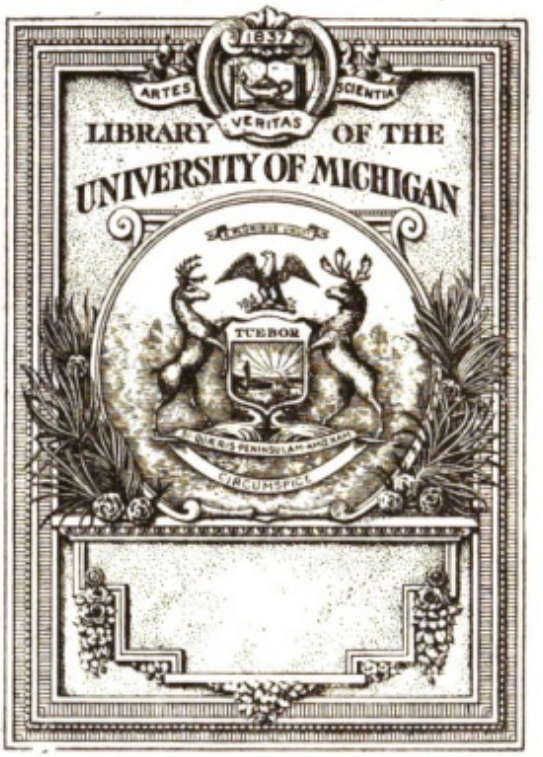
JS
546
.A6
A4
1917a

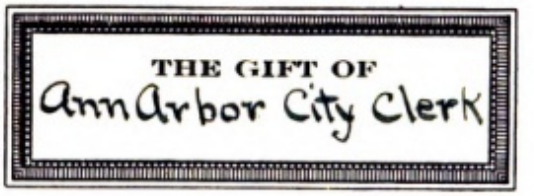
A 561865

Ann Arbor. Mich. Proposed Charter.

Digitized by Google

Original from
UNIVERSITY OF MICHIGAN





Digitized by Google
Original from
UNIVERSITY OF MICHIGAN

JS
546
.A6
A4
1917a

Digitized by Google

Original from
UNIVERSITY OF MICHIGAN

Digitized by Google

Original from
UNIVERSITY OF MICHIGAN

Proposed Charter

for the

City of Ann Arbor, Michigan

To be Submitted to a Vote of the Electors.

June 12, 1917

Digitized by Google

Original from UNIVERSITY OF MICHIGAN

I hereby certify that the following is a correct transcript of the proposed Revised Charter for the City of Ann Arbor, Michigan, as adopted by the Charter Commission of said City, March 9, 1917, and approved by the Govenor March 14, 1917.

Said proposed Charter to be submitted to a vote of the electors on June 12, 1917.

I. G. REYNOLDS,

City Clerk.

Digitized by Google

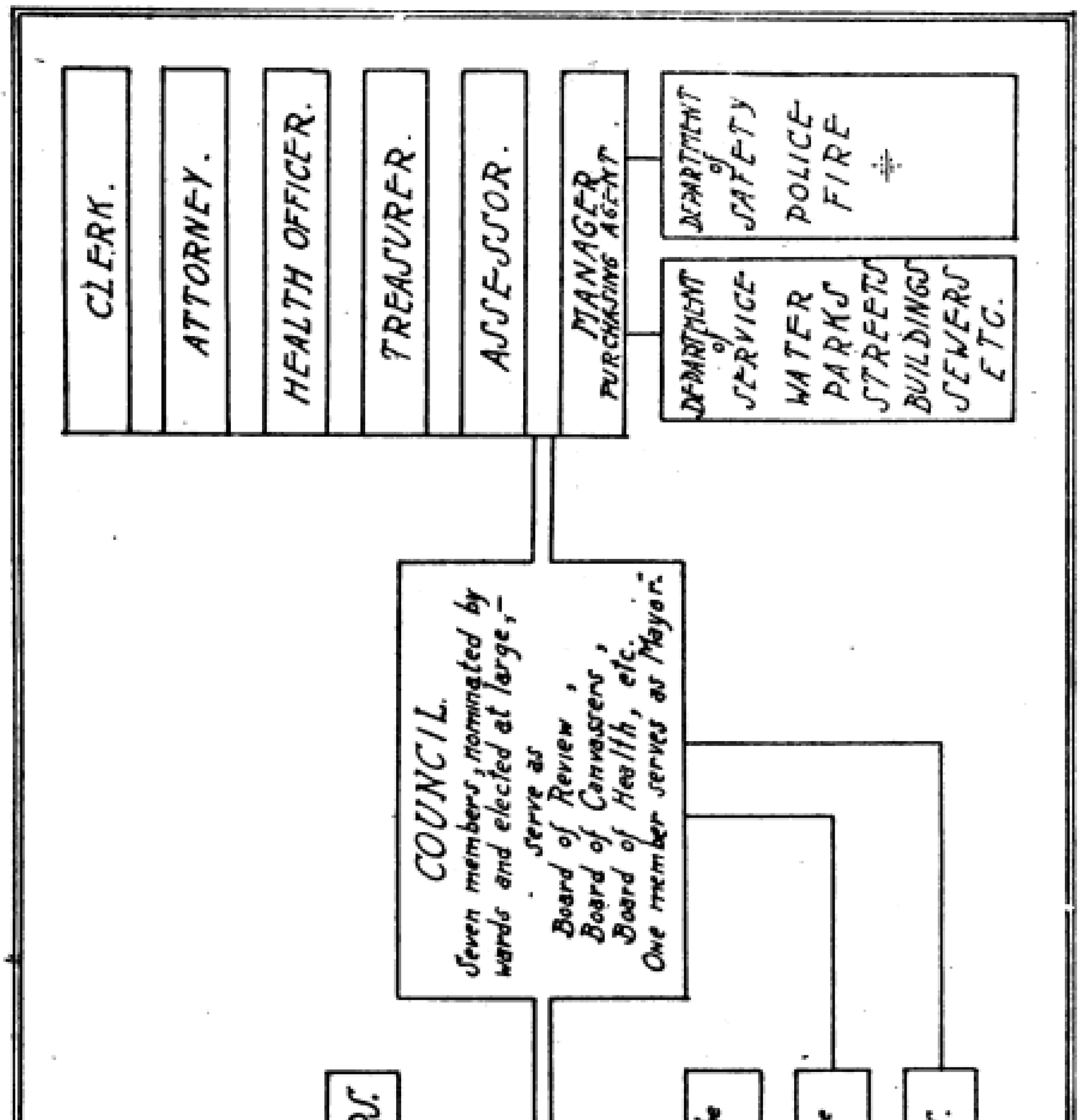
Original from
UNIVERSITY OF MICHIGAN

TABLE OF CONTENTS.

	Page
Address of Charter Commission	5
Preamble	7
Incorporation, Corporate Powers, Boundaries	7
Electors, Registration, Nominations, Elections	8
Council and Mayor	12
Administrative Officers, Departments, Employees	18
Supervisors, Constabes, Justice of the Peace, Clerk of the Justice Court	22
Taxation and Finance	24
Public Utilities	31
Miscellaneous	34
Schedule	36

Digitized by Google

Original from
UNIVERSITY OF MICHIGAN



This diagram shows the method by which the officials of the city of Ann Arbor will be chosen if the proposed charter is adopted. The people will select seven councilmen. The council will select clerk of the justice court, constables, treasurer, assessor and manager. Each of the last six officers will select the persons who are employed in their respective offices.

Digitized by Google
Original from UNIVERSITY OF MICHIGAN

STATEMENT OF THE CHARTER COMMISSION

To the Electors of the City of Ann Arbor:

Your charter commission respectfully presents for your consideration the following proposed charter for the city of Ann Arbor. We desire to call your attention to the following points at which we believe that it is an improvement over the charter under which the city is now working and we do not believe that any advantages of the present charter have been sacrificed in preparing the proposed charter.

First: The number of elective officers has been decreased and greater care can be exercised by the public when there is a smaller number of places to be filled.

Second: Regular city elections will occur biannually with a provision for annual elections if necessary on acount of vacancies, recalls, or desir ed legislation.

Third: Responsibility is centered as the council will not only act as the legislative body, but also in the capacity of all required boards. This is a very important change. Under our present charter with its numerous boards and officers receiving authority from different sources, it is practically impossible to locate responsibility.

Fourth: There is reserved to the public the right to initiate legislation in case the council declines to act.

Fifth: There is reserved to the people the final decision with regard to legislation in that ordinances, except in a few necessary cases, are not effective till thirty days after their passage by the council during which time by petition they may be suspended until the people shall have formally ratified them.

Sixth: Franchises can only be given by means of ordinances which must be presented in final form one month in advance of their passage and following a public hearing. In addition to these safe guards the public by use of the referendum can prevent the granting of any franchise the terms of which are not satisfactory.

Seventh: The council, being nominated by wards and elected at large, will represent every section of the city, but will be city officials rather than ward officials. The council will elect one of its own members to serve as mayor.

Eighth: Every official elected or appointed under this charter is placed on a salary basis and the evil effects of the fee system will be eliminated.

Digitized by Google
Original from UNIVERSITY OF MICHIGAN

Ninth: The officers who are at the head of the various divisions of the city government are all selected by the council and have the privilege of appointing those who are to work under them subject to the regulations of the charter. This arrangement will make it impossible for employes to shift responsibility.

