

CITY CHARTER  
OF THE  
CITY OF BESSEMER, MICHIGAN

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PREAMBLE

We, the people of the City of Bessemer pursuant to authority granted by the Constitution and Laws of the State of Michigan and in order to secure the benefits of more efficient self-government of more direct and businesslike methods in the transaction of municipal affairs and otherwise promote civic advancements and our common welfare do hereby ordain and establish this charter.

# CHAPTER ONE

## Boundaries and Subdivisions of the City

### Boundaries:

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

The following described territory situated in the County of Gogebic and State of Michigan to wit: the east one-half of sections eight and seventeen, the west one-half of section eleven and fourteen and the north one-half of sections nine and ten and the south one-half of sections fifteen and sixteen, all of township forty-seven north of range forty-six west be and the same is hereby set off from the said Township of Bessemer and is hereby added to the territory now comprising of the City of Bessemer in said county and the said City of Bessemer shall hereafter include within its corporate and territorial limit; all the following described territory in said county of Gogebic that is to say: All of sections nine, ten, fifteen and sixteen; the west one-half of sections eleven and fourteen, the east one-half of the east one-half of section eight and seventeen all in township forty-seven north of range of forty-six west according to the government survey thereof.

### Wards:

Section 1.2. (Revised – November 7, 1995) The City of Bessemer shall consist of one (1) ward whose boundary will be: all sections nine, ten, fifteen and sixteen, the west one-half of sections eleven and fourteen, the east one-half of the east one-half of sections eight and seventeen all in township forty-seven north of range forty-six west according to the government survey thereof.

### Voting Precincts:

Section 1.3. The city election commission shall establish convenient voting precincts which shall comply with the provisions of the state law and until otherwise changed the wards of the city as herein designated shall constitute the voting precincts. The inhabitants of the city having the qualifications of electors under the constitution and general laws of this state shall be the electors therein.

# CHAPTER TWO

## General Municipal Powers

### Powers of the City:

Section 2.1. The City of Bessemer and its officers unless otherwise provided or limited in this Charter shall be vested with any and all powers, privileges and immunities expressed and implied which it may have by virtue of the express provisions of the Local Act No. 263 of the Public Acts of 1893 as amended which cities and their officers are or hereafter may be permitted to exercise or to provide for in their Charters under the constitution and laws of the State of Michigan including all the powers, privileges and immunities granted to cities and officers of cities of the fourth class by Act No. 215 of the Public Acts of 1895 as amended and all the powers, privileges and immunities were specifically enumerated in and provided for in this Charter and in no case shall any enumeration of particular powers, privileges or immunities in this charter be held to be exclusive. The city and its officers shall have the power to exercise all municipal powers in the management and control of municipal property and in the administration of the municipal government whether such powers be expressly enumerated or not to do any act to advance the interests of the city, the good government and prosperity of the municipality and its inhabitants and through its regular constituted authority to pass and enforce all laws, ordinances and resolutions relating to its municipal concerns subject to the constitution and general laws of the state and the provisions of this Charter and further should this proposed revised Charter be adopted the City of Bessemer shall henceforth become a Home City rule.

### Water and Water Courses:

Section 2.2. For the purpose of promoting and preserving the public morals, peace, health, safety and welfare and within the limits not pre-empted by the powers and statutes of the United States of America and the State of Michigan the city shall have and possess the power to use and to control and regulate the use of all streams, waters and water courses within its limits.

### Aircraft:

Section 2.3. The city shall have the power to establish, own and operate airports, either within or without its corporate limits and may regulate all airports located within its boundaries. Insofar as such regulation does not contravene any applicable statute or legally established and valid regulation of the United States of America or the State of Michigan for the purpose of promoting and preserving the public peace, safety and welfare the city shall have and possess the power to control and regulate the use of the air above the city by aircraft of all types.

Exercise of Powers:

Section 2.4. Where no procedure is set forth in this Charter for the exercise of any power granted to or possessed by the city and its officers resort may be had to any procedure set forth in any statute of the State of Michigan which was passed for the government of cities or townships, or in any other statute of the State of Michigan. If alternate procedures are to be found in different statutes, then the council shall select that procedure which it deems to be the most expeditious and to the best advantage of the city and its inhabitants. When no procedure for the exercise of any power of the city is set forth either in this charter or in any statute of the State of Michigan, the Council may prescribe by ordinance a reasonable procedure for the exercise thereof.

Continuation of Right and Liabilities:

Section 2.5. The adoption of this Charter shall not be regarded as discharging, impairing or limiting any right vested in the liability of the City of Bessemer at the time of the adoption of this Charter. All licenses, contracts and franchises granted by the City of Bessemer and in force when this Charter becomes law shall remain in full force and effect until the time for which they were respectively granted has expired or until any such licenses or franchises may have been taken over by the City by purchase, condemnation, grant or otherwise.

## CHAPTER THREE

### General Provisions Affecting Officers of the City

Officers to be Elected:

Section 3.1. The elective officers of the City shall be five (5) councilmen, to be elected at large. The Mayor of the City shall be elected by and from the membership of the City Council.

Terms of Elective Officers:

Section 3.2. The terms of office of Councilmen shall be for two (2) years and shall commence on and date from the Monday following the regular City election at which they were elected.

Eligibility for Office in City:

Section 3.3. (Revised - November 6th, 2018) No person shall be elected or appointed to any office who is in default to the City or to any school district, county or other municipal corporation of the state now or heretofore existing. The election of appointment of any such defaulter shall be void. No person shall be eligible to any elective office of the City unless he shall have been a resident of the City for at least

one (1) year immediately prior to the date of the election at which he is a candidate for office.

Vacancies in Offices:

Section 3.4. Any city office shall become vacant upon the occurrence of one or more of the following events before the expiration of the term of such office:

- (a) For any reason specified by state law creating a vacancy:
- (b) If the officer of the city shall absent himself continuously from the city for more than sixty days without the permission of the Council:
- (c) In the case of the Mayor and members of the Council, where such officer shall miss four (4) consecutive regular meetings of the council or twenty-five (25%) percent of such meetings in any fiscal year of the city unless such absences shall be excused by the Council and the reason therefore entered in the proceedings of the Council:
- (d) If the officer shall be convicted of any act constituting misconduct in office under the provisions of this Charter:
- (e) Establishing residence out of the precinct from which he was elected.

Resignations:

Section 3.5. Resignations of elective and appointed officers shall be made in writing and filed with the Clerk and shall be acted upon by the Council at its next regular meeting following receipt thereof by the Clerk. Resignations of appointive officers shall be made in writing to the Council, in the case of officers appointed by the Council or to the City Manager, in the case of officers appointed by him and shall be immediately acted upon by the Council or City Manager as the case may be.

Filling Vacancies:

Section 3.6. If a vacancy occurs in any elective office the Council shall within thirty (30) days after such vacancy occurs appoint a person who possesses the qualifications required of holders of said office for the balance of the term. If a vacancy occurs in any appointive office other than that of City Manager or City Attorney, the City Manager shall within thirty (30) days thereafter appoint a qualified person to fill such vacancy in the manner provided for making the original appointment.

Terms of Office Cannot be Supported or Extended:

Section 3.7. Except by procedures provided in the Charter the terms the elective officials of the city and of officers of the city appointed for a definite term shall not be shortened. The terms of the officers of the city may not be extended beyond the period for which any such officer was elected or appointed except that an elective officer of the city shall after his term has expired continue to hold office until his successor is elected and has qualified.

Increase or Decrease of Compensation:

Section 3.8. The Council shall not grant or authorize extra compensation to any city officer, elective or appointive to any employee, agent or contractor after service has been rendered or the contract entered into. Nor shall the salary of any city officer, elective or appointive be increased or decreased after his election or appointment during any fixed term of office for which he was elected or appointed.

Oath of Office and Bond:

Section 3.9. Every officer elected or appointed before entering upon the duties of his office shall take the oath of office prescribed by Section 2 of Article XVI of the Constitution of the State and shall file the same with the Clerk, together with any bond which he may be required by this Charter or by the Council to give. In case of failure to comply with the provisions of this section within ten (10) days from the date of his election or appointment such officer shall be deemed to have declined the office and such office shall thereupon become vacant unless the council shall by resolution extend the time in which such officer may qualify as above set forth.

Security Bonds:

Section 3.10. Except as otherwise provided in this Charter the Council may require any officer or employee to give a bond to be approved by the Council conditioned upon the faithful and proper performance of the duties of his office or employment in such sum as the Council shall determine. All such officers or employees receiving, disbursing or responsible for the city funds shall be bonded. The resignation or removal of any bonded officer or employee shall not nor shall the appointment of another to the office or employment exonerate such officer or employee of his sureties from any liability incurred by him or them. All official bonds shall be corporate surety bonds and the premiums thereon shall be paid by the city, except otherwise provide in this Charter. No bond required by this section shall be renewed upon its expiration or in the event of reappointment of any officer or employee to a position for which a bond is required but a new bond shall be furnished. No bond shall be issued for a term exceeding two (2) years. All bonds of all officers or employees shall be filed with the Clerk except that of the Clerk himself which shall be filed by the Treasurer.

Liability and Bond to Continue:

Section 3.11. The resignation, removal or discharge of any officer or employee of the city shall not nor shall the election or appointment of another to his office or employment exonerate such officer or employee of his sureties from any liability incurred by him or them.

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

Section 3.12. Whenever any officer or employee shall move from the City, resign or be removed from office or the term for which any officer has been elected or appointed has expired he shall on demand deliver to his successor in office or superior all the books, papers, moneys and effects in his custody as such officer or employee and which in any way appertain to his office or employment. Every person violating this provision shall be deemed guilty of a misdemeanor and may be proceeded against in the same manner as public officers generally for the like offense under the general laws of the state now or hereafter in force and applicable thereto. Every officer or employee of the city shall be deemed an officer within the meaning and provisions of such general laws of the state for the purposes of this section.

Pecuniary Interests Prohibited:

Section 3.13. No officer of the city shall be financially interested directly or indirectly in the profits of any contract, job, work or service to be performed for the city, nor shall he stand as surety or give any bail or sign any bail or appearance required by the ordinances of the city. The foregoing prohibitions as the same may apply to any Councilman or Councilmen shall not apply if the Council shall declare in its records by the unanimous vote of remaining members of the Council that the best interests of the city are to be served by waiving such prohibition. No officer of the city shall personally or as an agent provide any bond which is subject to approval by the Council. Any officer of the city who violates the provisions of this section shall be guilty of misconduct in office.

## CHAPTER FOUR

### The City Council

City Governing Body:

Section 4.1. All powers of the city shall be vested in and all matters of policy of the city shall be exercised and determined by a Council of Five (5) members. In all cases where the word "Council" is used in this Charter the same shall mean and shall be synonymous with the terms "commission", "common council", "board of aldermen", "governing body" or "legislative body" or any other synonymous term as the same may be used in any state or federal law in referring to legislative or governing bodies of cities.

