. Stat. Anno., sec. 5.2073.*

**SEC. 76 SAME; QUALIFICATIONS.**

No person shall hold any elective office under this charter except as may be herein otherwise provided, unless he or she shall be a citizen of the United States, a freeholder of the city of River Rouge and a resident thereof for at least two years immediately prior to his election.

***Editor's note:***

*It is mandatory that the charter shall provide for the qualifications of city officers, see C.L., 1948, sec. 117.3(d); Mich. Stat. Anno., sec. 5.2073.*

**SEC. 77 ELECTIVE OFFICES; FILLING VACANCIES.**

If a vacancy occurs in any elective office, the council shall appoint an eligible person to fill such vacancy until the next annual municipal election, when such vacancy shall be filled by election for the unexpired term; provided, however, that in case of a vacancy as a result of a recall election, such person shall fill such vacancy only until the office is filled by election as provided for in the laws relating to the recall of officers.

**SEC. 78 ADDITIONAL ELECTIVE OFFICES, CREATION; TEMPORARY APPOINTMENTS; COUNCIL, AUTHORITY.**

If any additional elective office be created by amendment of this charter, the council shall appoint an eligible person to fill such office until the next annual municipal election.

***Editor's note:***

*This section constitutes an amendment adopted by the electors on April 7, 1924.*

**SEC. 79 APPOINTIVE OFFICERS; ENUMERATION; APPOINTMENT PROCEDURE.**

The mayor shall by and with the consent of the council appoint one attorney, one auditor, one city engineer, one superintendent of the public service, one health officer, one chief of fire service, one chief of police, two members of the board of review, one sanitary engineer in charge of sewage and garbage disposal plant and such other appointive officers as shall be provided by ordinance. The powers and duties of said appointive officers shall be prescribed by the council subject to the provisions of this charter.

***Editor's note:***

*It is mandatory that the charter shall provide for the appointment of such officers as may be deemed necessary, see C.L., 1948, sec. 117.3(a); Mich. Stat. Anno., sec. 5.2073.*

**SEC. 80 INITIAL APPOINTMENTS, TERM; SUBSEQUENT APPOINTMENTS, TIME, TERM.**

At the first regular meeting of the council after the adoption of this charter there shall be appointed as above provided, one attorney, one auditor, one superintendent of the public service, one health officer, two members of the board of review and one sanitary engineer, each of whom shall hold office until the next regular time herein provided for appointment to be made to such office, and until his successor is appointed, qualifies and enters upon the duties of his office. At the first regular meeting of the council after the adoption of this charter, there shall also be appointed one chief of police and one chief of fire service, each of whom shall hold office until his successor is appointed, qualifies and enters upon the duties of his office, unless sooner removed by a majority vote of the council as hereinafter provided. On the second Tuesday after the first Monday in April, in the year 1923, and on the second Tuesday after the first Monday in April of each and every odd numbered year thereafter, there shall be appointed one attorney, one auditor, one engineer, one superintendent of public service, one health officer, two members of the board of review, and one sanitary engineer. All other appointive officers shall be appointed at such time as shall be prescribed in the charter or in the ordinance creating such office. If any appointment shall not be made on the day specified in this charter or in the ordinance creating such office, it may be made at any subsequent regular or special meeting of the council.

**SEC. 81 APPOINTIVE OFFICERS; OATH REQUIRED; TENURE OF OFFICE.**

All appointive officers shall enter upon the duties of their several offices upon taking and filing the oath of office and filing the requisite security, if any is required of them.

The chief of police and the chief of the fire service shall not be appointed for any fixed term, but shall hold their offices subject to the will and pleasure of the majority of the council. All other appointive officers shall hold office until the next regular time for the appointment of persons to their respective offices, as provided for in this charter or the ordinance creating the office. All persons appointed under the provisions of this charter or under the provisions of any ordinance shall, after their term of office has expired, continue to hold such office until their successors are appointed, qualify and enter upon the duties of their offices, unless they shall be sooner removed by a majority vote of the council.

**SEC. 82 APPOINTIVE OFFICERS; QUALIFICATIONS; NEPOTISM PROHIBITED.**

All officers and employees shall be appointed with reference to their qualifications and fitness, and for the good of the public service, and without any reference whatever to their religious faith or party affiliations. The relatives by blood or marriage of the mayor or any commissioner within the second degree of consanguinity or affinity, are hereby disqualified for appointment to office during the term for which said mayor or commissioner is elected.

***Editor's note:***

*It is mandatory that the charter shall provide for the qualifications of city officers, see C.L., 1948, sec. 117.3(d); Mich. Stat. Anno., sec. 5.2073.*

**SEC. 83 ELECTIVE OFFICERS; APPOINTMENTS, RESTRICTION.**

No elective officer shall after his election and during the time for which he was elected, or within one year thereafter, be appointed to any office or employment which shall have been created, or the salary of which has been increased during his term of office.

**SEC. 84 APPOINTIVE OFFICERS; COMPENSATION.**

Every appointive officer shall receive such salary or compensation as the council may by ordinance or resolution provide, except as otherwise provided in this charter.

***Editor's note:***

*It is mandatory that the charter shall provide for the compensation of city officers, see C.L., 1948, sec. 117.3(d); Mich. Stat. Anno., sec. 5.2073.*

**SEC. 85 ELECTION OR APPOINTMENT; NOTICE REQUIRED; CITY CLERK, DUTY.**

It shall be the duty of the city clerk within five days after the meeting of the council and its determination as to the result of any election to notify in writing by registered mail each person elected, of his election, and also within five days after the appointment of any person to any office in like manner to notify such person of the appointment.

**SEC. 86 CITY OFFICERS; OATH REQUIRED, FORM.**

Every officer elected or appointed before entering upon the duties of his office, shall take and subscribe to an oath of office, which shall be kept and filed in the office of the city clerk, which oath of office shall be as follows:

'I do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of the State of Michigan; that I will endeavor to secure and maintain an honest and efficient administration of the affairs of the City of River Rouge, and that I will faithfully discharge the duties of the office of \_\_\_\_\_ according to the best of my ability.'

In case of his failure to take, subscribe and file said oath of office within ten days after receiving notice of his election or appointment, unless the council shall extend the time therefor he shall be deemed to have declined the office.

**SEC. 87 SAME; BONDS, FILING.**

Every officer, elective or appointive, in the city, before entering upon the duties of his office, and within the time prescribed for filing his oath of office, if a bond be required, shall file with the city clerk

such bond or surety as may be required by law or any ordinance or resolution of the council, and with such sureties as shall be approved by the council, conditioned for the due performance of the duties of his office, except that the bond or security given by the city clerk shall be deposited with the city treasurer.

**SEC. 88 NEW OR ADDITIONAL BONDS; COUNCIL AUTHORITY.**

The council may at any time require any officers to execute and file with the city clerk additional or new official bonds, with such new or further security as said council shall deem requisite. Failure to comply with such requirements within 15 days shall subject the officer to immediate removal from office by the council.

**SEC. 89 OFFICIAL BONDS; RESIGNATION, REMOVAL, ETC.; LIABILITY CONTINUED.**

The resignation or removal of any officer shall not, nor shall the appointment or election of another to the office, exonerate such officer or his sureties from any liability incurred by him or them.

**SEC. 90 OFFICERS; FAILURE TO QUALIFY, REPORT.**

At the next regular meeting of the council after the expiration of the time in which any official bond or oath of office is required to be filed, the clerk shall report in writing to the council the name of any person elected or appointed to any office who shall have neglected to file such oath or bond. Unless the council shall for good cause shown, extend the time for the filing of such bond or oath, such office shall be deemed to be vacant, following such a meeting.

**SEC. 91 OFFICERS; FAILURE TO QUALIFY; OFFICE VACATED.**

If any person elected or appointed to office shall fail to file his oath of office or to give the bond or surety required for the due performance of the duties of his office within the time herein limited therefor, the council may declare the office vacant unless previous thereto he shall file the oath and give the requisite bond or surety.

**SEC. 92 DEFAULTERS; DISQUALIFICATION.**

No person shall be elected or appointed to any office who has been or is a defaulter to the city or to any board of officers or department thereof, or to any school district, county or other municipal corporation of the state, now or heretofore existing. All votes for the election or appointment of any such defaulter shall be void.

**SEC. 93 OFFICERS; COMPENSATION; INCREASE, DECREASE; RESTRICTION.**

The salary or rate of compensation of any elective or appointive officer of the city shall not be diminished or increased during the term of office, and no person who shall have resigned or vacated any office shall be eligible to the same office during the term for which he was elected or appointed when during the same time the salary or rate of compensation has been increased; provided, however, that this section shall not apply to officers who are not elected or appointed for a fixed term.

**SEC. 94 CONTRACTS; FINANCIAL INTEREST PROHIBITED, PENALTY.**

No member of the council, nor any elective or appointive officer of the city shall be a co-partner, stockholder, director, officer or agent, or be directly or indirectly in the employ of any person, firm, company or corporation holding or seeking to hold any franchise from or contract with the city of River Rouge, nor shall any member of the council or any other officer of the city be directly or indirectly interested in any work, business or contract, the price, expense or consideration of which is paid from municipal moneys or by assessments levied by ordinance or resolution of the council.

Contracts made in violation of this provision shall be void and any violation of the provisions of this section shall be a misdemeanor and shall work forfeiture of the office, and on due proof thereof the council shall declare the office of such offender vacant.

This section shall not disqualify from holding any office employees of any person, firm, company or corporation, whose contractual relations with the city are only occasional, or casual, or with whom no fixed continuing contract exists or is sought to be established. If any such casual or occasional contractual relation arises between the city and the employer of any member of the council, such member of the council shall be disqualified from participating in any discussion pertaining to such matter and from voting thereon.

**SEC. 95 TERMINATION OF OFFICE; DELIVERY OF BOOKS, ETC., REQUIRED, PENALTY.**

Whenever any officer shall resign or be removed from office, or the term for which he has been elected shall have expired, he shall on demand deliver over to his successor in office all the books, papers, money and effects in his custody as such officer, and in any way pertaining to his office; and any person wilfully violating this provision shall be deemed guilty of a misdemeanor and shall be punished as in this charter provided.

***Editor's note:***

*For penalties, see sec. 505, infra.*

**SEC. 96 OFFICERS, EMPLOYEES; ACTING AS SURETY, PROHIBITION.**

No officer, agent or employee of the city shall become surety on the official bond of another officer, agent or employee of the city, nor upon any land or contract executed or made to the city.

**SEC. 97 OFFICERS; REMOVAL OR RESIGNATION PENDING RECALL; APPOINTMENT, ELECTION; TIME, RESTRICTION.**

No person who has been removed from any office by recall or who has resigned from such office after a petition for his recall and removal has been filed[,] shall be elected or appointed to any office within two years after such removal or resignation after a petition for his recall and removal.

***Editor's note:***

*For charter provisions relative to recall of elective officers, see secs. 435 et seq., infra.*

**SEC. 98 VACATING OFFICE; CAUSES ENUMERATED.**

If any person elected or appointed to office shall die, resign, remove from the city, be removed from office, be convicted of a felony, absent himself continuously from the city for more than 90 days without the permission of the council, or if any commissioner shall wilfully absent himself from council meetings for a period of five consecutive regular meetings of the council without good and sufficient reason therefor, and without the permission of the council, the office held by such person shall be deemed to be vacant.

**SEC. 99 DEPUTIES, ASSISTANTS; APPOINTMENTS.**

The several appointive officers of the city shall each have power to appoint, subject to the approval of the council, such number of deputies and assistants as the council may authorize, and also shall have the power to revoke the same at pleasure. All appointments and revocations thereof shall be in writing and filed with the city clerk. In case of the absence, disability or failure of any officer to perform the duties of his office, his deputy shall discharge the duties thereof. In case of the absence, disability or failure of any officer and his deputy to perform or discharge the duties of his office, the council shall appoint some suitable person to discharge said duties for such time as may be necessary, who, during such time shall have all the powers and perform all the duties of the office, or as much thereof as the council shall require.

**SEC. 100 APPOINTIVE OFFICERS; ADDITIONAL DUTIES, COUNCIL DETERMINATION.**

The clerk and all appointive officers shall perform such duties other and further than those prescribed in this charter as shall be prescribed by ordinance or resolution of the council.

**SEC. 101 FEES; PAYMENT INTO TREASURY.**

Unless otherwise specifically provided in this charter or in the ordinance or resolution fixing the salary or compensation of any officer or employee, no officer or employee shall be entitled to retain for his own use and benefit any fee or money payable to him by virtue of his office or position, but shall collect all such fees and moneys for the use and benefit of the city, and shall pay the same into the city treasury to be credited to the proper funds.

**SEC. 102 FRANCHISES; FINANCIAL INTEREST, GIFTS, ETC.; PROHIBITION, PENALTY.**

No officer or employee elected or appointed in the city shall be interested, directly or indirectly, in any contract or job for work or material, or the profits thereof, or services, professional or otherwise, to be furnished or performed for any person, firm or corporation operating interurban railway, street railway, gas works, water works, electric light or power plants, heating plants, telegraph lines, telephone exchange or other public utility within the territorial limits of the city. No such officer or employee shall receive directly or indirectly from any person, firm or corporation operating within the territorial limits of said city, any interurban railway, street railway, gas works, water works, electric light or power plant, heating plant, telegraph line or telephone exchange, or any other business using or operating under a public franchise, any frank, free ticket, or free service, or accept or receive directly or indirectly from any such person, firm or corporation any other service upon terms more favorable than are granted to the public generally. Such prohibition of free transportation shall not apply to policemen or firemen in uniform. Any violation of the provisions of this section shall be a misdemeanor, and any officer or employee elected or appointed to any office in the city who shall be convicted of violating any of the provisions of this section shall be removed from office by the council and the office declared vacant and further, every such contract or agreement shall be void.



## ARTICLE 5: CITY COUNCIL

### Section

- Sec. 103 City council; composition
- Sec. 104 Same; legislative authority
- Sec. 105 Council meetings; officers, attendance required
- Sec. 106 Members, qualifications; council sole judge
- Sec. 107 Council proceedings; journal, signatures, required
- Sec. 108 Resolutions, ordinances; adoption, enactment; majority vote required
- Sec. 109 Council meetings; time of holding; public participation; quorum, adjournment
- Sec. 110 Accounts, claims; audit, allowance; certificate or affidavit required
- Sec. 111 Damages, injuries; claims; notice required, contents; filing, time

### **SEC. 103 CITY COUNCIL; COMPOSITION.**

The council of the city of River Rouge shall consist of seven members, the mayor and six commissioners.

### **SEC. 104 SAME; LEGISLATIVE AUTHORITY.**

The legislative authority of the city and all administrative and executive powers not herein otherwise specifically delegated are hereby vested in the council.

### **SEC. 105 COUNCIL MEETINGS; OFFICERS, ATTENDANCE REQUIRED.**

The mayor shall preside at all meetings of the council. The city clerk shall be the clerk of the council. The city attorney shall be present at all meetings of the council.

All appointive officers of the city and heads of departments shall attend all regular meetings of the council. Failure so to do without excuse, for a period of five consecutive regular meetings shall be cause for removal from office of any appointive officer or heads of departments in the city service.

On the second Tuesday after the first Monday in April in each year, or as soon thereafter as may be, the council shall appoint one of its number mayor pro tempore of the council, who in the absence

or disability of the mayor, shall preside at the meetings of the council and exercise all the powers and duties of the mayor. In the absence of the mayor pro tempore, the council shall temporarily appoint one of its number to that office.

*Editor's note:*

*An amendment to this section was adopted by electors on April 3, 1922.*

**SEC. 106 MEMBERS, QUALIFICATIONS; COUNCIL SOLE JUDGE.**

The council shall be the judge of the qualifications of its own members, subject to review by the courts in cases of contest.

**SEC. 107 COUNCIL PROCEEDINGS; JOURNAL, SIGNATURES, REQUIRED.**

The council shall keep in the English language a written or printed journal of its proceedings, which shall be signed by the mayor and city clerk. The council shall determine its own rules of procedure and may punish its members for disorderly conduct.

*Editor's note:*

*It is mandatory that the charter shall provide for keeping in the English language a written or printed journal of every session of the city council, see C.L., 1948, sec. 117.3(m); Mich. Stat. Anno., sec. 5.2073.*

**SEC. 108 RESOLUTIONS, ORDINANCES; ADOPTION, ENACTMENT; MAJORITY VOTE REQUIRED.**

Unless otherwise herein provided, a majority yea and nay vote of the council shall be required for the passage of any resolution or ordinance.

**SEC. 109 COUNCIL MEETINGS; TIME OF HOLDING; PUBLIC PARTICIPATION; QUORUM, ADJOURNMENT.**

The council shall hold regular meetings at the council chambers in the city hall on Tuesday evening of each week at such hours as it shall determine for the transaction of business[;] provided, that when any Tuesday shall be a legal holiday the regular meeting of the council that week shall be held at the same place and hour on the next succeeding secular day, and shall hold at least one council as a committee of the whole meeting weekly on such other evening and hour as it shall determine. The mayor or any three members of the council may appoint special meetings thereof, notice of which in writing, shall be given to each member thereof, or to be left at his place of residence at least six hours before the meeting; provided, however, that if all the members of the council shall be present at any special meeting

without proper notice, such notice shall be deemed to have been waived. All meetings of the council shall be made public. The majority of the council shall constitute a quorum for the transaction of business; a less number may adjourn from time to time, and may compel the attendance of absent members in such manner as shall be prescribed by ordinance or rule of the council; and all pending business and business noticed or set down for hearing at any meetings at which there shall not be a quorum present shall be taken up and heard at such adjourned meeting, or at the next regular meeting without further notice.

***Editor's note:***

*It is mandatory that the charter shall provide that all sessions of the city council shall be public, see C.L., 1948, sec. 117.3(1); Mich. Stat. Anno., sec. 5.2073.*

*This section constitutes an amendment adopted by the electors on May 11, 1954.*

**SEC. 110 ACCOUNTS, CLAIMS; AUDIT, ALLOWANCE; CERTIFICATE OR AFFIDAVIT REQUIRED.**

The council shall audit and allow all accounts chargeable against the city but no account or claim or contract shall be received for audit or allowance, unless it be accompanied with the certificate of an officer of the corporation, or an affidavit of the person rendering it, to the effect that he verily believes that the services therein charged have been actually performed, or the property or goods delivered for the city; that the sums charged therefor are reasonable and just and that to the best of his knowledge and belief, no actual set-off exists nor payment has been made on account thereof except such as are endorsed or referred to in such account or claim. Every such account shall exhibit in detail all the items making up the amount claimed and the true date of each. It shall be a sufficient defense in any court to any action or proceeding for the collection of any demand or claim against the city for personal injuries or otherwise, that it has never been presented, certified to or verified as aforesaid, to the council for allowance; or, if such claim is founded on contract, that the same was presented without the certificate or affidavit aforesaid and rejected for that reason; or that the action or proceeding was brought before the council had a reasonable time to investigate and pass upon said claim or demand.

**SEC. 111 DAMAGES, INJURIES; CLAIMS; NOTICE REQUIRED, CONTENTS; FILING, TIME.**

The city shall not be liable in damages sustained by any person in the city, or otherwise, either to his person or property, by reason of any defective highway, street, bridge, sidewalk, crosswalk or culvert, or by reason of any obstruction, ice, snow or other encumbrance upon such street, sidewalk, crosswalk or public highway, situated in the city unless such person shall serve or cause to be served, within 60 days after such injury shall have occurred, a notice in writing, upon the clerk or deputy clerk of the city, which notice shall set forth substantially the time when, and place where such injury took place, the nature of the defect, the manner in which it occurred, and the extent of such injury, as far as the same has become known, the names of the witnesses known at the time by the claimant, and that the person receiving such injury intends to hold the city liable for such damages as may have been sustained

by him, and shall also, within 90 days next after such injury, present to the city clerk his claim in writing and under oath, setting forth particularly the nature and extent of such injury and the amount of damages claimed by reason thereof, which claim shall be presented to the council by the clerk at the next regular meeting of such council.

***Editor's note:***

*For state law relative to city liability for damages for property and personal injuries sustained on public ways, see C.L., 1948, secs. 242.1 et seq.; Mich. Stat. Anno., secs. 9.591 et seq.*

## ARTICLE 6: CITY POWERS

### Section

- Sec. 112 General powers
- Sec. 113 Specific powers; enumeration
- Sec. 114 General welfare; council powers
- Sec. 115 Powers; enumeration not limitation operation

### SEC. 112 GENERAL POWERS.

The city, subject to the provisions of this charter, shall, in addition to such other powers as are herein conferred, have the general powers and authority granted in this chapter [article], and the council may pass such resolutions and ordinances in relation thereto as it may deem proper.

### SEC. 113 SPECIFIC POWERS; ENUMERATION.

The city shall have power:

(1) *Enumeration not limitation.* To do any act or thing not forbidden by state or national laws, which it shall deem to be for the best interests and welfare of the city and its inhabitants, and no enumeration of the powers conferred in this charter, or under the constitution and laws of the state, shall be held or deemed to be exclusive of others not herein enumerated, it being the intent of this charter to confer upon the city all the powers that a city may possess at any time under the constitution and laws of the state.

(2) *Property; acquisition, condemnation.* The city may acquire any real or personal property, or any right, title or interest therein, either in or out of the city for any purpose, by gift, dedication, devise or bequest, or it may by purchase, lease, lease with the privilege of purchasing, or by condemnation or appropriation, acquire any such property or interest, in or out of the city, for any public use or purpose, including markets, water works, power or supply, or educational, recreational, parking or docking purposes, or for schools and libraries; or for correctional, health and charitable institutions, sewage and garbage disposal plants, cemeteries, or for carrying out, making effective, protecting or preserving any street, boulevard, park, water supply, public grounds or city planning system, including not only such property as may be directly necessary therefor, but also such remnants and excess over what is directly essential as may be needed for the protection or preservation of such plan or system, whether the same is immediately necessary or not.

(3) *Public utilities; ownership, operation.* The city also in any of the ways above mentioned, may acquire the franchises and property of, or may construct, establish, own, lease, operate, regulate or fix the rates to be charged by any and all kinds of public utilities to supply service to the city or its inhabitants, for domestic, commercial or municipal purposes, within or without the city, subject to the laws of the state.

(4) *Property; management, disposition.* The city may hold, control, manage, use, operate, sell, lease, mortgage, pledge, change the use of, dispose of with restrictions on the use of, vacate or abandon, any of its property without reversion to the original owner, grantor or his heirs, and may make all needful rules and regulations for such property, or for carrying out fully the terms, conditions or duties attached to the acquisition thereof.

(5) *Vice, immorality.* To restrain and prevent vice and immorality, and to prohibit and prevent, in the streets or elsewhere in the city, indecent exposure of the person, the exhibition, sale of, or show of indecent or obscene pictures, drawings, engravings, paintings and books or shows of every kind and nature.

(6) *Vagrants, prostitutes, disorderly persons.* To apprehend and punish vagrants, disorderly persons and prostitutes.

(7) *Nuisances, abatement.* To preserve the public health and to determine and declare what shall be deemed a nuisance, and to prevent and abate the same.

(8) *Disorderly, gaming houses.* To prohibit and suppress disorderly and gaming houses.

(9) *Billiards, bowling alleys.* To regulate, license or suppress billiard tables and rooms, and bowling alleys.

(10) *Gaming.* To suppress gambling or gaming in any form.

(11) *Taverns, restaurants, hotels, rooming houses.* To license taverns, restaurants, eating houses, hotels and rooming houses.

(12) *Carnivals, exhibitions, theatres, amusements.* To regulate, license, restrain or prohibit, public shows, carnivals, exhibitions, theatres, moving picture shows, public dances and other amusements.

(13) *Peddlers, transient merchants, auctioneers.* To license auctioneers and pawnbrokers; license and regulate hawkers, peddlers, agents and solicitors and to regulate or prohibit sales of property at auction except sales made pursuant to some order of court or public law; and to require transient traders, agents and dealers to take out licenses before engaging in business, and may regulate by ordinance the terms and provisions of the same and may regulate the distribution of handbills and advertising.

(14) *Taxicabs*. To license hacks, taxicabs and other public vehicles.

(15) *Food, beverages*. To provide for the inspection and regulate the sale of provisions, foods, beverages and supplies.

(16) *Weights and measures*. To provide for the inspection of weights and measures; to enforce the keeping and use of proper weights and measures by vendors and for the seizure and destruction of incorrect, inaccurate or fraudulent weights and measures, and for the punishment of persons found guilty of defrauding the public by using incorrect, inaccurate or fraudulent weights and measures.

(17) *Same; regulation, inspection*. To provide for the inspection and regulation of the weighing or measuring of goods, wares, merchandise, fuel and provisions sold by weight or measure.

(18) *Explosives*. To regulate or prohibit the use, selling of, offering for sale, storing or transportation of firearms, fireworks, combustible or explosive substances or materials within the city, and to regulate and restrain the making of fires in the streets, alleys or other open spaces in the city.

(19) *Police department*. To make ordinances for the organization and regulation of the police department.

(20) *Fire department*. To make ordinances for the organization and regulation of the fire department, and for the prevention and extinguishment of fires, and to establish and maintain definite fire limits.

(21) *Passengers, baggage*. To license and regulate solicitors for passengers or for baggage for any hotel, tavern, public house, boat or railroad; also draymen, carmen, truckmen, porters, drivers of vehicles of every description, used and employed for hire, and to fix and regulate the amounts and rates of their compensation.

(22) *Animals*. To require horses, mules or other animals attached to any vehicle, or standing in any of the streets, alleys or public places in the city to be securely fastened, hitched, watched or held.

(23) *Reckless driving*. To prevent and punish horse racing and immoderate or reckless driving of horses, automobiles, motorcycles and other vehicles in any street, park, alley or public place, and to authorize the stopping and detaining of any person who shall be guilty of immoderate or reckless driving or riding in any street, park, alley or public place in the city.

(24) *Dogs*. To license the keeping of dogs and prevent their running at large; to require them to be muzzled, and to authorize their destruction if found at large in violation of any of the ordinances of the city.

(25) *Fences*. To regulate the height and construction of all fences now or hereafter to be built.

(26) *Building lines and grades; zoning.* To establish lines and grades upon which buildings may be erected and beyond which such buildings shall not extend. To locate and restrict the location of trades and industries and the location of buildings designed for specified uses, and may regulate the height and bulk of buildings hereafter erected, and may divide the city into zones of such number, shape and area as may be best suited to carry out the purpose of this subdivision.

(27) *Buildings.* To regulate the erection and repair of buildings and to prevent the erection and provide for the removal of all buildings deemed unsafe and to provide a building code.

(28) *Traffic.* To regulate traffic and the parking of automobiles and other vehicles.

(29) *City officers.* To declare and define the powers and duties of the officers of the city, provided the same shall not be inconsistent with the provisions of this charter.

(30) *Official bonds.* To require the treasurer and city clerk and such other officers of the city as the council shall deem proper, to give bonds for the faithful discharge of their respective official duties.

(31) *Officers, performance of duties.* To require that the several officers of the city perform their duties faithfully and to provide proper measures to punish neglect of duty on the part of any officer of the city.

(32) *Public property.* To provide for the care, custody and preservation of all of the public property of the city.

(33) *Fraud.* To prohibit, prevent and suppress mock auctions and every kind of fraudulent game, device or practice, and to punish all persons managing, using, practicing or attempting to manage, use or practice the same, and all persons aiding the management or practice thereof.

(34) *Dangerous toys.* To prohibit and punish the use of toy pistols, air guns, sling shots, and other dangerous toys or implements within the city limits.

(35) *Numbering buildings; street names.* To provide for and regulate the numbering of buildings upon the streets, alleys and public places of the city and to compel the owners or occupants thereof to affix numbers on the same, and to designate and change the names of public streets, alleys and parks.

(36) *Census.* To provide for the taking of a census of the inhabitants of the city whenever the council shall see fit, and to direct and regulate the same.

(37) *Public utilities.* To regulate the price to be charged for gas, electricity, and other service rendered by all persons, firms or corporations owning and operating in the streets, alleys, and public places of the city, wires, pipes and conduits, and to regulate the manner in which all persons, firms or



corporations operating public utilities shall use the streets, alleys and public places in the city, and to forbid the erection and maintenance of poles on any or all the streets or alleys in the city and to compel the placing of all wires underground in such streets and alleys as may be designated by the council.

(38) *Rents, tolls, excises.* To lay and collect rents, tolls and excises.

(39) *Trades, occupations, amusements.* To regulate trades, occupations and amusements within its corporate limits.

(40) *Saloons.* To regulate and restrict the territory within which saloons for the sale of intoxicating liquors may be located, and within which wholesale liquor houses may be located and within which breweries and distilleries may be located, but nothing in this subdivision shall be construed to permit the licensing of any saloon or to permit the sale of intoxicating liquors contrary to the provisions of any law of the state or the United States, this charter or any ordinance of the council.

(41) *Intoxicating liquors.* To prohibit the sale of spirituous and intoxicating liquors and beverages within the corporate boundaries of the city, and to suppress saloons for the sale of spirituous and intoxicating liquors.

(42) *Pounds.* To provide, maintain and regulate one or more pounds, and may authorize the impounding of all vehicles[,] beasts and fowls found in the streets or otherwise at large, contrary to any ordinance of the city. The chief of police shall be poundmaster, ex-officio, without additional compensation or fees; to prescribe the fees for impounding, and the amount of rate of expense for keeping, and the charges to be paid by the owner or keeper of the vehicles, beasts, or fowls impounded; to authorize the sale of the vehicles, beasts or fowls for the payment of such fees, expenses or charges and for penalties incurred, and may impose penalties for rescuing any beast or fowl impounded.

(43) *Poor persons.* To provide for the support and relief of poor and afflicted persons residing within the city, also for the proper care of the indigent sick and afflicted; to provide who shall have charge of such work and to define his powers and duties; to provide and prevent the bringing into the city of paupers or any persons likely to become a charge upon the city.

(44) *Markets.* To establish and regulate markets and market places for the sale of meats, fish, vegetables and other provisions and articles necessary for the sustenance and convenience of the inhabitants of the city.

(45) *Partition fences.* To enact all such ordinances and laws as may be deemed proper relative to the building, rebuilding, maintaining and repairing of partition fences by the owners and occupants of adjoining lots, enclosures and parcels of land within the city and relative to the assigning to the owners or occupants of such adjoining pieces of land, the portion of such partition fences to be maintained by

them respectively; and may provide for the recovery of damages from any owner or occupant who shall fail to comply with the provisions and requirements of any ordinance relative to such partition fences. The council may appoint fenceviewers and prescribe their duties and mode of proceeding in all cases relating to partition fences in the city.

(46) *Bequests, gifts, donations.* To receive bequests, gifts and donations of all kinds of property in fee simple, or in trust for public, charitable or other purposes; and to do all things and acts necessary to carry out the purposes of such bequests, gifts, and donations, with power to manage, sell, lease or otherwise handle or dispose of the same, in accordance with the terms of the bequest, gift or donation.

(47) *Institutions, etc.; acquisition, operation.* To provide by purchase, lease, condemnation, construction, or otherwise, and to establish, hold, equip, maintain, conduct, manage and operate, libraries, reading rooms, playgrounds, public grounds, parks, boulevards, baths, public toilet and convenience stations, markets, market houses, infirmaries, hospitals, free employment bureaus, jails, police stations, fire houses, works or plants, for the preparation, manufacture, handling or transportation of materials required in the construction, completion, maintenance or repair of any public building, work, improvement or utility, and any and all buildings, establishments, institutions and places which are necessary or convenient for the transaction of public business or for promoting the health, morals, or welfare of the inhabitants of the city, or for their regulation or benefit.

(48) *Real property.* To purchase and own such real estate as may be necessary for all public works, parks, markets, public docks, boulevards, public buildings and other purposes necessary or convenient for the public good, or for the execution of the powers conferred by this charter, or by the statutes of this state; and such buildings and grounds or any part thereof may be sold at public sale or leased as occasion may require; provided, however, no property of the value in excess of ten cents per capita according to the last preceding United States census, nor any park, nor any real estate used in carrying on any public utility, or municipal operation, or any part thereof, shall be sold unless such sale be first approved by three-fifths of the electors voting thereon at any general or special election.

(49) *Parks and playgrounds.* To lay out, establish or vacate and discontinue public parks and playgrounds within the city; to improve, light and ornament the same and regulate the use thereof; and to protect the same and the appurtenances thereof from obstruction, encroachment and injury; provided, however, that such park or playground shall not be vacated or discontinued except on a three-fifths vote of the electors voting thereon at any general or special election.

(50) *Property outside city limits.* To acquire, own, erect, maintain, manage and control, real estate, buildings, institutions and works outside the corporate limits of the city except where prohibited by this charter or the general laws of this state and to enforce beyond the corporate limits of the city and over such lands, buildings, institutions and property all ordinances and police regulations as may be necessary for the care, protection, control and management thereof in the same manner and to the same extent as if they were located within the city.

(51) *Municipal powers.* To exercise all municipal powers in the management and control of municipal property and in the administration of the municipal government whether such powers are expressly enumerated or not; to do any act to advance the interest of the city, the good government and prosperity of the municipality and its inhabitants, and through its legally constituted authority to pass all laws and ordinances relating to the municipal concerns subject to the constitution and general laws of the state.

(52) *Railroads; street crossings.* To provide for and change the location of grade of street crossings of any railroad tracks; to compel any railroad company or street railway company to raise or lower their railroad tracks to conform to street grades which may be established by the city from time to time; to construct street crossings in such manner and with such protection to persons crossing thereon as the city may require, and to keep them in repair; to require and compel railroad companies to keep flagmen or watchmen at railroad crossings; to regulate and prescribe the speed of locomotives and railroad trains and street railway cars within the city, and to regulate the obstruction of crossings by trains, engines, cars or otherwise.

(53) *Railroads; culverts.* To require and compel any railroad company, or any street railway company to make, keep open and in repair, such ditches, drains, sewers and culverts, along and under or across their railroad tracks, as may be necessary to drain their grounds and right-of-way properly, and in such manner as the city commission shall direct, so that the natural drainage of adjacent property shall not be impeded. If any such railroad company or street railway company shall neglect to perform any such requirements according to the directions of the city council, the council may cause the work to be done at the expense of such company and the amount of such expense may be collected at the suit of the city against the company, in a civil action, before any court having jurisdiction of the cause.

(54) *Wharves and docks.* To provide and regulate the construction, operation and maintenance of public docks and slip docks, and wharves along the Detroit river or the River Rouge, to levy taxes for the construction and maintenance of public docks, slip docks and wharves; provide for the operation or leasing of said docks to private steamship companies or ferry companies.

(55) *Home Rule City Act.* To do any act permitted by the provisions of Act 279 of the Public Acts of 1909 as amended (commonly known as the Home Rule Act) whether such act is specifically mentioned herein or not.

**Editor's note:**

*For city authority to acquire enumerated improvements, including the necessary lands therefor, see C.L., 1948, sec. 117.4e(1); Mich. Stat. Anno., sec. 5.2078.*

*For similar charter provisions, see secs. 383, 384, infra.*

*For city authority to maintain, develop, operate, lease and dispose of public property, see C.L., 1948, sec. 117.4e(3); Mich. Stat. Anno., sec. 5.2078.*

*It is mandatory that the charter shall provide for the public health, see C.L., 1948, sec. 117.3(j); Mich. Stat. Anno., sec. 5.2073.*

*For definition of public nuisance under state law, see C.L., 1948, sec. 125.402; Mich. Stat. Anno., sec. 5.2772. For specific ordinance relative to nuisances, see Code of Ordinances, secs. 3-501 et seq.*

*For ordinance provisions relative to bowling, pool and billiards, see Code of Ordinances, sec. 5-802.*

*For ordinance relative to restaurants, see Code of Ordinances, secs. 3-1001 et seq.*

*For city authority to regulate amusements and to prohibit such amusements as are detrimental to the health, morals or welfare of its inhabitants, see C.L., 1948, sec. 117.4i(4); Mich. Stat. Anno., sec. 5.2082.*

*For ordinance provisions relative to auctions and auctioneers, see Code of Ordinances, secs. 5-201 et seq.*

*For ordinance provisions relative to licensing pawnbrokers, see Code of Ordinances, secs. 5-1201 et seq.*

*For licensing provisions relative to peddlers, see Code of Ordinances, secs. 5-1401 et seq.*

*For licensing provisions relative to transient merchants, see Code of Ordinances, secs. 5-1501 et seq.*

*For ordinance regulating and licensing taxicabs, see Code of Ordinances, secs. 5-401 et seq.*

*For general food provisions, see Code of Ordinances, secs. 3-901 et seq.*

*For ordinance relative to weights and measures, see Code of Ordinances, secs. 5-301 et seq.*

*For ordinance relative to explosives, see Code of Ordinances, secs. 3-201 et seq.*

*For fire prevention regulations, see Code of Ordinances, secs. 3-101 et seq.*

*It is mandatory that the charter shall provide for the public peace and for the safety of persons and property, see C.L., 1948, sec. 117.3(j); Mich. Stat. Anno., sec. 5.2073.*

*For provisions relative to licensing and impounding dogs, see Code of Ordinances, secs. 3-512 et seq.*

*For similar state law, see C.L., 1948, secs. 117.4j(3); Mich. Stat. Anno., sec. 5.2083. For general limitations on powers of city, see C.L., 1948, sec. 117.5; Mich. Stat. Anno., sec. 5.2084.*

*For ordinance provisions relative to fences, see Code of Ordinances, secs. 7-601 et seq.*

*For zoning regulations, see Code of Ordinances, secs. 10-101 et seq.*

*For adoption of building code by reference, see Code of Ordinances, secs. 7-101 et seq.*

*For traffic code, see Code of Ordinances, secs. 4-101 et seq.*

*For city authority to regulate trades, occupations and amusements, see C.L., 1948, sec. 117.4i(4); Mich. Stat. Anno., sec. 5.2082.*

*For city authority to acquire enumerated improvements, including the necessary lands therefor, see C.L., 1948, sec. 117.4e(l); Mich. Stat. Anno., sec. 5.2078.*

*For similar state law, see C.L., 1948, sec. 117.4j(e); Mich. Stat. Anno., sec. 5.2083.*

*For similar state law, see C.L., 1948, sec. 91.6; Mich. Stat. Anno., sec. 5.1745.*

*See C.L., 1948, secs. 117.1 et seq.; Mich. Stat. Anno., secs. 5.2071 et seq.*

**SEC. 114 GENERAL WELFARE; COUNCIL POWERS.**

The council shall further have authority to enact all ordinances and to make all regulations consistent with this charter and the laws and constitution of this state as they may deem necessary for the safety, order and good government of the city and general welfare of the inhabitants thereof.

***Editor's note:***

*It is mandatory that the charter shall provide for the public peace and health, and for the safety of persons and property; see C.L., 1948, sec. 117.3(j); Mich. Stat. Anno., sec. 5.2073.*

**SEC. 115 POWERS; ENUMERATION NOT LIMITATION.**

The granting to the city or council of any specific power in this charter shall not be construed as limiting any general granting of powers unless the intention to so limit is clearly indicated.



## ARTICLE 7: CITY DEPARTMENTS

### Section

- Sec. 116 City departments, divisions; enumeration
- Sec. 117 Commissioners; assignments
- Sec. 118 Commissioners; powers and duties
- Sec. 119 Departments, divisions; council authority
- Sec. 120 Department of public safety; composition, authority
- Sec. 121 Department of public works; composition, authority
- Sec. 122 Department of public affairs; composition, authority
- Sec. 123 Department of public welfare; composition, authority
- Sec. 124 Department of finance; composition, authority
- Sec. 125 Department of public utilities; composition, authority
- Sec. 126 Department of sanitation and inspection; composition, authority
- Sec. 127 Departments, granting authority; council powers, restriction

### *Editor's note:*

*The city may provide for the establishment of any department deemed necessary for the general welfare, see C.L., 1948, sec. 117.4j(1); Mich. Stat. Anno., sec. 5.2083.*

### **SEC. 116 CITY DEPARTMENTS, DIVISIONS; ENUMERATION.**

The administrative and executive powers and authority of the city of River Rouge, not herein otherwise provided for shall be distributed among the following departments and divisions[:]

- (1) Department of public safety.
  - (a) Division of fire service.
  - (b) Division of police.
- (2) Department of public works.
  - (a) Division of public service.
  - (b) Division of engineering.