Tenth: Provision has been made by means of several sections in chapter eight for a systematic development scheme.

Eleventh: The city is placed on a budget basis and provision is made for public hearings on the budget. Provision is also made for proper publicity with regard to the affairs of the city by means of a publicity pamphlet.

Twelfth: The provision that the total amount of outstanding paving and sewer bonds at any one time shall be determined on a percentage basis instead of by means of a fixed amount will permit improvements to be continued with the growth of the city without necessitating amendments to the charter and as about three-fourths of the cost of pavements and sewers is paid for by the property benefited, the city is practically acting as an agent for such property owners without materially increasing the amount of its own indebtedness.

Thirteenth: Party politics have been elminated and all nominations will be made by means of non-partisan petitions.

Fourteenth: Eight hours will constitute a day's work for mechanics and laborers employed by the day by the city.

Fifteenth: It has been demonstrated in cities where the manager form of government has been tried that while the rate of taxation has not been lessened the cities have been able to secure much larger returns for the money spent than under the old form of government. Centralization of authority enables all city work to be done much more systematically.

In presenting this charter for your consideration we realize that it will be impossible for the electors to compare it in detail with the present charter. Your commission has given the better part of a year to a careful study of the local situation in addition to a study of charters which have been adopted by different cities during the past ten years. We have invited suggestions and criticisms. Public meetings have been held in order that everyone might have an opportunity to be heard. The charter which we present is not in its entirety one which any individual member of the commission would have written at the beginning of our investigations. We believe that it is a better charter for the city of Ann Arbor today than the

Digitized by Google
Original from UNIVERSITY OF MICHIGAN

one under which we are working. Under the provisions of the charter it will be possible to correct any matters of detail in which it may be found defective when put to the practical test. The charter must be passed upon as a whole, although it might be possible for any citizen to criticize individual sentences, paragraphs or sections. If the citizens of Ann Arbor want a simple form of government under which efficiency in the administration of its city affairs is possible, and desire to know at all times who is responsible for unsatisfactory conditions in city government, they will vote in favor of the adoption of the proposed charter.

If this charter is adopted the first election under its provisions will be held October eighth and the officers elected at that time will assume full control of the city government November first.

Any member of the commission will be glad at any time to explain any provision in the charter concerning which any citizen may desire further information.

The commission reached a unanimous agreement and solicits your indorsement of the work which it has done, at the election which will be held June twelfth.

THE CHARTER COMMISSION.

CHARTER

of the

CITY OF ANN ARBOR,
MICHIGAN.

Preamble.

We, the people of the city of Ann Arbor, Michigan, pursuant to authority granted by the constitution and laws of the state, do ordain and establish this charter for the city of Ann Arbor.

CHAPTER I.

Incorporation, Corporate Powers, Boundaries.

Section 1. NAME AND POWERS. The people of the city of Ann Arbor, Michigan, as its limits now are or hereafter may be established, shall continue to be a body politic and corporate to be known as the "City of Ann Arbor" and as such shall have and may exercise all expressed, implied, or incidental powers which now are or hereafter may be conferred

Digitized by Google
Original from UNIVERSITY OF MICHIGAN

upon or reserved to cities under the constitution and laws of the state as fully and completely as though said powers were specifically enumerated herein, and no enumeration of particular powers by this charter shall be held or deemed to be exclusive.

Section 2. WARDS AND BOUNDARIES. The city of Ann Arbor shall be divided into seven wards as follows:

First Ward—All that part of the city lying south of Huron street, east of Main Street, west of State Street, and north of Hill Street.

Second Ward—All that part of the city lying south of Huron street and Jackson Avenue, and west of Main Street and the continuation thereof.

Third Ward—All that part of the city lying north of Huron Street and Jackson Avenue, south of Huron River, and west of Main Street extended to the Huron River.

Fourth Ward—All that part of the city lying north of Huron Street and the continuation thereof, south of the Huron River, and east of Main Street.

Fifth Ward—All that part of the city lying north by east of the Huron River.

Sixth Ward—All that part of the city lying south of Huron Street and the continuation thereof east of State Street, and north of Hill Street and the continuation thereof.

Seventh Ward—All that part of the city lying east of Main Street and south of Hill Street and the continuation thereof.

The aforesaid divisions are made by the actual or supposed continuation of the center line of each of the said division streets in the present direction thereof.

CHAPTER II.

Electors, Registration, Nominations, Elections.

Section 3. QUALIFICATIONS OF ELECTORS. All inhabitants of the city of Ann Arbor having the qualifications of electors under the constitution of this state shall be deemed electors therein. Each elector shall vote in the district wherein he resides. The residence of an elector shall be in the district in which is located his regular place of lodging.

Section 4. STATE LAWS TO GOVERN. The registration of voters, nominations, and elections held under this charter, shall be in accordance with the general laws of the state except that nothing in the laws of the state applying to party registration, enrollment or any other party procedure shall apply to registrations, nominations or elections held under this charter, other than for the office of supervisor.

Digitized by Google Original from UNIVERSITY OF MICHIGAN

Section 5. WARDS. Each ward, unless otherwise subdivided, shall be an election district, provided, however, that the council shall have power, by ordinance duly passed, to divide any ward having more than six hundred (600) electors according to the poll list of the last preceding election into two or more voting districts.

Section 6. BOARDS OF REGISTRATION. Prior to every election, the council shall appoint a board of registration for each voting district to consist of two electors from such district, no one of whom shall be a city official, a city employe, nor a candidate for any office at that election. Such boards shall be in session in accordance with the general election laws of the state at the place designated by the council from seven o'clock A. M. until eight o'clock P. M. of each registration day, legal published notices of such sessions having been given by the clerk. The council shall provide for the registration of any elector by the clerk whenever under the laws of the state this method of registration shall be lawful.

Section 7. GENERAL REGISTRATION. There shall be a general registration of the electors in the year 1920 in time for the general fall election. There shall also be a general registration of the electors every fourth year thereafter and at such other times as the council may designate. The clerk shall give notice of such registration and provide the necessary books or registers and supplies therefor.

Section 8. NOMINATIONS. The mode of nomination of elective officials shall be by petition and not otherwise. Only names of electors for whom petitions have been filed as candidates for an office in accordance with the provisions of this charter, shall be placed upon the official ballot. Petitions must be filed with the clerk not less than twenty days nor more than thirty days before the date of the election at which they are to be voted upon. Petitions for candidates to fill a vacancy which may be caused by a recall election, may be filed within ten days after the petitions for the recall are filed. Petitions for candidates for the council shall be signed by not less than twenty-five nor more than thirty-five qualified electors of the ward from which said persons are to be candidates. Petitions for candidates for justice of the peace shall be signed by not less than one hundred nor more than one hundred and fifty of the qualified electors of the city. Petitions for candidates for supervisor shall be signed by not less than twenty-five nor more than thirty-five qualified electors of the ward which said candidates seek to represent and of the party with which said candidates are affiliated.

Section 9. ACCEPTANCE OF NOMINATION. Whenever a petition has

Digitized by Google
Original from UNIVERSITY OF MICHIGAN

been filed in behalf of any person, the clerk shall mail to said person a notice of that fact and a copy of those sections of Act 190 Public Acts 1877, Act 190 Public Acts 1891, Act 109 Public Acts 1913, and any other laws or amendments passed by the state of Michigan to prevent fraud, maintain political purity, or regulate expenses in connection with elections. Any person whose name has been submitted for nomination by petition as hereinbefore provided shall file his acceptance with the clerk not later than ten days prior to the date of election and in case such acceptance is not filed within the time named, the name of the candidate shall not appear upon the ballot. In case of a nomination by emergency petition, said notification shall be made by a personal service, and acceptance of the nomination must be made within twenty-four hours for the name of the candidate to appear upon the ballot. In case the ballots for said election have been printed when such acceptance is filed, the clerk shall provide pasters in accordance with the provisions of the general election law.

Section 10. EMERGENCY PETITION. Whenever it appears that there is no candidate for an office to be filled at an election, an emergency petition may be filed with the clerk not later than forty-eight hours prior to the date of election, said petition to conform in all respects, except as to time, with the regular petition.

Section 11. NOMINATING PETITIONS. Nominating petitions shall be made on blanks furnished by the clerk, which blanks shall provide for an affidavit by the circulator of each.

Section 12. PUBLICATION OF CANDIDATES. Immediately upon the expiration of the time for the filing of acceptances by candidates, the clerk shall cause to be published for three successive days in the manner in which official notices are given, the names of the offices to be filled and the names of the candidates who have filed acceptances for each office, the names being arranged alphabetically.

Section 13. TIME OF ELECTION. Regular municipal elections under this charter shall be held in the city of Ann Arbor on the first Monday in April of all odd numbered years, provided that if vacancies are to be filled, recalls of officials are sought, ordinances or bonds are to be voted upon, elections shall also be held on the first Monday in April of even numbered years, at such places in the several voting districts of the city as the council shall designate. Notices thereof shall be given by the clerk as required by law. The polls shall be open on all election days from seven o'clock A. M. until eight o'clock P. M.

Section 14. SPECIAL ELECTIONS. Special elections may be held at

Digitized by Google
Original from UNIVERSITY OF MICHIGAN

such times and places as the council shall designate by resolution, the purpose and object of which shall be fully set forth in the resolution calling such election. Notices thereof shall be given by the city clerk as required in regular elections.

