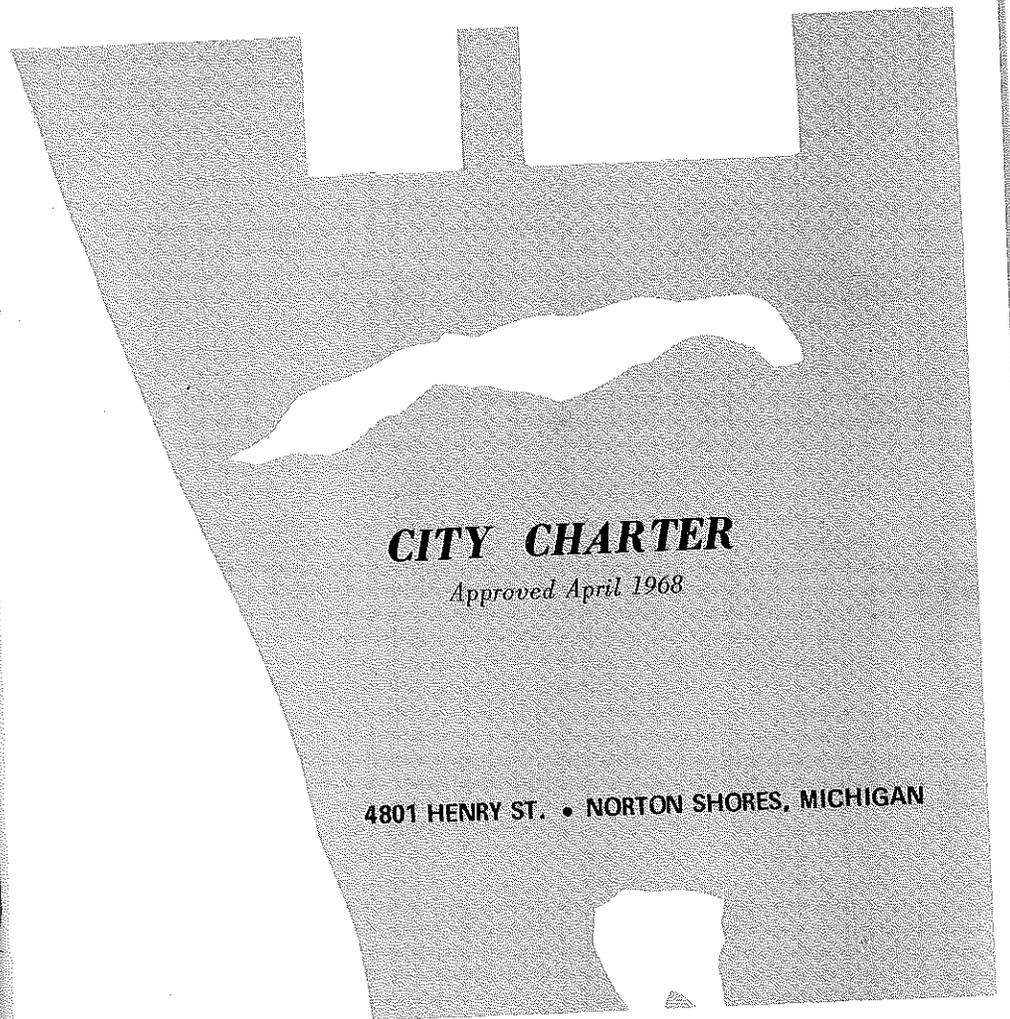


City of NORTON SHORES



CITY CHARTER

Approved April 1968

4801 HENRY ST. • NORTON SHORES, MICHIGAN

Charter Of The City Of Norton Shores

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Charter of the City of Norton Shores

**A STATEMENT CONCERNING THE
NORTON CHARTER COMMISSION AND
THE PROPOSED CHARTER TO IN-
CORPORATE ALL OF NORTON TOWN-
SHIP, MUSKEGON COUNTY, MICHIGAN,
AS THE CITY OF NORTON SHORES.**

The Norton Charter Commission duly elected on October 10, 1967, composed of Nine Commission Members consulted bi-weekly from the time of their election until January 2, 1968. The purpose of these meetings was to draft a Charter of vision and foresight for the people of Norton Township.

All the commission members regularly attended the charter meetings until the untimely death of Mr. John Vanderstelt prior to the last meeting of the commission at which the execution of the charter was formally completed.

Commissioner Vanderstelt was a very active and able member of the commission and his wisdom and experience contributed significantly to the large pool of governmental background and knowledge, especially as applied to Norton Township's problems. The Charter Commission was also blessed with a high degree of unselfish cooperation from the present elective officials of Norton Township. The charter commission especially appreciated the fact that the elective officials of Norton Township did not attempt to preserve or influence the Charter Commission so as to protect their own elective offices.

The Township Board and the Charter Commission had one goal and that was to best serve the interests of good government and the people of Norton for the present and for the future.

From the proceeding biographical sketches, you can see that the members of the Charter Commission brought to the task of forming this charter years of experience, totaling some 86 years of service in various governmental capacities for the people of the Township of Norton.

GENERAL OUTLINE OF THE CHARTER

A general outline of the Charter is presented in this message to the people to acquaint you, the voter, with some of the specific provisions and features of this Charter.

The Charter was formulated only after a study of some 35 existing Charters of Michigan Cities and examination of the National Municipal Leagues Model City Charter.

With the knowledge gained from these sources plus the local experience of the Charter Commission Members, the Charter Commission was able to draft a Charter that adapts to our area, is not a copy of any existing charter, and, differs somewhat from other charters of cities within the County of Muskegon.

NAME AND BOUNDARIES

The new City of Norton Shores will include all of the Township of Norton. A great deal was said from time to time to individual Charter Commission Members outside of the regular meetings of the Charter Commission as to what name the new City should have.

Many people supported the name of Norton as the name originally set forth in the petition to incorporate.

Another large group of people suggested the name of Mona Shores as well as about ten other names.

Your Charter Commission found that the name Mona Shores was the same name as that of the School District serving a large part of the Township of Norton, but which School District also includes part of Muskegon Heights, all of the City of Roosevelt Park, and, parts of the Township of Fruitport; and that the same School District did not include the area covered by the Phillips and Little Black

School Districts.

The new City would incorporate area lying outside of the City of Muskegon Heights and Outside of the City of Roosevelt Park and would not include any part of the Township of Fruitport. It would, however, include all of the area covered by the Little Black Lake School District and a majority of the area covered by the Phillips School District.

Having the same name for the School District and a City but with different boundaries and different resulting zoning and other City ordinances, it was felt that the name of the City should not be the same as the School District because of the resulting confusion in the minds of the public.

After a great deal of discussion, with public attendance at the meeting at which the name of the new City was discussed, the name Norton Shores was adopted by the Charter Commission.

It has its base in the historical name of Norton and the present assets of the Township of Norton in its shoreline on many lakes and streams is given emphasis by the name "Shores".

PRINCIPAL POWERS

MUNICIPAL POWERS. The City Charter provides that the City may exercise any and all powers now or in the future granted to cities of its size, except as limited by this Charter. Such limitations will be cited in this discussion by statements concerning other provisions of the Charter.

ELECTIONS

The City will have a separate non-partisan City Election so that partisan issues and issues arising out of County, State and National affairs will not affect City Elections.

Elective officers of the City will be a Mayor, four councilmen-at-large, Two councilmen from each of the two wards of the City, and, a Justice of the Peace. All elective officers will serve a term of four years.

There was great sentiment to divide the City into more than two wards; however, the State Law requires as does the decisions of the United States Supreme Court, that if a City is divided into Wards that it be divided on a population basis so that each ward has as nearly the same population as possible. Attempting to work out three, four and five ward plans, your Commission was faced with the fact that very irregular and impossible combinations were made to create wards of equal population.

It appeared after considerable study that dividing the City into two wards so that the East side of the City and the West side of the City were each guaranteed representation and that by electing two Councilmen from each of the wards of the City at the same election, geographical, political, religious, and minority interest were more than adequately protected.

According to the law ward lines shall be changed after each federal census, the first of which shall occur after the 1970 census.

CITY COUNCIL

The City Council shall consist of the Mayor, who shall be the presiding officer and have the right to vote, the four councilmen elected at large and the four councilmen elected from the Wards of the City.

The annual salary of the Mayor is fixed at \$2,400.00. The salaries of the Councilman are fixed at \$600.00 annually.

The City Clerk will keep record of the minutes of the City Council and all other boards and commissions of the City so that the City Council will be completely informed at all times. All members of the Council, including the Mayor, shall be subject to recall.

Each of the Councilmen must vote on each proposition before the Council unless excused by all the other members of the Council.

CITY ADMINISTRATION

The Charter provides for the Mayor to be the Chief Executive Officer of the City but it does not conceive that he will be a full time Mayor.

The Mayor will appoint, subject to the right of the Council to veto any appointment, the City's Administrative Officers, including the City Administrator, who will be the Chief Administrative officer of the City and act and perform duties comparable to the City Manager.

By making the City Administrator responsible to the elective Mayor rather than the Council, the irresponsibility of the City Council is eliminated and the people by electing the Mayor can determine the quality of City Government and the City services they desire.

A detailed DEPARTMENT OF FINANCE is created in the Charter so that close cost and financial controls can be exercised by the City and the maximum amount of services can be rendered for each dollar received by the City.

The BOARD OF REVIEW includes two members of the City Council, so that the City Council is fully informed of the problems of the people as they appear before the Board of Review.

The CITY ASSESSOR, CITY CLERK and CITY TREASURER will be appointed by the Mayor subject to the approval of the City Council.

BUDGET AND TAXATION

The City budget is to be made for each fiscal year and a public hearing held thereon. Budgets must be compared with prior budgets of the City or the Township of Norton for the immediate past two years so that any great increase or decrease in services or amounts to be raised by taxation can be readily identified and objected or approved as the people desire.

The rate of taxation has been limited, to 5 mills for general fund operating purposes and 2 mills for capital improvement fund purposes.

This compares with a tax rate available to the City of Muskegon Heights and the City of Muskegon of 10 mills for operating purposes and 2 mills for garbage collection and with a tax rate available to the City of Roosevelt Park of 20 mills.

Experience has shown that if the tax rate limitation is applied to the general budget only, operating funds consume the entire budget and capital improvements such as drains, paving of streets, sidewalks, water mains, sewer mains, and other public improvements as well as necessary buildings and equipment are not acquired and are put off from year to year and the public is required to vote extra mileage for such capital improvements.

Good financial control and good city living requires that a certain amount of capital improvements be made each year for the benefit of the public and for the purpose of maintaining and improving the tax base of the city.

While two mills is a small amount for capital improvements, this coupled with the ability to issue special assessments bonds and to generate savings from the general operating fund as Norton Township has done in the past, will maintain a steady flow of capital improvements so that the people can be assured of adequate public facilities for healthful enjoyment of living in the City.

COURT

The Charter Commission was faced with the fact that City Courts, whether Municipal Courts or Justice Courts, were to be abolished under proposals before the Michigan Legislature by the end of 1968. It, therefore, created a Justice of the Peace Court with the Justice being compensated out of the costs collected in that Court.

If the legislature should allow cities to maintain a Municipal Court providing the City paid the judge's salary, the Charter provides that a Municipal Court will come into being on January 1, 1969, to be presided over by a lawyer who shall be paid a salary. If the legislature abolishes Municipal Courts, this Court will not be established.

SCHEDULE FOR PLACING CHARTER INTO EFFECT

The last chapter of the Charter provides for a schedule which will allow an orderly and inexpensive transfer from township to city government.