- (3) Department of public affairs.
  - (a) Division of recreation.
  - (b) Division of building code and building inspection.
  - (c) Division of supplies.
- (4) Department of public welfare.
  - (a) Division of health.
  - (b) Division of charities.
- (5) Department of finance.
  - (a) Division of accounting.
  - (b) Division of taxation and assessment.
  - (c) Division of the treasury.
- (6) Department of public utilities.
  - (a) Division of publicly owned utilities.
  - (b) Division of privately owned utilities.
- (7) Department of sanitation and inspection.
  - (a) Division of food inspection and sanitation.
  - (b) Division of plumbing and sewer inspection.

#### **SEC. 117 COMMISSIONERS; ASSIGNMENTS.**

The mayor shall and by the consent of the council on the second Monday of April of each year or as soon thereafter as may be, assign one of the commissioners to the department of public works, one of the commissioners to the department of public affairs, one of the commissioners to the department of public welfare, one of the commissioners to the department of finance, one of the commissioners to the



department of public utilities, and one of the commissioners to the department of sanitation and inspection.

The mayor shall be ex-officio assigned to the department of public safety. Each member of the council shall be assigned to at least one department. In the case of a vacancy in the office of mayor commissioner, or in the absence or disability of the mayor or commissioner one of the remaining members of the council shall be assigned to such department, as in the first instance, to act temporarily until such vacancy is filled or the disability removed. The assignment of commissioner to the several departments as herein provided may be changed by the mayor with the consent of the council whenever it appears that the public service would be benefited thereby.

#### **SEC. 118 COMMISSIONERS; POWERS AND DUTIES.**

The mayor and each commissioner shall have general supervision over the department of government to which he shall be assigned. It shall be his duty to see that the several division heads in his department properly perform the duties of their offices, and that all resolutions of the council in relation to said department are properly carried out. They shall each make written monthly report to the council concerning the work of their respective departments and shall from time to time give the council such information as it shall require. They shall each have such administrative and executive duties as the council may from time to time confer upon them by resolution or ordinance.

#### **SEC. 119 DEPARTMENTS, DIVISIONS; COUNCIL AUTHORITY.**

The departments and divisions herein designated shall continue until otherwise provided. The council shall have power by ordinance to change or adjust, or to combine any of the divisions within the departments and may create other departments.

#### **SEC. 120 DEPARTMENT OF PUBLIC SAFETY; COMPOSITION, AUTHORITY.**

The department of public safety shall be composed of the division of police and the division of fire service. The division of police shall include the police force and its work. The division of fire service shall include the fire force and its work.

#### **SEC. 121 DEPARTMENT OF PUBLIC WORKS; COMPOSITION, AUTHORITY.**

The department of public works shall be composed of the division of public service and the division of engineering. The division of public service shall include all construction work not otherwise provided for by this charter or by the council, the care, custody, improvement, cleaning, repairing, lighting and

maintenance of streets, alleys, sidewalks, sewers, drains, parks and public places; the collection and disposal of garbage and the repair, maintenance and custody of all public buildings, public works not particularly assigned by this charter or by the council to other departments. The division of engineering shall include all engineering service to be performed by and on behalf of the city, whether sanitary, civil, mechanical, electrical or otherwise.

#### **SEC. 122 DEPARTMENT OF PUBLIC AFFAIRS; COMPOSITION, AUTHORITY.**

The department of public affairs shall be composed of the division of recreation, the division of building inspection and the division of supplies. The division of recreation shall include all matters pertaining to recreation and playgrounds and parks, and the regulation thereof. The division of building inspection shall include the inspection of all buildings to be constructed within the limits of the city, building permits and the inspection of electric wiring, elevators, fire escapes and places where combustible and inflammable materials are stored and the enforcement of the building code of the city.

The commissioner of the department of public affairs shall be the purchasing agent for the city. All purchases of supplies for the city shall be made under his direction and he shall be a member of the auditing committee on claims on the council. He shall also conduct all sales of personal property which the council may authorize to be sold on account of having become unnecessary or unfit for the city's use. All purchases and sales shall conform to such regulations as the council may, from time to time, prescribe. No supplies shall be ordered or delivered to any department unless a proper requisition therefor has been issued by the city clerk upon request from such particular department.

#### **SEC. 123 DEPARTMENT OF PUBLIC WELFARE; COMPOSITION, AUTHORITY.**

The department of public welfare shall be composed of the division of health and the division of charities. The division of health shall include the work of the health officer and his office which shall include supervision of all clinics, visiting nurses and all agencies working for the improvement of the public health. The division of charities shall include all the work in relation to the care and relief of unfortunate and indigent persons, the supervision of charitable institutions and all enterprises and all work of a charitable nature not otherwise or by ordinance provided for. The word ['] charitable['] as herein used is to be construed in its broader sense.

#### **SEC. 124 DEPARTMENT OF FINANCE; COMPOSITION, AUTHORITY.**

The department of finance shall be composed of the division of accounting, the division of taxation and assessment, and the division of the treasury. The division of accounting shall include the city auditor's office and work. The division of taxation and assessment shall include the city assessor's office

and work. The division of the treasury shall include the city treasurer's office and work. All matters of accounting, auditing, taxation, assessment, collection of taxes, and assessments and all matters of a financial nature shall be included in the department of finance.

**SEC. 125 DEPARTMENT OF PUBLIC UTILITIES; COMPOSITION, AUTHORITY.**

The department of public utilities shall be composed of the division of privately owned utilities and the division of publicly owned utilities. The division of privately owned utilities shall include the regulation and control of all privately owned utilities operating within the city. The division of public[ly] owned utilities shall include any utility owned or operated by the city under this charter or the state law.

**SEC. 126 DEPARTMENT OF SANITATION AND INSPECTION; COMPOSITION, AUTHORITY.**

The department of sanitation and inspection shall include the division of food inspection and sanitation and the division of plumbing and sewer inspection. The division of sanitation and food inspection shall include the inspection of all premises in relation to sanitation and the inspection of all food stuffs and the enforcement of the ordinances and laws in relation to sanitation and food stuffs. The division of plumbing and sewer inspection shall include the inspection of all plumbing and all privately owned sewers within the city.

**SEC. 127 DEPARTMENTS, GRANTING AUTHORITY; COUNCIL POWERS, RESTRICTION.**

The council may add to the scope of the work of any department or division where not inconsistent with the provisions of this charter.



## ARTICLE 8: DUTIES OF OFFICERS

### Section

- Sec. 128 Mayor; powers and duties
- Sec. 129 Mayor; police powers
- Sec. 130 Mayor pro tempore; powers and duties
- Sec. 131 City clerk; powers and duties
- Sec. 132 City auditor; powers and duties
- Sec. 133 City treasurer; powers and duties
- Sec. 134 City treasurer; funds, disbursements
- Sec. 135 Same; reports required
- Sec. 136 City treasurer; vouchers, requirements
- Sec. 137 City funds; keeping, use; restriction
- Sec. 138 City attorney; powers and duties
- Sec. 139 City assessor; powers and duties
- Sec. 140 City engineer; powers and duties
- Sec. 141 Superintendent of public service; powers and duties
- Sec. 142 Board of county supervisors; city representatives; appointment, term, powers and duties
- Sec. 143 Same; compensation
- Sec. 144 Sinking fund commission; composition; powers and duties
- Sec. 145 Board of review; composition; powers and duties
- Sec. 146 Special assessments; city assessor, duty
- Sec. 147 Library commission; composition; powers and duties
- Sec. 148 Sanitary engineer; powers and duties

### SEC. 128 MAYOR; POWERS AND DUTIES.

The mayor shall be the chief executive officer of the city. He shall preside at the meetings of the council, he shall be a member of the council and shall have the right to vote upon all questions and to offer resolutions, introduce ordinances, and exercise all other rights, powers and privileges of a member of the said council. He shall not have the right of veto. He shall from time to time give the council information concerning the affairs of the city and of the public property belonging thereto, and see that the laws relating to the city and ordinances and regulations of the council are enforced.

#### *Editor's note:*

*It is mandatory that the charter shall provide for the duties of the mayor, see C.L., 1948, sec. 117.3(d); Mich. Stat. Anno., sec. 5.2073.*

**SEC. 129 MAYOR; POLICE POWERS.**

The mayor shall be a conservator of the peace and may exercise within the city the powers conferred upon sheriffs to suppress disorder. He shall have authority to command the assistance of able-bodied citizens to aid in the enforcement of the ordinances of the council and to suppress riots and disorderly conduct, and shall perform all such duties as are or may be prescribed by this charter or by ordinance or resolution of the council.

**SEC. 130 MAYOR PRO TEMPORE; POWERS AND DUTIES.**

In the absence or disability of the mayor, the mayor pro tempore of the council shall perform the duties of the mayor.

**SEC. 131 CITY CLERK; POWERS AND DUTIES.**

The city clerk shall keep the corporate seal and all the documents, official bonds, papers, files and records of the city, not by this charter, or the ordinances of the city, entrusted to some other officer. He shall be clerk of the council and shall attend its meetings. He shall record all the proceedings and resolutions of the council and shall record in a separate book all the ordinances of the city. He shall countersign all licenses granted after the license fee has been paid to the city treasurer, and shall register the same. He shall, when required, make and certify under the seal of the city, copies of the papers and records filed and kept in his office, and such copies shall be evidence in all places of the matters therein contained to the same extent as the original would be. He shall possess and exercise the powers of a township clerk so far as the same are required to be performed within the city. He shall have authority to administer oaths and affirmations in matters pertaining to the affairs of the city and shall make no charge therefor. When any tax or money shall be levied, raised, or appropriated the city clerk shall report the amount thereof to the city treasurer stating the objects and funds for which it is levied, raised or appropriated, and the amount thereof to be credited to each fund. He shall countersign all warrants issued upon the city treasurer. He shall, with the mayor, sign all bonds issued by the city. He shall keep on file in his office all contracts entered into by or with the city. He shall perform such other duties as are prescribed by this charter or may be required by ordinance or resolution of the council. He shall receive and audit all accounts and demands against the corporation and prepare vouchers for the same. After the allowance by the council of any account or demand, the city clerk shall draw his warrant therefor upon the city treasurer[,] which warrant shall be countersigned by said clerk and the mayor, and the treasurer. He shall keep a complete set of books exhibiting the financial conditions of the city with all its resources and liabilities, in its various departments and funds. He shall keep a bond register in which shall be entered a record of all bonds issued by the city, with the name, amount and the date thereof, and complete details of all coupons attached thereto. He shall likewise keep an account of all funds, taxes, receipts and expenditures of the city as obtained from the daily reports of receipts and disbursements received by him from the city treasurer. On or before the fourth Monday of July in each

year he shall make out and present to the council a full detailed statement of the receipts and disbursements of said city for the fiscal year ending on the thirtieth day of June of each year. He shall at other times, if directed by the council, furnish statements showing the condition of the several funds and accounts. He shall charge the city treasurer with the whole amount of the taxes and assessments, special or general, levied for said city and placed in the treasurer's hands for collection, crediting the various funds and accounts according to the various appropriations therefor. He shall also charge the city treasurer with all sums received from licenses, rents and other moneys which are payable to the said treasurer, and the proceeds of all bonds, coupons, notes, leases, mortgages, bills receivable or bills payable or revenue of whatsoever nature. When any fund or appropriation has been exhausted by warrants already drawn thereon, or by appropriations, liabilities, debts and expenses actually made, incurred or contracted for and to be paid out of such fund or appropriations, the city clerk shall advise the council thereof at its next meeting. He shall also keep a list of the property, real, personal and mixed, belonging to the corporation and of all its debts and liabilities, in order that the amount of the moneys and liabilities of the corporation may at any time be known at his office. He shall be charged with the leasing, repairs, insurance and general supervision of the city property not herein otherwise provided for, and for his information may require reports from all officials or persons having city property in charge or in his possession, and shall report the same when required by the council.

The office of the city clerk shall be open to the public from 8:30 o'clock a.m. to 4:30 o'clock p.m. of each secular day, excepting legal holidays.

***Editor's note:***

*For general licensing provisions, see Code of Ordinances, secs. 5-101 et seq.*

*It is mandatory that the charter shall provide for the duties of the city clerk, see C.L., 1948, sec. 117.3(d); Mich. Stat. Anno., sec. 5.2073.*

**SEC. 132 CITY AUDITOR; POWERS AND DUTIES.**

The auditor shall audit the books of the city clerk, treasurer, [municipal judge] and police department, once each month, and whenever required by the council shall audit the accounts of any other officer of the city, or of any department of the city, and upon the completion of said audit, shall report the result of the same to the council.

***Editor's note:***

*It is mandatory that the charter shall provide for the duties of the city auditor, see C.L., 1948, sec. 117.3(d); Mich. Stat. Anno., sec. 5.2073.*

**SEC. 133 CITY TREASURER; POWERS AND DUTIES.**

The city treasurer shall perform all duties of the treasurer as prescribed by this charter and the general laws of the state, together with such other duties as may be by the council required or assigned to him. He shall give a bond in such amount and with such sureties as shall be satisfactory to the council.

The premium on such bond shall be paid by the city. He shall also give to the treasurer of the county of Wayne such further sureties as are or may hereafter be required by law of the several township treasurers of the several townships in this state for the purpose of the collection and return of all taxes and the return of property delinquent for the non-payment of taxes, and for the purpose of suit for the collection of taxes the said treasurer, on giving the bond so required, shall possess all the powers and perform all the duties as are performed by the several township treasurers of this state, as prescribed by law. The premium on said bond shall be paid by the city.

***Editor's note:***

*It is mandatory that the charter shall provide for the duties of the city treasurer, see C.L., 1948, sec. 117.3(d); Mich. Stat. Anno., sec. 5.2073.*

**SEC. 134 CITY TREASURER; FUNDS, DISBURSEMENTS.**

The city treasurer shall have the custody of all moneys, bonds, other than official, mortgages, notes, leases and evidences of value belonging to the city; he shall receive all moneys belonging to and receivable by the corporation, and keep an account of all receipts and expenditures thereof; he shall pay no money out of the treasury, except in pursuance of, and by authority of law, and upon warrants signed by the clerk and mayor and himself, which shall specify the purpose for which the amounts thereof are to be paid; he shall collect and keep an account of and be charged with all taxes and moneys appropriated, raised, or received for each fund of the corporation, and shall keep a separate account of each fund and shall credit thereto all moneys raised, paid in, or appropriated therefor, and shall pay every warrant out of the particular fund raised for the purpose for which the warrant was issued.

**SEC. 135 SAME; REPORTS REQUIRED.**

The city treasurer shall render to the council at the first meeting of each month, a report of the amounts received and credited by him to each fund, and on what account received, and the amounts paid out by him from each fund during the preceding month, and the amount of money remaining in each fund on the last day of said preceding month. He shall also exhibit to the council annually, on the fourth Monday in July, a full report of the receipts and disbursements of the treasury for the preceding fiscal year ending the thirtieth day of June of such year, classifying them therein by the funds to which such receipts are credited and out of which such disbursements are made, and the balance remaining in each fund, which account shall be filed in the office of the clerk. He shall also render such further reports as the council may require.

**SEC. 136 CITY TREASURER; VOUCHERS, REQUIREMENTS.**

Said treasurer shall take vouchers for all money paid from the treasury, showing the amount and fund from which payment was made, which vouchers upon settlement with the proper officers, of the city, shall be surrendered and filed with the city clerk.



**SEC. 137 CITY FUNDS; KEEPING, USE; RESTRICTION.**

The city treasurer shall keep all moneys in his hands belonging to the city, separate and distinct from his own moneys, and he is hereby prohibited from using, either directly or indirectly, the corporation moneys, warrants or evidences of debt in his custody or keeping, for his own use or benefit, or that of any other person.

The office of the city treasurer shall be at the same place as the office of the city clerk, and his office hours shall be from 8:30 a.m. to 4:30 p.m. of each secular day, excepting legal holidays.

**SEC. 138 CITY ATTORNEY; POWERS AND DUTIES.**

The city attorney, in addition to the other duties prescribed in this charter, shall be the legal advisor of the council and all officers of the city, and shall act as the attorney and solicitor for the city in all legal proceedings in which the city is interested. He shall also perform such other duties in relation to the legal matters of the city as shall be required of him by the council.

***Editor's note:***

*It is mandatory that the charter shall provide for the duties of the city attorney, see C.L., 1948, sec. 117.3(d); Mich. Stat. Anno., sec. 5.2073.*

**SEC. 139 CITY ASSESSOR; POWERS AND DUTIES.**

The city assessor shall perform such duties in relation to assessing property and levying taxes in the city as are prescribed by this charter. He is hereby authorized and required to perform the same duties that supervisors of townships under the general laws of the state are required to perform in relation to the assessing of property and levying of taxes for state, county and school purposes. He shall also perform all other duties which are prescribed by this charter or may be required by ordinance or resolution of the council. He shall devote full time to the discharge of his duties and receive such compensation therefor as may be established by the amendment to section 3 [75] of chapter IV [secs. 72 to 78, inclusive], of the charter of the city of River Rouge.

It shall be the duty of the assessor and he shall once each year make a personal view and examination of each lot or parcel of land and all the buildings thereon and all industrial, manufacturing or mercantile property in the city and shall set a valuation thereon. He shall insert at least twice, in a newspaper of general circulation in the city, one and two weeks respectively previous to the meeting of the board of review, a notice to the effect that all property having been sold or exchanged during the preceding year must be so reported in writing by the purchaser or taxpayer to the office of the assessor on or before the first day of the meeting of the board of review previous to the collection of taxes.

The assessor shall assist the treasurer in the office of the treasurer for the 30 days next following the date when the state, county and city tax rolls are turned over to the treasurer for collection and mailing of tax statements to taxpayers.

The assessor shall attend all meetings of the board of review.

The books of the assessor shall be open to public inspection at all reasonable business hours. He shall perform such other duties in relation to assessing property and levying taxes in the city as are prescribed by this charter. He shall also perform all other duties which may be prescribed by the charter or may be required by ordinance or resolution of the council.

**Editor's note:**

*The first paragraph of this section constitutes an amendment adopted by the electors on April 2, 1956. It is mandatory that the charter shall provide for the duties and compensation of the city assessor, see C.L., 1948, sec. 117.3(d); Mich. Stat. Anno., sec. 5.2073.*

#### **SEC. 140 CITY ENGINEER; POWERS AND DUTIES.**

The city engineer shall be a competent engineer and surveyor, who shall have and exercise within the city the like duties and powers as are conferred by law upon county surveyors, and the like effect and validity shall be given to his official acts, surveys and plats as are given by law to the acts and surveys of county surveyors. He shall make all necessary plats, maps, surveys, diagrams and estimates required by the council or officers of the city relating to the public improvements, buildings, grounds and streets of the city, and all plats, maps, surveys and diagrams made by him as such officer shall be the property of the city, and shall at the expiration of his term of office be delivered by him to his successor in office. He shall perform such other duties as are prescribed by this charter or may be required by ordinance or resolution of the council.

**Editor's note:**

*It is mandatory that the charter shall provide for the duties of city officers, see C.L., 1948, sec. 117.3(d); Mich. Stat. Anno., sec. 5.2073.*

#### **SEC. 141 SUPERINTENDENT OF PUBLIC SERVICE; POWERS AND DUTIES.**

The superintendent of public service shall be in charge of the division of public service, and shall perform or cause to be performed all the work and duties assigned by this charter to said division, and all employees and appointees of the city performing such work and duties shall receive orders from and report to him. He shall have all the powers and duties of highway commissioners in townships and of street commissioners. He shall perform such other duties as are prescribed by this charter, or may be required by ordinance or resolution of the council. He shall make such reports as the council shall require.

**Editor's note:**

*Ibid.*

**SEC. 142 BOARD OF COUNTY SUPERVISORS; CITY REPRESENTATIVES; APPOINTMENT, TERM, POWERS AND DUTIES.**

Upon the taking effect of this amendment and at the first regular meeting of the council after the first Monday in April, 1956 and every year thereafter there shall be appointed by the council two supervisors, who shall be members of the board of supervisors of Wayne county, and who shall hold office for one year from and after their appointment. The two supervisors appointed by the council shall consist of the mayor and one other elected official. In case any such supervisor shall be absent from the city, shall be disabled, or shall fail to perform the duties of his office, the council may appoint some other qualified person to discharge the duties of such office during such absence, disability or failure. It is further provided that whenever any such elective officer of the city as above provided, shall be appointed to the office of supervisor, his term of office as supervisor shall expire whenever he shall cease to hold such elective office.

***Editor's note:***

*This section constitutes an amendment adopted by the electors on April 2, 1956. For determination of the number of representatives on the board of supervisors to which the city is entitled, see C.L., 1948, sec. 117.27; Mich. Stat. Anno., sec. 5.2106.*

**SEC. 143 SAME; COMPENSATION.**

The supervisors appointed as in the above section provided, shall not receive any compensation from the city of River Rouge for their services, but shall be entitled to receive and retain for such services such compensation as is provided by law and paid by the county of Wayne.

**SEC. 144 SINKING FUND COMMISSION; COMPOSITION; POWERS AND DUTIES.**

The sinking fund commission shall consist of the mayor, city clerk and treasurer. The sinking fund commission shall investigate and recommend to the council all investments which shall be made of the moneys of the sinking fund, and of all sales made of the securities in such fund. Moneys of such fund shall be invested only in public improvement, municipal and government bonds.

**SEC. 145 BOARD OF REVIEW; COMPOSITION; POWERS AND DUTIES.**

The assessor and two qualified freeholders and electors of the city to be annually appointed as in this charter provided, shall constitute a board of review of assessments made for general taxation purposes. Such board of review shall meet and shall perform such duties and shall have such powers as are provided for by this charter and the general laws of the state.

***Editor's note:***

*It is mandatory that the charter shall provide for a board of review and prescribe the qualifications, duties and compensation of its members, see C.L., 1948, secs. 117.3(a), 117.3(d); Mich. Stat. Anno., sec. 5.2073.*

**SEC. 146 SPECIAL ASSESSMENTS; CITY ASSESSOR, DUTY.**

All special assessments and all special assessment rolls for the city of River Rouge shall be prepared by the city assessor, who shall forthwith upon the completion of any such special assessments or special assessment roll, certify the same to the city council of said city.

**SEC. 147 LIBRARY COMMISSION; COMPOSITION; POWERS AND DUTIES.**

The mayor by and with the consent of the council shall have authority to appoint a library commission to be composed of three resident freeholders of the city of River Rouge, who shall serve without compensation, at any time hereafter when said city of River Rouge shall establish a public library. Such commission shall serve for such term and perform such duties and exercise such powers as shall be provided by the council.

**SEC. 148 SANITARY ENGINEER; POWERS AND DUTIES.**

The sanitary engineer shall be in charge of the sewage and garbage disposal plant, under the general supervision of the commissioner of public service. The sanitary engineer shall have general supervision of sewage and garbage disposal plant and machinery and shall be required to work on a regular shift and perform the same mechanical duties as is required of the assistant sanitary engineers, working at said plant.

***Editor's note:***

*It is mandatory that the charter shall provide for the duties of city officers, see C.L., 1948, sec. 117.3(d); Mich. Stat. Anno., sec. 5.2073.*

## ARTICLE 9: DIVISION OF HEALTH

### Section

- Sec. 149 Board of health; council to act
- Sec. 150 Same; establishment, council authority
- Sec. 151 Health officer; qualifications; powers and duties
- Sec. 152 Public health, protection; ordinances authorized
- Sec. 153 Nuisances, abatement; mayor, health officer, authority
- Sec. 154 Drainage of premises; owners, occupants, duty
- Sec. 155 Same; performance by city; expense, recovery
- Sec. 156 Trades, occupations; council powers

### **SEC. 149 BOARD OF HEALTH; COUNCIL TO ACT.**

The council shall have and exercise all the powers and authority conferred upon boards of health by general laws of the state, as far as the same are applicable; and they may enact such ordinances as may be necessary for regulating the proceedings and mode of exercising such powers.

***Editor's note:***

*For state law relative to authority of the council to exercise all powers and perform all duties of a board of health, see C.L., 1948, sec. 327.49; Mich. Stat. Anno., sec. 14.110.*

### **SEC. 150 SAME; ESTABLISHMENT, COUNCIL AUTHORITY.**

When the council shall deem it necessary, it may, subject to the general laws of the state and the provisions of this charter, establish a board of health for the city, and appoint officers therefor, and make rules for its government and invest it with such powers and authority as may be necessary for the protection and preservation of the health of its inhabitants.

### **SEC. 151 HEALTH OFFICER; QUALIFICATIONS; POWERS AND DUTIES.**

The health officer shall be in charge of the division of health in the department of welfare. He shall be in charge of the division of sanitation and food inspection in the department of inspection and sanitation, and the division of hospitals, if a city hospital is ever hereafter established, until such time

as the council shall by ordinance otherwise provide. He shall be a legally licensed physician and shall have such powers and perform such duties as are prescribed by the general laws of the state and by this charter, or which may be prescribed by ordinance or resolution of the council.

***Editor's note:***

*It is mandatory that the charter shall provide for the qualifications and duties of its officers, see C.L., 1948, sec. 117.3(d); Mich. Stat. Anno., sec. 5.2073.*

## **SEC. 152 PUBLIC HEALTH, PROTECTION; ORDINANCES AUTHORIZED.**

The council of said city shall enact all such ordinances as may be deemed necessary for the preservation and protection of the health of the inhabitants thereof and to prevent the introduction of malignant, infectious, or contagious diseases within the city or within one mile thereof, and for the removal of persons having such diseases or who from exposure thereto, or otherwise, may be suspected to be liable to communicate the same, either beyond the corporate limits, or to such hospital or place of treatment within the city as the council may prescribe and the public safety may require.

***Editor's note:***

*It is mandatory that the charter shall provide for the public health, see C.L., 1948, sec. 117.3(j); Mich. Stat. Anno., sec. 5.2073. For ordinance provisions relative to communicable diseases, see Code of Ordinances, secs. 3-1201 et seq.*

## **SEC. 153 NUISANCES, ABATEMENT; MAYOR, HEALTH OFFICER, AUTHORITY.**

The mayor and health officer shall each have power to prevent and remove or abate all nuisances dangerous to life or health within the city; or the council may by ordinance empower such health officer to require any person, corporation or company causing such nuisance, and the owner or occupant of any lot, dwelling or premises upon which any such nuisance or cause of disease may be found, to remove or abate the same upon such notice, and within such time and in such manner as the council may direct in such ordinance.

***Editor's note:***

*For ordinance provisions relative to nuisances, see Code of Ordinances, secs. 3-501 et seq.*

## **SEC. 154 DRAINAGE OF PREMISES; OWNERS, OCCUPANTS, DUTY.**

If any cellar, vault, lot, sewer, drain, place or premises within the city shall be damp, unwholesome, offensive or filthy, or be covered during any portion of the year with stagnant or impure water, or shall be in such condition as to produce offensive exhalations, or if any pond, excavation, hole, cellar, vault or sewer shall be a place dangerous to the public health and public safety, or if any such pond, hole or excavation is filled with stagnant or impure water sufficient to cause drowning of any child or person,

the mayor, health officer or council may require the same to be drained, filled up, cleansed or purified by the owner or occupant, or person in charge of such lot, premises or place.

#### **SEC. 155 SAME; PERFORMANCE BY CITY; EXPENSE, RECOVERY.**

If the owner or occupant of any land, lots, lot or premises, when required by the council, mayor or health officer to cleanse, fill up, purify or drain such land, lots, lot or premises, or to abate or remove any nuisance therefrom, shall neglect so to do, the council may cause the same to be done under the direction of any officer of the city; and if the council shall incur any expense in causing the same to be done, such expense shall be charged upon such land, lots, lot or premises, or to abate or remove any nuisance therefrom, shall neglect so to do, the council may cause the same to be done under the direction of any officer of the city; and if the council shall incur any expense in causing the same to be done, such expense shall be charged upon such land, lots, lot or premises, and collected as a special assessment thereon; or such expense may be recovered by the city in an action of debt or assumpsit against the owner or occupant of any such lot or premises.

***Editor's note:***

*For charter provisions prescribing special assessment procedure, see secs. 315 et seq., infra.*

#### **SEC. 156 TRADES, OCCUPATIONS; COUNCIL POWERS.**

The council when it shall deem it necessary, may from time to time assign by ordinance certain places for the exercise of any trade or employment offensive to the inhabitants or dangerous to the public health; and may forbid the exercise thereof in places not so assigned, and may change or revoke such assignments at pleasure; and whenever a business carried on in any place so assigned, or in any other place in the city shall become hurtful and dangerous to the health of the neighborhood, the council may prohibit the further exercise of such business or employment at such place or within the territorial limits of the city.

***Editor's note:***

*For city authority to regulate trades and occupations and to prohibit such trades and occupations as are detrimental to the health, morals or welfare of its inhabitants, see C.L., 1948, sec. 117.4i(4); Mich. Stat. Anno., sec. 5.2082.*





## ARTICLE 10: DEPARTMENT OF PUBLIC SAFETY

### Section

- Sec. 157 Department of public safety; creation
- Sec. 158 Same, composition; commission of public safety, composition; members, appointment, term
- Sec. 159 Commission of public safety; members; qualifications, compensation
- Sec. 160 Commission of public safety; powers and duties
- Sec. 161 Police and fire departments; council, duty
- Sec. 162 Same; members; appointment, filling vacancies
- Sec. 163 Same; commission of public safety, authority
- Sec. 164 Fire and police chiefs; duties, reports
- Sec. 165 Firemen, policemen; appointment, applications
- Sec. 166 Commission of public safety; meetings; equipment, etc.; council, duty
- Sec. 167 Fire and police chiefs; tenure of offices
- Sec. 168 Commission of public safety; members, removal; causes enumerated
- Sec. 169 Specific provisions; repeal
- Sec. 170 Police officers; powers and duties
- Sec. 171 Arrests; record required, contents
- Sec. 172 Chief of police; reports to council; funds, disposition
- Sec. 173 Division of police; council authority
- Sec. 174 Same; members, compensation
- Sec. 175 Fire chief; power to command aid
- Sec. 176 Buildings, demolition; fire chief, authority; claims, damages
- Sec. 177 Buildings, inspection; ordinance required
- Sec. 178 Fire districts; buildings; ordinance required
- Sec. 179 Fire districts; businesses; ordinance authorized
- Sec. 180 Fires, explosions, prevention; ordinances authorized
- Sec. 181 Fire prevention; violations declared nuisances, abatement
- Sec. 182 Division of fire service; members, compensation

***Editor's note:***

*Sections 157 to 170, inclusive, of this article constitute an amendment, adopted by the electors on November 3, 1936.*

**SEC. 157 DEPARTMENT OF PUBLIC SAFETY; CREATION.**

There is hereby created for the purpose of administration of the city of River Rouge, aside from the powers and duties of the elective officers of said city, a new department of public safety. The above department when organized shall be controlled and managed as hereinafter provided.

**SEC. 158 SAME, COMPOSITION; COMMISSION OF PUBLIC SAFETY, COMPOSITION; MEMBERS, APPOINTMENT, TERM.**

The department of public safety shall consist of the fire department and the police department of the city of River Rouge, combined under the sole management and control of a board of five commissioners to be known and called the commission of public safety. One member of such commission shall be appointed each year by the mayor of the city with the approval of the council on or before the third Monday of April of each year, and shall hold office for a term of five years, or until his successor is appointed and qualified; provided, however, that upon the adoption and taking effect of this charter amendment, one member shall be appointed as herein provided whose term expires the third Monday in April, 1937; another whose term expires the third Monday in April, 1938; another whose term expires the third Monday in April, 1939; another whose term expires the third Monday in April, 1940; and another whose term expires the third Monday in April, 1941.

**SEC. 159 COMMISSION OF PUBLIC SAFETY; MEMBERS; QUALIFICATIONS, COMPENSATION.**

The membership of the commission of public safety shall be honorary and the members thereof shall serve without compensation and they shall be freeholders and residents of the city of River Rouge. No elective or appointive public officer of the city of River Rouge, or the school district of the city of River Rouge shall be eligible for appointment to this commission, and if any member of the commission of public safety shall become a candidate for any elective office in the said city of River Rouge, or of said school district or shall be appointed to an office by the said city of River Rouge, or said school district, his office as commissioner shall be deemed to be immediately vacant.

**SEC. 160 COMMISSION OF PUBLIC SAFETY; POWERS AND DUTIES.**

The commission of public safety shall have control and management of the fire and police departments. They shall organize by annually electing a chairman, a vice-chairman and a secretary from among their number. They shall formulate rules and regulations for the organization of the departments under their jurisdiction, for the rank and number of the various offices of the respective forces, for disciplinary control, punishment, and penalties for the breaches of discipline or violation of the rules and

regulations. All rules and regulations shall be approved by the mayor and the council before becoming effective. The executive head of the fire department, shall be the chief of the fire department and the executive head of the police department shall be the chief of the police department, both of whom shall be directly responsible to the commission of public safety.

**SEC. 161 POLICE AND FIRE DEPARTMENTS; COUNCIL, DUTY.**

The council of the city of River Rouge shall maintain the fire department for the protection of all property in the city from fire and hazard of fire, and shall also maintain the police force for the protection of the persons and property within the city and for the good government thereof and shall make due and proper appropriation of money for said purposes as approved by the commission of public safety.

**SEC. 162 SAME; MEMBERS; APPOINTMENT, FILLING VACANCIES.**

All present members of the police and fire departments of the city of River Rouge, with their present rank, shall continue in the police and fire departments unless removed, promoted, or demoted in accordance with the provision of this amendment. The commission of public safety, with the approval of the council of the city of River Rouge, shall appoint such additional number of firemen and policemen as it may deem necessary, and the commission of public safety shall fill all vacancies, both temporary and permanent, that may occur in the fire department or in the police department.

**SEC. 163 SAME; COMMISSION OF PUBLIC SAFETY, AUTHORITY.**

The chief of the fire department and the chief of the police shall have the direction of the fire department and the police department respectively in the performance of their duties, and such fire department and police department shall be at all times subject to the control and direction of the commission of public safety. No member of the fire or police department shall be demoted or dismissed, and no member of either force, except the probationary members shall be dismissed except upon formal verified complaint and after trial and conviction by the commission of public safety sitting as a trial board. Said person so charged shall be furnished with a copy of the complaint together with a notice of the time and place of the hearing thereon, and may have the benefit of legal counsel to represent him if he so desires. After trial and conviction, punishment shall be fixed by the commission of public safety and a copy of its findings filed with the city clerk.

**SEC. 164 FIRE AND POLICE CHIEFS; DUTIES, REPORTS.**

The chief of the fire department and the chief of police shall perform such duties as are prescribed for them by law or by this charter amendment, or as are hereafter prescribed by ordinance or resolution

of the council relating to their respective departments, and shall respectively make such reports as are required by law to the commission of public safety and to the council of the city of River Rouge.

**SEC. 165 FIREMEN, POLICEMEN; APPOINTMENT, APPLICATIONS.**

The commission of public safety shall receive applications for the appointment of firemen and policemen and shall cause the applicant to be examined physically and mentally in such manner as it may deem fit. All applications for appointment shall be filed with the secretary of the commission of public safety and shall be considered by the commission in the order of their filing and all appointments shall be made by the commission of public safety as herein stated. Each applicant shall be notified of his appointment or his rejection by the commission of public safety, and if rejected, the reason therefor.

**SEC. 166 COMMISSION OF PUBLIC SAFETY; MEETINGS; EQUIPMENT, ETC.; COUNCIL, DUTY.**

The commission of public safety shall hold at least one meeting every month. The council shall provide such quarters, equipment and clerical and other assistants for the proper management and operation of the commission as the commission shall deem necessary.

**SEC. 167 FIRE AND POLICE CHIEFS; TENURE OF OFFICE.**

The chief of police and the chief of the fire department shall hold office during the pleasure of the commission of public safety, except that if the chief of police or the chief of the fire department shall be a member of the police or fire forces of this city prior to his elevation, in such case he shall be entitled to a hearing as provided herein before being dismissed from his branch of service.

**SEC. 168 COMMISSION OF PUBLIC SAFETY; MEMBERS, REMOVAL; CAUSES ENUMERATED.**

If any person appointed to the commission of public safety shall die, resign, remove from the city, be convicted of a felony, absent himself continuously from the city for more than 90 days without the permission of the commission or if any commissioner shall wilfully absent himself from meetings for a period of three consecutive regular meetings without good and sufficient reason therefor, and without permission, the office held by such person shall be deemed to be vacant. In such case, the mayor with the approval of the city council shall appoint a successor to fill out his unexpired term.

**SEC. 169 SPECIFIC PROVISIONS; REPEAL.**

Sections 1, 2 and 3 of chapter XII and sections 1, 2 and 3 of chapter XIII of the charter of the city of River Rouge are hereby repealed and all other parts and provisions of said charter which conflict and are inconsistent with the provisions of this amendment or any part thereof are hereby repealed.

***Editor's note:***

*The repealed sections do not appear in this charter; the sections bearing the same numbers as the repealed sections are amendments.*

**SEC. 170 POLICE OFFICERS; POWERS AND DUTIES.**

It shall be the duty of the police force of the city to suppress all riots, disturbances and breaches of the peace; to arrest all persons fleeing from justice; to apprehend upon view any person found in the act of committing any offense against the laws of the state or violating the ordinances of the city or any provisions of this charter, or in any manner involving the breach of peace, and to take the offender so arrested before the proper magistrate or officer to be punished; to make complaints before the proper magistrate of any person known or believed by them to be guilty of any crime or any violation of the laws of this state, the ordinances of this city, or the provisions of this charter; and to serve all processes that may be delivered to them for that purpose, and generally to perform all such duties as may be required of them by the council for the good government of the city. It shall be the duty of the police force of the city to see that all ordinances and regulations of the council made for the preservation of quiet and good order and for the safety and protection of the inhabitants of the city are promptly enforced. For the preservation of quiet and good order, and as peace officers, each policeman shall be and is hereby vested within the territorial limits of the city with all the powers conferred by law, upon sheriffs for the preservation of quiet and good order, and shall have and are hereby vested with all the powers given by law to constables for such purposes. Such police officers shall have power to serve and execute all processes directed or delivered to them, in all proceedings for violation of the ordinances of the city. Such processes may be served by such police officers anywhere within the county of Wayne. When any person has committed or is suspected of having committed any crime or misdemeanor within the city or has escaped from the city jail, the police officers of the city shall have the same right to pursue, arrest and detain such person outside of the city limits as the sheriff of the county.

***Editor's note:***

*It is mandatory that the charter shall provide for the public peace and for the safety of persons and property, see C.L., 1948, sec. 117.3(j); Mich. Stat. Anno., sec. 5.2073.*

**SEC. 171 ARRESTS; RECORD REQUIRED, CONTENTS.**

The chief of police shall keep a record of all arrests and the cause thereof in a book known as the 'record of arrests', and shall enter therein within 24 hours after any person shall be arrested, the name

of the person so arrested, the cause of the arrest and the age and nationality of such person, which record shall be the property of the city.

**SEC. 172 CHIEF OF POLICE; REPORTS TO COUNCIL; FUNDS, DISPOSITION.**

The chief of police shall report in writing to the council at their first meeting in each month, all arrests made and the causes thereof, the number of persons discharged from arrest during the month, the number remaining in his custody and the amount of fines, fees and moneys collected by him. All moneys collected and received by the chief of police, unless otherwise directed by this charter, shall be paid into the city treasury during the same week when received and the treasurer's receipt therefor shall be filed with the city clerk.

**SEC. 173 DIVISION OF POLICE; COUNCIL AUTHORITY.**

The council shall make all necessary rules for the government of the police and prescribe the powers and duties of policemen. The council shall have authority to vest the police with such powers as may be necessary for the preservation of quiet and good order within the city.

**SEC. 174 SAME; MEMBERS, COMPENSATION.**

The chief of police and all officers, policemen and employees of the division of police, shall receive such compensation as the council may prescribe.

**SEC. 175 FIRE CHIEF; POWER TO COMMAND AID.**

The chief of the fire service or other officer acting as such may command any person present at a fire to aid in the extinguishment thereof, and to assist in the preservation of life or the property thereat. If any person shall wilfully disobey any such lawful requirement or other lawful order of such officer, he shall be deemed guilty of a misdemeanor and punished as in this charter provided.

*Editor's note:*

*For penalty, see sec. 505, infra.*

**SEC. 176 BUILDINGS, DEMOLITION; FIRE CHIEF, AUTHORITY; CLAIMS, DAMAGES.**

The chief of the fire service or other officer in charge of the division of fire service, at any fire, with the concurrence of the mayor, or any two members of the council other than the mayor, said concurrence

to be in writing, may cause any building to be pulled down or destroyed when necessary to arrest the progress of a fire.

