

# CITY OF HAMTRAMCK

## CHARTER

### **Preamble**

We, the people of the City of Hamtramck, County of Wayne, and State of Michigan, pursuant to the authority granted by the Constitution and Statutes of the State of Michigan, desiring to promote the peace, health, safety, contentment, equitable treatment, and general welfare of all its people, perfect a municipal government to meet the growing needs of our diverse community, ensure effective and efficient administration of all City affairs and secure the fullest measure of self-government allowed by the Constitution and general law of our State, do ordain and establish this charter.

### **Chapter 1 - Incorporation and Boundaries**

#### Sec. 1-01 Body corporate and politic; general powers

The municipal corporation heretofore created by the voters on the 10th day of October, A. D. 1921, pursuant to the Constitution and Statutes of the State of Michigan and known as, "The City of Hamtramck" shall be a body corporate and politic, under the name and style of "The City of Hamtramck," and shall have the powers as provided below.

#### (a) Powers of the City

The City shall have all powers possible for a city to have under the constitution and laws of this State as fully and completely as though they were specifically enumerated in this charter.

#### (b) Construction

The powers of the City under this charter shall be construed liberally in favor of the City, and the specific mention of particular powers in the charter shall not be construed as limiting in any way the general power in this chapter.

#### (c) Intergovernmental Relations

The City may exercise any of its power or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any one or more states, or any state civil division or agency, or the United States, or any of its agencies.

## Sec. 1-02 Boundaries

The boundaries of said City of Hamtramck shall be the same as those fixed and established as the boundaries of the former Village of Hamtramck, to which municipal corporation the City of Hamtramck is successor, which boundaries are described as follows:

Beginning at the intersection of the Easterly line of Quarter Section Sixty (60), Ten Thousand Acre Tract, Township of Hamtramck, Wayne County, Michigan, with the Northerly boundary line of the City of Detroit, Wayne County, Michigan, thence Westerly along the said Northerly boundary line of the City of Detroit to the Easterly line of St. Aubin Avenue, thence following said City of Detroit boundary line Northerly along said Easterly line of St. Aubin Avenue and said Easterly line of St. Aubin Avenue extended to a point in Quarter Section Thirty-Nine (39) of the Ten Thousand Acre Tract, said point being 233 feet Northerly of the Southerly line of said Quarter Section Thirty-Nine (39), thence again following the boundary lines of the City of Detroit, Westerly on a line parallel with the Southerly line of said Quarter Sections Thirty-Nine (39) and Thirty-Eight (38) and being 233 feet Northerly of the Southerly line of said Quarter Sections Thirty-Nine (39) and Thirty-Eight (38) to the Westerly line of the Detroit, Grand Haven and Milwaukee Railway Right-of-Way, thence Northerly following the Westerly line of said Right-of-Way to the Northerly line of Quarter Section Twenty-Three (23) Ten Thousand Acre Tract, thence Easterly along the Northerly line of Quarter Sections 23, 22 and 21, all in the Ten Thousand Acre Tract, to the Northeast corner of said Quarter Section Twenty-One (21), thence Southerly along the Easterly line of said Quarter Section Twenty-One (21), of the Ten Thousand Acre Tract to the Northwest corner of Fractional Section Twenty (20), Township One (1), south of Range Twelve (12) East, thence East along the East line of said Fractional Section Twenty (20) to the Northeast corner thereof, thence South along the East line of said Fractional Section Twenty (20), Township One (1) South of Range Twelve (12) East to the Southeast corner thereof, thence West along the South line of said Section Twenty (20), to the East line of the Ten Thousand Acre Tract, thence Southerly along the Easterly line of Quarter Sections Forty-One (41) and Sixty (60) of the Ten Thousand Acre Tract to the Northerly boundary lines of the City of Detroit, Wayne County, Michigan, and being the place of beginning.

## **Chapter 2 - Ward and Election Precincts**

### Sec. 2-01 One ward

The City of Hamtramck shall consist of one ward.

### Sec. 2-02 Election precincts; number, boundaries

The City of Hamtramck shall establish the number of election precincts and boundaries by ordinance.

### **Chapter 3 - Registration, Nomination and Election**

#### **Sec. 3-01 Registered voters; registration required, state law**

The voters of the City of Hamtramck shall be registered as provided by state law.

#### **Sec. 3-02 Candidates; nomination at primary election**

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

#### **Sec. 3-03 Primary elections; time**

A primary election for the nomination of candidates for all elective municipal offices to be filled at the succeeding general municipal election shall be at a date and time to be established by ordinance or resolution of the city council and in conformity with state law.

#### **Sec. 3-04 Precinct Election Inspectors; compensation**

Precinct election inspectors for all elections shall be appointed and compensated in the manner provided by law.

#### **Sec. 3-05 Candidates; statement of candidacy; filing, forms; petitions, signatures; restriction, inspection.**

Any person desiring to become a candidate for any elective office in the City of Hamtramck, shall on or before the time provided by state law prior to the primary election, file with the city clerk an affidavit of identity.

Each candidate shall at the time file a petition of at least twenty-five (25) and not more than fifty (50) registered voters, requesting such candidacy. Each petition shall be verified by one or more persons as to the qualifications, residence, and street number of each of the persons signing the petition, and the petition shall be in the form required by state law. In lieu of a petition, candidates may pay a one hundred dollar (\$100.00) filing fee.

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

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

All such nomination petitions shall be open to public inspection after being filed in the office of the city clerk in accordance with such rules and regulations as shall be prescribed by him and in

conformance with state law.

#### Sec. 3-06 Challengers, appointment

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

#### Sec. 3-07 Conducting primary elections; state law

Primary elections, except as otherwise provided, shall be conducted as provided for the holding of elections under this charter and state and federal law.

#### Sec. 3-08 Canvass of votes; returns

Immediately upon the closing of the polls, the inspectors of each precinct shall count the ballots and ascertain the number of votes cast in the precinct for each of the candidates whose names shall be printed or written upon such ballots, and shall count the votes for and against any charter amendment or other special question which may be submitted to the registered voters at such primary election and return the count forthwith to the city clerk in accordance with state law.

#### Sec. 3-09 Candidates nominated for general election; tie vote, recount; determination

When only one person is to be elected to any office, then the two candidates receiving the highest number of votes for that office shall be the only candidates whose names shall be placed on the ballots for that office at the general election.

When two or more persons are to be elected to any office, then the names of the persons receiving at the primary election the highest number of votes for the office up to a number equal to twice the number of persons to be elected to the office at the general election, shall be placed upon the ballot for that office.

In case of a tie vote, or if a recount of the votes cast at a primary election is desired, the same proceedings shall apply as provided in this chapter relative to vote recounts and tie votes.

#### Sec. 3-10 Number of candidates; primary election not required

If at the expiration of the time for the filing of nomination petitions, the number of candidates for each and every office to be voted upon shall not exceed the number of candidates to be nominated for such respective offices, then no primary election shall be held and the persons who have filed such petitions and nominating statements shall be nominated.

The names of such candidates shall be printed upon the ballot to be voted at the next municipal election in the same manner as though such candidates had been nominated at a regularly held primary election.

### Sec. 3-11 Filling vacancies; petitions, ballots, statements of candidacy, requirements

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

### Sec. 3-12 Municipal general elections; time, state law

All municipal general elections held in the City of Hamtramck, shall be held in odd-numbered years in the manner prescribed by the law of the State relative to general elections except that they will be on a non-partisan basis.

### Sec. 3-13 Special elections; council authority

Special elections may be appointed by resolution of the council and held at such times as it shall determine. The purpose and object of such election shall be fully set forth in the resolution. No more than two special elections, including a primary election, shall be held within one year unless otherwise allowed by state law. All special elections shall be held on a non-partisan basis.

### Sec. 3-14 Qualified Voters

The inhabitants of the City who are registered to vote in the City under state law shall vote in the election district where he shall reside. The term "resident" means having an established residence in the city not less than thirty (30) days before the next election.

### Sec. 3-15 Ballots, ballot boxes; printing, filing; city clerk, duties

The city clerk shall cause ballots to be printed and filed in his offices, in accordance with the general election laws. The council shall also provide and cause to be kept by the clerk for use at all elections suitable ballot boxes of the kind required by law.

### Sec. 3-16 City election commission; composition, meetings; special officers; powers and duties enumerated

There shall be a commission of four members to be known as the City Election Commission, consisting of the city attorney, city clerk, chief of police and city manager. The members shall meet at the council chamber preceding the day of each election, and shall report to the commission as a whole as to the preparation each member has made for the election as herein provided, and the city election commission shall complete all arrangements for the holding of such elections.

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

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

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

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

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

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

#### Sec. 3-17 Election officers, compensation

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

#### Sec. 3-18 Elections; notice required; city clerk, duties

Notice of the time and place of holding any election and of the officers to be elected and

questions to be voted upon shall be, except as herein otherwise provided, or as required by state law, given by the clerk at least ten days before the date of the election by posting such notices in at least three conspicuous places in each election precinct of the city, and by publishing a copy at least twice, the first publication not less than ten days before the date of election in a newspaper of general circulation in the city, designated by the council, and if the council shall so direct, by the further publication of such notices in any other newspaper or newspapers of general circulation in the city, and in case of a special election the notice shall set forth the purpose of the election as fully as the same is required to be set forth in the resolution appointing such election.

#### Sec. 3-19 Conduct of elections; state law

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

#### Sec. 3-20 Canvass of votes; declaration, statement required; state law

Immediately after closing the polls the inspectors and clerks of election shall, without adjourning, publicly canvass the votes received by them and declare the results and shall immediately thereafter make a statement in writing upon a blank form furnished by the city clerk setting forth in words at full length the whole number of votes given for each office, the names of the persons for whom such votes for each office were given and the number of votes so given for each person, and the whole number of votes given upon each question voted upon and the number of votes for and against the same, which statement shall be certified under their hands to be correct, and they shall deposit such statement and certificate, together with the poll list and the register of voters, with the city clerk. The manner of canvassing the votes shall be the same as prescribed by law for canvassing votes at general elections held in this State, and the inspectors and clerks shall in all other respects, except as herein otherwise provided, conform as nearly as may be to the duties required of inspectors and clerks of election at general elections.

#### Sec. 3-21 Tie vote; determination

If at any election two or more candidates for the same office receive an equal number of votes and not all can be elected, then the board of canvassers must set a date for those persons to appear in order to determine by lot the right to that office and must give notice, so that all interested persons may attend. The manner of determining by lot must be in accordance with law.

#### Sec. 3-23 Recount; petition, procedure; state law

Any candidate for office failing of election, or any citizen interested in any charter amendment or other proposition who shall not be satisfied with the results of the vote as shown by the returns of the boards of election inspectors to the city clerk or as shown by the canvass of the returns of

such inspectors, may seek a recount of the votes cast as provided in Michigan Election Law.

## **Chapter 4 - Elective Officers**

### **Sec. 4-01 Elective officers enumerated; term**

One mayor and six council members shall be elected on a non-partisan ballot from the City at-large for four-year staggered terms, in accordance with section 22-03. Terms shall begin on January 1 following the election.

### **Sec. 4-02 Elective officers; qualifications**

Only registered voters of the City are eligible to hold office as a council member or mayor. No individual shall, at the same election, be a candidate for both mayor and councilperson, nor may such individual be an employee of the City while a candidate for elective office.

### **Sec. 4-03 Elective offices; filling vacancies**

- a) If a vacancy occurs on council, the fourth place finisher in the last general election for city council shall be appointed to fill the vacancy for the remainder of the term. If the fourth place finisher is ineligible or unwilling or unable to be appointed, the fifth place finisher in the last general election for city council shall be appointed. If the fifth place finisher is ineligible or unwilling or unable to be appointed, the sixth place finisher in the last general election for city council shall be appointed. If the sixth place finisher is ineligible or unwilling or unable to be appointed, the council shall have thirty (30) days to fill the vacancy.
- b) Each member of council may nominate one candidate to fill the vacancy to be considered by council. If council is unable to agree on a candidate within thirty (30) days, the mayor shall appoint one of the nominated candidates to fill the vacancy. The person appointed to fill the vacancy shall serve for the remainder of the term of the position vacated.
- c) If a vacancy occurs in the office of the mayor, the mayor pro tem shall fill the vacancy until the next municipal general election, which election shall be effective upon certification of election and oath of office for the remainder of the term. If there is less than two years remaining on the term, the vacancy shall be filled for the remainder of the term.

### **Sec. 4-04 Council members who run for mayor**

Any councilperson who decides to become a candidate for mayor shall, unless his term as councilperson shall expire in the year of the election, resign his seat on the city council not later than sixty (60) days prior to the filing deadline for council or mayor by tendering his irrevocable, written resignation to the city clerk, such resignation to become effective upon the seating of the next succeeding city council in January. If the resignation is not received by the city clerk at least sixty (60) days prior to the filing deadline for mayor or council, the councilmember shall be

deemed ineligible to seek the office of mayor in that election. The vacancy, if any, created by such resignation shall be nominated at the primary and filled at the general election for the balance of the council term so vacated. No individual shall at the same election be a candidate for both mayor and councilperson.

#### Sec. 4-05 Mayor who runs for Council

Any mayor who decides to become a candidate for council shall, unless his term as mayor shall expire in the year of the election, resign his position as mayor not later than sixty (60) days prior to the filing deadline for mayor or council, by tendering his irrevocable, written resignation to the city clerk, such resignation to become effective upon the seating of the next succeeding city council in January. If the resignation is not received by the city clerk at least sixty (60) days prior to the filing deadline for mayor or council, the mayor shall be deemed ineligible to seek the office of council in that election. The vacancy, if any, created by such resignation shall be nominated at the primary and filled at the general election for the balance of the mayor's term so vacated. No individual shall at the same election be a candidate for both mayor and councilperson.