All persons who are registered voters of the Township of Norton will be allowed to vote on the adoption of the Charter and the election of the Mayor, City Councilmen and the Justice of the Peace to be first elected at the election at which this charter is voted on.

The Charter Commission feels that the Charter drafted by them is a realistic Charter. This charter will offer encouragement for the present, progress for the future and an opportunity for the people to participate with pride in the governmental affairs and future of our community.

No Charter can anticipate all the problems of the future and this Charter has reserved to the people the right to amend this Charter at any time by a rather simple procedure.

It is the Charter Commission's desire that the people residing within the territory of Norton Township support this charter and place it into effect.

The Charter Commission believes that this Charter provides for good, efficient and economical government for the citizens of the City of Norton Shores.

Respectfully submitted,

William F. Hanna
Chairman

Adolph W. Ross
Secretary

Gustav Aue
Robert K. Hunter
Gordon B. Skipper

Charles G. Henricks
Angus M. McFarren
Donald Werschem

NOTICE OF PUBLIC MEETINGS

Public meetings on the proposed Charter will be held at 7:30 at the following schools on the following dates:

April 8 - Hile School and Phillips School

April 9 - Lincoln School and Black Lake School

April 10 - Mona Shores High School and Churchill Porter School

Charter of the City of Norton Shores

PREAMBLE

We, the people of the City of Norton Shores, Muskegon County, Michigan, in order to secure the benefits of efficient self-government and to promote and protect our common interests and welfare, do ordain and establish this charter for the government of our city.

CHAPTER I

NAMES AND BOUNDARIES

NAME

Section 1.1 This municipal corporation shall be known as and exist as a body corporate under the name "The City of Norton Shores".

BOUNDARIES

Section 1.2 The boundaries of the City of Norton Shores shall be described as: Commence at the Northeast corner of Section 4, Town 9 North, Range 16 West, thence West along Section line to the Northwest corner of Section 4, Town 9 North, Range 16 West, thence South along Section line to the Southwest corner of Section 4, Town 9 North, Range 16 West, thence West along Section line to the North 1/4 post of Section 8, Town 9 North, Range 16 West, thence South along the North and South 1/4 line of said Section 8 to a point 436.52 feet North of the center line of Lake Shore Boulevard, thence West at right angles to the North and South 1/4 line 320.16 feet, thence South parallel with the North and South 1/4 line 295.16 feet, thence East at right angles to the last described line, 320.16 feet to the North and South 1/4 line, thence South along the North and South 1/4 line to water's edge of Mona Lake, thence Southwesterly along water's edge of Mona Lake to the East line of Government Lot 4, Section 8, Town 9 North, Range 16 West, thence North along the East line of Government Lot 4 to the Northeast corner of Assessor's Plat of Recreation Park, as per Plat of Record, Muskegon County, Michigan, thence South 73° 35' West and along the North line of said Plat, a distance of 350 feet, thence South 62° 53' West 353.6 feet to the East line of the West 1/2 of Government Lot 4, Section 8, Town 9 North, Range 16 West, thence North along the East line of the West 1/2 of said Government Lot 4, to Little Black Creek, thence Southwesterly along Little Black Creek to the West line of Section 8, Town 9 North, Range 16 West, thence North along Section line to the Northwest corner of Section 8, Town 9 North, Range 16 West, thence West along the South line of Section 6, Town 9 North, Range 16 West, to the 1/4 line of said Section 6, thence continue West 660 feet, thence South 103 feet, thence East 165 feet, thence South to North line of Seaway Drive, thence West and North along Seaway Drive to the West 1/8 line of said Section 6, thence North along the West 1/8 line of said Section 6 to the North line of Section 6, Town 9 North, Range 16 West, thence West along Section line to

the Northeast corner of Section 1, Town 9 North, Range 17 West, thence South along Section line to the Southeast corner of Section 1, Town 9 North, Range 17 West, thence West along Section line to the Southwest corner of Section 1, Town 9 North, Range 17 West, thence North along Section line to the Northwest corner of Section 1, Town 9 North, Range 17 West, thence West along Section line to the Northeast corner of Government Lot 1, Section 3, Town 9 North, Range 17 West, thence South to the Southeast corner of Government Lot 1, Section 3, Town 9 North, Range 17 West, thence West along Lot line to the water's edge of Lake Michigan, thence Southeasterly and along Water's edge of Lake Michigan to the South line of Section 36, Town 9 North, Range 17 West, thence East along Town line to the Southeast corner of Section 33, Town 9 North, Range 16 West, thence North along the East line of Sections 33, 28, 21, 16, 9 and 4, Town 9 North, Range 16 West to Place of Beginning.

CHAPTER II MUNICIPAL POWERS

GENERAL POWERS

Section 2.1 Unless otherwise provided or limited in this charter, the City shall possess and be vested with all the powers, privileges, and immunities, expressed or implied, which cities are permitted by law to exercise or to include in their charters.

Section 2.2 Officers and members of boards and commissions of the City shall possess and be vested with all the powers, privileges and immunities and duties, expressed or implied, by state law, in addition to the powers, privileges, immunities and duties prescribed by this charter or by ordinance.

EXERCISE OF POWERS

Section 2.3 Where no procedure is set forth in this charter for the exercise of any power granted to or possessed by the City or its officers, the City Council shall prescribe a procedure by ordinance for the exercise thereof, subject to such limitation as may be imposed by law. Where a particular method or mode for exercising a power is made mandatory by law, then such law shall govern. Where alternative procedures or modes are found in different laws, the City Council shall adopt by ordinance the procedure which it deems most expedient and to the best advantage to the City and its inhabitants.

Section 2.4 PUBLIC HEALTH AND WELFARE. The City through its administrative, legislative and judicial divisions shall provide for public peace, health and safety of persons and property.

CHAPTER III ELECTIONS

Election

Section 3.1 The residents of the City having the qualifications of electors in the State of Michigan shall be electors of the City. All persons who were qualified electors of the Township of Norton as of the date of the adoption of this charter shall be thereafter qualified electors of the City.

Section 3.2 The election of all city officers shall be on a non-partisan basis. The general election laws of the State shall apply to and control, as

near as may be, all procedure relating to elections, except as such laws relate to political parties or partisan procedure or require more than one publication of notice and except as otherwise provided by this charter. In any circumstance where the application of said laws may be uncertain, the election commission shall construe the same and prescribe the procedure.

Primary Elections

Section 3.3 A biennial spring primary election for city officers shall be held on the first Tuesday in February in each year in which a regular City election is held, at which time nominees for offices of the City to be filled at the regular biennial spring election, as provided by this charter, shall be elected. Provided, however, that prior to the first election of City officers held at the election at which this charter is adopted no primary election shall be held.

Primary Elections - When Not Necessary

Section 3.4 If upon the expiration of the date for filing nominating petitions for any elective office, valid petitions have been filed for no more than twice the number of candidates for such office or offices to be elected at the following regular City election, then no primary election shall be held with respect to such office or offices.

Nominations

Section 3.5 The primary candidates, equal in number to twice the number of persons to be elected to each office or offices at the next subsequent regular city election, who receive the highest number of votes at any such primary election shall be declared to be the nominees for election to the respective offices for which they are candidates. The names of such candidates, together with the names of candidates who filed valid nominating petitions for any office or offices for which no primary election was held, shall be certified by the City Clerk to the election commission as nominees for the next regular city election.

Regular City Elections

Section 3.6 The regular biennial city election shall be held on the second Tuesday in March in each even numbered year.

Election Commission

Section 3.7 There is hereby established an Election Commission for the City of Norton Shores consisting of the City Clerk and two duly registered electors of the City, who shall be appointed by the City Council not less than 30 days prior to the City's primary election and who shall serve at the pleasure of the City Council. All members shall serve without compensation and the City Clerk shall act as Chairman of the Commission.

No member of the election commission, other than the City Clerk, shall be a city officer or employee or be a nominee or candidate or the husband or wife of any such person. The City Clerk, except as otherwise required by law, is hereby authorized to appoint the Board of Election Inspectors for each precinct.

Nominating Petitions

Section 3.8 The method of nomination for all candidates for city elections shall be by petition. Such petition for each candidate shall be signed by not less than 1% nor more than 4% of the votes cast for the office of Secretary of State at the last regular State wide election as to those persons elected at large from the City and not less than 1% nor more than 4% of the votes cast for the office

of Secretary of State at the last regular State wide election within a ward as to those candidates elected by wards. No elector shall sign the petition of more than the number of offices to be filled at the same election.

Filing Nominating Petitions

Section 3.9 The City Clerk shall, prior to every city primary election, publish notice of the last day permitted for filing nominating petitions and of the number of persons to be nominated or elected to such office or offices at least one week and not more than three weeks prior to the first day for filing nominating petitions.

Nominating petitions shall be filed with the City Clerk not more than 45 days and not less than 30 days preceding a primary election.

Petition Form

Section 3.10 The form of petition shall be substantially as that designated by the State Elections Director for the nomination of non-partisan judicial officers. A supply of official petition forms shall be provided and maintained by the City Clerk.

Nominating Petitions - Procedure

Section 3.11 The City Clerk shall accept only nomination petitions which conform with Section 3.10 of this charter and which contain the required number of valid signatures for candidates having the qualifications required for elective city offices by this charter. When a petition is filed by persons other than the person whose name appears thereon as a candidate, it may be accepted only when accompanied by the written consent of the candidate. Where the signature of any individual person appears on more petitions than he is so permitted to sign, such signatures will not be counted. The City Clerk shall forthwith, after the filing of a petition, notify in writing any candidate whose petition is then known not to meet the requirements of this Section, but the failure to so notify any candidate shall not prevent a final determination that the petition does not meet such requirements. Within three days after the last date for filing petitions, the City Clerk shall make his final determination as to the validity and sufficiency of each nomination petition and write his determination thereof on the face of the petition.

The City Clerk shall immediately notify in writing the candidate whose name appears thereon of his determination. Such notice to the candidate whose petition is found invalid or insufficient shall be delivered by personal messenger, if possible. In the absence of bad faith on the part of the candidate, any candidate whose petition is found invalid or insufficient shall be allowed to file supplementary or replacement petitions before 5:00 P.M. at the then prevailing local time on the fifth day after the last date for filing original petitions; thereafter no further petitions may be filed.

PUBLIC INSPECTION

Section 3.12 All nomination petitions shall be open to public inspection in the office of the City Clerk.

BOARD OF CANVASSERS

Section 3.13 The City Board of Canvassers as constituted for the regular State wide fall elections shall be the Board of Canvassers for City elections. The Board of Canvassers shall convene not later than the second business day following each city election and determine the results of the election upon each

question and proposition voted upon and what persons are duly nominated or elected to the several offices respectively at said election, and shall notify in writing the successful candidates or nominees of their nomination or election. The City Clerk shall make under the corporate seal of the City duplicate certificates of the determinations of the Board and shall file one certificate with the County Clerk and the other in his own office, and shall report the same to the City Council.

Tie Votes

Section 3.14 If, at any City election, there shall be no choice between candidates by reason of two or more persons having received an equal number of votes, then the Board of Canvassers shall name a date for the appearance of such persons for the purpose of determining the election of such candidates by lot as provided by statute.

Recount

Section 3.15 A recount of the votes cast at any city election for any office or upon any proposition may be had in accordance with election statutes. No officer shall be qualified to take office until final determination of any recount of the votes cast for such office.

Recall

Section 3.16 Any elected official may be recalled from office by the electors of the City in the manner provided by statute. A vacancy created by such recall shall be filled in the manner prescribed by this charter.