Whenever any building is so pulled down or destroyed any person having an interest in such building may within six months thereafter present his claim for damages to the council of said city, and it shall thereupon be the duty of the council to pay such claimant such damages as may be just under all of the circumstances, taking into consideration the fact whether or not such loss would probably have occurred to such building if it had not been pulled down or destroyed and whether the same was insured or not. If the council and such claimant shall not be able to agree upon the amount of damages to be paid such claimant, then the amount of such damages shall be ascertained by the appraisal of a jury to be selected in the same manner as in cases of a jury to appraise damages for taking private property for public use. Such jury shall view the premises and shall hear all the proofs in the case, and shall allow such claimant such amount of damages as they may deem proper under all the circumstances, as above stated. If such jury shall not be able to agree, a new jury shall be impaneled as above provided within 30 days after said disagreement until a jury has been obtained that shall agree, and the council shall pay such claimant the amount of damages fixed by such jury from which finding there shall be no appeal either by the city or any claimant.

The amount of damages fixed by any jury shall be paid to the claimant within 90 days after the verdict. All claims presented under the provisions of this section shall be promptly dealt with by the council and if the council and claimant cannot agree on the amount of damages to be paid within 90 days after the time of filing such claim with said council, then the matter shall be forthwith submitted to a jury as above provided.

#### **SEC. 177 BUILDINGS, INSPECTION; ORDINANCE REQUIRED.**

The council shall provide by ordinance for the examination from time to time by members of the division of fire service of the stoves, furnaces and heating apparatus, electric wiring and fixtures and devices of every name and nature in all dwellings, buildings and structures within the city, and in all places where combustible or explosive substances are kept and to cause all such as are unsafe with respect to fire to be put in a safe condition or destroyed.

***Editor's note:***

*For ordinance requiring the inspection of buildings, etc. as a fire prevention measure, see Code of Ordinances, secs. 3-101 et seq.; see also sec. 7-206.*

#### **SEC. 178 FIRE DISTRICTS; BUILDINGS; ORDINANCE REQUIRED.**

The council shall prescribe by ordinance, the limits or districts within which wooden buildings and structures of any highly inflammable material shall not be erected or enlarged, and to direct the manner

of constructing buildings within such fire district with respect to protection against fire and the material of which the outer walls and roofs shall be constructed.

*Editor's note:*

*For fire districts, see Code of Ordinances, secs. 3-101 et seq.*

### **SEC. 179 FIRE DISTRICTS; BUSINESSES; ORDINANCE AUTHORIZED.**

The council may also prescribe by ordinance the limits or districts within which shall be prohibited the location of shops, the carrying on of any trade or business, the storing of lumber, wood or other easily inflammable material in open places, or the carrying on of any other trade, business or occupation, or the storing of any material in any manner or any other circumstances, which, in the opinion of the council may increase the danger from fire.

*Editor's note:*

*For city authority to regulate and prohibit such trades and occupations as are detrimental to the health or welfare of its inhabitants, see C.L., 1948, sec. 117. 4i(4); Mich. Stat. Anno., sec. 5.2082.*

### **SEC. 180 FIRES, EXPLOSIONS, PREVENTION; ORDINANCES AUTHORIZED.**

The council shall by ordinance regulate the storing of dynamite, gunpowder, oils, nitroglycerine and all other combustible and explosive substances, and the use of lights in buildings, and may pass and enforce such ordinances and regulations as they may deem necessary with relation thereto for the prevention and suppression of fires and explosions.

*Editor's note:*

*For ordinance provisions relative to explosives, see Code of Ordinances, secs. 3-201 et seq.  
For general fire prevention ordinance, see Code of Ordinances, secs. 3-101 et seq.*

### **SEC. 181 FIRE PREVENTION; VIOLATIONS DECLARED NUISANCES, ABATEMENT.**

Every building or structure which may be erected, placed, enlarged or kept in violation of any provisions of this charter, or of any ordinance or regulation lawfully made for the prevention of fires, or any material which shall be stored or kept in violation of this charter or any ordinance or regulation lawfully made for the prevention of fires, is hereby declared to be a nuisance and the same may be abated or removed by the direction of the council.

### **SEC. 182 DIVISION OF FIRE SERVICE; MEMBERS, COMPENSATION.**

The chief of the fire service and all officers, firemen and employees of the division of fire service shall receive such compensation as the council may prescribe.



## ARTICLE 11: POLICEMEN AND FIREMEN RETIREMENT SYSTEM

### Section

- Sec. 183 Retirement system established; purpose
- Sec. 184 Definitions
- Sec. 185 Board of trustees; creation; powers and duties
- Sec. 186 Board of trustees; composition
- Sec. 187 Initial board; members; appointment, election, term
- Sec. 188 Board of trustees; members; term, compensation; oath required
- Sec. 189 Same; filling vacancies
- Sec. 190 Board of trustees; meetings, regulations
- Sec. 191 Same; officers; powers and duties
- Sec. 192 Records, reports; required
- Sec. 193 Tables of experience, adoption
- Sec. 194 Retirement system; membership, composition
- Sec. 195 Termination of membership
- Sec. 196 Service credits, computation
- Sec. 197 War service credit
- Sec. 198 Service accounts, credits
- Sec. 199 Voluntary retirement, procedure
- Sec. 200 Normal retirement; continuation of employment, limitation
- Sec. 201 Service retirement pension
- Sec. 202 Deferred service retirement pension
- Sec. 203 Retirement pension options
- Sec. 204 Service; continuance after eligibility for retirement; survivor beneficiaries, regulations
- Sec. 205 Duty disability retirements
- Sec. 206 Same; after voluntary retirement age; benefits
- Sec. 207 Same; before voluntary retirement age; benefits
- Sec. 208 Non-duty disability retirements
- Sec. 209 Same; after voluntary retirement age; benefits
- Sec. 210 Same; before voluntary retirement age; benefits
- Sec. 211 Death in line of duty; survivors, benefits
- Sec. 212 Pensions; workmen's compensation, offset
- Sec. 213 Disability retirants; re-examination
- Sec. 214 Accumulated contributions, refund
- Sec. 215 Pension savings fund; creation, purpose
- Sec. 216 Pension reserve fund; creation, purpose
- Sec. 217 Expense fund; purpose

- Sec. 218 Funds; management; board, authority
- Sec. 219 Regular interest, allowance
- Sec. 220 Payments, requisites
- Sec. 221 Benefits, pensions, etc.; assignments prohibited
- Sec. 222 Pensions payable under prior pension system; adjustment required
- Sec. 223 Prior pension system fund; assets, transfer
- Sec. 224 Errors, correction; payments, adjustment
- Sec. 225 False records, reports; fraud; penalty
- Sec. 226 Pensions, retirement benefits; provisions, applicability, determination
- Sec. 227 Prior provisions, repeal
- Sec. 228 Pensions; contractual obligations
- Sec. 229 Severability of provisions
- Sec. 230 Effective date

***Editor's note:***

*Except as otherwise indicated, all of the sections of this article constitute an amendment adopted by the electors on April 4, 1949.*

**SEC. 183 RETIREMENT SYSTEM ESTABLISHED; PURPOSE.**

The City of River Rouge Policemen and Firemen Retirement System, hereinafter called the retirement system, is hereby established for the purpose of providing pensions for the policemen and firemen of the city of River Rouge, and death in line of duty benefits for their beneficiaries, as provided by this amendment to the charter of the city of River Rouge, Michigan.

**SEC. 184 DEFINITIONS.**

The following words and phrases as used in this chapter [article], unless a different meaning is plainly required by the context, shall have the following meanings:

- (a) 'City' means the city of River Rouge, state of Michigan, and its predecessor the village of River Rouge.
- (b) 'Council' means the council of the city of River Rouge.
- (c) 'Board' means the board of trustees provided for in this chapter [article].

- (d) 'Member' means any person included in the membership of the retirement system.
- (e) 'New member' means any member without prior service credited to his service account.
- (f) 'Original member' means any member with prior service credited to his service account.
- (g) 'Service' means service rendered to the city as a policeman or fireman in the employ of the city.
- (h) 'Prior service' means service rendered prior to July 1, 1949.
- (i) 'Membership service' means service rendered on or after July 1, 1949.
- (j) 'Regular interest' means such rate or rates of interest per annum, compounded annually, as the board shall from time to time determine.
- (k) 'Accumulated contributions' means the sum of all amounts deducted from the compensations of a member and credited to his individual account in the pension savings fund, together with regular interest thereon.
- (l) 'Average final compensation' means the average of the highest annual compensations received by a member for any period of five consecutive, but not necessarily continuous, years of credited service contained within his ten years of credited service immediately preceding his retirement. In the event a member has less than five years of credited service, his average final compensation shall be the average of his annual compensations received for his total years of credited service.
- (m) 'Final compensation' means a member's annual rate of compensation at the time his employment with the city is terminated.
- (n) 'Pension' means an annual amount payable in equal monthly installments for life.
- (o) 'Retirement' means a member's withdrawal from service with a pension granted under the provisions of this chapter [article].
- (p) 'Beneficiary' means any person, other than a retirant, in receipt of a pension payable pursuant to the provisions of this chapter [article].
- (q) 'Pension reserve' means the present value of all payments to be made on account of any pension, or benefit in lieu of any pension, computed upon the basis of such mortality and other tables of experience, and regular interest, as the board shall from time to time adopt.
- (r) 'Policeman' means an employee of the police department holding the rank of patrolman, including probationary patrolman, or higher rank, but it shall not include (1) privately employed

policemen, (2) persons temporarily employed as policemen during emergencies, and (3) civilian employees of the police department.

(s) 'Fireman' means an employee of the fire department holding the rank of pipeman, including probationary pipeman, or higher rank, but it shall not include (1) privately employed firemen, (2) persons temporarily employed as firemen during emergencies, and (3) civilian employees of the fire department.

(t) 'Voluntary retirement age' shall be the age at which a member acquires twenty-five (25) years of credited service, or attains the age of fifty-five (55) years, whichever is the younger age. Wherever used in this Chapter, 'Optional Retirement Age' shall mean voluntary retirement age.

(u) 'Credited service' means the sum of the prior service and membership service credited to a member's service account.

(v) 'Compensation' means the salary or wages paid by the city to a member for service rendered by him, as a policeman or fireman, to the city. In case a member's compensation is not all paid in money the board shall fix the value of that part of his compensation not paid in money.

(w) 'Retirant' means any member who retires with a pension payable pursuant to the provisions of this chapter [article].

(x) The masculine gender shall include the feminine, and words of the singular number in relation to persons shall include the plural number, and vice-versa.

***Editor's note:***

*This section constitutes an amendment adopted by the electors on April 4, 1955. This section constitutes further amendment adopted by the electors on November 8, 1966.*

**SEC. 185 BOARD OF TRUSTEES; CREATION; POWERS AND DUTIES.**

There is hereby created a board of trustees in whom is vested the general administration, management and responsibility for the proper operation of the retirement system and for making effective the provisions of this chapter [article]. The board, of trustees shall be organized immediately after three of the trustees provided for in section 4 [186] of this chapter [article] have qualified.

**SEC. 186 BOARD OF TRUSTEES; COMPOSITION.**

Effective January 1, 2009, the membership of the Board shall consist of seven (7) trustees, as follows:

(a) The Mayor of the city, ex-officio.

(b) A member who shall be elected by the retirees enrolled in the River Rouge Policeman and Fireman Retirement System from such retirees.

(c) A citizen, who is an elector and a freeholder of the City, and who is neither a member nor a beneficiary of the retirement system, to be appointed by the Mayor by and with the consent of the board.

(d) A policeman member of the retirement system to be elected by the policemen members.

(e) A fireman member of the retirement system to be elected by the firemen members.

(f) The Commissioner of Finance, ex-officio.

(g) The City Treasurer, ex-officio.

(h) The elections of the policeman and fireman trustees, provided for in paragraphs (d) and (e) of this Section, shall be held under such rules and regulations as the Board shall adopt to govern, such elections.

(i) This amendment will not affect the terms of office of current Board members.

***Editor's note:***

*This constitutes an amendment adopted by electors on May 22, 1996, on July 2, 2008, and on August 19, 2008.*

**SEC. 187 INITIAL BOARD; MEMBERS; APPOINTMENT, ELECTION, TERM.**

The mayor shall appoint the policeman and fireman trustees to serve on the initial board until the effective date of the retirement system. The board so constituted, including the trustees provided for in section 4 [186], paragraphs (a), (b) and (c) of this chapter [article], shall order and arrange for an election by the members of the retirement system to be held prior to the effective date of the retirement system. At the first election the citizen trustee shall serve three years; the fireman trustee shall serve two years; and the policeman trustee shall serve one year.

**SEC. 188 BOARD OF TRUSTEES; MEMBERS; TERM, COMPENSATION; OATH REQUIRED.**

After the first election, the regular term of office of the citizen trustee and the member trustees shall be three years. Each trustee shall within ten days after his election or appointment take an oath of office to be administered by the city clerk. The members of the board shall serve without compensation for their services as such.

**SEC. 189 SAME; FILLING VACANCIES.**

A vacancy shall occur in the office of trustee upon the separation of any trustee from city service. If such a vacancy should occur, the vacancy shall be filled within 90 days after the date of the vacancy, for the unexpired term, in the same manner as the office was previously filled.

**SEC. 190 BOARD OF TRUSTEES; MEETINGS, REGULATIONS.**

Each trustee shall be entitled to one vote in the meetings of the board. Three trustees shall constitute a quorum and at least three concurring votes shall be necessary for a decision by the board at any meeting of the board. The board shall hold meetings regularly, at least one in each month, and shall designate the time and place thereof. The board shall adopt its own rules of procedure and shall keep a record of its proceedings. All meetings of the board shall be public.

**SEC. 191 SAME; OFFICERS; POWERS AND DUTIES.**

The board shall elect from its members a chairman and a chairman pro-tem.

(a) *Secretary.* The city clerk shall be secretary of the board and the administrative officer of the retirement system.

(b) *Treasurer.* The city treasurer shall be the treasurer of the retirement system and the custodian of its funds.

(c) *Legal advisor.* The city attorney shall be the legal advisor to the board.

(d) *Actuary.* The board shall appoint an actuary who shall be the technical advisor to the board on matters regarding the operation of the retirement system on an actuarial basis and who shall perform such duties as are required in connection therewith.

(e) *Medical director.* The board shall appoint as medical director a physician who is not eligible to membership in the retirement system. The medical director shall be directly responsible to and shall hold office at the pleasure of the board. He shall arrange for and pass upon all medical examinations required under the provisions of this chapter [article]; he shall investigate all essential statements and certificates of a medical nature furnished by or on behalf of a member or beneficiary in connection with an application for disability retirement or death in line of duty benefits; and he shall report in writing to the board his conclusions on matters referred to him.

(f) *Employment of professional and clerical services.* The board shall employ such actuarial, medical and other services as shall be required for the proper operation of the retirement system. The compensation for such services shall be fixed by the board subject to the approval of the council.

**SEC. 192 RECORDS, REPORTS; REQUIRED.**

The secretary shall keep, or cause to be kept, in convenient form, such data as shall be necessary for an actuarial valuation of the various funds of the retirement system. The board shall render a report to the mayor and the council, on or before the fifteenth day of October of each year, showing the fiscal transactions of the retirement system for the year ending the preceding thirtieth day of June, and a balance sheet showing the financial condition of the retirement system by means of an actuarial valuation of the assets and liabilities of the retirement system.

**SEC. 193 TABLES OF EXPERIENCE, ADOPTION.**

The board shall adopt such mortality, service, compensation and other tables of experience, as are necessary in the operation of the retirement system on an actuarial basis.

**SEC. 194 RETIREMENT SYSTEM; MEMBERSHIP, COMPOSITION.**

The membership of the retirement system shall consist of the following individuals:

(a) All policemen and firemen, as defined in section 2 [184], paragraph (r) and (s), who are in the service of the city on the day preceding the effective date of the retirement system, and who continue in the employ of the city as policemen or firemen on and after the effective date of the retirement system; and

(b) All persons who become policemen or firemen, as defined in section 2 [184], paragraphs (r) and (s), on and after the effective date of the retirement system shall thereupon become members of the retirement system.

(c) In all cases of doubt, the board shall decide who is a member of the retirement system, within the meaning of the provisions of this chapter [article].

**SEC. 195 TERMINATION OF MEMBERSHIP.**

Except as otherwise provided in this chapter [article], should any member separate from the service of the city, for any reason except becoming a retirant or his death, lie shall thereupon cease to be a member and his credited service at the time of his separation from service shall be forfeited by him. In the event the said person is re-employed by the city as a policeman or fireman he shall again become a member, and should his said reemployment occur within a period of three years from and after the date he last separated from city service, his credited service forfeited by him at the time he last separated from

city service shall be restored to his credit, subject to section 33(c) [215(c)] hereof. In the event a member becomes a retirant or dies he shall thereupon cease to be a member.

*Editor's note:*

*This section constitutes an amendment adopted by the electors on April 4, 1955.*

#### **SEC. 196 SERVICE CREDITS, COMPUTATION.**

The board shall fix and determine by appropriate rules and regulations how much service in any year is equivalent to a year of service, but in no case shall less than ten days' service in a calendar month constitute a month of service; nor shall less than eleven months' service in a calendar year constitute a year of service; nor shall more than one year of service be creditable for all service rendered in one calendar year.

#### **SEC. 197 WAR SERVICE CREDIT.**

Should any policeman or fireman, who while employed by the city, be called, enlists or accepts a commission, or was called, enlisted or commissioned in the military, naval, marine, or other armed service of the United States government during time of war, or other national emergency recognized by the council, and should such individual be re-employed by the city as a policeman or a fireman within one year after the date of termination of his required armed service, then such service shall be credited to him in the same manner as if he had served the city uninterruptedly; provided, that in all cases of doubt, the board shall decide the amount of such service to be credited to the said individual. During the period of his said service in the federal government, his contributions to the pension savings fund shall be suspended and his balance standing to his credit in the pension savings fund, at the last payroll date preceding his leave of absence, shall be accumulated at regular interest.

#### **SEC. 198 SERVICE ACCOUNTS, CREDITS.**

According to such rules and regulations as the board may adopt, the service account of each member shall be credited with the number of years and months of prior service and membership service to which he may be entitled.

#### **SEC. 199 VOLUNTARY RETIREMENT, PROCEDURE.**

Any member who has attained or attains his voluntary retirement age, defined in section 2(t) [184(f)] hereof, may retire from service upon his written application filed with the board setting forth at what time, not less than 30 days or more than 90 days subsequent to the execution and filing thereof, he desires to be retired.



**SEC. 200 NORMAL RETIREMENT; CONTINUATION OF EMPLOYMENT, LIMITATION.**

Any member who has attained age 60 years shall be retired forthwith by the board[;] provided, however, upon written application of the said member, approved by his department head, the board may continue such member in service for periods of time not to extend beyond his attainment of age 62 years.

***Editor's note:***

*This section constitutes an amendment adopted by the electors on April 4, 1955.*

**SEC. 201 SERVICE RETIREMENT PENSION.**

(a) Upon his retirement from service, as provided in Sections 17 and 18 hereof, a member shall receive a pension, called a straight life pension, equal to one-fiftieth (1/50) of his average final compensation multiplied by the number of years, and fraction of a year, of his credited service not to exceed twenty-five (25) years, plus one-sixtieth (1/60) of his average final compensation multiplied by the number of years, and fraction of a year, of his credited service which is in excess of thirty (30) years, and he shall have the right to elect to receive such pension under an option provided in section twenty-one (21) of this Chapter in lieu of a straight life pension. In the event an original member, with less than twenty-five (25) years of credited service, retires on or after his attainment of age sixty (60) years, his pension shall be computed upon the basis of twenty-five (25) years of credited service. In no case shall the straight life pension of any member exceed seventy (70) per cent of the annual rate of compensation of a pipeman or patrolman, whichever is higher, as fixed in the budget for the fiscal year in which he retired.

(b) Should a retirant die before he has received in payment of his pension provided for in paragraph (a) of this section, an aggregate amount equal to his accumulated contributions standing to his credit in the pension savings fund at the time of his retirement, the difference between his said accumulated contributions and the said aggregate amount of pension payments received by him shall be paid to such person or persons as he shall have nominated by written designation duly executed and filed with the board. If there be no such designated person or persons surviving the said retirant, then such difference, if any, shall be paid to his legal representative. No benefits shall be paid under this paragraph on account of the death of a retirant if he elected option (A) or (B) provided for in section 21 [203] hereof.

***Editor's note:***

*Ibid.*

*This section constitutes an amendment adopted by the electors on November 8, 1966.*

**SEC. 202 DEFERRED SERVICE RETIREMENT PENSION.**

Should any new member who has 25 or more years of service credited to his service account separate from the service of the city prior to his attainment of age 55 years, for reasons other than his death or becoming a beneficiary, he shall remain a member during the period of his absence from city

service for the exclusive purpose only of receiving a service retirement pension provided for in section 19 [201]; the payment of said service retirement pension to begin upon his attainment of age 55 years[;] provided that if the said member should withdraw all or part of his accumulated contributions standing to his credit in the pension savings fund, he shall thereupon cease to be a member; provided further, that the said member shall not receive service credit for the period of his absence from city service.

### **SEC. 203 RETIREMENT PENSION OPTIONS.**

Prior to the effective date of his retirement, but not thereafter, any member may elect to receive his pension, provided for in section 19 [201] hereof, as a straight life pension payable throughout his life, or he may elect to receive the actuarial equivalent, computed as of the effective date of his retirement, of his straight life pension in a reduced pension payable throughout his life, and nominate a survivor beneficiary, in accordance with the provisions of option (A) or (B), as hereinafter set forth:

*Option A. Joint and survivorship pension.* Upon the death of the retirant, his reduced pension shall be continued throughout the life of and paid to such person, having an insurable interest in his life, as he shall have nominated by written designation duly executed and filed with the board prior to the effective date of his retirement; or

*Option B. Modified joint and survivorship pension.* Upon the death of the retirant, one-half of his reduced pension shall be continued throughout the life of and paid to such person, having an insurable interest in his life, as he shall have nominated by written designation duly executed and filed with the board prior to the effective date of his retirement.

*Editor's note:*

*Ibid.*

### **SEC. 204 SERVICE; CONTINUANCE AFTER ELIGIBILITY FOR RETIREMENT; SURVIVOR BENEFICIARIES, REGULATIONS.**

(1) Any member who continues in the service of the city on or after the date he either (1) acquires 20 years of credited service, or (2) attains his voluntary retirement age, whichever of (1) and (2) occurs first, may, at any time prior to the effective date of his retirement, by written declaration duly executed and filed with the board in the manner and form prescribed by the board, elect option (A) provided for in section 21 [203] hereof and nominate a survivor beneficiary whom the board finds to be dependent upon the said member for at least 50 per cent of his support. If any member, who has an option (A) election provided for in this section 22.1 [204(1)] in force, dies while in service of the city prior to the effective date of his retirement, the said survivor beneficiary shall immediately receive the same pension as the said survivor beneficiary would have been entitled to receive under the said option (A) if the said member had retired pursuant to the provisions of this chapter [article] effective the day preceding the date of his death, notwithstanding that he may not have attained his voluntary retirement age. If any

member who has an option (A) election in force, as provided in this section 22.1 [204(1)], subsequently retires pursuant to the provisions of this chapter [article], he shall within 90 days immediately preceding the effective date of his retirement, but not thereafter, have the right to make any election of option provided for in section 21 [203] hereof. No pension shall be paid under this section 22.1 [204(1)] on account of the death of a member if any benefits are paid under section 29 [211] hereof on account of his death.

(2) Any member who continues in the service of the city on or after the date he either (1) acquires 20 years of credited service, or (2) attains his voluntary retirement age, whichever of (1) and (2) occurs first, and in either case does not have an option (A) election provided for in section 22.1 [204(1)] hereof in force, and (1) dies while in the service of the city prior to the effective date of his retirement, and (2) leaves a widow, or in the case of a female member leaves a widower whom the board finds to be totally and permanently disabled and to have been dependent upon the said female member for at least 50 per cent of his support, the said widow or widower, as the case may be, shall receive a pension computed in the same manner in all respects as if the said member had (1) retired effective the day preceding the date of his death, notwithstanding that he may not have attained his voluntary retirement age, (2) elected option (A) provided for in section 22.1 [204(1)] hereof, and (3) nominated his said widow or widower, as the case may be, as survivor beneficiary. Upon the marriage or death of the said survivor beneficiary his pension shall terminate[;] provided, that if the aggregate amount of retirement allowance payments received by the said survivor beneficiary is less than the accumulated contributions standing to the said member's credit in the pension savings fund at the time of his death, the difference between his said accumulated contributions and the said aggregate amount of pension payments received by the said survivor beneficiary shall be transferred from the pension reserve fund to the pension savings fund and shall be paid to such person or persons as the said member shall have nominated by written designation, duly executed and filed with the board. If there be no such designated person or persons surviving the said member, then such difference, if any, shall be paid to his legal representative. No pension shall be paid under this section 22.2 [204(2)] on account of the death of a member if any benefits are paid under section 29 [211] hereof on account of his death.

*Editor's note:*

*Ibid.*

## **SEC. 205 DUTY DISABILITY RETIREMENTS.**

Upon the application of a member, or his department head, a member who becomes totally and permanently incapacitated for duty in the service of the city by reason of a personal injury or disease, which the board, finds to have occurred as the natural and proximate result of causes arising out of and in the course of his employment by the city, shall be retired by the board[;] provided, that after a medical examination of the said member made by or under the direction of the medical director, the medical director reports and certifies to the board (1) that the said member is mentally or physically totally incapacitated for duty in the service of the city, and (2) that such incapacity is likely to be permanent; and provided further, that the report of the medical director is concurred in by the board.

**SEC. 206 SAME; AFTER VOLUNTARY RETIREMENT AGE; BENEFITS.**

Upon retirement for disability, as provided in section 23 [205], a member who has attained his voluntary retirement age shall receive a service retirement pension provided for in section 19 [201], and he shall be entitled to elect an option provided for in section 21 [203].

**SEC. 207 SAME; BEFORE VOLUNTARY RETIREMENT AGE; BENEFITS.**

Upon retirement prior to his voluntary retirement age on account of disability, as provided for in section 23 [205] hereof, a member shall receive the following benefits:

(a) A disability pension equal to one-half of his average final compensation; said disability pension shall begin as of the date of his disability, but in no case more than six months before the date his application for same is filed with the board, or prior to the date his name last appeared on a city payroll with pay, whichever is later, and shall continue to his attainment of his voluntary retirement age or prior recovery. The said disability pension (1) shall in no case exceed 70 per cent of the final compensation of a pipeman or patrolman, whichever is higher, as fixed in the budget for the fiscal year in which the said member retired, and (2) shall be subject to sections 30 [212] and 31 [213] hereof.

(b) Upon attaining his voluntary retirement age, a disability retirant shall receive a pension computed according to the provisions of section 19 [201] hereof. In computing his said pension he shall receive service credit for the period he was receiving a disability pension provided for in paragraph (a) of this section.

(c) During the period a disability retirant is in receipt of a pension provided for in paragraph (a) of this section, his contributions to the pension savings fund shall be suspended and his balance therein at the time of his retirement shall remain therein and shall be accumulated at regular interest until his attainment of his voluntary retirement age or prior recovery. Upon attaining his voluntary retirement age, his said accumulated contributions shall be transferred from the pension savings fund to the pension reserve fund. Should a disability retirant die before attaining his voluntary retirement age his accumulated contributions standing to his credit in the pension savings fund, at the time of his death, shall be paid in accordance with section 32 [214] hereof.

***Editor's note:***

*This section constitutes an amendment adopted by the electors on April 4, 1955.*

**SEC. 208 NON-DUTY DISABILITY RETIREMENTS.**

Upon the application of a member, or his department head, a member who (1) is in the service of the city, and (2) has ten or more years of service credited to his service account, and (3) becomes totally

and permanently incapacitated for duty in the service of the city as the result of causes occurring otherwise than in the actual performance of duty in the employ of the city, may be retired by the board[;] provided, that after a medical examination of the said member, made by or under the direction of the medical director, the medical director certifies to the board that the said member is mentally or physically totally incapacitated for duty in the service of the city, and that such incapacity is likely to be permanent; and provided further, that the report of the medical director is concurred in by the board.

#### **SEC. 209 SAME; AFTER VOLUNTARY RETIREMENT AGE; BENEFITS.**

A member who retires on or after his voluntary retirement age on account of disability, as provided in section 26 [208] hereof, shall receive a pension computed according to section 18 [200] hereof and he shall have the right to elect an option provided for in section 21 [203] hereof.

*Editor's note:*

*Ibid.*

#### **SEC. 210 SAME; BEFORE VOLUNTARY RETIREMENT AGE; BENEFITS.**

(a) A member who retires prior to his voluntary retirement age on account of disability, as provided in section 26 [208] hereof, shall receive a pension of 1/60 of his average final compensation multiplied by the number of years, and fraction of a year, of his credited service. His said pension shall begin as of the date of his disability, but in no case either more than six months before the date his application for same is filed with the board, or prior to the date his name last appeared on a city payroll with pay, whichever is later, and shall continue so long as he remains so disabled. His said pension (1) shall in no case exceed 70 per cent of the final compensation of a pipeman or patrolman, whichever is higher, as fixed in the budget for the fiscal year in which the said member retired, and (2) shall be subject to sections 30 [212] and 31 [213] hereof. Upon attaining his voluntary retirement age he shall have the right to elect an option provided for in section 21 [203] hereof.

(b) Should a retirant die before he has received in payment of his pension provided for in paragraph (a) of this section, an aggregate amount equal to his accumulated contributions Standing to his credit in the pension savings fund at the time of his retirement, the difference between his said accumulated contributions and the said aggregate amount of pension payments received by him shall be paid to such person or persons as he shall have nominated by written designation duly executed and filed with the board. If there be no such designated person or persons surviving the said retirant, then such difference, if any, shall be paid to his legal representative. No benefits shall be paid under this paragraph on account of the death of a retirant if he elected option (A) or (B) provided for in section 21 [203] hereof.

*Editor's note:*

*Ibid.*

**SEC. 211 DEATH IN LINE OF DUTY; SURVIVORS, BENEFITS.**

In event (1) a member dies as the result of a personal injury or disease arising solely and exclusively out of and in the course of his employment with the city, or (2) a disability retirant, who retired under section 23 [205] hereof, dies within a period of five years from and after the effective date of his disability retirement and prior to his attainment of age 60 years as the result of the same injury or disease for which he was retired, and in either case (1) or (2) such death, injury or disease resulting in the death, be found by the board to have been the result of his actual performance of duty in the employ of the city, the applicable benefits provided for in paragraphs (a), (b), (c), (d) and (e) of this section shall be paid subject to paragraph (f) of this section.

(a) The accumulated contributions standing to the deceased person's credit in the pension savings fund shall be paid in accordance with the provisions of section 32 [214].

(b) A pension of one-third of the final compensation of the said deceased person shall be paid to his widow to continue during her widowhood.

(c) If, in addition to a widow, a child or children under age 18 years also survive the said deceased person, each child under age 18 years shall receive a pension of an equal share of one-fourth of the said deceased person's final compensation. Upon the marriage, death, or attainment of age 18 years of any such child of the deceased person, payment of his pension shall terminate and there shall be a redistribution by the board to the remaining eligible children under age 18 years surviving the said deceased member.

(d) In the event there be no widow, or if the widow dies or remarries before the youngest surviving child of the said deceased person shall have attained, age 18 years, then his child or children under age 18 years shall each receive a pension of one-fourth of the deceased person's final compensation[;] provided, that if there be more than two surviving children under age 18 years, each child shall receive a pension of an equal share of one-half of the said deceased person's final compensation. Upon the marriage, death, or attainment of age 18 years of any such child, payment of the pension shall terminate and there shall be a redistribution by the board to the remaining eligible children under age 18 years surviving the said deceased person. In no case shall any child receive in any year more than one-fourth of the said deceased person's final compensation.

(e) In the event there be neither a widow nor children under age 18 years, eligible to receive pensions, surviving the said deceased person, then there shall be paid to his dependent father and dependent mother, or either of them, as the board after investigation shall find to have been actually dependent upon the said deceased person, through absence of earning power due to physical or mental disability, a pension of one-sixth of the said deceased person's final compensation[;] provided, that in no case shall the pension payable to either parent exceed \$720 a year; and provided further, that payment of said pensions shall be subject to the provisions of section 30 [212].

(f) The total of the pensions payable provided for in paragraphs (b), (c) and (d) of this section payable in any year to a widow, or to a widow and children, of any deceased person shall not exceed 65 per cent of the final compensation of a pipe-man or a patrolman, as the case may be, as fixed in the budget for the year in which the death of the said member occurred.

*Editor's note:*

*Ibid.*

#### **SEC. 212 PENSIONS; WORKMEN'S COMPENSATION, OFFSET.**

(a) Any benefits which may be paid or payable under the provisions of any workmen's compensation, or similar law, including any pensions allowed and payable by the federal or state governments on account of service performed in the armed forces of the United States, or the state, to a member or to the dependents of a member on account of any disability or death shall be offset against and payable in lieu of any pensions payable out of funds provided by the city under the provisions of this chapter [article], then the present value of the said workmen's compensation, or similar benefits, shall be deducted from the said pension reserve, and such pensions as may be provided by the pension reserve so reduced shall be payable under the provisions of this chapter [article].

(b) In the event a member becomes entitled to pension benefits as the result of accident or injury caused by the act of a third person, the city shall be subrogated to the rights of the said member against such third person to the extent of benefits which the city pays or becomes liable to pay.

#### **SEC. 213 DISABILITY RETIRANTS; RE-EXAMINATION.**

(a) At least once each year during the first five years following retirement of a member with a disability pension, and at least once in every three year period thereafter, the board may, and upon the member's application shall, require any disability retirant who has not attained his voluntary retirement age to undergo a medical examination to be made by or under the direction of the medical director at the place of residence of said disability beneficiary, or other place mutually agreed upon. Should any disability retirant, who has not attained his voluntary retirement age, refuse to submit to such medical examination in any such period, his disability pension may be discontinued by the board until his withdrawal of such refusal; and should such refusal continue for one year all his right in and to his pension shall be revoked by the board. If upon such medical examination of a disability retirant, the medical director reports that the said retirant is physically able and capable of resuming employment in the city service, he shall be restored to duty with a compensation not less than the pay of the rank held by him at the time of his retirement and payment of his disability pension shall terminate; provided, that the report of the medical director is concurred in by the board.

(b) A disability retirant who has been or shall be restored to active service in the employ of the city, shall again become a member of the retirement system and he shall contribute to the retirement system



thereafter in the same manner as he paid prior to his retirement. Any prior service and membership service credited to him at the time of his retirement shall be restored to full force and effect. He shall be given service credit for the period he was receiving a disability pension provided for in section 25(a) [207(a)]; he shall not be given service credit for the period he was receiving a disability pension provided for in section 28(a) [210(a)].

(c) Should the secretary report and certify to the board that the said disability retirant, who has not attained his voluntary retirement age, is engaged in a gainful occupation, business, or employment, and the sum of his earnings from such occupation, business, or employment and his disability pension provided by this chapter [article] exceeds his final compensations, then the amount of his disability pension shall be reduced to an amount which when added to the amount so earned by him shall equal his final compensation[;] provided, that the report of the secretary is concurred in by the board. In the event the said disability retirant's earnings be later changed, his disability pension shall be correspondingly adjusted.

***Editor's note:***

*This section constitutes an amendment adopted by the electors on April 4, 1955.*

#### **SEC. 214 ACCUMULATED CONTRIBUTIONS, REFUND.**

(a) Should any member cease to be an employee of the city before he is entitled to a pension provided by this chapter [article] he shall be paid the amount of his accumulated contributions standing to his credit in the pension savings fund as he shall demand in writing on forms furnished by the board[;] provided, that the following conditions are fulfilled[:] (1) he has five or more years of service credited to his service account, or (2) he is totally and permanently disabled as provided in section 26 [208] and has less than ten years of service credited to his service account. Any amounts of accumulated contributions not returnable to members as provided herein shall be transferred to the pension reserve fund.

(b) *Refund of accumulated contributions upon death of member.* Should any member die before his retirement becomes effective, the amount of his accumulated contributions, standing to his credit in the pension savings fund at the time of his death, shall be paid to such person or persons, having an insurable interest in his life, as he shall have nominated by written designation duly executed and filed with the board. In the event there be no such designated person or persons surviving the said deceased member, his accumulated contributions shall be paid to his legal representative.

(c) *Payment of burial expenses.* If any member dies intestate, without heirs and without having nominated a beneficiary, the amount of his accumulated contributions, standing to his credit in the pension savings fund at the time of his death, may be used to pay his burial expenses, not to exceed a reasonable sum to be determined by the board, provided he leave no other estate sufficient for such purpose.



(d) *Method of paying refunds.* Payment of refunds of accumulated contributions may be made in installments thereof according to such rules and regulations as the board may adopt.

#### **SEC. 215 PENSION SAVINGS FUND; CREATION, PURPOSE.**

The pension savings fund is hereby created. The pension savings fund shall be the fund in which shall be accumulated at regular interest the contributions from the salaries of members and from which shall be paid refunds of accumulated contributions to members and beneficiaries as provided in this chapter [article].

(a) *Members' contributions.* The contributions of a member to the pension savings fund shall be five per cent of the salary paid to him by the city. The officer or officers responsible for making up the payroll shall cause the contribution to be deducted from the salary of each member on each and every payroll, for each and every payroll period, from the date of his entrance in the retirement system to the date of his retirement, or prior separation from city service.

(b) *Members agree to deductions.* The contributions provided for herein shall be made notwithstanding that the minimum salary provided for by law for any member shall be changed thereby. Every member shall be deemed to consent and agree to the deduction made and provided for herein and shall receipt for his full salary, and payment of his salary less said deduction for his contribution shall be a full and complete discharge and acquittance of all claims and demands whatsoever for the services rendered by such person during the period covered by such payment, except as to benefits provided by this chapter [article]. When deducted the contributions provided for herein shall be paid into the said pension savings fund and shall be credited to the individual account of the member from whose salary said deduction was made.

(c) *Redeposit of amounts previously refunded.* If under the provisions of this chapter [article] any member shall withdraw all or any part of his accumulated contributions standing to his credit in the pension savings fund, or should he have previously withdrawn all or part of his contributions credited to the firemen and policemen pension fund, created by chapter XIII of the city charter, as amended, prior to the adoption of this amendment to the charter, and should he become or again become a member of the retirement system, he shall redeposit or deposit in the pension savings fund the amounts previously withdrawn and not repaid by him, together with regular interest thereon compounded annually from the date of withdrawal to the date of repayment. Such repayment shall be made in a single sum or by an increased rate of contribution as the board shall determine[;] provided, that no pension payments shall be made to the said member until he has fully repaid all amounts owed by him to the retirement system.

(d) *Transfer of accumulated contributions.* Except as otherwise provided in this chapter [article], upon the retirement of a member, his accumulated contributions shall be transferred from the pension savings fund to the pension reserve fund. At the expiration of a period of three years after the date an

employee ceases to be a member, any balance of accumulated contributions standing to his credit in the pension savings fund, unclaimed by the said member or his legal representative, shall be transferred to the pension reserve fund.

**Editor's note:**

*Except as herein otherwise provided, this article constitutes an amendment adopted by the electors on April 4, 1949. The provisions herein contained replace the previous chapter XIII.*

**SEC. 216 PENSION RESERVE FUND; CREATION, PURPOSE.**

The pension reserve fund is hereby created. The pension reserve fund shall be the fund in which shall be accumulated reserves for the payment of all pensions and other benefits payable from contributions made by the city; and from which shall be paid all pensions, and benefits in lieu of pensions, as provided in this chapter [article]. Contributions to the pension reserve fund by the city shall be made according to the provisions hereinafter set forth.

(a) *Contributions for new members.* Upon the basis of such mortality tables, regular interest, and other tables as the board shall adopt, the actuary shall annually compute the amount of contributions which if paid annually by the city during the entire prospective service of new members will be sufficient to provide the pension reserves required at the time of their discontinuances from city service to cover the pensions to, which they might be entitled or which might be payable on account of their services as policemen or firemen. The board shall report to the council, on or before the first day of May each year, the amount of the city's contributions so determined and the council shall appropriate and the city shall pay such amount of contributions into the pension reserve fund during the ensuing fiscal year.

(b) *Contributions for original members.* Upon the basis of such mortality tables, regular interest, and other tables as the board shall adopt, the actuary shall annually compute the pension reserve liabilities covering (1) pensions payable or which might be payable on account of service rendered and to be rendered by original members, and (2) pensions payable to beneficiaries who were original members or dependents of original members. The amount of the pension reserve liabilities so computed shall be amortized in such manner as the board shall determine subject to the approval of the council[;] provided, that until the amount accumulated in the pension reserve fund becomes not less than the present value of all pensions and other benefits payable to beneficiaries from the pension reserve fund, the amount of the contributions so determined shall not be less than the total of the amounts payable from the pension reserve fund in the ensuing fiscal year. The board shall report to the council, on or before the first day of May of each year, the amount of the city's contributions so determined and the council shall appropriate into the pension reserve fund during the ensuing fiscal year.