### **Chapter 5 - Appointed Department Heads, Boards, and Commissions**

Sec. 5-01 Appointed department heads, boards, commissions; qualifications, removals; filling vacancies

(a) Members appointed to boards and commissions do not require approval by council- and mayor-elect unless otherwise provided by statute, this charter; or ordinance in existence prior to the effective date of this charter. The powers and duties of such boards or commissions may be prescribed by ordinance subject to the provisions of this charter or state statute.

(b) The members of all boards and commissions that are created by ordinance shall be appointed by the mayor if the ordinance creating the board or commission does not specify the method by which members to that board or commission are appointed.

(c) The city clerk must post notice of expiring or vacated board and commission positions as they occur, stating the general duties and that application forms are available from the city clerk.

(d) The mayor shall appoint, a library board consisting of five members appointed to three-year staggered terms beginning with the third Monday of April, 2006, with two members appointed for three years, two members appointed for two years and one member appointed for one year, and thereafter, all members shall be appointed to three-year terms.

(e) The mayor shall appoint a board of review consisting of three residents of the City with qualifications required by this Charter for officers of the City, and such other boards or commission members as shall be provided by ordinances of the city council to be appointed by the mayor.

(f) All appointed department heads shall be appointed by the city manager, subject to approval

by a majority vote of the council- and mayor-elect. "Department head" shall mean the city clerk, city treasurer, police chief, fire chief, city controller, city assessor, city attorney, and such other department heads as may be established by ordinance.

(g) All department heads shall be subject to the administration and under the jurisdiction of the city manager.

(h) The appointing authority may remove, without assigning cause, except where prohibited by state law, any department head or member of any board or commission who by the terms of this charter or ordinance of the City shall be appointed by the appointing authority provided, that for the first ninety (90) days after his election or appointment, the appointing authority may remove such department head, and commission or board members only for cause.

(i) The appointing authority shall have the power to fill any vacancy, caused by his removal of a department head or member of a board or commission. This appointment shall be in the same manner that is defined by this charter regarding appointing department heads, and board and commission members.

#### Sec. 5-02 Appointed boards and commissions, term

All boards or commissions shall be appointed at such time, and for such term as shall be prescribed in this charter or in the ordinance or State statute creating such office. If any appointment shall not be made on the day specified in this charter or in the ordinance or statute creating such office, it may be made at any subsequent time. After confirming such appointment, it shall be the duty of the city clerk within five days to notify in writing by certified mail the person receiving such appointment.

#### Sec. 5-03 Department heads, boards and commissions; term; oath required; removal

All department heads and board and commission members shall enter upon the duties of their several offices upon taking and filing the oath of office and filing the requisite surety, if any be required of them. All appointments shall expire on their expiration, unless sooner removed.

#### Sec. 5-04 Department heads, boards and commissions; nepotism, political, religious consideration prohibited

All department heads and boards and commissions shall be appointed with reference to their qualifications and fitness, and for the good of the public service, and without any regard whatever to their religious faith or party affiliations. The spouse, spousal equivalent, child, parent, grandchild, grandparent, brother, sister, half-brother, half-sister, or the spousal equivalent of any of them, whether by marriage, or by blood, or by adoption of the mayor or any councilperson, shall be disqualified for appointment to a board or commission during the term for which the mayor or councilperson is elected.

#### Sec. 5-05 Elective officers; appointments, compensation, restrictions

No elective officer shall after his election and during the term for which he was elected, or within one year thereafter, be appointed to any department head, board, or commission which shall have been created, or the salary of which has been increased during his term of office, except that the elected clerk and treasurer shall be eligible for appointment as a department head, in accordance with section 22-03.

Sec. 5-06 Appointed department heads, boards or commissions; compensation, determination

(a) Every department head and board or commission member shall receive such salary or compensation as the council- and mayor-elect may by ordinance or resolution provide.

(b) The members of the library board may not receive compensation for their services on or in connection with the affairs of the board, unless provided by state law.

**Chapter 6 - General Provisions Relating to Elective Officers, and Department Heads, Boards and Commissions**

Sec. 6-01 Elective officers; notice of election required

It shall be the duty of the city clerk, within five days after the meeting of the Board of Canvassers and the determination as to the result of any election, to notify, by certified mail each person elected of his election.

Sec. 6-02 Oath of office required; form

Every officer, department head, board, or commission member elected or appointed shall within ten days of the effective date of the term of election or appointment and before entering upon the duties of his office, take and subscribe to an oath of office, which shall be kept and filed in the office of the city clerk, which oath of office shall be as follows:

State of Michigan  
 )  
County of Wayne  
 ) ss.

I do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of this State, and that I will faithfully discharge the duties of the office of ....., of the City of Hamtramck, according to the best of my ability.

(Signed) .....

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

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

In case of his failure to take, subscribe, and file the oath within ten (10) days after the effective date of his term of election or appointment, unless the council shall extend the time by resolution, he shall be deemed to have declined the office.

Sec. 6-03 Officers; bonds, filing; requisites

Every elected officer or elective or appointed board or commission member, before entering upon the duties of his office, and within the time prescribed for filing his oath of office, if a bond be required, shall file with the city clerk such bond or surety as may be required by law or any ordinance or resolution of the council, and with such sureties as shall be approved by the council, conditioned for the due performance of the duties of his office, except that the bond or security given by the city clerk shall be deposited with the city treasurer.

Sec. 6-04 Officers; additional, new bonds

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

Sec. 6-05 Bonds, liability

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

Sec. 6-06 Oaths, bonds; failure to file, penalty

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

Sec. 6-07 Oaths, bonds; failure to file; declaration of vacancy

If any person elected or appointed to office shall fail to file his oath of office or to give the bond or surety required for the due performance of the duties of his office within the required time, the council may declare the office vacant, unless he files the oath and gives the required bond or surety before the office is declared vacant.

Sec. 6-08 Elective, appointive office; persons in default disqualified

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

#### Sec. 6-09 Delivery of books, papers, etc., to successor required

Whenever any officer, department head or board or commission member shall resign or be removed from office, or the term for which he has been elected or appointed shall have expired, he shall on demand deliver over to his successor in office all the books, papers, money, and effects in his office; and any person willfully violating this provision shall be deemed guilty of a misdemeanor.

#### Sec. 6-10 Officers, employees; surety bonds; prohibition

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

#### Sec. 6-11 Declaration of vacancy in office; causes enumerated

If any person elected to office shall die, resign, move from the city, be removed from office, or be convicted of a felony, or if any councilperson or mayor shall absent himself from council meetings for a period of five unexcused consecutive regular meetings or ten unexcused regular meetings within a year without good and sufficient reason, and without the permission of the council, the office held by such person shall be deemed to be vacant.

#### Sec. 6-12 Appointive officers; powers and duties

All department heads or board and commission members shall perform such duties other and further than those prescribed in this charter as shall be prescribed by ordinance or resolution of the council that are not in conflict with Chapter 7 Sec. 7-03.

#### Sec. 6-13 Fees; duty to pay to city treasurer

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

#### Sec. 6-14 Officers; charter violations, penalty; city attorney, duty

Failure, neglect, or refusal by any elected official to comply with the provisions of the charter shall be a cause for his removal from office, and it shall be a duty of the city attorney to file a

complaint against such offending officer before Council immediately upon receiving information of such offense. Should the city attorney fail, neglect, or refuse to file such complaint, any citizen of the City of Hamtramck may file and prosecute such complaint on behalf of the city. A copy of the complaint shall be provided to the offending officer, who will be provided an opportunity to appear at a hearing before Council to be heard, to present witnesses and to cross-examine witnesses.

#### Sec. 6-15 Officers; expenditures, commitments in excess of appropriations prohibited; penalty; city attorney, duty

Every elected officer or employee of the City who shall knowingly or without proper authorization expend money or incur liability in excess of his budget allowance shall be personally liable to the City of Hamtramck for the overdraft, and it shall be the duty of the city attorney to bring action against such officer or employee for collection of such overdraft immediately upon receiving the information of the overdraft; and if the city attorney shall fail or neglect to bring said action within thirty (30) days after receiving the information, then any taxpayer of the City may bring and prosecute such action on behalf of the City. In addition to the foregoing, overdrawing a budget allowance by any elective or appointive officer shall be a cause for his removal from office.

#### Sec. 6-16 Principles of Personnel Management

(a) All appointments and promotions of city officials and employees must be made on the basis of merit and fitness demonstrated by a valid and reliable examination or other evidence of competence.

(b) No person who is a spouse, spousal equivalent, child, parent, grandchild, grandparent, brother, sister, half-brother, half-sister, or the spousal equivalent of any of them, whether by marriage, or by blood, or by adoption, of any member of city council, of the mayor, or of the city manager may be hired or promoted during the term or tenure of that officer, and no employee of the city may be supervised by a relative.

(c) In accordance with law, city council may provide by ordinance for the establishment, regulation, and maintenance of merit based personnel policies necessary to conduct effective administration of the employees of the city's departments, offices, and agencies, including but not limited to classification and pay plans, examinations, force reduction, removals, working conditions, provisional and exempt appointments, in-service training, grievances, relationships with employee organizations, and severance for those employees not otherwise covered by an employment contract or labor agreement. There must be an employee reference manual that outlines the personnel policies.

(d) Employees of the city have the right to organize and bargain collectively in accordance with law.

(e) The city council may provide for a hearings board to which employees not otherwise covered

by a grievance system may appeal any proceedings or situations having a bearing on employment status or conditions,

(f) Each employee must be protected against retaliation for lawful disclosure of information which she or he reasonably believes evidences a violation of any law, rule, or regulation; mismanagement; gross waste of monies; abuse of authority; or a substantial and specific danger to public health or safety.

(g) No former employee who is drawing a pension from the City may hold a paid position with the City or may be a paid consultant for more than seventy (70) hours in any one month. However, this does not preclude a retired city employee from holding office as mayor or city council member.

#### Sec. 6-17 Appointments to office, restriction

(a) No elected official shall hold more than one position. Appointed board or commission members or employees may not hold more than two positions in the city except as provided by ordinance or unless prohibited by law.

(b) Employees of the City of Hamtramck shall not be employed with another governmental unit except where permission has been granted by resolution of council. Outside employment of employees during their normal work hours is prohibited unless approved by resolution of council.

#### Sec. 6-18 Officers; resignations, procedure

Resignations of elective officers shall be made to the city council and filed with the city clerk. Resignations of appointive officers shall be made to that officer who has in the first instance the power of making such appointment.

#### Sec. 6-19 Filling vacancies; procedure, term

Vacancy in any appointive office shall be filled by that appointing authority who has in the first instance the power to make such appointment, and unless otherwise in this charter specified, shall be made for the balance of the unexpired term.

### **Chapter 7 - Council**

#### Sec. 7-01 Council, composition ; compensation

(a) The council of the City of Hamtramck shall consist of six city councilpersons, three of which shall be elected every two years for four-year terms. Council members shall be paid annually two percent (2%) of the State of Michigan governor's salary. Such compensation shall be paid monthly.

(b) Reasonable expenses may be allowed by the council by resolution and budgetary authority when such expenses are actually incurred on behalf of the City, upon proper documentation being furnished in such form and manner as the council shall prescribe for all city employees seeking reimbursement of expenses.

(c) Elected officials shall not be entitled to any fringe benefits.

#### Sec. 7-02 Legislative authority; administrative, executive powers

The legislative authority of the City and all administrative and executive powers not otherwise delegated, are hereby vested in the council.

#### Sec. 7-03 Meetings; presiding officer; determination; clerk; appointive officers; attendance, duty

The regular meetings of the city council shall be presided over by the mayor, who along with the city manager shall establish the agenda for the meetings, or in case of his absence or disability, by the mayor pro tem. The mayor pro tem shall be that councilperson who is selected by the council at their first regular meeting after the effective date of taking office following a general election. The city clerk shall be the clerk of the council.

A representative of appointed boards or commissions of the City and department heads shall attend regular meetings of the council at the request of council through the city manager. Except for the purpose of inquiry, the council and each of its members shall deal with the administrative branch of the government solely through the city manager, and neither the council nor any members shall give any order or directions, written or verbal, either publicly or privately, to any of the subordinates of the city manager.

The council may act only through resolution or ordinance.

#### Sec. 7-04 Journal of proceedings required; rules of procedure; disorderly conduct, ordinance authorized

The council shall keep in the English language a permanent, written or printed journal of its proceedings, which shall be signed by the city clerk. The council shall determine its own rules of procedure and may provide by ordinance or resolution for the punishment of its members for disorderly conduct during the meetings.

#### Sec. 7-05 General welfare; ordinances, regulations

The council shall further have authority to enact all ordinances and to make all regulations consistent with this charter and the laws and constitution of this State as they may deem necessary for the safety, order, and good government of the City and the general welfare of the inhabitants. An ordinance shall require the vote of a majority of the council- and mayor-elect for passage. The mayor may not propose an ordinance for consideration by the council.

Sec. 7-06 Resolutions, majority vote; mayor's voting rights

Unless otherwise provided in this charter, a majority yea and nay vote of a quorum of council-elect excluding the mayor shall be required for the passage and final adoption of any resolution. In the event of a tie vote, the mayor shall vote to break the tie on any resolution. The mayor may not propose a resolution for consideration by the council.

The council may act only through resolution or ordinance.