Job of Qualification of Members:

Section 4.2. The Council shall be the judge of the eligibility and qualification of its own members subject only to review by the courts.

### Organization of the Council:

Section 4.3. The Council shall at its meeting held on the Monday following each regular city election elect one of its members to serve as Mayor Pro Term.

### Duties of Mayor:

#### Section 4.4.

- (a) Insofar as required by law and for all ceremonial purposes the Mayor shall be recognized as the executive head of the city. He shall have an equal voice and vote in proceedings of the Council but shall have no veto power.
- (b) He shall be a conservator of the peace and may exercise within the city the powers conferred upon sheriffs to suppress disorder and shall have the power to command the assistance of all able-bodied citizens to aid in the enforcement of the ordinances of the city and to suppress riot and disorderly conduct.
- (c) He shall authenticate by his signature such instruments as the Council, this Charter or the laws of the State of Michigan or of the United States shall require.
- (d) He shall exercise only such powers as the state laws, this Charter or the Council shall specifically confer upon or require of him.
- (e) The Mayor Pro Term shall perform duties of the Mayor when on account of absence from the city, disability or otherwise the Mayor is temporarily unable to perform the duties of his office and in case of vacancy in the office of Mayor until such vacancy is filled by the Council he shall preside over the meetings of the Council at the call of the Mayor. In the event of a vacancy occurring in the office of Mayor Pro Term the Council shall appoint from its elected membership to fill such vacancy.

### Meetings of the Council:

#### Section 4.5.

- (a) The council shall provide by resolution for the time and place of its regular meetings and shall hold at least one (1) regular meeting each month. If anytime set for the holding of a regular meeting of the Council shall be a holiday then such regular meeting shall be held at the same time and place at the discretion of the Council but within three (3) days.
- (b) Special meetings of the Council may be called by the Clerk on the written request of any two (2) members of the Council on at least twenty-four (24) hours written notice to each member of the Council designating the time, place and purpose of any such meeting and served personally or left at his usual place of residence by the clerk or someone designated by



him. Any special meeting of the Council at which not less than four (4) members of the Council are present or have in writing waived the requirement that notice be given at least twenty-four (24) hours prior to the time specified for the holding of such meeting and at which a quorum of the Council is present shall be a legal meeting.

(c) All sessions of the Council and all records of the municipality shall be public and all regular and special meetings of the Council shall be open to the public and rules of order of the Council shall provide that citizens shall have the reasonable opportunity to be heard.

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

(e) No business shall be transacted at any special meeting of the Council unless the same has been stated in the notice of such meeting. However, if all the members of the Council are present at any special meeting of the Council, then any business which might lawfully come before a regular meeting of the Council may be transacted at such special meeting.

(f) The council shall determine its own rules and order of business and shall keep a journal of all its proceedings in the English language which shall be signed by the Mayor and the Clerk. The vote upon the passage of all ordinances and upon the adoption of all resolutions shall be taken by "Yea" or "Nay" votes and entered upon the record, except that where the vote is unanimous it shall only be necessary to so state. Each member of the Council who shall be recorded as present shall vote on all questions decided by the Council unless excused by the unanimous consent of the other members present. Any citizen or taxpayer of the city shall have access to the Council at all reasonable times.

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

## Restriction of Powers of the Council:

### Section 4.6.

- (a) (Revised – November 6<sup>th</sup>, 2018) The Council shall not have the power to make any contract with or give any official position to any person who is in default to the city. Further the Council shall not have the power to sell any property of a value in excess of fifty (50) dollars per capita according to the last preceding U.S. Census or any park, cemetery or any part thereof, or any property bordering on a water front or vacate any street or public place leading to a water front or engage in any business enterprise requiring an investment of money in excess of ten cents per capita unless approved by three-fifths (3/5) of the electors voting thereon at any general or special election. Except as otherwise provided in this Charter no ordinance or resolution shall be adopted or passed except by the affirmative vote of at least three (3) members of the Council.
- (b) (Revised – November 5<sup>th</sup>, 2019) The Council may by resolution create one or more standing committees of its members to perform specific duties and report on those duties assigned by way of report supported by a majority of the committee. Committee members shall be appointed by the Mayor.

## Investigations:

Section 4.8. The Council or any person or committee authorized by it for the purpose shall have power to inquire into the conduct of any department office or officer of the city and to make investigations as to municipal affairs and for that purpose may subpoena witnesses, administer oaths and compel the production of books, papers and other evidence. Failure on the part of any officer of the city to obey such subpoena or to produce books, papers or other evidence as ordered under the provisions of this section shall constitute misconduct in office. If such failure shall be on the part of any employee of the city the same shall constitute a misdemeanor.

## Publication of Council Proceedings:

Section 4.9. The proceedings of the Council shall be published at least once within fifteen (15) days after each meeting of the Council. The publication of a synopsis of such proceedings prepared by the Clerk and approved by the Mayor showing the substance of each separate proceeding of the Council shall be a sufficient compliance with the requirements of this section.

## CHAPTER FIVE

### Police Powers of the Council

#### Public Health and Safety:

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

#### Intergovernmental Contracts:

Section 5.2. The city may join with any governmental unit or agency or with any number or combination thereof by contract or otherwise as may be permitted by law to perform jointly or by one or more for or on behalf of the other or others any power or duty which is permitted to be so performed by law or which is possessed or imposed upon each such governmental unit or agency.

#### Streets and Alleys:

Section 5.3. The Council shall have the powers to establish and vacate and to use and to control and regulate the use of its streets, alleys, bridges and public places (whether such public places be located within or without the limits of the city) and the space above and beneath them. Such power shall include but not be limited to the proper policing and supervision thereof and to the licensing and regulation or the prohibition of the placing of signs, awnings, awning posts and other things which are of such nature as to impede or make dangerous the use of sidewalks or streets upon or over the sidewalks or streets of the city and the licensing and regulation of the construction and use of openings in the sidewalks or streets and of all vaults, structures and excavations under the same.

#### Licenses:

Section 5.4. The Council shall by ordinance prescribe the terms and conditions upon which licenses may be granted or revoked and may require and exact payment of such reasonable sums for any licenses as it may deem proper. The persons receiving the licenses shall before the issuing thereof execute a bond to the city when required by any ordinance in such sum and with such securities as prescribed by such ordinance conditioned for the faithful observance of the Charter of the city and the ordinance under which the license is granted.

#### Rights as to Property:

Section 5.5. The Council shall have the power to acquire for the city by purchase, gift, condemnation, lease, construction or otherwise either within or without its corporate limits and either within or without the County of Gogebic the following improvements including the necessary lands therefor viz: city hall, police stations, fire stations, boulevards, streets, alleys, parking lots, public parks, cemeteries, recreation grounds, libraries, museums, airports, city prisons, hospitals, utilities for supplying water, light, heat, power, transportation and sewage disposal, garbage disposal plant, rubbish disposal plant, market places, public works and public buildings of all kinds and the enlargement thereof or the making of additions thereto and to acquire by purchase, gift, condemnation, lease or otherwise private property either within or without its corporate limits and either within or without the County of Gogebic for any public use or purpose within the scope of its powers whether herein specifically mentioned or not.

#### Cemeteries and Parks:

Section 5.6. The Council shall have the power to enact all ordinances deemed necessary for the establishment, maintenance and protection of all cemeteries and parks together with the improvements thereon and appurtenances thereto owned or hereafter acquired by the city either within or without its corporate limits. All ordinances pertaining to public health and welfare in the regulation and protection of public cemeteries shall apply equally to all cemeteries within the city belonging to or under the control of any church or religious society or any corporation, company or association. The Council may cause any bodies buried within the city in violation of any rule or ordinance made in respect to such burials to be taken up and reburied in such a manner as shall conform to the ordinances of the city or to be buried elsewhere in any cemetery established by the city, a plan for the perpetual care of all lots and plots and land therein shall be provided.

#### Trusts:

Section 5.7. All trusts established for cemetery, park or other municipal purposes shall be used and continued in accordance with the terms of such trusts, subject to the common law cy pres doctrine shall apply.

#### House Trailers:

Section 5.8. The Council may by ordinance provide for prohibition or regulation the use, occupancy, sanitation and parking of house trailers within the city. The right of the Council to so regulate any house trailer shall not be abrogated because of any detachment thereof from its wheels or because of placing it on or attaching it to the ground by means of any temporary or permanent foundation or in any manner whatsoever

#### Appropriation of Private Property:

Section 5.9. Private property may be taken and appropriated either within or without the city for any public use in connection with any acquisition, enlargement or

extension of municipal public utilities including but not by the way of limitation utilities for supplying water, light, heat, power, gas, sewage treatment and garbage disposal or any of them for the construction of bridges, for public buildings and for other public structure for public grounds, parking spaces, parks, market places; for the improvement of waters and water courses with the city; for sewers, drains and ditches; for public cemeteries and for other lawful and necessary public uses. The ownership of such property shall be acquired by the city by negotiation and purchase or in any other manner permitted by the general laws of the state for the taking of private property for public use.

## CHAPTER SIX

### City Legislation

#### Prior City Ordinances and Regulations:

Section 6.1. All by-laws, ordinances, resolutions, rules and regulations of the City of Bessemer which are not inconsistent with the provisions of this Charter in force and effect at the time of the adoption of this Charter shall continue in full force as by-laws, ordinances, resolutions, rules and regulations of the City of Bessemer until repealed or amended by action of the proper authorities.

#### Ordinance Enactment:

Section 6.2. All legislation of the City of Bessemer shall be by ordinance or by resolution. The word “resolution” as used in this Charter shall be the official action by the Council in the form of a motion and such action shall be limited to matters required or permitted to be done by resolution by this Charter or by state or federal law and to matters pertaining to the internal affairs or concerns of the city government. All other acts of the Council and all acts carrying a penalty for the violation thereof shall be by ordinance. Each ordinance shall be identified by a number and a short title. Each proposed ordinance shall be introduced in written or printed form. The style of all ordinances passed by the Council shall be “The City of Bessemer Ordains”: Except in the case of ordinances which are declared to be emergency ordinances. No ordinance shall be finally passed by the Council at the same meeting at which it is introduced. No ordinance shall be revised, altered or amended by reference to its title only but the sections of the ordinance revised, altered or amended shall be re-enacted and published at length and all ordinances when enacted shall be immediately recorded by the clerk in a book to be called “The Ordinance Book”: and it shall be the duty of the Mayor and the Clerk to authenticate such record by their official signatures thereon.