(c) *Deficiency appropriations.* If the amounts appropriated in the budget for any year be insufficient to pay in full the amounts due in said year to all beneficiaries of the pension reserve fund, the amounts of such insufficiency shall thereupon be provided by the appropriating authorities of the city.

**SEC. 217 EXPENSE FUND; PURPOSE.**

The expense fund shall be the fund to which shall be credited all money provided by the city to pay the administration expense of the retirement system and from which shall be paid all expenses necessary in the administration and operation of the retirement system.

**SEC. 218 FUNDS; MANAGEMENT; BOARD, AUTHORITY.**

(a) The board shall be the trustees of the several funds of the retirement system and shall have full power to invest and reinvest such funds subject to all terms, conditions, limitations and restrictions imposed by the law of the state of Michigan upon life insurance companies in the making and disposing of their investments, except that notes, bonds, or obligations of the city of River Rouge shall not be the subject to said restrictions and limitations. The board shall have the power to purchase notes, bonds, and other obligations of the city of River Rouge before or after the same are offered to the public and with or without advertising for bids.

(b) *Powers of board with respect to funds.* The board shall have full power to hold, sell, assign, transfer and dispose of any securities and investments in which any of the funds provided herein have been invested as well as the proceeds of said investments and any moneys belonging to the retirement system.

(c) *Available cash on deposit.* The board shall keep on deposit available cash not exceeding ten per cent of the total assets of the retirement system. All funds of the retirement system shall be held for the sole purpose of meeting disbursements for pensions, and other payments authorized in this chapter [article] and shall be used for no other purpose. The description of the various funds of the retirement system shall be interpreted to refer to the accounting records of the retirement system and not to the segregation of moneys in the funds of the retirement system.

**SEC. 219 REGULAR INTEREST, ALLOWANCE.**

At the end of each fiscal year each member's pension savings fund balance shall be credited with regular interest computed on the balance standing to the said member's credit at the beginning of the said fiscal year. The amounts of interest so allowed and credited by the board shall be payable from interest and other earnings on the funds of the retirement system. Any additional amounts required to credit regular interest to the pension savings fund shall be charged to the pension reserve fund, and all interest and other earnings on the funds of the retirement system in excess of such requirements shall be credited to the pension reserve fund.

**SEC. 220 PAYMENTS, REQUISITES.**

All payments from the funds of the retirement system shall be made according to charter provisions only upon regular city vouchers signed by two persons designated by the board. A duly attested copy of a resolution of the board designating such persons and bearing upon its face specimen signatures of such persons, shall be filed with the city treasurer as his authority for making payments upon such vouchers. No voucher shall be drawn unless it shall have been previously authorized by resolution of the board.

**SEC. 221 BENEFITS, PENSIONS, ETC.; ASSIGNMENTS PROHIBITED.**

The right of a person to a pension, to the return of accumulated contributions, or to any other benefit, the pension itself, any optional benefit, any other right accrued or accruing to any member or beneficiary under the provisions of this chapter [article], and the moneys belonging to the retirement system shall be unassignable and shall not be subject to execution, garnishment, attachment, the operation of bankruptcy or insolvency law, or to any other process of law whatsoever, except as is specifically provided for in this chapter [article][;] provided, that the city shall have the right to setoff for any claim arising from embezzlement by or fraud of a member.

**SEC. 222 PENSIONS PAYABLE UNDER PRIOR PENSION SYSTEM; ADJUSTMENT REQUIRED.**

(a) The pensions and other benefits which were allowed and payable from the firemen and policemen pension fund under the provisions of chapter XIII of the city charter prior to the effective date of this retirement system, created and established by this amendment to the city charter, shall be adjusted by the board according to the provisions of paragraphs (b) and (c) of this section. The pensions so adjusted shall become obligations of the said retirement system created and established by this amendment and shall be payable from the pension reserve fund of this retirement system.

(b) *Adjusted pensions payable to previously retired policemen and firemen.* The pension allowed and payable to any retired policeman or fireman, who retired from city service prior to the effective date of this retirement system shall be adjusted by the board to the pension he would have been entitled to receive had this retirement system been in effect at the date of his retirement and had he been a member thereof. The pension so adjusted shall become effective with the effective date of this retirement system. Until the expiration of a period of 90 days after the effective date of this retirement system the said retired policeman or fireman shall have the privilege of electing to receive his retirement pension, so adjusted, payable throughout his life as a regular retirement pension, or he may elect to receive the actuarial equivalent of his regular retirement pension in a reduced retirement pension according to the provisions of option (A) or (B) provided for in section 21 [203]. In the event any said retired policeman or fireman does not exercise his election within the period of time herein provided, then his retirement

pension so adjusted shall be paid as a regular retirement pension throughout his life and terminating at his death. In no case shall the amount of any pension so adjusted be more than the amount of the pension being paid to the said retired policeman or fireman under the provisions of the said chapter XIII of the city charter.

(c) Adjusted pensions payable to widows, children and dependent parents of deceased policemen or firemen. The pensions allowed and payable to the widows, children and dependent parents of any deceased policeman or fireman under the provisions of the said chapter XIII shall be adjusted by the board, as follows: The pension of a widow shall be adjusted to the pension she would have been entitled to receive had this retirement system been in effect at the date of her husband's death and had he (1) been a member of this retirement system, and (2) elected to receive the actuarial equivalent of his regular retirement pension in a reduced retirement pension according to the provisions of option (A) provided for in section 21 [203] of this amendment. The pension or pensions of children shall be adjusted to the pensions payable as provided in section 29 [211], paragraph (c) of this amendment. The pensions of dependent parents shall be adjusted to the pensions payable as provided in section 29 [211], paragraph (e) of this amendment. In no case shall the amount of any pension so adjusted be more than the amount of the pension being paid to the said widow, children, or dependent parent under the provisions of the said chapter XIII of the city charter.

*Editor's note:*

*Ibid.*

#### **SEC. 223 PRIOR PENSION SYSTEM FUND; ASSETS, TRANSFER.**

Within 30 days following the effective date of this retirement system, the city treasurer shall transfer from the firemen and policemen pension fund, created in the said chapter XIII, to the funds of the retirement system, created and established by this amendment, all assets of every description credited to the said firemen and policemen pension fund. When so transferred, the said assets shall be credited to the pension reserve fund of this retirement system. The city treasurer shall determine the amount of contributions made to the firemen and policemen pension fund by each fireman and policeman who becomes a member of this retirement system. The amount of contributions so determined shall be charged to the pension reserve fund of this retirement system and each member's total contributions shall be credited to his individual account in the pension savings fund of this retirement system.

*Editor's note:*

*Ibid.*

#### **SEC. 224 ERRORS, CORRECTION; PAYMENTS, ADJUSTMENT.**

Should any change or error in the records result in any member or beneficiary receiving from the retirement system more or less than he would have been entitled to receive had the records been correct,

the board shall correct such error, and as far as practicable shall adjust the payment in such a manner that the actuarial equivalent of the benefit to which the said member or beneficiary was correctly entitled shall be paid.

#### **SEC. 225 FALSE RECORDS, REPORTS; FRAUD; PENALTY.**

Whoever with intent to deceive shall make any statement or report required under this chapter [article] which is untrue, or shall falsify or permit to be falsified any record or records of this retirement system, or who shall otherwise violate, with intent to deceive, any of the terms or provisions of this chapter [article], upon conviction thereof shall be fined not to exceed five hundred dollars, or ninety days imprisonment, or both, in the discretion of the court, together with payment of the costs of prosecution.

#### **SEC. 226 PENSIONS, RETIREMENT BENEFITS; PROVISIONS, APPLICABILITY, DETERMINATION.**

No other provision of law, charter, or ordinance which provides wholly or partly at the expense of the city for pensions, or other retirement benefits for policemen and firemen, their widows, or other dependents shall apply to members or beneficiaries of the retirement system established by this amendment, except as is specifically provided for herein.

#### **SEC. 227 PRIOR PROVISIONS, REPEAL.**

Upon the adoption and taking effect of this amendment to the city charter, chapter XIII thereof is repealed. All other provisions of charter or ordinance inconsistent with the provisions of this amendment are hereby repealed to the extent of such inconsistency.

*Editor's note:*

*Ibid.*

#### **SEC. 228 PENSIONS; CONTRACTUAL OBLIGATIONS.**

Pensions granted under the provisions of this chapter [article] of the city charter shall represent contractual obligations between the city and the pensioners and shall not be revoked, repealed or diminished.

#### **SEC. 229 SEVERABILITY OF PROVISIONS.**

If any section, subsection, paragraph, sentence, clause or phrase of this charter amendment is for any reason held to be invalid or inoperative, or shall be held by any court to be unconstitutional, such

decision shall not affect the validity of any remaining sections, subsections, paragraphs, sentences, clauses and phrases of this charter amendment, or the amendment as an entirety.

**SEC. 230 EFFECTIVE DATE.**

The effective date of this retirement system shall be the first day of July, 1949.

***Editor's note:***

*The sections of this article which constitute an amendment adopted by the electors on April 4, 1955 became effective on that date.*





## ARTICLE 12: EMPLOYEES RETIREMENT SYSTEM

### Section

- Sec. 231 Retirement system established; purpose
- Sec. 232 Definitions
- Sec. 233 Retirement commission; creation; powers and duties
- Sec. 234 Same; composition
- Sec. 235 Initial commission; members, appointment
- Sec. 236 Commissioners; term, compensation
- Sec. 237 Commissioners; failure to attend meetings; vacancy in office, declaration by resolution
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- Sec. 271 Benefits, pensions, etc.; assignments prohibited
- Sec. 272 Errors, correction; payments, adjustment
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- Sec. 274 Severability of provisions
- Sec. 275 Effective date

**Editor's note:**

*Except as otherwise indicated, all of the sections of this article constitute an amendment adopted by the electors on April 7, 1947.*

**SEC. 231 RETIREMENT SYSTEM ESTABLISHED; PURPOSE.**

The City of River Rouge Employees Retirement System, hereinafter called the retirement system, is hereby established for the purpose of providing retirement allowances and death benefits for the employees of the city of River Rouge and their dependents under the provisions of this amendment to the charter of the city of River Rouge, Michigan.

**SEC. 232 DEFINITIONS.**

The following words and phrases as used in this chapter [article], unless a different meaning is plainly required by the context, shall have the following meanings:

- (1) 'City' means the city of River Rouge, state of Michigan, and its predecessor the village of River Rouge.
- (2) 'Council' means the council of the city of River Rouge.
- (3) 'Commission' means the retirement commission provided for in this chapter [article].
- (4) 'Member' means any person included in the membership of the retirement system.

(5) 'New member' means any member without prior service credited to his service account.

(6) 'Original member' means any member with prior service credited to his service account.

(7) 'Service' means service rendered to the city by a person as an officer and employee of the city.

(8) 'Prior service' means service rendered prior to July 1, 1947.

(9) 'Membership service' means service rendered on and after July 1, 1947.

(10) 'Credited service' means the sum of the prior service and membership service credited to a member's service account.

(11) 'Regular interest' means such rate or rates of interest per annum, compounded annually, as the commission shall from time to time determine.

(12) 'Accumulated contributions' means the sum of all amounts deducted from the compensations of a member and credited to his individual account in the annuity savings fund, together with regular interest thereon.

(13) 'Compensation' means the salary or wages paid by the city to a member for service rendered by him to the city. In case a member's compensation is not all paid in money, the commission shall fix the value of that part of his compensation not paid in money.

(14) 'Average final compensation' means the average of the highest annual compensations received by a member for any period of five consecutive, but not necessarily continuous, years of credited service contained within his ten years of credited service immediately preceding his retirement. In the event a member has less than five years of credited service, his average final compensation shall be the average of his annual compensations received for his total years of credited service.

(15) 'Final compensation' means a member's annual rate of compensation at the time his employment with the city is terminated.

(16) 'Annuity' means an annual amount, payable in equal monthly installments for life, derived from the accumulated contributions of a member.

(17) 'Pension' means an annual amount, payable in equal monthly installments for life, derived from moneys provided by the city or any instrumentality thereof.

(18) 'Retirement allowance' means the sum of the annuity and the pension.

(19) 'Retirement' means a member's withdrawal from service with a retirement allowance or pension granted under this chapter [article].

(20) 'Retirant' means any member who retires with a retirement allowance or pension payable pursuant to the provisions of this chapter [article].

(21) 'Beneficiary' means any person, other than a retirant, in receipt of a retirement allowance or pension payable pursuant to the provisions of this chapter [article].

(22) 'Annuity reserve' means the present value of all payments to be made on account of any annuity, or benefit in lieu of any annuity, computed upon the basis of such mortality table and regular interest as the commission shall from time to time adopt.

(23) 'Pension reserve' means the present value of all payments to be made on account of any pension, or benefit in lieu of any pension, computed upon the basis of such mortality and other tables of experience, and regular interest, as the commission shall from time to time adopt.

(24) The masculine gender shall include the feminine, and words of the singular number in relation to persons shall include the plural number, and vice-versa.

*Editor's note:*

*This section constitutes an amendment adopted by the electors on April 4, 1955.*

### **SEC. 233 RETIREMENT COMMISSION; CREATION; POWERS AND DUTIES.**

There is hereby created a retirement commission in whom is vested the general administration, management and responsibility for the proper operation of the retirement system and for making effective the provisions of this chapter [article]. The commission shall be organized immediately after three commissioners have qualified.

### **SEC. 234 SAME; COMPOSITION.**

The commission shall consist of five commissioners as follows:

- (a) The mayor of the city;
- (b) The commissioner of finance;

(c) A citizen, who is an elector and a freeholder of the city, and who is neither a member of the retirement system nor eligible to receive benefits provided by the retirement system, to be appointed by the mayor by and with the consent of the council;

(d) Two members of the retirement system to be elected by the members of the retirement system under such rules and regulations as the commission shall adopt to govern such elections.

*Editor's note:*

*This constitutes an amendment adopted by the electors on November 5, 1996.*

**SEC. 235 INITIAL COMMISSION; MEMBERS, APPOINTMENT.**

Until the first elections held, the mayor shall appoint the commissioners provided for in section 4 [234], paragraphs (c) and (d) to serve until their successors are appointed or elected and have qualified. The initial commission so constituted (including the commissioners provided for in section 4 [234], paragraphs (a) and (b) shall order and arrange for an election by the members of the retirement system to be held within 90 days after the effective date of the retirement system.

**SEC. 236 COMMISSIONERS; TERM, COMPENSATION.**

At the first election the citizen commissioner shall serve three years; the employee commissioner with the greatest number of votes shall serve two years; the employee commissioner with the next greatest number of votes shall serve one year. After the first election the regular term of office of the citizen commissioner and the employee commissioners shall be three years. The members of the retirement commission shall serve without compensation for their services as commissioners.

**SEC. 237 COMMISSIONERS; FAILURE TO ATTEND MEETINGS; VACANCY IN OFFICE, DECLARATION BY RESOLUTION.**

In event an employee commissioner shall cease to be an officer or employee of the city, or in event the citizen commissioner or any employee commissioner shall fail to attend scheduled meetings of the commission for three consecutive meetings, unless in each case excused for cause by the remaining members of the commission attending such meeting, he shall be considered to have resigned from the commission and the commission shall by resolution declare his office vacated as of the date of adoption of such resolution.

**SEC. 238 RETIREMENT COMMISSION; FILLING VACANCIES.**

Any vacancy occurring in the office of trustee shall be filled within 90 days following the date the vacancy occurred, for the unexpired term, in the same manner as the office was previously filled.

**SEC. 239 COMMISSIONERS; OATH REQUIRED.**

Each member of the commission shall, before assuming the duties of commissioner, qualify by taking an oath of office to be administered by the city clerk.

**SEC. 240 RETIREMENT COMMISSION; MEETINGS, REGULATIONS.**

The commission shall hold meetings regularly, at least one in each month, and shall designate the time and place thereof. The commission shall adopt its own rules of procedure and shall keep a record of its proceedings. All meetings of the commission shall be public. Three commissioners shall constitute a quorum at any meeting of the commission. Each commissioner shall be entitled to one vote in the meetings of the commission and at least three concurring votes shall be necessary for decision by the commissioners.

**SEC. 241 SAME; OFFICERS; POWERS AND DUTIES.**

The commission shall elect from its members a chairman and a chairman pro-tem.

(a) *Secretary.* The city clerk shall be secretary of the commission and the administrative officer of the retirement system.

(b) *Treasurer.* The city treasurer shall be the treasurer of the retirement system and the custodian of its funds.

(c) *Legal advisor.* The city attorney shall be the legal advisor to the commission.

(d) *Actuary.* The commission shall appoint an actuary who shall be the technical advisor to the commission on matters regarding the operation of the retirement system on an actuarial basis and who shall perform such duties as are required in connection therewith.

(e) *Medical director.* The commission shall appoint as medical director a physician who is not eligible for membership in the retirement system. The medical director shall be directly responsible to and shall hold office at the pleasure of the commission. He shall arrange for and pass upon all medical examinations required under the provisions of this chapter [article]; he shall investigate all essential statements and certificates of a medical nature by or on behalf of a member or beneficiary in connection with an application for disability retirement or death in line of duty benefits; and he shall report in writing to the commission his conclusions on matters referred to him.

(f) *Employment of professional and clerical services.* The commission shall employ such actuarial, medical and other services as shall be required for the proper operation of the retirement system. The compensation for such services shall be fixed by the commission subject to the approval of the council.

**SEC. 242 RECORDS, REPORTS; REQUIRED.**

The secretary shall keep, or cause to be kept, in convenient form, such data as shall be necessary for an actuarial valuation of the various funds of the retirement system. The commission shall render a report to the mayor and the council, on or before the fifteenth day of October of each year, showing the fiscal transactions of the retirement system for the year ending the preceding thirtieth day of June, and a balance sheet showing the financial condition of the retirement system by means of an actuarial valuation of the assets and liabilities of the retirement system.

**SEC. 243 TABLES OF EXPERIENCE, ADOPTION.**

The commission shall adopt such mortality, service, compensation and other tables of experience as are necessary in the operation of the retirement system on an actuarial basis.

**SEC. 244 RETIREMENT SYSTEM; MEMBERSHIP, COMPOSITION.**

(a) The membership of the retirement system shall consist of (1) all officers and employees of the city who were in the service of the city on the day preceding the effective date of the retirement system and who continue in the service of the city on and after the effective date of the retirement system, and (2) all persons who become officers or employees of the city on and after the effective date of the retirement system; except as provided in paragraph (b) of this section.

(b) *Persons excluded from membership.* The membership of the retirement system shall not include (1) any person whose services are compensated for on a contractual or fee basis, nor (2) any person whose compensation in a period of three consecutive years averages less than \$500.00 a year; nor (3) the medical director; nor (4) policemen and firemen who come under the provisions of the fireman and policeman pension fund, created by chapter XIII [article 11] of the city charter.

(c) *Right of commission to decide membership.* In all cases of doubt, the commission shall decide who is a member of the retirement system, within the meaning of the provisions of this chapter [article].

**SEC. 245 TERMINATION OF MEMBERSHIP.**

Except as otherwise provided in this chapter [article], should any member separate from the service of the city, for any reason except becoming a retirant or his death, he shall thereupon cease to be a member, and his credited service at the date of his separation from service shall be forfeited by him. In the event the said person is re-employed by the city in a position covered in this retirement system he shall again become a member, and should his said re-employment occur within a period of five years

from and after the date he last separated from city service, his credited service forfeited by him at the time he last separated from city service shall be restored to his credit. In the event a member becomes retirant or dies he shall thereupon cease to be a member.

***Editor's note:***

*This section constitutes an amendment adopted by the electors on April 4, 1955.*

**SEC. 246 SERVICE CREDITS, COMPUTATION.**

The commission shall fix and determine by appropriate rules and regulations how much service in any year is equivalent to a year of service, but in no case shall less than ten days of service in a calendar month constitute a month of service; nor shall less than nine months of service in a calendar year constitute a year of service; nor shall more than one year of service be creditable for all service performed in any one calendar year.

**SEC. 247 WAR SERVICE CREDIT.**

Should any employee who while employed by the city be called or enlists, or was called or enlisted, in the military, naval, marine or other armed service of the United States government during time of war, or other national emergency recognized by the commission, and should such individual be re-employed by the city within one year from the date of termination of his required enlistment, then such war service shall be credited to him as city service; provided, that, in all cases of doubt, the commission shall decide the amount of such service to be credited to said individual. During the period of such service rendered to the federal government, the member's contributions to be credited to the annuity savings fund shall be suspended and his balance in the annuity savings fund, at the last payroll date preceding his leave [of] absence from city service, shall be accumulated at regular interest.

**SEC. 248 SERVICE ACCOUNTS, CREDITS.**

The commission shall credit each member's service account with the number of years and months of prior service and membership service to which he may be entitled.

**SEC. 249 VOLUNTARY RETIREMENT, PROCEDURE.**

Any member, who has attained or attains age 60 years and has ten or more years of credited service, may retire from city service upon his written application filed with the board setting forth at what time, not less than 30 days or more than 90 days subsequent to the execution and filing thereof, he desires to be retired.

***Editor's note:***

*This section constitutes an amendment adopted by the electors on April 4, 1955.*



**SEC. 250 NORMAL RETIREMENT; CONTINUATION OF EMPLOYMENT, LIMITATION.**

(a) Any member, except an elected or appointed official, who has attained or attains age 65 years shall be separated from city service on the first day of the calendar month next following the month in which he attains age 65 years, provided an extension in service is not granted as provided for in paragraph (b) of this section.

(b) Any member who has attained or attains age 65 years may be continued in service for periods of time not to extend beyond his attainment of age 70 years[;] provided, that his said continuance in service is (1) requested by him in writing, (2) approved by his department head, and (3) approved by the commission.

*Editor's note:*

*Ibid.*

**SEC. 251 SERVICE RETIREMENT ALLOWANCE.**

Upon his retirement from service a member, who has attained or attains age 60 years and has ten or more years of credited service, shall receive a service retirement allowance which shall consist of:

(a) An annuity which shall be the actuarial equivalent of his accumulated contributions standing to his credit in the annuity savings fund at the time of his retirement; and

(b) A basic pension of \$120.00 per annum; and

(c) A membership service pension equal to  $1/120$  of his average final compensation multiplied by the number of years, and fraction of a year, of membership service credited to his service account; and

(d) A prior service pension equal to  $2/135$  of his average final compensation multiplied by the number of years, and fraction of a year, of prior service credited to his service account, not to exceed 30 years. In no case shall the prior service pension exceed \$1,800.00 per annum.

(e) In the event a retirant dies before he has received in retirement allowance payments an aggregate amount equal to his accumulated contributions standing to his credit in the annuity savings fund at the time of his retirement the difference between his said accumulated contributions and the aggregate amount of retirement allowance payments received by him shall be paid from the pension reserve fund to such person or persons as he shall have nominated by written designation duly executed and filed with the commission. If there be no such designated person or persons surviving the said retirant, then such difference, if any, shall be paid to his legal representative. No benefit shall be paid under this paragraph on account of the death of a retirant if he elected option 1, 2 or 3 provided for in section 23 [253] hereof.

*Editor's note:*

*Ibid.*

**SEC. 252 DEFERRED SERVICE RETIREMENT ALLOWANCE.**

Should any member who (1) has 15 or more years of service credited to his service account and has attained age 50 years, or (2) has 25 or more years of service credited to his service account regardless of age, separate from the service of the city before attaining age 60 years, for reasons other than becoming a beneficiary, he shall remain a member during the period of his absence from service for the exclusive purpose only of receiving a service retirement allowance provided for in section 21 [251]; payment of said retirement allowance to begin upon his attainment of age 60 years; provided, that should such a member withdraw all or part of his accumulated contributions standing to his credit in the annuity savings fund he shall thereupon cease to be a member and he shall forfeit his right to a deferred service retirement allowance provided for in this section; provided further, that such a member shall not receive service credit for the period of his absence from city service, except as is otherwise provided in this chapter [article].

**SEC. 253 RETIREMENT ALLOWANCE OPTIONS.**

(1) Prior to the effective date of his retirement, but not thereafter, any member may elect to receive his retirement allowance provided for in section 21 [251] hereof as a benefit payable throughout his life, called a regular retirement allowance[,] or he may elect to receive the actuarial equivalent, computed as of the effective date of his retirement, of his regular allowance in a reduced retirement allowance payable throughout his life, and nominate a survivor beneficiary, in accordance with the provisions of option 1, 2 or 3 as hereinafter set forth:

*Option 1. Cash refund annuity.* If a retirant dies before he has received in payment of the cash refund annuity portions of his reduced retirement allowance an aggregate amount equal to his accumulated contributions standing to his credit in the annuity savings fund at the time of his retirement, the difference between his said accumulated contributions and the said aggregate amount of annuity payments received by him shall be paid to such person or persons as he shall have nominated by written designation duly executed and filed with the commission. If there be no such designated person or persons surviving the said retirant, then such difference, if any, shall be paid to his legal representative; or

*Option 2. Joint and survivorship allowance.* Upon the death of a retirant his reduced retirement allowance shall be continued throughout the life of and paid to such person, having an insurable interest in his life, as he shall have nominated by written designation duly executed and filed with the commission prior to the effective date of his retirement; or

*Option 3. Modified joint and survivorship allowance.* Upon the death of a retirant one-half of his reduced retirement allowance shall be continued throughout the life of and paid to such person, having an insurable interest in his life, as he shall have nominated by written designation duly executed and filed with the commission prior to the effective date of his retirement.

(2) Any member who continues in the service of the city on or after the date he either (1) acquires 20 years of credited service, or (2) attains age 55 years and has ten or more years of credited service, whichever of (1) or (2) occurs first, may, at any time prior to the effective date of his retirement, by written declaration duly executed and filed with the commission in the manner and form prescribed by the commission, elect option 2 provided for in section 23.1 [253(1)] hereof and nominate a survivor beneficiary whom the commission finds to be dependent upon the said member for at least 50 per cent of his support. If any member, who has an option 2 election provided for in this section 23.2 [253(2)] in force, dies while in the service of the city prior to the effective date of his retirement, the said survivor beneficiary shall immediately receive the same retirement allowance as the said survivor beneficiary would have been entitled to receive under the said option 2 if the said member had retired pursuant to the provisions of this chapter [article] effective the day preceding the date of his death, notwithstanding that he may not have attained age 60 years. If any member, who has an option 2 election in force, subsequently retires pursuant to the provisions of this chapter [article], he may within 90 days preceding the effective date of his retirement, but not thereafter, make any election of option provided for in section 23.1 [253(1)] hereof; said option election to become effective as of the effective date of his retirement. No retirement allowance shall be paid under this section 23.2 [253(2)] on account of the death of a member if any benefits are paid under section 32 [262] hereof on account of his death.

(3) Any member who continues in the service of the city on or after the date he either (1) acquires 20 years of credited service, or (2) attains age 50 years and has ten or more years of credited service, whichever of (1) or (2) occurs first, and in either case does not have an option 2 election provided for in section 23.2 [253(2)] in force, and (1) dies while in the service of the city prior to the effective date of his retirement, and (2) leaves a widow, or in the case of a female member leaves a widower whom the commission finds to be totally and permanently disabled and to have been dependent upon the said female member for at least 50 per cent of his support, the said widow or widower, as the case may be, shall receive a retirement allowance computed in the same manner in all respects as if the said member had (1) retired effective the day preceding the date of his death, (2) elected [option] 2 provided for in section 23.1 [253(1)] hereof, and (3) nominated his said widow or widower, as the case may be, as survivor beneficiary. Upon the marriage or death of the said survivor beneficiary his retirement allowance shall terminate; provided, that if the aggregate amount of retirement allowance payments received by the said survivor beneficiary is less than the accumulated contributions standing to the said member's credit in the annuity savings fund at the time of his death, the difference between his said accumulated contributions and the said aggregate amount of retirement allowance payments received by the said survivor beneficiary shall be transferred from the annuity reserve fund to the annuity savings fund and shall be paid to such person or persons as the said member shall have nominated by written designation duly executed and filed with the commission. If there be no such designated person or persons surviving the said member, then such difference, if any, shall be paid to his legal representative. No retirement allowance shall be paid under this section 23.3 [253(3)] on account of the death of a member if any benefits are paid under section 32 [262] hereof on account of his death.

***Editor's note:***

*This section constitutes an amendment adopted by the electors on April 4, 1955.*

**SEC. 254 DUTY DISABILITY RETIREMENTS.**

Upon the application of a member, or his department head, a member who becomes totally and permanently incapacitated for duty by reason of a personal injury or disease, occurring as the natural and proximate result of causes arising out of and in the course of his employment by the city, shall be retired by the commission; provided, that after a medical examination of such member, made by or under the direction of the medical director, the medical director certifies (1) that such member is mentally or physically incapacitated for the further performance of duty in the service of the city, and (2) that such incapacity is likely to be permanent, and (3) that such member should be retired; provided further, that the report of the medical director is concurred in by the commission.

**SEC. 255 SAME; AFTER AGE 60; BENEFITS.**

A member who retires on or after his attainment of age 60 years on account of disability, as provided in section 24 [254] hereof, shall receive a service retirement allowance provided for in section 21 [251] hereof, notwithstanding that he may not have ten years of credited service, and he shall have the right to elect an option provided for in section 23.1 [253(1)] hereof.

*Editor's note:*

*Ibid.*

**SEC. 256 SAME; BEFORE AGE 60; BENEFITS.**

(a) A member who retires prior to his attainment of age 60 years on account of disability, as provided in section 24 [254] hereof, shall receive a disability pension equal to one-half of his average final compensation. His said disability pension shall begin as of the date of his disability, but in no case either more than six months before the date his application for disability retirement is filed with the commission, or prior to the date his name last appeared on a city payroll with pay, whichever is later, and shall continue to his attainment of age 60 or prior recovery. His said disability pension shall (1) be subject to section 30 [260] and 31 [261] hereof, and (2) in no case exceed \$2,400.00 per annum.

(b) Upon attaining age 60 years, said disability retirant shall receive a pension computed according to section 21 [251] hereof[;] provided, that in computing his said pension he shall be given membership service credit for the period he was receiving a disability pension provided for in paragraph (a) of this section. In addition to his pension he shall, at his attainment of age 60 years, receive an annuity equivalent to the annuity he would have been entitled to had he continued his contributions to the annuity savings fund; said contributions to be based upon his final compensation at the time of his disability retirement. Upon attaining age 60 years, he shall have the right to elect an option provided for in section 23.1 [253(1)] hereof.

(c) During the period a disability retirant is receiving a pension provided for in paragraph (a) of this section his contributions to the annuity savings fund shall be suspended and his balance in the said

fund, at the time of his retirement, shall remain therein and shall be accumulated at regular interest until his attainment of age 60 years or prior recovery. Upon attaining age 60 years his accumulated contributions shall be transferred to the annuity reserve fund. Should he die before attaining age 60 years his accumulated contributions standing to his credit in the annuity savings fund at the time of his death shall be paid in accordance with section 33 [263] hereof.

*Editor's note:*

*Ibid.*

#### **SEC. 257 NON-DUTY DISABILITY RETIREMENTS.**

Upon the application of a member, or his department head, a member who has ten or more years of service credited to his service account and who becomes totally and permanently incapacitated for duty as the result of causes occurring not in the actual performance of his duty in the service of the city, may be retired by the commission; provided, after a medical examination of such member made by or under the direction of the medical director, the medical director certifies (1) that such member is mentally or physically incapacitated for the further performance of duty in the service of the city, and (2) that such incapacity is likely to be permanent, and (3) that such member should be retired.

#### **SEC. 258 SAME; AFTER AGE 60; BENEFITS.**

A member who retires on or after attainment of age 60 years on account of disability, as provided in section 27 [257] hereof, shall receive a service retirement allowance provided for in section 21 [251] hereof and he shall have the right to elect an option provided for in section 23.1 [253(1)] hereof.

*Editor's note:*

*Ibid.*

#### **SEC. 259 SAME; BEFORE AGE 60; BENEFITS.**

(1) A member who retires prior to his attainment of age 60 years on account of disability, as provided in section 27 [257] hereof, shall receive a disability retirement allowance which shall consist of:

(a) A cash refund annuity which shall be the actuarial equivalent of his accumulated contributions standing to his credit in the annuity savings fund at the time of his retirement. In the event he dies before he has received in annuity payments an aggregate amount equal to his said accumulated contributions, the difference between his said accumulated contributions and the said aggregate amount of annuity payments received by him shall be paid to such person or persons as he shall have nominated by written designation duly executed and filed with the commission. If there be no such designated

person or persons surviving the retirant, then such difference, if any, shall be paid to his legal representative; and

(b) A disability pension which shall consist of a pension of 1/120 of his average final compensation multiplied by his years, and fraction of a year, of credited service plus a basic pension of \$120.00 per annum. His said disability pension shall begin as of the date of his disability, but in no case either more than six months before the date his application for disability retirement is filed with the commission, or prior to the date his name last appeared on a city payroll with pay, which is later, and shall continue to his attainment of age 60 years or prior recovery. His said disability pension shall be subject to sections 30 [260] and 31 [261] hereof.

(2) Upon attaining age 60 years, a disability retirant, who retired under section 27 [257] hereof, shall receive a pension computed according to section 21 [251] hereof. In computing his said pension he shall not be given service credit for the period he was receiving a disability pension [provided] for in paragraph (b) of section 29.1 [259(1)] hereof. Upon attaining age 60 years he shall have the right to elect an option provided for in section 23.1 [253(1)] hereof.

*Editor's note:*

*This section constitutes an amendment adopted by the electors on April 4, 1955.*

## **SEC. 260 DISABILITY RETIRANTS; RE-EXAMINATION.**

(a) Once each month during the first five years following the retirement of a member with a disability retirement pension or allowance, and at least once in every three year period thereafter, the commission may, and upon the disability retirant's application shall, require said retirant, who has not attained age 60 years, to undergo a medical examination to be made by or under the direction of the medical director at the place of residence of said retirant, or other place mutually agreed upon. Should said retirant who has not attained age 60 years refuse to submit to such medical examination in any such period, his disability pension may be discontinued by the commission until his withdrawal of such refusal. Should such refusal continue for one year all his rights in and to whatever pension which might be payable to him, out of funds provided by the city, shall be revoked by the commission. If upon examination of any disability retirant, the medical director reports that such retirant is physically able and capable of resuming employment, he shall be restored to active service in the employ of the city and his disability retirement allowance shall cease; provided, that the report of the medical director is concurred in by the commission.

(b) A disability retirant who has been or shall be restored to active service with the city, as provided in this section, shall from the date of his restoration again become a member of the retirement system and he shall contribute to the retirement system thereafter in the same manner as he paid prior to his disability retirement. Any prior service and membership credit to him at the time of his disability retirement shall be restored to full force and effect. He shall be given membership service credit for the

period he was receiving a disability retirement pension provided for in section 26(a) [256(a)] hereof; he shall not be given service credit for the period he was receiving a disability retirement allowance provided for in section 29.1(a) [259(1, a)] hereof.

*Editor's note:*

*Ibid.*

**SEC. 261 PENSIONS; WORKMEN'S COMPENSATION, OFFSET.**

Any amount which may be paid or payable under the provisions of any workmen's compensation, including any pension allowed and payable by the federal or state governments on account of service performed in the armed forces of the United States or the state, to a member or retirant or to the dependents of a member or retirant on account of any disability or death, shall be offset against and payable in lieu of any benefits payable out of funds provided by the city under the provisions of this chapter [article] on account of the same disability or death; provided, that in no event shall there be an offset of any pension payable by the federal or state governments, on account of service performed in the armed forces of the United States or the state, for a disability or death arising other than as a result of said armed forces services. In case the present value of the total amount payable under the said workmen's compensation, or the said federal or state pension is less than the pension reserve covering the benefits otherwise payable from funds provided by the city under the provisions of this chapter [article] , then the present value of the amount so payable shall be deducted from the pension reserve and such benefits as may be provided by the pension reserve so reduced shall be payable under the provisions of this chapter [article].

*Editor's note:*

*Ibid.*

**SEC. 262 DEATH IN LINE OF DUTY; SURVIVORS, BENEFITS.**

In the event (1) a member dies as the result of a personal injury or disease arising solely and exclusively out of and in the course of his employment with the city, or (2) a disability retirant, who retired under section 24 [254] hereof, dies within a period of five years from and after the effective date of his disability retirement or disease for which he was retired, and in either case (1) or (2) such death, injury or disease resulting in death, be found by the commission to have been the result of his actual performance of duty in the employ of the city, the applicable benefits provided for in paragraph (a), (b), (c), (d), and (e) of this section shall be paid subject to paragraph (f) of this section.

(a) The said deceased person's accumulated contributions standing to his credit in the annuity savings fund at the time of his death shall be paid in accordance with the provisions of section 33 [263] hereof.

(b) A pension of one-third of the final compensation of said deceased person shall be paid to his widow to continue during her widowhood.

(c) If, in addition to a widow, the said deceased person leaves an unmarried child or children under age 18 years, each child shall receive a pension of an equal share of one-fourth of his final compensation. Upon the marriage, death or attainment of age 18 years of any such child his pension shall terminate and there shall be a redistribution by the board to his remaining eligible children under age 18 years.

(d) In the event there be no widow, or if the widow dies or remarries before the youngest surviving child of said deceased person shall have attained age 18 years, then his unmarried child or children under 18 years shall each receive a pension of one-fourth of his final compensation[;] provided, that if there be more than two such children under 18 years each such child shall receive a pension of an equal share of one-half of his final compensation. Upon the marriage, death, or attainment of age 18 years of any such child his pension shall terminate and there shall be a redistribution by the board to his remaining eligible children under age 18 years. In no case shall any child of said deceased person receive a pension of more than one-fourth of his final compensation.

(e) In the event there be neither a widow nor children eligible to pensions provided for in paragraph (b), (c), and (d) of this section, surviving the said deceased person, there shall be paid to each his dependent father and dependent mother, whom the board finds after investigation to have been actually dependent upon him by reason of absence of earning power due to physical or mental disability, a pension of one-sixth of his final compensation[;] provided, that in no case shall the pension payable to either parent exceed \$720.00 per annum.

(f) The pensions provided for in paragraphs (b), (c), (d), and (e) of this section shall be subject to section 31 [261] hereof. The total of the pensions provided for in paragraphs (b), (c), and (d) of this section payable to the survivors of the said deceased person shall not exceed \$2,100.00 per annum. As used in this section 32 [262], the term 'widow' means the person to whom the deceased was married at the time of his last employment with the city, and it shall include a widower whom the commission finds to be totally and permanently disabled and to have been dependent upon the said deceased person for at least 50 per cent of his support.

*Editor's note:*

*Ibid.*

## **SEC. 263 ACCUMULATED CONTRIBUTIONS, REFUND.**

(a) Should any member cease to be an employee of the city (1) before attaining age 60 years for reasons other than becoming a beneficiary or dying or (2) after attaining, age 60 years and not being entitled to a pension payable out of funds provided by the city, he shall be paid all or part of the accumulated contributions standing to his credit in the annuity savings fund as he shall demand on forms furnished by the commission.



(b) *Refund of deceased member's accumulated contributions.* Should any member die before his retirement becomes effective, the amount of his accumulated contributions standing to his credit in the annuity savings fund, at the time of his death, shall be paid to such person or persons as he shall have nominated by written designated person or persons, his accumulated contributions shall be paid to his legal representative.

(c) *Payment of burial expense.* If any member dies intestate, without heirs, and without having nominated a beneficiary, as provided in paragraph (b) of this section, the amount of his accumulated contributions standing to his credit in the annuity savings fund, at the time of his death, may be used to pay his burial expense, not to exceed a reasonable sum to be determined by the commission; provided, such deceased member leave no other estate sufficient for such purpose.

(d) *Method of refunding accumulated contributions.* Payments of such refunds of accumulated contributions may be made in monthly installments thereof according to such rules and regulations as the commission shall adopt.

#### **SEC. 264 ANNUITY SAVINGS FUND; CREATION, PURPOSE.**

(a) The annuity savings fund is hereby created. The annuity savings fund shall be the fund in which shall be accumulated, at regular interest, the contributions from the salaries or wages of members to provide for their annuities.

