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City of Ecorse

MICHIGAN

CHARTER



ADOPTED JANUARY 27, 1942

WITH AMENDMENTS UP TO AND INCLUDING

APRIL 6, 1953

CHARTER
342.02
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Preamble

WE, THE PEOPLE OF THE CITY OF ECORSE, COUNTY OF WAYNE AND STATE OF MICHIGAN, PURSUANT TO THE AUTHORITY GRANTED BY THE CONSTITUTION AND THE STATUTES OF THE STATE OF MICHIGAN, AND IN ORDER TO FORM A MUNICIPAL GOVERNMENT WHICH SHALL MORE NEARLY CONFORM TO PREVAILING CONDITIONS AND THE GROWING NEEDS OF OUR COMMUNITY, INSURE A MORE EFFICIENT SYSTEM FOR THE ADMINISTRATION OF ITS AFFAIRS, AND SECURE TO OURSELVES AND OUR POSTERITY THE FULLEST MEASURE OF SELF-GOVERNMENT, DO ORDAIN AND ESTABLISH THIS CHARTER FOR THE CITY OF ECORSE, MICHIGAN.

CHAPTER 1

INCORPORATION AND POWERS

The municipal corporation heretofore created by the vote of the electors on the 15th day of September, 1941 pursuant to the Constitution and Statutes of the State of Michigan, and known as the "City of Ecorse" as its limits now are or may hereafter be established, shall be a body corporate and politic under the name and style of "City of Ecorse", and as such shall be vested with any and all powers which cities are or may hereafter be required or permitted to exercise or to provide for in their charters under the constitution and laws of the State of Michigan, together with such implied and incidental powers as are possessed by municipal corporations in this State, as fully and completely as though the powers were specifically enumerated herein, except for such limitations and restrictions as are provided in this Charter, and no enumeration of particular powers of the City in this Charter shall be held to be exclusive.

The City of Ecorse may do any act to advance the interest of the City, the safety, order, good government, general welfare and prosperity of the municipality and its inhabitants; and may make all laws and ordinances relating to municipal concerns and those which shall be necessary and proper for carrying into execution the foregoing powers.

CHAPTER II

BOUNDARIES, WARD, AND ELECTION PRECINCTS

Boundaries.

SECTION 1. The boundaries of said City of Ecorse shall be the same as those fixed and established as the boundaries of the former Village of Ecorse to which municipal corporation the City of Ecorse is successor, which boundaries are described as follows:

Beginning at the intersection of the center line of the Ecorse River with the Harbor line of the Detroit River, thence running up stream along center line of said Ecorse River and North Branch of Ecorse River to the westerly line of Private Claim No. 455; thence along the westerly line of Private Claim No. 455 to the center line of Visger Road, thence easterly along the center line of Visger Road to the westerly line of the Lake Shore and Michigan Southern Railway right-of-way; thence northerly along the westerly line of said right-of-way to a point 955.0 feet south of the north line of Cora Avenue if extended to meet the westerly line of said L. S. and M. S. Railway; thence easterly along a line parallel to said Cora Avenue to the easterly line of Private Claim No. 496; thence northerly along the easterly line of Private Claim No. 496 to the southerly line of the City of River Rouge; thence easterly along the southerly line of the City of River Rouge to the Harbor line of the Detroit River; thence southerly along the Harbor line of the Detroit River to the intersection of the center line of the Ecorse River with said Harbor line, being the point of beginning.

Ward.

SECTION 2. The City of Ecorse shall consist of one (1) ward.

Election Precincts.

SECTION 3. The election precincts of the Village of Ecorse as existing at the time of the adoption of this Charter shall continue as election precincts of the City hereunder, until such time as the City Council may by ordinance increase or decrease the number of said election precincts or change the boundaries thereof in the manner provided in the general election laws of the State of Michigan.

CHAPTER III

REGISTRATION, NOMINATION AND ELECTION

State Laws to Govern—Party Procedure Not to Apply.

SECTION 1. The registration of voters, nominations and elections held under this Charter shall be in accordance with the general laws of the state except as herein otherwise provided. Nothing in the laws of the state applying to party registration, enrollment or any other party procedure shall apply to registrations, nominations and elections held hereunder. The residence of an elector shall be in the election precinct in which is located his regular place of lodging.

Registrations.

SECTION 2. The registration and re-registration of voters shall be made by the City Clerk in accordance with the provisions therefor in the general laws of the State.

Nominations—Date of Primary Election.

SECTION 3. (a) Candidates to be voted on at all municipal elections shall be nominated by a primary election and no other names shall be placed upon the general ballot, except those selected in the manner hereinafter prescribed, provided that nominations for the first City election, at which this Charter is submitted, shall be by petition only without a primary election and in the manner provided in Chapter XVII of this Charter. The primary election for such nominations shall be held on the first Tuesday in ~~October~~ before each regular election, at the election precincts hereinbefore provided for, and the polls shall be opened at 7:00 o'clock in the forenoon and remain open until 8:00 o'clock in the afternoon, Eastern Standard Time, of the same day.

House Bill No. 4232 1-71 ~~November~~ amended 2-5-75

odd year Election Laws

Nominating Petitions.

(b) Before any person may become a candidate for an elective office in the City of Ecorse there shall, before ~~12:00 o'clock noon of the fourth Saturday~~ prior to any City Primary Election, be filed in his behalf with the City Clerk one or more nominating petitions requesting that the name of such person be placed upon the primary ballot as a candidate for the office therein named. Each petition shall contain the name of the candidate, giving his place of residence with street and number, if any, and shall specify the office for which he desires to be a candidate. Each elector signing

4:00 P.M. 7th Tuesday before Primary H.B. 4232

such petition shall add to his signature his place of residence, giving his street and number or other description sufficient to identify the same and the date on which he signed. No elector shall sign more than one such nominating petition for the same office, but where there are two or more candidates to be elected to fill said office, he may sign as many petitions as there are officers to be elected. The signatures to the nominating petition need not all be appended to one paper but to each separate paper there shall be attached an affidavit of the circulator thereof stating that each signature appended thereto was made in his presence and is the genuine signature of the person whose name it purports to be.