#### Penalties:

Section 6.3. The Council shall provide in each ordinance for the punishment of those who violate its provisions. No punishment for the violations of any city ordinance or for the Council by any officer of the city of any act declared by this Charter to

constitute misconduct in office shall exceed a fine of five hundred (\$500.00) dollars or imprisonment for ninety (90) days or both in the discretion of the court except that any officer of the city found guilty of any act declared by this Charter to constitute misconduct in office, shall, in addition to such fine or imprisonment or both forfeit his office.

Publication of Ordinances:

Section 6.4.

- (a) Each ordinance passed by the Council shall be published at least once within fifteen (15) days after the adoption of the Ordinance by the Council. The publication of any ordinance in full after its final passage as a part of the published proceedings of the Council shall constitute publication of such ordinance as required herein. Ordinances of the city shall become effective immediately upon the publication thereof unless a date upon which an ordinance shall become effective which is subsequent to the date of the publication thereof is specifically provided in the ordinance itself.
- (b) Amendments: Any ordinance may be amended only by an ordinance passed in the manner provided in this section and no such ordinance shall be amended by reference to its title only, the section or subsection amended shall be enacted in full.
- (c) Repeal of Ordinances: An ordinance may be repealed only by an ordinance passed in the manner provided in this section except that the ordinance to be repealed may be referred to by its number and title only.

Technical Codes:

Section 6.5. The Council may adopt any provision of state law or any detailed technical regulations as a city ordinance or code by reference to the extent and in the manner provided by state law, any recognized standard code, official or unofficial provided that any such provision of state law or recognized official or unofficial standard code shall be clearly identified in the ordinance adopting the same as an ordinance of the city. Where any recognized official or unofficial standard code is so adopted it may be published by providing to the public not less than fifty (50) copies in book or booklet form available for public distribution at a reasonable charge and any amendment to or revision of such adopted code or detailed technical ordinance may be published in the same manner.

Franchises and Contracts:

Section 6.6. Every ordinance or resolution granting any franchise or right to occupy or use the streets, highways, bridges or public places in the city for any purpose shall be complete in the form in which it is finally passed and remain on file with the

Clerk for public inspection for at least one (1) week before the final passage or adoption thereof.

Compilation:

Section 6.7.

- (a) Copies of all ordinances which are in effect and all amendments to this Charter shall be prepared and kept on hand in the office of the Clerk available for public inspection.
- (b) In the year 1971 and at least once every ten (10) years thereafter the Council shall direct the compilation or codification and the publication of the Charter and all ordinances of the city then in force in loose-leaf or pamphlet form and may provide for a reasonable charge for copies thereof. No further publication of any such compilation or codification shall be required for the validity thereof. In case the compilation or codification of the ordinances of the city shall have been maintained current and up-to-date during any ten (10) year period no recompilation or recodification of the ordinances of the city shall be required during or at the end of such period.

The copies of ordinances and of any compilation, code or codes referred to in this Chapter may be verified by the Clerk.

Initiative and Referendum:

Section 6.8. An ordinance may be initiated by a petition or a referendum on an ordinance enacted by the Council may be on hand by a petition as hereinafter provided.

Petitions:

Section 6.9. An initiatory or referendary petition shall be signed by not less than fifteen (15%) percent of the registered electors of the city, who have signed said petition within six (6) months before date of filing the petition with the Clerk. Before being circulated for signatures, all such petitions shall be approved as to form by the Clerk. No such petition need be on one paper, but may be the aggregate of two (2) or more petition papers. Each signer shall sign his name in ink or indelible pencil, and shall place thereon, after his name the date and his place of residence by street and number, or by other customary designation. To each petition paper there shall be attached a sworn affidavit by the circulator thereof, stating the number of signers thereto and that each signature thereon is the genuine signature of the person whose name it purports to be, and that it was made in the presence of the affiant. Such petition shall be filed with the Clerk who shall, within ten (10) days, canvass the signatures thereon to determine the sufficiency thereof. Any signatures obtained more than six (6) months before the filing of such petition with the Clerk shall not be counted. If found to contain

an insufficient number of signatures of registered electors of the city, or to be improper as to form or compliance with the provisions of this section, the Clerk shall notify forthwith the person filing such petition and ten (10) days from such notification shall be allowed for the filing of supplemental petition papers. When found sufficient and proper, the Clerk shall present the petition to the Council at its next regular meeting.

Council Procedure:

Section 6.10. Upon receiving an initiatory or referendary petition from the Clerk, the Council shall, within thirty (30) days, either,

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

Submission to Electors:

Section 6.11. Should the Council decide to submit the proposal to the electors, it shall be submitted at the next election held in the city for any other purpose, or, in the discretion of the Council, at a special election. The result shall be determined by a majority vote of the electors voting thereon, except in cases where otherwise required by the constitution or laws of the State of Michigan.

Ordinance Suspended:

Section 6.12. The certification by the Clerk of the insufficiency of a referendary petition within thirty (30) days after the passage of the ordinance to which such petition refers shall automatically suspend the operation of the ordinance in question pending repeal by the Council or final determination by the electors as the case may be. An ordinance adopted by the electorate through initiatory proceedings may not be amended or repealed by the Council for a period of two (2) years after the date of the election at which it was adopted. Should two (2) or more ordinances, adopted at the same election, have conflicting provisions, the one receiving the highest vote shall prevail as to those provisions.

## CHAPTER SEVEN

### The Administrative Service

The Administrative Officers- General

Section 7.1.

- (a) The Council shall appoint a City Manager who shall be responsible to the Council. He shall be the chief administrative officer of the city government. He shall be



elected solely on the basis of his executive, administrative and general ability, without regard to his political or religious preferences and need not be a resident of the city at the time of his appointment but shall become a resident of the city within ninety (90) days after his appointment and shall so remain throughout his tenure of office. The Council may designate a qualified person to perform the duties of manager during his absence or disability, or, if there is a vacancy in that office. No person who has been elected a member of the Council under this Charter shall be eligible for appointment as City Manager or Acting City Manager until two (2) years have elapsed following the expiration of the term for which he was elected.

(b) The City Manager and the City Attorney shall hold office by virtue of appointment by the Council, which body shall also set their salaries by ordinance. They shall hold office at the pleasure of the Council.

(c) All personnel employed by the city who are not elected officers of the city or declared to be administrative officers by or under authority of this section shall be deemed to be employees of the city.

#### Functions of the City Manager:

Section 7.2. The functions of the City Manager shall be:

- a) To see that all laws and ordinances are enforced;
- b) To manage and supervise all public improvements, works and undertakings of the city. He shall have charge of the construction, repair, maintenance, and cleaning of streets, sidewalks, bridges, pavements, sewers, and of all public buildings or other property belonging to the city. He shall manage and supervise all city utilities and shall be responsible for the preservation of property, tools, and appliances of the city;
- c) To see that all terms and conditions imposed in favor of the city or its inhabitants in any public utility franchise, or in any contract, are faithfully kept and performed;
- d) To attend all meetings of the Council, with the right to take part in discussions. but without the right to vote;
- e) To be a member, ex officio, of all committees of the Council;
- f) To prepare and administer the annual budget under policies formulated by the Council and keep the Council fully advised at all times as to the financial condition and needs of the city;
- g) To recommend to the Council for adoption such measures as he may deem necessary or expedient;
- h) To be responsible to the Council for the efficient administration of all departments of the city government;
- i) To assume all the duties and responsibilities as personnel director of all city employees or delegate such duties to some other officer or employee of the city. No such delegation shall relieve him of any responsibility for the proper conduct of such duties;

- j) To exercise and perform all administrative functions of the city that are not imposed by this Charter or any city ordinance upon some other official;
- k) To perform or supervise all the duties required of the City Assessor, Purchasing Agent, and the handling and distribution of street and highway funds, as expressly provided for by Act 51, of P.A. 1951, State of Michigan;
- l) To perform such other duties as may be prescribed by this charter or as may be required of him by ordinance or by direction of the Council.

Appointments:

Section 7.3. The Council shall appoint a Clerk, a Treasurer, an Assessor, City Attorney, and Fire Chief and such other officers and department heads as may be needed upon recommendation by the City Manager and for their salary to be established by ordinance in accordance with budget appropriations.

Clerk:

Section 7.4.

- a) The Clerk shall be clerk of the Council. He shall attend all meetings of the Council and shall keep a permanent journal in the English language of its proceedings. He shall keep a record of all ordinances, resolutions, and regulations of the Council.
- b) He shall be custodian of the city seal, and shall affix it to all documents and instruments requiring the seal, and shall attest the same. He shall also be custodian of all papers, documents, and records pertaining to the City of Bessemer, the custody of which is not otherwise provided for. He shall give to the proper department or officials ample notice of the expiration or termination of any franchises, contracts, or agreements.
- c) He shall provide and maintain in his office a supply of forms for all petitions required to be filed for any purpose by the provisions of this Charter, and shall accept no petitions for any purpose set forth in this Charter which are not on the forms provided by him for such purpose.
- d) He shall certify by his signature all ordinances and resolutions enacted to passed by the Council, and perform any other duties required of him by state law, this Charter, or by the Council.

Internal Accounting:

Section 7.5.

- a) The Clerk shall keep books of account of the receipts and expenditures of the city under the supervision of the City Manager. The system of accounts of the city shall conform to such uniform system as may be required by law.'
- b) He shall keep accurate detailed accounts of:
  1. All taxes assessed by the city, and all moneys due the city from any and every source.

2. Moneys received and the several sources from which derived.
  3. All funds of the city and disbursements made therefrom.
- c) The Clerk shall examine and audit all accounts and claims against the city except claims for unliquidated damages. No warrant shall be drawn on the City Treasury against any fund which after deducting all prior warrants thereon has not a sufficient amount therein to pay such warrant. No funds shall be drawn from the treasury except in pursuance of the authority and appropriation of the Council, and upon warrants signed by the Clerk and countersigned by the Mayor, or in the absence or disability of the Mayor by the Mayor Pro Tem. Such warrant shall specify the funds from which it is payable, and shall be paid from no other funds.
  - d) At the close of the fiscal year, and at any time upon direction of the Council, he shall examine and audit all books of account kept by any official, board, or department. He shall examine and audit all books of account of the Treasurer at least once each month.
  - e) All the books of account of the city shall be balances at the end of each calendar month, and a report made thereon by the Clerk to the City Manager. (f) The Clerk shall perform such other duties as may be required of him by this Charter or by the City Manager.

City Attorney:

Section 7.6.