Section 15. PREPARATION OF VOTING MATERIAL. It shall be the duty of the clerk to prepare, ready for delivery twenty-four hours before the time fixed by law for the opening of the polls, all of the necessary books, blanks and lists required by the general laws of the state or by this charter for holding elections and twenty-five per cent more ballots than there are registered voters in each election precinct.

Section 16. FORM OF BALLOTS. Voting machines shall not be used in city elections, but may be used for county, state, and national elections. The ballots shall be prepared in accordance with the provisions of section 24 of Act 281 Public Acts 1909, except that no provision shall be made whereby political parties are indicated, provided however, that candidates for the office of supervisor may be listed under party designations.

Section 17. SPECIAL QUESTIONS. Each special question to be voted upon at any election shall be printed on a separate ballot designated "special ballot." The substance of each proposal shall be clearly and fairly stated under an appropriate title as the council may determine. Below each proposal in separate lines shall be the words "Yes" and "No," each followed by a square. The elector shall vote by placing "X" in one of the squares.

Section 18. ELECTION OFFICIALS. The council shall appoint such election-inspectors and other election officials as may be required by the general election law, none of whom shall be city officers, nor city employes, nor candidates for office at that election, the first named inspector being chairman, which inspectors shall conduct the election in accordance with the law, and make proper returns thereof to the clerk.

Section 19. BOARD OF CANVASSERS. The council shall be the board of canvassers for all elections. It shall meet on the first Thursday after any election at eight o'clock P. M. and proceed to canvass the returns of such election and shall thereupon declare the result. The candidate receiving the greatest number of votes for any office shall be declared elected. In case of a tie vote for any office, the council shall decide by lot which of the persons who are tied shall be elected. A statement of such canvass shall be made and signed by the mayor and filed with the clerk who shall within three days make out and cause to be delivered to each person so elected a notice of such election.

Digitized by Google
Original from UNIVERSITY OF MICHIGAN

Section 20. AFFIDAVIT AND OATH OF OFFICE. Within five days thereafter, every person so elected shall file with the clerk an affidavit that he has not violated any of the election laws of the state, and shall also file the customary oath of office. Upon failure to file such affidavit and oath within the prescribed time, except upon cause shown, the council shall declare the office vacant.

Section 21. RECALL. Recall petitions against officers elected by the people, signed by at least twenty-five per cent of the number of electors who voted for governor at the last preceding election in the city of Ann Arbor and stating clearly the reason or reasons for said demands may be filed with the clerk any time between twenty and thirty days prior to an April election.

CHAPTER III.

Council and Mayor.

Section 22. COUNCIL MEMBERSHIP. There shall be a council which shall consist of seven members, each ward being represented by the nominee from that ward receiving the largest number of votes cast by the electors in the city. Members of the council shall be nominated by ward and elected by the city at large. The four councilmen receiving the largest number of votes at the first election shall hold office until the third Monday in April 1921, and the other three councilmen shall hold office until the third Monday in April 1919; thereafter all councilmen shall be elected for a term of four years, except when elections are held to fill vacancies.

Section 23. POWERS AND DUTIES OF COUNCIL.

(a) GENERAL POWERS. All powers of the city, except such as are vested in the board of education or are otherwise provided for by this charter or by the constitution and laws of the state including the right of purchase and condemnation of private property, for any public use within the scops of its powers, are hereby vested in the council.

(b) QUALIFICATIONS. The council shall be the judge of the election and qualifications of its own members except that no person shall be eligible to membership in the council who is not an elector, who has not been a resident of the city for the three years preceding his nomination, and who is not a taxpayer. No councilman shall be eligible to receive any appointment to any other position in the city government during his term of office.

(c) RULES. The council may compel the attendance of its members and shall prescribe its own rules except that no standing committees may

Digitized by Google
Original from UNIVERSITY OF MICHIGAN

be appointed, but special committees may be appointed from time to time to which particular matters of business may be referred.

(d) VACANCY. Any vacancy in the council caused by death, resignation or removel of a councilman from the ward from which he was nominated shall be filled by the council by the appointment of another elector from the same ward who shall serve until the next April election at which time a councilman shall be elected in the regular manner to fill the unexpired term.

(e) LEGISLATION. The council shall be the legislative body of the city with the right, power, and responsibility of passing ordinances and regulations of every character that may be deemed necessary or expedient to secure complete and efficient management and control of the municipal property, and the public peace, health, safety, welfare, interest, and prosperity of the inhabitants of the city, trades occupations and amusements, and to provide for the punishment of those who violate any such ordinances and regulations as may be adopted.

(f) BOARDS. The council shall act as the board of review, as the board of canvassers, and may act as a civil service board. It shall appoint boards of registration and election officials. The council shall have and exercise for the city all the powers and authority conferred upon boards of health in townships or cities by the general laws. It shall also act in the capacity of any other board which may from time to time be required by the laws of the state.

(g) COMPENSATION. Each councilman shall receive five ($5) dollars for every regular meeting of the council which he shall attend. For attendance upon the meetings of the several boards enumerated in paragraph (f) of this section each councilman shall receive five ($5) dollars a meeting, provided however, that the total compensation which any councilman may draw during any one year for attendance upon meetings of the council and boards of which he is a member shall not exceed three hundred ($300) dollars. Payments to councilmen shall be made monthly.

(h) OFFICIALS. The council shall elect as hereinafter provided: a mayor, who shall be president of the council; a vice-president of the council; a clerk; an attorney; a health officer; a treasurer; an assessor; a manager; a clerk of the justice court, and one or more constables. Except as otherwise provided, all officers elected by the council shall hold office during the pleasure of the council.

Digitized by Google Original from UNIVERSITY OF MICHIGAN

(i) DEPARTMENTS, OFFICERS AND EMPLOYES. The council shall determine from time to time what other departments, officers or employes' may be necessary for the proper and efficient conduct of the government of the city. Appointments to the places so designated shall be made by the heads of the office in which service is to be rendered. All such employes shall be appointed and discharged in accordance with the provisions of the civil service ordinance provided for in section (63). All officers and employes are such for the city of Ann Arbor and not of particular offices, although subject to orders from the head of the office in which they are classified. Whenever an office is in need of extra assistance, employes may be transferred temporarily from one office to another b ythe council or by mutual consent of the heads of the offices effected.

(j) OFFICE HOURS. Except by special authorization of the council the offices of the clerk, treasurer, assessor, health officer, and manager shall be open each week day except holidays from eight o'clock A. M. till five o'clock P. M.

(k) BONDS. The council may require any officer or employe to give a surety bond for a stated amount for the faithful performance of his duty, for the delivery to his successor in good condition of any books, papers or property belonging to the city, and such other specific performances as may be named. The premium therefor shall be paid by the city. All bonds except for clerk shall be filed with the clerk, and the bond of the clerk shall be filed with the treasurer.

(1) SALARIES. The council shall fix by resolution the salary or rate of compensation per month of every regular city official or employe other than the members of the council. It shall also fix the salary paid the justice of the peace and the clerk of the justice court. No change in the salary schedule shall be made except in connection with the preparation of the annual budget. Special or temporary employes shall receive such compensation as may be agreed upon by resolution of the council. All fees pertaining to any office the incumbent of which is paid a stated salary shall be returned by said officer into the city treasury.

(m) CONTRACTS. No binding contract may be made by the city with any person, firm, or corporation with which any city official or employee is financially interested except when said person, firm, or corporation secures the contract because of being the lowest competitive bidder therefor.

(n) LEGAL PUBLICATION. The council shall advertise for bids for

Digitized by Google Original from UNIVERSITY OF MICHIGAN

printing in the English language its proceedings and such other material or information with regard to the city government as it may desire, and on receipt of a satisfactory proposal from the owners of any newspaper shall enter into a contract with said owners and designate such paper as the official paper of the city during the lifetime of said contract; but in case a satisfactory proposal is not received the council may give legal publicity to the proceedings and other material in such printed form as it shall determine.

(o) PUBLIC WORK. The council may elect to advertise for bids for any form of public work, improvement, or undertaking, or to direct the manager to do the work, improvement, or undertaking, or in case satisfactory bids are not received with reference to any proposal for which bids are asked, the city may elect to reject all bids and do the work, improvement, or undertaking on its own behalf,. In case satisfactory bids are received, the council shall let the contract to the lowest responsible bidder. Every advertisement for bids shall contain the reservation of this right to the city.

(p) NECESSARY IMPROVEMENTS. The council shall determine from time to time what public works or improvements are deemed necessary and may order the same to be executed or made in any designated district in the city.

(q) COMMISSIONERS OF HIGHWAY. The council shall be the commissioners of highways for said city, and shall have all the powers given by statutes to highway commissioners.

Section 24. ELECTION OF MAYOR. The council shall biannually on the evening of the third Monday in April of odd years, organize by the election of one of its members as mayor and another of its members as vice-president, each of whom shall hold office for a period of two years, or until his successor has been elected.

Section 25. POWERS OF MAYOR. (a) The mayor shall be the executive head of the city in so far as is required by law, by the courts for the purpose of serving civil processes, by the governor for the purpose of military law, and for all ceremonial purposes. He shall preside at the meeting of the council and of the council when acting as a board, and shall have a vote in the proceedings but no veto power. He shall authenticate by his signature all ordinances passed or enacted by the council, all municipal bonds, all contracts, all warrants drawn on the city treasury, and such other instruments as the council, this charter, or the laws of the state require. He may take command of the

Digitized by Google Original from UNIVERSITY OF MICHIGAN

police and govern the city by proclamation during times of public danger or emergency.