Number of Names Required on Petition When Filed—Notice.

(c) Each nominating petition, to be valid, shall contain the names of not less than fifty nor more than a hundred qualified electors. No such petition shall be circulated more than sixty days prior to the date of election. The City Clerk shall provide uniform nominating petition blanks for candidates. The City Clerk shall give notice of the last time at which nominating petitions may be filed by publication in the official newspaper at least ten days prior to said last day.

Declaration of Candidacy.

7th Tues- day before Primary H.B. 4232

SECTION 4. Any person desiring to become a candidate for any elective city office shall file, ~~before 12:00 o'clock noon of the fourth Saturday~~ preceding said Primary Election, a declaration of his candidacy for the office named in said nominating petition or petitions, which declaration shall be in substantially the following form:

DECLARATION OF CANDIDACY—CITY OF ECORSE

The undersigned, being duly sworn, deposes and says that he is a qualified and registered elector of the City of Ecorse, Wayne County, Michigan, and resides at_____ Street in said City; that he desires to be a candidate for the office of_____ in said City, to be voted upon at said Primary Election, and he hereby requests that his name be printed upon the official Primary Ballot for nomination at such Primary Election for said office.

_____

(Signature)

Subscribed and sworn to before me this_____ day of_____, 19____.

_____

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

AN ORDINANCE TO AMEND THE CODE OF THE CITY OF ECORSE BY ADDING A NEW CHAPTER AND NEW ARTICLE, WHICH NEW CHAPTER SHALL BE DESIGNATED AS CHAPTER VII AND WHICH NEW ARTICLE SHALL BE DESIGNATED AS ARTICLE 1 OF SAID CODE ENTITLED "CHANGE OF CITY OF ECORSE PRIMARY ELECTION DATE."

THE CITY OF ECORSE ORDAINS:

CHAPTER VIII-----ARTICLE 1

8-1 That pursuant to the provisions of Act No. 378 of the Public Acts of 1974 that all regularly scheduled City of Ecorse odd year primary elections shall be held on the Tuesday following the 2nd Monday in September commencing with the city primary election to be held in the year 1975.

This ordinance shall become effective upon publication.

Charles G. Coman

Charles G. Coman, Mayor

James Tassis

James Tassis, City Clerk

Adopted: January 28, 1975

Published: February 5, 1975

Effective Date: February 5, 1975

Qualification of Electors and Candidates.

SECTION. 5. The inhabitants of the City having the qualifications of electors under the constitution and the general laws of the state shall be the electors thereon; any person having the qualifications of an elector may be a candidate for a city office.

Filing Fee.

SECTION 6. No candidate shall have his name printed upon said Primary Election Ballot unless he shall have paid to the City Clerk at the time of filing his Declaration of Candidacy a filing fee of Twenty-five ($25.00) Dollars, except Constables who shall pay a filing fee of Five ($5.00) Dollars.

Printing and Numbering.

SECTION 7. The ballots shall be printed and numbered in accordance with the requirements of the general laws of the State, but said ballots shall have no party mark, vignette or designation mark whatsoever.

Form of Primary Ballot.

SECTION 8. The Primary Ballot shall be in substantially the following form:

OFFICIAL PRIMARY BALLOT

Candidates for nominations for city offices in the City of Ecorse at the Primary Election held_____, 19____.

(Place a cross in the square opposite the name or names of the persons for whom you desire to vote.)

FOR MAYOR
(Vote for One)
(Names of Candidates)

FOR CLERK
(Vote for One)
(Names of Candidates)

FOR ASSESSOR
(Vote for One)
(Names of Candidates)

FOR TREASURER
(Vote for One)
(Names of Candidates)

FOR COUNCILMEN
(Vote for Six)
(Names of Candidates)

FOR JUSTICE OF THE PEACE
(Vote for Two)
(Names of Candidates)

FOR CONSTABLES
(Vote for Two)
(Names of Candidates)

What Persons Nominated.

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

Tie Vote Recount.

In case of a tie the same proceedings shall be had as provided for such case in Section 13 of this Charter relative to elections.

Ballots—Duties of Chief of Police.

SECTION 9. The Chief of Police shall have charge of, supervise and be responsible for the delivery of all ballot boxes, supplies, stationery, ballots and accessories, to the election inspectors and election boards at each place of voting at least fifteen minutes before the time of opening of the polls. He shall also take charge of said ballot boxes immediately after the election upon their being sealed by the Board of Election inspectors, and at once deliver them to the City Clerk at his office. He shall properly guard said boxes and secure them from tampering or disturbance from the time they may be delivered to him by the clerk until they are returned to the office of the clerk after sealing.

Time of Regular Election.

SECTION 10. (a) A regular municipal election shall be held on the first Tuesday in November, 1943, and every two years thereafter.

Tuesday following the 1st Monday as per State Law.[6] time of reg. election.

(b) Special elections may be called by resolution of the City Council setting forth the time, purpose and place of such special election; provided that no more than two such special elections shall be called in any one year.

Election Commission—Powers and Duties.

SECTION 11. The Election Commission shall consist of the City Clerk who shall be its Chairman, and the City Attorney, and the City Treasurer; and the Council may in their discretion appoint two additional members to such Commission who at the time of their appointment do not hold any elective or appointive office in the City.

The Election Commission shall have powers and duties as follows:

(a) To appoint a permanent chairman for each election board in each election precinct and such other members of said boards as may be necessary and in accordance with the general election laws.

(b) To provide places for voting.

(c) To prepare and print election ballots (or ballot labels or slips to be placed on voting machines when used) for all city officers for whom the electors are entitled to vote and for all city questions to be submitted to the electors of the city.