- a) The City Attorney shall act as legal advisor to, and attorney and counsel for, the Council and all its members in matters relating to their official duties. He shall give written opinions to any official or department of the city when requested in writing by the Council or the City Manager to do so, and shall file a copy of the same with the Clerk.
- b) He shall conduct for the city in all cases in all courts and before all legally constituted tribunals whenever the city is a party thereto.
- c) He shall prepare, or officially pass upon, all contracts, bonds, and other instruments in writing, in which the city is concerned, and shall certify before execution as to their legality and correctness of form.
- d) He shall file in the office of the Clerk the original copy of all franchises granted by the city, of all contracts and agreements entered into by or on behalf of the city, and of all papers constituting a part of the proceedings in all courts or legally constituted tribunals to which the city is a party, together with the pertinent data and information concerning the same.
- e) He shall be charged with the responsibility of calling to the attention of the Council and the City Manager all matters of law and changes or developments therein affecting the city.
- f) He shall perform such other duties as may be prescribed by this Charter or by the Council.

- g) Upon recommendation of the City Attorney, or upon its own motion, the Council may retain special legal counsel to handle any matter to which the city is a party or in which the city has an interest, or to assist and co-counsel with the city Attorney therein.

The remuneration set by the Council for the City Attorney as required in this chapter shall be in contemplation of the normal duties of that office: Special compensation may be provided at the discretion of the Council in cases of appeals to, or litigation commenced in the Federal courts, state courts higher than the circuit court, work requiring extensive hearings before the Michigan Public Service Commission and other quasi-judicial tribunals, and for legal work in connection with the issuance of bonds of the city. No such special compensation shall be given by the Council, except in accordance with an agreement between itself and the City Attorney, made before the service for which such special compensation is to be paid has been rendered.

Treasurer:

Section 7.7.

- a) The Treasurer shall have the custody of all moneys of the city, the Clerk's bond, and all evidences of value belonging to the city, or held in trust by the city.
- b) He shall receive all money belonging to and receivable by the city, including license fees, taxes, assessments, and all other charges belonging to and payable to the city and shall in all cases give a receipt therefor.
- c) He shall keep and deposit all moneys or funds in such manner and only in such places as the Council may determine. He shall report the same in detail to the Clerk.
- d) He shall have such powers and duties in regard to the collection and custody of state, county, school district, and city taxes and moneys as may be conferred upon him by this Charter or by state law.
- e) He shall perform such other duties as may be prescribed for him by State or Federal law or this Charter.

Deputy Clerk or Treasurer:

Section 7.8. The Council may provide for a Deputy Clerk or Clerks, and Deputy Treasurer or Treasurers, in which case the Clerk and the Treasurer shall appoint their own deputies, subject to the written confirmation of the City Council. The Clerk and the Treasurer may terminate the status of their respective deputies at pleasure, upon written notice to the City Council. Each deputy shall possess all the powers and authorities of his superior officer except as the same may be from time to time limited to his superior or by the City Council.

Assessor:

Section 7.9.

- a) The Assessor shall possess all the powers vested in and shall be charged with all the duties imposed upon assessing officers by the general laws of the state and all duties normally imposed on assessing officers.
- b) He shall prepare all regular and special assessment rolls, annually assess the value of all taxable property in the city, spread on the rolls any and all taxes duly and properly certified and perform such other duties as may be required.
- c) He shall perform such other duties as may be prescribed for him in this Charter.

Purchasing Agent:

Section 7.10.

- a) The City Manager shall be Purchasing Agent for the city and shall make all purchases of supplies for the city, subject to such limitations as the Council may prescribe. He shall approve all vouchers for the payment of the same before referring them to the Clerk for audit. He shall also conduct all sales of personal property which the Council may authorize to be sold as having become unnecessary or unfit for the city's use.
- b) The City Manager shall be responsible for city purchasing. Competitive prices for all purchases and public improvements shall be obtained and the purchase made from, or the contract awarded to, the lowest competitive bidder. Formal sealed bids shall be obtained in all transactions involving the expenditure of an amount to be determined from time to time by council resolution and the transaction evidenced by written contract submitted to and approved by the Council : provided, that in cases where the Council indicates by formal resolution upon the written recommendation of the City Manager that it is clearly to the advantage of the city to contract without competitive bidding, it may so authorize. Detailed purchasing and contract procedure shall be established by ordinance. The Council may also authorize the making of public improvements or the performing of any other city work by any city department without competitive bidding. The Council in its discretion shall have the right to reject any and all bids.

Other Administrative Officers:

Section 7.11. The duties of all administrative officers, not otherwise provided for herein, shall be those established by law or ordinance for such officers or prescribed by the City Manager.

Nepotism:

Section 7.12. Except and unless relatives by blood or marriage of any Councilman, or the City Manager, within the second degree of consanguinity or affinity, are bona fide appointive officers or employees of the city at the time of the election of said officers or appointment of the City Manager, such relatives shall be disqualified from holding any appointive office or from being employed by the city, during the term

for which any such Councilman was elected, or during the tenure of office of the City Manager.

So as not to be denied the services of those possessing unusual talents and abilities, the foregoing disqualification shall not apply if the Council shall declare in its records, by the unanimous vote of all its members that the best interests of the city are so served by the waiving of such disqualification.

Restrictions Concerning Other Offices:

Section 7.13. No appointive city officer or employee, shall seek any elective office of the city, unless he resigns from his position with the city.

Civil Service:

Section 7.14. The Council may provide, by ordinance, for a merit system of personnel management for employees in the service of the city. Any such ordinance in effect upon adoption of this Charter shall continue in full force and effect thereof.

Fringe Benefits:

Section 7.15, The Council shall have power to make available to the administrative officers and employees of the city and its departments and boards, any recognized standard plan of group life, hospital, health, or accident insurance, either independently of, or as a supplement to any benefit plan provided by the city for its employees.

## CHAPTER EIGHT

### General Finance - Budget Procedure

Fiscal Year:

Section 8.1. The fiscal year of the city shall begin on the first day of July and end on the thirtieth day of June of the following year. Such year shall constitute the budget year of the city government.

Budget Procedure:

Section 8.2. On or before the second Monday in March, each city officer shall submit to the City Manager an itemized estimate of expenditures for the next fiscal year, for the department or activities under his control. The City Manager shall prepare a complete itemized budget for the next fiscal year and shall submit it to the Council on or before the second Monday in April.

Budget Document:

Section 8.3. The budget document shall present a complete financial plan for the ensuing fiscal year. It shall include, at least, the following information:

- a) Detailed estimates of all proposed expenditures for each department and office of the city, showing the expenditures for corresponding items for the current and last preceding fiscal years, with reasons for increases and decreases recommended, as compared with appropriations for the current year;
- b) Statements of the bonded and other indebtedness of the city, showing the debt redemption and interest requirement, the debt authorized and unissued, and the condition of sinking funds, if any;
- c) Detailed estimates of all anticipated income of the city from sources other than taxes and borrowing, with a comparative statement of the amounts received by the city from each of the same or similar sources for the last preceding and current fiscal years;
- d) A statement of the estimated balance or deficit, as the case may be, for the end of the current fiscal year;
- e) an estimate of the amount of money to be raised from current and delinquent taxes and the amount to be raised from bond issues which, together with income from other sources, will be necessary to meet the proposed expenditures;
- f) Such other supporting schedules as the Council may deem necessary.

Budget Hearing:

Section 8.4, A public hearing on the budget shall be held before its final adoption, at such time and place as the Council shall direct, and notice of such public hearing shall be published at least one (1) week in advance by the Clerk. A copy of the proposed budget shall be on file and available for public inspection during office hours at the office of the Clerk for a period of not less than one (1) week prior to such public hearing.

Adoption of Budget Tax Limit:

Section 8.5. Not later than the third Monday in May, the Council shall, by ordinance adopt the budget for the next fiscal year, and shall, in such resolution, make an appropriation for the money needed for municipal purposes during the ensuing fiscal year of the city, and provide for a levy of the amount necessary to be raised by taxes upon real and personal property for municipal purposes, which levy shall not exceed twenty (20) mills of the assessed valuation of all real and personal property subject to taxation in the city, except as to any additional taxes authorized by the laws of this State including a garbage collection tax, and any other authorized levies beyond Charter limitations. Should the Council take no final action during or prior to said meeting, the budget as submitted, shall be deemed to have been finally adopted by the Council.

Transfer of Appropriations:

Section 8.6. After the budget has been adopted, no money shall be drawn from the treasury of the city nor shall any obligation for the expenditure of money be incurred, except pursuant to the budget appropriation. The Council may transfer any unencumbered appropriation balance, or any portion thereof, from one department fund, or agency to another. The balance in any appropriation, which has not been encumbered, at the end of the fiscal year shall revert to the general fund and be reappropriated during the next fiscal year.

#### Budget Control

Section 8.7. At the beginning of each quarterly period during the fiscal year, and more often if required by the Council, the City Manager shall submit to the Council data showing the relation between the estimated and actual income and expenses to date; and if it shall appear that the income is less than anticipated, the Council may reduce appropriations, except amounts required for debt and interest charges, to such a degree as may be necessary to keep expenditures within the cash income.

#### Depository:

Section 8.8. The Council shall designate the depository or depositories for city funds, and shall provide for the regular deposit of all city moneys. The Council shall provide for such security for city deposits as is authorized or permitted by the general laws of the state, except that personal surety bonds shall not be deemed proper security.

#### Independent Audit:

Section 8.9. An independent audit shall be made of all accounts of the city government at least annually and more frequently if deemed necessary by the Council. Such audit shall be made by qualified accountants experienced in municipal accounting. The results of such audit shall be made public in such manner as the Council may determine. An annual report of the city business shall be made available to the public by the City Manager in such form as will disclose pertinent facts concerning the activities and finances of the city government.

## CHAPTER NINE

### General Taxation

#### Power to Provide Funds.

Section 9.1. In order to carry out the purposes, powers, and duties of the city government established by this Charter, the city may assess, levy and collect taxes, rents, tolls, excises, and specific taxes.

#### Subjects of Taxation:



Section 9.2. The subjects of ad valorem taxation for municipal purposes shall be the same as for State, County, and School purposes under the general law. Except as otherwise provided by this Charter, city taxes shall be levied, collected and returned in the manner provided by state law.

Exemptions:

Section 9.3.

Assessment:

Section 9.4. Unless otherwise provided by state law, the thirty-first day of December in each year shall be the assessment day for both real and personal property in the city.

Time for Making Assessment Rolls:

Section 9.5 Prior to the first meeting of the Board of Review in each year, the Assessor shall make and complete an assessment roll in the manner and form provided in the general tax laws of the state.

Valuing of Real and Personal Property:

Section 9.6. The Assessor shall estimate, according to state law, the value of every parcel of real property and set the same down opposite such description. He shall also estimate the value of all taxable personal property of each person and set the same down opposite the name of such person. The Assessor shall give notice by first class mail of any increase in the assessment of any property to the owner of record according to the last assessment roll of the city addressed to the address of such owner as shown on said roll, but the failure of the part of the Assessor to give any such notice or of any such owner to receive any such notice shall not invalidate any assessment roll of the city or any assessment thereon.