Sec. 7-07 Specific powers; enumeration not construed as limitation

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

Sec. 7-08 Officers, employees, departments; city council, authority

The City of Hamtramck shall have all power and authority to provide by ordinance or resolution for the appointment or employment by the respective city officers, departments, or boards, of such deputies, assistants, and employees as the city council- and mayor-elect shall deem necessary, and also in resolutions to fix, subject to the provisions of this charter, the compensation and period of appointment or employment.

Sec. 7-09 Regular, special meetings; time, place; open to public; quorum

(a) The city council must meet regularly at least twice in every month, at least fourteen (14) days apart, and at times and places which the city council provides by resolution. Special meetings may be called by the mayor, or by two or more city council members, or by the city manager. An organizational meeting shall be held on the first Tuesday after January 1st at 7:00 p.m. EST. Meetings must be held in accordance with the Open Meetings Act.

(b) The majority of the council-elect, excluding the mayor, shall constitute a quorum for the transaction of business; a less number may adjourn from time to time, and compel the attendance of absent members in such manner as shall be prescribed by ordinance or resolution of the council; and all pending business and business noticed or set down for hearing at any meetings at which there shall not be a quorum present shall be taken up and heard at such adjourned meeting, or at the next regular meeting.

Sec. 7-10 Accounts, claims; audit, approval required; requisites

To the extent permitted by State law, the council shall audit and allow all accounts chargeable against the City, but no account or claim or contract shall be received for audit or allowance unless it be accompanied with the certificate of an officer of the corporation or an affidavit of the person rendering it, to the effect that he verily believes that the services therein charged have been actually performed; or the property or goods have been delivered to the city; that the sums charged are reasonable and just; and that to the best of his knowledge and belief no actual set off

exists nor payment has been made on account thereof except such as are endorsed or referred to in such account or claim. Every such account shall exhibit in detail all the items making up the amount claimed and the true date of each.

## **Chapter 8 - Powers of City and Council in General**

### **Sec. 8-01 General powers**

Unless otherwise provided or limited in this charter, the City and its officers shall possess and be vested with any and all powers, privileges, and immunities, expressed or implied, which cities and their officers are, or hereafter may be, permitted to exercise or to provide for in their charters under the Statutes and Constitution of the State of Michigan, including all powers, privileges, and immunities granted to cities and their officers by Act 279 of the Public Acts of 1909 of the State of Michigan [MCL 117.1 et seq., MSA 5.2071 et seq.], as amended, and including all powers, privileges, and immunities which cities are, or may be, permitted to provide in their charters, and in no case shall any enumeration of particular powers, privileges, or immunities herein be held to be exclusive.

The City and its officers shall have power to exercise all municipal powers in the management and control of municipal property and in the administration of the municipal government, whether such powers be herein expressly enumerated or not; to do any act to advance the interests of the city, good government, and prosperity of the municipality and its inhabitants; to make, continue, amend, repeal, and enforce all ordinances and resolutions which shall be necessary and proper for carrying into execution the foregoing powers and all other powers vested by the Constitution and Statutes of the State of Michigan in cities, except where forbidden, or where the subject is covered exclusively by a general law. The City and its officers should have power to provide for the public peace and health, and for the safety of persons and property, and to provide that the levy, collection, and return of state, county, and school taxes shall be in conformity with the general laws of the State, except that the preparation of the assessment roll, the meeting of the board of review, and the confirmation of the assessment roll shall be as provided by this charter.

### **Sec. 8-02 Intergovernmental contracts**

The City shall have the power to join with any governmental unit or agency, or with any number or combination thereof, by contract or otherwise as may be permitted by law, to have performed (a) jointly, or (b) by one or more of them for or on behalf of the other or others, or (c) by any other person, firm, or corporation, any function which is permitted to be so performed by law by such governmental unit or agency, and to provide for the financing thereof.

## **Chapter 9 - Powers and Duties of Officers and Department Heads**

Mayor

## Sec. 9-01 Powers and duties

The mayor shall be presiding officer of the council and chief executive officer of the city and shall perform such other duties as are, or may be, imposed or authorized by the laws of the State or this charter. He shall execute or authenticate by his signature such instruments as the council, this charter, or any statute of the State of Michigan or law of the United States shall require, including certifying the minutes.

He shall be the conservator of the peace and may in emergencies exercise within the City the powers conferred upon sheriffs to suppress riot and disorder and shall have the authority to command the assistance of all able-bodied citizens to aid in the enforcement of the ordinances of the City and to suppress riot and disorder.

In times of public danger or emergency, he may, with consent of the council, take command of the police and such other departments and subordinates of the City as may be deemed necessary by the council to maintain order and enforce laws.

The mayor shall keep an office in some convenient place in the City to be provided by the city council.

The mayor may recommend such appointments to office as are prescribed by this charter or ordinance of the council and may remove such appointees without assigning cause, except as provided in Chapter 5 Sec. 5-01, and may recommend appointment to the vacancy caused thereby.

The mayor shall perform all acts required by the constitution and laws of this State and this charter, whether herein specifically enumerated or not.

The mayor shall be ex-officio a member of such boards or commissions of which he is appointed a member by the terms of this charter or ordinances of the city.

The mayor shall notify the council of any prolonged absence or inability to perform his duties. Council by resolution may define what a "prolonged absence" means.

## Sec. 9-02 Mayor Pro Tem

The mayor pro tem shall, during the absence or inability of the mayor to perform his duties, act in the name and stead of the mayor and shall, during the time of such absence or inability, exercise all the duties and possess all the powers of the mayor. The mayor pro tem, when acting as mayor, shall preside over the meeting and may vote on resolutions or ordinances. In the absence of the mayor pro tem, the council members present shall select an acting mayor pro tem.

## Sec. 9-03 Compensation of Mayor and Mayor Pro Tem

The mayor shall be paid annually four percent (4%) of the salary set for the governor of the State

of Michigan. The mayor pro tem shall be paid annually three percent (3%) of the salary set for the governor of the State of Michigan. Such compensation shall be paid monthly. The mayor, or mayor pro tem while serving as mayor, shall receive no further compensation for his official duties or for any other purpose. Reasonable expenses may be allowed by the council by resolution and budgetary authority when such expenses are actually incurred on behalf of the City, upon proper documentation being furnished in such form and manner as the council shall prescribe for all city employees seeking payment for such expenses.

Elected officers shall not be entitled to any fringe benefits.

City Clerk

#### Sec. 9-04 Powers and duties

The city clerk shall be appointed by the city manager, subject to approval by a majority vote of the council- and mayor-elect, and shall hold office at the pleasure of the city manager and shall be directly responsible to the city manager. The functions and duties of the city clerk shall be as follows:

(a) The clerk shall be the clerk of the council. He shall give notice of its meetings, attend all meetings of the council, and shall keep a permanent, written or printed journal of its proceedings in the English language. He shall keep a record of all ordinances, resolutions, and actions of the council.

(b) He shall have the power to administer all oaths required by state law, this charter and the ordinances of the city.

(c) He shall be custodian of the city seal and shall affix it to all documents and instruments requiring the seal and shall attest to the same. He shall also be custodian of all papers, documents, and records pertinent to the City, the custody of which is not otherwise provided for by this charter. All records of the city shall be made available to the general public in compliance with the Freedom of Information Act, MCL 15.231 to 15.246. He shall give to the proper officers of the City ample notice of the expiration or termination of any official bonds, franchises, contracts, or agreements to which the City is a party.

(d) He shall at all times cooperate with the city manager and provide such information and reports and perform such duties as are requested by the city manager, so long as they are not inconsistent with the duties of his office as herein provided.

(e) He shall certify by his signature all ordinances, resolutions, and minutes enacted or passed by the council and perform other duties required of him by state or federal law, this charter, the council, and ordinances of the city.

(f) He shall be responsible for the issuance of licenses within the City by ordinance or state statute.

## City Controller

### Sec. 9-05 Powers and duties

The city controller shall be appointed by the city manager, subject to approval by a majority vote of the council- and mayor-elect, and shall hold office at the pleasure of the city manager, and shall be directly responsible to the city manager. He shall be a qualified and competent accountant and shall be the chief financial officer of the city.

The functions and duties of the city controller shall be as follows:

(a)

He shall receive and audit all accounts and demands against the City and prepare vouchers for the same. Such accounts and demands, or such parts thereof, as to the correctness of which he has no doubt, he shall list in the order of their allowance, and certify to the council the correctness of the same. Such accounts and demands concerning which he has any doubt as to their correctness, he shall list separate from those allowed by him, and send them to the council with his objections.

(b)

After the allowance by the council of any account or demand, the city clerk shall certify the same to the city controller, who shall draw his warrant upon the city treasurer, which warrant shall be countersigned by the city treasurer, city controller, and city manager. The controller shall not sign such warrants until he has first registered the same against the fund or funds from which they are payable.

(c)

He shall keep a complete set of books exhibiting the financial conditions of the City, with all its resources and liabilities, in its various departments and funds.

(d)

He shall keep a bond register in which shall be entered a record of all bonds issued by the City, with the name, amount, and the date thereof, and complete details of all coupons attached thereto.

(e)

He shall keep an account of all funds, taxes, receipts, and expenditures of the City, as obtained from the daily reports of receipts and disbursements received by him from the city treasurer.

### Sec. 9-06 Monthly, annual financial statements, contents; funds, management, liability; records, bond required

(a) Within three weeks after the end of each month, the controller shall present to the council and city manager a financial statement of the City for the preceding month, which statement shall

provide a comparison of the actual revenues and expenditures of each fund, including all the various budgeted funds compared to the budgeted amounts prepared on a basis of accounting generally accepted in the United States for local units of government.

(b) The controller shall also file a true copy of the financial statement with the city clerk, who shall keep and preserve it as public record and shall give access to it to every citizen of the City of Hamtramck at any time during the business hours of the day. Such copy shall be verified to the truthfulness and correctness of the facts stated therein, by the oath or affirmation of the controller. For the purpose of preparing the financial statement and list, the controller shall require every board, officer, and employee to file with him all information which he may deem necessary, and every such board, officer, and employee shall file with the controller the information at the time and in the manner as he may prescribe.

(c) On or before three months after July in each year, he shall make out and present to the council and city manager a financial statement of the City for the fiscal year ending on the 30th day of June of each year, consistent with accounting generally accepted in the United States for local units of government and complying with the Uniform Budgeting and Accounting Act, MCL 141.425-428. He shall at other times, if directed by the council, furnish statements showing the condition of the several funds and accounts.

(d) He shall charge the city treasurer with the whole amount of taxes and assessments, special or general, levied for the City and placed in the treasurer's hands for collection, crediting the various funds and accounts according to the various appropriations.

(e)

He shall also charge the city treasurer with all sums received from licenses, rents, and other monies which are payable to the treasurer, and the various proceeds of all bonds, coupons, notes, leases, mortgages, bills receivable, or bills payable, or revenue of whatsoever nature. When any fund or appropriation has been exhausted by warrants already drawn, or by appropriations, liabilities, debts, and expenses actually made, incurred, or contracted for and to be paid out of such fund or appropriations, the controller shall advise the council thereof in writing at its next meeting and, he shall be personally liable to the City in an action brought in any court of law or in any suit in equity by the City or by any taxpayer of the city for the full amount or amounts of payments where no funds are available if he shall fail or neglect to so advise the council.

(f) He shall keep in his office a complete list of all the property - real, personal, and mixed - belonging to the city.

(g)

He shall keep a record of all receipts, disbursements, debts, and liabilities of the city, in order that the amount of the monies and all of the liabilities of the City may at any time be known at his office. The controller shall exercise a general supervision over the financial concerns of the City.

(h)

He shall be charged with the leasing, repairs, insurance, and general supervision of the City

property not herein otherwise provided for, and for his information may require reports from all officials or persons having city property in charge or in their possession, and shall report the same when required by the council.

(i) He shall also perform such other duties as are prescribed by this charter or may be required by ordinance or resolution of the council.

(j) He shall keep on file in his office the city budget to which he shall give access to every taxpayer of the city at any time during the business hours of the day for inspection or taking copies. Within two weeks after his appointment he shall file with the city clerk a bond in such amount and with such sureties as shall be satisfactory to the council. The premium on the bond shall be paid by the City.

He is authorized generally to administer oaths, affirmations, take affidavits, and to certify copies of all papers in his office.

#### Sec. 9-07 Controller, records; audit required

The controller shall obtain and record all activities of all funds of the City and annually audit such records.

#### City Treasurer

#### Sec. 9-08 Powers and duties; bond; taxes, collection

The city treasurer shall be appointed by the city manager, subject to approval by a majority vote of the council- and mayor-elect, and shall hold office at the pleasure of the city manager and shall be directly responsible to the city manager.

The city treasurer shall perform all duties of the treasurer as prescribed by this charter and the general laws of the state, together with such other duties as may be required by the city manager or assigned to him. He shall give a bond in such amount and with such sureties as shall be satisfactory to the council. The premium on the bond shall be paid by the City, except as otherwise provided by ordinance. The treasurer shall be the chief collection officer of the city, except as otherwise provided by ordinance, and shall aggressively pursue all delinquencies to the City.

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

#### Sec. 9-09 City funds, custody; disbursements, duty; accounts

The city treasurer shall have the custody of all monies, bonds, mortgages, notes, leases, and evidences of value belonging to the City; he shall receive all monies belonging to and receivable by the City, and keep an account of all receipts and expenditures; he shall pay no money out of the treasury, except in pursuance of, and by authority of law, and upon warrants signed by the city manager and controller, which shall specify the purpose for which the amounts are to be paid; he shall collect and keep an account of and be charged with all taxes and monies appropriated, raised, or received for each fund for the City, and shall keep an account of each fund and shall credit all monies raised, paid in, or appropriated therefor, and shall pay every warrant out of the particular fund raised for the purpose for which the warrant was issued. He shall countersign all licenses and permits upon receiving proper fees.