(b) The vice-president of the council shall perform the duties of mayor whenever the mayor is absent from the city or is temporarily unable from any cause to perform the duties of his office.

Section 26. MEETINGS OF THE COUNCIL. (a) The council shall hold regular weekly meetings at such time as it shall determine by resolution. Special meetings may be called by the mayor, or on the written request of two members of the council. For all special meetings the clerk shall give at least four (4) hours notice to each councilman by personal service, or leaving the same at the regular place of business of the councilman, or, if he has none, at his residence. All meetings shall be open to the public.

(b All officials elected by the council shall attend all meetings of the council unless excused. The clerk shall notify them of special meetings by leaving notices at their offices. Any other officer or employe of the city may be required to attend any meeting of the council for the purpose of answering any questions that may be put to him concerning city affairs.

(c) The clerk shall keep a written or printed record of the proceedings of the meetings of the council which shall be a public record, and the same shall be printed in full in the official paper of the city within five days after each meeting, unless some other form of publicity shall be determined on by the council.

(d) The yeas and nays of the members of the council shall be taken on every vote and shall be recorded in the proceedings. No member shall be excused from voting, except on matters in which he may be personally interested.

(e) Four members shall be necessary to a quorum, but a less number may adjourn to a definite time and direct the clerk to issue a call for such meeting. Four affirmative votes shall be neecessary on every motion, ordinance, or resolution to secure its adoption, and in case of creating or abolishing an office or position; levying a tax or assessment; vacating a street, alley, or public ground; fixing the salary of any officer or employe; passing the annual budget, or the sale of property, five affirmative votes shall be necessary.

Section (27). ORDINANCES. (a) Legislation shall be by ordinance and may originate either in the council or by initiatory petition. The style of ordinances passed by the council shall be, "The Council of the City of Ann Arbor ordain," and those passed by petition, "The People of the

Digitized by Google Original from UNIVERSITY OF MICHIGAN

City of Ann Arbor ordain." Ordinances can only be repealed, amended or suspended by an ordinance passed in the same manner as an enacting ordinance. No ordinance shall embrace more than one subject which must be expressed in its title.

(b) Any proposed ordinance may be submitted to the council by petitions filed with the clerk, signed in ink or indelible pencil by not less than fifteen per cent of the registered voters of the city entitled to vote for municipal officers and verified by the person or persons who obtained the signatures thereto. Such petitions shall give the residence of each of said electors signing the same by street and number, ward and precinct. Such initiatory petitions shall contain said proposed ordinance in full and a request that if said proposed ordinance be not passed by the council, the same shall be submitted to a vote of the people. Upon filing said petitions, the clerk shall at once ascertain and certify its number of qualified signers. If such certificate shows the required number of qualified signers, the council shall either pass said proposed ordinance without alteration, subject to the referendum vote hereinafter provided, or submit said proposed ordinance without alteration to the electors at the next April election.

(c) All ordinances passed by the council shall be in force after the expiration of thirty days from the date of their passage, provided, however, that earlier effect may be given by unanimous vote of the council present at the meeting when such ordinance is passed, if at least five members be present, to appropriation measures, measures providing for the levying and collection of specific taxes, tolls, and itinerant vendors, license fees, or acts immediately necessary for the preservation of public health, peace, or safety. All ordinances shall be published twice in the manner by which official notices are given at least two weeks before becoming operative, and not less than one week shall intervene between such publications, except that ordinances to take effect within thirty days shall be published as soon as possible and at least one day before becoming operative. No ordinance except those immediately necessary for the preservation of public health, peace, or safety shall be passed at the session at which first presented nor until seven days after the same shall have been officially published.

(d) If within thirty days after the approval of any ordinance adopted by the council, other than those enumerated in the preceding section, petitions shall be filed with the clerk protesting against such ordinance taking effect and signed in ink or indelible pencil by not less than fifteen per cent of the registered voters of the city entitled to vote for municipal officers and

Digitized by Google
Original from UNIVERSITY OF MICHIGAN

verified as required in the case of initiative ordinances and certified to by the clerk, said ordinance shall thereupon be suspended from taking effect and it shall be the duty of the council at its next regular session to reconsider such ordinance and act thereon, and if the same be not repealed, the council shall submit such ordinance to the qualified electors of the city at the next April election and such ordinance shall not take effect unless a majority of the electors voting thereon at such election shall vote in favor thereof. If the provisions of two or more ordinances or measures adopted or approved at the same election be inconsistent, then the ordinance or measure receiving the highest vote shall prevail in so far as its provisions are inconsistent with the other ordinance or ordinances adopted or approved.

Section 28. OATHS AND AFFIDAVITS. The mayor, the vice-president of the council, or the clerk shall have power to administer oaths to persons testifying in respect to any matter pending before the council and to persons subscribing affidavits in respect to any such matter. Any person taking any such oath, who shall in any statement or affidavit, or otherwise swear falsely as to any material fact, shall be punished as by ordinance prescribed.

CHAPTER IV.

Administrative Officers, Departments, and Employes.

Section 29. CITY CLERK, (a) The clerk shall make permanent records of the proceedings of the council, and of the council when acting as a board, and shall keep the records separately. He shall be custodian of all papers, documents and records, the custody of which is not otherwise provided for. He shall certify by his signature all ordinances and resolutions enacted or passed. He shall make monthly and annual reports to the council. He shall countersign all bonds and all evidences of debt and transfers of property which the council is authorized to make and issue, pledging the faith of said city. When any tax or money shall be levied, raised, or appropriated, he shall report the amount thereof to the city treasurer stating the object, the fund for which it is levied, raised or appropriated and the amount thereof to be credited to each fund. He shall countersign all contracts and agreements on behalf of the city, except as otherwise provided by this charter. He shall keep a record of all officers and employes of the city with the rate of salary or compensation paid them. He shall issue all authorized licenses.

(b) The clerk shall appoint a deputy, who may perform any and all the duties of such clerk, and shall also appoint such other assistants as may be provided for by the council. He shall possess and exercise

Digitized by Google Original from UNIVERSITY OF MICHIGAN

the powers and duties of a township clerk so far as the same are required to be performed within the city, and shall have authority to administer oaths and affirmations. He shall also perform such other duties as may be required of him by this charter or by the council.

Section (30). CITY ATTORNEY. (a) The attorney shall be an attorney at law and qualified to practice in all the courts of the state. He shall be the legal advisor of the council, clerk, health officer, treasurer, assessor, manager, and such other officers as the council may designate. He shall appear in behalf of the city in all suits and perform such other legal duties as may be required of him by the council. He shall prepare or officially pass upon all contracts, bonds and other instruments in writing in which the city is concerned and shall certify as to their legality and correctness as to form before execution.

(b) He shall appoint such assistants as may be provided by the council. He shall perform such other duties as are imposed upon legal advisors of the city by the laws of the state.

Section (31). CITY TREASURER. (a) The treasurer shall have the custody of all moneys, bonds, mortgages, notes and evidences of value belonging to the city. He shall receive all moneys belonging to and receivable by the corporation and keep an account of all receipts and expenditures thereof. For all moneys received by him except for general or special taxes, he shall give duplicate receipts, one to the party paying the money, and the other to the clerk, specifying the purpose for which the money was paid and the fund or account to which it belongs. He shall pay no money out of the treasury except in pursuance of and by the authority of law, and upon warrants signed by the clerk and countersigned by the mayor, or for school purposes by the proper officers, which warrants shall specify the purpose for which the amounts thereof are to be paid. He shall make a daily report to the clerk, by totals of funds, of all moneys collected by him and shall prepare a monthly report for the council showing receipts and disbursements and balances by funds, which report shall be accompanied by a certificate from the cashier of the bank in which the moneys of the city may be deposited showing the amount of money in the bank to the credit of the city on the day on which the treasurer's report is made. He shall file all vouchers and warrants paid by him with the clerk at the time of filing his monthly report. He shall also prepare an annual report for the council, which report shall be a detailed account of the receipts and disbursements during the preceding year.

Digitized by Google
Original from UNIVERSITY OF MICHIGAN

(b) To permit continuous and efficient office service in both departments, the treasurer shall name the assessor as his deputy, who may perform any and all the duties of such treasurer, and shall also appoint such other assistants as may be provided for by the council. He shall perform all duties and be subject to all the obligations and liabilities that are or may be by law imposed upon township treasurers of this state. He shall perform such other duties as may be required of him by this charter or by the council.

Section 32. CITY ASSESSOR. (a) The assessor shall annually estimate the value of all the taxable real and personal property in the city making the several ward assessment rolls at the time and in the manner as hereinafter in this charter provided. He shall spread upon the assesment rolls any and all taxes, general or special, duly certified to him by order of the council, by the board of supervisors for the county of Washtenaw, by the board of education for the city of Ann Arbor, or by other proper authority, attaching his warrant to said rolls directing the collection of the taxes so levied and spread thereon.

(b) To permit continuous and efficient office service in both departments, the assessor shall name the city treasurer as his deputy, who may perform any and all the duties of such assessor, and he shall also appoint such other assistants as may be provided for by the council. He shall possess all the powers vested in, and is charged with all the duties imposed upon, assessing officers by the general tax laws of the state. He shall perform such other duties as may be required of him by this charter or by the council.