(b) The normal contributions of a member to the annuity savings fund shall be five per cent of the salary or wages paid to him by the city. In addition to his said normal contributions, any member may make additional contributions to provide an additional annuity; said additional contributions shall be made according to such rules and regulations as the board shall from time to time adopt; provided, that in no case shall any member's additional contributions exceed five per cent of the salary or wages paid to him by the city. The said additional contributions made by a member shall be credited to his individual account in the annuity savings fund and shall become a part of his accumulated contributions.

(c) The officer or officers responsible for making up the payroll shall cause the contributions provided for in paragraph (b) of this section to be deducted from the salary or wages of each member on each and every payroll for each and every payroll period from the date of his entrance in the retirement system to the date of his retirement or prior separation from the service of the city. The members' contributions provided for herein shall be made notwithstanding that the minimum compensation provided for by law for any member shall be changed thereby. Every member shall be deemed to consent and agree to the deductions made and provided for herein and shall receipt for his full salary or wages and payment of his salary or wages less said deduction shall be a full and complete discharge and acquittance of all claims and demands whatsoever for the services rendered by such person during the period covered by such payment, except as to benefits provided by this chapter [article]. The officer or officers responsible for making up the payroll shall certify to the city treasurer the amount of

contributions to be deducted from the salary or wages of each member for each and every payroll and each of said amounts when deducted by the city treasurer shall be paid into the funds of the retirement system and when so paid shall be credited to the individual annuity savings fund account of the member from whose salary or wages said deduction was made.

(d) In addition to the contributions deducted from the salary or wages of a member, as hereinbefore provided, any member may redeposit in the annuity savings fund, by a single payment or by an increased rate of contribution, an amount equal to the total amount, or any part thereof, which he may have previously withdrawn therefrom as provided by this chapter [article].

(e) Upon retirement of a member his accumulated contributions shall be transferred from the annuity savings fund to the annuity reserve fund. At the expiration of a period of four years following the date an employee ceases to be a member, any balance of accumulated contributions standing to his credit in the annuity savings fund, unclaimed by such member, shall be transferred from the annuity savings fund to the pension reserve fund.

*Editor's note:*

*Subsection (b) constitutes an amendment adopted by the electors on April 4, 1955.*

#### **SEC. 265 ANNUITY RESERVE FUND; CREATION, PURPOSE.**

The annuity reserve fund is hereby created. The annuity reserve fund shall be the fund from which shall be paid all annuities, and all benefits in lieu of annuities, payable as provided by the provisions of this chapter [article]. Should any beneficiary retired on account of disability be restored to active service in the employ of the city his annuity reserve, at that time, shall be transferred from the annuity reserve fund to the annuity savings fund and shall be credited to his individual account therein.

#### **SEC. 266 PENSION RESERVE FUND; CREATION, PURPOSE.**

(a) The pension reserve fund is hereby created. The pension reserve fund shall be the fund in which shall be accumulated reserves for the payment of all pensions and other benefits payable from contributions made by the city, and from which shall be paid all pensions, and benefits in lieu of pensions, to members and beneficiaries of the retirement system. Contributions by the city to the retirement system shall be made according to the provisions of paragraphs (b), (c) and (d) of this section.

(b) *City's contributions for new members.* Upon the basis of such mortality tables, regular interest, and other tables as the commission shall adopt, the actuary shall annually compute the amount of contributions which, if paid annually by the city during the prospective service of new members, will be sufficient to provide the pension reserves required, at the time of their discontinuance from city service, to cover pensions to which they might be entitled or which might be payable on their account.

The commission shall have appropriated annually the amount of contributions so ascertained and the city shall pay such amount into the pension reserve fund in the ensuing fiscal year.

(c) *City's contributions for original members.* Upon the basis of such mortality tables, regular interest, and other tables as the commission shall adopt, the actuary shall annually compute (1) the pension reserve liabilities covering pensions payable or which might be payable on account of service rendered and to be rendered by original members, and (2) pensions payable to beneficiaries who were original members and to the dependents of original members. The amount of the pension liabilities so computed shall be amortized in such manner as the commission shall determine, subject to the approval of the city council. The commission shall have appropriated annually the amount of contributions so ascertained and the city shall pay such amount into the pension reserve fund in the ensuing fiscal year.

(d) *Deficiency appropriations.* If the amounts appropriated in the budget in any year, as hereinbefore provided, be insufficient to pay in full the amounts due in said year to all beneficiaries of the retirement system, the amount of such insufficiency shall thereupon be provided by the appropriating authorities of the city.

#### **SEC. 267 EXPENSE FUND; PURPOSE.**

The expense fund shall be the fund to which shall be credited all money provided by the city to pay the administration expenses of the retirement system, and from which shall be paid all expenses necessary in connection with the administration of the retirement system. The commission shall annually certify to the appropriating authorities of the city the amount necessary to administer the retirement system during the ensuing fiscal year and the city shall appropriate such amount to the credit of the expense fund.

#### **SEC. 268 FUNDS; MANAGEMENT; COMMISSION, AUTHORITY.**

(a) The commission shall be the trustees of the funds of the retirement system and shall have full power to invest and reinvest such funds subject to all terms, conditions, limitations and restrictions imposed by the state of Michigan upon life insurance companies in the making and disposing of their investments, except that notes, bonds, or obligations of the United States government, the state of Michigan, and the city of River Rouge shall not be subject to said conditions, limitations and restrictions. The commission shall have full power to purchase notes, bonds, or other obligations of the city of River Rouge before or after the same are offered to the public and with or without advertising for bids.

(b) The commission shall have full power to hold, purchase, sell, assign, transfer, and dispose of any securities and investments in which any of the funds of the retirement system have been invested,

as well as the proceeds of said investments and any moneys belonging to the retirement system. There shall be kept on deposit available cash not to exceed ten per cent of the total assets of the retirement system.

(c) The description of the various funds of the retirement system shall be interpreted to refer to the accounting records of the retirement system and not to the segregation of moneys in the funds of the retirement system. All funds of the retirement system shall be held for the sole purpose of meeting disbursements for pensions, annuities and other payments authorized by the provisions of this chapter [article] and shall be used for no other purpose.

#### **SEC. 269 PAYMENTS; REQUISITES.**

All payments from the funds of the retirement system shall be made according to the provisions of charter and ordinance governing the disbursement of money from the city's general fund; provided, that no payment shall be made from the funds of the retirement system unless such payment has been previously authorized by resolution adopted by the commission.

#### **SEC. 270 REGULAR INTEREST, ALLOWANCE.**

The commission annually shall allow regular interest on the mean amount of assets credited to the various funds of the retirement system except the expense fund; provided, that interest on contributions from members credited to the annuity savings fund within any one fiscal year shall begin on the first day of the fiscal year next following and shall be computed at the end of the fiscal year. The amounts of interest so allowed shall be due and payable to said funds of the retirement system and shall be annually credited thereto by the commission from interest and other earnings on moneys of the retirement system. Any additional amount necessary to allow regular interest on the funds of the retirement system shall be paid from the pension reserve fund, and all interest and other earnings from deposits and investments not required for the allowance of regular interest shall be credited to the pension reserve fund.

#### **SEC. 271 BENEFITS, PENSIONS, ETC.; ASSIGNMENTS PROHIBITED.**

The right of a person to an annuity, a pension, a retirement allowance, to the return of accumulated contributions, the annuity, the pension, or the retirement allowance itself, any optional benefit, any other right accrued or accruing to any member or beneficiary under the provisions of this chapter [article] and the moneys belonging to the retirement system shall be unassignable and shall not be subject to execution, garnishment, attachment, the operation of bankruptcy or insolvency law, or any other process of law whatsoever, except as is specifically provided by the provisions of this chapter [article].

**SEC. 272 ERRORS, CORRECTION; PAYMENTS, ADJUSTMENT.**

Should any change or error in the records result in any member or beneficiary receiving from the retirement system more or less than he would have been entitled to receive had the records been correct, the commission shall correct such error and as far as practicable shall adjust the payment of the benefit in such a manner that the actuarial equivalent of the benefit to which such member or beneficiary was correctly entitled shall be paid.

**SEC. 273 PENSIONS, RETIREMENT BENEFITS; PROVISIONS, APPLICABILITY, DETERMINATION.**

(a) No other charter or ordinance provisions which provide wholly or partly at the expense of the city for pensions or retirement benefits for employees of the city, their widows, children, or other dependents shall apply to members or beneficiaries of the retirement system, their widows, children or other dependents.

(b) All charter provisions inconsistent with the provisions of this chapter [article] are hereby repealed to the extent of such inconsistency.

**SEC. 274 SEVERABILITY OF PROVISIONS.**

If any provision, section, paragraph, sentence, clause or phrase of this chapter [article] is for any reason found to be invalid or inoperative, or shall be held by any court to be unconstitutional, the remainder of the provisions of this chapter [article] shall nevertheless continue in full force and effect.

**SEC. 275 EFFECTIVE DATE.**

The effective date of the retirement system shall be the first day of July, 1947.

***Editor's note:***

*The sections of this article which constitute an amendment adopted by the electors on April 4, 1955 became effective on that date.*



## ARTICLE 13: ORDINANCES

### Section

- Sec. 276 Enacting clause; style
- Sec. 277 Majority vote required; effective date
- Sec. 278 Recording and authentication
- Sec. 279 Publication; certificate, prima facie evidence
- Sec. 280 General penalty; restriction
- Sec. 281 Ordinances, resolutions, regulations; evidence
- Sec. 282 Ordinances; municipal court, jurisdiction; violations, prosecutions; restriction, time
- Sec. 283 Violations, prosecutions, procedure; penalties; recovery, action in assumpsit authorized; state law
- Sec. 284 Pleadings; rules of practice
- Sec. 285 Trial by jury; jury panel; jurors, qualifications
- Sec. 286 Convictions; appeals; rules of practice
- Sec. 287 Prosecutions; security for costs; regulations
- Sec. 288 Payment of fines
- Sec. 289 Failure to remit fines, penalty
- Sec. 290 City prison; council powers
- Sec. 291 Confinement in county jail; expense, payment

### **SEC. 276 ENACTING CLAUSE; STYLE.**

The enacting clause of all ordinances shall be 'The City of River Rouge Ordains'. Such caption may be omitted, however, when said ordinances are published in book form or are revised and digested by authority of the council.

### **SEC. 277 MAJORITY VOTE REQUIRED; EFFECTIVE DATE.**

All ordinances, except as herein otherwise provided, shall require for their passage, the concurrence of a majority of the council elect; and shall take effect immediately upon publication unless otherwise provided herein or in the ordinance itself.

**SEC. 278 RECORDING AND AUTHENTICATION.**

All ordinances, when regularly enacted, shall be recorded by the city clerk in a book called 'The Record of Ordinances', and it shall be the duty of the mayor and the clerk to authenticate the same by their official signatures upon such record.

**SEC. 279 PUBLICATION; CERTIFICATE, PRIMA FACIE EVIDENCE.**

Within ten days after the passage of any ordinance, the same shall be recorded by the, clerk and published in the official newspaper of the city; and the clerk shall, immediately after such publication, enter in the record of ordinances, in a blank space to be left for such purpose under the record of the ordinance, a certificate under his hand, stating the time and places of such publication. Such certificate shall be prima facie evidence of the due publication of the ordinance.

***Editor's note:***

*It is mandatory that the charter shall provide for the publication of all ordinances before they become operative, see C.L., 1948, sec. 117.3(k); Mich. Stat. Anno., sec. 5.2073.*

**SEC. 280 GENERAL PENALTY; RESTRICTION.**

When by the provisions of this charter the council has, authority to pass ordinances for any purpose, it may prescribe a penalty for each violation thereof. Such penalty shall be a fine or forfeiture of not exceeding \$500.00, or imprisonment for a period not exceeding 90 days, or both, in the discretion of the court, together with payment of the costs of prosecution. Such ordinance may further provide that in case any person shall fail to pay any fine so imposed, together with the costs of prosecution, that he may be imprisoned until such fine and costs shall be paid. Provided, however, that no person shall be imprisoned for a single violation of any ordinance for a longer period than 90 days. Such penalty shall be prescribed in the ordinance, and if imprisonment be adjudged in any case, the court may, in its discretion, direct that during imprisonment such offender be kept at hard labor. Such imprisonment shall be in the city prison (if there be one), the county jail of Wayne county, the Detroit house of correction, or in any other place of confinement provided by the city or by general or special laws of the state.

***Editor's note:***

*For state law restricting penalties for violation of ordinances, see C.L., 1948, sec. 117.4i(10); Mich. Stat. Anno., sec. 5.2082.*

**SEC. 281 ORDINANCES, RESOLUTIONS, REGULATIONS; EVIDENCE.**

Whenever it shall be necessary to prove any laws, regulations or ordinances of this city, or any resolution adopted by the council thereof, the same may be read in all courts and in all proceedings before any tribunal:



First — from a record thereof kept by the clerk.

Second — from a copy of the ordinance or of the record thereof, certified by the clerk, under the corporate seal of the city.

Third — from any compilation of ordinances or an individual ordinance purporting to have been written or printed by authority of the council.

***Editor's note:***

*For similar state law, see C.L., 1948, sec. 617.26; Mich. Stat. Anno., sec. 27.875.*

**SEC. 282 ORDINANCES; MUNICIPAL COURT, JURISDICTION; VIOLATIONS, PROSECUTIONS; RESTRICTION, TIME.**

Prosecution for violation of the ordinances shall be commenced within two years after the commission of the offense, and shall be brought within the city. Any municipal court or [municipal judge] of the city, shall have the authority to hear, try and determine all causes and suits arising under the ordinances of the city, and to inflict punishment for violations thereof as provided in the ordinances.

**SEC. 283 VIOLATIONS, PROSECUTIONS, PROCEDURE; PENALTIES; RECOVERY, ACTION IN ASSUMPSIT AUTHORISED; STATE LAW.**

Whenever a penalty shall be incurred for the violation of any ordinance, and no provision shall be made for imprisonment of the offender upon conviction thereof, such penalty may be recovered in an action of debt or in assumpsit. And when a corporation shall incur a penalty for the violation of any such ordinance, the same shall be sued for in one of the actions aforesaid. Prosecutions for violations of the ordinances of the city, may, in all cases, except against corporations, be commenced by warrant for the arrest of the offender. Such warrant shall be in the name of the People of the State of Michigan, and shall set forth the substance of the offense complained of, and shall be issued upon complaint made as provided for criminal cases cognizable by justices of the peace. The proceedings relating to the arrest and custody of the accused during the pendency of the suit, the pleadings, the proceedings in procuring the attendance and testimony of witnesses, and in the rendition of judgments and the execution thereof, shall, except as otherwise provided by this charter, be governed by and conform, as nearly as may be, to the provisions of law regulating proceedings in criminal cases cognizable by justices of the peace.

**SEC. 284 PLEADINGS; RULES OF PRACTICE.**

It shall not be necessary in any suit, proceeding or prosecution for the violation of any ordinance, to state or set forth such ordinance or any of the provisions thereof, in any complaint, warrant, process or pleading therein; but the same shall be deemed sufficiently set forth or stated by reciting its title and

the date of its passage, adoption or approval. It shall be a sufficient statement of the cause of action in any such complaint or warrant to set forth substantially, and with reasonable certainty, the act or offense complained of, the time when, and place where, committed and to allege the same to be in violation of an ordinance of the city, referring thereto by its title and the date of its passage, adoption or approval.

#### **SEC. 285 TRIAL BY JURY; JURY PANEL; JURORS, QUALIFICATIONS.**

In all prosecutions for violations of the ordinances of the city, either party may require a trial by jury. Such jury, except when other provision is made, shall consist of six persons, and, in suits commenced by warrant, such jurors shall be selected and examined as in criminal cases cognizable by justices of the peace, and, in suits commenced by summons, as in civil cases tryable before such justice of the peace. No inhabitant of the city shall be incompetent to serve as a juror in any cause in which the city is a party or interested, on account merely of such interest as he may have, in common with the other inhabitants of the city, in the results of the suit. If no jury be demanded by the defendant, the same shall be deemed to be waived.

#### **SEC. 286 CONVICTIONS; APPEALS; RULES OF PRACTICE.**

Any person convicted of a violation of any ordinance of the city in a suit commenced by warrant as aforesaid, may remove the judgment and proceedings into the circuit court of Wayne county by appeal or writ of certiorari. The time for such appeal or removal, the proceedings thereof, the bond or security to be given thereon, and the proceedings and disposition of the cause in the circuit court shall be the same as on appeal and certiorari in criminal cases cognizable by justices of the peace.

#### **SEC. 287 PROSECUTIONS; SECURITY FOR COSTS; REGULATIONS.**

In all prosecutions for violations of provisions of this charter or the ordinances of the city, commenced by any person other than an officer of the city, the court may require the complaining party to file security for the payment of the costs of the proceedings, in case the defendant is acquitted. But such complainant shall not be liable for the payment of costs in any proceeding if the [municipal judge] before whom the complaint is made or trial is had, shall certify in his minutes that there was probable cause for the making of such complaint.

#### **SEC. 288 PAYMENT OF FINES.**

All fines imposed for violations of provisions of this charter or the ordinances of the city, if paid before the accused is committed, shall be received by the clerk of the court before whom conviction is had. If any fine shall be collected upon execution, the officer or person receiving the same shall

immediately pay over the money collected to said clerk. If the accused be committed, payment of the fine and costs imposed shall be made to the sheriff or other keeper of the jail, prison or other place in which such person is confined. The person receiving such money shall within 30 days thereafter, pay the same to the clerk of the court who committed such offender, or to his successor in office.

#### **SEC. 289 FAILURE TO REMIT FINES, PENALTY.**

Any court, court clerk, or other person receiving any such fine, who shall wilfully neglect or refuse to pay over the same, as herein required, shall be deemed guilty of a misdemeanor and shall be punished as provided in the general penalty section of this charter. And it shall be the duty of the council to immediately cause suit to be commenced therefor, in the name of the city, and to prosecute the same.

*Editor's note:*

*For penalty, see sec. 505, infra.*

#### **SEC. 290 CITY PRISON; COUNCIL POWERS.**

The council shall have power to provide and maintain a city prison, either within or without the corporate limits of the city, and such watch or station houses as may be necessary, and may provide for the confinement therein of all persons liable to imprisonment or detention under this charter or the ordinances of the city, and for the employment of those imprisoned therein. All persons sentenced to confinement in such prison, and all persons imprisoned therein on execution for non-payment of fines imposed for violation of the provisions of this charter or of the ordinances of the city, may be kept at hard labor during the term of their imprisonment, either within or without the prison, under such regulations as the council may prescribe. The council shall, by appropriate resolution, provide for the payment to the dependents of such persons of all or any part of the value of such labor.

#### **SEC. 291 CONFINEMENT IN COUNTY JAIL; EXPENSE, PAYMENT.**

Any person liable to imprisonment under the ordinances of the city or under any provisions of this charter, may be sentenced to confinement in the jail of Wayne county, and when so sentenced the sheriff or the keeper of such jail shall receive and safely keep such person committed thereof as aforesaid, until lawfully discharged. In all cases of imprisonment for breaches of the penal laws of this state, such receiving and keeping in such jail shall be at the expense of Wayne county. In all other cases, it shall be at the expense of the city.



## ARTICLE 14: STREETS, ALLEYS AND PUBLIC WAYS

### Section

- Sec. 292 Supervision, control; council authority
- Sec. 293 Vacating, abolishing, etc. streets, etc.; procedure
- Sec. 294 Same; hearing, notice, objections
- Sec. 295 Surveys; records; prima facie evidence
- Sec. 296 Grades; establishing, altering; record required
- Sec. 297 Grades; damages, compensation; expense, payment
- Sec. 298 Improvements; council authority
- Sec. 299 Improvements; expense, payment
- Sec. 300 City and school property; assessments
- Sec. 301 Petitions for improvements; signatories, contents; verification, certification; hearing, notice
- Sec. 302 Cost of repaving streets, etc.; special assessments prohibited
- Sec. 303 Obstructions prohibited
- Sec. 304 Shade trees, lighting; council powers
- Sec. 305 Excavations; regulations authorized
- Sec. 306 Streets, etc.; use, regulation
- Sec. 307 Sidewalks; construction, repair
- Sec. 308 Sidewalks; snow, ice; removal
- Sec. 309 Sidewalks; construction, etc.; city authority; expense, recovery
- Sec. 310 Signs, awnings, excavations, etc.; council authority

### SEC. 292 SUPERVISION, CONTROL; COUNCIL AUTHORITY.

The council shall have supervision and control of all public highways, bridges, streets, avenues, alleys, sidewalks and public grounds within the city, and shall have the like authority over the same as is given by the general laws of the state.

**Editor's note:**

*The city may provide for the use, regulation, improvement and control of its streets, alleys and public ways, see C.L., 1948, sec. 117.4h(1); Mich. Stat. Anno., sec. 5.2081. For ordinance provisions, see Code of Ordinances, secs. 6-101 et seq.*

**SEC. 293 VACATING, ABOLISHING, ETC. STREETS, ETC.; PROCEDURE.**

The council shall have power to lay out, establish, open, make, widen, extend, straighten, alter, close, vacate or abolish any highway, street, lane, alley, sidewalk, sewer, drain, water-course, bridge or culvert in the city or change the name of any street whenever they shall deem the same a public improvement, or necessary for the public convenience; and if in so doing it shall be necessary to take or use private property, the same may be taken in the manner provided in this charter. The expense of such improvement may be paid by general tax or by special assessments upon the property adjacent to or benefited by such improvements, in the manner in this charter provided for levying and collecting special assessments, or in the discretion of the council, a portion of such cost and expenses may be paid by special assessments as aforesaid, and the balance from the general city funds.

***Editor's note:***

*For charter provisions relative to the appropriation of private property for public use, see secs. 414 et seq., infra.*

*For charter provisions relative to special assessments, see secs. 315 et seq., infra.*

**SEC. 294 SAME; HEARING, NOTICE, OBJECTIONS.**

When the council shall deem it advisable to vacate, discontinue or abolish any highway, street, lane, alley or public ground, or any part thereof, or change the name thereof, they shall by resolution so declare, and in the same resolution shall appoint a time not less than four weeks thereafter when they will meet and hear objections thereto; notice of such meeting, with a copy of said resolution, shall be given in such manner as shall be prescribed by ordinance or resolution. Objections to such proposed action of the council may be filed with the city clerk in writing and if any such shall be filed, the street, alley or public ground, or any part thereof, shall not be vacated, discontinued or abolished, or the name thereof changed except by a vote of five-sevenths of the council elect.

**SEC. 295 SURVEYS; RECORDS; PRIMA FACIE EVIDENCE.**

The council may cause all public streets, alleys and public grounds to be surveyed and may determine and establish the boundaries thereof, and cause the surveys and descriptions thereof to be recorded in the office of the engineer in the book of street records, and they shall cause surveys and descriptions of all streets, alleys and public grounds opened, laid out, altered, extended or accepted and confirmed by them to be recorded in like manner, and such record shall be prima facie evidence of the existence of such streets, alleys or public grounds, as in the records described. Every resolution or ordinance discontinuing or vacating any street, alley or public ground shall also be recorded in said book of street records and the record shall be prima facie evidence of all matters therein set forth.

**SEC. 296 GRADES; ESTABLISHING, ALTERING; RECORD REQUIRED.**

The council shall have authority to determine and establish the grade of all streets, avenues, alleys and public grounds within the city, and to require improvements and buildings adjacent to, or abutting upon such streets, alleys or grounds, to be made and constructed in conformity with such grade; and the council may change or alter the grade of any street, alley or public ground, or of any part thereof whenever in their opinion the public convenience will be promoted thereby. Whenever a grade shall be established or altered a record and diagram thereof shall be made in the book of street records in the office of the engineer.

**SEC. 297 GRADES; DAMAGES, COMPENSATION; EXPENSE, PAYMENT.**

Whenever the grade of any street or sidewalk shall have been heretofore or shall hereafter be established and improvements shall thereafter be made by the owner or occupant of the adjacent property in conformity with such grade, such grade shall not be changed without compensation to the owner for all damages to such property resulting therefrom, to be ascertained by a jury as in condemnation proceedings, or said damages may be ascertained and agreed upon by and between the city and the owner or occupant of such premises. Whenever such damage shall be ascertained or agreed upon, as heretofore provided, such damages or such part thereof as the council shall deem equitable and just, shall be paid by the city, or the council may cause such damages, or such part thereof as may be just and proper, to be assessed upon such real estate as may be benefited by reason of the change of such grade, and whenever the council shall determine to assess such damages, or any part thereof, upon the property benefited, it shall determine and define a district in the city which in its judgment is benefited by the improvement out of which said damages arise, and shall cause the same to be assessed upon such district, which said assessment shall be upon the owners or occupants of the real estate in said district, in proportion as nearly as may be to the advantage or benefit each lot, parcel, or subdivision is deemed to acquire by the improvement of which such damages arise; but the property on account of which such damages were awarded shall not be included in said district. The assessment shall be made, and the amount levied and collected in the same manner as other assessments on a district deemed to be benefited, in the grading and improvement of streets, as provided for in this charter; and all of the provisions of this charter relative to special assessments and the collection thereof, shall apply thereto. Such damages, when collected as aforesaid, or when determined upon by the city, shall be paid to the person entitled thereto.

***Editor's note:***

*For city authority to assess the costs of any public improvement to a special district, see C.L., 1948, sec. 117.4d(1); Mich. Stat. Anno., sec. 5.2077.*

**SEC. 298 IMPROVEMENTS; COUNCIL AUTHORITY.**

The council shall have authority to construct and maintain bridges and culverts where needed; and to grade, pave, curb, gravel, plank, and otherwise improve and repair the highways, streets, lanes, avenues and alleys of the city.

**SEC. 299 IMPROVEMENTS; EXPENSE, PAYMENT.**

The expense of constructing and maintaining bridges, and the whole, or such part as the council shall determine, of the expense of paving, improving and working, including grading and graveling upon the streets, alleys and highways, may be paid from the general city funds, to be raised by tax upon all the property in the city. The expense of grading, paving or graveling or otherwise improving any street, alley or highway, may be defrayed by a special assessment upon the lots and premises abutting upon such improvement, or a part of such expense may be so paid and the remainder may be paid from the general city funds, as the council may decide. The lots and premises abutting upon a street, alley or highway improvement as aforesaid, shall constitute a special assessment district. The term 'paving' shall include curbing and the construction of crosswalks in the paved streets. All assessments for street improvements shall be made upon the abutting lots and premises according to the number of feet frontage upon the improvement, and all assessments for alley improvements shall be made upon abutting lots and premises according to the benefits received by such lots and premises. When such assessment is to be made upon lots in proportion to their frontage upon the improvement, if from the shape or size of any lot an assessment thereon in proportion to the frontage would be unjust and disproportionate to the assessment upon other lots, the council or assessor making the assessments may assess such lot for such number of feet frontage as in their opinion will be just.

**SEC. 300 CITY AND SCHOOL PROPERTY; ASSESSMENTS.**

When expenses for any such improvement shall be assessed in a special assessment district, and there shall be lands belonging to the city or school district fronting upon such improvement, such part of the expense of such improvement as in the opinion of the council or assessor making the special assessment would be justly apportionable to such city or school district property, and to any interior squares or spaces formed by the intersection of streets, were they assessable, shall be paid from the general city funds, and the balance of such expense shall be assessed upon the remaining lots and premises included in the special assessment district.

**SEC. 301 PETITIONS FOR IMPROVEMENTS; SIGNATORIES, CONTENTS; VERIFICATION, CERTIFICATION; HEARING, NOTICE.**

No special assessment to defray the cost and expense of improving any street, lane or alley, or part thereof, by grading, paving or curbing, shall be made upon lands included in a special assessment district, to be constituted of the lands fronting or abutting upon the street, lane or alley, or part thereof, proposed to be improved, except as in this section provided, as follows:

If a petition for such improvement shall be received by the council and filed with the city clerk, which petition must be signed by a majority of the resident taxpayers living upon such street, lane or alley, or part thereof, to be improved, then the council may make such improvement, and make a special



assessment therefor, as in this charter provided. Such petition shall be signed by the owners of such abutting property, signatures to be followed by a statement of the number of feet frontage and description of the property owned by each respectively. Such petition shall be verified by the affidavit of the owners or some proper person or persons, with knowledge that said signers are such owners and that said signatures are genuine.

The city engineer shall certify to the council the total number of feet frontage abutting upon said proposed improvement.

Notice of the filing of the aforesaid petition for paving shall be given in the notice of the meeting of the council to hear objections to the making of the improvement, and objections to the sufficiency of the petition may be made at such meeting.

The determination of the council after such hearing, shall be final, as to the sufficiency of the petition.

Provided, however, that when the council shall, by a five-sevenths vote of its members elect, declare that the paving or improvement of any street, alley or portion thereof, is a necessary public improvement, and that such improvement will be a benefit to the property abutting thereon to the extent of a percentage of the cost of the improvement, which shall be set forth in said resolution, the council may thereupon, without any petition, make such improvement and levy a special assessment upon the abutting property for the proportion of the cost fixed in said resolution, subject to the provisions of this charter.

#### **SEC. 302 COST OF REPAVING STREETS, ETC.; SPECIAL ASSESSMENTS PROHIBITED.**

No special assessment shall be made to defray the cost, or any portion of the cost, of repaving or repairing any street, lane or alley, where the cost of the original improvement has been paid by special assessment. In case a portion of the property within any assessment district, shall have been paid by special assessment for the original improvement, such property shall be credited with payments as in case of reassessment as in this charter provided.

#### **SEC. 303 OBSTRUCTIONS PROHIBITED.**

The council shall have power to prohibit and prevent obstructions and encumbrances in and encroachments upon the public highways, streets and alleys of the city, and remove the same; and to punish those who shall obstruct, encumber, encroach, or maintain any encroachment upon or in any such highway, street or alley; and to require all such persons to remove every such obstruction, encumbrance or encroachment.

**SEC. 304 SHADE TREES, LIGHTING; COUNCIL POWERS.**

The council shall provide for and regulate the planting of shade and ornamental trees in public highways, streets and avenues of the city; and for the protection thereof, and the trimming of all trees in or that overhang such highways, streets or avenues, or which obstruct public lighting, and may light the streets and public places, and regulate the setting of lamp posts therein and protect the same. Within three months after the election at which this charter shall have been adopted, the council shall enact such ordinances as will cause all billboards then within the city to be removed and which will prohibit the erection thereafter of billboards within the city.

**SEC. 305 EXCAVATIONS; REGULATIONS AUTHORIZED.**

The council may regulate the making of all openings in and removals of earth from public streets and alleys for the laying or repair of sewers, drains, tunnels, gas pipes, water pipes, or for any other purpose; and may prohibit and prevent all such openings and removals of earth except by permission of the council, and at such times and upon such terms and regulations as they may prescribe.

**SEC. 306 STREETS, ETC.; USE, REGULATION.**

The council may regulate the use of public highways, streets, avenues and alleys of the city, subject to the right of travel and passage therein. They shall have authority to prescribe the stands for all vehicles kept for hire, or used for the transportation of persons or property for hire; to designate the places where loads of wood, coal, hay and other articles may stand for sale; to regulate traffic, and the sales in the streets and upon sidewalks; to regulate or prohibit the display of goods and merchandise or the display, use or placing of signs, advertisements, banners, awnings, posts, poles or lamps in or over the streets; to regulate or prohibit all such sports, amusement proceedings and gatherings of crowds in the streets as may interfere with the lawful use thereof or render travel or passage therein inconvenient or unsafe; to prohibit and prevent the running at large of beasts and fowls in the streets or elsewhere in the city, and to impose penalties upon the owners or keepers thereof permitting the same; to cleanse and to purify the streets, and to prohibit, prevent, remove and abate all nuisances therein, and to require the authors and maintainers thereof to remove the same, and to punish them for the creation or maintenance thereof, and generally to prescribe and enforce all such police regulations over and in respect to the public streets as may be necessary to secure good order and safety to persons and property in the lawful use thereof, and to promote the general welfare; and in addition to all other powers herein granted, the council shall have the same authority and the powers herein in respect to the public streets of the city as are conferred by law upon highway commissioners in townships.

***Editor's note:***

*For similar state law, see C.L., 1948, sec. 117.4h(1); Mich. Stat. Anno., sec. 5.2081.*

**SEC. 307 SIDEWALKS; CONSTRUCTION, REPAIR.**

The council shall have control of all sidewalks in the public streets and alleys of the city and may prescribe the grade thereof, and change the same when deemed necessary. They shall have power to build, maintain and keep in repair sidewalks and crosswalks in the public streets and alleys, and to charge the expense of constructing and maintaining such sidewalks upon the lots and premises adjacent to and abutting upon such sidewalks. The council shall also have authority to require the owners and occupants of lots and premises to build, rebuild and maintain 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, or the council may by a five-sevenths vote of all the councilmen-elect pay such part of the expense of building or rebuilding, maintaining and keeping in repair such walk as they may deem proper from the general city funds.

***Editor's note:***

*For ordinance provisions relative to sidewalks, see Code of Ordinances, secs. 6-101 et seq.*

**SEC. 308 SIDEWALKS; SNOW, ICE; REMOVAL.**

The council shall by ordinance or resolution cause and require the owners and occupants of any lot or premises to remove all snow and ice from the sidewalks in front of or adjacent to such lots and premises, and to keep the same free from obstructions, encroachments, encumbrances, filth and other nuisances.

***Editor's note:***

*See Code of Ordinances, sec. 6-102.*

**SEC. 309 SIDEWALKS; CONSTRUCTION, ETC.; CITY AUTHORITY; EXPENSE, RECOVERY.**

If the owner or occupant of any lot or premises shall fail to construct or maintain any particular sidewalk, as mentioned and prescribed in the section above, or shall fail to keep the same in repair, or to remove the snow, ice and filth therefrom, or to remove and keep the same free from obstructions, encroachments, encumbrances or other nuisances, or shall fail to perform any other duty required by the council in respect to such sidewalks, within such times and such manner as the council shall require, the council may cause the same to be done, at the expense of such owner or occupant, and the council may cause the amount of all expenses incurred thereby, to be reported to the city treasurer who shall cause a notice of such assessment to be mailed to the owners of said premises if known. If the amount of said assessment is not paid to said treasurer within a period of 60 days from the date of mailing such notice, the treasurer shall report the same to the council, and the council shall report the same to the assessor, to be by him levied, together with a penalty of ten per cent in addition thereto, as a special assessment

upon the lot or premises adjacent to and abutting upon such sidewalk, which special assessment shall be subject to review after proper notice has been given as in all other cases of special assessments provided for by this charter; and such assessment when confirmed shall be a lien upon such lot or premises the same as other special assessments and all proceedings subsequent to confirmation provided for in this charter, in relation to special assessments shall apply thereto; or the city may collect such amount together with the penalty aforesaid, from the owner or occupant of such premises in action of assumpsit, together with costs of suit.

***Editor's note:***

*For charter provisions relative to special assessments, see secs. 315 et seq., infra.*

*For specific authority to institute an action in assumpsit to recover unpaid assessments, see C.L., 1948, sec. 211.501; Mich, Stat. Anno., sec. 7.721.*

### **SEC. 310 SIGNS, AWNINGS, EXCAVATIONS, ETC.; COUNCIL AUTHORITY.**

The council shall have power to regulate and prohibit the placing of signs, awnings, awning posts and other things upon or over sidewalks, and to regulate, license or prohibit the construction and use of openings in the sidewalks, and of all vaults, structures and excavations under the same.

***Editor's note:***

*For ordinance provisions relative to signs, see Code of Ordinances, secs. 7-701 et seq.*

## ARTICLE 15: SEWERS

### Section

- Sec. 311 Construction, etc.; council powers
- Sec. 312 Sewer protection; ordinances authorized
- Sec. 313 Expense, payment
- Sec. 314 Private drains; connection with public sewers

### SEC. 311 CONSTRUCTION, ETC.; COUNCIL POWERS.

The council may establish, construct and maintain, either within or without its corporate limits, sewers, sewer pumps, drains and water courses whenever and wherever necessary, and of such dimensions and materials, and under such regulations as they may deem proper for the drainage of the city and private property, or the use thereof, may be acquired therefor either by purchase or condemnation. But in all cases where the council shall deem it practicable, such sewer, drain, sewer sumps and water courses shall be constructed in the public streets and grounds.

**Editor's note:**

*For city authority relative to the installation and connection of sewers, assessing costs, borrowing money and issuing bonds in anticipation of the collection of special assessments, see C.L., 1948, sec. 117.4b(2); Mich. Stat. Anno., sec. 5.2075.*

*For city authority to acquire private property for any public purpose, see C.L., 1948, sec. 117.4e(2); Mich. Stat. Anno., sec. 5.2078. For specific charter provisions, see secs. 414 et seq., infra.*

### SEC. 312 SEWER PROTECTION; ORDINANCES AUTHORIZED.

The council may enact such ordinances as may be necessary for the protection and control of the public drains, sewers and sewer sumps, either within or without the corporate limits, and to carry into effect the powers herein conferred in respect to the drainage of the city.

**Editor's note:**

*For ordinance relative to sewers, see Code of Ordinances, secs. 6-401 et seq.*

**SEC. 313 EXPENSE, PAYMENT.**

The expense of constructing, reconstructing or repairing and improving sewers, sewer sumps, drains, ditches and water courses may be paid by general tax upon all the taxable property in the city; or such expenses may be defrayed by special assessments upon the lands and premises benefited by the drainage, in proportion to the benefits resulting to each lot or parcel of land respectively; or such part of the expense as the council shall determine may be defrayed by special assessment, and the remainder may be paid by general tax.

**SEC. 314 PRIVATE DRAINS; CONNECTION WITH PUBLIC SEWERS.**

Whenever the council shall deem it necessary for the public health, they may require the owners and occupants of lots and premises to construct private drains therefrom to connect with some public sewer or drain, and thereby to drain such lots and premises; and to keep such private drains in repair and free from obstruction and nuisances; and if such private drains are not constructed and maintained according to such requirement, the council may cause the work to be done at the expense of such owner or occupant, and the amount of such expense shall be a lien upon the premises drained, and may be collected by special assessment to be levied thereon.

The owners and occupants of lots and premises shall have the right to connect the same, at their own expense, by means of private drains, with the public sewers and drains under such rules and regulations as the council shall prescribe.

## ARTICLE 16: SPECIAL ASSESSMENTS

### Section

- Sec. 315 Improvements; expense, defrayal
- Sec. 316 Improvements; special assessment districts; costs, city authority
- Sec. 317 Estimates of cost; hearing, notice; required
- Sec. 318 Surveys, plans, etc., included in costs
- Sec. 319 Bids required; council authority
- Sec. 320 Special assessments; procedure
- Sec. 321 Notice, publication
- Sec. 322 Special assessment roll; review, confirmation
- Sec. 323 Same; confirmation conclusive
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- Sec. 328 Divided lots; apportionment of assessments
- Sec. 329 Insufficiency; additional assessments authorized; excess, refund
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- Sec. 332 Special assessment roll; delivery to city treasurer; warrant; notice, publication
- Sec. 333 Collection; city treasurer, powers and duties
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- Sec. 340 Same; special assessment, procedure
- Sec. 341 Special assessment bonds; regulations
- Sec. 342 Contesting assessments; restrictions; notice required
- Sec. 343 Special assessments; separate fund required

**SEC. 315 IMPROVEMENTS; EXPENSE, DEFRAVAL.**

The cost and expense of the following improvements, including the necessary lands therefor, viz.: offices for the use of the city officers, structures for the division of fire service and for water works and lighting purposes, parks, public stations, city prisons, hospitals and other public buildings, shall be paid from the proper general fund of the city. When by the provisions of this charter, the cost and expenses of any local or public improvement may be defrayed in whole or in part by special assessment, upon lands abutting upon or adjacent to or otherwise benefited by the improvement, such assessment may be made as in this chapter [article] provided.

**SEC. 316 IMPROVEMENTS; SPECIAL ASSESSMENT DISTRICTS; COSTS, CITY AUTHORITY.**

When the council shall determine to make any public improvement and defray the whole or any part of the costs and expenses thereof by special assessment, they shall so declare by resolution, stating the improvement, and what part or proportion of the expenses thereof shall be paid by special assessments, and what part, if any, from the general funds of the city, and shall designate the district or lands and premises upon which the special assessments shall be levied. The council may, in its discretion, divide any improvement into parts or sections and provide for the separate construction of such parts or sections and may establish a separate special assessment district for each part or section, and may issue bonds against such separate districts in the manner hereinafter provided.