Board of Review - Appointment of Members:

Section 9.7. The Mayor and four (4) Councilmen shall comprise the Board of Review of the city's assessment rolls. The remuneration of the members of the Board of Review shall be determined by the Council during the month of April in each year.

Meeting of Board of Review:

Section 9.8. The Board of Review shall convene on the first Monday in March of each year to review and correct the assessment roll and shall continue in session at least three (3) days successively, and as much longer as may be necessary to complete the review.

Notice of Meeting:

Section 9.9. The Clerk shall publish notice of the time and place of meeting of the Board of Review not less than ten (10) days immediately preceding such meeting.

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

Section 9.10. On the first day of its meeting in each year, the Board of Review shall elect one of its members chairman. The Clerk or Council Designee shall be Secretary of the Board and shall consult with and advise the Board and take part in its deliberations, but, unless he be a member, shall not be entitled to vote. It shall be the duty of the Assessor to keep a permanent record of all proceedings, and to enter therein all resolutions and decisions of the Board. A majority of the members of the Board shall constitute a quorum. The members of said Board shall take the constitutional oath of office which shall be filed with the Clerk. For the purpose of reviewing and correcting assessments, the Board of Review shall have the same powers and perform like duties in all respects, as are by the general tax law conferred upon and required of boards of review in townships, in reviewing assessments in townships for township, state and county taxes. It shall hear the complaints of all persons considering themselves aggrieved by assessments, or omitted from the roll, the Board shall correct the roll in such manner as it shall deem just. In all cases, the assessment roll shall be reviewed according to the facts existing on the tax day and no change of the status of any property after said day shall be considered by the Board in making its decisions. No person other than the Board of review shall make or authorize any change upon or additions to corrections to the assessment roll.

### Endorsement of Roll Validity:

Section 9.11. After the Board shall complete its review of the assessment roll, a majority of the members shall endorse thereon and sign a statement to the effect that the same is the assessment roll of the city for the year in which it has been prepared. The omission of such endorsement shall not affect the validity of such roll. Upon the completion of said roll and from and after midnight following the last day for meeting of the Board of Review, the same shall be the assessment roll of the city for county, school, and city taxes and for any other taxes on real and personal property that may be authorized by law and shall be conclusively presumed by all courts and tribunals to be valid and shall not be set aside except for causes set forth in the general laws of the state.

### Clerk to Certify Tax Levy:

Section 9.12. Within three (3) days after the Council has adopted the budget for the ensuing year, the Clerk shall certify to the Assessor the total amount which the council determines shall be raised by general tax; all amounts of special assessments which the Council requires to be assessed or reassessed upon any property or against any person; and all other amounts which the Council may determine shall be charged, assessed, or reassessed against any person or property.

### City Tax Roll:

Section 9.13. After the last day for the meeting of the Board of Review, the Assessor shall prepare a copy of the assessment roll to be known as the "City Tax, and upon receiving the certification of the several amounts to be raised, as provided in the preceding section, the Assessor shall proceed forthwith to spread upon said tax roll the several amounts determined by the Council to be charged, assessed, or reassessed against persons or property; and shall also proceed to spread the amounts of the general city tax according to and in proportion to the several valuations set forth in said assessment roll. For the purpose of avoiding fractions in computation, the Assessor may add to the amount of the several taxes to be raised not more than the amount prescribed by state law; said excess shall belong to the city.

Tax Roll Certified for Collection:

Section 9.14. After extending the taxes aforesaid and not later than the 15th day of June in each year, the Assessor shall certify said tax roll, and the Mayor shall annex his warrant thereto, directing and requiring the Treasurer to collect from the several persons named in said roll the several sums mentioned therein opposite their respective names as a tax or assessment and granting to him, for the purpose of collecting the taxes, assessments, and charges on such roll, all the powers and immunities possessed by township treasurers for the collection of taxes under the general laws of the state.

Taxes Lien on Property:

Section 9.15. The city taxes assessed shall become at once a debt due to the city from the persons to whom they are assessed, and the amounts assessed on any interest in real property shall on the first day of July become a lien upon such real property, and the lien for such amounts and for all interest and other charges thereon shall continue until payment thereof. All personal taxes shall also be a first lien, prior, superior, and paramount, upon all personal property of the persons so assessed from and after the first day of July in each year and shall so remain until paid, which said tax liens shall take precedence over all other claims, encumbrances and liens upon said personal property whatsoever, whether created by chattel mortgage, execution, levy, judgment, or otherwise, and whether arising before or after the assessment of said personal taxes, and no transfer of personal property assessed for taxes thereon shall operate to divest or destroy such lien except where such personal property is actually sold in the regular course of retail trade.

Taxes Due:

Section 9.16. City taxes shall be due on the first day of July of the year when levied and shall be payable as stated in the warrant of the Mayor annexed to said roll.

Notification of Taxes Due:

Section 9.17. The Treasurer shall not be required to call upon the persons named in the city tax roll, nor to make personal demand for the payment of taxes, but he

shall give notice to the taxpayers of the city, at least six (6) days prior the first day of July in each year, of the time when said taxes will be due for collection by publication, at least once, in one or more of the newspapers published or circulated in the city, or shall give such notice by first class mail addressed to the owners of the property upon which taxes are assessed according to the names of such owners and their addresses as indicated on the tax roll, which notice shall be deemed sufficient for the payment of all taxes on said tax roll. Failure on the part of the Treasurer to give said notice shall not invalidate the taxes on said tax roll nor release the person or property assessed from the penalty provided in this chapter in case of non-payment of the same.

#### Collection Fees:

Section 9.18. All July roll taxes of each year paid on or before the fifteenth day of August of that year shall be collected by the Treasurer with a one (1) percent collection fee charge. The Treasurer shall add to all taxes paid after the fifteenth day of August an additional three (3) percent collection fee. All December roll taxes of each year paid on or before the fifteenth day of January of that year shall be collected by the Treasurer with a one (1) percent collection fee charge. The Treasurer shall add to all taxes paid after the fifteenth day of January an additional three (3) percent collection fee. Such collection fees shall belong to the city and shall constitute a charge and shall be a lien against the property to which the taxes themselves apply, collectible in the same manner as the taxes to which they are added.

#### Apportioning of Tax on Portion of Taxed Items:

Section 9.19. Any person owning an undivided share or other part of any parcel of real property, assessed in one description, may pay on the share or part thus owned by paying an amount having the same relation to the whole tax as the value of the part on which payment is made has to the value of the whole parcel. The person making such payment shall accurately describe the part or share on which he makes payment and the receipt given and the record of the receiving officers shall show such description and by whom paid; and in case of the sale of the remaining part or share, for nonpayment of taxes, he may purchase the same in like manner as any disinterested person. The values above referred to shall be determined upon the request of any interested party by the Assessor, who, before making such determination, shall set a time for hearing and shall notify the interested parties by first class mail at their last known addresses, such notice to be mailed at least ten (10) days before the hearing.

#### Tax Roll to County Treasurer:

Section 9.20. If the Treasurer has been unable to collect any of the city taxes on said roll on real property before the first day of March following the date when said roll was received by him, it shall be his duty to return all such unpaid taxes on real property to the county treasurer in the same manner and with like effect as returns by township treasurers of township, school, and county taxes. Such returns shall be made upon a

delinquent tax roll to be prepared by the Treasurer and shall include all the additional charges and fees hereinbefore provided. which charges shall, in such return, be added to the amount assessed in said tax roll against each description. The taxes thus returned shall be collected in the same manner as other taxes returned to the county treasurer are collected under the provisions of the general laws of the state and shall be and remain a lien upon the lands against which they are assessed, until paid.

Protection of City Lien:

Section 9.21. The City shall have power to acquire by purchase any premises within the city at any tax or other public sale, or by direct purchase from the State of Michigan or the fee owner, when such purchase is necessary to protect the lien of the city for taxes or special assessments, or both, on said premises and may hold, lease or sell the same for the purpose of securing therefrom the amount of such taxes or special assessments, or both, together with any incidental expenses incurred in connection with the exercise of this power. Any such procedure exercised by the city in the protection of its tax lien shall be deemed to be for a public purpose.

State, County, and School Taxes:

Section 9.22. For the purpose of assessing taxes in the city for state, county, and school purposes, the city shall be considered the same as a township, and all provisions of state law relative to the collection of such taxes and the fees to be paid therefor, the accounting therefor to the appropriate taxing units, and the returning of property to the county treasure for non-payment thereof shall apply to the performance thereof by the Treasurer, who shall perform the same duties and have the same powers as township treasurers under state law.

## CHAPTER TEN

### General Finance Borrowing Power

General Borrowing:

Section 10.1. Subject to the applicable provisions of state law and this Charter, the Council, by proper ordinance or resolution, may authorize the borrowing of money for any purpose within the scope of the powers vested in the city and the issuance of bonds of the city or other evidences of indebtedness therefor, and may pledge the full faith, credit, and resources of the city for the payment of the obligation created therefor.

Special Assessment Bonds:

Section 10.2. The Council shall, subject to the applicable provisions of the general laws of the state, have authority to borrow money in anticipation of the payment

of special assessments made for the purpose of defraying the cost of any public improvement, or in anticipation of the payment of any combination of such special assessments, and to issue bonds therefor. Such special assessment bonds may be an obligation of the special assessment district or districts or may be both an obligation of the special assessment district or districts and a general obligation of the city. All collections on each special assessment roll or combination of rolls shall be set apart in a separate fund for the payment of the principal and interest of the bonds issued in anticipation of the payment of such special assessments and shall be used for no other purpose.

Other Bonds:

Section 10.3. The city shall have power to issue revenue or other type of bonds in the manner and for the purposes permitted by the Constitution and general laws of the State of Michigan.

Preparation and Record:

Section 10.4. Each bond or other evidence of indebtedness shall contain on its face a statement specifying the purpose for which the same is issued and it shall be unlawful for any officer of the city to use the proceeds thereof for any other purpose, and any officer who shall violate this provision shall be deemed guilty of misconduct in office. All bonds and other evidence of indebtedness issued by the city shall be signed by the Mayor and countersigned by the Clerk, under the seal of the city. Interest coupons may be executed with the facsimile signatures of the Mayor and Clerk. A complete and detailed record of all bonds and other evidences of indebtedness issued by the city shall be kept by the Clerk. Upon the payment of any bond or other evidence of indebtedness, the same shall be marked "Canceled"

Unissued Bonds:

Section 10.5 No unissued bonds of the city shall be issued or sold to secure funds for any purpose other than that for which they were specifically authorized, and if any such bonds are not sold within five (5) years after authorization, such authorization shall, as to such bonds, be null and void, and such bonds shall be canceled.