Section 33. CITY HEALTH OFFICER. (a) The health officer shall devote his entire time to the service of the city and shall have and exercise all powers and authority conferred on health officers by the general laws or by ordinance and shall perform all the duties therein required of such officer. The health officer and such persons as he may appoint shall have full police power in matters pertaining to public health, and it shall be their duty to arrest all persons who in their sight violate any of the ordinances or regulations of the city in relation to the health of its citizens, Such inspection of property of every form as may be necessary for the protection of public health shall be conducted under the direction of the health officer. He shall also have the supervision of the collection of garbage until such time as the city shall install a garbage disposal system of its own.

(b) The health officer shall have supervision, management and control of the public charities of the city and the care of poor persons entitled

Digitized by Google Original from UNIVERSITY OF MICHIGAN

to relief by the city, and shall have in addition to the other powers herein conferred upon him the same powers and authority possessed by supervisors acting as directors of the poor in townships of the state where the poor are cared for under what is known as the township system of poor relief.

(c) The health officer shall appoint a city physician who in the absence or temporary disability of the health officer shall perform the duties of health officer in his stead, and he shall also appoint such other assistants as may be provided for by the council. He shall perform such other duties as may be required of him by this charter or by the council.

Section 34. CITY MANAGER. (a) There shall be a department of public service and a department of public safety, the head of which departments shall be the manager who shall have charge of the administration of all municipal affairs except as otherwise provided in this charter. He shall designate one of the officers in the department of public service, who shall be known as the deputy manager of the department of public service and who shall perform the duties of manager relating to said department in case of the absence or temporary disability of the manager. He shall designate one of the officers in the department of public safety, who shall be known as the deputy manager of the department of public safety and who shall perform the duties of manager relating to said department in case of the absence or temporary disability of the manager. He shall appoint such officers and employes in these departments as may be provided for by the council.

(b) As head of the department of public service, he shall manage and supervise all public improvements, works, and undertakings of the city except as may be otherwise provided for in this charter. He shall manage and have charge of the construction, improvement, repair, maintenance, and care of streets, sidewalks, alleys, bridges, viaducts and other public highways; of all sewers, drains, ditches, culverts, streams, waters and watercourses, sewage-disposal systems, flood protection, and garbage-disposal systems; of all public buildings, all boulevards, squares, parks and other public places and grounds belonging to the city or dedicated to public use; of all trees, plants, shrubbery and lawns in the streets and highways of the city and of any property not here enumerated belonging to the city, save such equipment as of necessity is being used by other officers of the city in carrying on their work. He shall establish and maintain all grade lines subject to the approval of the council and have charge of the making and preservation of all surveys, maps, plans, drawings and estimates of all public work. He shall manage, control, and super-

Digitized by Google Original from UNIVERSITY OF MICHIGAN

vise the construction, imprrovement, repair and maintenance of all the city utilities, and shall be charged with the preservation of property, tools, and appliances of the city. He shall have charge of the cleaning, sprinkling and lighting of streets and public places. He shall be the official sealer of weights and measures for the city.

(c) As head of the department of public safety the manager shall have control of the fire and police service of the city. The manager, the deputy manager of public safety, and such policemen as shall be appointed by the manager on authorization of the council shall constitute the police department of the city. The manager, the deputy manager of public safety and such firemen as shall be appointed by the manager on authorization of the council shall constitute the fire department of the city.

(d) He shall act as purchasing agent for the city or designate some person to act in that capacity. He shall keep a perpetual inventory of the property belonging to the city. He shall prepare the annual budget, and shall file an annual report. He shall keep the financial records necessary to show at all times revenues and expenses of the city as distinguished from the receipts and disbursements.

(e) The manager shall be charged with the responsibility of seeing that all terms and conditions imposed in favor of the city or its inhabitants in any franchises are faithfully kept and performed and that the ordinances and laws of the city are enforced. He shall recommend to the council such measures as he may deem necessary or expedient, He shall exercise and perform all the administrative functions of the city that are not by this charter or by acts of the council imposed on some other officer, and shall perform all other duties required of him by the council.

CHAPTER V.

Supervisors, Constables, Justice of the Peace, Clerk of the Justice Court.

Section 35. SUPERVISORS. The supervisors shall represent the wards from which they are elected on the board of supervisors of Washtenaw county for a period of two years. Whenever a vacancy shall occur in the office of supervisor from any ward, the same shall be filled by the council by the appointment of an elector from the same ward who shall serve until the next April election at which time a successor shall be elected in the regular manner to fill the unexpired term.

Section 36. CONSTABLES. The council shall by resolution at its first meeting in May of each year designate one or more policemen as may be needed, who shall be recommended by the manager, to perform the duties of constable. Such constable or constables shall hold office for the

Digitized by Google
Original from UNIVERSITY OF MICHIGAN

term of one year, or until a successor is designated and duly files his oath of office, but the council may revoke such designation at pleasure. Every policeman so designated shall have the power to serve all processes directed or delivered to him for service, whether issued under the state law, or charter, or ordinances of the city, which, by Law, a constable of a township might serve and every such policeman shall have all the powers of a constable. They shall charge the same fees as are allowed to constables for like service, but shall make return thereof to the treasurer and receive from the city the regular compensation which they would have received as policemen.

Section 37. JUSTICE OF THE PEACE. At the first election held under this charter a justice of the peace shall be elected, who shall be an attorney at law and who shall hold office for a term of four years from and after the fourth day of July, 1917. Thereafter a justice of the peace shall be elected every fourth year at the time of the April election. Said justice of the peace shall have the same jurisdiction in civil and criminal cases, suits and proceedings, as are or may be conferred upon or required of justices of the peace by the general laws of the state, or by the charter of this city; provided that the civil jurisdiction of such justice shall be five hundred ($500) dollars, and in exercising civil jurisdiction he shall be deemed a justice of the peace of Washtenaw county. Such justice shall have jurisdiction and is hereby authorized and empowered to inquire into, hear, try and determine all offenses which shall be committed against the charter or ordinances of the city, to punish the offenders as any such ordinance provides, to take recognizance for the keeping of the peace, for the appearance of persons charged, and upon appeal certiorari, and commiting the person as occasion shall lawfully require. The justice of the peace shall tax costs and fees as provided by statute, shall collect the same, and make daily returns thereof to the treasurer, together with all fines, penalties and forfeitures belonging to the city, taking his receipt therefor; except, that the justice shall be entitled to retain the fees or compensation which he may receive for the performance of marriage ceremonies. In lieu of such fees, the justice of the peace shall be paid from the city treasury a salary the amount of which shall be fixed by council.

The justice of the peace shall not be connected in any way with any collection agency and shall not engage in the collection of any claims on his own account.

A session of said justice court shall be held every day, Sundays and

Digitized by Google Original from UNIVERSITY OF MICHIGAN

legal holidays excepted; from half past eight o'clock in the forenoon to twelve o'clock noon, and from one o'clock to five o'clock in the afternoon, and at such other hours as said justice may appoint. Said justice of the peace shall see that proper dockets are kept by the clerk of the court.

If at any time by reason of absence or temporary disability the justice of the peace shall not be available, the mayor shall designate one of the justices of the peace of the township of Ann Arbor before whom suits for violation of any of the city ordinances may be brought. Whenever a vacancy shall occur in the office of justice of the peace, unless some other method of filling vacancies in the office in cities has been provided by law, the same shall be filled by the council by the appointment of an elector who shall be an attorney, who shall serve until the next April election at which time a successor shall be elected in the regular manner to fill the unexpired term.

Section 38. CLERK OF THE JUSTICE COURT. The council shall at its last meeting in June every year elect a clerk of the justice court who shall hold office until his successor has qualified, and whose business it shall be to keep the dockets of the justice of the peace, and in case of the absence of the justice to perform such duties that would otherwise be performed by the justice which he may in accordance with the laws of the state. The clerk of the justice court shall be paid a salary the amount of which shall be fixed by the council, and he shall collect any fees which are permissible to be charged under the laws of the state and shall turn them over to the treasurer daily. The clerk of the justice court shall not be connected in any way with any collection agency and shall not engage in the collection of any claims on his own account.

CHAPTER VI.

Taxation and Finance.

Section 39. FISCAL YEAR. The fiscal year shall begin on the first day of April in each year.

Section 40. ACCOUNTS AND REPORTS. An adequate accounting system shall be provided by the council, which shall show all cash receipts and disbursements, all revenues accrued and liabilities incurred, provisions for proper depreciation, and all transactions affecting the acquisition, custody, and disposition of values. Said system shall also provide for proper reports to the council.

Section 41. ANNUAL BUDGET. On or before the third Monday in April of each year, the manager shall prepare and submit to the council an annual budget for the fiscal year ending March thirty-first next,

Digitized by Google Original from UNIVERSITY OF MICHIGAN

based upon detailed estimates and presenting the following information:

(a) An itemized statement of the appropriations recommended for current expenses and for permanent improvements for each division of the city government for the current fiscal year, with comparative statements in parallel columns of the appropriations and expenditures for the last and next preceding fiscal year, and the increases or decreases in the appropriations recommended;

(b) An itemized statement of the taxes required and of the estimated revenues of the city from all other sources for the current fiscal year, with comparative statements in parallel columns of the taxes and other revenues for the last and next preceding fiscal year, and of the increases or decreases estimated or proposed.

(c) A statement of the financial condition of the city; and

(d) Such other information as may be required by the council.