***Editor's note:***

*For city authority to assess the costs of any public improvement to a special district, see C.L., 1948, sec. 117.4d(1); Mich. Stat. Anno., sec. 5.2077.*

*For city authority to borrow money and issue bonds therefor in anticipation of the payment of special assessments, see C.L., 1948, sec. 117.4a(2); Mich. Stat. Anno., sec. 5.2074.*

**SEC. 317 ESTIMATES OF COST; HEARING, NOTICE; REQUIRED.**

Before ordering any public improvement, any part of the expense of which is to be defrayed by special assessment, the council shall cause estimates of the expense thereof to be made, and also maps and plans, when practicable, of the work and of the locality to be improved, and deposit the same with the clerk for public examination; and they shall give notice thereof and of the proposed improvement or work and of the locality to be improved, and deposit the same with the clerk for public examination; and they shall give notice thereof and of the proposed improvement or work and of the district to be assessed, and of the times when the council will meet and consider any objections thereto, by publication at least twice, the last publication to be at least one week prior to such hearing, in a newspaper of general circulation in the city, to be designated by the council, and by posting notices in three public places in each district at least ten days prior to the date of hearing.



**SEC. 318 SURVEYS, PLANS, ETC., INCLUDED IN COSTS.**

The costs and expenses of any improvement which may be defrayed by special assessment shall include the costs of surveys, plans, assessments, costs of construction, and all other costs incurred in making the improvement.

**SEC. 319 BIDS REQUIRED; COUNCIL AUTHORITY.**

Before any special assessment shall be directed to be made, to defray the cost, or any portion thereof, of any improvement to be made, the council shall advertise in manner as it may determine, for proposals for making said improvements, and receive and open the same. The council may reject any or all such bids and may, in its discretion, make such improvement by the proper officers and agents of the city.

**SEC. 320 SPECIAL ASSESSMENTS; PROCEDURE.**

When any special assessment is to be made pro rata upon the lots and premises in any special assessment district, according to the frontage or benefit, the council shall by resolution direct the same to be made by the assessor and shall state therein the amount to be assessed, and whether according to frontage or benefits, and describe or designate the lots and premises, or locality constituting the district to be assessed. Upon receiving such order and directions, the assessor shall make out an assessment roll, entering and describing therein all the lots, premises and parcels of land to be assessed, and the valuation thereof, with the names of the persons, if known, chargeable with the assessments thereon, and shall levy thereon and against such persons the amount to be assessed, in the manner directed by the council and the provisions of this charter, applicable to the assessment, and when such assessment is completed, the assessor shall report the same to the council. If the assessment is required to be according to the frontage, the assessor shall assess to each lot or parcel of land such relative portion of the whole amount to be levied as the length and front of such premises abutting upon the improvement bears to the whole frontage of all the lots to be assessed, unless on account of the shape or size of any lot, an assessment for a different number of feet would be more equitable. If the assessment is directed to be according to benefits, the assessor shall assess upon each lot such relative portion of the whole sum to be levied as shall be proportionate to the estimated benefit resulting to each lot from the improvement.

**SEC. 321 NOTICE, PUBLICATION.**

When any special assessment shall be reported by the assessor to the council, as in this charter directed, the same shall be filed in the office of the clerk and numbered consecutively. Before adopting the assessment, the council shall cause notice to be published at least twice, the last publication to be at least one week prior to the date set for review of the assessment, in a newspaper of general circulation

in the city, to be designated by the council, and shall also cause notice to be posted in three public places in the district at least ten days prior to the date set for the review, of the filing of the same with the clerk, and designating a time and place when and where the council and assessor will meet to review the assessment and to hear any objections thereto.

#### **SEC. 322 SPECIAL ASSESSMENT ROLL; REVIEW, CONFIRMATION.**

At the time appointed for the purpose aforesaid, the council and assessor shall meet, and there, or at some adjourned meeting, review the assessment and hear any objections to any assessment which may be made by any person deeming himself aggrieved thereby; and the council shall correct the same if necessary, and confirm it as reported or as corrected; or it may refer the assessment back to the assessor for revision, or annul it and direct a new assessment, in which case the same proceedings shall be held as in respect to the previous assessment. When a special assessment shall be confirmed, the clerk shall endorse a certificate thereof upon the roll, showing the date of confirmation.

#### **SEC. 323 SAME; CONFIRMATION CONCLUSIVE.**

When any special assessment shall be confirmed by the council, it shall be final and conclusive.

#### **SEC. 324 LIEN AGAINST PROPERTY.**

All special assessments, including deferred payments, shall, from the date of confirmation thereof, constitute a lien upon the respective lots or parcels of land assessed, and shall be a charge against the respective owners of the several parcels so assessed until paid. Provided, however, that in no case shall the whole amount to be levied by special assessment upon any lot or premises for any one improvement exceed in amount 25 per cent of the value of such lot or premises as valued and assessed in the last preceding tax roll. Any cost exceeding such per cent which would otherwise be chargeable to such lot or premises shall be paid from the proper general funds of the city.

#### **SEC. 325 INSTALLMENT PAYMENTS, LIMITATION.**

Upon the confirmation of any special assessment, the amounts thereof may be divided into not more than five installments, one of which shall be collected each year. The first installment shall become due and payable from the date of confirmation of the roll, and installments two, three and four and five shall become due and payable in one, two, three and four years respectively, from the date of said confirmation. All special assessments, except such installments thereof as the council shall make payable at a future time, as provided in this section, shall be due and payable from the date of confirmation of

the roll. Any assessment or part thereof not paid within 60 days from the date when due will be deemed to be delinquent.

#### **SEC. 326 INTEREST; DELINQUENCY, PENALTY.**

Within 60 days from the date of the confirmation of any special assessment roll, all, or any part of the amount thereof may be paid without interest, but any part of said assessment due and not paid within said 60 days shall bear interest from the date of confirmation of said roll at the rate of one-half of one per cent per month for each and every month or fraction thereof that the same remains unpaid, until such part becomes delinquent. When any part of a special assessment becomes delinquent, then from the date of such delinquency, interest at the rate of one per cent per month shall be charged for each and every month or fraction thereof that the same remains unpaid before being reassessed upon the city tax roll as hereinafter provided.

#### **SEC. 327 SPECIAL ASSESSMENT ROLL; COLUMNS FOR INSTALLMENTS.**

Whenever any special assessment shall be divided into installments, a special column on the roll shall be made for each installment and the accrued interest upon all unpaid installments shall be computed to the time of the making of the deferred payments. The roll and all installments thereof shall be made and reviewed as an original roll, and confirmation of the roll shall be confirmation of each and all installments, and the installments shall be collected when due without further review or confirmation.

#### **SEC. 328 DIVIDED LOTS; APPORTIONMENT OF ASSESSMENTS.**

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

#### **SEC. 329 INSUFFICIENCY; ADDITIONAL ASSESSMENTS AUTHORIZED; EXCESS, REFUND.**

Should any special assessment prove insufficient to pay for the improvement or work for which it was levied, and the expenses incident thereto, the council may make an additional pro rata assessment to supply the deficiency; and in case a larger amount shall have been collected than was necessary, the excess shall be refunded ratably to those by whom it was paid, or transferred to the sinking fund at the discretion of the council.

**SEC. 330 INVALIDITY; RE-ASSESSMENTS AUTHORIZED.**

Whenever any special assessment shall, in the opinion of the council, be invalid by reason of any irregularity or informality in the proceedings, or if any court of competent jurisdiction shall adjudge such assessment to be illegal, the council shall, whether the improvement has been made or not, or whether any part of the assessments have been paid or not, have power to cause a new assessment to be made for the same purpose for which the former assessment was made. All the proceedings on such reassessment and for the collection thereof shall be conducted in the same manner as provided for the original assessment and whenever any sum or any part thereof levied upon any premises in the assessment so set aside has been paid and not refunded, the payment so made shall be applied upon the reassessment of said premises, and the reassessment shall to that extent be deemed satisfied. Provided[;] that if any special assessment at any time made to pay the cost of any improvement which has been completed and on the faith and credit of which bonds have been issued, shall be found to be invalid by reason of jurisdictional defects, whether from invalidity of any law or otherwise, the council shall have power to reassess under the provisions of this charter to the extent of the actual cost of the improvement, crediting all sums that have been paid under such invalid assessment on any new assessment levied, refunding the excess, if any there be, under the provisions of this section, and equitably distributing the cost of said improvement upon the property in the district benefited under the provisions of this charter. Such reassessment may be made as if all jurisdictional conditions precedent to the making of the assessment under the provisions of this charter had been complied with. The provisions of this section shall apply where the improvement was made or the proceedings for an improvement, or some part thereof, taken under the jurisdiction of the village of River Rouge.

**SEC. 331 LIENS UNIMPAIRED.**

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

**SEC. 332 SPECIAL ASSESSMENT ROLL; DELIVERY TO CITY TREASURER;  
WARRANT; NOTICE, PUBLICATION.**

When any special assessment shall be confirmed, the council shall direct the assessment so made in the special assessment roll to be collected. The city clerk shall thereupon deliver to the city treasurer said special assessment roll to which he shall attach his warrant commanding the city treasurer to collect from each of the persons assessed in said roll the amount of money assessed to and set opposite his name therein, and in case any person named in said roll shall neglect or refuse to pay his assessment, or any part thereof, upon demand, after the same has become due, then to levy and collect the same by distress and sale of the goods and chattels of such person. Said warrant shall require the city treasurer, on the

first Monday of June following the date when such assessment, or any part thereof, has become delinquent, to submit to the council a sworn statement of all assessments or parts thereof in said roll which have become delinquent and are unpaid, which shall include a list of persons delinquent, if known, a description of the lots and premises upon which the assessments remain unpaid, and the amount unpaid on each. After the delivery of said assessment roll to the city treasurer the city clerk shall cause to be inserted in a newspaper of general circulation in the city the notice that said assessment roll has been placed in the hands of the treasurer for collection and the time when said assessment is due and payable.

### **SEC. 333 COLLECTION; CITY TREASURER, POWERS AND DUTIES.**

Upon receiving said assessment roll and warrant, the city treasurer shall proceed to collect the amounts assessed therein. If any person shall neglect or refuse to pay his assessment, or any part thereof, upon demand, after the same has become delinquent, the treasurer shall seize and levy upon any personal property found within the city or elsewhere in the county, or within any adjoining county, belonging to such person, and sell the same at public auction, first giving six days' notice of the time and place of such sale, by posting such notices in three of the most public places in the city, village or township where such property may be found. The proceeds of such sale or so much thereof as may be necessary for that purpose, shall be applied to the payment of the assessment, and a percentage of five per centum upon the amount of the assessment for the costs and expenses of said seizure and sale, and the surplus, if any, shall be paid to the person entitled thereto.

### **SEC. 334 UNPAID ASSESSMENTS; TRANSFER TO TAX ROLL.**

In case any assessment, or any part thereof, shall remain unpaid on the first day of June following the date when the same became delinquent, and shall be reported unpaid by the treasurer to the council, as aforesaid, the same, together with all accrued interest, shall be transferred and reassessed on the next annual city tax roll in a column headed 'special assessments' with a penalty of five per cent upon such total amount added thereto, and when so transferred and reassessed upon said tax roll, shall be collected and paid in all respects as provided for the collection of city taxes.

### **SEC. 335 SAME; ACTION IN ASSUMPSIT AUTHORIZED.**

At any time after a special assessment, or any installment thereof, has become payable, the same, together with all interest and other charges, may be collected by suit, in the name of the city, against the person assessed in an action of assumpsit, in any court having jurisdiction of the amount. In every such action a declaration upon the common counts for money paid shall be sufficient. The special assessment roll and a certified copy of the order or resolution confirming the same shall be prima facie evidence of

the regularity of all the proceedings in making the assessment, and of the right of the city to recover judgment therefor.

*Editor's note:*

*For specific authority to institute an action in assumpsit to recover unpaid assessments, see C.L., 1948, sec. 211.501; Mich. Stat. Anno., sec. 7.721.*

**SEC. 336 SAME; IRREGULARITY, INFORMALITY; COURT, AUTHORITY.**

If in any such action it shall appear that by reason of any irregularity or informality, the assessment has not been properly made against the defendant or upon the premises sought to be charged, the court may, nevertheless, on satisfactory proof that expense has been incurred by the city which is a proper charge against the defendant or the premises in question, render judgment for the amount properly charged against such defendant or upon such premises.

**SEC. 337 SAME; VILLAGE ASSESSMENTS; RECOVERY, CITY AUTHORITY.**

The provisions of the last two preceding sections shall apply as well to assessments made under the jurisdiction of the village of River Rouge and remaining unpaid as to those made under the jurisdiction of the city of River Rouge.

**SEC. 338 SEPARATE SINGLE PREMISES; EXPENSE, REPORT TO COUNCIL.**

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

**SEC. 339 SAME; EXPENSE, REPORT TO ASSESSOR REQUIRED.**

The council shall determine what amount or part of every such expense shall be charged, and the person, if known, against whom, and the premises upon which 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 lots or premises, and the persons chargeable therewith respectively, to be reported by the city clerk to the assessor for assessment.

**SEC. 340 SAME; SPECIAL ASSESSMENT, PROCEDURE.**

Upon receiving the report mentioned in the preceding section, the assessor shall make a special assessment roll, and levy, as a special assessment therein upon each lot or parcel of land so reported to him and against the persons chargeable therewith, if known, the whole amount or amounts of all the charges so directed to be levied upon each of such lots or premises respectively, and when completed he shall report the assessment to the council, and thereupon the same proceeding shall be had and with like effect as is provided in this chapter [article] in other cases of special assessments; except, that notice of the meeting to review and hear objections to the special assessments provided for in this and the two preceding sections shall be given by publication only, in the manner provided in section 7 [321] of this chapter [article].

**SEC. 341 SPECIAL ASSESSMENT BONDS; REGULATIONS.**

The council is authorized and empowered to issue bonds to the amount of any special assessment, or to the amount of the aggregate of all the installments of a special assessment, in anticipation of the collection thereof. Such bonds shall draw interest not exceeding six per cent per annum, as the council may determine, and shall be payable out of the special assessment district fund when the assessment is collected. Such bonds shall be payable in two years, or less, as the council shall determine, from the time limited for the collection of the special assessment by the city treasurer. If the assessment is divided into installments, the bonds shall be apportioned against the amounts of the several installments as the council may determine, and shall severally be payable in two years or less from the time for the collection of the several installments by the city treasurer. The assessment when collected shall be set apart into a separate fund for the payment of such bonds. Contractors for the construction of street pavements and sewers may be required to take their pay in said bonds. Said bonds in no event shall be sold, or otherwise disposed of at less than their par value. Whenever there shall be any portion of the cost of any such improvement assumed by or charged to the city generally, the council may divide the same into not more than five equal installments to be paid as in this chapter [article] provided for assessments divided into installments, and may issue bonds therefor in like manner as in this section provided in case of special assessment.

***Editor's note:***

*For city authority to borrow money and issue bonds therefor in anticipation of the payment of special assessments, see C.L., 1948, sec. 117.4a(2); Mich. Stat. Anno., sec. 5.2074.*

**SEC. 342 CONTESTING ASSESSMENTS; RESTRICTIONS; NOTICE REQUIRED.**

Unless within 60 days from the date on which any special assessment is confirmed by the council, notice is given in writing to the council of the intention of contesting or enjoining the collection of any such special assessment for the construction or repairing of any pavement, sidewalk, sewer or other

public improvement, 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.

**SEC. 343 SPECIAL ASSESSMENTS; SEPARATE FUND REQUIRED.**

Moneys raised by special assessments to pay the cost of the local improvement shall be held as a special fund to pay such cost and expense, or to repay moneys borrowed therefor.



## ARTICLE 17: TAXATION AND FINANCE

### Section

- Sec. 344 General taxes; council powers
- Sec. 345 Estimates of expenditures; preparation, contents
- Sec. 346 Taxes; revenues divided into enumerated funds
- Sec. 347 Power to tax; limitation
- Sec. 348 Assessment roll; preparation; city assessor, duties
- Sec. 349 Same; delivery to board of review
- Sec. 350 Assessment roll; board of review, powers and duties
- Sec. 351 Same; record of changes
- Sec. 352 Same; endorsement; validity conclusively presumed
- Sec. 353 Assessment roll; same for all taxes; general tax roll
- Sec. 354 School taxes; duties of officers
- Sec. 355 Tax levy; certification to treasurer
- Sec. 356 Same; certification to assessor
- Sec. 357 City tax roll, preparation; city assessor, duties
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- Sec. 361 Taxes; collection, due date, interest
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- Sec. 372 Same; submission to electors
- Sec. 373 Bonds; interest; record required
- Sec. 374 Bonds; form, contents; proceeds; use, restriction; penalty
- Sec. 375 Net bonded indebtedness, limitation
- Sec. 376 Bonds; sinking fund required

- Sec. 377 Emergency loans; council powers
- Sec. 378 Payment of judgments; bonds authorized
- Sec. 379 Tax certificates, issuance
- Sec. 380 Taxes, assessments; vacation, refund; council powers
- Sec. 381 Withdrawals from treasury, restriction
- Sec. 382 Receipts, disbursements; annual statement required, publication

#### **SEC. 344 GENERAL TAXES; COUNCIL POWERS.**

The council of the city of River Rouge shall have authority, within the limitations herein prescribed, to raise annually by general tax upon the real and personal property liable to taxation in said city, such sums of money as it shall deem necessary to defray the expenses and pay the liabilities of said city and to carry into effect the powers in this charter granted.

***Editor's note:***

*It is mandatory that the charter shall provide for an annual appropriation of money for municipal purposes, see C.L., 1948, sec. 117.3(h); Mich. Stat. Anno., sec. 5.2073.*

#### **SEC. 345 ESTIMATES OF EXPENDITURES; PREPARATION, CONTENTS.**

On or before the first Monday in May of each year the mayor or commissioner assigned to any department, shall prepare and file with the city clerk, estimates of the expense of operation of their various departments for the period of one year next succeeding the first day of July following. Such estimates shall be tabulated by the city clerk and transmitted to the council. Such estimates shall be accompanied by statistics of the amount appropriated for the current year balance on hand or over-draft, or deficiency by reason of uncollected taxes or otherwise. The council, shall, on or before the Tuesday following the fourth Monday in May, by resolution appearing upon the minutes, designate the sums allowed and appropriated and to be raised by taxation for the various funds. The city clerk shall prepare estimates for the general expenses of the city not included in the estimates hereinbefore provided for.

***Editor's note:***

*It is mandatory that the charter shall provide for annually levying and collecting taxes, see C.L., 1948, sec. 117.3(g); Mich. Stat. Anno., sec. 5.2073.*

*This section constitutes an amendment adopted by the electors on April 4, 1932.*

#### **SEC. 346 TAXES; REVENUES DIVIDED INTO ENUMERATED FUNDS.**

All revenues raised by general tax upon all the property in the city, or by loan to be repaid by such tax, shall be divided into so many of the following funds as are necessary:

First: General fund — to defray the general expenses and liabilities of the corporation and to carry into effect the powers in this charter granted, except as in this section set forth.

Second: Sinking fund — irrevocably pledged to pay the bonded debt of the city.

Third: Such other funds as the council may from time to time constitute.

#### **SEC. 347 POWER TO TAX; LIMITATION.**

The aggregate amount which the council may raise by general tax upon the taxable real and personal property in the city, for any and all purposes of the corporation, shall not, except as herein otherwise provided, exceed in any one year, 2 per cent of the assessed value of such property, as limited by the general laws of the state of Michigan.

#### **SEC. 348 ASSESSMENT ROLL; PREPARATION; CITY ASSESSOR, DUTIES.**

Between January 1st and the first meeting of the board of review in each year, the city assessor shall make and complete an assessment roll in the manner and form provided in the general tax law for the assessment of property in townships and in so doing he shall conform to the provisions of the general law regarding the actions of the supervisors in townships of this state performing like duties, except as otherwise provided in this charter.

*Editor's note:*

*Ibid.*

#### **SEC. 349 SAME; DELIVERY TO BOARD OF REVIEW.**

The assessor shall sign and deliver the assessment roll to the board of review at its first meeting.

*Editor's note:*

*Ibid.*

#### **SEC. 350 ASSESSMENT ROLL; BOARD OF REVIEW, POWERS AND DUTIES.**

On the second Monday in May in each year at 9:00 o'clock in the forenoon the board of review shall meet in the council room in the city hall, at which time the city assessor shall submit to it the assessment roll of the city for the current year as prepared by him. The board shall remain in session for five consecutive days from 9:00 o'clock in the forenoon until 12:00 o'clock noon and from 2:00 o'clock in the afternoon to 5:00 o'clock in the afternoon, during which time it shall examine and review said special assessment roll and may on its own motion on application and cause shown add to the assessment roll any names or property which should be added thereto, strike therefrom any names or property which in its judgment should be stricken off, correct all errors in the names of persons or descriptions of property on such roll or in the assessment and valuation of property raised thereon and shall do whatever else may be necessary to make said roll comply with the tax laws of the state of Michigan and the provisions of this charter applicable thereto, in force at the time. It shall pass upon each valuation and

each assessment and enter the valuation of each as passed by it, in a separate column. The assessment roll as prepared by the city assessor and adopted or approved by the board of review shall stand as the assessment roll of the city. A majority of the board of review shall constitute a quorum for the transaction of business. If for any cause a quorum does not assemble during the time above mentioned the assessment roll as prepared by the city assessor shall stand as the assessment roll of the city. Whenever the valuation of any real or personal property has been increased on the assessment roll, the assessor shall at once notify the person whose assessment has been increased of such increase, and that if he objects thereto he may appear before the board of review at a subsequent sitting named in said notice and show cause why such increase should not be made. Such notice shall be in writing, or partly written or partly printed, and shall be signed by the assessor. It shall be served upon the person whose assessment has been increased, either personally or by mail. If served by mail it shall be mailed to this person postpaid, duly addressed to him at his last known place of residence, not less than two full days before the time of hearing stated therein. If served personally, it shall be served one full day before such date. The board shall also meet in the council room in the city hall on the Monday next following the second Monday in May in each year, at 9:00 o'clock in the forenoon, and continue in open public session, during that day and the three days following from 9:00 o'clock in the forenoon to 12:00 noon and from 2:00 in the afternoon to 5:00 o'clock in the afternoon, and during that time, on sufficient cause shown, shall correct any assessment in such manner as in its judgment shall make the assessed valuation thereof relatively just and equal. Said board may also, during the time it is in session as provided in this section, do all acts authorized to be done by it in this session. It may, in addition thereto, lower the assessed valuation on any property on said assessment roll, when in its judgment, such assessment should be lowered. It may also raise the assessed valuation of any property if notice that the assessed valuation thereof has been increased, has been given to the person to whom such property is assessed, in the manner hereinbefore provided, or if the person to whom such property is assessed, or his agent, has appeared before the board and has been heard as to the increased assessment. All persons appearing before the board relative to the assessment of their property may be examined [under oath] touching the matter of the valuation of such property. Any member of the board of review [may] administer the oath. After the board shall have completed the review of the assessment roll it shall attach its certificate thereto that it has been reviewed and approved by the board of review and that it is the assessment roll for the city of River Rouge for the year in which it has been prepared and approved. Such certificate shall be signed by the chairman and the assessor and may be in the following form:

The Board of Review of the City of River Rouge, Wayne County, Michigan, certifies that the foregoing roll is the assessment roll for the City of River Rouge for the year as approved by said Board.

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Assessor

**Editor's note:**

*The words 'or other' appeared in the original; the editor has substituted the words 'under oath' in brackets for the reason that those words were evidently intended.*

*This section constitutes an amendment adopted by the electors on April 4, 1932.*

**SEC. 351 SAME; RECORD OF CHANGES.**

Said board of review shall make a record of all changes made in the roll, which record shall be signed by them and deposited with the clerk.

**SEC. 352. SAME; ENDORSEMENT; VALIDITY CONCLUSIVELY PRESUMED.**

The omission of such endorsement shall not effect the validity of such roll. Upon the completion of said roll and its endorsement in the manner aforesaid the same shall be declared by all courts and tribunals to be valid, and shall not be set aside except for such causes as are provided in the general laws of the state for the setting aside of assessment rolls for state, county and school purposes.

*Editor's note:*

*Ibid.*

**SEC. 353 ASSESSMENT ROLL; SAME FOR ALL TAXES; GENERAL TAX ROLL.**

The assessment roll herein provided for shall be the assessment roll for state, county, school and city taxes. After the board of review shall have approved such assessment roll, the assessor shall, within the proper time, spread thereon the amount of the state and county taxes and also school taxes, if raised at the same time as the state and county taxes, in the manner and form provided therefor by the general tax law of the state, or any special or local act relating thereto, and such taxes shall become a debt and a lien, and be levied, collected, accounted for and returned, and the property assessed therefor, sold, held, redeemed, and conveyed at the time and in the manner and form provided for by the general tax law of the state, except as herein otherwise provided. The assessor shall prepare a copy of said assessment roll, with taxes assessed as herein provided, which roll shall be known as the 'general tax roll' and shall annex thereto such a warrant signed by him, as is provided for by the general tax laws of the state. Said general tax roll shall thereupon be delivered to the city treasurer, who shall collect said taxes in the manner provided by the general laws of the state.

*Editor's note:*

*It is mandatory that the charter shall provide that the subjects of taxation for municipal purposes shall be the same as for state, county and school purposes under the general law, see C.L., 1948, sec. 117.3(f); Mich. Stat. Anno., sec. 5.2073.*

**SEC. 354 SCHOOL TAXES; DUTIES OF OFFICERS.**

In all proceedings in relation to the assessment, spreading and collection of taxes for school purposes, and in relation to the receipt and disbursement of all moneys belonging to the school district,

the city assessor, city clerk and city treasurer shall have like powers and duties as are prescribed by the laws of this state for supervisors of townships, township clerks and township treasurers respectively.

**Editor's note:**

*It is mandatory that the charter shall provide for the levy, collection and return of state, county and school taxes, see C.L., 1948, sec. 117.3(i); Mich. Stat. Anno., sec. 5.2073.*

**SEC. 355 TAX LEVY; CERTIFICATION TO TREASURER.**

The clerk, after the council has determined the several amounts which they require to be raised by general tax for the several funds of the city, and the aggregate thereof, shall certify the same to the city treasurer. When such general taxes shall be received by the treasurer, they shall be apportioned to the several funds of the city pro rata according to the several amounts of said funds so certified.

**Editor's note:**

*For state law relative to the assessment, levy and collection of taxes, see C.L., 1948, secs. 211.1 et seq.; Mich. Stat. Anno., secs. 7.1 et seq.*

**SEC. 356 SAME; CERTIFICATION TO ASSESSOR.**

The clerk shall certify to the assessor the total amounts which the council determines shall be raised by general tax; and all amounts of special assessments which the council requires to be reassessed upon any lands, premises, or against any person, with a particular description of the lands and property to be reassessed, and the amounts to be reassessed upon each parcel of land, and the name or names, so far as known, of the person chargeable with such tax.

**SEC. 357 CITY TAX ROLL, PREPARATION; CITY ASSESSOR, DUTIES.**

Immediately after receiving from the board of review the assessment roll properly certified, the assessor shall proceed to extend thereon, in the manner prescribed by the city council, and this charter all city taxes ordered to be assessed and all school taxes according and in proportion to the valuation entered in the assessment roll by the board of review, or in the absence of such valuation according and in proportion to the valuation entered therein by the city assessor. For the purpose of avoiding fractions in computation the assessor may add to the amounts of each of the several taxes to be raised a sum not exceeding one per cent thereof. Such excess shall also belong to the general fund of the city. The city assessor shall also extend thereon all delinquent special assessment taxes ordered to be extended by the city council as herein specified.

**Editor's note:**

*This section constitutes an amendment adopted by the electors on April 4, 1932.*

**SEC. 358 STATEMENTS REQUIRED; CHARGE TO TREASURER.**

Before the city assessor shall deliver such city tax roll to the city treasurer he shall carefully foot the several columns of valuations and taxes and make duplicate detailed statements thereof; one of these statements the city assessor shall retain in his office as part of his records and the other detailed statement to the city clerk who shall immediately charge to the city treasurer the amount of taxes so specified in said detailed statement.

*Editor's note:*

*Ibid.*

**SEC. 359 DUPLICATE TAX ROLL; PREPARATION, AUTHORITY.**

The assessor may make a new tax roll and deliver the same to the city treasurer in case of the loss of the one originally given to the city treasurer.

*Editor's note:*

*Ibid.*

**SEC. 360 TAX ROLL, CERTIFICATION; WARRANT.**

After extending the taxes as aforesaid, the assessor shall certify under his hand said tax roll, and the mayor of the city 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 to their respective names, as a tax or assessment, and authorizing him, in case any person named therein shall neglect or refuse to pay such sums, to levy the same by distress and sale of his, her or their goods and chattels, together with the costs and charges of such distress and sale.

*Editor's note:*

*Ibid.*

**SEC. 361 TAXES; COLLECTION, DUE DATE, INTEREST.**

One-third of such city and school taxes shall become due and payable upon the first day of July in the year assessed and may be paid during the month of July without penalty or interest[;] thereafter such installment of taxes, while unpaid, shall be deemed delinquent and shall bear interest at the rate of three-fourths of one per cent per month or fraction thereof.

One-third of such city and school taxes shall become due and payable on the first day of October in the year assessed and may be paid during the month of October without penalty or interest[;] thereafter such installment of taxes, while unpaid, shall be deemed delinquent and shall bear interest at the rate of three-fourths of one per cent per month or fraction thereof.

One-third of such city and school taxes shall become due and payable on the first day of February in the year following the year assessed and may be paid during the month of February without penalty or interest[;] thereafter such installment of taxes, while unpaid, shall be deemed delinquent.

*Editor's note:*

*Ibid.*

#### **SEC. 362 TAX STATEMENTS, MAILING.**

Upon receiving the tax roll, with the warrant thereto annexed, and at least ten days before commencing collections of taxes thereon, the treasurer shall mail to all persons whose names appear upon said roll, statements of the taxes levied against them respectively upon said roll and on and after the first day of July of that year shall proceed to collect the taxes levied therein according to the direction of said warrant and the provisions of this charter. The failure to mail or receive a tax statement shall not affect the validity of the tax, and shall not be an excuse for the nonpayment of such tax within the time or times herein limited for payment. Stationery and postage only shall be furnished free by the city to said treasurer for mailing statements as above provided.

*Editor's note:*

*Ibid.*

#### **SEC. 363 DELINQUENT CITY TAXES; RETURN TO COUNTY TREASURER.**

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

#### **SEC. 364 SALE OF LANDS; FUNDS, DISPOSITION.**

Moneys received from the sale of lands for delinquent city taxes shall be paid over to the city treasurer. All of the provisions of the general tax laws relative to the sale and redemption of lands returned for delinquent taxes shall apply to the sale and redemption of lands returned for delinquent taxes assessed under the provisions of this charter.



**SEC. 365 TAXES; ENFORCEMENT; DISTRESS AND SALE AUTHORIZED.**

In case any person shall neglect or refuse to pay any tax imposed upon any real or personal property belonging to him, as aforesaid, the treasurer shall levy the same by distress and sale of the goods and chattels of the said person liable to pay the same, whenever such goods and chattels may be found, either in said city or elsewhere in the county of Wayne, or in any adjoining county, first giving public notice of such sale in the manner and for the time required by law in case of such sales made by township treasurers, and for such purpose and for the collection of the taxes aforesaid, the treasurer may bring suit therefor in the name of the city, and shall have all the powers and perform the like duties, so far as applicable, as are conferred upon or required of township treasurers in the collection of taxes levied in townships.

**SEC. 366 PERSONAL PROPERTY TAXES; ENFORCEMENT; SUIT AUTHORIZED.**

Whenever the treasurer shall be unable to collect any tax assessed upon personal property in the city, it shall be lawful for the treasurer of the city to bring suit, in the name of the city, for the recovery thereof, against the person or persons against whom the tax was assessed, before any court of competent jurisdiction, and to take and use all lawful means for the collection of debts to enforce the payment of such tax; and in such cases all the provisions of law applicable to suits and evidence therein, brought by township treasurers in the name of their township for such purposes, shall apply.

**SEC. 367 SUBJECTS OF TAXATION.**

The real and personal property subject to taxation for the municipal purposes of this city shall be the same as for state, county and school purposes under the general law of the state.

***Editor's note:***

*It is mandatory that the charter shall provide that the subjects of taxation for municipal purposes shall be the same as for state, county and school purposes under the general law, see C.L., 1948, sec. 117.3(f); Mich. Stat. Anno., sec. 5.2073.*

**SEC. 368 LIEN AGAINST PROPERTY.**

The city taxes when assessed shall become at once a debt 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 charges, shall continue until payment thereof. And all personal taxes shall also be a lien on all personal property of such persons so assessed from and after the first day of July in each year, and shall take precedence

of any sale, assignment or chattel mortgage, levy or other lien, on such personal property, executed or made after said first day of July, except where such property is actually sold in the regular course of trade.

#### **SEC. 369 BORROWING AUTHORITY.**

The council may borrow on delinquent taxes or in anticipation of the collection of taxes for the same or next succeeding year, such amounts as shall be set by the statutes.

***Editor's note:***

*For city authority to borrow money on the credit of the city and issue bonds therefor, see C.L., 1948, sec. 117.4a(1); Mich. Stat. Anno., sec. 5.2074.*

*This section constitutes an amendment adopted by the electors on April 4, 1932.*

#### **SEC. 370 ADDITIONAL TAXES; SUBMISSION TO ELECTORS; RESTRICTION.**

Should any greater amount be required in any year for corporate purposes, than can be raised by the council under the foregoing provisions of this charter, such amount may be raised by tax, if authorised by a three-fifths vote of the electors voting by ballot upon the question at any regular or special election. Provided, that the total amount that may be raised by general tax in any year under all the provisions of this charter shall not exceed two per cent of the assessed valuation of the property in the city, as shown by the last preceding tax roll made therein.

#### **SEC. 371 BORROWING FUNDS; ELECTORS, APPROVAL REQUIRED.**

Whenever any sum of money shall be required for any corporate purpose, such amount or a part thereof, within the limitations of this charter, may be raised by loan if authorized by a three-fifths vote of the electors voting by ballot upon the question at a regular or special election.

#### **SEC. 372 SAME; SUBMISSION TO ELECTORS.**

The proposition to raise an additional amount of tax, as provided in this chapter [article], or the proposition to raise by loan money for any corporate purpose, as provided in the preceding section, shall be submitted to a vote of the qualified electors at a regular or special election, and notice of the submission of any such proposition, shall be given in such manner and for such length of time as is provided in this charter for notices of city elections.

**SEC. 373 BONDS; INTEREST; RECORD REQUIRED.**

No loans shall be made by the council, or by its authority, exceeding the amounts prescribed in this charter. For any loans lawfully made, the bonds of the city may be issued bearing a legal rate of interest. A record showing the dates, numbers and amounts of all bonds issued, and when due, shall be kept by the city clerk. When deemed necessary by the council to extend the time of payment, new bonds may be issued in place of former bonds falling due, in such manner as merely to change, but not to increase the indebtedness of the city. Each bond shall show upon its face the class of indebtedness to which it belongs, and from what fund it is payable.

**SEC. 374 BONDS; FORM, CONTENTS; PROCEEDS; USE, RESTRICTION; PENALTY.**

Every bond issued by the city shall contain on its face a statement specifying the object for which the same is issued, and if issued for the purpose of raising money for any public improvement, the particular public improvement shall also be specified on the face of such bond, and it shall be unlawful for any officer of the city to sign or issue any such bond without such matters are set forth on the face of the same as aforesaid, or to use such bonds or the proceeds from the sale thereof, for any other object than that mentioned on the face of such bond, and any such officer who shall violate any of the provisions of this section shall be deemed guilty of a misdemeanor.

**SEC. 375 NET BONDED INDEBTEDNESS, LIMITATION.**

No indebtedness shall be incurred by the issue of bonds or otherwise in any sum which, including existing indebtedness, shall exceed eight per centum of the assessed valuation of the real and personal property within the city subject to taxation as shown by the last preceding assessment roll of the city; provided, however, that bonds issued for public improvement in connection with which a special assessment is made to pay therefor and which are a charge upon such district, shall not be included in determining the amount of such indebtedness. Moneys on hand in the sinking fund limited to the payment of indebtedness may be treated as a reduction of such indebtedness to that extent. Whenever the city is authorized to acquire, own, purchase, construct or operate any public utility, it may for the purpose of acquiring, owning, purchasing, constructing or operating the same borrow money on the credit of the city. The amount of money which may be borrowed for any such purpose on the credit of the city shall not exceed three per centum of the assessed valuation of all the real and personal property of the city, and if, as appears by the last preceding United States census, the city shall attain a population in excess of 30,000, then such sum shall not exceed two per centum of the assessed valuation of all the real and personal property of the city. The city may also, for the purpose of acquiring, owning, purchasing, constructing or operating such public utility, issue mortgage bonds therefor beyond the general limits of bonded indebtedness prescribed by law, provided that such mortgage bonds issued beyond the general limits of bonded indebtedness prescribed by law shall not impose any liability upon the city, but shall be secured only upon the property and revenue of such public utilities, 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 20 years from the time of the sale of such utility and franchise on foreclosure. And provided further that in case of the issuance of mortgage bonds, a special sinking fund shall be created 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 bonds at maturity. The city shall not have power to incur indebtedness or issue bonds of any kind, except for emergency purposes as hereinafter provided, and bonds secured only by mortgage on the property and franchise of the public utility, which shall exceed in the aggregate ten per centum of the assessed valuation of all the real and personal property in the city.

***Editor's note:***

*For limitation of net bonded indebtedness incurred for all public purposes, see C.L., 1948, sec. 117.4a(1); Mich. Stat. Anno., sec. 5.2074.*

**SEC. 376 BONDS; SINKING FUND REQUIRED.**

No bonds, except serial bonds which fall due annually, shall be issued without providing a sinking fund to pay them at maturity.

**SEC. 377 EMERGENCY LOANS; COUNCIL POWERS.**

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 one-fourth of one per cent of the assessed valuation of all real and personal property in the city, even if such loan would cause the indebtedness of the city to exceed the limit of this charter. Any and all bonds or other obligations issued by authority of the city charter shall be due and payable in accordance with the statutes governing the issuance of such bonds or other obligations.

***Editor's note:***

*This section constitutes an amendment adopted by the electors on April 4, 1932.*

**SEC. 378 PAYMENT OF JUDGMENTS; BONDS AUTHORIZED.**

Whenever any judgment or decree of any court shall be rendered or decreed against the city of River Rouge, and said city shall be unable to meet the payment of such judgment or decree by reason of the limitation of its power of taxation, then and in such case it shall be lawful for the council of said city to issue bonds of such city to an amount not exceeding the sum of such judgment or decree, and the taxed costs arising in the procuring of such judgment or decree, together with the interest thereon, which bonds may be made payable at such times and place and at such rate of interest not exceeding six per cent per annum, as shall be prescribed by the council, and such bonds shall be sold and disposed of at not less than par value in such manner as may be deemed advisable by said council.

**SEC. 379 TAX CERTIFICATES, ISSUANCE.**

It shall be the duty of the city treasurer, upon request made by any party to issue his certificate showing all unpaid taxes, special assessments, water rates and other charges that are a lien upon property, and which are payable at his office.

**SEC. 380 TAXES, ASSESSMENTS; VACATION, REFUND; COUNCIL POWERS.**

The council shall have the power, when it shall appear that any tax or special assessment is unjust or is based upon any property not owned by the person to whom it is assessed, to repay the same out of the proper fund, if collected, or if not collected, to vacate the tax or assessment, in whole or in part. No such action on the part of the council shall in any way affect or invalidate any other tax or assessment so levied or collected in said city. This power to vacate any tax or assessment or refund same, in whole or in part shall be exercised by the council on taxes or assessments, due or collected during the current fiscal year only. Any tax or assessment due or collected during the preceding fiscal year shall not be rebated, refunded or vacated.

**SEC. 381 WITHDRAWALS FROM TREASURY, RESTRICTION.**

No money shall be drawn from the treasury except in pursuance of the authority and appropriation of the council, and upon the warrant of the treasurer, countersigned by the clerk and mayor. Such warrant shall specify the fund from which it is payable, and shall be paid from no other fund. No warrant shall be drawn from the treasury after the fund from which it should be paid has been exhausted. Any such warrant shall be void against the city.