#### Sec. 9-10 Monthly, annual reports required contents

The city treasurer shall render to the council by the third week of each month, a report on the previous month's revenues and sources and cash and investment balances of each fund including details of financial institutions, types of accounts, maturity dates, and interest rates.

#### Sec. 9-11 Disbursements; vouchers required

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

#### Sec. 9-12 City funds; separate accounts

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

#### Sec. 9-13 Depositories, designation by council; interest; daily deposits

All money belonging to the City of Hamtramck shall be deposited in such depositories as may be selected by the city council, and all interest received on such deposits shall be charged to the city treasurer and credited to the City in the proper funds. The city treasurer shall report to the mayor, city manager and council each month the amount of interest credited to the City and shall deposit all city monies received by him.

#### City Assessor

#### Sec. 9-14 Powers and duties

The city assessor shall be appointed by the city manager, subject to approval by a majority vote of the council- and mayor-elect, and shall hold office at the pleasure of the city manager and shall be directly responsible to the city manager. The functions and duties of the city assessor shall be as

follows:

- (a) He shall possess all the powers vested in, and shall be charged with the duties imposed upon, assessing officers by statute.
- (b) He shall prepare all regular and special assessment rolls in the manner prescribed by statute, this charter, and by ordinance.
- (c) He shall at all times cooperate with the city manager and provide such information and reports and perform such duties as are requested by the city manager, so long as they are not inconsistent with the duties of his office as herein provided.

#### City Attorney

##### Sec. 9-15 Qualifications; powers and duties

The city attorney, which may be an individual or a law firm, shall be appointed by the city manager, subject to approval by a majority vote of the council- and mayor-elect, and shall hold office at the pleasure of the city manager. The functions, duties, and compensation of the attorney shall be as follows:

- (a) The attorney shall act as legal advisor to and be attorney for the council and mayor in the performance of their duties as elected officials, and shall be responsible solely to the city manager. He shall advise any officer or department head of the city in matters relating to his official duties when so requested by resolution of the city council, or the city manager and shall file with the clerk a copy of all written opinions given by him.
- (b) He shall prosecute ordinance violations and conduct for the City such cases in court and before other legally constituted tribunals as the council may request. He shall file with the clerk copies of such records and files relating thereto as the council may direct.
- (c) He shall prepare or review all ordinances, contracts, bonds, and other written instruments which are submitted to him by the council, mayor, or city manager, and shall promptly give his opinion as to the legality thereof.
- (d) He shall call to the attention of the council, mayor, and the city manager all matters of law and changes or developments therein affecting the City.
- (e) He shall perform such other duties as may be prescribed for him by this charter, by resolution or ordinance, or as prescribed by state or federal law or regulation.
- (f) He shall at all times cooperate with the city manager and provide such information and reports and perform such duties as are requested by the city manager, so long as they are not inconsistent with the duties of his office as herein provided.

(g) He shall recommend the retention of special legal counsel to handle any matter in which the City has legal interest or to assist him when he believes it to be in the best interest of the City.

(h) The compensation set by resolution for the attorney shall be in contemplation of the normal duties of that office. Special compensation may be provided by resolution for appeals to, or litigation in, the federal courts, the circuit court or state appellate courts; for work requiring extensive hearings before quasi-judicial or administrative tribunals; for legal work in connection with the issuance of bonds of the city; for condemnation proceedings; or for other matters outside the scope of his normal duties. No special compensation, nor any compensation to special legal counsel, shall be paid except in accordance with an agreement made between the City and the attorney or special counsel prior to the time such special services have been rendered.

(i) No person shall be appointed city attorney of the City of Hamtramck unless he shall have been admitted to practice law before the Supreme Court of the State of Michigan at least two years prior to the time of his appointment.

#### Chief of Police

##### Sec. 9-16 Qualifications; powers and duties

The chief of police shall be the head of the police department of the City of Hamtramck. He shall have the qualifications prescribed by Chapter 5 Sec. 5-01 of this charter for appointive officers, and in addition shall reside within a thirty (30) mile radius of the city, except as otherwise provided in MCL 15.602.

(a) He shall be responsible for the faithful performance of his duties to the city manager. It shall be his duty to see that all laws, ordinances, and regulations of the city council made or enacted for the preservation of peace, good order, safety, and protection of the inhabitants of the city are enforced. He shall have the power and authority to make all proper rules for the government and discipline of the police department subject to the approval of the city attorney and city manager.

(b) As police officer, he shall, within the City, be vested with the powers conferred by law upon sheriffs for the preservation of peace and good order.

(c) He shall have power to serve and execute all process directed or delivered to him in proceedings for violation of the ordinances of the city or in which the City may be interested or a party.

(d) He shall design an effective training program for the police department, and recommend such training program to the city manager. Such training shall be reported to council by the city manager on a semi-annual basis.

(e) He shall be responsible for making application for available resources for the police department and shall provide a quarterly report to the city manager regarding these applications.

(f) He shall submit to the city manager each year, as in this charter provided, an estimate in detail

of the expenditures of his department for the ensuing year, to be included in the yearly budget, and shall make such other reports as may be required by the city manager, provisions of this charter or by law or ordinance of the city.

(g) He shall have the custody and control of all evidentiary property, books, records, and equipment belonging to the police department.

(h) He shall have such further powers, duties, and responsibilities as are conferred by the laws of the State, the provisions of this charter, and the ordinances of the city council.

## Chief of Fire Department

### Sec. 9-17 Qualifications; powers and duties

The chief of the fire department shall be the head of the fire department of the City of Hamtramck. He shall have the qualifications prescribed by Chapter 5 Sec. 5-01 of this charter for appointive officers, and in addition shall reside within a thirty (30) mile radius of the city, except as otherwise provided in MCL 15.602.

(a) He shall be responsible for the faithful performance of his duties to the city manager. He shall have the power and authority to make all proper rules for the government and discipline of the fire department, subject to the approval of the city attorney and city manager.

(b) He shall be responsible for making application for available resources for the fire department and shall provide a quarterly report to the city manager regarding these applications.

(c) He shall design an effective training program for the fire department, and recommend such training program to the city manager. Such training shall be reported to council by the city manager on a semi-annual basis.

(d) He shall submit to the city manager each year, as in this charter provided, an estimate in detail of the expenditures of his department for the ensuing year, to be included in the yearly budget, and shall make such other reports as may be required by the city manager, provisions of this charter or by law or ordinance of the city.

(e) He shall have the custody and control of all evidentiary property, books, records, and equipment belonging to the fire department.

(f) He shall have such powers, duties, and responsibilities as are conferred by laws of the state, and the provisions of this charter, and the ordinances of the city council.

## City Manager

### Sec. 9-18 City Manager; Appointment; Qualifications; Compensation

The council- and mayor-elect shall, by a majority vote of its total membership, appoint a city manager solely on the basis of executive and administrative qualifications. The council- and mayor-elect shall set the manager's compensation and conditions of employment in a written contract. The city manager shall serve as an "at will" employee of the city. Upon a vacancy in the position of city manager, the job description shall be published in professional publications of city management and municipal associations. The manager need not be a resident of the city or State of Michigan at the time of appointment, but shall reside within a thirty (30) mile radius of the City of Hamtramck except as otherwise provided in MCL 15.602.

In addition to the required qualifications of the city manager provided elsewhere in this charter, any city manager hired during the first five (5) years after the effective date of this charter shall have the following qualifications: a minimum of three years experience as a city manager or assistant city manager in a city with a population of at least 10,000, and that the candidate shall be a member of a professional city or county manager association. The search for a city manager shall begin in January 2005. An interim city manager who has the above qualifications may be appointed by the council- and mayor-elect.

(a) Powers and duties. The city manager shall be the chief administrative officer of the City. He shall be responsible to the council and mayor for the administration of all city affairs placed in his charge by this charter. He shall have the following powers and duties:

(1)

He shall appoint and, when he deems it necessary for the good of the City, suspend or remove all city employees and department heads provided for in this charter or by ordinance, except as otherwise provided by law. He may authorize any person appointed by him who is subject to his direction and supervision to exercise these powers with respect to subordinates in that officer's department, office, or agency.

(2)

He shall be responsible for the efficient administration of all departments of the city government, control and supervise the department heads of the city government that he appoints and their subordinates, and see that all such officers of the city faithfully comply with and discharge their official duties, except as otherwise provided by this charter or state law.

(3) He shall attend all council meetings, unless excused by a resolution of council, and have the right to take part in discussion, but shall not vote.

(4) He shall see that all laws, provisions of this charter, and acts of the council subject to enforcement by him or by officers subject to his direction and supervision are faithfully executed.

(5) He shall prepare and submit the annual budget and capital improvement program to the council.

(6)

He shall submit a monthly report and shall within ninety (90) days after the end of each fiscal

year submit to the council and make available to the public a complete report on the financial operations prepared by the Controller, financial condition, and administrative activities of the City as of the end of each fiscal year.

(7)

He shall keep the council fully advised as to the financial condition and future needs of the city and make such recommendations to the council concerning the affairs of the city as he deems advisable.

(8)

He shall make such other reports as the council may require concerning the operations of the city departments, offices, and agencies subject to his direction and supervision.

(9)

He shall be responsible for implementing and maintaining an effective training program for the police and fire departments. Such training shall be reported to council on a semi-annual basis.

(10)

He shall have the custody and control of all property, books, records, and equipment belonging to the several departments under his control, with the exception of any evidentiary property, records, books and equipment as determined by the discretion of the chief of the police department or the chief of the fire department.

(11)

He shall perform such other duties as are specified in this charter or may be required of him by the council.

(12)

He shall be responsible for scheduling and performing maintenance and improvements to all city property.

(b) Acting City Manager. The city manager shall, by letter filed with the city clerk, designate, subject to approval by resolution of city council, an administrative employee of the City of Hamtramck to exercise the powers and perform the duties of city manager during his temporary absence, disability, or vacancy in office. During such absence, disability, or vacancy, council may revoke such designation at any time and appoint another acting city manager to serve until the city manager shall return, or his disability shall have ceased or, a new city manager shall have been appointed.

(c) No person who has been elected or appointed a member of the council or the mayor under this charter, or who is a member of the council or is the mayor at the effective date of this charter shall be eligible for appointment as city manager or as acting city manager until two years have elapsed following the expiration of the term for which he was elected or appointed.

(d) Petition to Remove the City Manager. In the event that a petition requesting the removal of

the city manager by the council- and mayor-elect be filed with the clerk, signed by not less than fifteen percent (15%) of the registered voters of the city and setting forth as reasons for the requested removal specific act(s) or failure(s) to act on the part of the city manager which constitute violations of the Charter, or failure to perform the duties of his office as set forth in this Charter, a committee of three (3) members shall be designated from among the mayor and council members. Such committee shall make a report of its investigation of such statement of reason at the second regular meeting of the council following its appointment. If the committee finds and reports that the statements contained in the petition do not constitute violations of this Charter or that the acts or failures to act complained of were performed at the direction of the council or in conformance with policies established by it, no further action shall be taken on such petition. If the committee finds and reports that the reasons set forth in the petition are true and the acts or failures to act were not in accordance with directives or policies of the council, the council shall, at its next regular meeting, vote to remove or to retain the city manager.

#### Civil Service System

##### Sec. 9-19 Establishment; city council, authority

The city council of the City of Hamtramck may in its discretion establish a civil service system in the City, and for that purpose authorize the appointment of such civil service board or officers, assistants, and employees having such powers, duties, and responsibilities, and receiving such compensation as the city council shall determine.

In case of the establishment of such board, the council- and mayor-elect may by ordinance, prescribe such qualifications for the members and officers as the council shall see fit, and may in its discretion include within the scope of the authority of the civil service system all officers, deputies, assistants, police officers, fire fighters, and employees of the city other than the elective officers prescribed in this charter, and such officers and members of boards as are by the provisions of this charter prescribed to be appointed by the city council and mayor.

#### Chapter 10 - Police Department

##### Sec. 10-01 Maintenance; temporary appointments

The city council of the City of Hamtramck shall maintain a police department for the protection of the persons and property of the inhabitants of the city and others temporarily in the city and for good government. In cases of emergency and danger, the mayor shall have the power to authorize the chief of the police department to appoint temporarily such number of policemen and special officers in addition to the regular police department, as the chief of the police department determines the particular occasion may require.

##### Sec. 10-02 City Manager; regular appointments, vacancies, authority

The city manager shall appoint a chief of police, and such number of police officers, patrolmen,

and other officers and members of the police department as established by ordinance or resolution. He shall in the same manner fill all vacancies that may occur from time to time in the police department as are permitted by the budget of the city.

#### Chief of Police

##### Sec. 10-03 Chief of police; powers and duties

The chief of police shall at all times be subject to the supervision of the city manager. The police chief shall supervise the police department in the performance of its duties.

##### Sec. 10-04 Police; powers and duties

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

##### Sec. 10-05 Police, compensation

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

#### Chapter 11 - Fire Department

##### Sec. 11-01 Maintenance; temporary appointments

The city council of the City of Hamtramck shall maintain an efficient fire department for the protection of the people and property located therein, and shall provide all necessary apparatus and equipment and make provision for a suitable and adequate supply of water for the use of the department for extinguishing fires. In cases of emergency and danger, the mayor shall have the power to authorize the chief of the fire department to appoint temporarily such number of firemen and special officers in addition to the regular fire department, as in the judgment of the chief of the fire department the particular occasion may require.