(d) To have general supervision of all elections in the city with full power to prevent any and all manner of fraud and dishonest conduct.

(e) To recommend changes of boundaries of election districts so that the number of voters in each district shall not exceed that required by the general election laws.

(f) To have power to employ and discharge any member of any election board.

(g) To provide public examinations, if they deem it necessary, for all applicants for inspectors or other election officials appointed by the Commission.

(h) To cause prosecution of any person whom they believe to be guilty of violation of election laws.

(i) To call witnesses, administer oaths and adopt, prescribe and publish rules of procedure in accordance with the laws of the State and the City Charter.

M. SA. 6.1030 (2) - State Act #65 - 1963

City now has Board of Canvassers - Appointed in Compliance with State Act.

R. TERMS

Board of Canvassers.

SECTION 12. The Council of the City of Ecorse shall be the Board of Canvassers for all elections and shall convene on the Thursday next succeeding each primary, regular and special election at the hour of 7:30 o'clock p. m. prevailing time at their usual place of meeting and determine the result of the election upon each question and proposition voted upon, and what persons are duly elected at said election to the several offices; and thereupon the City Clerk shall make duplicate certificates under the corporate seal of the city of such election showing the result of the election upon any question or proposition voted upon and what persons are declared elected to the several offices respectively; and he shall file one of such certificates in the office of the County Clerk of Wayne County, Michigan, and the other in his office. It shall be the duty of the City Clerk, within five days after such determination, to notify such person elected in writing.

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greatest number of votes for any office in the City to which one person is to be elected shall be determined to have been duly elected to such office; and if two or more persons are to be elected to any office the number of persons equal to the number of offices to be filled, who shall receive the greatest number of votes in the City, shall be determined to have been elected to such offices.

If two or more candidates receive an equal number of votes, the Council shall, at the meeting mentioned in the preceding section or as soon thereafter as possible determine by lot between such persons which shall be considered elected to such office.

Notice of Election.

SECTION 14. Notice of the time and places of holding any election, and of the officers to be elected and the propositions to be voted upon shall, except as otherwise provided in this Charter, be given by the City Clerk at least two weeks and not more than four weeks before such election, by posting such notices in at least two public and conspicuous places in each election precinct, and by publishing a copy thereof at least once in the official newspaper of the City at least two weeks and not more than four weeks before such election. In case of a special election, the notice shall set forth the purpose and object of such special election as fully as required in the resolution or petition calling the same.

CHAPTER IV

ELECTIVE OFFICERS, SALARIES AND DUTIES

Elective Officers

SECTION 1. The elective officers of the City shall be a Mayor, six (6) Councilmen, a City Clerk, a City Treasurer, a City Assessor, two (2) Justices of the Peace and two (2) Constables; all of whom shall be elected at large and shall be electors of the City.

Term of First Elective Officers.

SECTION 2. At the election at which this Charter is submitted there shall be elected a Mayor, six Councilmen, a Clerk, a Treasurer and an Assessor, each of whom shall hold office until the second Tuesday in November, 1943. At the same election there shall be also elected two Justices of the Peace and two Constables, each of whom shall hold office until the second Tuesday in November, 1945.

Regular Terms of Office.

SECTION 3. At the regular municipal election in the year 1943 and every two (2) years thereafter, there shall be elected a Mayor, six (6) Councilmen, a Clerk, a Treasurer and an Assessor, each of whom shall hold office for the term of two years. [At the regular municipal election in the year 1945 and at every regular municipal election every four (4) years thereafter, there shall be elected two (2) Justices of the Peace and two (2) Constables each of whom shall hold office for the term of four (4) years.]

Amended - By State Law P/acts 1954 no. 116 Chapter xx1, a, MCL 168.467 – 168.467m

When to Commence.

SECTION 4. The term of each elective officer shall commence on the second Tuesday of November in each year in which an election is held. Incumbent officers shall hold office until their successors are elected, qualified and enter upon the duties of their office regardless of their stated terms of office.

Compensation.

SECTION 5. The Mayor, each Councilman, the Clerk, Treasurer, and Assessor shall receive as full compensation for their services the following salaries, viz.:

Sec 5 amended Salary of Clerk & Treas 11-5-57) Salary of mayor, Clerk & Council changed - 8.O.C.B. 10/25/79 changed per L.O.C.B. 2/5/81

Mayor	~~$1,500.00~~ 7200.00 per year
Each Councilman	~~1,200.00~~ 4800.00 per year
Clerk	~~3,600.00 per year~~ 9,000.00
Treasurer	~~3,600.00 per year~~ 7,000.00
Assessor	~~3,000.00~~ 3600.00 per year

Each Justice of the Peace shall receive the fees provided in Chapter VIII of this Charter. Each Constable shall receive the fees that are provided by State law for Constables and no salary shall be paid to said Constables.

Salaries—How Paid.

SECTION 6. The above mentioned salaries shall be paid in monthly installments at the first regular meeting each month following the month in which the services were rendered. Said annual salaries shall be prorated where the full term of office is not served by the office holder.

Qualifications of Elective Officers.

SECTION 7. No person shall hold any elective office under this Charter, except as may be herein otherwise provided, unless he or she shall be a citizen of the United States of America and an elector of the City of Ecorse.

Vacancies—How Filled.

SECTION 8. If a vacancy occurs in any elective office, the City Council shall within two weeks after the determination of such vacancy appoint an eligible person to fill such vacancy until the next regular municipal election, when such office shall be filled by election.

Powers and Duties of Mayor.

SECTION 9. The Mayor shall be the Chief Executive Officer of the City. He shall preside at the meetings of the Council, shall be a member of the Council and have the right to vote on all questions and to offer resolutions, introduce ordinances and exercise all other rights, powers and privileges of a member of said Council but shall have no power of veto. He shall from time to time give the Council information concerning affairs of the City and see that the laws relating to the City and the ordinances and regulations of the Council are enforced.