Wards

Section 3.17 For the purpose of conducting the City Council elections the City of Norton Shores shall be divided into two (2) Wards.

Until new wards are established, as hereinafter provided after the 1970 census, the wards setforth in the schedule attached hereto and made a part hereof shall govern.

Within one year after the preparation of each federal decennial census, commencing with the year 1970, and whenever additional territory shall have been annexed to or detached from the City, the City Clerk shall prepare a plan showing the boundaries of the wards within the City, which plan shall provide for equal population as nearly as possible for each ward and shall be as contiguous and compact as practicable and shall define the legal boundaries of each ward. The City Council shall adopt such plan or modify said plan within 60 days after the same shall have been submitted to it by the City Clerk and shall thereafter adopt a ward plan meeting the above requirements within said 60 day period. In the event the City Council shall fail to adopt a ward plan by ordinance, the plan submitted by the City Clerk shall be deemed to be final and adopted by the City Council and shall apply to all City Elections held thereafter until a new federal decennial census is available.

No member of the City Council elected from a ward shall be deemed to have vacated his office by reason of change of ward boundary.

Precincts

Section 3.18 The City and each of its wards shall be divided into precincts as required by law.

CHAPTER IV CITY COUNCIL

Section 4.1 The City Council shall consist of the Mayor, who shall be its presiding officer, and who shall be elected at large from the City and Eight (8) Councilmen elected as follows:

- A. Four (4) at large from the City.
- B. Two (2) from each ward of the City.

Section 4.2 The term of office of the Mayor and each Councilman shall be four (4) years commencing at 8 o'clock P.M. on the first Monday following the election at which they are elected; provided that at the election at which this charter is adopted, the Mayor and Councilmen at large shall be elected for terms of office to expire at 8 o'clock P.M. on the first Monday following the regular election in 1972 and the four Councilmen elected from the wards of the City shall be elected for a term of two years to expire at 8 o'clock P.M. on the first Monday following the regular election in 1970.

At the first election held at the time of adoption of this charter the candidate for Mayor who receives the greatest number of votes shall be determined to be elected; the four candidates for Councilmen at Large who receive the highest number of votes shall be determined to be elected; and, the two candidates from each ward who receive the highest number of votes shall be determined to be elected.

Section 4.3 The annual salary of the Mayor shall be \$2,400.00 payable monthly. The annual salary of each Councilman shall be \$600.00 payable monthly. Such compensation of the Mayor or Councilmen as herein provided may be increased by ordinance adopted not less than 60 days prior to the last day for filing nominating petitions for such offices to become effective with the commencement of the next elective term of office and the compensation of no elective official shall be changed during his term of office.

Section 4.4 Reasonable expenses may be provided for the Mayor in each annual budget and payable upon approval by the City Council. Reasonable expenses may be provided for the Councilmen when outside of the County of Muskegon on City business in each annual budget.

Section 4.5 Candidates for the office of Mayor and Councilman at Large shall be qualified electors of the City at the time they file nominating petitions and if elected shall remain qualified electors of the City during their term of office. Councilmen elected from a ward shall have the additional qualification of being a qualified elector of the ward from which he is a candidate and while serving as councilman; provided, however, no councilman elected from a ward shall be deemed to be unqualified by reason of a change of ward boundaries as required by this charter after his election. The Mayor and Councilmen shall not hold or be a candidate for any other public office except that of Notary Public or member of the National Guard or organized Military Reserve and except that the Mayor shall be a member of the Board of Supervisors of Muskegon County by virtue of the office of Mayor or a Councilman is appointed to be a member of the Board of Supervisors of Muskegon County pursuant to this charter. Any person who violates this section shall be deemed to have vacated his office.

Section 4.6 A vacancy occurring in the office of Councilman shall be filled within thirty (30) days by a majority vote of the remaining Councilmen, the

appointee to hold office until the Monday next following the next regular City election; provided that no appointment shall be made within sixty (60) days prior to any regular city election; if a vacancy occurs more than sixty (60) days next preceeding a regular city election in the office of a Councilman whose term is not then expiring, a successor shall be elected at such election for the remainder of the unexpired term.

Any councilman so appointed shall have the qualifications required for election to the same office.

In the event of vacancy in the office of Mayor, the Mayor Pro Tem shall succeed to the office of Mayor and a Councilman at Large vacancy shall then exist. The Mayor Pro Tem shall serve for the balance of the term of office of the Mayor unless there is an intervening city primary and regular election to be held more than 60 days after the vacancy in the office of Mayor, in which event, the office of Mayor shall be filled for the balance of the unexpired term by election of a Mayor at the said intervening regular city election.

Section 4.7 At 8:00 P.M. on the first Monday following each regular election, all newly elected officers of the City shall take the oath of office and commence their term of office. At such meeting the Council Members shall elect one of the Councilmen elected at large as Mayor Pro Tem to serve until the next such organizational meeting.

Section 4.8 All legislative power of the City shall be vested in, and exercised by the City Council and the term City Council as used in this charter shall refer to the legislative body of cities and by synonymous with any term used in any state or federal law to describe the legislative body of cities.

Section 4.9 The Mayor shall be the presiding officer of the City Council with voting power but without veto power. In the absence of the Mayor, the Mayor Pro Tem shall be the presiding officer of the City Council and perform such duties required by this charter or law for the presiding officer of the City Council.

Section 4.10 The City Clerk shall keep a journal of the proceedings of the City Council in English duly authenticated by him and shall perform such other duties as secretary of the Council as the Council may by resolution or ordinance require.

Section 4.11 Except for the purpose of inquiry, members of the City Council shall deal with the Administrative agencies of the City through the Mayor and City Administrator and neither the Council or any member thereof shall give orders to any subordinate of the Mayor or City Administrator, either publicly or privately. Any Councilman violating the provisions of this section shall be deemed to be guilty of misconduct in office.

Section 4.12 The Council shall be the judge of the qualifications of its members and for such purpose shall have the power to subpoena witnesses and require the production of records, but the decision of the Council in any such case shall be subject to review by the courts.

Section 4.13 The Council shall provide by resolution for the time and place of its regular meetings and shall hold at least two (2) regular meetings each month.

Section 4.14 Special meetings shall be called by the City Clerk on the written request of the Mayor or any two (2) members of the Council on at least

twenty-four (24) hours written notice to each member of the Council served personally or left at his usual place of residence; but any special meeting at which all members of the Council are present or have waived notice thereof in writing shall be a legal meeting.

Section 4.15 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 and consent thereto, then any business may be transacted at such special meeting.

Section 4.16 All regular and special meetings of the Council shall be open to the public and citizens shall have a reasonable opportunity to be heard under such rules and regulations as the Council may prescribe.

Section 4.17 The Council shall determine its own organization, rules and order of business subject to the following provisions:

A. A vote upon all ordinances and resolutions shall be taken by a roll call vote and entered upon the records, except that where the vote is unanimous it shall only be necessary to so state.

B. No member of the Council shall vote on any question in which he has a financial interest, or on any question concerning his own conduct, but on all other questions each member who is present shall vote when his name is called unless excused by the unanimous consent of the remaining members present. Any member refusing to vote except when not so required by this paragraph shall be guilty of misconduct in office.

C. The City Council may provide for the publication of the minutes of all or any Council meetings or a summary thereof, provided that any summary shall be prepared by the City Clerk and approved by both the Mayor and the Mayor Pro Tem.

D. There shall be no standing committees of the Council.

Section 4.18 A majority of the members of the Council in office at the time shall be a quorum for the transaction of business at all Council meetings, but in the absence of a quorum a lesser number may adjourn any meeting to a later time or date, and in the absence of all members the City Clerk may adjourn any meeting for not longer than one (1) week.

Section 4.19 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, unless excused by the Council, or conducts himself in a disorderly manner thereat, shall be deemed guilty of misconduct in office.

Section 4.20 The Council, or any person or committee authorized by it for the purpose, shall have the power to inquire into the conduct of any department, office, or officer of the city and 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 to produce books, papers or other evidence as ordered under the provisions of this section shall constitute misconduct in office.

After any investigation, the City Council by vote of not less than 6 of its

members may remove any appointed officer of the City provided that at the meeting prior to the meeting at which the removal shall be voted upon, a preliminary resolution for removal stating the reasons therefore shall be adopted by the Council and a copy transmitted within 24 hours to the officer to be removed. At the Council meeting at which the removal is to be voted upon or any special meeting of the Council called for such purpose more than 5 days after the adoption of said preliminary resolution of removal, the officer whose removal is to be considered shall have the right to be heard in defense thereof. After such opportunity to be heard, the Council may adopt its resolution of removal and an officer once removed shall not be reappointed to city office except with the expressed approval of the City Council.

Section 4.21 The Council shall not have the power to make any contract with, or give an official position to one who is in default to the City.

Section 4.22 Legislation shall be by ordinance. Each ordinance shall be identified by a number and a short title. The style of all ordinances shall be "The City of Norton Shores ordains". The effective date of any ordinance shall be prescribed therein. At least two (2) weeks shall elapse between the introduction and enactment of an ordinance; enactment shall require the affirmative vote of not less than five (5) councilmen and the effective date shall not be earlier than ten (10) days after enactment; except that ordinances immediately necessary for the preservation of the public peace, health or safety may be enacted on the date of introduction and given immediate effect by the affirmative vote of not less than six (6) Councilmen. No ordinance shall be amended by reference to its title only, but the section or sections amended shall be enacted in full. An ordinance may be repealed by reference to its number and title only.

Section 4.23 All ordinances and dates of introduction and enactment and the vote thereon, shall be recorded by the City Clerk in a book to be called "The Ordinance Book", and it shall be the duty of the Mayor and the City Clerk to authenticate such record by their official signatures. Except as otherwise provided by this charter, all ordinances when enacted shall be forthwith published by the City Clerk, and he shall enter his certificate as to the manner and date of publication under each ordinance in the Ordinance Book; provided that all codes and other ordinance subject matter, which are or may be permitted by law to be adopted by reference, shall be adopted and published in the manner permitted and required by law.

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

Section 4.25 An initiatory or a referendary petition shall be signed by not less than ten (10%) per cent of the registered electors of the city who have signed said petition within 90 days before date of filing the petition with the City Clerk. No such petition need be on one paper but may be the aggregate of two or more petition papers. Each signer of a petition shall sign his 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 signatures 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 City Clerk, who shall, within fifteen (15) days, canvass the signatures thereon to determine the sufficiency thereof. If found to contain an insufficient number of signatures of registered electors of the city, or to be improper in form or compliance with the provisions of this section, the City Clerk shall notify forthwith the person filing such petitions, and five (5) days from such notification shall be allowed for the filing of supplemental petition papers. When found sufficient and proper, the City Clerk shall present the petition to the Council at its next regular meeting.

Section 4.26 Upon receiving an initiatory or referendary petition from the City Clerk, the Council shall either:

A. If it be an initiatory petition, within 30 days adopt the ordinance as submitted in the petition or determine to submit the proposal to the electors of the City.

B. If it be a referendary petition, repeal within 30 days the ordinance to which the petition refers or determine to submit the proposal to the electors of the City. If an election is ordered by the Council, the effectiveness of the ordinance shall be suspended until such election shall be held and duly adopted.

Section 4.27 Should the Council decide to submit the proposal to the electors, it shall be submitted at a regular city wide election or special election, not less than 60 days nor more than 150 days from the date that the petition was filed with the City. The result shall be determined by a majority vote of the electors voting thereon, except in cases as otherwise required by the Constitution or Laws of the State of Michigan.