**SEC. 382 RECEIPTS, DISBURSEMENTS; ANNUAL STATEMENT REQUIRED, PUBLICATION.**

On or before the fourth Monday in July of each year, the city treasurer shall present to the council a full statement of the receipts and disbursements of the treasury for the preceding fiscal year ending the 30th day of June of each year, classifying them therein by the funds to which such receipts are credited and out of which such disbursements are made, and the balance remaining in each fund, and at the same time the city clerk shall present to the council a full detailed statement of the receipts and disbursements of the city for said fiscal year, which statement shall distinctly show the amount of all taxes raised during the year for all purposes, and the amount raised for each fund; the amount levied by special assessment and the amount collected on each such assessment; the items and amounts received from all other sources during the year; also the several items of all expenditures made during the year; and the objects thereof, classifying the same for each purpose separately. Such statement shall contain such other information as may be necessary to a full understanding of the financial concerns of the city. The council shall

examine such statements and cause the same to be corrected if necessary. Said statement, signed by the mayor and clerk, shall be filed in the office of the clerk, and a copy thereof published during the last week in August of each year in the official newspaper of general circulation in the city designated by the council.

## ARTICLE 18: PUBLIC UTILITIES

### Section

- Sec. 383 Public utilities; acquisition, etc., authority; electors, approval required
- Sec. 384 Rates and charges; council determination
- Sec. 385 Public utilities; maintenance from receipts required; service, city departments, payment required
- Sec. 386 Ordinances and resolutions authorized
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### Water Department

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**SEC. 383 PUBLIC UTILITIES; ACQUISITION, ETC., AUTHORITY; ELECTORS, APPROVAL REQUIRED.**

The city may acquire, own, establish, construct and operate, either within or without its corporate limits, public utilities for supplying water, light, heat, power and transportation, to the municipality and the inhabitants thereof, for domestic, commercial and municipal purposes; and may sell and deliver water, heat, power and light without its corporate limits to an amount not to exceed 25 per centum of that furnished by it within its corporate limits for like purposes; and may operate transportation lines within the municipality and within ten miles from its corporate limits. Acquisition of any such utility, together with all properties, franchises and rights necessary for its establishment, ownership, construction, operation, improvement, extension and maintenance, whether such properties, franchise and rights are situated within or without the corporate limits of such city, may be either by purchase or condemnation. If by condemnation, the provisions of Act No. 149 of the Public Acts of Michigan, approved March 25, 1911, 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 corporation', 'state agencies', 'private property', as used herein,' or such other appropriate provisions therefor as exist, or shall be made by law, may be adopted and used for the purpose of instituting and prosecuting such condemnation proceedings; provided, however, that no such public utility shall be so acquired unless the proposition to do so shall have first received the affirmative vote of three-fifths of the electors of the city voting thereon at a regular or special municipal election.

***Editor's note:***

*For state law relative to the acquisition of public utilities, see Const., 1908, Art. VIII, sec. 25.  
See C.L., 1948, secs. 213.21 et seq.; Mich. Stat. Anno., secs. 8.11 et seq.*

**SEC. 384 RATES AND CHARGES; COUNCIL DETERMINATION.**

The council shall have the power to fix such just and equitable rates as may be deemed advisable for supplying consumers with the product of any publicly owned utility.



**SEC. 385 PUBLIC UTILITIES; MAINTENANCE FROM RECEIPTS REQUIRED; SERVICE, CITY DEPARTMENTS, PAYMENT REQUIRED.**

It shall be the duty of the council to require all income-producing public utilities owned by the city to be so managed and operated that the revenue received shall be sufficient to pay the expense or cost of establishment, maintenance and operation. The council shall appropriate, from time to time, for the payment to such utilities from funds raised by general taxation, such sums as shall be proper and adequate return to such utilities for all service rendered to the municipality at large.

**SEC. 386 ORDINANCES AND RESOLUTIONS AUTHORIZED.**

The council may enact such ordinances and adopt such resolutions as may be necessary for the care, protection, preservation and control of such public owned utilities and all the fixtures, appurtenances, apparatus, buildings and machinery connected therewith or belonging thereto, and to carry into effect the provisions of this chapter [article], and the powers herein conferred in respect to the construction, purchase, management and control of such works.

**SEC. 387 WATER, GAS, LIGHT, ETC.; CONTRACTS AUTHORIZED.**

The council may contract from time to time or for a period of time not exceeding ten years, with any person or persons, or with any duly authorized corporation, for the supplying to said city or the inhabitants thereof, or both, with water, gas, electric or other lights, or the product of any public utility, upon such terms and conditions as may be agreed, and may grant, subject to the provisions of section 27, of chapter 20 [sec. 409] of this charter, to such person, persons or corporation the right to the use of the streets, alleys and public grounds of said city as shall be necessary to enable such person, persons or corporation to construct and operate proper works for the supplying of the product of such utility upon such terms and conditions as shall be specified in such contract.

***Editor's note:***

*No such section appears in the original charter; the number enclosed in brackets is evidently the section intended.*

**SEC. 388 PUBLIC UTILITIES BEYOND CITY LIMITS; COUNCIL POWERS.**

Whenever any public utility is constructed, maintained and operated by the city beyond its corporate limits, the council shall have authority to enforce beyond the corporate limits of the city and over the buildings, machinery and other property belonging to and connected with such public utility in the same manner and to the same extent as if such public utility were within the city, all such ordinances and

police regulations as may be necessary for the care, protection, preservation, management and control thereof.

### WATER DEPARTMENT

#### **SEC. 389 SUPERINTENDENT; APPOINTMENT; POWERS AND DUTIES.**

There is hereby created a superintendent of the water department, to be appointed by the mayor by and with the consent of the council, who shall, subject to the provisions of this charter and the supervision of the council, have full and complete charge, supervision, management and control of the water system, and all work in connection therewith and he shall be held responsible for the proper maintenance and operation of the water system and be subject to the provisions of the civil service amendment. All bills for water service and sewage disposal charges and rates, because of error, shall be made by the water department. Charges for water service and sewage disposal service shall be paid to the city treasurer.

***Editor's note:***

*For civil service provisions, see secs. 463 et seq., infra.*

*This section constitutes an amendment adopted by the electors on April 2, 1956.*

#### **SEC. 390 WATER RATES; METERS, INSTALLATION; CHARGES, ASSESSMENT.**

The council shall establish from time to time a scale of rates to be charged and paid for supply of water, to be called water rates, and which rates shall be appropriate, as nearly as may be practicable, to different classes of buildings in the city with reference to dimensions, value, exposure to fires, ordinary or extraordinary uses, yards, number of families or occupants, or consumption of water. The council shall provide for the installation of meters upon any premises supplied with water, and for the payment for the water actually used as registered by such meter. The council shall prescribe by ordinance the manner of assessing water charges, the time when such charges shall be paid, the date when the same shall become a lien upon the property, the penalties for non-payment of such charges, and what steps shall be taken to enforce the payment thereof, and may provide that in case of non-payment that the supply of water to any premises may be shut off or stopped. All water charges shall be paid to the city treasurer.

The treasurer shall, on the first day of January, April, July and October, mail to each and every consumer or user of water a statement of the amount of water so used or consumed and the amount of the charges therefor.

***Editor's note:***

*For ordinance provisions relative to water rates and charges, see Code of Ordinances, secs. 6-301 et seq.*

**SEC. 391 WATER, USE FOR PUBLIC PURPOSES; FUNDS, APPROPRIATIONS.**

The council shall from time to time appropriate money to be raised by general taxation for the payment of water used for fire purposes, street cleaning, and other general public uses.

***Editor's note:***

*It is mandatory that the charter shall provide for an annual appropriation of money for municipal purposes, see C.L., 1948, sec. 117.3(h); Mich. Stat. Anno., sec. 5. 2073. For charter provisions relative to taxation, see secs. 344 et seq., supra.*

**SEC. 392 WATER SUPPLY PIPES; REQUIREMENTS.**

The connecting or supplying pipes leading from buildings or yards to the distributing pipes, shall be inserted and kept in repair at the expense of the owner or occupant of the building or yard, and shall not be inserted or connected with the main pipe until a permit therefor shall be obtained from the city. All such connecting or supply pipes shall be constructed and connected in the manner prescribed by ordinance.

***Editor's note:***

*See Code of Ordinances, secs. 6-301 et seq.*

**SEC. 393 WATER; USE, CONSERVATION; COUNCIL AUTHORITY.**

The council may enact such ordinances and adopt such resolutions as may be necessary to regulate and control the taking and use of water from the water system.

**SEC. 394 PUBLIC WAYS, LIGHTING; OFFICERS, DUTIES.**

The commissioner of the department of public utilities shall have general supervision of the lighting [of] the streets and public places in the city. The superintendent of public service shall have direct charge of the maintenance of the street lighting system, and all replacements, repairs, renewals and extensions of said street lighting system shall be under his direct charge.

***Editor's note:***

*For city authority relative to the installation and connection of conduits for the service of municipally owned and operated electric lighting plants, borrowing money and issuing bonds therefor, see C.L., 1948, sec. 117.4b(3); Mich. Stat. Anno., sec. 5.2075.*

**FRANCHISES****SEC. 395 PUBLIC UTILITIES; USE OF STREETS, ETC.; FRANCHISE REQUIRED.**

No person, partnership, association or corporation operating a public utility shall have the right to the use of the highways, streets, alleys or other public places of the city, for wires, poles, pipes, racks or conduits, without the consent of the city; nor to transact a local business therein without first obtaining a franchise therefor from the city. The right of the city to the reasonable control of its streets, alleys and public places, and of the space above and beneath them is hereby reserved to the city.

**SEC. 396 FRANCHISES, LICENSES; TERM, RESTRICTION.**

No franchise or grant shall be granted by the city for a longer period than 30 years. No license shall be granted by the council for a longer period than one year.

***Editor's note:***

*This provision is a constitutional mandate, see Const., 1908, Art. VIII, sec. 29.*

**SEC. 397 IRREVOCABLE FRANCHISES; ELECTORS, APPROVAL REQUIRED.**

No franchise or grant which is not revocable at the will of the city shall be granted or become operative until the same shall have been referred to the people at a general or special election, and has received the approval of three-fifths of the electors voting thereon at such election.

***Editor's note:***

*For state law relative to the granting of public utility franchises not revocable at the will of the city, see Const., 1908, Art. VIII, sec. 25.*

**SEC. 398 EXCLUSIVE FRANCHISE, LICENSE, ETC., PROHIBITED.**

No person, firm or corporation shall ever be granted any exclusive franchise, license, right or privilege whatsoever, and no franchise shall be renewed before one year prior to its expiration.

**SEC. 399 FRANCHISES; LEASE, ASSIGNMENT; PROHIBITION.**

No franchise granted by the city shall ever be leased, assigned, or otherwise alienated except in accordance with the express provisions of said franchise, and all franchises granted by the city shall provide how, and in what manner, and under what conditions said franchise may be leased, assigned or

alienated, and no dealing with the lessee or assignee on the part of the city which shall recognize the performance of any act or payment of any compensation by the lessee shall be deemed to have operated as such consent.

**SEC. 400 SAME; CHANGES, MODIFICATIONS; RESTRICTION.**

No change or modification of any franchise or grant of rights or powers previously granted to any corporation, firm, person or association of persons shall be made except in the manner and subject to all the conditions herein provided for, for the making of original grants and franchises.

**SEC. 401 PUBLIC UTILITIES, LICENSE FEES; CITY POWERS.**

The city shall have the right to license and impose a license fee on street cars, telephones, gas meters, electric meters, water meters, or any device used for measuring service, also telephone, telegraph, electric light and power poles, conduits and wires. All said license fees shall be exclusive of and in addition to other lawful taxes upon the property of the holder thereof.

**SEC. 402 FRANCHISES; RIGHTS RESERVED TO CITY, ENUMERATION.**

The grant of every franchise or privilege shall be subject to the right of the city, whether in terms reserved or not, to make all regulations which shall be necessary to secure in the most ample manner the safety, welfare and accommodation of the public, including among other things, the right to pass and enforce ordinances, to require proper and adequate extensions of the service of such grant, and to protect the public from danger or inconvenience in the operation of any work or business authorized by the grant of the franchise, and the right to make and enforce all such regulations as shall be reasonably necessary to secure adequate, sufficient and proper service, extensions, and accommodations for the people and ensure their comfort and convenience.

**SEC. 403 FRANCHISE PROPERTY; JOINT USE, COMPENSATION.**

The city, by and through its council, shall have the power to require any corporation holding a franchise from the city, to allow the use of its tracks, poles, conduits and wires, or any facilities that can be jointly used, by any other corporation to which the city shall grant a franchise, upon the payment of a reasonable rental therefor, and any franchise or right which may hereafter be granted to any person or corporation to operate a street railway, or any other public utility, within the city or its suburbs, shall be subject to the condition that the city shall have the right to grant to any other person or corporation desiring to build or operate a street railway or interurban railway, or any other public utility, within or into the city or its suburbs, the right to operate; provided, that the person or corporation desiring to so

operate shall first agree in writing with the owner thereof, to pay such owner reasonable compensation for the use of such facilities. And if the person or corporation desiring to use the same cannot agree with said owner as to said compensation, within 60 days from offering in writing so to do, and as to terms and conditions of the use of said facilities, then the council shall, by resolution, after a fair hearing to the parties concerned fix the terms and conditions of such use and compensation to be paid therefor, which award of the council when so made shall be binding on and observed by the parties concerned.

***Editor's note:***

*The city may provide for the use of property located in streets, alleys and public places in the operation of a public utility, upon the payment of reasonable compensation to the owners thereof, see C.L., 1948, sec. 117.4h(2); Mich. Stat. Anno., sec. 5.2081.*

**SEC. 404 PUBLIC UTILITIES, COUNCIL SUPERVISION; FRANCHISES, REVOCATION.**

The council shall maintain general supervision over all public utility companies insofar as they are subject to municipal control. The council shall cause to be instituted such actions or proceedings as may be necessary to prosecute public utility companies for violations of law, and may revoke, cancel or annul all franchises that may have been granted by the city, which have become in whole or in part, or which for any reason are illegal or void and not binding upon the city.

**SEC. 405 FRANCHISES; TERMS AND CONDITIONS.**

The enumeration and specification of particular matters in this charter which must be included in every franchise or grant, shall never be construed as impairing the right of the council to insert in such franchise or grant any other and further matters, conditions, covenants, terms, restrictions, limitations, burdens, taxes, assessments, rates, fares, rentals, charges, control, forfeitures or any other provision whatever, as the council shall deem proper to protect the interests of the people.

**SEC. 406 PERMITS; REVOCATION; COUNCIL POWERS.**

The council may grant a permit at any time, in or upon any street, alley, or public place, provided such permit shall be revocable by the council at its pleasure at any time, whether such right to revoke be expressly reserved in said permit or not.

**SEC. 407 USE OF STREETS, ETC.; COMPENSATION.**

No franchise, lease, permit or right to use the streets or public places or property of the city shall be granted by the city without fair compensation to the city therefor. Where the franchise, lease or grant

fixes the rate of fare or the rate to be charged for the service rendered or commodity furnished by the grantee, such rate of fare or price of service or commodity furnished shall be subject to review and change during the life of such franchise at such periods and in such manner and form as in such franchise shall be provided. No franchise shall be valid unless such provision shall be incorporated therein. No such compensation by any such grantee shall ever be in lieu of any lawful taxation upon its property, or of any license or charges which are not levied on account of such use.

#### **SEC. 408 FRANCHISES, GRANTS, ETC.; CHARTER PROVISIONS APPLICABLE.**

All contracts, grants, rights, privileges or franchises for the use of streets and alleys of the city not herein mentioned shall be governed by all the provisions of this charter, and all amendments, extensions or enlargements of any contract, right, privilege or franchise previously granted by this city to any person, firm or corporation for the use of the streets and alleys of such city, shall be subject to all the conditions herein provided for in this charter for the making of original grants and franchises.

#### **SEC. 409 FRANCHISES, GRANTS; ORDINANCES REQUIRED.**

All contracts granting or giving any original franchise, right or privilege[, ] or extending or renewing or amending any existing grant, right, privilege or franchise, shall be made by ordinance and not otherwise. Provided, that no grant, franchise, right or privilege shall be granted by the council for a longer period than one year unless the same shall first have been referred to the people at a general or special election and have received the approval of three-fifths of the electors voting thereon at such election.

#### **SEC. 410 PUBLIC UTILITIES; INSPECTION, REGULATION; ORDINANCE AUTHORIZED.**

The council may by ordinance provide for efficient inspection and regulation of all public utilities operated in the city, and to that end shall provide means for the inspection of the quality and pressure of the gas to be furnished to consumers, electric voltage and the insulation of electric wires, the quality of heat and power furnished the city and its inhabitants, and the inspection and installation of meters for registering the consumption of any commodity sold by any grantee operating under any franchise, grant or license from the city of River Rouge, or the state of Michigan, it being the intention of this section to provide means for securing to the city efficient service from all public utilities operated in the city and the proper observance by such operators of the conditions imposed by their respective franchises, ordinances of the city, and the laws of the state.

**SEC. 411 FRANCHISE; SPECIAL ELECTION; EXPENSE PAYABLE BY GRANTEE.**

No franchise, grant or license, shall be submitted under the provisions of this charter to the electors at a special election, unless the expense of holding the election, as determined by the council, shall be paid in advance by the grantee in said franchise, grant or license, to the city treasurer.

***Editor's note:***

*For state law relative to restriction of the power of the city to submit a franchise to the electors, see C.L., 1948, sec. 117.5(i); Mich. Stat. Anno., sec. 5.2084.*

**SEC. 412 FRANCHISES; CITY RIGHTS RESERVED.**

All ordinances granting franchises, grants and renewals thereof, shall reserve to the city the right to terminate the same and to purchase all the property of the utility in the streets and highways in the city and elsewhere used in or useful for the operation of the utility, at a price fixed by the ordinance or to be fixed in the manner provided by the ordinance granting the franchise, grant or renewal thereof. Nothing in such ordinance shall prevent the city from acquiring the property of any such utility by condemnation proceedings or in any other lawful mode; but all such methods of acquisition shall be alternative to the power to purchase reserved in the ordinance granting such franchise, grant or renewal as hereinbefore provided. Upon the acquisition by the city of the property of any utility by purchase, condemnation or otherwise, all franchises, grants or renewals shall at once terminate.

**SEC. 413 FRANCHISES; ORDINANCE REQUIREMENTS.**

No ordinance granting such franchise, grant or renewal, shall be valid unless it shall expressly provide therein that the price to be paid by the city for the property that may be acquired by it from such utility by purchase, condemnation or otherwise, shall exclude all value of such franchise, grant or renewal, in excess of the proportionate part of the compensation paid to the city by the utility at the time of the granting of such franchise, grant or renewal, as evidenced by the time for which such franchise, grant or renewal was made, as compared with the time for which such franchise, grant or renewal is still effective.



## ARTICLE 19: APPROPRIATION OF PRIVATE PROPERTY

### Section

- Sec. 414 Private property, condemnation; city powers, state law
- Sec. 415 Private property, condemnation; damages, compensation; payment, expense
- Sec. 416 Part of parcel of land; condemnation; remainder, city option

### **SEC. 414 PRIVATE PROPERTY, CONDEMNATION; CITY POWERS, STATE LAW.**

Private property may be condemned by the city for any public use or purpose within the scope of its powers, in the manner provided for by the general laws of the state.

*Editor's note:*

*For city authority to acquire private property for any public purpose, see C.L., 1948, sec. 117.4e(2); Mich. Stat. Anno., sec. 5.2078.*

### **SEC. 415 PRIVATE PROPERTY, CONDEMNATION; DAMAGES, COMPENSATION; PAYMENT, EXPENSE.**

In all cases where awards for damages have been made in condemnation proceedings, if the council believes that a portion of the city in the vicinity of the proposed improvement will be benefited by such improvement, they may, by an entry in their minutes, determine that the whole or any just proportion of the compensation awarded by the jury, shall be assessed upon the owners or occupants of real estate deemed to be thus benefited, and thereupon they shall, by resolution, fix and determine the district or portion of the city benefited, and specify the amount to be assessed upon the owners or occupants of the taxable real estate therein. The amount of the benefit thus ascertained shall be assessed upon the owners or occupants of such taxable real estate, in proportion, as nearly as may be, to the advantage which each such lot, parcel or subdivision is deemed to acquire by the improvement. The assessment shall be made and the amount levied and collected in the same manner and by the same officers and proceedings, as near as may be, provided in and by this charter, for assessing, levying and collecting the expense of a public improvement. The assessment roll containing said assessments when ratified and confirmed by the council, shall be final and conclusive and prima facie evidence of the regularity and legality of all proceedings prior thereto, and the assessment therein contained shall be and continue a lien on the premises on which the same is made until payment thereof. Whatever amount or portion of such awarded compensation shall not be raised in the manner herein provided, shall be assessed, levied and collected

upon the taxable real estate of the city, the same as other general taxes are assessed and collected therein. At any sale which takes place of the assessed premises or any portion thereof delinquent for non-payment of the amount assessed and levied thereon, the city may become a purchaser.

**SEC. 416 PART OF PARCEL OF LAND; CONDEMNATION; REMAINDER, CITY OPTION.**

Whenever in the making of any public improvements and the taking of private property for public use therefor, a jury shall find that it is necessary to take any portion of a particular parcel of land which is less than the entire parcel, if the petition filed on behalf of the city shall so pray, the jury may be required to award compensation for any portion found necessary for the making of said public improvement, and also the value of the entire parcel, and the city shall have the option, to be exercised upon the taking of the property found necessary for such public improvement, to purchase the remaining portion of such parcel for the difference between the entire value of the parcel and the sum awarded for the portion necessary for the improvement.

## ARTICLE 20: MUNICIPAL COURT

### Section

- Sec. 417 Municipal judges; qualifications
- Sec. 418 Same; election, qualification; state law
- Sec. 419 Jurisdiction, restriction
- Sec. 420 Same; charter and ordinance cases
- Sec. 421 Appeals; procedure
- Sec. 422 Docket required; contents, inspection
- Sec. 423 Municipal judges, compensation
- Sec. 424 Fees; state law; use for city benefit
- Sec. 425 Municipal judges; bonds required
- Sec. 426 'Municipal judge', defined; practice of law prohibited
- Sec. 427 Court hours; rules and regulations, council authority
- Sec. 428 Court room, etc.; council duties
- Sec. 429 Constables; powers and duties
- Sec. 430 Court clerk, appointment
- Sec. 431 Court clerk; oath, bond, required
- Sec. 432 Court clerk; powers and duties
- Sec. 433 Fees, fines; collection, disposition; record required
- Sec. 434 Deputies, assistants; appointment, council authority

### *Editor's note:*

*Except as otherwise indicated, this article constitutes an amendment adopted by the electors on April 7, 1924.*

### **SEC. 417 MUNICIPAL JUDGES; QUALIFICATIONS.**

There shall be two [municipal judges] for the city of River Rouge, whose courts shall be and comprise the [municipal courts] of said city. Such [municipal judges] shall possess such other qualifications as are prescribed in this charter for elective officers.

### *Editor's note:*

*In this article, wherever the term 'justice court', 'justice of the peace' or 'associate justice of the peace' appeared in the original, such term has been changed to read 'municipal court', 'municipal judge' or 'associate municipal judge', respectively, for the reason that such change has been effected by state law, see C.L., 1948, sec. 730.501; Mich. Stat. Anno., sec. 27.3937(1). See also Code of Ordinances, sec. 9-101.*

**SEC. 418 SAME; ELECTION, QUALIFICATION; STATE LAW.**

Except as in this charter otherwise provided, the provisions of the general law relative to the election and qualification of justices of the peace in townships shall apply to the [municipal judges] of the city of River Rouge.

***Editor's note:***

*For qualifications, term of office, manner of election, compensation, jurisdiction and powers of municipal judges, see also C.L., 1948, sec. 730.508; Mich. Stat. Anno., sec. 27.3937(8).*

**SEC. 419 JURISDICTION, RESTRICTION.**

The-said [municipal judges] shall have and exercise the same jurisdiction and powers in all civil and criminal matters, causes, suits and proceedings, and shall perform the same duties in all respects so far as occasion may require, as are or may be conferred upon or required of justices of the peace in townships under the general laws of the state. Provided, however, that in all civil matters, causes, suits and proceedings, ex contractu and ex delicto, the said [municipal judges] shall have concurrent jurisdiction to the amount of \$500.00, with such exceptions and restrictions as are provided by law, provided, further, that the [municipal judge] before whom such cause shall have been tried, shall upon legal cause shown therefor have the same power and authority as the circuit courts of the state possess to set aside the verdict or judgment and grant a new trial therein whenever a motion in writing is made and filed with said [judge] within five days after the rendition of the verdict or judgment in said cause, which said 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 said motion; notice of hearing of said motion with a copy of the motion and affidavits filed as aforesaid shall be served on the adverse party or his attorney at least two days before the hearing thereof, and 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 said motion be not granted shall begin to run from the time when such motion shall be overruled. In no case shall pendency of such motion stay the issuing and levy of an execution in such case, but in case of a levy under execution pending such motion, no sale of the property so levied shall be advertised or made until a final determination of such motion.

***Editor's note:***

*For present jurisdiction and powers in civil and criminal matters, see Code of Ordinances, secs. 9-101 et seq.*

**SEC. 420 SAME; CHARTER AND ORDINANCE CASES.**

Said [municipal judges] shall also have authority, and it shall be their duty to hear, try and determine all suits and prosecutions for the recovery and enforcing of fines, penalties and forfeitures imposed by

the charter and ordinances of the city of River Rouge, and to punish offenders for the violation of said charter and ordinances as therein prescribed and directed.

#### **SEC. 421 APPEALS; PROCEDURE.**

The proceedings in all suits and actions before the said [municipal judges] and in the exercise of the powers and duties conferred upon and required of them, shall be according to and be governed by the general laws applicable to justice courts and to proceedings before such courts, and in all suits and prosecutions arising under the charter and ordinances of the city of River Rouge the right of appeal or certiorari from said courts to the circuit court for the county of Wayne, or to any other court having jurisdiction, shall be allowed to the parties, or any or either of them, and the same recognizance or bond shall be given as is or may be required by law in case of appeal or certiorari from justice courts in analogous cases.

#### **SEC. 422 DOCKET REQUIRED; CONTENTS, INSPECTION.**

Said [municipal judges] shall enter or cause to be entered in the docket kept by them the title of all suits and prosecutions commenced or prosecuted before them for violations of the charter and ordinances of the city and all the proceedings and the judgment rendered in such cause, and shall itemize all costs taxed or allowed therein. They shall also enter or cause to be entered the amounts and dates of costs received by them or [the] clerk of the court, on account of said suit or proceeding. Such docket shall be submitted by the [municipal judges] at all reasonable times to the examination of any person desiring to examine the same, and shall be produced by the [municipal judge] to the council or the controller of the city whenever required.

#### **SEC. 423 MUNICIPAL JUDGES, COMPENSATION.**

The Municipal Judge shall receive not less than Seven Thousand (\$7,000.00) Dollars nor more than Ten Thousand (\$10,000.00) Dollars per annum.

The Associate Municipal Judge shall receive not less than Two Thousand Eight Hundred (\$2,800.00) Dollars per annum plus Thirty (\$30.00) Dollars per day for each day he shall hold court in excess of twenty-five (25) days and shall hear all cases in which the [municipal judge] is disqualified to act and shall hold court in the absence or disability of the [municipal judge].

The salary herein provided for the [municipal judge] and [associate municipal judge] shall be in lieu of all fees, costs and charges to which said [judges] would be entitled but for the provisions of this

section, except fees for the performance of marriage ceremonies, and for administering oaths in matters not connected with suits or proceedings in the [municipal court] in said city.

*Editor's note:*

*This section constitutes an amendment adopted by the electors on May 11, 1954, and on April 4, 1966.*

**SEC. 424 FEES; STATE LAW; USE FOR CITY BENEFIT.**

All the provisions of the general laws of the state of Michigan in relation to the fees chargeable in the several proceedings in the justice courts in townships shall apply to the [municipal court] for said city, and shall be collected for the use and benefit of the city of River Rouge.

**SEC. 425 MUNICIPAL JUDGES; BONDS REQUIRED.**

Each [municipal judge] , in addition to any 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 bond to the city in a penalty of \$2,000.00, with sufficient sureties to be approved by the council, conditioned for the faithful performance of the duties of [municipal judge] within and for the city and for the payment to the city of all moneys collected or received by such [judge] which, by the provisions of the general laws of the state or of this charter, he shall be required to pay into the treasury of said city. .

**SEC. 426 'MUNICIPAL JUDGE', DEFINED; PRACTICE OF LAW PROHIBITED.**

The [municipal judge] shall not practice law in the [municipal court] of the city of River Rouge.

Whenever in this chapter [article] the term ['municipal judge'] is used, it shall include both the [municipal judge] and the [associate municipal judge]. In all his official acts and in all court proceedings, the [associate municipal judge] shall be designated as ['municipal judge'], the word 'associate' being herein used to distinguish between the [municipal judge] required to devote full time, and the one required to devote partial time to the duties of his office.

**SEC. 427 COURT HOURS; RULES AND REGULATIONS, COUNCIL AUTHORITY.**

The [municipal judge] shall hold court and keep said office open from the hour of 9:00 o'clock in the forenoon until 12:00 o'clock in the forenoon, and from 2:00 o'clock in the afternoon until 4:30 o'clock in the afternoon of each secular day. The council shall have power to make all necessary and

proper rules for the regulation of the [municipal court] in the city of River Rouge, which are not inconsistent with the provisions of this charter and the general laws of this state.

#### **SEC. 428 COURT ROOM, ETC.; COUNCIL DUTIES.**

The council shall furnish a suitable place for a [municipal court] room, and shall provide for all the necessary expenses in connection with the establishment and maintenance of the [municipal court] of said city.

#### **SEC. 429 CONSTABLES; POWERS AND DUTIES.**

There shall be two constables in and for the city of River Rouge. Except as in this charter otherwise provided, all the provisions of the general law applying to the election, qualifications and compensation of constables in townships shall apply to said constables.

Said constables shall have like powers and authority in matters of a criminal and civil nature, and in relation to the service of process, civil or criminal, as are conferred by law upon constables in townships.

#### **SEC. 430 COURT CLERK, APPOINTMENT.**

The council shall by ordinance provide a clerk for said [municipal judges]. Said clerk shall be appointed by the council on the nomination of said [municipal judges], acting jointly, to serve for a term of four years, unless sooner removed by the council for cause, and after his appointment he shall be under the control and direction of said [municipal judges] and subject to their orders. In case said [municipal judges] shall not be able to agree upon the person to be appointed clerk for said [judges], then said clerk shall be appointed by the city council.

#### **SEC. 431 COURT CLERK; OATH, BOND, REQUIRED.**

Before said clerk shall enter upon the duties of his office, he shall take and subscribe to the constitutional oath of office and furnish to the city a bond with such penalty as shall be fixed by the council with sufficient sureties to be approved by the council, conditioned on the faithful performance of his duties and for the paying over and accounting for all moneys received by him as such clerk, which bond after its approval shall be filed with the city clerk. He shall receive such salary as shall be fixed by the council.

***Editor's note:***

*This section constitutes an amendment adopted by the electors on May 11, 1954.*

**SEC. 432 COURT CLERK; POWERS AND DUTIES.**

Said clerk is hereby empowered to take complaints in criminal causes and swear the complaining witness thereto. He shall also by virtue of his office be empowered to administer oaths to persons making affidavits for writs in civil causes, and issue all civil process, and attest the same in the name of the [municipal judge] of the city, which attest shall be in the following form: 'John Doe, [Municipal Judge], by Richard Roe, Clerk, (or Deputy Clerk).'

**SEC. 433 FEES, FINES; COLLECTION, DISPOSITION; RECORD REQUIRED.**

All fees in civil causes and all fines imposed in criminal causes shall be collected by said clerk for the use and benefit of the city of River Rouge, and all such fees and fines received by him shall be entered in a book kept by said clerk for that purpose and by him paid over to the city treasurer at least once in each week.

**SEC. 434 DEPUTIES, ASSISTANTS; APPOINTMENT, COUNCIL AUTHORITY.**

The city council may provide for such deputy clerks and assistant clerks as it shall deem necessary.



## ARTICLE 21: RECALL

### Section

- Sec. 435 Elective officers; recall
- Sec. 436 Affidavit, contents; petitions, contents
- Sec. 437 Petitions, filing; time, limitation
- Sec. 438 Petitions; signatures required, affidavit
- Sec. 439 Petitions; sufficiency, determination; certificate
- Sec. 440 Insufficient petitions; notice; additional signatures
- Sec. 441 Sufficient petitions, submission to council
- Sec. 442 Recall elections, procedure
- Sec. 443 Recall elections; vote required
- Sec. 444 Incumbents; continuation in office
- Sec. 445 Recall; time, limitation
- Sec. 446 Recalled officers; appointment, restriction
- Sec. 447 Ballots, form; suspension of elective officers, causes enumerated; recall, procedure

### SEC. 435 ELECTIVE OFFICERS; RECALL.

Any holder of an elective office may be recalled and removed therefrom by the qualified electors of the city of River Rouge, in the manner provided by the constitution and general laws of this state and the provisions of this charter.

***Editor's note:***

*For city authority relative to the recall of all of its officials, see C.L., 1948, sec. 117.4i(6); Mich. Stat. Anno., sec. 5.2082.*

### SEC. 436 AFFIDAVIT, CONTENTS; PETITIONS, CONTENTS.

Any qualified elector of the city may make and file with the clerk an affidavit containing the name of the official sought to be removed and a specific statement of the grounds of removal. The clerk shall, thereupon, deliver to the elector making such affidavit, a sufficient number of copies of petitions for such recall and removal, printed forms of which he shall keep on hand. Such petition shall be issued by the clerk with his signature and official seal of the city attached thereto; they shall be dated and addressed

to the council, contain the name of the person to whom issued, the number of forms so issued, the name of the person sought to be removed, the office from which such removal is sought, the grounds of such removal, as stated in said affidavit, and shall demand the submission of the question of such recall to the electors, a copy of which petition shall be kept in the office of the clerk.

#### **SEC. 437 PETITIONS, FILING; TIME, LIMITATION.**

Any defect in said form or record shall not invalidate the same. Said recall petition must be returned and filed with said clerk within 30 days of its issuance.

#### **SEC. 438 PETITIONS; SIGNATURES REQUIRED, AFFIDAVIT.**

Said petitions before being returned and filed, shall be signed by qualified electors equal in number to at least 25 per centum of all the electors voting at the last preceding general election and to each signature shall be attached his place of residence, giving street and number. Such signature need not all be on one paper. A qualified elector of the city shall make an affidavit thereto that each signature appended to the paper is the signature of the person whose name it purports to be. All such papers for the recall of any one officer shall be fastened together and filed as one instrument, with the endorsements thereon of the names and addresses of three persons designated as filing the same.

#### **SEC. 439 PETITIONS; SUFFICIENCY, DETERMINATION; CERTIFICATE.**

Within ten days from the filing of said petitions, the clerk shall ascertain, by examination thereof, and of the registration books and election returns, whether the petition is signed by the requisite number of qualified electors, and shall attach thereto his certificate showing the result of such examination.

#### **SEC. 440 INSUFFICIENT PETITIONS; NOTICE; ADDITIONAL SIGNATURES.**

If his certificate shows the petition to be insufficient, he shall within the said ten days, so notify in writing one or more of the persons designated on the petitions as filing the same. Additional signatures, properly verified, may be filed at any time within ten days from the filing of the certificate. The clerk shall, within ten days after filing additional signatures, make like examination of the additional signatures, and attach thereto his certificate of the result. If still insufficient, or if no additional signatures are so filed, he shall return the petition to one of the persons designated as filing it, without prejudice however to the filing of a new petition for the same purpose.

**SEC. 441 SUFFICIENT PETITIONS, SUBMISSION TO COUNCIL.**

When the petition shall be found and certified by the clerk to be sufficient, he shall submit the same, with his certificate, to the council without delay, and the council shall, if the officer sought to be removed does not resign within five days thereafter, forthwith, after said five-day period, order and fix a date for holding the said election, not less than 30 days, nor more than 40 days from the date of the clerk's certificate, that a sufficient petition is filed, provided, however, that if any other municipal election is to occur within 60 days from the date of the clerk's certificate, the council shall postpone the holding of the recall election to the date of such other municipal election.

**SEC. 442 RECALL ELECTIONS, PROCEDURE.**

The said election shall be conducted, returned, and the result thereof declared, in all respects as are other city elections. If a vacancy occurs in said office after a recall election has been ordered, the council shall rescind the order calling such election and the same shall not be held.

**SEC. 443 RECALL ELECTIONS; VOTE REQUIRED.**

If at such recall election a majority of the votes cast shall be 'for the recall', then such officer shall be deemed to have been recalled and the said office vacant.

**SEC. 444 INCUMBENTS; CONTINUATION IN OFFICE.**

The incumbent shall continue to perform the duties of his office until the recall election. If not then recalled, he shall continue in his office for the balance of his term.

**SEC. 445 RECALL; TIME, LIMITATION.**

No recall petition shall be filed against any officer until he has actually held his office for at least three months.

**SEC. 446 RECALLED OFFICERS; APPOINTMENT, RESTRICTION.**

No person who has been removed from an office by recall, or who has resigned from such office while recall proceedings were pending against him, shall be appointed to any office within two years after such removal or resignation.

**SEC. 447 BALLOTS, FORM; SUSPENSION OF ELECTIVE OFFICERS, CAUSES ENUMERATED; RECALL, PROCEDURE.**

The ballot at any recall election shall be in substantially the following form:

<p><b>Official Recall Ballot</b></p> <p>( ) For the recall of (name of officer sought to be removed) from the office of (title of office).</p> <p>( ) Against the recall of (name of officer sought to be removed) from the office of (title of office).</p>
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The council shall suspend any elective officer for any of the following causes:

- (a) Conviction by a court of competent jurisdiction of a felony.
- (b) Intoxication or habitual drunkenness.
- (c) Wilful violations of any of the provisions of this charter or ordinances of the city of River Rouge.
- (d) Incompetency to perform the duties of his office.
- (e) Wilful neglect of duty.
- (f) Corrupt or wilful malfeasance or misfeasance in office.
- (g) Wilful misconduct to the injury of the public service.

If said officer does not resign within five days after his suspension by the council, there shall be fixed by the council a date for a public trial of the accused, not sooner than twelve days and not later than twenty days from the date of such suspension. If after such trial he shall be deemed guilty by a two-thirds vote of the council, there shall be held a recall election as provided in this charter.

## ARTICLE 22: INITIATIVE AND REFERENDUM

### Section

- Sec. 448 Proposed ordinances; petitions; signatories, affidavits
- Sec. 449 Petitions, form
- Sec. 450 Petitions; filing, certification
- Sec. 451 Petitions; sufficiency, determination
- Sec. 452 Insufficient petitions, procedure
- Sec. 453 Sufficient petitions; certification; submission to council
- Sec. 454 Referendum, special election
- Sec. 455 Referendum', regular election
- Sec. 456 Petition of protest; contents, signatories; suspension of ordinance; procedure
- Sec. 457 Referendum without petition; council powers, restriction
- Sec. 458 Conflicting provisions, determination
- Sec. 459 Referendum; notice, publication
- Sec. 460 Ballots, contents; majority vote required
- Sec. 461 Ordinances adopted by referendum; amendment, repeal, restriction
- Sec. 462 Additional regulations, council authority

### ***Editor's note:***

*For city authority relative to the initiative and referendum on all matters within the scope of its powers, see C.L., 1948, sec. 117.4i(6); Mich. Stat. Anno., sec. 5.2082.*

### **SEC. 448 PROPOSED ORDINANCES; PETITIONS; SIGNATORIES, AFFIDAVITS.**

Any ordinance which may be legally adopted by the council of the city of River Rouge may be proposed by petition signed by a number of registered electors of the city of River Rouge equal to the percentage hereinafter provided, but in no case shall the number of such signers be less than 250. Such petition shall be addressed to the council of the city of River Rouge, and shall set forth at length the ordinance proposed to be enacted. With each signature attached thereto shall be given the place of residence, with the street and number of the elector so signing, and the date when such signature was attached. Such signatures need not all be on one paper, but all petitions shall be filed with the city clerk at one and the same time. An affidavit or affidavits shall be made by one or more registered electors of the city, which affidavits shall state that each signature appearing upon such petition to which such

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affidavit is attached, is the genuine signature of the person whose name it purports to be, and that to the best of affiant's knowledge and belief, the signers whose names are attached to said petition are registered electors of the city of River Rouge.

SEC. 449 PETITIONS, FORM.

The petition proposing an ordinance shall be in the following form:

To the Honorable, the Council of the City of River Rouge County of Wayne, State of Michigan;

We, the undersigned registered electors in the City of River Rouge, under and by virtue of the authority granted by Act No. 279 of the Public Acts of 1909, as amended, and by Chapter XXIV of the Charter of the City of River Rouge, do hereby propose and initiate for submission to the qualified electors of the City of River Rouge, in the County of Wayne, and State of Michigan, the following proposed ordinance:

(Here set forth proposed ordinance in full.)