Copies of such budget shall be printed and available for distribution not later than two weeks after its submission to the council; and a public hearing shall be given thereon by the council, for which at least a five day notice shall be given, before it shall be passed.

Section 42. APPROPRIATION ORDINANCE. TEMPORARY APPROPRIATIONS. TRANSFERS. (a) On or before the first Monday in June of each year, the council shall pass an appropriation ordinance for the current fiscal year, which shall be based on the budget submitted by the manager. The total amount of the appropriations shall not exceed the estimated revenues of the city. On or before the second Monday in June in each year the clerk shall certify to the assessor the aggregate amount of all sums of money which the council have required to be raised in its appropriation ordinance.

(b) Before the annual appropriation ordinance has been passed, the council may, on the written request of the manager, pay bills for current expenses chargeable to the appropriations for the current year to an amount sufficient to cover the necessary expenses of the city until the annual appropriation is in force. No other liabilities shall be incurred by any officer or employe of the city except in accordance with the provisions of appropriation ordinances, or under continuing contracts, or loans authorized under the provisions of this charter.

(c) At any meeting after the passage of the appropriation ordinance, and after at least two weeks public notice, the council by six affirmative votes may amend such ordinance so as to authorize the transfer of unused balances appropriated for one purpose to another purpose, or to appropriate available revenues not included in the annual budget.

Digitized by Google Original from UNIVERSITY OF MICHIGAN

Section 43. TAX LEVY. On or before the first day of July in each year, the council shall by ordinance levy such tax as may be necessary to meet the appropriations made (less the estimated amount of revenue from other sources), provided that the aggregate amount which the council may raise by general tax shall not, except as herein otherwise provided, exceed in any one year one per cent on the assessed value of all real and personal property in the city made taxable by law.

Section 44. ASSESSMENT OF PROPERTY. All property real or personal subject to ad valorem taxation shall be valued and assessed in accordance with the state law, subject to review and equalization. In valuing improved real property for taxation, the land shall be valued separately, and improvements thereon shall be valued at the amount by which they increase the value of the land. All statements required by the general tax law shall be filed with the assesor on or before March first, and no change of location nor sale of any personal property after the first of May in any year shall affect the assessment made in that year. On or before the second Monday in June the assessor shall make and complete an assessment roll for each and every ward in the city. On or before the fifteenth day of July the assessor shall deliver certified copies of the assessment rolls of the several wards with the taxes entered therein to the treasurer with his warrant for the collection of the tax thereon annexed thereto, which warrant shall authorize the treasurer, in case any person named in such roll shall neglect or refuse to pay his tax, with the fee for collection to be added by said treasurer as hereinafter provided, to levy the same by distress and sale of the goods and chattels of such person. Said taxes when assessed shall be a lien on all said property from and after the date of the filing of the assessment rolls with the treasurer. If any person shall be improperly designated as the owner of any lot, tenement or premises such assessment or tax shall not for that cause be invalidated but the same shall be a lien on such tenement or premises and collected as in other cases. Whenever in consequence of a defective description or assessment of any lands, the same cannot be sold for city taxes of any year, the council may cause such taxes to be reassessed upon said lands with the next or any subsequent annual tax levy. The council shall have the power at any time after the rolls have passed into the hands of the treasurer, by resolution, to direct the treasurer to place upon the assessment and tax rolls any personal property within the city which has not been assessed, the council fixing the amount of such assessment and the treasurer carrying out opposite the assessment the amount of taxes according to the percentage on all other property in the

Digitized by Google Original from UNIVERSITY OF MICHIGAN

city, provided that before any such assessment shall be placed on the roll or taxes spread thereon the person, firm, or corporation so assessed shall be notified and have a reasonable time in which to appear before the council acting as the board of review.

Section 45. BOARD OF REVIEW. On the Tuesday next following the second Monday in June in each year the board of review shall meet in the council room, at which time the assessor shall submit to said board the several ward assessment rolls for the current year as prepared by him, and the said board shall proceed to examine the same during such week in the same manner and with the same powers as provided by general law, performing the duties in all respects as boards of review in townships. A majority of the members of said board shall constitute a quorum. The said board of review shall also meet in the council room on the third Monday in June at nine o'clock in the forenoon and continue in open and public session during that day and the day following and as much longer as may be necessary to complete the review of said assessment rolls. The board may examine on oath any person making application for a change in assessment, which oath may be administered by any member of said board. After said board shall complete the review of said rolls, a certificate to the effect that the same is the assessment roll for the ward therein named for the year in which it has been prepared and is approved by the board of review shall be indorsed thereon signed by the chairman and clerk of said board.

Section 46. SPECIAL ASSESSMENTS. The council shall have power by ordinance to provide for the payment of all or any part of the cost of construction, reconstruction, repair, operation, and maintenance of any structure or work in the nature of a public improvement, including a public utility, by levying and collecting special assessments upon abutting, adjacent, and contiguous, or other property specially benefitted. Such special assessments for works of construction or reconstruction may be payable in installments within a period of not more than ten years. The amount so assessed against any property shall not exceed the amount of benefits accruing to such property for such improvement and the operation thereof. Provision shall be made by ordinance for the method of levying and apportioning such special assessments, for the publication of plans, for serving notices on the owners of property affected, and for hearing complaints and claims before final action thereon.

Section 47. BOND ISSUES. (a) The council is hereby authorized to

Digitized by Google
Original from UNIVERSITY OF MICHIGAN

borrow money by the issue and sale of bonds on the credit of the city, or on the property and revenue of any public utility owned by the city, for the purchase of land, the construction and equipment of buildings, and other permanent public improvements, and the payment or refunding of bonds previously issued. No ordinance providing for the issue of bonds except for pavement, or sewers, or emergency bonds shall be passed without public notice at least two weeks before final action by the council, and the affirmative vote of five members of the council, and submission to the electors of the city at a regular or special election, and the approval of three-fifths of the electors voting thereon; and upon the question of the issue of such bonds women taxpayers having the qualifications of male electors shall be entitled to vote, provided however, that bonds outstanding at the time this charter goes into effect may be refunded by a vote of the council. Every issue of bonds shall be payable within a term of years, not to exceed the estimated period of utility of the improvement for which they are issued, and in no case to exceed thirty years. All bonds hereafter issued shall be payable in annual serial installments including principal and interest. Every ordinance for the issue of bonds shall provide for a tax levy for each year to meet the annual serial installments of principal and interest, and such amounts shall be included in the tax levy for each year.

(b) In case of fire, flood, or other calamity, the council by the affirmative vote of five of its members may borrow money on the credit of the city and issue its notes or bonds therefor, for the relief of the inhabitants of the city and for the preservation of municipal property. The sums so borrowed shall not exceed one-tenth of one per cent of the assessed value of all real and personal property in the city, and such loans shall not be made for a longer period than four years.

(c) No ordinance providing for the issue of bonds for pavements or sewers shall be passed without public notice of at least two weeks before final action of the council, and the affirmative vote of five members of the council. The total amount of outstanding paving bonds at any one time shall not exceed two per cent of the assessed valuation of the city. No paving bonds shall be issued for a longer period than ten years, nor at a rate of interest exceeding five per cent per annum. The total amount of outstanding sewer bonds shall not exceed one-half of one percent of the assessed valuation of the city. No sewer bonds shall be issued for a longer period than six years nor at a rate of interest exceeding five per cent per annum.

Digitized by Google
Original from UNIVERSITY OF MICHIGAN

Section 48. RESTRICTIONS OF LOANS AND CREDIT. No money shall be borrowed by the city, except as provided in section (47). The credit of the city shall not in any manner be given or loaned to, nor in aid of any individual, association, or corporation; except that suitable provision may be made for the aid and support of its poor.

Section 49. COLLECTION AND CUSTODY OF CITY MONEYS. (a) The treasurer shall give proper legal notice with regard to the collection of all taxes or assessments. All taxes, special assessments, license fees, or any other source of revenue accruing to the city shall be collected by the treasurer. All moneys received by any officer as fees shall be paid to the treasurer daily. The treasurer shall deposit moneys in his possession daily with the banking institution which has been designated by the council as the city depository. Upon all taxes paid to the treasurer between the fifteenth day of July and the fifteenth day of August, he shall add one-half of one percent for collection fees. Upon all taxes paid to the treasurer during the month of December, he shall add one-half of one per cent for collection fees. Upon all taxes collected by him during January, he shall add one and one-half per cent for collection fees; and upon all taxes collected by him after January thirty-first, he shall add two and one-half per cent for collection fees; and shall collect such percentage with such taxes in the same manner as he is authorized to collect the taxes, and for the purpose of collecting such fees by the treasurer, such percentage shall be deemed and taken to be a part of the tax.