Section 4.28 No referendary petition shall be filed more than 30 days after the adoption of any ordinance for the purpose of selling bonds, adopting budget and tax rates or making of any capital improvements.

Section 4.29 An ordinance adopted by the electorate through initiatory proceedings may not be amended or repealed for a period of two (2) years after the date of the election at which it was adopted and an ordinance repealed by the electorate may not be reenacted for a period of two (2) years after the date of the election at which it was repealed. It is provided, however, that any ordinance may be adopted, amended or repealed at any time by appropriate referendum or initiatory procedure in accordance with the provisions of this charter or if submitted to the electorate by the Council on its own motion.

Section 4.30 If two or more ordinances adopted at the same election shall have conflicting provisions, the provisions in the ordinance receiving the highest number of affirmative votes shall govern.

Section 4.31 Unless an ordinance shall expressly provide to the contrary, if any portion of an ordinance or the application thereof to any person or circumstances shall be found to be invalid by a court, such invalidity shall not affect the remaining portions or applications of the ordinance which can be given effect without the invalid portion or application, provided such remaining portions or applications are not determined by the court to be inoperative and to this end ordinances are declared to be severable.

Section 4.32 Public utility franchises and all renewals, and extensions thereof, and amendments thereto shall be granted by ordinance only. No exclusive franchise shall ever be granted. No franchise shall be granted for a longer

period than thirty (30) years. No franchise ordinance which is not subject to revocation at the will of the Council shall be enacted or become operative until the same shall have been referred to the people at a regular or special election and receive the affirmative vote of three-fifths (3/5ths) of the electors voting thereon. No such franchise ordinance shall be approved by the Council for referral to the electorate before thirty (30) days after application therefore has been filed with the Council nor until a public hearing has been held thereon, nor until the grantee named therein has filed with the City Clerk his unconditional acceptance of all terms of such franchise. No special election for such purpose shall be ordered unless the expense of holding such election as determined by the Council, shall have first been paid to the City Treasurer by the grantee.

A franchise ordinance or renewal or extension thereof or amendment thereto which is subject to revocation at the will of the Council may be enacted by the Council without referral to the voters, but shall not be enacted unless it shall have been complete in the form in which it is finally enacted and shall have so been on file in the office of the City Clerk for public inspection for at least four (4) weeks after publication of a notice that such ordinance is so on file.

Section 4.33 All public utility franchises granted after the adoption of this charter, whether it be so provided in the granting ordinances or not, shall be subject to the following rights of the city, but this enumeration shall not be exclusive or impair the right of the Council to insert in such franchise any provision within the power of the city to impose or require:

A. To repeal the same for misuse, non-use, or failure to comply with the provisions thereof.

B. To require proper and adequate extension of plant and service and maintenance thereof at the highest practicable standard of efficiency.

C. To establish reasonable standards of service and quality of products and prevent unjust discrimination in service or rates.

D. To require continuous and uninterrupted service to the public in accordance with the terms of the franchise throughout the entire period thereof.

E. To use, control and regulate the use of its streets, alleys, bridges and other public places and the space above and beneath them.

F. To impose such other regulations as may be determined by the Council to be conducive to the safety, welfare and accommodation of the public.

Section 4.34 Any elective city office shall be declared vacant by the City Council before the expiration of the term of such office:

A. For any reason specified by statute or by this charter as creating a vacancy in office.

B. If no person is elected to, or qualified for, the office at the election at which such office is to be filled.

C. If the officer shall be found guilty by a competent court of any act constituting misconduct in office under the provisions of this charter.

D. In the case of any member of the City Council, if such officer shall miss four consecutive regular meetings of the City Council or twenty-five (25%) per cent of such meetings in any fiscal year of the city, unless such absence be excused by the City Council and the reason therefore entered in its proceedings at the time of each absence.

E. If the officer is removed from office by the City Council in accordance

with provisions of Section 4.12.

Section 4.35 Every officer, elective or appointive, before entering upon the duties of his office, shall take the oath of office prescribed for public officers by the Constitution and shall file the oath with the City Clerk, together with any bond required by statute, this charter or by the City Council. In case of failure to comply with the provisions of this section within ten (10) days from the date he is notified in writing of his election or appointment, such officer shall be deemed to have declined the office and such office shall thereupon become vacant unless the City Council shall by resolution extend the time in which such officer may qualify.

Section 4.36 Resignations of all elective officers shall be made in writing and filed with the City Clerk and acted upon by the City Council at the next regular meeting following the receipt thereof by the City Clerk.

Section 4.37 Whenever any officer or employee shall cease to hold such office or employment for any reason whatsoever, he shall within five (5) days, or sooner on demand, deliver to his successor in office or to his superior all the books, papers, moneys and effects in his custody as such officer or employee. Any officer violating this provision may be proceeded against in the same manner as public officers generally for a like offense under statute. Any employee found guilty of violating this provision by a court may be punished by a fine of not to exceed five hundred dollars (\$500.00) or imprisonment for not to exceed ninety (90) days, or both, in the discretion of the Court.

CHAPTER V CITY ADMINISTRATION

Section 5.1 The Mayor shall be the chief executive officer of the City, who shall perform the following duties in addition to those prescribed by state law and city ordinance:

A. See that all the laws of the State of Michigan and ordinances of the City are enforced within the City except as otherwise provided by this charter.

B. Appoint and remove as provided in this charter, a City Administrator, City Clerk, the heads of each division and departments; and, the members of each board and commission unless otherwise provided by state law or this charter.

C. See that all terms and conditions imposed in favor of the City or its inhabitants in any public utility franchise or any contract are faithfully kept and performed.

D. Recommend to the Council for adoption such measures as he deems necessary for the benefit of the City and its inhabitants.

E. Supervise the preparation and present the annual financial budget of the City.

Section 5.2 The Mayor shall certify to the City Council, in writing, the names of each appointee to be an officer of the City or to be a member of any board or commission of the City within 5 days after such appointment has been made and shall announce the same to the Council at the next regular Council meeting following the date of such appointment. The appointment shall be terminated forthwith if the Council at such meeting or its next subsequent

regular Council meeting shall disapprove such appointment by a resolution which shall state the reasons for such disapproval.

Section 5.3 The Mayor shall serve notice, in writing, to the City Council, of the names of any officer of the City, other than those appointed for a definite term of office, whose appointment the Mayor has terminated, within 5 days after such termination is made and shall announce said termination to the Council at the next regular Council meeting following the date of such termination. Such termination shall be final unless the Council at the meeting at which the termination is announced or its next subsequent regular Council meeting, shall by resolution, disapprove the termination of the appointment of such officer.

Any officer of the City who is appointed for a definite term shall be removed only by the Council in the manner provided by this charter.

Section 5.4 The City Administrator, under the direction of the Mayor, shall perform the following duties in addition to those prescribed by City Ordinance:

A. Provide for the efficient administration of all divisions and departments of the City.

B. Prepare in accordance with law and this charter, a budget annually and submit it to the City Council and see to the administration thereof after its adoption.

C. Prepare and submit to the City Council as of the end of the fiscal year a complete report on the finances and administrative activities of the City for the preceding year.

D. Keep the Mayor and the Council advised of the financial and physical condition and future needs of the City.

E. To act or designate in writing another person to act as purchasing agent for city purposes.

F. To act as administrative assistant to the Mayor in the performance of his duties.

Section 5.5 In the temporary absence or disability of the City Administrator, the Mayor shall designate by letter filed with the City Clerk, an officer of the City to act as City Administrator.

Section 5.6 There shall be a Division of Finance and such other divisions as may be established by ordinance upon recommendation of the City Administrator.

The duties and functions of each division and of each department within a division shall be provided by ordinance. Pending the adoption of such ordinance, the City Administrator may, in writing, copies of which shall be filed with the City Clerk and each Councilman, with the written approval of the Mayor, establish temporary divisions and departments and prescribe the duties and functions of each.

Section 5.7 At the head of each division and department there shall be an officer of the City who shall have the supervision and control of the division or department.

The City Administrator may head one or more divisions; and the Director of a division may also serve as a head of a Department within a division.

However, the Director of Finance shall not also serve as City Treasurer or as purchasing agent for the City.

Section 5.8 The head of each division and department shall, subject to the approval of the City Administrator, designate in writing, a copy of which shall be filed with the City Clerk, a deputy to act in his temporary absence or disability.

The head of each division and department may appoint such assistant deputies as shall be provided in the annual budget; and, shall, in writing, a copy of which shall be filed with the City Administrator, prescribe the duties and functions.

Section 5.9 The City Clerk shall be an officer of the City and shall have the following duties and functions in addition to the duties and functions prescribed by state law, this charter and city ordinance:

A. Act as secretary to any board or commission of the City and furnish copies of the minutes of such board or commission to the Mayor, City Administrator and each Councilman.

B. Conduct such investigations and research as shall be requested of him by resolution of the Council and in the performance of this duty and as Clerk of the Council, he shall be responsible only to the Council.

C. Shall issue such licenses upon evidence that the required fee has been paid to the City Treasurer and that all requirements of City Ordinances and state law have been met.

D. Shall be chief elections officer and perform all duties with regard to elections conducted by the City.

Section 5.10 The Director of Finance shall have knowledge of municipal accounting, finance and taxation and he and his deputy shall furnish such bond with such surety as the Council shall prescribe by ordinance.

Section 5.11 The Director of Finance shall have charge of the financial affairs of the City and shall have the following duties and functions:

A. Compile the estimates necessary for preparation of the annual budget.

B. Supervise and be responsible for the disbursement of all moneys and have control of all expenditures to ensure that budget appropriations are not exceeded.

C. Prepare and maintain a uniform general accounting system for city government and each of its divisions, departments and agencies; keep books for and exercise financial budgetary control for each division, department and agency, keep separate accounts for each item of appropriation contained in the City budget, each of which accounts shall show the amount of the appropriation, the amounts paid therefrom, the unpaid obligations against it and the unencumbered balance; prescribe the form of receipts and vouchers to be used; require reports of receipts and disbursements from each receiving and spending agency of the city government to be made monthly and at such more frequent intervals as he may deem expedient. Such accounting system shall comply with State Law.

D. Submit to the Mayor, City Administrator and City Council a statement of the financial condition of the City quarterly and at such additional periods as may be requested.

E. Prepare under the direction of the City Administrator as of the end of each fiscal year, a complete financial statement and report.

F. Supervise the office of City Treasurer and City Assessor and monthly audit the bank reconciliation statement of the City Treasurer.

G. Prepare the City tax roll based upon the tax roll delivered by the City Assessor and upon the budget tax levy and the tax levy of the other governmental corporations which the City is required to collect, certified by the City Clerk to him; prepare a list of such utility charges, license fees and other charges due the city based upon records furnished to him by other divisions of the City and deliver the same to the Treasurer with his warrant for collection.

H. Audit and approve all liquidated claims against the City and issue vouchers for payments thereof to the Treasurer.

All unliquidated claims against the City, shall be paid only after approval of the Council after being fully advised by the City Attorney.

Section 5.12 The City Treasurer shall be an officer of the City and shall have the following duties and functions in addition to the duties and functions prescribed by state law, this charter and city ordinance:

A. To collect all taxes, special assessments, license fees, utility charges and other moneys due the City or any other governmental agency for whose collection the City is responsible.

B. Have custody of all public funds belonging to the City or any other department or agency of the City Government and shall deposit all funds in such depositories as may be designated by resolution adopted by the City Council or if there be no such resolution adopted by the City Council, in such depositories as shall be designated by written order of the Mayor.