#### Sec. 11-02 Fire chief, firemen; appointment

The city manager shall appoint a chief of the fire department and such number of firemen and other officers in the department as the council shall by ordinance or resolution direct to be appointed. He shall in the same manner fill all vacancies that may occur in the department from time to time as are permitted by the budget of the city.

#### Chief of the Fire Department

#### Sec. 11-03 Fire department, supervision

The chief of the fire department shall at all times be subject to the supervision of the city manager, and shall have supervision and direction of the fire department and all fire fighters and other employees thereof.

#### Sec. 11-04 Extinguishing fires; authority to command aid; violation, penalty

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

#### Sec. 11-05 Fire hazards, nuisances; abatement

Every building or structure which may be erected, placed, enlarged, or kept in violation of any provisions of this charter or of any ordinance or regulation lawfully made for the prevention of fires, or any material which shall be stored or kept in violation of this charter or any ordinance or regulation lawfully made for the prevention of fires, is hereby declared to be a nuisance and, except as otherwise in this charter provided, the same may be abated or removed by the direction of the council, after notice as may be provided in State law of a hearing before Council provided to the property owner, with an opportunity to appear, present evidence and witnesses, and to cross-examine any witnesses.

#### Sec. 11-06 Fire chief, firemen, department employees; compensation

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

## Chapter 12 - Ordinances

### Sec. 12-01 Enacting clause, style

The enacting clause of all ordinances shall be: "The City of Hamtramck ordains". Such caption may be omitted, however, when the ordinances are published in book form or are revised and digested by authority of the council.

### Sec. 12-02 Adoption, requisites; effective date

Every proposed ordinance or summary thereof shall first be read at a council meeting. Thereafter, the ordinance shall be made available to the public for fourteen (14) days at the city clerk's office. No less than fourteen (14) days following its initial reading, the council shall hold a public hearing regarding the proposed ordinance. At that same public hearing, the council may pass a resolution adopting the ordinance, including any changes.

Every ordinance, unless otherwise provided for in this charter, shall require for its passage and adoption a majority vote of the council- and mayor-elect and shall take effect fourteen (14) days after the publication of the ordinance unless otherwise provided in the ordinance itself, but not before publication.

### Sec. 12-03 Record, authentication required

All ordinances when regularly enacted shall be recorded by the city clerk in a book called "The Record of Ordinances", and it shall be the duty of the mayor and the clerk to authenticate the same by their official signatures upon such record.

### Sec. 12-04 Record, publication; city clerk, duties

Within ten days after the passage of any ordinance, the ordinance or a summary thereof shall be recorded by the clerk and published in a newspaper of general circulation; and the clerk shall, immediately after such publication, enter in the record of ordinances, in a blank space to be left for such purpose under the record of the ordinance, a certificate under his hand, stating the time and place of such publication. Such certificate shall be prima facie evidence of the due publication of the ordinance.

### Sec. 12-05 Violations of ordinances; penalty, restriction

When by the provisions of this charter the council has authority to pass ordinances for any purpose, it may prescribe a penalty for each violation thereof. Such penalty shall be a fine or forfeiture of not exceeding the maximum allowed by state law, or imprisonment for a period not exceeding ninety (90) days or ninety-three (93) days in cases where state law so provides, or both, in the discretion of the court, together with payment of the costs of prosecution. Such ordinances may further provide that in case any person shall fail to pay any fine so imposed, together with

the costs of prosecution, that he may be imprisoned until such fine and costs shall be paid. Provided, however, that no person shall be imprisoned for a single violation of any ordinance for a longer period than ninety (90) days or ninety-three (93) days in cases where state law so provides. Such penalty shall be prescribed in the ordinance.

#### Sec. 12-06 Violations; fines, recovery; procedure

Whenever a penalty shall be incurred for the violation of any ordinance, and no provision shall be made for imprisonment of the offender upon conviction thereof, such penalty may be recovered in an action of debt. And when a corporation shall incur a penalty for the violation of any such ordinance, the same shall be sued for in one of the actions aforesaid. Prosecutions for violations of the ordinances of the City, may, in all cases, except against corporations, be commenced by warrant for the arrest of the offender. Such warrant shall be in the name of the People of the State of Michigan, and shall set forth the substance of the offense complained of, and shall be issued upon complaint made as provided for criminal cases cognizable by the appropriate court. The proceedings relating to the arrest and custody of the accused during the pendency of the suit, the pleadings in procuring the attendance and testimony of witnesses, and in rendition of judgments and the execution thereof, shall, except as otherwise provided by this charter, be governed by and conform, as nearly as may be, to the provisions of law regulating proceedings in criminal cases cognizable by the appropriate court.

#### Sec. 12-07 Complaints, pleadings; reference to ordinances

It shall be a sufficient statement of the cause of action in any such complaint or warrant, to set forth substantially, and with reasonable certainty, the act or offense complained of, the date, the time when, and place where committed, and alleging a violation of an ordinance of the city, referring to the ordinance number and section, and signed by the enforcement officer or official. It shall not be necessary in any suit, proceeding, or prosecution for the violation of any ordinance, to state or set forth such ordinance or any of the provisions thereof, in any complaint, warrant, process, or pleading therein, but the same shall be deemed sufficiently set forth or stated by reciting its number.

### **CHAPTER 13 - Taxation and Finance**

#### Sec. 13-01 Power to tax; limitations

The City is authorized annually to levy property taxes for municipal purposes not to exceed two percent (20 mills) on all real and personal property in the city. The subjects of taxation for municipal purposes must be in accordance with statute and the same as for state, county, and school taxes. The City levies, collects, and returns state, county, and school taxes as provided by ordinance in accordance with law.

#### Sec. 13-02 Exemption from taxes

No exemptions from taxation shall be allowed, except as expressly required or permitted by statute.

#### Sec. 13-03 Tax day

The taxable status of persons and property shall be determined as of the 31st day of December, which shall be deemed the tax day for the immediately succeeding calendar year, which is also the tax year, subject to the exceptions provided or permitted by statute.

#### Sec. 13-04 Preparation of the assessment roll

The assessor shall make and complete an assessment roll for the city, in the manner and form provided in the general tax law of the state, not later than the first Monday in March each year. On that date he shall file such roll with the clerk for public inspection during the normal office hours of the clerk, and such period of inspection shall continue until the date of convening of the board of review. On that date the clerk shall turn such assessment roll over to the board of review. Further, the assessor shall, by first class mail addressed to the owner named on the tax roll, notify the owner of any change in the assessment of the property; such notice shall be mailed prior to March 1st. Failure on the part of the assessor to give such notice shall not invalidate the assessment roll nor release the person or property assessed from any taxes provided in this charter.

#### Sec. 13-05 Board of Review

The board of review shall be appointed by the mayor, subject to approval by a majority vote of council- and mayor-elect, and shall be comprised of three persons who are residents in the city, and have the qualifications required by this charter for officers of the city. The term of office shall be for two years. The members of the board, during their term of office, shall not be city officers, employees, nominees, or candidates for elective city office. The assessor shall be secretary of the board and shall attend its meetings prepared to present the position of his office without the right to vote upon any decision of the board.

#### Sec. 13-06 Duties and Functions of Board of Review

For the purpose of reviewing and correcting assessments, the board of review shall have the same powers and perform like duties in all aspects as are by statute conferred upon and required of boards of review, except as otherwise provided in this charter. It shall hear the complaints of all persons considering themselves aggrieved by assessments; and if it shall appear that any person or property has been wrongfully assessed or omitted from the roll, the board shall correct the roll in such manner as it deems just. In all cases, the roll shall be reviewed according to the facts existing on the tax day, and no change in the status of any property after said day shall be considered by the board in making its decisions. Except as otherwise provided by statute, no person other than the board of review shall make or authorize any change upon or additions or corrections to the assessment roll.

#### Sec. 13-07 Clerk to certify tax levy

Within three days after the council has adopted the budget for the ensuing year, the clerk shall certify to the assessor the total amount which the council determines shall be raised by general ad valorem tax. He shall also certify all amounts of current or delinquent special assessments and all other amounts which the council requires to be assessed, reassessed, or charged upon any property or against any person.

#### Sec. 13-08 City tax roll

After the board of review has completed its review of the assessment roll, the assessor shall prepare a copy of the assessment roll, to be known as the "City Tax Roll", and upon the certifications of the several amounts to be raised, as provided in Section 10, the assessor shall spread upon said roll the several ad valorem taxes according to and in proportion to the several valuations set forth in the assessment roll. To avoid fractions in computation on any tax roll, the assessor may add to the amounts as prescribed by statute. Any excess created thereby on any tax roll shall belong to the city.

#### Sec. 13-09 Tax roll certified for collection

After spreading the taxes, the assessor shall certify the tax roll and the mayor shall sign his warrant thereto directing and requiring the treasurer to collect from the several persons named in the tax roll, the several sums mentioned thereon opposite their respective names as a tax or assessment, and granting to him, for the purpose of collecting the taxes, assessments and charges on the roll, all statutory powers and immunities possessed by city treasurers for the collection of taxes.

Such warrant shall further direct that all taxes paid on or before the 20th day of August shall be collected without additional charge. If any person shall pay one-half of the general city taxes on or before the 31st day of July of the year in which said taxes are assessed, he may pay the remaining one-half of such taxes on or before the 30th day of December of that year without additional charge, but, should the remaining one-half not be paid on or before 30th day of December, then the same shall be subject to collection charges as in section 13-12. Failure to pay the second half on or before December 30th shall subject the property to all the provisions of this charter relating to delinquent taxes the same as if the first half had not been paid, except that no interest or penalty shall be charged against the one-half that is paid. Payment of one-half a tax shall not in any manner nullify the provisions of section 13-12. The persons liable for a tax under the provisions of this charter on July 15 of each year shall be liable for the full amount of the tax, and such tax shall not be considered "paid" until paid in full.

#### Sec. 13-10 Tax lien on property

The taxes thus assessed shall become a debt due to the City from the persons to whom they are assessed. 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, interest, and charges are paid.

#### Sec. 13-11 Taxes due; notification

The treasurer shall give notice to the taxpayers of the City, by publication at least once in a newspaper of general circulation in the City (which publication of notice shall be made at least ten days prior to the first day of July), of the time when the taxes will be due for collection and shall give such notice of the time when the taxes will be due for collection by first class mail addressed to the owners of the property upon which taxes are assessed, according to the names of such owners and their addresses as indicated on the tax roll. Such notice shall be deemed sufficient for the payment of all taxes on the tax roll. Failure on the part of the treasurer to give notice shall not invalidate the taxes on the tax roll nor release the person or property assessed from any penalty or interest provided for in this charter in case of nonpayment of the same.

#### Sec. 13-12 Collection fees

When property taxes shall become delinquent, the treasurer shall add to all taxes paid thereafter a collection fee of four percent (4%) of the amount of the taxes. Such collection fee shall belong to the City and constitute a charge and shall be a lien against the property to which the taxes themselves apply, collectible in the same manner as the taxes to which they are added. The City may by ordinance provide interest and penalties for delinquent city real and personal property taxes.

#### Sec. 13-13 Failure or refusal to pay personal property tax

If any person, firm, or corporation shall neglect or refuse to pay any personal property tax assessed to him or them as required by state law, the treasurer shall collect the same by seizing the personal property of such person, firm, or corporation in an amount sufficient to pay such tax, fees, and charges for subsequent sale whenever the same may be found in the State.

No property shall be exempt from such seizures. The treasurer may sell the property seized to an amount sufficient to pay the taxes and all charges in accordance with statutory provisions. The 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.

#### Sec. 13-14 Delinquent tax roll to County Treasurer

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

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

#### Sec. 13-15 Protection of City lien

The City shall have power, insofar as the exercise thereof shall not conflict with or contravene the provisions of any general law of the State, to acquire by purchase any premises within the City at any tax or other public sale or by direct purchases 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. The City may hold, lease, or sell the same solely for the purpose of securing therefrom the amount of such taxes, or special assessments, or both, together with any incidental expenses incurred in connection with the exercise of this power. Any such procedure exercised by the City in the protection of its tax lien shall be deemed to be for a public purpose.

#### Sec. 13-16 Additional rights, duties, powers, immunities and procedures

Except as otherwise provided by this charter or ordinance, the rights, duties, powers, immunities, and procedures established by state general law shall apply in the collection and enforcement of city property taxes.

#### Sec. 13-17 Budget Procedure

By the first of March each calendar year, the city council shall adopt a budget calendar that establishes deadlines for the preparation, review, and adoption phases for the ensuing fiscal year general, special revenue, enterprise, internal service, and debt service fund budgets.

As part of that resolution, the city council shall also adopt guidelines that the city manager shall follow in preparing the budget. At the time of this charter, the guidelines recommended by the Government Finance Officers Association are suggested.

As part of the budget adoption phase, the city council shall set all service fees for the ensuing fiscal year and adopt a five-year capital improvement plan, both of which may be amended during the fiscal year, provided that no action is taken until the city council by resolution gives notice of intention to make such changes at least six days before considering such changes.

All budgets shall be adopted by the city council no later than the second day of June each year in accordance with this charter and state law. No deficit budget shall be approved. All systems of accounting used by the City shall conform to the uniform system of accounts as required by law.