He shall be a conservator of the peace and may exercise within the city the powers conferred upon sheriffs to suppress disorder and shall perform all such duties and have such powers as are or

MINUTES

LOCAL OFFICERS COMPENSATION BOARD OF ECORSE MICHIGAN.

THE MEETING OF THE LOCAL OFFICERS COMPENSATION BOARD, WAS CALLED TO ORDER AT 7:15 PM

MONDAY NOVEMBER 25th 1985 IN THE CONFERANCE ROOM OF THE ALFRED BUDAY CENTER 3869 W, JEFFERSON AVENUE ECORSE MICHIGAN 48229

PRESENT: HARVEY EASON NANCY A, JUDE AND FAYE HARRIS
ABSENT: GUADALUPE HERNANDEZ.

RECEIVED AND PLACED ON FILE
BY CITY COUNCIL OF ECORSE

DEC 3 - 1985

MOVED BY FAYE HARRIS

SUPPORTED BY NANCY JUDE

RESOLVED THAT:
THE MAYORS SALARY BE RAISED TO NINE THOUSAND DOLLARS ($9,000.oo) PER YEAR.

COUNCILMAN: SALARY BE RAISED TO FIVE THOUSAND ($5,000.00) PER YEAR

CLERK SALARY BE RAISED TO TEN THOUSAND ($10,000.00) PER YEAR.

ASSESSOR SALARY BE RAISED TO FOUR THOUSAND ($4,000.00) PER YEAR.

TREASURER SALARY TO REMAIN THE SAME. ($7,000.00) PER YEAR.

YEAS: HARVEY EASON NANCY A. JUDE FAYE HARRIS

NAYS: NONE

ABSENT GUADALUPE HERNANDEZ

MOVED BY NANCY JUDE

SUPPORTED BY FAYE HARRIS

RESOLVED THAT:
HARVEY EASON BE SELECTED CHAIRMAN OF THE LOCAL OFFICERS COMPENSATION BOARD FOR THE NEXT TWO YEARS

YEAS: NANCY JUDE FAYE HARRIS HARVEY EASON

NAYS: NONE

ABSENT GUADALUPE HERNANDEZ
MOTION BY FAYE HARRIS

THAT THE MEETING OF THE LOCAL OFFICERS COMPENSATION BOARD BE ADJOURNED AND A COPY OF SAID RESOLUTIONS BE RECIEVED AND PLACED ON FILE IN THE OFFICE OF THE CITY CLERK.
YEAS: HARVEY EASON FAYE HARRIS NANCY JUDE
NAYS: NONE ABSENT GUADALUPE HERNANDEZ

RESPECTFULLY SUBMITTED

Harvey Eason

HARVEY EASON CHAIRMAN
LOCAL OFFICERS COMPENSATION BOARD

CHAPTER IV

(amended 11/5/57)

Compensation.

SECTION 5. The Mayor, each Councilman, the Clerk, Treasurer, and Assessor shall receive as full compensation for their services the following salarie, viz:

Mayor .....$1,500.00 per year
Each Councilman 1200.00 per year
Clerk ..... $6,900.00 per year
Treasurer ... $6,900.00 per year
Assessor .... $3,000.00 per year

Each Justice of the Peace shall receive the fees provided in Chapter VIII of this Charter. Each Constable shall receive fees that are provided by State law for Constables and no salary shall be paid to said Constables.

may be prescribed by this Charter, by ordinances, by resolutions of the City Council and by the laws of the State of Michigan. He shall authenticate by his signature such instruments as the City Council, this Charter or the laws of the State require.

Duties and Powers of City Council.

SECTION 10. Each member of the City Council shall have such powers and perform such duties as are provided in Chapter V of this Charter.

Powers and Duties of the City Clerk.

SECTION 11. (a) The City Clerk shall be clerk of the City Council. He shall attend all meetings of the City Council, and shall keep a permanent journal in the English language of its proceedings. He shall keep a record of all ordinances, resolutions and regulations of the City Council.

(b) He shall be custodian of the city seal, and shall affix it to all documents and instruments requiring the seal, and shall attest the same. He shall also be custodian of all papers, documents and records pertaining to the City of Ecorse, the custody of which is not otherwise provided for. He shall give to the proper department or officials ample notice of the expiration or termination of any franchises, contracts or agreements. He may administer all oaths required by this Charter or by the City Council.

(c) He shall certify by his signature all ordinance and resolutions enacted or passed by the City Council, and perform any other duties required of him by this Charter, by law or by the City Council.

Powers and Duties of the City Treasurer.

SECTION 12. (a) The City Treasurer shall have the custody of all moneys, the City Clerk's bond, and all evidences of value belonging to the City, or held in trust by the City.

(b) He shall receive all moneys belonging to and receivable by the City and shall keep a correct account of all receipts and expenditures. He shall collect all taxes, assessments, charges for water service, and other charges belonging to and payable to the City, and shall also collect State, County and School taxes on December Tax Roll.

(c) He shall keep and deposit all moneys or funds in such manner and only in such places as the City Council may determine. He shall report in detail to the City Controller each month all moneys collected by him.

(d) He shall pay no moneys out of the Treasury except in the manner prescribed in this Charter.

(e) He shall have such powers and duties in regard to the collection and custody of the taxes and moneys of School Districts within the City of Ecorse as may be conferred upon him by this Charter or by the laws governing said School Districts.

Powers and Duties of the City Assessor.

SECTION 13. The City Assessor shall perform such duties in relation to assessing property and levying taxes in the City as are prescribed by this Charter. He is hereby authorized and required to perform the same duties that supervisors of townships under the general laws of the State are required to perform in relation to the assessing of property and levying of taxes for State, County and School purposes. He shall also perform all other duties which are prescribed by this Charter or may be required by ordinance or resolution of the Council.