C. Have custody of all investments and invested funds of the City Government, or in the possession of such government in a fiduciary capacity, and have the safekeeping of all bonds and notes of the City and the receipt and delivery of city bonds and notes for transfers, registration or exchange.

Section 5.13 The City Assessor shall be an officer of the City and shall in addition to duties and functions prescribed by state law and ordinance prepare all regular and special assessment rolls.

Section 5.14 The City Administrator shall designate in writing a person to act as Director of Personnel for the City who shall, in addition to any duties prescribed by ordinance, have the following duties and functions:

A. See that all appointments to the city service not requiring submission to the Council for approval or rejection and all terminations from the city service not requiring Council approval or rejection and all promotions within the city service shall be made according to merit and fitness.

B. Ascertain by competitive examinations or other means that persons hired for the administrative service of the City and whose employment need not be reported to the City Council, be reasonably qualified to perform the duties of the position for which they are to be hired.

C. Develop and establish such training and educational programs in cooperation with any division or department as may be necessary.

Section 5.15 There is hereby created a personnel board consisting of 3 members selected as follows:

A. One Councilman who shall be elected by the Council at each organizational meeting of the Council to serve until the next such meeting.

B. One citizen member who shall be appointed by the Mayor to serve at his pleasure. Such member shall hold no other public office or public employment or be a candidate therefor.

C. One member selected by the members of the Administrative Service of the City, who are not officers or deputy officers, for a term of 2 years. The Council shall prescribe the method of selection by ordinance and pending the adoption of such ordinance, the City Administrator may designate this member. The term of office herein prescribed shall commence with the date fixed for the organizational meeting of the Council.

D. The Personnel Board shall make such rules and regulations concerning the conducting of its meetings and the time and place of its meetings as may be necessary.

Section 5.16 The members of the Personnel Board, including the Councilman, shall be paid such compensation as shall be provided by City Ordinance.

Section 5.17 The Personnel Board shall have the power and be required to:

A. Advise the City Administrator on problems concerning personnel administration.

B. Hear appeals of any employee who has been suspended, reduced or removed from city employment and shall transmit to the City Administrator and the Mayor, its findings and make such recommendations as it deems necessary. In the event the suspension, reduction or removal has been caused by an order made by the City Administrator or approved by him, the Mayor shall have the right and power to modify such disciplinary action based upon the recommendation of the Personnel Board. In all other cases the City Administrator shall have the power to modify the disciplinary action taken.

Section 5.18 There is hereby created a Board of Review consisting of 5 members selected as follows:

A. Two Councilmen, who shall be electors of different wards of the City, and who shall be selected by the Council at each organizational meeting of the Council to serve until the next organizational meeting of the Council.

B. Three members shall be appointed by the Mayor and one of such appointees shall have knowledge of accounting procedures for personal property. The terms of such appointed members shall begin on July 1st of each year following the election of the Mayor and continue until their successor is duly appointed.

C. The City Assessor shall be an ex-officio member of the Board of Review with the right to participate in the discussions of the Board but without the right to vote.

The Board of Review shall establish its own rules and regulations for the conducting of meetings subject to any requirement made by this charter, city ordinance and state law.

Section 5.19 All appointed officers and their deputies shall become residents of the City within 60 days and remain residents of the City as long as they are officers of the City unless such requirement is waived by a majority vote of the members elect on the City Council.

Section 5.20 The appointment and removal of all deputies and assistant deputies for any division or department shall be submitted to the City Council in the manner provided for appointments and removals by the Mayor and the Council shall have the same powers as to such appointments and removals as is provided for the case of appointments and removals by the Mayor.

Section 5.21 The City shall have such representation to the Muskegon

County Board of Supervisors as shall be provided by law. The Mayor shall be one of such members by reason of his office. Additional members shall be appointed by the Mayor as provided in this charter for the appointment of Heads of Divisions and Departments.

Members of the Muskegon County Board of Supervisors shall retain such compensation as received by them as members of the Board of Supervisors.

Section 5.22 The compensation of all officers and employees whose compensation is not otherwise provided for by this charter or by law shall be fixed by the appointing officer within the limitations of the budget appropriation and in accordance with a pay plan ordinance adopted by the City Council.

Section 5.23 The Mayor shall appoint one and such additional constables as may be provided by ordinance, who shall have like power and authority in matters civil and/or criminal and in relation to the service of process, civil or criminal, as shall be conferred by law on constables in townships and shall have the further power to serve all process issued for breaches of ordinances of the City. Each City Constable shall file bond as required of constables in townships and the bond premium shall be paid by the City. Such constable shall be compensated by the receipt of statutory fees for constables as provided by law except as City Council may by ordinance provide for the compensation of constables when performing duties exclusively for the City.

Section 5.24 Except as otherwise provided in this charter, all officers of the City whose duties involve the custody of public property or the handling of public funds, either by way of receipt or disbursement or both, and all other officers and employees so required by the City Council shall, before they enter upon the duties of their respective offices, file with the City an official bond, in such form and amount as the City Council shall direct and approve. Such official bond of every officer and employee shall be conditioned that he will faithfully perform the duties of his office, and will on demand deliver over to his successor in office, or other proper officer or agent of the City, all books, papers, moneys, effects and property belonging thereto, or appertaining to his office, which may be in his custody as an officer or employee; and such bonds may be further conditioned as the City Council shall prescribe. The official bond of every officer whose duty it may be to receive or pay out money, besides being conditioned as above required, shall be further conditioned that he will, on demand, pay over or account for, to the city, or any proper officer or agent thereof, all moneys received by him as such officer or employee. The requirements of this paragraph may be met by the purchase of one or more appropriate blanket surety bonds covering all, or a group of, city employees and officers.

All official bonds shall be corporate surety bonds and the premium thereon shall be paid by the City. The City Clerk shall be custodian of all the bonds of all officers and employees, except the City Treasurer shall be custodian of any bonds pertaining to the City Clerk. No bond shall be renewed but a new bond for each fiscal year shall be required.

Section 5.25 The office of any member of any board or commission created by, or pursuant to, this charter shall be declared vacant by the City Council before the expiration of the term of such office:

A. For any reason specified by statute or by this charter as creating a vacancy in office.

B. If the officer shall be found guilty by a competent Court of any act constituting misconduct in officer under the provisions of this charter.

C. If such officer shall miss four consecutive regular meetings of such board or commission or twenty-five (25%) per cent of such meetings in any fiscal year of the City, unless such absence shall be excused by such board or commission and the reason therefor entered in the proceedings at the time of each absence.

D. If the officer is removed from office by the City Council in accordance with the provisions of Section 4.20.

Section 5.26 Resignations of appointed officers shall be made in writing to the officer or agency of the City which has made the appointment, a copy of which shall be filed with the City Clerk.

CHAPTER VI BUDGET, FINANCE AND TAXATION

Section 6.1 The fiscal year of the City and of all its agencies shall begin on the first (1st) day of July of each year and end on the thirtieth (30th) day of June of the following year.

Section 6.2 Each board, commission, division or department shall submit a budget request with supporting explanation for the next fiscal year on or before April 1st of each year.

Section 6.3 The City Administrator shall prepare under the direction of the Mayor, an annual budget and submit the same to the City Council at its 2nd regular meeting in April of each year which shall contain as a minimum:

A. Detailed estimates, with supporting schedules of all proposed receipts and expenditures by fund for each division, department, board and commission of the City together with expenditures for corresponding items in the last preceding fiscal year; the budgeted amounts and the unencumbered balances and the estimated expenditures for the balance of the fiscal year for corresponding items for the current fiscal year as of April 1st; a statement of all capital fund expenditures set forth in the order of priority which should be undertaken in the next 5 years; statements of all indebtedness of the city with the principal and interest payments falling due during the fiscal year; and, a statement of the unencumbered balances, if any, to be transferred to the new fiscal year.

B. As a minimum number of funds the following:

(1) General operating fund into which all revenues not earmarked by law or this charter shall be credited and from which all expenditures not otherwise restricted by law or this charter shall be charged.

(2) Public Utility Fund into which all revenues from the operation of the water supply and sewerage disposal systems shall be credited and from which all direct expenditures appertaining thereto shall be charged. A transfer from the Public Utility Fund to the General Operating Fund equal to the tax that such utility would pay if privately owned and operated, may be provided in each annual budget to cover indirect expenses. Except for this transfer the water supply and sewerage disposal system shall not be operated at a profit to defray general governmental expenditures.

(3) Capital Improvement Fund into which the capital improvement fund

tax levy shall be credited and from which all expenditures for capital improvements, that is the acquiring of land, equipment, facilities, improvements and similar items having a useful life of 5 years or more, shall be defrayed. To the extent that all or part of the cost of a public improvement is to be recovered by the making of a special assessment against the benefitted property and is financed out of the Capital Improvement Fund and without the sale of special assessment bonds, the receipts from such special assessment and interest thereon shall be credited to the Capital Improvement Fund. The Capital Improvement Fund may also be reimbursed for improvements financed therefrom upon the subsequent sale of special assessment bonds.

(C) A contingency appropriation in each fund not exceeding 5% of the proposed expenditure.

D. A statement of the tax levy for each fund.

E. Such other supporting information and schedules as the Council shall request.

Section 6.4 A public hearing on the budget shall be held at the first regular meeting in May and notice of such public hearing shall be published at least one (1) week in advance by the City Clerk. A copy of the proposed budget shall be on file and available to the public for inspection during office hours at the office of the City Clerk for a period of not less than one (1) week prior to such public hearing.

Section 6.5 After such public hearing, the Council may insert the additional items or may increase or decrease the amount of any item in the budget, but where it shall increase the total proposed expenditures, it shall also increase the total anticipated revenue to at least equal such total proposed expenditures.

Section 6.6 Not later than the last day of May, the Council shall, by resolution, adopt the budget for the next fiscal year and shall, in such resolution, make an appropriation of 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, including the amount necessary to pay principal and interest on existing general obligation bonds. Should the Council take no final action on or prior to such day, the budget as submitted shall be deemed to have been finally adopted by the Council.

Section 6.7 Except for purposes which are to be financed by the issuance of bonds, special assessments, or other method not requiring a budget appropriation, no money shall be drawn from the treasury of the City without an appropriation therefor, nor shall any obligation for the expenditure of money be incurred without an appropriation covering all payments which will be due under such obligation in the current fiscal year. The Council upon recommendation of the City Administrator may transfer any unencumbered appropriation, balance, or any portion thereof, from one department, fund or agency to another, except that no unencumbered appropriation for other than operating expenses shall be transferred to defray operating expenses. In the case of emergency arising from a pressing need other than a regular or recurring requirement and necessary to protect the public health, welfare or safety, the Council upon recommendation of the City Administrator may make additional appropriations to cover unanticipated expenditures required of the City because of such

emergency. The balance in any appropriation which has not been encumbered at the end of the fiscal year shall revert to the fund from which it was originally appropriated.

At the beginning of each quarterly period during the fiscal year, and more often if required by the Council, the City Administrator shall submit to the Council data showing the relation between the estimated and actual revenues and expenditures to date; and if it shall appear that the revenues are less than anticipated, the City Administrator with the approval of 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 revenues.

Section 6.8 The City shall have the power to assess taxes and to levy and collect rents, tolls and excises. Exclusive of any levies authorized by statute to be made beyond charter tax rate limitations, the per annum ad valorem tax levy shall not exceed 1/2 of 1% for general operating fund purposes and shall not exceed 1/5th of 1% for capital improvement fund purposes, levied on the assessed valuation of all real and personal property subject to taxation.