## CHAPTER ELEVEN

### Special Assessments

General Power Relative to Special Assessments:

Section 11.1. The Council shall have the power to determine the necessity of any local or public improvement and to determine that the whole or any part of the expense shall be defrayed by special assessment upon the property especially benefited.

### To Initiate Special Assessments:

Section 11.2. Proceedings for the making of public improvements within the city may be commenced by resolution of the Council on its own initiative, or by an initiatory petition signed by property owners whose aggregate property in the special assessment district was assessed for not less than sixty (60) percent of the total assessed value of the privately-owned real property located therein, in accordance with the last preceding general assessment roll: provided, however, that in case of special assessments for paving or similar improvements which are normally assessed on a frontage basis on abutting property, such petitions shall be signed by owners to the extent of at least sixty (60) percent of the frontage of property to be assessed. It shall appear that such petition was not signed by a sufficient number of property owners, then the petition shall not be presented to the Council by the Clerk. Such petition, in addition to the signatures of the owners, shall contain a brief description of the property owned by the respective signers thereof. Such petition shall be verified by the affidavit of one or more of the owners or by some person or persons with knowledge that said signers are such owners and that such signatures are genuine. The initiatory petition herein referred to shall be addressed to the Council and filed with the Clerk. Such petition shall in no event be mandatory upon the Council.

### Survey and Report:

Section 11.3. Before the Council shall consider the making of any local or public improvement, the same shall be referred by resolution to the City Manager directing him to prepare a report which shall include necessary plans, profiles, specifications and estimates of cost, and estimate of the life of the improvement, a description of the assessment district or districts, and such other pertinent information as will permit the Council to decide the cost, extent, and necessity of the improvement proposed and what part or proportion thereof should be paid by special assessments upon the property benefited and what part, if any should be paid by the city at large. The Council shall not determine to proceed with the making of any local or special improvement until such report of the City Manager has been filed, nor until after a public hearing has been held by the Council for the purpose of hearing objections to the making of such public improvement.

### Cost of Condemned Property Added:

Section 11.4. Whenever any property is acquired by condemnation, or otherwise, for the purpose of any special improvement, the cost thereof, and of the proceedings required to acquire such property, may be added to the cost of such special improvement.

### Determination on the Project, Notice:

Section 11.5. After the City Manager has presented the report required in Section 11.3. for making any local or public improvement as requested in the resolution of the

Council and it has reviewed said report, a resolution may be passed determining the necessity of the improvement: setting forth the nature thereof; prescribing what part or proportion of the cost of such improvement shall be paid by special assessment upon the property benefited, and what part, if any, shall be paid by the city at large: designating the limits of the special assessment district to be affected; designating whether to be assessed according to frontage or benefits; placing the complete information on file in the office of the Clerk where the same may be found for examination: and directing the Clerk to publish a notice of public hearing on the proposed improvement at which time and place opportunity will be given interested persons to be heard. Such notice shall be made by publication in a newspaper, published or circulated within the city, at least one (1) week prior to the holding of the hearing. The hearing required by this section may be held at any regular, adjourned, or special meeting of the Council.

Objections to Improvement:

Section 11.6. If, at or prior to such meeting of the Council, more than fifty (50) percent of the number of owners or privately owned real property to be assessed for any improvement, or in case of paving or similar improvements more than fifty (50) percent of the number or owners of frontage to be assessed for any such improvement, shall object in writing to the proposed improvement, the improvement shall not be made by proceedings authorized by this chapter without a four-fifths (4/5) vote of the members of the Council.

Determination by the Council:

Section 11.7. At the public hearing on the proposed improvement, all persons interested shall be given an opportunity to be heard, after which the Council may modify the scope of the public improvement, if necessary, in such a manner as they shall deem to be in the best interest of the city as a whole. If the determination of the Council shall be to proceed with the improvement, a resolution shall be passed approving the necessary profiles, plans, specifications, and estimates of cost, and directing the Assessor to prepare a special assessment roll in accordance with the Council's determination and report the same to them for confirmation.

Deviation from Plans and Specifications:

Section 11.8. No deviation from original plans or specifications as adopted shall be permitted by any officer or employee of the city without authority of the Council by resolution. A copy of the resolution authorizing such changes or deviation shall be certified by the Clerk and attached to the original plans and specifications on file in his office.

Financing Public Improvements:

Section 11.9. The Council shall specify the provisions and procedures for financing the improvements. No contract or expenditure, except for the cost of preparing



necessary profiles, plans, specifications, and estimates of cost, shall be made for the same until special assessments to defray the costs of the improvement shall have been levied.

Special Assessment Roll:

Section 11.10. The Assessor shall make a special assessment roll of all lots and parcels of land within the designated district benefited by the proposed improvement as assess to each lot or parcel of land the amount benefited thereby. The amount spread in each case shall be based upon the detailed estimate of the City Manager as approved by the Council In no case shall the whole amount to be levied by special assessment upon any lot or premises for any one improvement exceed twenty-five (25) percent of the value of such lot or parcel of land exclusive of improvements thereon, as valued and assessed in the last preceding tax roll. Any cost exceeding that percent, which would otherwise be chargeable on any such lot or parcel of land, shall be paid by the city at large.

Assessor to Attach Certificate to Assessment Roll:

Section 11.11. When the Assessor shall have completed such assessment roll, he shall file the same with the Clerk for presentation to the Council for review and certification by it.

Meeting to Review Special Assessment Roll -Objections in Writing:

Section 11.12. Upon receipt of such special assessment roll, the Council, by resolution, shall accept such assessment roll and order it to be filed in the office of the Clerk for public examination; shall fix the time and place the Council will meet to review such special assessment roll, and direct the Clerk to publish a notice of a public hearing for the purpose of giving an opportunity for interested persons to be heard. Such notice shall be made by publication at least one (1) week prior to the holding of the hearing. The hearing required by this section may be held at any regular, adjourned, or special meeting of the Council. At this meeting, all interested persons or parties shall present their objections, if any, to the assessments against them in writing. The Assessor shall be present at every meeting of the Council at which a special assessment is to be reviewed.

Changes and Corrections in Assessment Roll:

Section 11.13. The Council shall meet at the time and place designated for the review of such special assessment roll and, at such meeting, or proper adjournment thereof, shall consider all objections thereto submitted in writing. The Council may correct said roll as to any special assessment or description of any lot or parcel of land or other errors appearing therein; or it may, by resolution, annul such assessment roll and the same proceedings shall be followed in making a new roll as in the making of the original roll. If, after hearing all objections and making a record of such changes as the Council deems justified, the Council is satisfied with said special assessment roll, it shall

thereupon pass a resolution confirming such roll, placing it on file in the office of the Clerk, and directing the Clerk to attach his warrant to a certified copy within ten (10) days, therein commanding the Assessor to spread the various sums and amounts appearing thereon on a special assessment roll or upon the tax rolls of the city for the full amounts or in annual installments as directed by the Council. Such roll shall have the date of confirmation endorsed thereon and shall from that date be final and conclusive for the purpose of the improvement to which it applies, subject only to adjustment to conform to the actual cost of the improvement, as provided in Section 11.19 of this Charter.

Collection of Special Assessments:

Section 11.14. All special assessments, except such installments thereof as the Council shall make payable at a future time as provided in this chapter, shall be due and payable upon confirmation of the special assessment roll.

Partial Payments-When Due:

Section 11.15. The Council may provide for the payment of special assessments in annual installments. Such annual installments shall not exceed ten (10) in number, the first installment being due upon confirmation of the roll and the deferred installments being due annually thereafter, or, in the discretion of the Council, may be spread upon and made a part of each annual city tax roll thereafter, until all annual installments have been spread. Interest shall be charged on all deferred installments at a rate not to exceed six (6) percent per annum, payable annually; the whole or any deferred installments, with interest accrued thereon, to the date of payment, may be paid in advance of the due dates as herein established.

Delinquent Special Assessments:

Section 11.16. Special assessments and all interest and charges thereon, from the date of confirmation of the roll, shall be and remain a lien upon the property assessed of the same character and effect as the lien created by general law for state and county taxes, and by this Charter for city taxes, until paid. From such date after confirmation as shall be fixed by the Council, the same collection fees shall be collected on delinquent special assessments and upon delinquent installments of such special assessments as are provided by this Charter to be collected on delinquent city taxes. Such delinquent special assessments shall be subject to the same penalties and the lands upon which the same are a lien shall be subject to sale therefor the same as are delinquent city taxes and the lands upon which they constitute a lien.

Hazards and Nuisances:

Section 11.17. When any lot, building, or structure within the city, because of accumulation of refuse or debris, the uncontrolled growing of noxious weeds,

or age or dilapidation, or because of any other condition or happening, become, in the opinion of the Council, a public hazard or nuisance which is dangerous to the health, safety, or welfare of the inhabitants of the city or of those residing or habitually going near such lot, building, or structure, the Council may, after investigation, give notice by publication or by certified mail addressed to the last known address of the owner or owners of the land upon which such nuisance exists, or to the owner of the building or structure itself, specifying the nature of the nuisance and requiring such owner to alter, repair, tear down, abate or remove the nuisance promptly and within a time to be specified by the Council, which shall be commensurate with the nature of the nuisance. If, at the expiration of the time limit in said notice, the owner has not complied with the requirements thereof, or in any case where the owner of the land or of the building or structure itself is not known, the Council may order such hazard or nuisance abated by the proper department or agency of the city which is qualified to do the work required, or may do the work by contract or by hire and the cost of such abatement assessed against the lot, premises, or description of real property upon which such hazard or nuisance is located, by special assessment.

Amount Council to Determine:

Section 11.18. The Council shall determine what amount or part of each such expense shall be charged, and the person, if known, against whom, and the premises upon which the same shall be levied as a special assessment; and as often as the Council shall deem it expedient, it shall require all of the several amounts so reported and determined, and the several lots or premises and the persons chargeable therewith respectively to be notified by the Clerk either by certified mail sent to their last known address as shown on the assessment roll of the city or by publication. Such notice shall state the basis of the assessment, the cost thereof, and shall give a reasonable time, which shall not be less than thirty (30) days, in which payment shall be made. In all cases where payment is not made within the time limit, the same shall be reported by the Clerk to the Assessor who shall spread such amounts against the several persons or descriptions of real property chargeable therewith on the next roll for the collection of city taxes.

Additional Assessments Refunds:

Section 11.19. The City Manager shall, within sixty (60) days after the completion of each local or special public improvement, compile the actual cost thereof and certify the same to the Assessor, who shall adjust the special assessment roll to correspond therewith, subject to the limitation contained in Section 11.10. When any special assessment roll shall prove insufficient to meet the costs of the improvement for which it was made, the Council may make an additional pro rata assessment, but the total assessed shall not exceed the maximum amount permitted by Section 11.10. Should the assessment prove larger than necessary by five (5) percent or less, the same shall be reported to the Council which may place the excess in the city treasury or make a refund thereof pro rata according to assessments. If the assessment exceeds five (5)

percent, the entire excess shall be refunded to owners of property upon which payments have been made in full, pro rata according to the assessments.