(b) The treasurer shall immediately after the receipt of the several tax rolls post up in ten of the most conspicuous places in each ward of said city, handbills giving notice where the tax rolls can be seen, the taxes paid and receipt obtained therefor from the fifteenth day of July to the fifteenth day of August inclusive (Sundays excepted). Within one week after the fifteenth day of August the treasurer shall return to the city assessor the rolls received from him for the collection of the city taxes with the several taxes paid plainly stamped or marked paid in the column next adjoining the column for such city taxes. The assessor shall carry out in another column the city taxes remaining unpaid with five per cent thereof added thereto, and shall include such taxes so carried out with the percentage added in the aggregate of taxes to be collected from the several persons on the said tax rolls. The assessor shall on or before the first day of December deliver to the treaurer a copy of the corrected assessment rolls of the several wards with the taxes annexed to each valuation and aggregated in the

Digitized by Google Original from UNIVERSITY OF MICHIGAN

last column thereof, the unpaid city taxes in one column, the school, library, and schoolhouse taxes in another column, the county taxes in another columns, and the state taxes in another column; and the warrant for the collection shall specify particularly the several amounts and purposes for which said taxes are to be paid into the city, county, and school treasury respectively. To such assessment roll or tax list the assessor shall annex his warrant for the collection of the tax. The treasurer shall immediately after the receipt of the several tax rolls give public notice the same as in connection with the July collection that taxes may be paid during the months of December, January, and February, (Sundays and holidays excepted). On or before the first day of March the treasurer shall account for and pay over to the county treasurer the amount specified in the several warrants to be collected for state and county purposes, shall account for and pay over to the treasurer of the board of education the amount specified in the several warrants to be collected for school purposes, and shall return to the county treasurer a statement of the taxes remaining unpaid and due in the manner provided by law for township treasurers. The treasurer shall have all the power and authority conferred by law upon township treasurers for the purpose of collecting delinquent taxes.

(c) The council shall at its first meeting in June of each year authorize the clerk to advertise for bids for the custody of the city funds. It shall contract with the bank offering the highest rate of interest to act as the city depository when such bank shall furnish a satisfactory bond. All interest on deposits shall be credited to the contingent fund.

Section 50. CONTRACTS AND PURCHASES. No continuing contract which involves the payment of money out of the appropriations of more than two years shall be made for a period of more than ten years, except for public utility franchises, or bonds; and no such contract shall be valid without public notice at least two weeks before final action of the council and the approval of five members of the council, or submission to the electors of the city at a regular or special election and the approval of a majority of those voting thereon.

Section 51. PAYMENT OF CLAIMS. (a) Payments by the city shall be made only upon vouchers approved by the head of the division of the city government in which the expenditure was incurred and by the purchasing agent. Payments shall be made by means of warrants on the treasurer issued by the clerk and countersigned by the mayor, following the allowance of the claims by the council, which warrants shall designate the

Digitized by Google
Original from UNIVERSITY OF MICHIGAN

funds from which payments are to be made.

(b) Before presenting any claim to the council for its approval the clerk shall examine the same and determine whether it is in proper form, correctly computed, and duly approved; that it is just, legally due, and payable; that an appropriation has been made therefor which has not been exhausted, or that the payment has been otherwise legally authorized; and that there is money in the city treasury to the credit of the proper fund to make payment. He may require any claimant to make oath to the validity of a claim. He may investigate any claim and for such purposes may examine witnesses under oath, and if he finds it fraudulent, erroneous, or otherwise invalid, he shall report the facts to the council.

Section 52. AUDIT OF ACCOUNTS. Upon the death, resignation, removal, or expiration of the term of any officer of the city, the council shall order an audit and investigation of the accounts of such officer. As soon as practicable after the close of each fiscal year, an annual audit shall be made of the accounts of all city officers. Such audits shall be made under the provisions of any law for inspection and audit of municipal accounts by state officers; and if there is no such state inspection such audits shall be made by certified public accountants, selected by the council, who have no personal interest, direct or indirect, in the financial affairs of the city or in any of its officers or employes. The council may at any time provide for an examination or audit of the accounts of any officer of the city government.

CHAPTER VII.

Public Utilities.

Section 53. GRANTED BY ORDINANCE. All public-utility franchises and all renewals, extensions and amendments thereof shall be granted or made only by ordinance; but no such proposed ordinance shall be adopted until it has been printed in full and until adequate public hearings after at least five days' notice have thereafter been held on such ordinance, and until at least one month after its official publication in final form. No public utility franchise shall be transferable, except with the approval of the council expressed byordinance; and copies of all transfers and mortgages or other documents affecting the title or use of public utilities shall be filed with the clerk within ten days after the execution thereof. No franchise of any kind which is not subject to revocation at the will of the council shall be granted, unless such franchise shall have first received an affirmative vote of three-fifths of the electors voting thereon at a regular or special election; and upon such franchise women tax-

Digitized by Google Original from UNIVERSITY OF MICHIGAN

payers having the qualifications of male electors shall be entitled to vote. No franchise shall be submitted to the electors at a special election unless the expense of holding an election as determined by the council shall be paid in advance by the grantee in said franchise to the treasurer of the city.

Section 54. TERM AND PLAN OF PURCHASE. Any public-utility franchise may be terminated by ordinance at specified intervals of not more than five years after the beginning of operation, whenever the city shall determine to acquire by condemnation or otherwise the property of such utility necessarily used in, or conveniently useful for, the operation thereof within the city limits. The method of determining the price to be paid for the public-utility property shall be fixed in the ordinance granting the franchise.

Section 55. RIGHT OF REGULATION. All grants, renewals, extensions or amendments of public utility franchises, whether so provided in the ordinance or not, shall be subject to the right of the city:

(a) To repeal the same by ordinance at any time for misuse or non-use, or for failure to begin construction within the time prescribed, or otherwise to comply with the terms prescribed:

(b) To require proper and adequate extensions of plant and service, and the maintenance of the plant and fixtures at the highest practicable standard of efficiency;

(c) To establish reasonable standards of service and quality of products and prevent unjust discrimination in service or rates, including the right to a readjusment of rates;

(d) To prescribe the form of accounts and at any time to examine and audit the accounts and other records of any such utility and to require annual and other reports by such public utility; provided, that if a public-service commission or any other authority shall be given the power by law to prescribe the forms of accounts for public utilities throughout the state or throughout any district of which the city is a part, the forms so prescribed shall be controlling so far as they go, but the council may prescribe more detailed forms for the utilities within its jurisdiction;

(e) To impose such other regulations as may be conducive to the safety, welfare and accommodation of the public, including a specific designation of the use of the streets affected by the grant, and reserving to the city the use, regulation and control of the surface of its streets, and of the space above and beneath them.

Digitized by Google
Original from UNIVERSITY OF MICHIGAN

Section 56. CONSENT OF PROPERTY OWNERS. The consent of abutting and adjacent property owners shall not be required for the construction, extension, maintenance or operation of any public utility; but any such property owner shall be entitled to recover from the owner of such public utility the actual amount of damage to such property on account thereof less any benefits received therefrom, provided suit be commenced within two years after the damage is begun.

Section 57. REVOCABLE PERMITS. Permits revocable at the will of the council for such minor or temporary public-utility privileges as may be specified by general ordinance may be granted and revoked by the council from time to time in accordance with the terms and conditions to be prescribed thereby; and such permits shall not be deemed to be franchises as the term is used in this charter. Such general ordinance, however, shall be subject to the same procedure as an ordinance granting a franchise and shall not be passed as an emergency measure.

Section 58. EXTENSIONS. All extensions of public utilities within the city limits shall become a part of the aggregate property of the public utility, shall be operated as such, and shall be subject to all the obligations and reserved rights contained in this charter and in any original grant hereafter made. The right to use and maintain any extension shall terminate with the original grant and shall be terminable as provided in section (53) hereof. In case of a public utility operated under a franchise hereafter granted, such right shall be terminable at the same time and under the same conditions as the original grant.

Section 59. OTHER CONDITIONS. Every public-utility franchise hereafter granted shall be held subject to all the terms and conditions contained in section (52) to (61) hereof, whether or not such terms are specifically mentioned in such franchise. Nothing in this charter shall operate to limit in any way, except as specially stated, the discretion of the council and of the electors of the city in imposing terms and conditions in connection with any franchise grant.

Section 60. FRANCHISE RECORDS. Within six months after this charter takes effect every public utility and every owner of a public-utility franchise shall file with the city, as may be prescribed by ordinance, certified copies of all the franchises owned or claimed, or under which any such utility is operated. The city shall compile and maintain a public record of all public-utility franchises and of all public-utility fixtures in the streets of the city.

Digitized by Google Original from UNIVERSITY OF MICHIGAN

Section 61. MUNICIPALLY OWNED UTILITIES. (a) The city may acquire, own, establish, construct and operate, either within or without its corporate limits, public utilities under the conditions imposed by the laws of the state. (b) Accounts shall be kept for each public utility owned or operated by the city, distinct from other city accounts and in such manner as to show the true and complete financial result of such city ownership, or ownership and operation, including all assets, liabilities, revenues and expenses. Such accounts shall show the actual cost to the city of each public utility owned; the cost of all extensions, additions and improvements; all expenses of maintenance; the amounts set aside for sinking fund purposes; and, in the case of city operation all operating expenses of every description. The accounts shall show as nearly as possible the value of any service furnished to, or rendered by, such public utility by or to any other city or government department; and such service shall be rendered at cost. The accounts shall also show a proper allowance for depreciation, insurance and interest on the investment and estimates of the amount of taxes that would be chargeable against the property if privately owned. The council shall annually cause to be made and printed for public distribution a report showing the financial results of such city ownership and operation, which report shall give the information specified in this section, and such other information as the council shall deem expedient.

CHAPTER VIII.

Miscellaneous.

Section 62. WORK DAY. Eight (8) hours shall constitute a day's work in all city work for persons employed by the day as mechanics or laborers, except in case of an emergency.