Section 6.9 Prior to the end of each fiscal year the Council shall designate qualified public accountants who, as of the end of the fiscal year, shall make an independent audit of accounts and other evidences of financial transactions of the city government and require them to submit their report to the City Council and to the Mayor. Such accountants shall have no personal interest, either directly or indirectly, in the fiscal affairs of the city government or any of its officers.

Section 6.10 The power to authorize the making of contracts on behalf of the City, the performance of which would exceed one year, is hereby vested in the Council and shall be exercised in accordance with the provisions of law and this charter. After such contract has been authorized by the Council, it shall be signed on behalf of the City by the Mayor and City Clerk.

Section 6.11 The Council shall establish, by ordinance, the procedure for the purchase of and sale of personal property. Such ordinance may provide for centralized purchasing on behalf of the City. The ordinance shall also provide the dollar limits within which purchase may be made without the necessity of Council's approval. No purchase of personal property shall be made unless a sufficient unencumbered appropriation is available therefor.

Section 6.12 The Council shall have power, by the affirmative vote of not less than Six (6) members of the Council approving the same, to enter into contract which, by the terms thereof, will be fully executed within a period of ten (10) years or the expected life of the item to be purchased, whichever is shorter, and the total of such contracts in any one fiscal year shall not exceed 1/5th of 1% of the current assessed valuation of the City, unless such contracts shall first receive the approval of a majority of the qualified electors of the City voting thereon at a regular or special election. This limitation shall not apply to any contract for services with a public utility or one or more other governmental units, nor to contracts for debt secured by bonds or notes which are permitted to be issued by the City by law.

Section 6.13 Except as provided by ordinance any contract for the construction of public improvements or for the purchase or sale of public property shall be let after opportunity for competitive bidding accordance with an

ordinance to be provided by the City Council, which ordinance shall meet all the requirements of the State Law.

Section 6.14 No extra compensation shall be paid to any officer, agent or contractor after the service has been rendered or the contract entered into.

Section 6.15 An officer or employee of the City who intends to have business dealings with the City, whereby he may derive any income or benefits, other than such as are provided as remuneration for his official duties or employment, shall file with the City Clerk a statement, under oath, setting forth the nature of such business dealings, and his interest therein. The Statement shall be filed with the City Clerk and made a part of the record of the proceedings of the Council at the meeting prior to the meeting at which action will be taken by the Council or any other agent or agency of the City upon the matter involved. In each case where the type of dealings with the City is on a continuing basis, involving more than one or a sequence of transactions described in the statement, each such statement shall stand for and apply to such transaction for a period of one year or for so long as such transactions continue. Each such renewal shall be filed with the City Clerk and made a part of the record of the proceedings of the Council at the meeting prior to the meeting at which action will be taken by the Council or any other agency of the City upon the matter involved, as in the case of the original statement. In the event that the interest of any officer or employee of the City in any business dealings with the City changes at any time, he shall file a statement thereof as herein required, which statement shall also be spread upon the proceedings of the Council and published as a part of the Council proceedings. Approval of any such business dealings shall require an affirmative vote of all the members of the Council, not including the member affected and any member who does not vote under Section 4.17 (B) of this charter. Any business dealings with the City made in violation of this section shall be void.

Section 6.16 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 in this charter, city taxes shall be levied, collected and returned in the manner provided by statute. No exemptions for or from taxation shall be allowed except as expressly required or permitted by law.

Subject to the exceptions provided or permitted by law, the taxable status of persons and property shall be the same as for state, county and school purposes under the general law.

Section 6.17 The Board of Review shall convene at its first session on the second (2nd) Monday of March of each year and hold a second session on the second (2nd) Tuesday of March of each year at such time of day and place as shall be designated by the Council and shall remain in session for at least eight (8) hours divided between the two (2) such sessions, two hours of which shall be from the hours of 7:30 o'clock in the evening until 9:30 o'clock in the evening at either session for the purpose of considering and correcting the roll.

The Board of Review shall continue in session daily except Saturdays and Sundays for 8 hours, two hours of which shall be from the hours of 7:30 o'clock in the evening until 9:30 o'clock in the evening until all persons requesting to be heard in writing during the first week of such sessions have been heard.

In each case where assessed value of any property is increased or any

property is added to the roll by the Board, the City Assessor shall give notice thereof to the owners or other named party as shown by such roll or letter mailed first class not later than the day following the end of the session of the Board at which the Board of Review will hear objections to the changes made by the Board of Review, which date shall not be less than 5 days after the mailing of such notice. The failure to give any such notice, or of the owner to receive it, shall not invalidate any assessment roll or assessment thereon.

The Board of Review shall continue to be in session from time to time until all interested persons shall have an opportunity to be heard. The Board of Review may not increase any assessment or add any property to the rolls unless it shall give notice as aforesaid and afford the taxpayer an opportunity to be heard in protest thereof.

Section 6.18 Notice of the time and place of the sessions of the Board of Review shall be published by the City Clerk at least ten (10) days prior to each session of the Board. The Council may by resolution require that additional notice of the meetings of the Board of Review be given.

Section 6.19 After the Board of Review has completed its review of the assessment roll, and not later than the first (1st) Monday in April, the majority of its 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.

Section 6.20 Within three (3) days after the Council has adopted the budget for the ensuing year, the City Clerk shall certify to the Director of Finance the total amount which the Council determines shall be raised by general ad valorem tax.

Section 6.21 After the Board of Review has completed its review of the assessment roll, the City Assessor shall prepare a copy of the assessment roll to be known as the "City Tax Roll" and deliver the same to the Director of Finance, who shall thereupon, upon receipt of the certification of the Clerk as to the budget tax levy, spread upon said tax roll the several amounts determined by the Council to be charged, assessed and reassessed against persons or property according to and in proportion to the several valuations set forth in said City Tax Rolls. To avoid fractions in computation of any tax roll, the Director of Finance may add to the amount of the several taxes to be raised not more than the amount prescribed by law. Any excess created thereby on any tax roll shall belong to the City.

After spreading the taxes the Director of Finance shall certify the tax roll and annex his warrant thereto and deliver the warrant and tax roll to the City Treasurer to collect, prior to March 1st of the following year, from the several persons named in said roll the several sums mentioned therein opposite their respective names as a tax or assessment and in granting to him for the purpose of collecting taxes, assessments and charges on such roll, all the statutory powers and immunities possessed by the township treasurers for the collection of taxes. The tax roll shall be delivered to the City Treasurer on or before the 1st day of June of each year.

Section 6.22 On July first (1st) the taxes thus assessed shall become 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 become a lien upon such real property, for such amounts and for all interest and charges thereon, and all personal taxes shall become a first lien on all personal property of such persons so assessed. Such lien shall take precedence over all other claims, encumbrances and liens to the extent provided by statute and shall continue until such taxes and interest and charges are paid.

Section 6.23 City taxes shall be due on July first (1st) of each year. The City 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:

A. Publish, between June Fifteenth (15) and July first (1st) notice of the time when said taxes will be due for collection and of the penalties and fees for the late payment thereof.

B. Mail a tax bill on or before July first (1st) of each year to each person named in said roll. In cases of multiple ownership of property only one bill need be mailed.

Failure on the part of the City Treasurer to publish said notice or mail such bills shall not invalidate the taxes on said tax roll nor release the person or property assessed from the penalties and fees provided in this charter in case of late payment or nonpayment of the same.

All taxes paid on or before the thirty-first (31st) day of August shall be collected by the City Treasurer without additional charge. On the first (1st) day of September the City Treasurer shall add to all taxes paid thereafter a collection charge of three (3%) per cent of the amount of said taxes and on the first day of each succeeding month he shall add an additional one per cent (1%) of said taxes for each of said months or fraction thereof that said taxes remain unpaid. Such collection charges shall not exceed six per cent (6%) and shall belong to the city and constitute a charge and shall be a lien against the property to which the taxes apply, collectible in the same manner as the taxes to which they are added. If delivery of the tax roll to the City Treasurer, as provided in Section 6.21, is delayed for any reason by more than thirty (30) days after June first (1st) or if the mailing of the tax bills are delayed for more than fifteen (15) days after July first (1st), the application of the collection charge provided herein shall be postponed thirty (30) days for each thirty (30) days or major fraction thereof of such delay.

Section 6.24 If any person, firm or corporation shall neglect or refuse to pay any personal property tax assessed to him or them, the City Treasurer shall collect the same by seizing the personal property of such person, firm or corporation to an amount sufficient to pay such tax, fees and charges for subsequent sale, wherever the same may be found in the state and from which seizure no property shall be exempt. He may sell the property seized to an amount sufficient to pay the taxes and all charges in accordance with statutory provisions. The City Treasurer may, if otherwise unable to collect a tax on personal property, sue, in accordance with statute, the person, firm or corporation to whom it is assessed.

Section 6.25 All city taxes on real property remaining uncollected by the City Treasurer at the end of the last day for collection of County and School taxes, shall be returned to the County Treasurer in the manner and with like effect as provided by statute for returns by township treasurers of township, school and county taxes. Such returns shall include all the additional assessments, charges

and fees hereinbefore provided, which shall be added to the amount assessed in said tax roll against each property or person. The taxes thus returned shall be collected in the same manner as other taxes returned to the County Treasurer are collected, in accordance with statute, and shall be and remain a lien upon the property against which they are assessed until paid. If by change in statute or otherwise, the Treasurer of the County of Muskegon is no longer charged with the collection of delinquent real property taxes, such delinquent taxes shall be collected in the manner then provided by statute for the collection of delinquent township, school and county taxes.

Section 6.26 For the purpose of assessing, levying and collecting taxes for state, county and school purposes, the City shall be considered the same as a township, and all provisions of law relative to the collection of and accounting of such taxes shall apply. For these purposes the City Treasurer shall perform the same duties and have the same powers as are granted and imposed upon township treasurers by law.

Section 6.27 The City shall have the power to acquire by purchase any premises within the City at any tax or other public sale, 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 procedure exercised by the City in the protection of its tax lien shall be deemed to be for a public purpose.

Section 6.28 During the calendar year 1972 and each 10 years thereafter the City Council shall provide for an independent audit by a professional appraisal firm, who shall have no personal interest directly or indirectly in the financial affairs of City Government or any of its officers, of the assessment rolls and records of the City and such audit shall consist of a review of not less than 10% of the parcels of real estate on the assessment rolls of the City and not less than 10% of the personal property on the assessment rolls of the City; and such auditor's report shall also show the figures placed by the City Assessor and the figures found by the independent appraisal firm, copies of which shall be furnished to each member of the City Council. If in the opinion of the City Council the above provision has been complied with by reason of an audit of the assessment rolls by the County Equalization Bureau or the State Tax Commission or any similar County or State Agency, the Council may by appropriate resolution adopt the report of such County or State Agency in lieu of such independent appraisal as herein required.

CHAPTER VII SPECIAL ASSESSMENTS

Section 7.1 The Council shall have power to determine that the whole or any part of the expense of any public improvement shall be defrayed by special assessments upon the property especially benefited and shall so declare by resolution. Such resolution shall state the estimated cost of the improvement, what proportion of the cost thereof shall be paid by special assessments, and what part, if any, shall be a general obligation of the City, the number of installments in which assessments may be paid, and shall designate the districts

or land and premises upon which special assessments shall be levied.

Section 7.2 The Council shall prescribe by general ordinance complete special assessment procedure concerning plans and specifications, estimate of costs, notice of hearing, the making of the assessment roll and correction of errors, the collection of special assessments, and any other matters concerning the making of improvements by the special assessment method.