It shall be the duty of the Assessor at least once each year to make a personal view of each lot or parcel of land and all buildings thereon and of all industrial, manufacturing or mercantile property in the City and to set a valuation thereon. He shall cause to be published notice of meetings of the Board of Review as required by this Charter.

He shall assist the Treasurer in the office of the Treasurer for the thirty (30) days next following the date when the State, County and City tax rolls are turned over to the Treasurer for collection for the purpose of mailing tax statements to taxpayers. He shall attend all meetings of the Board of Review.

He shall perform such other duties in the City as are or may be prescribed by this Charter or as may be required by ordinance or resolution of the Council.

Powers and Duties of the Justices of the Peace.

SECTION 14. The Justices of the Peace of the City of Ecorse shall have powers and duties as outlined in Chapter VIII of this Charter.

Powers and Duties of Constables.

SECTION 15. The Constables of the City of Ecorse shall have such powers and perform such duties as are required by the laws of the State of Michigan.

CHAPTER V

CITY COUNCIL

How Composed.

SECTION 1. The Council of the City of Ecorse shall consist of seven (7) members, viz., the Mayor and six (6) Councilmen. Where the word "Council" is used herein it shall be deemed to include the Mayor.

Authority.

SECTION 2. The City Council shall have full power and authority except as herein otherwise provided to exercise all the powers conferred upon the City, and it is authorized to pass all laws and ordinances relating to its municipal concerns and provide proper penalties for the violations thereof subject to the Constitution and general laws of the State and this Charter.

Presiding Officer.

SECTION 3. The Mayor shall preside at the meetings of the Council. In the absence of the Mayor, the Mayor Pro Tempore shall preside. In the absence of the Mayor and the Mayor Pro Tempore, the Council shall designate one of its number to act as presiding officer.

Mayor Pro Tempore.

SECTION 4. The Councilman receiving the highest number of votes at the preceding election shall be Mayor Pro Tempore during his term of office.

Judge.

SECTION 5. The Council shall be the judge of the qualifications of its own members subject to review by the courts in cases of contest.

Quorum.

SECTION 6. A majority of the Council shall constitute a quorum for the transaction of business; but a less number may adjourn from time to time and all pending business and business noticed and set down for hearing at such meeting shall be taken up and heard at such adjourned meeting without further notice; and the members present may compel the attendance of absent members in such manner as shall be prescribed by rules or ordinances.

Except as otherwise provided in this Charter, the affirmative vote of a majority of the members of the Council shall be necessary to adopt an ordinance or resolution, but no office shall be created or abolished, nor any tax or assessment be imposed, nor any street, alley or public ground be vacated, real estate or any interest therein purchased, leased, sold or disposed of, or private property be taken for public use, unless by a concurring vote of five-sevenths (5/7) of the Council elect, nor shall any vote of the Council be reconsidered or rescinded at a special meeting unless there be present as many councilmen as were present when the vote was taken.

Financial Interest.

SECTION 7. No member of the City Council or other officers shall be interested directly or indirectly in the profits of any contract, job or work, or be financially interested directly or indirectly in the sale to or by the City of any land, materials, supplies or services (other than official services). Any member of the City Council or other officer of the City offending against the provisions of this section shall be guilty of malfeasance in office and shall forfeit his office. The provisions of this section shall not apply if the City Council shall declare on its records by a unanimous vote of the members thereof that the best interests of the City are served despite a personal interest direct or indirect.

Conviction of Felony.

SECTION 8. Any member of the Council who shall have been convicted of a felony while in office shall thereby forfeit his office.

Meetings of the Council.

SECTION 9. At 7:30 o'clock p. m. on the first Tuesday following the date of the first City election and following the date of any regular municipal election, the City Council shall meet at the usual place for holding the meetings of the legal body of the City at which time the newly elected Mayor and Council shall assume the duties of their office. On the second Tuesday after the adoption of this Charter and on Tuesday every two weeks thereafter, the City Council shall hold its regular meetings, but the time and frequency of regular meetings may be changed by ordinance. Special meetings may be called at any time by the Mayor, or by any two (2) Councilmen, notice of which shall be given in writing to each member of the Council or left at his place of residence at least twelve (12) hours before the meeting. All meetings of the City Council shall be public and any citizen shall have access to the minutes and records thereof at all reasonable times. City Council

shall determine its own rules and order of business and shall keep a record of its proceedings.

Record of Proceedings.

SECTION 10. All proceedings of the Council shall be by resolution except where by the provisions of this Charter or as required by law an ordinance must be passed. Every resolution or ordinance shall be reduced to writing and read before a vote is taken thereon. Within ten (10) days after any meeting of the Council all the proceedings and votes taken thereon shall be published in the official newspaper of the City.

Auditing and Allowing Accounts.

SECTION 11. 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 City; or an affidavit of the person rendering it to the effect that he verily believes that the services therein charged have been actually performed or the property or goods delivered to the City, that the sums charged therefor are reasonable and just and that to the best of his knowledge and belief no actual set-off exists nor payment has been made on account thereof except such as are endorsed or referred to in such account or claim. Every such account shall exhibit in detail all the items making up the amount claimed and the true date of each. It shall be a sufficient defense in any court to any action or proceeding for the collection of any demand or claim against the City for personal injuries or otherwise, that it has never been presented, certified to or verified as aforesaid to the Council for allowance; or, if such claim is founded on contract that the same was presented without the certificate or affidavit aforesaid and rejected for that reason; or that the action or proceedings was brought before the Council had a reasonable time to investigate and pass upon said claim or demand.

Notice of Injury.