#### Contracts

## Sec. 13-18 Purchasing and contractual procedure

(a) The City must provide, by ordinance based upon a national standard, for a purchasing procedure to be followed in purchasing city supplies, materials, equipment, contractual services, or other personal property. Before making any purchase or contract to purchase, competitive bids or proposals must be obtained, except when the purchasing official for the city is exempted from the bidding requirements by the purchasing ordinance because of value or when the city council determines that no advantage to the City would result from competitive bidding or a request for proposal.

(b) Purchases must be made from the lowest responsible bidder or party making a proposal which meets specifications, unless the city council determines that the public interest would be better served by accepting a higher bid or proposal or by rejection of all submitted bids or proposals. At any time that the bid of the lowest responsible bidder is not accepted, the city council must specify the reason in its resolution concerning the purchase.

(c) The City must provide in the ordinance the definition of “lowest responsible bidder,” the dollar limit within which the purchasing official may make purchases without the necessity of obtaining competitive bids, and the dollar limit within which purchases may be made without city council approval.

(d) The purchasing official must provide the city council with all certifications required by law prior to city council action on any contract. The city manager must, before the final payment for any work for which a bond has been furnished, report to the city council whether the work has, in the city manager’s judgment, been done in all respects in accordance with the specifications. The report does not waive any rights the City may have to pursue any action for non-compliance.

(e) No contract shall be split into multiple contracts in order to avoid any provisions of the bid procedure.

(f) All contracts require the signature of the mayor, city manager, and city clerk.

(g) When it becomes necessary or prudent during any work or improvement project done under contract to make substantial alterations or modifications in the contract which exceed an amount set by resolution of the city council, the alterations or modifications must be made only upon resolution of the city council. The city council must by resolution determine what is “substantial” and may do so as a general policy or on a contract-by-contract basis. No order may be effective until the price to be paid for the material, or work, or both, under the altered or modified contract has been agreed upon in writing and signed by the contractor and the city clerk, upon authority of the city council, and a copy of the modification documents are filed in the office of the city clerk.

## Sec. 13-19 Contracts, purchases, expenditures; regulations, restrictions

Except as otherwise herein provided, the council by resolution shall have full power to make and authorize contracts on behalf of the City with due consideration of short- and long-term cost projections. The city manager shall act as purchasing official, by whom all purchases of supplies for the City shall be made, and who shall approve all vouchers for the payment of the same. All such purchases and sales shall conform to such rules and regulations as the council may from time to time prescribe.

#### Sec. 13-20 Authority to expend funds

No city officer, department head, or board member shall have the authority to expend funds of the City which should be turned into the city treasury, or to obligate the City of Hamtramck in any way beyond the amount permitted by this charter or authorized by the city council.

The city council shall have no power to authorize any contract on behalf of the City for the expenditure of money in excess of the budget allowance or to make or to authorize to make any purchase of materials or supplies of the value exceeding the budget allowance.

#### Sec. 13-21 Contracts, expenditures; budget provision required

No liability shall be incurred by any officer or employee of the city except in accordance with the provisions of the budget, and all contracts not in accordance with such provisions shall be void.

#### Sec. 13-22 Contracts, expenditures; controller, approval prerequisite

Before any order or contract for improvement, service, supplies, etc., is issued by the city, council, or any board, officer, or employee, it shall be presented to the city controller for his approval. The controller shall examine such order or contract and shall not approve it unless he finds that an appropriation has been made which has not been exhausted, and that the order or contract has been otherwise legally authorized and approved. All orders and contracts which have not been approved by the controller shall be void.

### **Chapter 14 - General Finance Borrowing Powers.**

#### Sec. 14-01 General Borrowing

Subject to the applicable provisions of state law and this charter, the council, by proper ordinance or resolution, may authorize the borrowing of money for any purpose within the scope of the powers vested in the City and the issuance of bonds of the city or other evidence of indebtedness thereof, and may pledge the full faith, credit, and resources of the City for the payment of the obligations created therefore.

#### Sec. 14-02 Special Assessment Bonds

The council shall, subject to the applicable provisions of the general law of the State, have

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

#### Sec. 14-03 Other Bonds

The City shall have power to issue revenue or other types of bonds in the manner and for the purpose permitted by the constitution and general laws of the State of Michigan.

#### Sec. 14-04 Preparation and Record

Each bond and 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 for any other purpose, and any officer who shall violate this provision shall be deemed guilty of misconduct in office. All bonds and other evidence of indebtedness issued by the City shall be signed by the mayor and counter-signed by the clerk under the seal of the city. Interest coupons may be executed with a facsimile signatures of the mayor and clerk. A complete and detailed record of all bonds and other evidence of indebtedness issued by the City shall be kept by the controller. Upon payment of any bond or other evidence of indebtedness, the same shall be marked "Cancelled."

#### Sec. 14-05 Limitations of Indebtedness

The City may not incur indebtedness by the issuance of bonds or otherwise, which exceeds the greater of the following:

(a) Ten percent (10%) of the assessed value of all real and personal property in the City;

(b)

Fifteen percent (15%) of the assessed value of real and personal property in the City, if that portion of the total amount of indebtedness incurred exceeds ten percent (10%), is being, or has been used solely for the construction and renovation of hospital facilities. However, in the case of fire, flood, or other calamity, the council may borrow for the relief of the inhabitants of the city and for the preservation of municipal property, the sum not to exceed three-eighths of one percent (.00375) of the assessed value of all real and personal property in the City, due in not more than five years, even if the loan would cause the indebtedness of the City to exceed the limits established by this section. The indebtedness identified by state statute as excluded from calculations or limitations set forth herein and shall not be included for purposes of determining the maximum indebtedness under this provision.

## **CHAPTER 15 - Improvements and Assessments**

### **Sec. 15-01 General power relative to special assessments**

The city council shall, after public hearing, have power to determine and declare by resolution that the whole or any part of the expense of public improvement, repair, or abatement of nuisance shall be defrayed by special assessments upon the property specifically benefited.

(a) Those roads, maintained by the City, which have been designated as Basic Arterial Inter-County Roads shall be improved without specially assessing any costs thereof to the residential property adjacent thereto.

(b) Those paved roads which have been accepted and are maintained by the city, and have been reported to and approved by the Michigan Department of State Highways and Transportation for the purposes of Act 51 of the Public Acts of 1951 [MCL 247.651 et seq., MSA 9.1097(1) et seq.] shall be maintained, repaired and improved without specially assessing any costs thereof to the residential property adjacent thereto.

### **Sec. 15-02 Lien for special assessments.**

From the date of confirmation of any roll levying any special assessment, the City shall possess a lien on the premises subject thereto for the full amount of the unpaid special assessment and the interest on all unpaid installments thereof; and such amount shall also be a debt of the person to whom assessed until paid and, in case of delinquency, may be enforced as delinquent city property taxes or by a suit against such person.

### **Sec. 15-03 Contested assessments.**

No action of any kind shall be instituted for the purpose of contesting or enjoining the collection of any special assessment, unless (a) a protest is filed at the hearing held to confirm the special assessment roll; and unless (b) such action shall be commenced within thirty (30) days after the confirmation of the roll. If the city attorney submits a written opinion finding said roll illegal, in whole or in part, the city council shall revoke its confirmation, correct the illegality, if possible, and reconfirm the same. Property which is not involved in the illegality shall not be assessed more than was imposed upon the original confirmation without further notice and hearing thereon.

## **Chapter 16 - Streets, Parks, Trees, and Sidewalks**

### **Sec. 16-01 Public ways; supervision and control**

The council, except as otherwise in this charter provided, shall have supervision and control of all public highways, bridges, streets, avenues, alleys, sidewalks, and public grounds within the City, including establishing new public ways or vacating or abolishing existing public ways, and shall

have the like authority over the same as is given by the general laws of the state.

#### Sec. 16-02 Public ways; naming; vacation, abolition; notice, procedure

When the City shall deem it advisable to vacate, discontinue, or abolish any highway, street, lane, alley, or public ground or any part thereof, or change the name thereof, they shall by resolution so declare, and in the same resolution shall appoint a time not less than four weeks thereafter when they will meet and hear objections thereto; notice of such meeting, with a copy of the resolution, shall be given in such manner as shall be prescribed by ordinance or resolution. Objections to such proposed action of the council may be filed with the city clerk in writing and if any such shall be filed, the street, alley, or public ground, or any part thereof, shall not be vacated, discontinued, or abolished, or the name changed, except by a vote of five-sevenths (5/7) of the council- and mayor-elect.

#### Sec. 16-03 Parks; vacation

When the City shall deem it advisable to vacate, discontinue, or abolish any park or any part thereof, it shall require a three-fifths (3/5) vote of the electorate voting on the proposal. The issue shall be voted on no later than the next general election.

#### Sec. 16-04 Improvements; taxes, special assessments authorized; procedure

The expense of constructing and maintaining bridges and the whole or such part as the council shall determine, of the expense of paving, improving, and working, including grading and graveling upon the streets, alleys, and highways, may be paid from the general city funds, to be raised by tax upon all the property in the City. The expense of grading, paving, or graveling or otherwise improving any street, alley, or highway, may be defrayed by a special assessment upon the lots and premises abutting upon such improvement, or a part of such expense may be so paid and the remainder may be paid from the general city funds as the council may decide. The lots and premises abutting upon a street, alley, or highway improvement shall constitute a special assessment district. The term "paving" shall include curbing and the construction of crosswalks in the paved streets. All assessments for street improvements shall be made upon the abutting lots and premises according to the number of feet frontage upon the improvement, and all assessments for alley improvements shall be made upon abutting lots and premises according to the benefits received by such lots and premises. When such assessment is to be made upon lots in proportion to their frontage upon the improvement, if from the shape or size of any lot an assessment thereon in proportion to the frontage would be unjust and disproportionate to the assessment upon other lots, the assessor making the assessments may assess such lot for such number of feet frontage as in his opinion will be just.

#### Sec. 16-05 Special assessment districts; city; expense, apportionment

When expenses for any such improvement shall be assessed in a special assessment district, and there shall be lands belonging to the City or school district fronting upon such improvement, such part of the expense of such improvement as in the opinion of the assessor making the special

assessment would be justly apportionable to such City or school district property, and to any interior squares or spaces formed by the intersection of streets, were they assessable, shall be paid from the general city funds, and the balance of such expense shall be assessed upon the remaining lots and premises included in the special assessment district.

#### Sec. 16-06 Public ways; encumbrances, obstructions; prohibitions, remedy

The council shall have power to prohibit and prevent obstructions and encumbrances in and encroachments upon the public highways, streets, and alleys of the City and remove the same; and to punish those who shall obstruct, encumber, encroach or maintain any encroachment upon or in any such highway, street or alley; and to require all such persons to remove every such obstruction, encumbrance, or encroachment.

#### Sec. 16-07 Trees; regulations authorized

The council may provide for and regulate the planting of shade and ornamental trees in public highways, streets, and avenues of the city, and for the protection thereof, and the trimming of all trees in or that overhang such highway, streets, or avenues, or which obstruct public lighting, and may light the streets and public places, and regulate the setting of lamp posts therein and protect the same.

#### Sec. 16-08 Sidewalks; council authority

The council shall have control of all sidewalks in the public streets and alleys of the city and may prescribe the grade thereof and change the same when deemed necessary. The council shall have power through and by the proper officers, to build, maintain, and keep in repair sidewalks and crosswalks in the public streets and alleys and to charge the expense of constructing and maintaining such sidewalks upon the lots and premises adjacent to and abutting upon such sidewalks. The council shall also have authority to require the owners and occupants of lots and premises to build, rebuild, and maintain sidewalks in the public streets adjacent to and abutting upon such lots and premises and to keep them in repair at all times, and to construct and lay the same upon such lines and grades and of such width, materials, and manner of construction, and within such time as the council shall by ordinance or resolution prescribe the expense thereof to be paid by such owner or occupant; or the council may, by a two-thirds (2/3) vote of all the council-elect, pay such part of the expense of building or rebuilding, maintaining and keeping in repair such walks as they deem proper from the general city funds.

#### Sec. 16-09 Sidewalks; snow, ice, encumbrances; council authority

The council shall also have power either by ordinance or resolution to cause and require the owners and occupants of any lot or premises to remove all snow and ice from the sidewalks in front of or adjacent to such lot and premises, and to keep the same free from obstructions, encroachments, encumbrances, filth, and other nuisances; provided, that the council may provide by ordinance for the removing of all ice or snow therefrom, and for keeping the same free from encumbrances and pay the expense thereof from the general city funds.

#### Sec. 16-10 Compliance with orders required; violations, remedy; procedure

If the owner or occupant of any lot or premises shall fail to construct or maintain any particular sidewalk as mentioned and prescribed in section above, or shall fail to keep the same in repair, or to remove the snow, ice, and filth therefrom, or to remove and keep the same free from obstructions, encroachments, encumbrances, or other nuisances, or shall fail to perform any other duty required by the council in respect to such sidewalks within such time and such manner as the council shall require, the council may cause the same to be done, at the expense of such owner or occupant, and the council may cause the amount of all expenses incurred thereby to be reported to the city treasurer, who shall cause a notice of such assessment to be mailed to the owners of the premises if known.

If the amount of the assessment is not paid to the treasurer within a period of sixty (60) days from the date of mailing such notice, the treasurer shall report the same to the council, and the council shall report the same to the city assessor, to be by him levied, together with a penalty of ten percent in addition thereto, as a special assessment upon the lot or premises adjacent to or abutting upon such sidewalk, which special assessment shall be subject to review after proper notice has been given as in all other cases of special assessment provided for in this charter; and such assessment when confirmed shall be a lien upon such lot or premises the same as other special assessments and all proceedings subsequent to confirmation, provided for in this chapter, in relation to special assessments shall apply; or the City may collect such amount, together with the penalty from the owner or occupant of the premises, together with costs of suit.