(If a special election is desired insert the following: 'Your Petitioners further pray that a special election be called for the purpose of submitting said proposed ordinance provided no regular or special election is to be held in said City within four months from the date the City Clerk shall certify the sufficiency of this petition.')

And your petitioners will ever pray, etc.

Name	Number	Street	Date of Signing
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Affidavit

State of Michigan,     )  
County of Wayne.    )    ss.

\_\_\_\_\_, being first duly sworn, deposes and says that the names appearing upon the foregoing petition are the genuine signatures of the persons whose names appear thereon, and that to the best of affiant's knowledge and belief, such persons are registered electors of the City of River Rouge.

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 20\_\_\_\_\_  
Notary Public, Wayne County, Michigan  
My commission expires \_\_\_\_\_

SEC. 450 PETITIONS; FILING, CERTIFICATION.

Said petitions when signed by the requisite number of registered electors shall be filed with the city clerk. Such clerk shall attach thereto a certificate, setting forth the name and address of the person or

persons filing the said petition in his office, and the date when said petition was filed. A copy of said petition, exclusive of signatures, together with said certificate, shall be entered in a record book to be kept for that purpose in the office of the city clerk. Any defect in the form of the petition or record as kept by the city clerk shall not invalidate the same.

**SEC. 451 PETITIONS; SUFFICIENCY, DETERMINATION.**

Within ten days from the date of the filing of said petition with the city clerk, it shall be the duty of such clerk to ascertain by comparison of said petition with the registration books of the city of River Rouge, whether or not such petitions are signed by the requisite number of registered electors, and following such examination, the clerk shall attach to such petition his certificate showing the result of such examination.

**SEC. 452 INSUFFICIENT PETITIONS, PROCEDURE.**

If the certificate of the clerk so attached shows the petition to be insufficient, he shall within ten days cause notice in writing, setting forth the fact that such petitions are found to be insufficient, to be served upon one or more of the persons designated in the certificate attached by him to said petition as the persons who filed said petition in his office. Additional signatures properly verified as hereinbefore provided, may be filed with the clerk at any time within 15 days from the date of the service of such notice. The city clerk shall attach his certificate to such additional petitions and shall cause them to be entered in the record book as herein provided shall be done when the original petitions are filed. The clerk shall within five days after the filing of such additional petitions make like comparison of the additional signatures with the registration books and attach thereto his certificate of the result. If the number of signatures are still shown to be insufficient, or if no additional signatures are so filed, the clerk shall upon demand return the petition to any of the persons designated as filing it, without prejudice, however, to the filing of a new petition for the same purpose.

**SEC. 453 SUFFICIENT PETITIONS; CERTIFICATION; SUBMISSION TO COUNCIL.**

When the petition shall be found by the city clerk to be sufficient, he shall so certify, and submit the same with his certificate to the council at its next regular meeting.

**SEC. 454 REFERENDUM, SPECIAL ELECTION.**

If the petition accompanying the proposed ordinance be signed by a number of registered electors of said city equal to at least 20 per centum of the entire vote cast for all candidates for mayor at the past

preceding annual election at which a mayor was elected, and contains a request that said proposed ordinance be submitted to a vote of the electors at a special election, the council shall, within 20 days thereof, either:

(a) Pass said ordinance without alteration (subject to the referendum provided by this charter), or

(b) Call a special election to be held within 90 days from the date of the certificate of the city clerk attached thereto, and at such special election said proposed ordinance shall be submitted without alteration to the vote of the qualified electors of said city. Provided, however, that if a regular or special election is to be held in said city within four months from the date of said certificate by the city clerk, then said ordinance shall be submitted at such regular or special election, and no other special election for the purpose of submitting said ordinance shall be called.

#### **SEC. 455 REFERENDUM, REGULAR ELECTION.**

If the petition be signed by registered electors of the city of River Rouge equal in number to at least ten per centum, but less than 20 per centum of the vote cast for all candidates for mayor of said city at the last preceding regular municipal election at which a mayor was elected, as shown in the manner hereinafter provided, and said ordinance be not passed without alteration by the council within 20 days as provided in the preceding section, then such ordinance, without alteration, shall be submitted by the council to the electoral vote at the next regular election that shall occur at any time after 30 days from the date of the city clerk's certificate of sufficiency attached to the petition accompanying such ordinance.

#### **SEC. 456 PETITION OF PROTEST; CONTENTS, SIGNATORIES; SUSPENSION OF ORDINANCE; PROCEDURE.**

Within 30 days after the publication of any ordinance, duly passed by the council, a petition may be presented to the council, protesting against any such ordinance continuing in effect. Said petition shall contain the text of such ordinance and shall be signed by registered electors of the city equal in number to at least 20 per centum of the entire vote cast for all candidates for mayor at the last preceding regular election at which a mayor was elected, which number shall in no case be less than 250. Said ordinance shall thereupon and thereby be suspended from operation and the council shall immediately reconsider such ordinance.

If the ordinances be not entirely repealed, the council shall submit the question of whether or not it shall become effective to a vote of the electors of the city, either at the next regular election or at a special election which may in its discretion be called for the purpose, and such ordinance shall not be restored to operation unless a majority of the electors voting thereon at such election shall vote in favor thereof.



The procedure in regard to such petition of protest and referendum shall be the same as provided in this chapter [article] for the initiative and referendum on a proposed ordinance, with such modifications as the nature of the case may require. Provided, however, that no such referendum shall be ordered by the council on any ordinance required to be passed by the general laws of this state, or when such ordinance shall be an emergency measure which is necessary for the immediate preservation of public peace, health or safety.

#### **SEC. 457 REFERENDUM WITHOUT PETITION; COUNCIL POWERS, RESTRICTION.**

The council may, of its own motion, submit to a referendum for adoption or rejection at any regular primary or special election held in said city, any proposed ordinance or measure or a proposal for the repeal or the amendment of any ordinance, in the same manner and with the same force and effect as provided in this chapter [article] for submission on petition. No such ordinance or amendment shall be submitted however, at any election to be held in less than 30 days from the date of the meeting of the council when such ordinance or amendment is ordered submitted.

#### **SEC. 458 CONFLICTING PROVISIONS, DETERMINATION.**

If the provisions of two or more proposed ordinances or measures adopted or approved at the same election, are inconsistent, then the ordinance or measure receiving the highest affirmative vote shall prevail.

#### **SEC. 459 REFERENDUM; NOTICE, PUBLICATION.**

Whenever any ordinance is submitted to the voters of the city at any election, the council shall cause such ordinance to be published in full in a newspaper of general circulation in the city, designated by the council, once in each week for three consecutive weeks immediately preceding such election, and the council may, in its discretion, provide for the further publication of said ordinance or a summary thereof, setting forth the principal provisions, in one or more additional newspapers having a general circulation in said city.

#### **SEC. 460 BALLOTS, CONTENTS; MAJORITY VOTE REQUIRED.**

The ballots used when voting upon such ordinance shall be provided in accordance with law, and shall state the nature of the ordinance in terms sufficient to identify it, and on separate lines, shall be printed the words, 'for the ordinance', and 'against the ordinance', with a square opposite each line in which the voter may make his cross to indicate his choice. If a majority of the qualified electors voting

on said proposed ordinance shall vote in favor thereof, the same shall then take effect as provided in this charter.

**SEC. 461 ORDINANCES ADOPTED BY REFERENDUM; AMENDMENT, REPEAL, RESTRICTION.**

No ordinance adopted under this charter by referendum vote shall be repealed or amended except by referendum vote.

**SEC. 462 ADDITIONAL REGULATIONS, COUNCIL AUTHORITY.**

The council may by ordinance or resolution make such regulations not in conflict herewith as it may deem necessary to carry out the provisions of this chapter [article].

## ARTICLE 23: CIVIL SERVICE

### Section

- Sec. 463 Civil service commission; creation, composition; definitions
- Sec. 464 Same; members; appointment, term
- Sec. 465 Same; members, qualifications
- Sec. 466 Civil service commission; members, compensation
- Sec. 467 Same; members, oath required
- Sec. 468 Same; organization; personnel director, employees; appointment
- Sec. 469 Same; members; removal, causes enumerated
- Sec. 470 Civil service commission; meetings, records, quorum
- Sec. 471 Personnel director; qualifications, compensation
- Sec. 472 Unclassified, classified services; composition
- Sec. 473 Classified service, members; subject to civil service
- Sec. 474 Civil service commission; powers and duties
- Sec. 475 Personnel director; powers and duties
- Sec. 476 Officers, employees; status
- Sec. 477 New positions, classification
- Sec. 478 Compensation plan, administration
- Sec. 479 Payrolls, certification
- Sec. 480 Applications for employment; contents
- Sec. 481 Applicants, qualifications
- Sec. 482 Employment lists; competitive tests required
- Sec. 483 Promotions, examinations; requirements
- Sec. 484 Tests, examinations; regulations
- Sec. 485 Eligibility lists
- Sec. 486 Tests, examinations; notice, publication
- Sec. 487 Re-employment lists
- Sec. 488 Applicants, rejection; causes enumerated
- Sec. 489 Filling vacancies; certification from lists
- Sec. 490 Transfers; personnel director, authority
- Sec. 491 Personnel; reduction, procedure
- Sec. 492 Removals, etc., requisites; appeals, procedure
- Sec. 493 Political activity, prohibition
- Sec. 494 Seeking public office, prohibition
- Sec. 495 Provisions, enforcement; civil actions; taxpayers; commission, duties, liability

- Sec. 496 Subpoenas, issuance; commission, director, authority
- Sec. 497 Prohibitions enumerated
- Sec. 498 Civil service; violations, penalty
- Sec. 499 Reports required; preparation, form
- Sec. 500 Preferring charges
- Sec. 501 Annual reports, public inspection
- Sec. 502 Effectuating civil service provisions; budget board, officers, duties
- Sec. 503 Conflicting provisions, repeal
- Sec. 504 Severability
- Sec. 505 Penalty

**Editor's note:**

*This article constitutes an amendment adopted by the electors on April 2, 1945.*

*For city authority to provide for a system of civil service for its employees, see C.L., 1948, sec. 117.4i(7); Mich. Stat. Anno., sec. 5.2082.*

**SEC. 463 CIVIL SERVICE COMMISSION; CREATION, COMPOSITION; DEFINITIONS.**

Within 30 days after this charter amendment shall become effective there shall be created a civil service commission of and for the city of River Rouge consisting of three members.

(1) The words 'commission' and 'commissioner' as used in this chapter [article] shall be construed to mean the civil service commission of the city of River Rouge and the members thereof.

(2) 'Appointing authority' shall be construed to mean the person or board having the power, by virtue of the provisions of this charter amendment, the city charter, city ordinance or statute to make appointments.

(3) 'Public hearing' means an opportunity given after public notice of at least five days for any citizen or party interested to appear and be heard at reasonable length on the matter involved.

(4) 'Classified service' means all positions in the service, whether paid or unpaid, whether full time or part time, whether existing or hereafter created, except those which are expressly excepted from such class herein.

(5) The word 'residence' as used in this chapter [article] shall be construed to mean that place at which a person habitually sleeps and has a lodging.

**SEC. 464 SAME; MEMBERS; APPOINTMENT, TERM.**

The three members of the civil service commission shall be appointed as follows: One member shall be appointed by the city council by a majority vote of its membership to serve for a term of one year;

one member shall be selected by the full-paid and full-time city of River Rouge employees, except the employees of the police and fire departments of the city of River Rouge, by a majority vote of such employees, who shall serve for a term of two years; one member shall be selected by the two so chosen who shall serve for a term of three years. Thereafter, the appointments shall be made in each case by the same respective authority and shall be for three year terms, except that vacancies shall be filled only for the unexpired term of the person creating the vacancy. Each commissioner shall serve until his successor has been appointed and qualified by the appointing powers hereinbefore designated. If any of the appointing powers hereinbefore designated shall refuse or neglect to choose a commissioner within 60 days after this charter amendment becomes effective or within 30 days after a vacancy exists in the office of the commissioner it appoints, the mayor may make such choice and appoint the person so chosen. In the event that any of the methods of selecting members of the commission hereinbefore mentioned are declared illegal or unconstitutional, appointing power or powers shall be vested in the city council.

#### **SEC. 465 SAME; MEMBERS, QUALIFICATIONS.**

No person shall be appointed a member of said commission who is not a citizen of the United States and who has not been an elector of Wayne county for a period of at least three years immediately preceding said appointment. A majority of the members of said commission shall be residents of and voters of River Rouge for a period of at least three years immediately preceding such appointment. No person who holds any other office, position or employment under the United States, state of Michigan, city of River Rouge, or any city, county or other political subdivision thereof (except notary public) for which he receives a salary or compensation, shall be eligible to appointment on such commission, nor shall any commissioner after or during his appointment hold any of aforesaid offices, positions or employments; nor shall any commissioner serve on any political committee or take any active part in the management of any political campaign; nor shall any person be appointed commissioner who has been candidate for any River Rouge political office for a period of two years immediately preceding his appointment.

#### **SEC. 466 CIVIL SERVICE COMMISSION; MEMBERS, COMPENSATION.**

The members of the civil service commission shall receive as salary the sum of \$150.00 per annum.

#### **SEC. 467 SAME; MEMBERS, OATH REQUIRED.**

Every member of the commission shall, before entering upon the discharge of the duties of his office, and within ten days after receiving notice of his appointment, take and subscribe the oath of office prescribed by the constitution of this state and file same, duly certified by the officer administering it with the city clerk.

**SEC. 468 SAME; ORGANIZATION; PERSONNEL DIRECTOR, EMPLOYEES; APPOINTMENT.**

The members of the commission shall, at their first meeting following their appointment, and at their first meeting in May of each year thereafter, designate one of their members to act as president and one to act as vice-president, to hold such office for a term of one year and until their successors have been duly selected. The commission shall choose by competitive examination, a personnel director and such examiners, investigators, clerks and other assistants as may be necessary to carry out the provisions of this chapter [article] of the city charter, and as may be allowed by the city council and budget board. It shall be the duty of the budget board and the city council to appropriate sufficient funds to adequately provide for the effective administration of the provisions of this chapter [article] of the city charter.

**SEC. 469 SAME; MEMBERS; REMOVAL, CAUSES ENUMERATED.**

Members of the commission shall be subject to removal from office by the city council for incompetency, neglect of duty, misfeasance, malfeasance or nonfeasance in office; provided, however, that no member of the commission shall be removed from office until charges shall have been preferred in writing, due notice given, and a full hearing had before the city council, at which time such commissioner shall be heard in his own defense. The commissioner may be represented by counsel at any and all hearings and proceedings for removal from office. If the city council, after the hearing as aforesaid, shall determine that the commissioner is guilty of the charges preferred against him, it shall certify its findings and determination to the mayor, who shall then remove such commissioner from office. The council shall report in writing any such removal to the commissioner. Any vacancy in office caused by such removal shall be filled as provided in section 2 [464] of this chapter [article].

**SEC. 470 CIVIL SERVICE COMMISSION; MEETINGS, RECORDS, QUORUM.**

The commission shall hold regular meetings at least once each month and may hold such additional meetings as may be required in the proper discharge of its duties. It shall adopt its own rules of procedure and shall keep a record of its proceedings. All meetings and records of the commission shall be public. Two members of the commission shall constitute a quorum for the transaction of business.

**SEC. 471 PERSONNEL DIRECTOR; QUALIFICATIONS, COMPENSATION.**

The personnel director shall be a person thoroughly in sympathy with the application of merit and sound business principles and methods of personnel administration and skilled therein; or he shall have had at least three years of successful experience in the administration of an employment system involving at least 100 positions or employees; and shall have such other qualifications as may be prescribed by the

commission. The compensation of the personnel director shall be fixed by the commission and be no less than the average salary of the city of River Rouge department heads.

**SEC. 472 UNCLASSIFIED, CLASSIFIED SERVICES; COMPOSITION.**

The civil service of the city of River Rouge is hereby divided into two classes, namely: (A) the unclassified service, (B) the classified service.

The unclassified service shall comprise and include:

- (a) Officers elected by the people.
- (b) City attorney and assistant city attorney.
- (c) City assessor.
- (d) City controller.
- (e) City engineer.
- (f) Superintendent of public works.
- (g) City physician and assistant.
- (h) Board of review.
- (i) Officers and employees of such departments of the city as may be exempt from the provisions of civil service under the general laws of the state.
- (j) Registrars, inspectors, supervisors, clerks and other assistants of the election commission.
- (k) The secretary of each board or commission created by the charter.
- (l) The mayor's secretary.
- (m) Head or chief deputy of the elective offices.
- (n) Members of the police and fire departments.
- (o) Members of the police and fire safety commission.

The classified service shall comprise and include all other officers, clerks and employees of all offices, departments and commissions of the city, whether now existing or hereafter set forth in this section 10 [472] as being in unclassified service.

***Editor's note:***

*This section constitutes an amendment adopted by the electors on April 2, 1956.*

**SEC. 473 CLASSIFIED SERVICE, MEMBERS; SUBJECT TO CIVIL SERVICE.**

All officers and positions included in the classified service shall, unless otherwise specifically provided in this chapter [article], be subject to the provisions of the chapter [article] as to civil service, as well as all rules and regulations adopted by the civil service commission, and all appointments to any such positions or offices as well as all removals, layoffs, promotions, increases or decreases in salary or compensation of and for such positions or offices, shall be made under and in accordance with the provisions of this chapter [article], and the rules and regulations adopted by the civil service commission.

All offices and positions included in the unclassified service hereinbefore defined shall not be affected by the provisions of this chapter [article] nor by the rules and regulations adopted by the civil service commission.

**SEC. 474 CIVIL SERVICE COMMISSION; POWERS AND DUTIES.**

It shall be the duty of the civil service commission, as a body.

(a) On or before the first Monday in May of each year, to prepare and file with the city controller estimates in detail of the expenses of operations of such departments in accordance with the provisions of the chapter [article].

(b) On or before the first Monday in May of each year, to adopt and submit to the city controller a compensation plan for officers and employees in the classified service. Such compensation plan, as adopted by the commission, except as may be modified by the budget board and city council, shall constitute the city's compensation plan for such classes of positions for the ensuing fiscal year.

(c) To adopt and amend rules and regulations for the administration of this chapter [article] of the city charter.

(d) To adopt, modify or reject such classification plans for the offices and positions under civil service, together with rules for their administration as may be recommended by the personnel director, after a thorough survey of the personnel and departmental organizations included in such plan or plans.



(e) To make investigations, either on petition of a citizen, or of its own motion, concerning the enforcement and effect of the provisions of this chapter [article] of the city charter, to require observance of its provisions and rules and regulations made thereunder.

(f) To hear and determine appeals or complaints respecting the administrative work of the personnel department, appeals of complaints or charges preferred against any officer or employee in the classified service; appeals upon allocations of positions; the rejections of an applicant for admission to an examination and such other matters as may be referred to the commission by the personnel director.

(g) To make such investigations as may be requested by the mayor or the council and to report thereon.

(h) To classify all the offices of employment and make rules for the examination and selection of persons to fill the offices and positions in the classified service; provided, however, that the rules made by the commission and the system in marking examinations thereunder shall not be changed for a period of 30 days prior to or after such examinations, and such system of marking shall be published in advance of such examinations and copies furnished to all applicants. Provided, further, that no credit shall be allowed for experience until the applicant taking the examination has at least attained the percentage fixed as the minimum.

(i) To supervise the administration of the civil service rules and to hold examinations thereunder from time to time giving due notice thereof and prepare and keep an eligible list of persons passing such examinations.

#### **SEC. 475 PERSONNEL DIRECTOR; POWERS AND DUTIES.**

It shall be the duty of the personnel director to:

(1) Attend the regular and special meetings of the civil service commission and to act as its secretary and to record its official actions.

(2) Supervise and direct the work of the employees in the personnel department.

(3) Prepare and recommend rules and regulations for the administrations of this chapter [article] of the city charter, which rules and regulations shall become effective upon approval thereof by the commission; to administer such rules and regulations; and to propose amendments thereto.

(4) Establish and maintain in cards or other suitable form a roster of officers and employees in the services of the city.

(5) Ascertain and record the duties and responsibilities appertaining to all positions in the classified service and classify such positions in the manner hereinafter provided. Any employee whose position or title is affected by such allocations shall be given a reasonable opportunity to be heard before final action is taken.

(6) Make a study of the rates of compensation being paid for such class of position in the classified service and, after consulting the appointing authorities and other departments, prepare and submit to the civil service commission not later than May first of each year, a report of compensation and setting forth a schedule of compensations for each class of positions, with a minimum salary rate, a maximum salary rate and such intermediate salary rates as may be necessary and equitable. Such compensation schedule shall be based upon experience in recruiting various positions and upon such data as he may assemble relating to rates of pay and comparable service in commercial and industrial establishments and in other public employment, prevailing market rates, costs and standards of living, and the city policies, finances and needs. He shall, under rules and regulations adopted and approved as herein provided, regulate the compensation of employees in the classified service within the limits affixed by law and subject to the appropriation of funds after such schedule of compensation as recommended or modified for any class in the service is adopted by the commission, the budget board and the city council.

(7) Provide for, formulate and hold competitive tests to determine the relative qualifications of persons who seek employment in any class of position and, as a result thereof, establish employment and re-employment lists for the various classes of positions.

(8) The personnel director may, with the approval of the commission, solicit examinations of persons residing outside of the city of River Rouge in the advent that there is a position to be filled for which no River Rouge resident has qualified, and, upon such outside resident passing such examination, may certify them for appointment to said position or positions.

(9) Provide the matter of fixing hours of work, checking attendance and making payments for overtime, establishing training courses and handling annual, sick and special leaves of absence with or without pay.

(10) Establish records of performance and a system of service ratings to be used in determining increases and decreases in salary and promotions, in determining the order of layoffs and re-employment and for other purposes.

(11) Keep such records as may be necessary for the proper administration of this chapter [article] of the city charter.

(12) Provide a system for checking payrolls, estimates and accounts for payment of salaries to employees in the classified service, so as to enable the commission, upon satisfactory evidence thereof, to certify or cause to be certified that the persons whose names thereon appear have been regularly

employed in the performance of the duties indicated at the compensation rates and for the periods for which compensation is claimed or on authorized leave, before payment may be lawfully made to such employees.

(13) Make investigations concerning administration and effect of this chapter [article] and the rules made thereunder, and report his findings and recommendations to the commission.

(14) Make an annual report to the civil service commission.

#### **SEC. 476 OFFICERS, EMPLOYEES; STATUS.**

All officers and employees of the city or any subdivision thereof at the time this section shall take effect, whose positions this section includes in the classified civil service shall hold their positions without examination until discharged, reduced, promoted or transferred in accordance with the provisions of this section relating to civil service. All employees now authorized by law to be employed in any city office or department for seasonal or temporary employment, who shall have been in such employment of the city for two successive seasons immediately prior to the time this section shall take effect, shall be included in the classified civil service and be eligible for appointment to such seasonal or temporary occupation without examination; and shall, thereafter, be subject in all other respects to the provisions of this chapter [article] of the city charter.

#### **SEC. 477 NEW POSITIONS, CLASSIFICATION.**

With the approval of the civil service commission, additional classes may be established for new positions created or positions not included in any previously established class may be allocated thereto, as good administration may require. Any existing class or classes may be divided, combined, altered or abolished and positions allocated to any class or classes may be reallocated. The appointing authorities shall promptly report to the personnel director intention to establish new positions that may be classified and allocated so that certifications may be made or appropriate tests provided for and held for the purpose of establishing requisite employment lists from which appointments may be made as provided in this chapter [article].

#### **SEC. 478 COMPENSATION PLAN, ADMINISTRATION.**

Payments for the services of persons holding positions in the classified service shall be made in accordance with the compensation schedules established hereunder and the rules for administration of the compensation plan. No person shall be paid an amount greater than the maximum salary or rate of pay prescribed by the commission for the class in which he serves. Salary advancement or increase shall

be made within the range of salary established for the class and only in the order of highest efficiency combined with relative seniority as shown by the records of the commission.

#### **SEC. 479 PAYROLLS, CERTIFICATION.**

The commission shall be furnished by each department under its jurisdiction with a copy, in duplicate, of each payroll on the days designated by the commission, and the commission shall examine such copy to determine if all the names and no other names are on said payroll than those on the active list and properly certified by the commission and those in the unclassified service; should said payroll be found to be correct in its personnel, the said commission shall stamp its approval on one copy thereof and forward it to the city controller and place the other copy in the files of the commission. Should said payroll be incorrect in its personnel, the approval of the commission shall be withheld from the entries thereon which shall be incorrect and the remainder of the payroll shall be approved and forwarded to the controller. The department submitting such payroll shall be immediately notified of such incorrect entries and shall submit any corrections thereof on its next regular payroll or by supplemental payroll at time prior thereto. Neither the controller of said city nor any other officer concerned in the auditing or paying of any salary or wages or other claims shall approve of or in any manner be concerned in the payment of any salary or wages of any persons subject to the jurisdiction of the commission before the commission has forwarded to the controller its approval of the same. Each payroll so submitted to the commission shall contain the names of the persons to be paid, a statement of the amount to be paid to each such person, and the services on account of which the same is paid. The commission shall refuse to certify the pay of any public officer or employee who shall wilfully or through culpable negligence violate or fail to comply with the provisions of this chapter [article] or of the rules of the commission.

#### **SEC. 480 APPLICATIONS FOR EMPLOYMENT; CONTENTS.**

Every person desiring to appear for examination, in order to entitle him thereto, shall file with the commission a statement subscribed by him and made under oath in which he shall state the facts in relation to the following;

- (1) Full name, residence and post-office address.
- (2) Citizenship.
- (3) Age.
- (4) Place of birth.
- (5) Health and physical capacity for the public service.

- (6) Previous employment in the public service.
- (7) Business or employment and residence for the previous five years.
- (8) Education.
- (9) Such other information as may be required by the commission touching the applicant's fitness for the public service.

#### **SEC. 481 APPLICANTS, QUALIFICATIONS.**

No person shall be eligible to take a competitive examination for any of the positions to be filled under this charter provision unless he shall be a resident of the city of River Rouge for at least two years immediately preceding the examination; provided, however, that in the event no resident of the city of River Rouge can qualify under such examination for any particular position, then the provisions of this section as to residence requirements may be waived.

#### **SEC. 482 EMPLOYMENT LISTS; COMPETITIVE TESTS REQUIRED.**

The personnel director shall, from time to time as conditions warrant, hold tests for the purpose of establishing employment lists for the various positions in the classified service. Such tests shall be public, competitive and open to all persons who may be lawfully appointed to any position within the class for which such examinations are held with limitations specified in the rules of the commission as to residence, age, habits, moral character and pre-requisite qualifications to perform the duties of such positions.

#### **SEC. 483 PROMOTIONS, EXAMINATIONS; REQUIREMENTS.**

Whenever possible, vacancies shall be filled by promotion. Promotions shall be made from among employees in the grades nearest below the grade in which the vacancy exists, qualified by training and experience to fill the vacancy, and whose length of service in such lower grades entitles them to consideration. The commission shall, for the purpose of promotion, rate such employees so qualified in the lower grades on the basis of their service records, experience in the work involved in the vacant position, training and qualification for such work, seniority and war service ratings. Seniority shall be controlling only when other factors are equal. Only one name, the highest on the lists of ratings, shall be certified. The appointing authority shall then appoint the person so qualified forthwith or elect to make an original appointment, in which event the procedure for original appointments hereinbefore provided shall be followed; provided further, that persons failing to qualify for positions in the next highest rank shall be eligible for future examinations for the same rank or position when available.

**SEC. 484 TESTS, EXAMINATIONS; REGULATIONS.**

All promotional examinations and competitive tests shall be practical and shall consist only of subjects which will fairly determine the capacity of the persons examined to perform the duties of the position to which appointment is to be made, and may include test of physical fitness or of manual skill. No credit shall be allowed for service rendered under a temporary appointment. No question in any test shall relate to religious or political opinions or affiliations. No questions which are misleading or unfair or in the nature of catch questions shall be asked. As many tests shall be held as may be necessary to provide eligibles for each class or position, and to meet all requisitions and to fill all positions held by temporary appointees.

**SEC. 485 ELIGIBILITY LISTS.**

From the return and report of the examiners, or from the tests provided by the personnel director, he shall prepare a list of eligibles for each grade of the persons who shall attain such minimum grade as may be fixed for the various parts of such test and whose general average standing upon the test for such position is not less than the minimum fixed by the rules of the commission, and who may be lawfully appointed. Such person shall take rank up on the list in the order of their relative excellence as determined by the test without reference to priority of time of test. The markings of all tests shall be completed and resulting employment list posted as soon as possible thereafter, and not later than 30 days from date of test and such employment list shall not be in force for more than one year. The markings and test papers of each candidate shall be open to his own inspection. The markings and test papers of all persons upon any eligibility list may be opened to public inspection in the discretion of the civil service commission. An error in the markings of any test, other than an error of judgment, if called to the attention of the commission within one month after the posting of an employment list resulting from such test, shall be corrected by such commission; provided, however, that such correction shall not invalidate any certification of appointment previously made.

**SEC. 486 TESTS, EXAMINATIONS; NOTICE, PUBLICATION.**

Notice of the time, place and general scope of every test and of the duties, pay and experience advantageous or requisite for all positions in the grade for which the test is to be held shall be given by the personnel director by publication at least once a week for two weeks preceding the test in a newspaper of general circulation published or circulated in the city of River Rouge. Such further notice shall be given by the commission.

**SEC. 487 RE-EMPLOYMENT LISTS.**

Whenever any employee in the classified service who has been performing his duties in a satisfactory manner, as shown by the records of the department or other agency in which he has been employed, is

laid off because of lack of work or lack of funds, or has been on authorized leave of absence and is ready to report for duty when a position is open, or has resigned in good standing and with the consent of the civil service commission and the department under whose jurisdiction he was employed, and has withdrawn his resignation without being restored to his position, the personnel director shall cause the name of such employee to be placed on the re-employment list for the appropriate class for re-employment within two years thereafter when vacancies in the class occur. The order in which names shall be placed on the re-employment lists for any class shall be established by the rules of the commission.

#### **SEC. 488 APPLICANTS, REJECTION; CAUSES ENUMERATED.**

The personnel director may reject the application of any person for admission to a test or refuse to test any applicant or to certify the name of an eligible for employment who is found to lack any of the established qualification requirements for the position for which he applies or for which he has been tested, or who is physically unfit to effectively perform the duties of the position, or who is addicted to the habitual use of drugs or intoxicating liquors, or who has been guilty of any felony or infamous or notoriously disgraceful conduct, or who has been dismissed from the public service for delinquency, or who has made false statement of any material fact, or practiced or attempted to practice deception or fraud in his application or his test, or in securing eligibility or appointment. Any such person may appeal to the civil service commission from the action of the personnel director in accordance with the rules established hereunder.

#### **SEC. 489 FILLING VACANCIES; CERTIFICATION FROM LISTS.**

Whenever a position in the competitive classified civil service is to be filled, the appointing authority shall notify the commission of that fact and the commission shall certify the names and addresses of the three candidates standing highest on the eligible list for the class or grade to which such position belongs, and the appointing authority shall forthwith appoint to such position one of the three persons so certified. Such appointments shall be for a period to be fixed by the rules, but not to exceed six months. At or before the expiration of the probationary period, the appointing officer may, by presenting specific reasons for such action in writing, discharge a probational appointee, or, with the approval of the civil service commission, transfer him to another department. If not discharged prior to the expiration of the period of probation, and if no complaint has been made as to service rendered, the appointment shall be deemed complete. To prevent the stoppage of business or to meet extraordinary conditions or emergencies, the head of any department or office may, with the approval of the commission, make a temporary appointment to remain for a period not to exceed 60 days, and only until regular appointment under the provision hereof can be made.

**SEC. 490 TRANSFERS; PERSONNEL DIRECTOR, AUTHORITY.**

The personnel director may at any time authorize the transfer of any employee in the classified service from one position to another in the same class and not otherwise; provided, however, that persons who have not been examined and certified under the provisions of this chapter [article] shall not be entitled to transfer. Transfers shall be permitted only with the consent of the personnel director and departments concerned.

**SEC. 491 PERSONNEL; REDUCTION, PROCEDURE.**

If at any time it shall be deemed necessary by the city council of the city of River Rouge to reduce the personnel of any department, such reduction shall be had by suspending in numerical order, commencing with the probationers, if any, then the last appointee, and continuing until such reduction in personnel shall have been made as may be required by the particular exigencies of the time. Any increases of personnel of such department to the status or number existing prior to said reduction shall be by re-instating the last employee so suspended and continuing in numerical order until all such reinstatements shall have been made.

**SEC. 492 REMOVALS, ETC., REQUISITES; APPEALS, PROCEDURE.**

Any officer or employee in the classified civil service may be removed, suspended or reduced in rank or compensation by the appointing authority after appointment or promotion is complete by an order in writing stating specifically the reasons therefor. Said order shall be filed with the civil service commission and a copy thereof shall be furnished to the person to be removed, suspended or reduced. Such employee may reply in writing to said order within five days from the date of filing said order with the civil service commission. Any person removed, suspended or reduced in rank or compensation may within ten days after presentation to him of the order of removal, suspension or reduction as hereinabove provided, appeal to the civil service commission from such order. The commission shall within two weeks from the filing of said appeal commence the hearing thereon and shall thereupon fully hear and determine the matter and either affirm, modify or revoke such order. The appellant shall be entitled to appear personally, produce evidence and to have counsel and a public hearing. The findings and decision of the commission shall be certified to the official from whose order the appeal is taken, and shall forthwith be enforced and followed by him but under no condition be removed, suspended, or reduced in rank until such finding and decision of the commission shall be so certified.

**SEC. 493 POLITICAL ACTIVITY, PROHIBITION.**

No officer or employee of the city in the classified civil service shall directly or indirectly make, solicit or receive or be in any manner concerned in making, soliciting or receiving any assessment,



subscription or contribution for any political party or any political purpose whatsoever. Any employee violating the provision of this section may be removed from the office.

#### **SEC. 494 SEEKING PUBLIC OFFICE, PROHIBITION.**

If any person employed under civil service in accordance with the provisions of this chapter [article] of the city charter shall file an application for nomination for any public office of the city of River Rouge, his employment under civil service shall be automatically terminated.

#### **SEC. 495 PROVISIONS, ENFORCEMENT; CIVIL ACTIONS; TAXPAYERS; COMMISSION, DUTIES, LIABILITY.**

It shall be the duty of the commission to begin and conduct all civil suits which may be necessary for the proper enforcement of this chapter [article], and of the rules of the commission, and to defend all civil suits which may be brought against the commission. The commission shall be represented in such suits by the chief legal officer of the city. Any taxpayer of the city may maintain an action in any court of record to recover for the treasury any sums paid contrary to the provisions of this chapter [article] or of the rules of the commission from the person or persons authorizing such payment, or to enjoin the commission from attaching its certificate to a payroll in violation of the provisions of this chapter [article]. The commission shall be exempt from personal liability in absence of malfeasance, misfeasance or nonfeasance in office.

#### **SEC. 496 SUBPOENAS, ISSUANCE; COMMISSION, DIRECTOR, AUTHORITY.**

In any investigation conducted by the civil service commission or personnel director, they shall have the power to subpoena and require the attendance of witnesses and the production by them of books and papers pertinent to the investigation, and to administer oaths of such witnesses.

#### **SEC. 497 PROHIBITIONS ENUMERATED.**

No person shall deceive or obstruct any person in respect to his or her right of test under the provision of this chapter [article], or falsely mark, grade, estimate or report upon the test or standing of any person tested hereunder, or aid in so doing, or furnish to any person, except in answer to inquiries by the commission, any special information for the purpose of either improving or injuring the rating of any such person for appointment or employment. No applicant shall deceive the commission for the purpose of improving his chances or prospects for appointment. No person shall solicit, orally or by letters, and no public officer or employee shall receive or be in any manner concerned in the receiving or soliciting of any money or valuable thing from any officer or employee holding a position in the civil

service for any political party or whatsoever. No person shall use or promise to use his influence or official authority to secure any appointment or prospect of appointment to any position classified under this chapter [article] as a reward or return for personal or partisan political service. No public officer or employee shall, by means of threat or coercion, induce or attempt to induce any person holding a position in the civil service to resign his position or to take a leave of absence from duty or to waive any of his rights under this chapter [article]. A resignation executed previous to appointment shall be of no effect.

#### **SEC. 498 CIVIL SERVICE; VIOLATIONS, PENALTY.**

Any person who shall wilfully, or through culpable negligence violate any of the provisions of this chapter [article], or of the rules of the commission, shall be guilty of a misdemeanor and shall, on the conviction thereof, be punished by a fine of not less than \$50.00 and not more than \$500.00, or by imprisonment for a term not exceeding 90 days or by both such fine and imprisonment in the discretion of the court.

#### **SEC. 499 REPORTS REQUIRED; PREPARATION, FORM.**

Immediate report in writing shall be given to the commission by the appointing authority and by such other persons as may be designated by the commission of all appointments, reinstatements, vacancies, absences or other matters affecting the status of positions or the performance of duties of officers or employees under the provisions of the chapter [article] of the city charter, and such notices shall be prepared in the manner and form prescribed by the commission.

#### **SEC. 500 PREFERRING CHARGES.**

In addition to the provisions of this chapter [article] relative to preferring charges against any officer or employee under civil service by any officer of his department, any citizen or taxpayer may file and prefer charges against any officer or employee in either of the departments under civil service in which case such charges shall be preferred by written notice filed with the civil service commission stating specifically the charges against such officer or employee for which removal is sought and the name and residence of the person preferring the same. The civil service commission shall, within 30 days after filing such charge, investigate, hear and determine the same. The burden of proof of charges preferred shall be upon the party preferring same. The finding and decision of the commission shall be certified by the appointing authority and shall be forthwith enforced by such authority; provided, however, its findings and decisions shall be subject to review by the courts. In proceedings under this section, it shall be no defense or excuse for a forbidden act or for an omission to observe the law or rules, that such act or omission was directed by a superior, unless a written direction or order from such superior to that effect is proved.

**SEC. 501 ANNUAL REPORTS, PUBLIC INSPECTION.**

The commission shall investigate and report annually to the mayor and the city council concerning the administrative needs of the service, the personnel and positions in the service, and the compensation provided therefor, the examinations held by the commission, the appointments made, service ratings, and removals in the civil service, the operations of the rules of the commission, and recommendations for promoting efficiency and economy in the service with details of expenditure and progress of work. The said mayor and city council may require a report from said commission at any time respecting any matter within the scope of its duties hereunder. The records of the commission shall be open to public inspection by any citizen under reasonable supervision.

**SEC. 502 EFFECTUATING CIVIL SERVICE PROVISIONS; BUDGET BOARD, OFFICERS, DUTIES.**

It shall be the duty of the budget board to make adequate provision to enable the personnel department and the civil service commission to properly carry out the provisions of this chapter [article]. It shall be the duty of all officers of the city to allow the reasonable use of public buildings and rooms for the holding of any examinations or investigations provided by this chapter [article], and in all possible ways to facilitate the work of the civil service commission and personnel director.

**SEC. 503 CONFLICTING PROVISIONS, REPEAL.**

All provisions of the charter, all ordinances, resolutions and/or parts thereof, insofar as they are inconsistent with the provisions of this chapter [article] are hereby repealed; provided that collective bargaining between the city and a bona fide labor union representing a group of city employees shall be permissible if it does not conflict or interfere with the provisions of this charter amendment.

**SEC. 504 SEVERABILITY.**

(1) If any section, subsection, subdivision, clause, sentence, phrase or word of this charter amendment shall for reason be held unconstitutional, invalid or inoperative by any court of competent jurisdiction, such judgment shall not effect or invalidate the remainder of this charter amendment but shall be confined in its operation to the section, subsection, subdivision, clause, phrase, sentence or word directly adjudged to be unconstitutional, invalid or inoperative.

(2) Should any portion of this charter be declared void, illegal or unconstitutional, such finding shall not invalidate the remainder of this charter.

**SEC. 505 PENALTY.**

All offenses herein declared to be misdemeanors shall be punishable, unless herein otherwise provided for, by a fine not exceeding \$500.00, or by imprisonment in the county jail or the city jail, the Detroit house of correction, or any place of imprisonment provided by the city or the laws of the state of Michigan, for a period not exceeding 90 days, or both such fine and imprisonment.

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**NOTES TO TABLE:**  
<sup>1</sup> - All of the sections of this chapter contain merely procedural provisions prescribing the method for the adoption of the charter and such sections, being temporary, have been omitted from this table.



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