SECTION 12. The City Council shall have authority to adjust and settle all accounts and claims against the city and no suit or action shall be maintained against the city on any account or claim until the same shall have been presented to the City Council, and said Council shall have an opportunity to pass upon the same. The City of Ecorse shall not be liable to respond in any action or proceeding to collect any account or claim of any kind against the city for any greater amount than that named and set forth in the account or claim presented as herein provided. In all cases of claims against said city for personal injuries or

otherwise, the party having the claim shall present the claim to the Council in detailed form, giving all the substantial facts upon which the same is based, and shall present to the Council, at such time and place as shall be convenient for the Council, and not exceeding thirty days from the time of presentation of the claim, all the evidence in his possession, or of which he or his attorney has knowledge, tending to prove the facts in the case, and submit the same for the full and complete examination of said Council; provided, that said hearing may be adjourned from time to time to suit the convenience of the parties, not exceeding thirty days more than herein provided. It shall be a sufficient and complete defense to any action or proceeding for the collection of any such claim or demand against the city, that such claim or demand and the evidence upon which the same is based has not been presented as hereinbefore provided. All claims for damages against the city growing out of the negligence or default of said city, or any officer or employee thereof, shall be presented to said City Council in the manner above provided, within sixty (60) days after such claims shall arise, and in default thereof, such claims shall thereafter be forever barred: Provided, in all cases of damages sustained by any person either by bodily injury or to his property, because of the defective condition of any highway, street, bridge, sidewalk, crosswalk or culvert in said city, where provision for notice and production of witnesses is otherwise made by the general laws of the State, this section shall not apply.

CHAPTER VI

ADMINISTRATIVE DEPARTMENTS—APPOINTIVE OFFICERS—POWERS AND DUTIES

Administrative Departments.

SECTION 1. The following administrative departments are hereby created and established:

Department of Health

Department of Public Works

Department of Water Supply

Department of Engineering and Building

Department of Public Safety

Department of Public Welfare

Department of Purchases and Supplies

Department of City Planning

Powers of Council Over Departments.

SECTION 2. In addition to the powers and duties herein prescribed, the Council may assign additional and different duties not inconsistent with the provisions of this Charter to the several administrative departments of the City; prescribe additional powers and duties of appointive officers and employees; create new departments and prescribe the functions thereof; combine existing departments and establish temporary departments for special work when in its opinion the proper administration of the business of the City requires.

Council Appointments—Term of Office—Time of Appointment.

SECTION 3. For the proper management of these Departments and for the purpose of carrying out the provisions of this Charter, the City Council shall appoint the following officers, namely:

City Attorney

Health Officer

Engineer

Controller

Auditor

Purchasing Agent

The foregoing officers shall be appointed by the Council on the second Tuesday after the adoption of this Charter and each of said officers shall hold office until the next regular time herein provided for the appointment of officers and until his successor is appointed, qualified and enters upon the duties of his office. On the second Tuesday after the election held in the year 1943 and on the second Tuesday after the election held in each and every odd numbered year thereafter, the same office shall be filled by appointment and each officer shall hold his office until his successor is appointed, qualified and enters upon the duties of his office.

Other Council Appointments.

SECTION 4. The Council shall also appoint such other officers as are required by this Charter or by ordinance to be appointed by them, at such times and for such term as provided therein.

Mayor Appointments.

SECTION 5. The Mayor, subject to confirmation by the Council, shall appoint such other officers as shall be provided for in this Charter or by ordinance and required to be appointed by him at such time and for such term as is provided therein.

If any Council or Mayor appointments shall not be made on the day specified, they may be made at any subsequent regular meeting.

Qualifications.

SECTION 6. All appointive officers of the City shall be electors therein, except that the City Engineer and the City Auditor may be non-residents.

SECTION 7. No elective officer shall after his election and during the time for which he was elected, or within one year thereafter, be appointed to any office or employment which shall have been created, or the salary of which has been increased, during his term of office.

SECTION 8. Every appointive officer shall receive such salary or compensation as the Council may by ordinance or resolution provide, except as otherwise provided in this Charter.

DEPARTMENTS—POWERS AND DUTIES OF APPOINTIVE OFFICERS

City Attorney.

SECTION 9. The City Attorney shall act as legal advisor to and as attorney and counsel for the municipality and all its officers and departments in matters relating to their official duties. He shall give written opinions to any official or departments of the City when requested in writing so to do, and shall file a copy of the same with the City Clerk.

He shall conduct for the City all cases in Court whenever the City is a party thereto;

He shall prepare, or officially pass upon, all contracts, bonds and other instruments in writing, in which the City is concerned, and shall certify before execution as to their legality and correctness of form;

He shall keep in his office copies of all franchises granted by the City, and of all contracts and agreements entered into by or in behalf of the City (the originals of which shall be in the custody of the City Clerk), together with the proper data and information concerning the same.

He shall perform such other duties as may be prescribed by this Charter or by the City Council.

Department of Health.

SECTION 10. The City Council shall have and exercise for the City all the powers and authority conferred upon Boards of Health by the general laws of the State or by ordinance, so far as the same are not inconsistent with this Charter, and the City Council may enact all ordinances deemed necessary for the preservation and protection of the health of the inhabitants of the City, for preventing the introduction or spreading of malignant, infectious and contagious diseases within the City, or for the removal of persons having such diseases to such proper place within or without the City Limits as may be deemed necessary for the public safety. The City Council may enact such ordinances as it may deem proper or expedient for regulating the proceedings and mode of exercising such powers and authority. The City Council may establish, maintain and regulate suitable hospitals at places within or without the corporate limits of the City.

Health Officer.

SECTION 11. The Health Officer shall have and exercise all the powers and authority conferred upon health officers by the

general laws of the State or by ordinance, and shall perform all the duties required of such officers, unless otherwise provided in this Charter. It shall be his duty to enforce all laws and ordinances concerning the public health. He shall have all the powers of police officers of the City.

Subject to the approval of the City Council, the Health Officer may from time to time deal specifically with any particular problem relating to questions of health, poverty, sanitation, housing, hygiene, and carry on such work as may tend to promote the physical health, mental hygiene or social welfare of the inhabitants of the City.

He shall perform such other duties as may be required of him by this Charter or by the City Council.