Section 63. CIVIL SERVICE. The council shall provide by ordinance for the following principles of civil service: Provision shall be made for determining by means of applications or tests the qualifications of persons considered for appointment; appointments shall be made because of fitness of the applicant for the position in question without regard to political or religious affiliations; appointees shall hold their positions during such time as efficient service is rendered, unless the character or personal habits of the appointee warrant his removal from the service, or the need for his service ceases.

Section 64. BUILDING CODE. The council shall pass an ordinance which shall provide a building code under which all buildings, fences, or other structures previously erected, in course of erection, alteration, or repair, or to be hereafter erected shall be constructed and maintained in a

Digitized by Google
Original from UNIVERSITY OF MICHIGAN

safe, substantial, sanitary manner and kept in proper repair including the sanitary and electrical equipment.

Section 65. CITY PLANNING. The council shall pass an ordinance for a city plan which shall locate the main streets and thoroughfares of all the land area within the city limits and for a distance of not more than three miles beyond its limits in any direction in order to secure the proper development of the city. The plan shall also indicate and set apart those portions of the city which shall be reserved for resident purposes, business buildings and factories being excluded from such portion of the city.

Section 66. PROPERTY ENCLOSURES. The council shall pass an ordinance under which the owner or owners of any businesses or enterprises such as junk yards, rag yards, storage yards, etc., may be required to inclose and care for the same in order that they may not be a damage or injury to adjacent property interests or to the community.

Section 67. BILLBOARDS AND SIGNS. The council shall pass an ordinance regulating the location and erection of and the manner of the construction and maintenance of all billboards and signs including electric signs.

Section 68. NUISANCES. The council shall pass an ordinance prohibiting the accumulation of exposed rubbish, tin cans, ashes, rags, old paper, and waste materials except in such locations as may be designated.

Section 69. PUBLICITY PAMPHLET. The council shall at least once a year cause to be published and distributed to the electors of the city a pamphlet which shall set forth the financial condition of the city including the yearly revenues and expenditures, the assets and liabilities, and the allowance for depreciation on each public utility owned or operated by the city. Whenever proposed amendments to the charter, proposed franchises, or proposed ordinances are to be voted upon, the council shall cause them to be published in pamphlet form at least twenty days prior to the election at which they are to be voted upon. The columns of the pamphlet shall be open under suitable regulations for short articles concerning said amendments, franchises, or ordinances.

Sction 70. JURORS. The council and the clerk shall at the time appointed in each year for the return of the several ward assessment rolls make a list of persons to serve as petit jurors, and a list to serve as grand jurors, for the ensuing year, of the qualification and in the manner prescribed by law.

Digitized by Google Original from UNIVERSITY OF MICHIGAN

Section 71. SCHOOL DISTRICT. This charter shall not be considered to change, alter, nor annul any act heretofore passed for the organization or government of the public schools of the City of Ann Arbor.

Section 72. AMENDMENT. This charter may be amended as provided by law.

CHAPTER IX.

Schedule.

Section 73. PUBLICITY. Before submission to the electors this charter, together with a statement of its provisions shall be published in pamphlet form and distributed to the electors of the city at the election held April second, 1917.

Section 74. SUBMISSION DATE. This charter shall be submitted to the electors for their approval or rejection at an election to be held June twelfth, 1917.

Section 75. MANNER OF ELECTION. (a) Notice of such election shall be given in the same manner as is provided in the existing charter for elections.

(b). The ballots used at such election shall contain instructions required under the general election laws of the state, and the proposition to be submitted shall be in the language:

Shall the revised charter be adopted? [] Yes.

Shall the revised charter be adopted? [] No.

(c) Every person entitled to vote for city offices under the existing charter may vote upon said adoption or rejection.

(d) The votes cast at said election shall be counted and canvassed, and the returns made, and the results determined and declared in the same manner, as near as may be, provided by general law for counting and canvassing and returning of votes.

Section 76. OFFICIAL ACTION. At the next regular meeting after such election the common council shall canvass the vote and declare the result thereof, and if a majority of the electors voting thereon shall have voted in favor of the adoption of the charter the common council, by resolution entered upon its records, shall declare such result and that a majority of the electors voting thereon voted in favor of the adoption of such charter and that the same was thereby adopted. The city clerk shall thereupon and within ten days after the adoption of this charter certify to four copies of said resolution and to four printed copies of said charter, and file two copies of each with the secretary of state and county

Digitized by Google Original from UNIVERSITY OF MICHIGAN

clerk of Washtenaw County respectively.

Section 77. DATE OF EFFECT. For the purpose of nominating and electing officers, and exercising the powers of the city as provided herein, this charter shall take effect immediately upon compliance with the provisions of section (76) for the purpose of establishing departments, divisions, and offices and determing the functions thereof, and for all other purposes it shall take effect on the first day of November, 1917.

Section 78. FIRST ELECTION. The first election under this charter shall be held on Monday October eighth, 1917, at which time there shall be elected a council and a justice of the peace as provided for by the terms of the charter. The common council and the city clerk shall take the necessary steps to provide for nominations and election under the terms of this charter.

Section 79. ORGANIZATION OF THE COUNCIL. The council elected October eighth, 1917 shall meet for organization Monday evening October fifteenth, 1917 at eight o'clock.

Section 80. MEETINGS OF THE COUNCIL. The council shall hold regular weekly meetings during the month of October, but no action taken shall be in effect till the first day of November 1917.

Section 81. STATUS OF PRESENT OFFICIALS. (a) The terms of office of the common council of the city of Ann Arbor, and the various officers and employes elected or appointed under the terms of the existing charter and holding office on the date when the proposed charter goes into effect shall cease November first, 1917.

(b) The justices of the peace elected under the provisions of the existing charter shall hold office until the expiration of the terms for which they were elected.

(c) The supervisors from the several wards of the city of Ann Arbor, who are in office at the time this charter goes into effect, shall hold office on the board of supervisors for the county of Washtenaw until their successors are elected at the election held in April, 1919.

(d) The constables, who are in office in the city of Ann Arbor at the time this charter goes into effect, shall hold office until the first Monday in April, 1918, but nothing in this provision shall prohibit the council from making the appointment provided for in section (36) of this charter which appointment shall be made in the first instance at the first meeting of the council in November, 1917.

Section 82. TRANSFER OF RECORDS AND PROPERTY. All records and property of any form belonging to the city of Ann Arbor in

Digitized by Google Original from UNIVERSITY OF MICHIGAN

the possession of any person under the terms and conditions of the existing charter shall be transferred on the first day of November, 1917, to the person designated by the council.

Section 83. PRESENT ORDINANCES AND RESOLUTIONS. All ordinances and resolutions in effect on the first day of November, 1917, which are not inconsistent with this charter shall remain in force until altered, amended, or repealed by the council. In order that no inconvenience may arise from the change hereby made in the charter of the city, the council may, by a separate vote upon each, continue in force for a period not longer than ninety days any ordinances or resolutions which are inconsistent with this charter.

Section 84. ORDINANCES REQUIRED. The council shall as soon as possible and not later than November first, 1918, pass all ordinances, necessary to make the special provisions of this charter effective, and shall provide proper penalties for the violation of the charter ordinances.

Section 85. REPEAL OF EXISTING CHARTER. The exisiting charter being act number 331 of the local acts of Michigan of 1889, together with the acts amendatory thereto, and all special acts supplementary to the existing charter of the city are hereby repealed, reserving, however, any rights or powers previously granted by such acts and not inconsistent with the provisions of this charter.

Section 86. CHARTER NOT INVALIDATED. This charter shall not be invalidated by the illegal passage of any chapter, section, or part of section.

Digitized by Google

Original from UNIVERSITY OF MICHIGAN

Ann Arbor, Mich., March 9th, 1917.

By Commissioner Eberbach: Resolved that the foregoing charter as presented at this meeting, be and is hereby adopted.

The motion was adopted by the following vote: Yeas, Messrs. Eberbach, Schaeberle, Rinsey, Trojanowski, Heusel, and Springer, six. Nays, none.

Absent but recorded as voting "yes," each presenting a written communication asking to be so recorded, Messrs. Graf, Ward, Burke, Savery and Walz, five.

T. I. BIDDLE,
Secretary of the Charter Commission.

I. G. REYNOLDS,
Clerk of the Charter Commission.

Dated March 9th, 1917.

OTTMAR EBERBACH,
ERNEST SCHAEBERLE,
HERMAN GRAF,
GEORGE RINSEY,
FREMONT WARD,
D. W. SPRINGER, Chairman Charter Commissioners.

JULIUS TROJANOWSKI,
GEORGE J. BURKE
B. FRANK SAVERY,
FRED HEUSEL,
JOHN C. WALZ,

Digitized by Google
Original from UNIVERSITY OF MICHIGAN

Digitized by Google

Original from
UNIVERSITY OF MICHIGAN

Digitized by Google
Original from
UNIVERSITY OF MICHIGAN

Digitized by Google
Original from
UNIVERSITY OF MICHIGAN

UNIVERSITY OF MICHIGAN
3 9015 06456 7988
BOUND
JUL 16 1917
UNIV. OF MICH.
LIBRARY

Digitized by Google
Original from
UNIVERSITY OF MICHIGAN

Digitized by Google
Original from
UNIVERSITY OF MICHIGAN

Proposed Charter

for the

City of Ann Arbor, Michigan

To be Submitted to a Vote of the Electors.

June 12, 1917

Digitized by Google

Original from UNIVERSITY OF MICHIGAN