Section 7.3 All unpaid installments of special assessments shall draw interest at 6% per annum commencing 90 days after said assessment roll shall be confirmed.

SPECIAL ASSESSMENTS - EXCESS

Section 7.4 The excess by which any special assessment proves larger than the actual costs of the improvement and expenses incidental thereto may be placed in the general fund of the City if such excess is five per cent (5%) or less of the assessment, but should the assessment prove larger than necessary by more than five per cent (5%), the entire excess shall be refunded on a pro rate basis to the owners of the property assessed as shown by the current assessment roll of the City. Such refund shall be made by credit against future unpaid installments to the extent such installments then exist and the balance of such refund shall be in cash. No refunds may be made which contravene the provisions of any outstanding evidence of indebtedness secured in whole or in part by such special assessment. The deficiency in any special assessment roll may be recovered by making additional prorated assessments provided that the additional prorated assessments shall not exceed 15% of the original assessment as confirmed by the City Council.

SPECIAL ASSESSMENTS - INVALIDITY

Section 7.5 Whenever any special assessment shall, in the opinion of the Council, be invalid by reason of irregularity or informality in the proceedings, or if any court of competent jurisdiction shall adjudge such assessment to be illegal, the Council shall, whether the improvement has been made or not, or whether any part of the assessments have been paid or not, have power to cause a new assessment to be made for the same purpose for which the former assessment was made. All proceedings on such reassessment and for the collection thereof shall be conducted in the same manner as provided for the original assessment, and whenever any sum or part thereof levied upon any property in the assessment so set aside has been paid and not refunded, the payment so made shall be applied upon the reassessment or if the payments exceed the amount of the reassessment, refunds shall be made.

SPECIAL ASSESSMENTS - RESTRICTIONS ON USE OF MONEY

Section 7.6 Except as otherwise provided in this charter, moneys raised by special assessment for any public improvement shall be credited to a special account and shall be used to pay for the costs of the improvement for which the assessment was levied and expenses incidental thereto or to repay any money borrowed therefor.

SPECIAL ASSESSMENTS - MORTGAGE IN LIEU OF PAYMENT

Section 7.7 The Council may provide for the deferred payment of special assessments due from persons who, in the opinion of the Council and City Assessor, by reason of poverty, are unable to contribute toward the cost thereof. In all such cases, as a condition to the granting of such deferred

payments, the City shall require mortgage security on the real property of the beneficiary, payable upon is death.

CHAPTER VIII BORROWING POWERS

GENERAL POWERS AND RESTRICTIONS

Section 8.1 Subject to the applicable provisions of law and this charter, the Council may by ordinance authorize the borrowing of money for any purpose within the scope of powers vested in the City and permitted by law and may authorize the issuance of bonds or other evidences of indebtedness therefore. Such bonds or other evidences of indebtedness shall include but not be limited to the following types:

A. General obligation bonds which pledge the full faith, credit and resources of the City for the payment of such obligations, including bonds for the City's portion of public improvements, except that the total amount of such general obligation bonds shall not exceed ten per cent (10%) of the assessed valuation of all real and personal property subject to taxation.

B. Notes issued in anticipation of the collection of taxes.

C. In case of fire, flood or other calamity, emergency loans due in not more than five (5) years for the relief of the inhabitants of the city and for the preservation of municipal property, provided that the total amount of such bonds shall not exceed 3/8ths of 1% of the assessed valuation of all real and personal property subject to taxation.

D. Special assessment bonds issued 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. Such special assessment bonds may be an obligation of the special assessment district or districts and a general obligation of the City, provided, however, that the total amount of such assessment bonds at time of issue shall not exceed ninety per cent (90%) of the special assessments receivable as shown on the special assessment rolls of the City.

E. Mortgage bonds for the acquiring, owning, purchasing, constructing, improving, or operating of any public utility which the City is authorized by this charter to acquire or operate; provided such bonds shall not impose any liability upon such city but shall be secured only upon the property and revenues of such public utility, including a franchise, stating the terms upon which, in case of foreclosure, the purchaser may operate the same, which franchise shall in no case extend for a longer period than twenty (20) years from the date of the sale of such utility and franchise on foreclosure. Such bonds shall be authorized by a three-fifths (3/5ths) vote of the electors voting thereon at any general or special election. A sinking fund shall be created in the event of the issuance of such bonds, by setting aside such percentage of the gross or net earnings of the public utility as may be deemed sufficient for the payment of the mortgage bonds at maturity, unless serial bonds are issued of such a nature that no sinking fund is required.

F. Bonds for the refunding of the funded indebtedness of the City.

G. Revenue bonds as authorized by statute which are secured only by the

revenue from a public improvement and do not constitute a general obligation to the City.

H. No bond of the City shall be issued bearing an interest rate greater than six per cent (6%) per annum.

BOND - REQUIREMENTS

Section 8.2 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, except that whenever the proceeds of any bond issue or part thereof shall remain unexpended and unencumbered for the purpose for which said bond issue was made, the Council may authorize the use of said funds for the retirement of the bonds of such issue. All bonds and other evidences of indebtedness issued by the City shall be signed by the Mayor and countersigned by the City Clerk, under the seal of the City and interest coupons may be executed with the facsimile signatures of the Mayor and the City Clerk. A complete and detailed record of all bonds and other evidences of indebtedness issued by the City shall be kept by the City Clerk. Upon the payment of any bond or other evidence of indebtedness, the same shall be "cancelled".

BONDS - TIME OF ISSUE

Section 8.3 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 three (3) years after authorization, such authorization shall, as to such bonds, be null and void, and such bonds shall be cancelled.

CHAPTER X MISCELLANEOUS

EFFECT OF ILLEGALITY OF ANY PART OF CHARTER

Section 10.1 Should any portion of this charter be declared void, illegal and unconstitutional, such findings shall not invalidate the remainder of the charter.

TRUSTS

Section 10.2 All trusts established for any municipal purpose shall be used and continued in accordance with the terms of such trust, subject to the cy pres doctrine. The Council may in its discretion receive and hold any property in trust for any municipal purpose and shall apply the same to the execution of such trust and for no other purpose except in cases where the cy pres doctrine shall apply.

DEFINITION OF PUBLICATION; MAILING NOTICES

Section 10.3 The requirement contained in this Charter for the publishing or publication of notices, ordinances or proceedings shall be met by publishing any appropriate insertion in a newspaper published in the English language for the

dissemination of news of a general character which newspaper shall have had a general circulation at regular intervals in the City for at least two (2) years immediately preceding the time that it is used for such publication purposes. The affidavit of the printer or publisher of such newspaper, or of his foreman or principal clerk, annexed to a printed copy of such notice, ordinance or proceeding taken from the paper in which it was published and specifying the times of publication shall be prima facie evidence of such publication. In any case in which this Charter requires the mailing of notices, the affidavit of the officer or employee responsible for such mailing that such notice was mailed shall be prima facie evidence of such mailing.

SUNDAYS AND HOLIDAYS

Section 10.4 Whenever the date fixed by this charter for the doing or completion of any act falls on a Sunday or legal holiday, such act shall be done or completed on the next succeeding day which is not a Sunday or legal holiday.

CHAPTER AND SECTION HEADINGS

Section 10.5 The chapter, section and sub-section headings used in this Charter are for convenience only and shall not be considered as part of the Charter.

INTERPRETATIONS

Section 10.6 Except as otherwise specifically provided or indicated by the context:

A. All words used in this Charter indicating the present tense shall not be limited to the time of the adoption of this Charter but shall extend to and include the time of the happening of any event or requirement for which provision is made herein.

B. The singular number shall include the plural, the plural number shall include the singular, and the masculine gender shall extend to and include the feminine gender and the neuter.

C. The word "person" may extend and be applied to bodies political and corporate and to partnerships as well as to individuals.

D. The words "printed" and "printing" shall include reproduction by printing, engraving, stencil duplicating, lithographing or any similar method.

E. Except in reference to signatures, the words "written" and "in writing" shall include printing and typewriting.

F. The word "officers" shall include the members of the Council, the administrative officers and the Justices of the Peace.

G. All reference to statutes shall be considered to be references to such statutes as amended.

H. The word "default" shall be defined to include being delinquent in taxes and public utility service charges among its meanings.

I. All references to specific Public Acts of the State of Michigan shall be to such acts as are in effect at the time the reference to such act is to be applied.

J. The words "law" or "general laws of the state" or "statute" denote the Constitution and the Public Acts of the State of Michigan in effect at the time the provision of the Charter containing the words "law" or "general laws of the State" or "statute" is to be applied, and applicable common law.

K. All references to section number shall refer to section numbers of this Charter.

L. The words "assessed valuation" or "assessed value" shall mean the local assessments as approved or changed and corrected through the process of state equalization.

PENALTIES FOR VIOLATIONS OF CHARTER

Section 10.7 Any elective officer of the City found guilty by a court of competent jurisdiction of any act declared by this charter to constitute misconduct in office may be punished by a fine of not to exceed five hundred dollars (\$500.00) or imprisonment for not to exceed ninety (90) days or both in the discretion of the Court. The punishment provided in this section shall be in addition to that of having the office declared vacant, as provided in Section 4.34 (c).

Section 10.8 All ordinances of the Township of Norton shall remain in full force and effect until repealed or amended by the City Council as herein provided insofar as the provisions thereof are not inconsistent with his charter. Wherever supervisor is used the term Mayor shall be substituted. Wherever the Township Board is used the City Council shall be substituted and the City Clerk and Treasurer shall be substituted for the Township Clerk and Treasurer.

Section 10.9 All records of the City shall be public records open for inspection.

CHAPTER XI SCHEDULE

Section 11.2 The election on the question of adoption of this proposed charter shall be held on the 16th day of April, 1968.
FORM - BALLOT

Section 11.1 The purpose of this schedule Chapter is to inaugurate the government of the City under this charter and to accomplish the transition from township to city home rule government, and it shall constitute a part of this charter only to the extent and for the time required to accomplish this end.

The City shall be the successor to all assets and liabilities of the Township of Norton.

Section 11.3 The form for the submission of this charter shall appear on the voting machines and upon the absent voters' ballots in the following form and shall be preceded by instructions for the use of such machines:

"Shall the proposed charter for the City of Norton Shores drafted by the Charter Commission elected October 10, 1967, and which has been approved by the Governor, be adopted?"

_____ Yes
_____ No

WARDS

Section 11.4 For the purpose of the first election held under this charter and all subsequent elections until wards are re-determined as provided in this Charter, the City shall consist of two (2) wards as follows:

A. Ward 1 - That part of the City of Norton Shores lying East of a line described as: Commence at the center line of Henry Street at the intersection of the North line of said City; thence South along the center line of Henry

Street to the center of Mona Lake; thence Easterly along the Center line of Mona Lake to the Section line between Sections 7 and 8; thence South along the Section line between Sections 7 and 8 to the center line of Wellesley Road; thence West and South along the center line of Wellesley Road to the center line of Randall Road; thence East along the center line of Randall Road to the section line between Sections 17 and 18; thence South along the Section line between Sections 17 and 18, 19 and 20, 29 and 30, to the center line of Pontaluna Road; thence West along the center line of Pontaluna Road to the center line of Black Lake Road; thence South along the center line of Black Lake Road to the South boundary of the City.

B. Ward 2 - That portion of the City lying West of Ward 1.

ELECTION PRECINCT.