DEPARTMENT OF ENGINEERING AND BUILDING

To Be in Charge of City Engineer.

SECTION 12. The Department of Engineering and Building shall be in charge of the City Engineer who shall be a graduate civil engineer. He shall, with the consent and approval of the Council, appoint a Superintendent of Public Works and such other assistants and employees as may be necessary. The compensation of such assistants and employees shall be determined by the Council.

Accounts and Records.

The City Engineer shall cause to be kept proper accounts and records of the proceedings of the Department and all such accounts, records and proceedings shall be public and shall be the property of the City.

Powers and Duties of the City Engineer.

The powers and duties of the City Engineer which shall be exercised and performed as herein provided, subject to the direction of the Council and in accordance with the ordinances of the City, shall be as follows:

(a) He shall have and exercise within the City like powers and duties as are conferred by law upon County Surveyors, and like effect and validity shall be given to his official acts and surveys and plats as are given by law to the acts and surveys of County Surveyors. He shall make all necessary plats, maps, surveys, diagrams and estimates, plans and specifications required by the Council or officers of the City relating to public improvements, grounds, streets, alleys and public places of the City, and all such maps, plans, surveys, diagrams, estimates, plans and specifications made

by him as such surveyor shall be the property of the City, and shall be delivered by him to his successor in office. He shall establish grades for all streets, alleys and other public places. He shall perform such services for the other administrative departments of the City as the Council shall direct.

(b) He shall have the direction, supervision and control of all assistants furnished him by the City Council for the proper administration of the various departments of the City under his control.

(c) He shall manage and have charge of the Water Department; he shall supervise the installation of the water meters and water services; he shall have charge of the repair, extension, construction and improvement of the City water system and water mains. He shall approve the purchase of all necessary tools, machinery, appliances and materials necessary for this Department; he shall supervise the reading of water meters.

(d) He shall issue all permits for building, removal of buildings and other permits required by the building code and zoning ordinance of the City and he shall be charged with the enforcement of these ordinances and shall prosecute violations.

(e) He shall manage and have charge of the Department of Public Works including the repair, extension, construction and improvement of sewers, drains, streets, sidewalks and alleys, the collection and disposal of garbage and the maintenance of parks and public places.

(f) He shall issue permits required by the plumbing ordinances of the City and shall have charge of the inspection and regulation of all plumbing, drainage and sanitation; he shall enforce the provisions of the State Housing Code and other provisions of the State law relating to engineering insofar as the same are applicable to the City.

(g) He shall have the supervision and control of gas inspections and the construction and installation of elevators, steam and hot water boilers, oil and gas burning furnaces, smoke stacks, pressure tanks and any form of apparatus dangerous to life and property.

(h) He shall have supervision and control of inspections, installation and maintenance of buildings, of electric wiring, electric devices and all electrical material in accordance with the ordinances of the City of Ecorse and the statutes of the State.

(i) He shall perform such other duties as are prescribed by law or this Charter or as are now or hereafter may be prescribed by ordinance or resolution of the Council relating to his office and shall make such reports as are required by the Council.

SECTION 13. The Council shall establish from time to time a scale of water rates to be charged and paid for supply of water and shall establish from time to time a scale of rates to be charged for sewage disposal, both of which rates may in the discretion of the Council be charged on one statement. The Council shall prescribe by ordinance the manner of assessing the 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 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 bills for water service and sewage disposal charges shall be prepared and mailed by the Water Department. All adjustments of water and sewage disposal charges and rates because of error shall be made by the Water Department. All charges for water service and sewage disposal service shall be paid to the City Treasurer.

The Council shall in its annual appropriation budget appropriate money to be raised by general taxation for the payment of water used for fire purposes, street cleaning and other general public uses.

The Council shall enact such ordinances and adopt such resolutions as may be necessary to regulate and control the taxing and use of water from the water system and shall furnish the City Engineer such assistants as may be necessary for the proper administration of the Water Department.

DEPARTMENT OF PURCHASES AND SUPPLIES

SECTION 14. (a) The City Council shall designate some person or some officer of the City other than the Auditor or Treasurer to act as its Purchasing Agent by whom all purchases of supplies for the City shall be made and who shall approve all vouchers for payment of the same. Said Purchasing Agent shall also conduct all sales of personal property which the City Council may authorize to be sold as having become unnecessary or unfit for the City's use.

(b) All purchases and sales shall conform to such regulations as the Council may from time to time prescribe, but in any case if an amount in excess of Five Hundred Dollars ($500.00) is involved opportunity for competition shall be given and the purchase shall be approved by the City Council. Whenever purchases or sales are made on joint account of separate departments, the Purchasing Agent shall apportion the charge or credit to each department. He shall see to the delivery of supplies to each department and shall

not approve vouchers for any purchase unless delivery has been made.

(c) Until the City Council shall otherwise provide, the City Controller of the City of Ecorse shall act as such Purchasing Agent.

DEPARTMENT OF PUBLIC WELFARE

SECTION 15. The Council of the City of Ecorse shall whenever necessary provide by ordinance for the welfare of its inhabitants by the creation of a Welfare Department, and for the employment of such officers as may be necessary to carry out this purpose.

DEPARTMENT OF CITY PLANNING

SECTION 16. (a) The Council of the City of Ecorse shall provide by ordinance for a City Planning Commission; the creation, organization, powers and duties of the Planning Commission; and for the regulation and subdivision of land.

(b) The Council of the City of Ecorse shall provide by ordinance for zoning, regulating and restricting the location and use of buildings and land for trade, industry, residence and other purposes; create districts for said purposes and establish the boundaries thereof; provide for changes in the regulations, restrictions, and boundaries of said districts; establish a zoning Board of Appeals; and impose penalties for violation of said ordinance.