Additional Procedures:

Section 11.20. In any case where the provisions of this chapter may prove to be insufficient to carry into full effect the making of any special assessment, the Council shall provide by ordinance any additional steps or procedures required to effect the improvement by special assessment

Special Assessment Accounts:

Section 11.21. Except as otherwise provided in this chapter moneys raised by special assessment to pay the cost of any local improvement shall be held in a special account must be used only for the improvement project for which the assessment was levied, except as otherwise provided in this chapter.

Contested Assessments:

Section 11.22. Except and unless notice is given to the Council in writing of an intention to contest or enjoin the collection of any special assessment for the construction of any public improvement or the removal or abatement of any public hazard or nuisance, within fifteen (15) days after the date of the resolution of the Council confirming the assessment roll for such improvement, as required by Section 11.12. of this chapter, which notice shall state the grounds on which the proceedings are to be contested, no suit or action of any kind shall be instituted or maintained for the purpose of contesting or enjoining the collection of such special assessment.

Reassessment for Benefits:

Section 11.23. Whenever the Council shall deem any special assessment invalid or defective for any reason whatever, or if any court of competent jurisdiction shall have adjudged such assessment to be illegal for any reason whatsoever, in whole or in part, the Council shall have power to cause a new assessment to be used for the same purpose for which the former assessment was made, whether the improvement or any part thereof has been completed or not, and whether any part of the assessment has been collected or not. All proceedings on such reassessment and for the collection thereof shall be made in the same manner as provided for in the original assessment. If any portion of the original assessment shall have been collected and not refunded, it shall be applied upon the reassessment and the reassessment shall to that extent be deemed satisfied. If more than the amount reassessed shall have been collected, the balance shall be refunded to the person making such payment.

# CHAPTER TWELVE

## Elections

### Qualifications of Electors:

Section 12.1. Each person who is qualified as an elector in state elections for state or local offices, or who will have such qualifications at the next ensuing regular or special city election, shall be entitled to register as an elector of the City of Bessemer in the voting district in which he resides.

### Election Procedure:

Section 12.2. The general election laws of the state shall apply and control, as near as may be, all procedures relating to registration and city elections, except as such general laws relate to political parties or partisan procedures, or require more than one (1) publication or notice, and except as otherwise provided by this Charter.

### Primary Elections:

Section 12.3. Primary elections eliminated - General Election, November 5, 1985.

### Regular City Elections:

Section 12.4. A non-partisan odd year regular city election shall be held on the date prescribed by state law for holding regular elections.

### Special Elections:

Section 12.5. Special city elections shall be held when called by resolution of the City Council, with concurrence by the county elections scheduling committee and with at least forty-five (45) days in advance of such election, or when required by this Charter or the general laws of the state. Any resolution calling a special election shall set forth the purpose of such election and the question to be voted upon. No more than two (2) special elections shall be held in any one calendar year.

### Election Committee:

Section 12.6. An election commission is hereby created, consisting of the Clerk, Assessor, and the City Attorney. The Clerk shall be Chairman. The commission shall have charge of all activities and duties required of it by state law and this Charter relating to the conduct of elections in the city. The compensation of election personnel shall be determined in advance by the Council. In any case where election procedure is in doubt, the election commission shall prescribe the procedure to be followed.

### Notice of Election:

Section 12.7. Notice of the time and place of holding any city election and of the officers to be elected and the questions to be voted upon, shall, except as herein otherwise provided, be given by the Clerk in the same manner and at the same time as

provided in the state election laws for the giving of notices by township clerks in state elections.

#### Section 12.8 Blank

#### Voting Hours:

Section 12.9. Persons desiring to qualify as candidates for any elective office under this Charter shall file a petition therefor with the Clerk signed by not less than forty (40) nor more than sixty (60) registered electors of the city not later than 12:00 O'clock noon on the Tuesday following the first Monday in August each election year. Blank petitions in substantially the same form as required by state law for state and county officers, except for references to party, shall be prepared and furnished by the Clerk. Before the Clerk shall furnish any nomination petitions to any person, he shall enter thereon in ink the name of the person desiring to become a candidate for office in the city, or the person on whose behalf the petition is to be circulated, and the name of the office for which the petition is to be circulated. The Clerk shall publish notice of the last day and time for filing nomination petitions at least one (1) week before, and not more than three (3) weeks before that date. No person shall sign his name to a greater number of petitions for any one office than there will be persons elected to said office. Where any name appears on more petitions than there are candidates to be elected to said office, such name shall not be counted upon any petition for that office. Nothing herein contained shall be construed to prohibit any candidate from having his own nominating petitions printed, but they must comply substantially with the above form.

#### Approval of Petitions:

Section 12.10. The Clerk shall accept for filing only nomination petitions on official blanks containing the required number of signatures for candidates having those qualifications required for elective city officers by this Charter. When petitions are filed by persons other than the person whose name appears thereon as a candidate, they may be accepted for filing only when accompanied by the written consent of the person on whose behalf the petition or petitions were circulated. The Clerk shall, within five (5) days after the final filing date, determine the sufficiency of the signatures on each petition filed, and if he finds that any petitions does not contain the required number of legal signatures of registered electors, he shall immediately notify the candidate in writing of the insufficiency of his petition. Each petition which is found by the Clerk to contain the required number of signatures of registered electors for candidates shall be marked "In Order" with the date thereof, and he shall so notify the candidate whose name appears thereon, in writing.

#### Public Inspection of Petitions:

Section 12.11. All nomination petitions shall be open to public inspection in the office of the Clerk beginning five (5) days after the final filing date for such petitions.

#### Form of Ballots:

Section 12.12. The form of the ballot used in any city election shall conform as nearly as may be to that prescribed by the general laws of the state, except that no party designation or emblem shall appear upon any city ballot. The names of qualified nominees for each office shall be listed in a single column and shall be rotated on the ballots. In all other respects the printing and numbering of ballots shall conform to the general laws of the state, relating to elections

Tie Vote:

Section 12.13. If, at any city election, there shall be no choice between candidates by reason of two (2) or more persons having received an equal number of votes, then the board of canvassers for the county in which such election was held shall appoint a day for appearance of all affected persons before the county clerk for the purpose of determining the election of such candidate by lot as provided by state law.

Recount:

Section 12.14. A recount of the votes cast at any city election for any office, or upon any proposition, may be had in accordance with the general election laws of the state.

Recall:

Section 12.15. Any elective official may be removed from office by the electors of the city in the manner provided by the general laws of the state. A vacancy created by the recall of any elective official shall be filled in the manner prescribed by law.

## CHAPTER THIRTEEN

### Contracts -Franchises -Permits

City May Perform Public Work:

Section 13.1 The Council shall have power to do any public work or make any public improvement by the employment of the necessary labor and the purchase of the necessary supplies and materials with separate accounting as to each improvement so made, or to do such work by contract duly let after competitive bidding. Where competitive bids are secured, the city, or any city department so qualified to do the work, may enter a bid on an equal footing with other bidders. The Council shall also have power to do any public work or make any public improvement under any legally constituted plan under which the labor is furnished by any other governmental unit, department, or agency of the United States or the State of Michigan, or which is wholly or in part financed by either of them.

Plans and Specifications:

Section 13.2 Except as otherwise provided in this Charter the responsibility for the preparation of plans and specifications, estimating of the cost, advertising for bids, supervision and approval of the work upon or for any public work or public or special improvement is vested in the City Manager.

Contracts:

Section 13.3. Whenever it becomes desirable for the city to enter into a contract with a second party for any purpose whatever, such instrument shall be drawn or approved as to form by the City Attorney and certified to by the Clerk as to sufficiency of funds. The letting and making of such contracts is hereby vested in the Council. The Council, in its discretion, shall have the power to reject any or all bids. Copies of all contracts shall be filed in the office of the Clerk.

Modification in Contracts:

Section 13.4. When it becomes necessary in the prosecution of any work or improvement done under contract, to make alterations or modifications in such contract, such alterations or modifications shall be made only upon resolution of the Council. No such order shall be effective until the price to be paid for the material or work, or both, under the altered or modified contract shall have been agreed upon in writing and signed by the contractor and the City Manager upon authority of the Council, and a copy thereof and of the proceedings authorizing such alteration or modification certified by the Clerk, attached by the Clerk to the original contract on file in his office.

Franchises:

Section 13.5. No franchise or grant which is not revocable at the will of the Council shall be granted or become operative until the same shall have been referred to the people at a regular or special election and has received the approval of three-fifths (3/5) of the electors voting thereon at such election. All irrevocable public utility franchises and all renewals, extensions, and amendments thereof shall be granted only by ordinance. No such ordinance shall be adopted before thirty (30) days after application therefor has been filed with the Council, nor until a full public hearing has been held thereon. No such ordinance shall be submitted to the electors at an election to be held less than thirty (30) days after the grantee named therein has filed with the Clerk its unconditional acceptance of all of the terms of such franchise, and it shall not be submitted to a special election unless the expense of holding the election, as determined by the Council, shall have been paid to the Treasurer by the grantee. No exclusive franchise shall ever be granted and no franchise shall be granted for a longer term than thirty (30) years.

Licenses and Franchises Remain in Effect:

Section 13.6. All licenses and franchises granted by the City of Bessemer and in force within the city when this charter becomes law, shall remain in full force and effect until the expiration of the time for which they were respectively granted, has lapsed



under conditions contained in the license or franchises granted, or until any such licenses or franchises may have been taken over by the city by purchase, condemnation, grant, or otherwise.

Control and Revocation:

Section 13.7. The Council shall cause to be instituted such actions or proceedings as may be necessary to prosecute a public utility company for violations of its franchise, the City Charter, or ordinances of the city, and may revoke, cancel, or annul all franchises that may have been granted by the city, which, for any reason, have become inoperative, illegal, or void and not binding upon the city.

Provisions Stated not to be Exclusive:

Section 13.8 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, terms, or conditions as may be within the power of the city to impose or require and which the Council shall deem proper to protect the interests of the people of the city.

Right of Regulation:

Section 13.9. All public utility franchises granted after the adoption of this Charter, whether it be so provided in the granting ordinance or not, shall be subject to the right of the city:

- a) To repeal the same for misuse, or non-use, or for failure to comply with the provisions thereof;
- b) To require proper and adequate extension of plant and service maintenance thereof at the highest practicable standard of efficiency;
- c) To establish reasonable standards of service and quality of products, and prevent unjust discrimination in service or rates;
- d) To require continuous and uninterrupted service to the public in accordance with the terms of the franchise throughout the entire period thereof;
- e) To impose such other regulations as may be determined by the Council to be conducive to the safety, welfare, and accommodation of the public.