Section 11.5 For the purpose of the election on the adoption of this Charter and election of first officers under this Charter, the territory to be incorporated under this Charter shall be divided into election precincts as follows:

A. Election Precincts numbers 4, 7, 8 and 10 shall remain in and be the Election Precincts bearing corresponding numbers in the Township of Norton.

B. Precinct No. 1 shall be that part of the City bounded on the North by Norton Avenue, on the West by Wickham Street, if extended, to the center line of Mona Lake, on the South by the center line of Mona Lake, and on the East by the center line of Henry Street.

C. Precinct No. 2 shall be that part of the City commencing at the intersection of the East boundary of the City and Norton Street, if extended; thence West along Norton Street, if extended, to the Section line between Sections 7 and 8; thence South along the Section line between Sections 7 and 8 to the center line of Wellesley Road; thence North and Easterly along the center line of Wellesley Road to a point West of Airport Road, if extended, Westward to intersect Wellesley Road; thence East along the center line of Airport Road to the East boundary of the City; thence North to point of beginning.

D. Precinct No. 3 shall be that part of the City commencing at the East boundary of the City at the intersection of Airport Road, if extended; thence West along Airport Road, if extended, to the intersection of Wellesley Street; thence South and West along Wellesley Street to intersect Randall Road; thence East along the center of Randall Road to the Section line between Sections 17 and 18; thence South along said section lines between Sections 17 and 18, 19 and 20, to the center of Mt. Garfield Road; thence East along the center of Mt. Garfield Road to the East boundary of the city; thence North to point of beginning.

E. Precinct No. 5 shall be that part of the City commencing at the intersection of the East boundary of the City and the center of Mt. Garfield Road; thence West along the center line of Mt. Garfield Road to the Section line between Sections 29 and 30; thence South along the Section line between Sections 29 and 30 to the center line of Pontaluna Road; thence West along the center line of Pontaluna Road to the center line of Black Lake Road; thence South along the center line of Black Lake Road to the south boundary of the City; thence East along the South boundary of the City to the Southeast corner of said City; thence North to point of beginning.

F. Precinct No. 6 shall be that part of the city lying South of the center line of Lake Harbor Channel and Mona Lake West of the Section line between Sections 7 and 8; North of Hendrick Road, if extended, from Lake Michigan to Martin Road and East of the shoreline of Lake Michigan.

G. Precinct No. 9 shall be that part of the City commencing at the intersection of Hendrick Road, if extended, to the shore of Lake Michigan; thence East along Hendrick Road, if extended, to the section line between Sections 19 and 20; thence South along said section line between Section 19 and 20; 29 and 30, to the center of Pontaluna Road; thence West along the center line of Pontaluna Road to the center of Black Lake Road; thence South along the center of Black Lake Road to the South boundary of the city; thence West to the shore of Lake Michigan; thence North to the point of beginning.

H. Precinct No. 11 shall be that part of the City commencing at the intersection of Henry Street with the North Boundary of the City; thence South along the center line of Henry Street to the center of Mona Lake; thence Easterly along the center line of Mona Lake to the Section line between Sections 7 and 8; thence North along the Section line between Sections 7 and 8 to the North Boundary of the City; thence Westerly along the North boundary of the City to Seaway Drive; thence Northerly along Seaway Drive to the North boundary of the City; thence West to point of beginning.

ELECTION COMMISSION

Section 11.6 The Election Commission for the purpose of such election shall consist of the following qualified electors of the territory included within the proposed City of Norton Shores:

Harrison C. Scranton

James F. Schoener

Herbert G. Wood

The Election Commission shall elect its own chairman and secretary and shall perform such duties in connection with the work of the Election Commission and this election as are prescribed by this charter and law. They shall appoint not less than five (5) election inspectors in each precinct, who shall be qualified electors of the territory included within the proposed City of Norton Shores.

BOARD OF CANVASSERS

Section 11.7 The Election Commission shall constitute the Board of Canvassers for this election. The Board of Canvassers shall meet at 8:00 p.m. on the day following the election on the proposed charter to canvass and determine the results of such election.

PERSONS ENTITLED TO VOTE

Section 11.8 All persons registered as voters in the Township of Norton as shown by the records of the Township Clerk of the Township of Norton and who are residents of the territory included within the proposed City of Norton Shores, shall be qualified electors to vote on the proposed charter. The Township Clerk shall accept registrations for the purpose of this election until and including the 21st day preceding the election on the proposed charter. The Election Commission shall secure such registration records from the Township Clerk or a photostatic copy thereof for purposes of this election. The Election Commission shall also provide for a method of registration in event said Township Clerk is unable to so accept registrations and combine such registra-

tions with valid registrations of the township for the purpose of conducting the election on the proposed charter. If the proposed charter is adopted the registration of the Township Clerk of the Township of Norton of the residents within the territory incorporated as the City of Norton Shores shall be delivered to the City Clerk and be the registration records of the City.

Section 11.9 The Election Commission shall give notice of the days, hours and places that registration will be conducted by publishing the same in The Muskegon Chronicle on March 5, 1968, and March 12, 1968.

NOTICE OF ELECTION

Section 11.10 The Secretary of the Election Commission shall cause to be published in The Muskegon Chronicle on the 26th day of March, 1968, and on the 6th day of April, 1968, a notice of the election on the proposed charter and the first city elective officers, the location of the polling places, which notice shall provide in part that on the 16th day of April, 1968, an election will be held on the question of adoption of the proposed charter for the City of Norton Shores drafted by the Charter Commission elected October 10, 1967, and approved by the Governor, and that at the same election there will be elected a Mayor, Four Councilmen at Large, Two Councilmen from each Ward, and one Justice of the Peace. The said Secretary shall also post such notice in at least 10 public places within the territory included within the proposed City of Norton Shores not less than 10 days prior to said election.

PUBLICATION

SECTION 11.11 The proposed Charter shall be published by the Charter Commission in the Norton Examiner and the Ravenna Times within 14 days following its receipt by the Charter Commission after its approval by the governor and a copy of the proposed Charter shall be delivered to each household within the territory to be incorporated into the City of Norton Shores and not less than 250 copies shall be placed with the Township Clerk of the Township of Norton for public distribution upon request. An additional 250 copies shall be provided for delivery to the City Council elected at the first election under this Charter for distribution as it shall provide by ordinance.

NOMINATION OF CANDIDATES

Section 11.12 Candidates for the Office of Mayor, Councilmen at Large, Councilmen from Wards and Justice of the Peace shall file nominating petitions with the Chairman of the Election Commission as provided by this charter on or before March 5, 1968, provided, however, that candidates for the office of Mayor, Councilmen at Large and Justice of the Peace shall file nominating petitions containing not less than 67 valid signatures of registered voters of the City. Councilmen to be elected from the Wards shall file petitions containing not less than 34 valid signatures of registered voters from the Ward of which they are to be a candidate.

ORGANIZATIONAL MEETING

Section 11.13 The Councilmen and the Justice of the Peace shall meet at 8:00 P.M. at the same place and date as for the Board of Canvassers of this election and upon canvass of the vote, if the charter is adopted, the Secretary of the Election Commission shall swear into office the elected Councilmen and the Justice of the Peace. Immediately after the swearing into office, the Councilmen shall meet and organize as provided in Section 4.7 of this Charter.

Section 11.14 Whenever additional procedures are necessary the Election Commission shall, in as nearly conformity with this charter, and applicable state law, prescribe the necessary rules, regulations, dates and other acts, things and forms necessary thereto.

INTERIM BUDGET

Section 11.15 Within 30 days after the adoption of the Charter and election of officers, the Mayor shall prepare and submit to the City Council a budget document covering the period from the date of adoption of this charter to June 30, 1969, together with such estimates and comparisons with the budget of the Township of Norton as may be necessary thereto.

On or before the 1st day of June, 1968, a public hearing will be held on such budget and a notice of such public hearing shall be published at least one week in advance by the City Clerk. Not later than the 15th day of June, 1968, the Council shall adopt the budget for the interim period and make appropriations for the money needed until June 30, 1969.

The taxes to be levied for the above budget shall be levied with tax levy for the County and School purposes on December 1, 1968, and no July 1st billing in the year 1968 will be rendered by the City. The first July 1st tax bill for City purposes shall commence in the year 1969.

In so far as the above provisions do not conflict with the regular provisions of this charter, the regular provisions of this charter governing the preparation of a budget, the adoption of the budget, the levy of taxes and the collection thereon, and the penalties for late payment of taxes, shall govern the foregoing procedures with regard to the interim budget and the collection of taxes pursuant thereto.

Section 11.16 In the preparing of the first three city budgets as provided in Section 6.3, the budget officer shall use for comparison the receipts and expenses of the Township of Norton for the appropriate years in lieu of the city reports of receipts and expenses which will not be available.

Section 11.17 In addition to the preparation of the foregoing provisions of this Charter, the Charter Commission shall do and provide all other things necessary for the nomination and election of the first city officers and holding of the election on this charter and for such offices that are not otherwise herein provided.

RESOLUTION OF ADOPTION

At a regular meeting of the Charter Commission of the City of Norton Shores, held on the 2nd day of January, 1968, the following resolution was offered by Commissioner Adolph W. Ross:

"RESOLVED, that the Charter Commission of the City of Norton Shores does hereby adopt the foregoing proposed charter for the City of Norton Shores, and the Secretary of this Commission is directed to transmit a copy of this charter to the Governor of the State of Michigan for his approval in accordance with statute, and to cause this proposed charter to be published in The Muskegon Chronicle on the 6th day of February, 1968."

The resolution was seconded by Commissioner Gordon B. Skipper and adopted by the following vote:

YES: William F. Hanna
Gustav Aue
Charles G. Henricks
Robert K. Hunter
Angus M. McFarren
Adolph W. Ross
Gordon B. Skipper
Donald Werschem

NO: John Vanderstelt having died December 29, 1967, did not vote.

The Chairman declared the foregoing resolution carried and requested the members of the Charter Commission to authenticate said resolution and four copies of this charter, one of which is to be presented to the Governor. The members thereupon authenticated said resolution and the copies of the charter including one copy to be presented to the Governor by subscribing their names as follows:

William F. Hanna, Chairman
Gustav Aue
Charles G. Henricks
Robert K. Hunter
Angus M. McFarren
Adolph W. Ross
Gordon B. Skipper
Donald Werschem
John Vanderstelt

The meeting was adjourned subject to the call of the Chairman.

STATE OF MICHIGAN
COUNTY OF MUSKEGON SS.

Adolph W. Ross, Secretary of the Charter Commission of the City of Norton Shores, being duly sworn, says that at an election duly called and held in the Township of Norton on the 10th day of October, 1967, the following named persons were duly elected as the Charter Commission to frame a charter for the City of Norton Shores, namely William F. Hanna, Gustav Aue, Charles G. Henricks, Robert K. Hunter, Angus M. McFarren, Adolph W. Ross, Gordon B. Skipper, Donald Werschem and John Vanderstelt; and that the said John Vanderstelt approved the charter as drafted but at the meeting held on January 2, 1968, at which the formal action was taken to approve the charter as finally submitted, John Vanderstelt was not in attendance having died on December 29, 1967; and that the annexed and foregoing charter was duly 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 Norton Shores in accordance with the requirements of this charter and the laws of the State of Michigan.

Further deponent says not.

Dated: Jan. 2, 1968
Adolph W. Ross, Secretary of the
Charter Commission of the City of Norton Shores

Subscribed and sworn to before me this 2nd day of January, 1968.
Leola M. Hanna

Notary Public, Muskegon County, Michigan
My Comm. Expires 1/20/70

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

Dated: 3/21/68
George Romney
Governor of the State of Michigan

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