#### Sec. 16-11 Signs, awnings, etc.; regulations, prohibitions authorized

The council shall have power to regulate and prohibit the placing of signs, awnings, awning posts, and other things upon or over sidewalks, and to regulate, license, or prohibit the construction and use of openings in the sidewalks, and of all vault structures and excavations under the same.

### **Chapter 17 - Sewers**

#### Sec. 17-01 Maintenance, construction; appropriation of private property

The council may establish, construct, control, and maintain, either within or without its corporate limits, sewers, drains, and water courses, whenever and wherever necessary, and of such dimensions and materials, and under such regulations as it may deem proper for the drainage of the city; and private property, or the use thereof, may be acquired either by purchase or condemnation. But in all cases where the council shall deem it practicable such sewer, drain, and watercourses shall be constructed in the public streets and grounds.

The council shall establish from time to time a scale of rates to be charged and paid for supply of water and sewage treatment system to be called "water and sewer rates", and which rates shall be appropriate, as nearly as may be practicable, to different classes of buildings in the city with reference to the dimensions, value, exposure to fires, ordinary or extraordinary uses, yards,

number of families or occupants, or consumption of water. The council may provide for the installation of meters upon any premises supplied with water, and for the payment for the water actually used as registered by such meter. The council shall prescribe by ordinance the manner of assessing water charges, the time when such charges shall be paid, the date when the same shall become a lien upon the property, the penalties for non-payment of such charges, and what steps shall be taken to enforce the payment thereof, and may provide that in case of non-payment that the supply of water to any premises may be shut off or stopped. All water and sewer charges shall be paid to the city treasurer.

The formula for establishing water and sewer rates shall be established by ordinance and the rates approved by resolution.

#### Sec. 17-02 Construction, etc.; costs; special assessments, taxes authorized

The expense of constructing, reconstructing, or repairing and improving sewers, drains, ditches, and water courses, may be paid by general tax upon all the taxable property in the City; or such expenses may be defrayed by special assessments upon the lands and premises benefited by the drainage, in proportion to the benefits resulting to each lot or parcel of land respectively; or such part of the expense as the council shall determine may be defrayed by special assessment; and the remainder may be paid by general tax.

#### Sec. 17-03 Private drains; authority to require; costs; connection to public drains

Whenever the council shall deem it necessary for the public health, it may require the owners and occupants of lots and premises to construct private drains therefrom to connect with some public sewer or drain, and thereby to drain such lots and premises; and to keep such private drains in repair and free from obstruction and nuisances; and if such private drains are not constructed and maintained according to such requirement, the council may cause the work to be done at the expense of such owner or occupant, and the amount of such expense shall be a lien upon the premises drained, and may be collected by special assessment to be levied thereon.

The owners and occupants of lots and premises shall have the right to connect the same, at their own expense, by means of private drains, with the public sewers and drains under such rules and regulations as the council shall prescribe.

## **Chapter 18 - Public Utilities**

#### Sec. 18-01 General Powers regarding utilities

The City reserves all the power granted to cities by statute and the constitution to acquire, construct, own, operate, improve, enlarge, extend, repair, and maintain either within or outside the corporate limits, including, but not by way of limitation, public utilities for supplying water, light, heat, power, gas, sewage systems, communication systems, and garbage facilities, or any of them to the municipality; and to sell and deliver water, light, heat, power, gas, communications,

and other public utility services within or outside its corporate limits to an amount not to exceed the limitations set by state statute and the constitution.

#### Sec. 18-02 Rates

Council shall have the power to fix from time to time such just and reasonable rates and other charges as it may deem advisable for the supplying of the inhabitants of the City and others with such public services as the City may provide. No free service shall be permitted. Higher rates may be charged for services outside the corporate limits of the city.

#### Water Works

#### Sec. 18-03 Water system; city manager responsibilities

The public water system of the City of Hamtramck, is under general direction and control of the city manager.

The city manager shall from time to time recommend to the council a schedule of rates such that the revenues of the public water system of the city shall be sufficient to provide for the expense of operation and the payment of all indebtedness incurred in the establishment and maintenance of the public water system of the City.

#### Sec. 18-04 Water & sewer rates; meters; assessments for water

The council shall provide by ordinance the formula to establish water and sewer rates, which shall be set by resolution of the council upon adoption of the annual budget. The council, by resolution, may provide for the installation of meters upon any premises supplied with water, and for the payment for the water actually used as registered by such meter; the time when such charges shall be paid; the date when same shall become a lien upon the property; the penalties for non-payment of such charges; the steps to be taken to enforce payment thereof; and provide that in case of non-payment that the supply of water to any premises may be shut off or stopped. All water and sewer charges shall be paid to the city treasurer.

#### Sec. 18-05 Water for public purposes; appropriations required

The council shall from time to time appropriate money to be raised by general taxation for the payment for water used for fire purposes, street cleaning, and other general public uses.

#### Sec. 18-06

Connecting pipes; construction, maintenance; ordinance required; connections, permit required

The connecting or supplying pipes leading from buildings or yards to the distributing pipes shall be inserted and kept in repair at the expense of the owner or occupant of the building or yard, and shall not be inserted or connected with the main pipe until a permit shall be obtained from the

city. All such connecting or supply pipes shall be constructed and connected in the manner prescribed by ordinance.

#### Sec. 18-07 Ordinances, resolutions authorized

The council may enact such ordinances and adopt such resolutions as may be necessary to regulate and control the taking and use of water from the water system.

#### Franchises

#### Sec. 18-08 Use of public ways; franchise required

No person, partnership, association, or corporation operating a public utility shall have the right to the use of highways, streets, alleys, or other public places of the city, for wires, poles, pipes, tracks, or conduits, without the consent of the City; nor to transact a local business therein without first obtaining a franchise from the City. The right of the City to the reasonable control of its streets, alleys, and public places, and of the space above and beneath them is hereby reserved to the City, except as limited by state law.

#### Sec. 18-09 Franchises, licenses; term, restriction

No franchise or grant shall be granted by the City for a longer period than thirty (30) years. No license shall be granted by the council for a longer period than one year.

#### Sec. 18-10 Irrevocable franchises; approval of registered voters required

No franchise or grant which is not revocable at the will of the City shall be granted or become operative until the same shall have been referred to the people at a general or special election, and has received the approval of three-fifths (3/5) of the registered voters voting at such election. The expenses of such election as determined by the city council shall be paid by the franchisee applicant or grantee prior the election.

#### Sec. 18-11 Exclusive franchise prohibited; renewal, requisites

No person, firm, or corporation shall be granted any exclusive franchise, license, right, or privilege whatever, and no franchise shall be renewed before one year prior to its expiration.

#### Sec. 18-12 Leasing, assigning franchises

No franchise granted by the City shall be leased, assigned, or otherwise alienated except in accordance with the express provisions of the franchise, and all franchises granted by the City shall provide how, in what manner, and under what conditions the franchise may be leased, assigned, or alienated, and no dealing with the lessee or assignee on the part of the City, which shall recognize the performance of any act or payment of any compensation by the lessee, shall be deemed to have operated as such consent.

#### Sec. 18-13 Changing, modifying franchises, procedure

No change or modification of any franchise or grant of rights or powers previously granted to any corporation, firm, person, or association of persons shall be made except in the manner and subject to all the conditions herein provided for the making of original grants and franchises.

#### Sec. 18-14 Public utilities; license fees authorized

Except where the same may be in conflict with the laws of the State or constitution, the City shall have the right to license and impose a license fee on communication services, transportation systems, gas, electric, and water meters, or any devices used for measuring services, also communication devices, electric light and power poles, conduits, and wires. All license fees shall be exclusive of and in addition to other lawful taxes upon the property.

#### Sec. 18-15 Franchises; reservations in favor of City required

The grant of every franchise or privilege shall be subject to the right of the City whether in terms reserved or not, to make all regulations which shall be necessary to secure in the most ample manner the safety, welfare, and accommodation of the public, including, among other things, the right to pass and enforce ordinances, to require proper and adequate extensions of the service of such grant, to protect the public from danger or inconvenience in the operation of any work or business authorized by the grant of the franchise, and the right to make and enforce all such regulations as shall be reasonably necessary to secure adequate, sufficient, and proper service, extensions, and accommodations for the people and insure their comfort and convenience.

#### Sec. 18-16 Joint use of franchise property; compensation; council authority

The City, by and through its council, shall have the power to require any corporation holding a franchise from the City, to allow the use of its tracks, poles, conduits, and wires, or any facilities that can be jointly used, by any other corporation to which the City shall grant a franchise, upon the payment of a reasonable rental, and any franchise or right which may hereafter be granted to any person or corporation to operate a public utility within the city or its suburbs, shall be subject to the condition that the City shall have the rights to grant to any other person or corporation desiring to build or operate a street railway or interurban railway, or any other public utility, within or into the city or its suburbs, the right to operate; provided, that the person or corporation desiring to so operate shall first agree in writing with the owner thereof to pay such owner reasonable compensation for the use of such facilities. And if the person or corporation desiring to use the same cannot agree with the owner as to the compensation within sixty (60) days from offering in writing so to do and to terms and conditions of the use of the facilities, then the council shall, by resolution, after a fair hearing to the parties concerned, fix the terms and conditions of such use and compensation to be paid, which award of the council when so made shall be binding on and observed by the parties concerned.

### **Chapter 19 - Appropriation of Private Property**

Sec. 19-01 Procedure, state law

Private property may be condemned by the City for any public use or purpose within the scope of its powers in the manner provided for by the general laws of the State.

Sec. 19-02

Awards in condemnation proceedings; special assessments authorized; conditions, procedure; portion payable from general taxes

In all cases where awards for damages have been made in condemnation proceedings, if the council believes that a portion of the city in the vicinity of the improvement will be benefited by such improvement, they may, by an entry in their minutes, determine that the whole or any just proportion of the compensation awarded by the jury shall be assessed upon the owners or occupants of real estate deemed to be thus benefited, and thereupon they shall, by resolution, fix and determine the district or portion of the city benefited, and specify the amount to be assessed upon the owners or occupants of the taxable real estate therein. The amount of the benefit thus ascertained shall be assessed upon the owners or occupants of such taxable real estate in proportion, as nearly as may be, to the advantage which each such lot, parcel, or subdivision is deemed to acquire by the improvement. The assessment shall be made and the amount levied and collected in the same manner and by the same officers and proceedings, as near as may be provided in and by this charter for assessing, levying, and collecting the expense of a public improvement. The assessment roll containing said assessment, when ratified and confirmed by the council, shall be final, conclusive, and prima facie evidence of the regularity and legality of all proceedings prior thereto, and the assessment therein contained shall be and continue a lien on the premises on which the same is made until payment thereof. Whatever amount or portion of such awarded compensation shall not be raised in the manner herein provided shall be assessed, levied, and collected upon the taxable real estate of the City; as other general taxes are assessed and collected therein. At any sale which takes place of the assessed premises, or any portion thereof, delinquent for non-payment of the amount assessed and levied thereon, the City may become a purchaser.

## **Chapter 20 - Recall; Removal; Initiative and Referendum**

Sec. 20-01 State law

Any holder of an elective office may be recalled and removed from their office by the registered voters of the City of Hamtramck, in the manner provided by the constitution and general laws of this State.

Sec. 20-02 Appointive officers; removal

All appointive officers of the City of Hamtramck shall be subject to removal as in this charter provided.

Sec. 20-03 Petitions; contents, signatures, requisites

Any ordinance which may be legally adopted by the council of the City of Hamtramck may be proposed by petition signed by a number of registered voters of the City of Hamtramck equal to the percentage hereinafter provided, but in no case shall the number of such signers be less than two hundred and fifty (250). The petition shall be addressed to the council and shall set forth at length the ordinance proposed to be enacted. With each signature attached thereto shall be given the place of residence, with the street and number of the registered voter so signing, and the date when such signature was attached. The signatures need not all be on one paper, but all petitions shall be filed with the city clerk at the same time. An affidavit or affidavits shall be made by one or more registered voters of the city, which affidavits shall state that each signature appearing upon such petition, to which such affidavit is attached, is the genuine signature of the person whose name it purports to be, and that to the best of affiant's knowledge and belief, the signers whose names are attached to the petition are registered voters of the City of Hamtramck.

Sec. 20-04 Form of petition

The petition proposing an ordinance shall be in the following form:  
To the Honorable, the Council of the City of Hamtramck, County of Wayne, State of Michigan:

We, the undersigned registered voters of the City of Hamtramck, under and by virtue of the authority granted by Act No. 279 of the Public Acts of 1909, as amended, and by Chapter 20 of the Charter of the City of Hamtramck, do hereby propose and initiate for submission to the registered voters of the City of Hamtramck, in the County of Wayne, and State of Michigan, the following proposed ordinance:

(Here set forth proposed ordinance in full.)  
If a special election is desired insert the following:

Your Petitioners further pray that a special election be called for the purpose of submitting the proposed ordinance provided no regular or special election is to be held in the City within four months from the date the city clerk shall certify the sufficiency of this petition. And your petitioners will ever pray, etc.

Name \_\_\_ Number \_\_\_ Street \_\_\_\_\_ Date of Signing

AFFIDAVIT  
STATE OF MICHIGAN, ss:  
COUNTY OF WAYNE,

\_\_\_\_\_ being first duly sworn, deposes and say, that the names appearing upon the foregoing petition are the genuine signatures of the persons whose names appear thereon, and that to the best of affiant's knowledge and belief, such persons are registered voters of the City of Hamtramck.

Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_, A.D.