Regulation of Rates:

Section 13.10. All public utility franchises shall make provision therein for fixing rates, fares, and charges, and for readjustments thereof at periodic intervals at the discretion of the city. The value of the property of the utility used as a basis for fixing such rates, fares, and charges shall in no event include a value predicated upon the franchise, goodwill, or prospective profits.

Revocable Permits:

Section 13.11. Temporary permits for public utilities, revocable at any time at the will of the Council, may be granted by the Council by ordinance on such terms and conditions as it shall determine, provided that such permits shall in no event be construed to be franchises or amendments to franchises.

Use of Streets by Utility:

Section 13.12. Every public utility franchise shall be subject to the right of the city to use, control, and regulate the use of its streets, alleys, bridges, and public places and the space above and beneath them. Every public utility shall pay such part of the cost of improvement or maintenance of streets, alleys, bridges, and public places, as shall arise from its use thereof and shall protect and save the city harmless from all damages arising from said use; and may be required by the city to permit joint use of its property and appurtenances located in the streets, alleys, and public places of the city, by the city, and other utilities insofar as such joint use may be reasonably practicable and upon payment of reasonable rental therefor; provided, that in the absence of agreement, upon application by any public utility, the Council shall provide for arbitration of the terms and conditions of such joint use and the compensation to be paid therefor, which award shall be final.

## CHAPTER FOURTEEN

### Municipal Utilities

General Powers Respecting Utilities:

Section 14.1 the city shall possess and hereby reserves to itself all the powers granted to cities by the Constitution and general laws of the State of Michigan to acquire, construct, own, operate, improve, enlarge, extend, repair, and maintain, either within or without its corporate limits, including, but not by the way of limitation, public utilities for supplying water, light, heat, power, gas, sewage treatment, and garbage disposal facilities, or any of them, to the municipality and the inhabitants thereof; and also to sell and deliver water, light, heat, power, gas and other public utility services, without its corporate limits to an amount not to exceed the limitations set by state law and Constitution.

Rates:

Section 14.2. The Council shall have the power to fix, from time to time, such just and equitable rates as may be deemed advisable for supplying the inhabitants of the city and others with water; with electricity for light, heat and power; and with other utility services as the city may provide.

Utility Charges-Collection:

Section 14.3. The Council shall provide, by ordinance, for the collection of all public utility charges made by the city. With respect to water, the city shall have all the power granted to cities by Act 178, PA 1939. When any person or persons, or any firm or corporation, shall fail or refuse to pay to the city any sums due on utility bills, service or services upon which such delinquency exists may be shut off or discontinued and suit may be instituted by the city for the collection' of the same in any court of competent jurisdiction.

Accounts:

Section 14.4. Separate accounts, distinct from any other city accounts. shall be kept for each public utility owned or operated by the city in such manner as to show the true and complete financial result of such city ownership or operation, or both, including all assets, liabilities, revenues, and expenses. They shall show as nearly as possible, the value of any service furnished to or rendered by any such public utility by or to any other city department. The Council shall annually cause a report to be made, showing the financial results of such city ownership or operation, or both, which report shall give for each utility, the information specified in this section, and such further information as the Council shall deem expedient. Such report shall be on file in the office of the Clerk for public inspection.

Disposal of Plants:

Section 14.5. The city shall not sell, exchange, lease, or in any way alien or dispose of the property, easements, income, or other equipment, privilege, or asset belonging to and appertaining to any utility which it owns or may acquire, unless and except the proposition for such purpose shall first have been submitted, at an election held for that purpose in the manner provided in this Charter, to the electors of the city who are qualified to vote on questions involving the direct expenditure of money or the issuance of general obligation bonds of the city and approved by them by a three-fifths (3/5) majority vote of the electors voting thereon. All contracts, negotiations, licenses, grants, leases or other forms of transfer in violation of this provision, shall be void and of no effect as against the city. The provisions of this section shall not, however, apply to the sale or exchange of any articles of equipment of any city owned utility as are worn out or useless, or which could, with advantage to the service, be replaced by new and improved machinery or equipment.

## CHAPTER FIFTEEN

### Miscellaneous

Advisory Committees or Boards:

Section 15.1. The City Council or City Manager with the approval of the Council may from time to time appoint such committees or boards as are deemed appropriate to advise and consult with them, and with appropriate department heads, regarding any municipal activity. Such committees or boards shall serve at the pleasure of the Council which shall also determine what, if any, compensation shall be paid.

Library Facilities:

Section 15.2. The City of Bessemer is hereby empowered to own, operate, enlarge relocate, and maintain a public library and branches thereof for the use and benefit of its citizens. Subject to valid and equitable charges it may extend such services by contract, fees, or otherwise to non-residents of the city. To assist in fulfilling this function, the Council shall have power to carry out the terms of any deed or trust granted to the city, shall appoint a board of directors of the library, and may allot for its support such portions of the general fund as are reasonably necessary or as may be required by the terms of any trust. This Charter shall be deemed to extend general powers and duties to the Council to carry out library functions on behalf of the city, including joint participation with any other governmental unit or units in the support and maintenance of a district library.

Headings:

Section 15.3. The chapter and section headings used in this Charter are for convenience only and shall not be considered to be a part of this Charter.

Effect of Illegality of any Part of Charter:

Section 15.4. Should any provision or section, or portion thereof, of this Charter be held by a court of competent jurisdiction to be invalid, illegal, or unconstitutional, such holding shall not be construed as affecting the validity of this Charter as a whole or of any remaining portion of such provision or section, it being hereby declared to be the intent of the Charter commission and of the electors who voted thereon that such unconstitutionality or illegality shall not affect the validity of any other part of this Charter except that specifically affected by such holding.

Amendments:

Section 15.5. This Charter may be amended at any time in the manner provided in Act No. 279 of the Public Acts of 1909, as amended. Should two (2) or more amendments, adopted at the same election, having conflicting provisions, the one receiving the largest affirmative vote shall prevail as to those provisions.

## SCHEDULE

Election to Adopt Charter:

Section 1. This Charter shall be submitted to a vote of the qualified voters of the City of Bessemer at a special city election to be held on May 4th, 1971.

Form of Ballot:

Section 2. The form of the ballot for the submission of this Charter shall be as follows:

Instruction: A cross (X) in the square  before the word "Yes" is in favor of the proposed Charter, and a cross (X) in the square  before the word "No" is against the proposed Charter.

Shall the proposed Charter, drafted by the Charter Commission elected on \_\_\_\_\_ be adopted?

Yes

No

First Election Under This Charter:

Section 3. The first election of officers under this Charter shall be held on November 2, 1971, at which election there shall be elected five (5) Councilmen who shall hold office for terms of two (2) years, commencing on and dating from the Monday next following such election. The nomination and election of officers at the above specified elections shall be in accordance with the provisions of this Charter. Thereafter, all city elections for the election of officers of the city shall be held upon the dates specified therefor in this Charter. The terms specified in this section are for the purpose of bridging the transition from the schedule of terms of office in the prior Charter of the city and those herein provided.

Holdover Elected Officers:

Section 4. If this Charter is adopted at the election thereon, the nomination of candidates for election to office under the former Charter of the city shall be abrogated and no further election with respect to such candidates shall be held. The Mayor and Aldermen whose terms of office would expire in April 1971, shall serve in the capacities to which they have been elected until their successors are elected at the next city general election, and have qualified, and shall constitute the Council under this Charter and, in the performance of their duties as such shall be subject to the provisions thereof.

Administrative and Other Officers:

Section 5. All administrative officers and employees of the city shall continue in the respective offices and employment held by them at the time this Charter becomes effective, and shall be subject to the provisions thereof.

Status of Schedule Chapter:

Section 6. The purpose of this schedule chapter is to inaugurate the government of the City of Bessemer under this Charter and it shall constitute a part of this Charter only to the extent and for the time required to accomplish that end.

## Resolution of Adoption

At a meeting of the Charter Commission of the City of Bessemer held on December 30, 1970, the following resolution was offered by Commissioner Walter Newman.

Resolved that the Charter Commission of the City of Bessemer does hereby adopt the foregoing proposed Charter of the City of Bessemer and the Clerk of this Commission is directed to transmit a copy thereof to the Governor of the State of Michigan for his approval in accordance with the statute of the state. The resolution was seconded by Commissioner Nick Milakovich, and adopted by the following vote:

Yeas : William Wagner, Walter Newman, John Bonovetz, Michael Martin, Nick Milakovich, Frank Evsich, Dennis Mazanec

Nays : None

Absent : Louis Mascotti

Deceased: Louis Fillippini

The Chairman declared the foregoing resolution carried unanimously and requested the members of the Charter Commission to authenticate said resolution and also the copy of the Charter to be presented to the Governor and filed with the City Clerk by attesting their names thereto in the following manner: All of the Commissioners having attested to said resolution as above and also having attested the copy to be signed by the Governor, the meeting adjourned subject to the call of the chairman.

STATE OF MICHIGAN)

SS

COUNTY OF GOGEBIC)

Everett Lake, Clerk of the Charter Commission of the City of Bessemer, being duly sworn says that at an election duly called and held in the City of Bessemer on the 4th day of August, 1970, the following named persons were duly elected as a Charter Commission to frame a revised Charter for the City of Bessemer, namely:

Commissioners William Wagner, Walter Newman, John Bonovetz, Michael Martin, Nick Milakovich, Frank Evsich, Dennis Mazanec, Louis Mascotti, and Louis Fillippini and that the annexed and foregoing Charter was duly framed and adopted by said Charter Commission by the foregoing resolution, which is a true and correct copy thereof, and, that the said Charter Commission directed that said Charter be presented to the electors of the City of Bessemer in accordance with the requirements of the laws of the State of Michigan which provide therefor. Deponent further says that at the regular Charter Commission meeting held December 30, 1970, the following resolution was offered by Commissioner Newman:

"Resolved that the Charter Commission of the City of Bessemer does hereby adopt the foregoing Proposed Charter for the City of Bessemer, and the Clerk of this Commission is directed to have this Proposed Charter published in the Bessemer Herald on April 15, 1971, and to arrange for the presentation of this Charter to the electors of the City of Bessemer on 1971, in accordance with the provisions of this Charter and the state laws providing therefor" which resolution was supported by Commissioner Milakovich, and unanimously adopted.

Further deponent saith not.

\_\_\_\_\_  
Clerk of the Charter Commission of the City of Bessemer

\_\_\_\_\_  
Dated  
Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 1971

\_\_\_\_\_  
Notary Public, Gogebic County, Michigan  
My Commission Expires: \_\_\_\_\_

I do hereby approve the above and foregoing Charter of the City of Bessemer.

Dated: \_\_\_\_\_, 19\_\_.

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Governor of the state of Michigan