Notary Public, Wayne County, Michigan.

My commission expires \_\_\_\_\_

Sec. 20-05 Petition; filing; city clerk, duties

The petition, when signed by the requisite number of registered voters, shall be filed with the city clerk. The city clerk shall attach thereto a certificate setting forth the name and address of the person or persons filing the petition in his office and the date when the petition was filed. A copy of the petition, exclusive of signatures, together with the certificate shall be entered in a record book to be kept for that purpose in the office of the city clerk. Any defect in the form of the petition or record as kept by the city clerk shall not invalidate the same.

Sec. 20-06 Petitions; signatures; examination, determination; city clerk duties

Within ten days from the date of the filing of the petition with the city clerk, it shall be the duty of the clerk to ascertain by comparison of the petition with the registration books of the City of Hamtramck, whether or not the petitions are signed by the requisite number of registered voters, and following the examination, the clerk shall attach to the petition his certificate showing the result of the examination.

Sec. 20-07 Petitions; insufficiency; additional signatures, procedure

If the certificate of the clerk so attached shows the petition to be insufficient, he shall within ten days cause notice in writing, setting forth the fact that the petitions are found to be insufficient, to be served upon one or more of the persons designated in the certificate attached by him to the petition as the persons who filed the petition in his office. Additional signatures, properly verified, may be filed with the clerk at any time within fifteen (15) days from the date of the service of such notice. The city clerk shall attach his certificate to such additional petitions and shall cause them to be entered in the record book. The clerk shall within five days after the filing of such additional petitions make like comparison of the additional signatures with the registration books and attach his certificate of the result. If the number of signatures are still shown to be insufficient, or if no additional signatures are so filed, the clerk shall, upon demand, return the petition to any of the persons designated as filing it, without prejudice to the filing of a new petition for the same purpose.

Sec. 20-08 Petitions; sufficiency; return to council

When the petition shall be found by the city clerk to be sufficient, he shall so certify and submit the same with his certificate to the council at its next regular meeting.

Sec. 20-09 Ordinance; submission to registered voters; special election

If the petition accompanying the proposed ordinance is signed by a number of registered voters of

the city equal to at least twenty percent (20%) of the entire vote cast for all candidates for mayor at the last preceding general election at which a mayor was elected, and contains a request that the proposed ordinance be submitted to a vote of the registered voters at a special election, the council shall within twenty (20) days thereof either:

- (a) Pass the ordinance without alteration, subject to the referendum provided by this charter, or
- (b) Call a special election to be held within ninety (90) days from the date of the certificate of the city clerk attached thereto, and at such special election, the proposed ordinance shall be submitted without alteration to the vote of the registered voters of the City. Provided, however, that if any election is to be held in the city within four months from the date of the certificate by the city clerk, then the ordinance shall be submitted at the election, and no other special election for the purpose of submitting the ordinance shall be called.

#### Sec. 20-10 Ordinance; submission to registered voters; regular election

If the petition accompanying the proposed ordinance is signed by registered voters of the city of Hamtramck equal in number to at least ten percent (10%) but less than twenty percent (20%) of the vote cast for all candidates for mayor of the city at the last preceding general municipal election at which a mayor was elected, which number shall be not less than two hundred and fifty (250), as shown in the manner hereinafter provided, and the ordinance be not passed without alteration by the council within twenty (20) days as provided in the preceding section, then the ordinance, without alteration, shall be submitted by the council to electoral vote at the next regular election that shall occur at any time after thirty (30) days from the date of the city clerk's certificate of sufficiency attached to the petition accompanying the ordinance.

#### Sec. 20-11 Referendum; petition, requisites; suspension of ordinance; procedure

Within twenty (20) days after the publication of any ordinance duly passed by the City, a petition may be presented to the council protesting against such ordinance continuing in effect. The petition shall contain the text of the ordinance and shall be signed by registered voters of the city equal in number to at least fifteen percent (15%) of the entire vote cast for all candidates for mayor at the last preceding general election at which a mayor was elected, which number shall in no case be less than two hundred and fifty (250). The ordinance shall thereupon and thereby be suspended from operation, and the council shall immediately reconsider the ordinance.

If the ordinance is not entirely repealed, the council shall submit the question of whether or not it shall become effective to a vote of the registered voters of the city, either at the next regular election or at a special election which may in its discretion be called for that purpose, and such ordinance shall not be restored to operation unless a majority of the registered voters voting at such election shall vote in favor thereof. The procedure in regard to such petition of protest and referendum shall be the same as provided in this chapter for the initiative and referendum on a proposed ordinance, with such modifications as the nature of the case may require. Provided, however, that no such referendum shall be ordered by the council on any ordinance required to be passed by the general laws of this state, or when such ordinance shall be an emergency measure which is necessary for the immediate preservation of public peace, health, or safety.

Sec. 20-12 Referendum; submission by council; time, restriction

The council by resolution may submit to a referendum for adoption or rejection at any general, primary, or special election held in the City, any proposed ordinance or measure or a proposal for the repeal or the amendment of any ordinance in the same manner and with the same force and effect as provided in this chapter for submission on petition. No such ordinance or amendment shall be submitted, however, at any election to be held in less than thirty (30) days from the date of the meeting of the council when such ordinance or amendment is ordered submitted.

Sec. 20-13 Conflicting ordinances; adoption; construction, determination

If the provisions of two or more proposed ordinances or measures adopted or approved at the same election are inconsistent, then the ordinance or measure receiving the highest affirmative vote shall prevail.

Sec. 20-14

Ordinances; submission to registered voters; notice, publication required

Whenever any ordinance is submitted to the voters of the city at any election, the council shall cause such ordinance to be published in full in accordance with law.

Sec. 20-15 Ordinance adopted by referendum; amending, repealing; restriction

No ordinance adopted under this charter by referendum or initiative shall be repealed or amended except by vote of the electorate.

Sec. 20-16 Additional regulation authorized, restriction

The council- and mayor-elect may by ordinance or resolution make such regulations not in conflict herewith as it may deem necessary to carry out the provisions of this chapter.

## **Chapter 21 - Miscellaneous**

Sec. 21-01 Definitions

The term, "City", whenever used in this charter, shall be construed to mean the City of Hamtramck. The term, "council", as used in this charter, shall be construed to mean the city council and shall mean the same as the term "common council" wherever the same is used in this charter or in any law of the State as designating the legislative body of the city.

Sec. 21-02 Notice; posting, publication; requirements, evidence

When, by the provisions of this charter or the laws of the State, notice of any matter or proceedings is required to be published or posted, an affidavit of the publication or posting of the

same made by the printer of the newspaper in which the same was inserted or by some person in his employ knowing the facts, if such notice was required to be by publication, or by the person posting the same when required to be by posting, shall be prima facie evidence of the facts therein contained. Such affidavit of publication or posting shall be filed with the city clerk within six months from the date of the last publication thereof or the posting of the same.

#### Sec. 21-03 Process against city; service upon designated officers

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

#### Sec. 21-04 "Newspaper of general circulation" defined

A "newspaper of general circulation" selected by council from time to time, shall be construed to mean any newspaper having a general circulation in the City of Hamtramck or subject to the definition provided in state law.

#### Sec. 21-05 Records required

All records of the proceedings of the council and records of the City shall be kept in the English language in the books or journal of the city.

#### Sec. 21-06 Records; public inspection

All the records of this City shall be made available to the general public in compliance with the Freedom of Information Act, MCL 15.231 to 15.246.

#### Sec. 21-07 Fiscal year

The fiscal year of this City shall begin with the first day of July of each year, and end with the 30th day of June next thereafter.

#### Sec. 21-08 Uniform system of accounts; state law

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

#### Sec. 21-9 Books, records, accounts, etc.; examination, audit

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

#### Sec. 21-10 Misdemeanors; penalty

All offenses herein declared to be misdemeanors shall be punishable, unless herein otherwise provided for, by a fine not exceeding the maximum allowed by state law, or by imprisonment in the county jail, or any place of imprisonment provided by the City or laws of the State of Michigan, for a period not exceeding ninety (90) days, or ninety-three (93) days in cases where state law so provides, or both such fine and imprisonment.

#### Sec. 21-11

Officers, employees; service in military forces; compensation authorized

Whenever any officer or officers, employee or employees of the City of Hamtramck shall be called into the military or naval service of the United States, or shall voluntarily enter such service in time of war, the council shall have power to grant to such officer or officers, employee or employees, an indefinite leave of absence to cover the period of such service, with full pay or such proportion thereof as the council in its discretion may determine.

#### Sec. 21-12 Severability of provisions

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

#### Sec. 21-13 Charter; amending, revising; procedure; state law

This charter may be amended or revised in the manner provided by the general laws of this State.

#### Sec. 21-14 City seal; design, contents

There shall be a city seal, which shall be of such design and with such wording and device thereupon as shall be prescribed by the city council of the City of Hamtramck. The year inscribed thereupon shall be the calendar year in which the City of Hamtramck became legally incorporated.

#### Sec. 21-15 “He”, â “masculine form” defined

Wherever the word “he” is used in this charter, it may also be read “she”, and wherever the name of any officer connected with the government of the City of Hamtramck is in masculine form, it may also be held to include the feminine form.

#### Sec. 21-16 Council, officers; powers construed

Wherever, under the provisions of this charter, any powers of action or determination are granted to the city council, the exercise of such powers shall be deemed subject to the limitations herein set forth, unless expressly exempted, but where any right of control management or superintendence is herein given or conferred upon any appointive officer, the same shall be held

and construed to be not in derogation of the powers of the council, but only in the execution thereof.

## **Chapter 22 - Submission and Election**

Sec. 22-01 Charter; submission to registered voters, date

This charter shall be submitted to the registered voters of the City of Hamtramck for their approval or rejection at a special election to be held on February 22, 2005.

Sec. 22-02 Charter; publication required; official ballot

Prior to the submission to the voters, this charter shall be published as required by law.

Official Ballot

Shall the City Charter proposed by the City of Hamtramck Charter Revision Commission approved by resolution on November 8, 2004 be adopted? [ ] YES [ ] NO

Sec. 22-03 Effective date of Charter

If this charter is adopted, this charter shall take effect on the filing with the Secretary of State and the County Clerk as provided in MCLA 117.24 or July 1, 2005, whichever is later, subject to the following:

(a)

The mayor, city council, city clerk, and city treasurer elected at the general election, held November 4, 2003, under the old charter, shall continue to serve the elected term of office to December 31, 2005. Any vacancies created before December 31, 2005, shall be filled in accordance with the provisions of this charter, as in 4-03 (b).

(b)

At the November, 2005 election, three councilpersons shall be elected for a four-year term and three councilpersons shall be elected for a two-year term. In the November, 2007 election and each municipal election thereafter, three councilpersons shall be elected to four- year terms.

(c)

For the period immediately following the effective date of this charter until the six council members elected in the November 2005 general municipal election are sworn in, the number of council members shall not exceed five (5), and the city council shall consist of the council members who hold office at the effective date of this charter. From the effective date of this charter until January 1, 2006, any vacancies on the city council shall be filled in the manner described in section 4-03(b).

(d) Continuation of Public and Private Rights

All writs, actions, suits, proceedings, civil or criminal liabilities, prosecutions, judgments, sentences, orders, decrees, appeals, causes of action, contracts, claims, demands, titles, and rights existing when this charter takes effect continue unaffected except as modified in accordance with this charter.

(e) Rights of Employees

No provision of this charter may affect or impair the employment rights or privileges of employees existing when this charter takes effect concerning appointment, ranks, grades, promotion, removal, pension, and retirement rights.

(f) Pension System

All pension systems of the City of Hamtramck existing when this charter takes effect continue until changed in accordance with law. No person may receive pension benefits for service as an elected officer.

(g) One-year exemption for city clerk and treasurer

The elected city clerk and city treasurer shall be granted an exemption from the one-year non-employment provision Chapter 5 Sec. 5-05.

(h) Compensation for city clerk, city treasurer, council, mayor and mayor pro tem

(1) The compensation for the city clerk and city treasurer as elected officers shall remain at \$12,000 per year if they remain as part-time elected officers.

(2) If the city treasurer, or the city clerk, or both elected at the November 4, 2003 election, or the person appointed to the position of city clerk or city treasurer in the case of a vacancy meet the qualifications of the appointed positions, it will be at the discretion of the city manager to recommend their appointment to full time status, subject to approval of the mayor and city council.

(3) The city council- and mayor-elect will set the compensation for the full-time appointed city clerk and city treasurer positions to be within the range of other communities for like positions.

(4)

The council elected at the November 4, 2003 election shall receive the compensation set forth in Section 7-01, effective July 1, 2005.

(5)

The mayor elected at the November 4, 2003 election shall receive the compensation set forth in Section 9-03, effective July 1, 2005.

(6)

The mayor pro tem selected by council shall receive the compensation set forth in Section 9-03, effective July 1, 2005.

(i) General Provision

If any question arises concerning transition from the old charter to this charter, for which this charter has not provided, the City may resolve the question by ordinance.

(j) Conflicts of Interest and Ethics Ordinance

Within one year of the approval of this charter, the city manager and city attorney shall prepare and submit to council for its consideration a conflicts of interest and ethics ordinance which is not in conflict with MCL 15.321, et seq., and shall include, but not be limited to: acting in an official capacity in matters in which the officer has a private financial interest clearly separate from that of the general public; the acceptance of gifts and other things of value; acting in a private capacity on matters dealt with as a public official; the use of confidential information; and the appearance of City officers before other city agencies on behalf of private interests. This ordinance shall provide for reasonable public disclosure of finances by elected officials.