(c) The ordinances of the Village of Ecorse governing the matters referred to in subdivisions (a) and (b) of this Section shall continue in full force and effect until amended or re-enacted, or until the adoption of a new ordinance or ordinances governing such matters.

CITY CONTROLLER

SECTION 17. The City Controller shall be a qualified and competent bookkeeper and shall be the Accountant of the City.

Duties of.

(a) He shall receive and audit all accounts and demands against the City. 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 separately from those allowed by him and send them to the Council with his objection. 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 therefor upon the City Treasurer, which warrant shall be countersigned by the City Clerk. The Controller shall not sign such warrants until he has first registered the same against the funds from which they are payable, and if the fund is insufficient to pay such claims or demands, he shall notify the Council of such fact.

(b) He shall keep a complete set of books exhibiting the financial conditions of the City, with all its resources and liabilities, in its various departments and funds. He shall keep a bond register in which he shall enter a list of all bonds issued by the City with the description, amount, date and maturity thereof, and complete details of all coupons attached thereto, and shall record payment and cancellation of same. The shall likewise keep an account of all funds, taxes, receipts and expenditures of the City as obtained from the daily reports of receipts and expenditures received by him from the City Treasurer.

(c) On or before the first day of March of each year, he shall furnish the City Council such information as may be necessary for the preparation of the annual appropriation budget as required by Section 19 of Chapter XII of this Charter. 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 said City and placed in the Treasurer's hands for collection, crediting the various funds and accounts, according to the various appropriations therefor. He shall also charge the City Treasurer with all sums received from licenses, rents and other moneys which are payable to the said Treasurer as required by this Charter or by ordinance and with the proceeds of all bonds, coupons and notes, leases, mortgages, bills receivable and bills payable or revenue of any nature whatsoever.

(e) When any funds or appropriations have been exhausted by warrants already drawn thereon or by appropriation, liabilities, debts and expenses actually made, incurred, or contracted for and to be paid out of such fund or appropriation, the controller shall advise the Council thereof at its next meeting.

(f) He shall keep a list of all property, real, personal and mixed, belonging to the City and of all its debts and liabilities in order that the amount of the moneys and liabilities of the Corporation may at any time be known to his office.

(g) The Controller shall exercise general supervision over the financial concerns of the City. He shall be charged with the insuring and general supervision of city property not herein otherwise provided for and for his information may require reports from all

officials or persons having city property under their charge, and shall report the same when required by the Council.

(h) He shall balance the books of account in all departments of the City each calendar month and report the same to the City Council and the City Auditor.

(i) He shall perform such other duties as are required by law or this Charter or as are now or may hereafter be prescribed by ordinance or resolution of the Council pertaining to his office or department and shall assume the duties of City Purchasing Agent if required to do so by the provisions of this Charter or by resolution or ordinance of the Council.

CITY AUDITOR

SECTION 18. The City Auditor shall be a registered and certified public accountant or firm of public accountants. His duties shall be as follows:

(a) Whenever required by the City Council he shall prescribe a method of keeping accounts, or a system of bookkeeping, for all departments and offices of the City, which method shall be uniform as near as practicable and conform to the laws of the State of Michigan.

(b) At the close of each fiscal year, and at any other time upon direction of the City Council, he shall examine and audit all books of account kept by any official board or department; provided that he shall examine and audit all books of account of the City Treasurer, City Clerk and the City Controller at least once each quarterly period.

(c) He shall in each year attend the meetings held by the City Council for the purpose of preparing an annual appropriation budget, and shall furnish at such meetings such information as may be required and useful in the preparation of said budget.

(d) At the close of each fiscal year he shall present to the City Council a detailed statement and audit of the financial condition of the City, which shall include all receipts and expenditures of the various departments, a detailed statement of the debt of the City and the purpose for which it was incurred, an inventory of all property of the City with its estimated current value and his recommendations in regard to said report. He shall prepare a concise annual report therefrom for publication in the official newspaper. The said annual report shall be published at least once within sixty (60) days after the close of each fiscal year.

(e) He shall furnish copies of all reports to the City Council, Clerk, Controller and Assessor.

Amended 11-2-65

(f) He shall perform such other duties as may be required of him by this Charter or by the City Council.

DEPARTMENT OF PUBLIC SAFETY

Police and Fire Commission—How Appointed.

SECTION 19. There is hereby created in the Department of Public Safety a police and fire commission which shall consist of five (5) members. One member of such commission shall be appointed each year by the Mayor on the 3rd Tuesday in November, subject to confirmation by the Council and shall hold office for a term of five (5) years; provided, however, that the first commission shall be appointed within thirty (30) days after the adoption of the Charter, and the members thereof shall be appointed for terms ending on the 3rd Tuesday in November, 1942, 1943, 1944, 1945 and 1946 respectively. All members shall hold office until their successors are appointed, qualified and enter upon the duties of their office. Membership on said commission shall be honorary and the members thereof shall serve without compensation.

Meetings.

SECTION 20. The Police and Fire Commission shall have general control and management of the Police Department and Fire Department. Said Commission shall at its first regular meeting after the adoption of this Charter and at its first regular meeting after the 3rd Tuesday in November each year, elect a chairman, a vice-chairman and a secretary from among its number. It shall meet regularly each month and at such other times as it deems necessary. All regular meetings shall be held in the Municipal Building. It shall adopt rules for its own procedure and provide for the keeping of a complete record thereof.

Department Personnel.

SECTION 21. The Police and Fire Commission shall when a vacancy exists appoint a Chief of Police and a Chief of Fire Department, both of whom shall be directly responsible to the Commission, and the executive head of the Police Department shall be the Chief of Police and the executive head of the Fire Department shall be the Chief of Fire Department. In addition to the respective chiefs, there shall be in the Police Department and in the Fire Department, such number of policemen and firemen, respectively, as the Council shall from time to time authorize, or deem necessary to protect said City from lawlessness or ravages of fire. The Council may also authorize the employment of civilian employees who, however, shall not be considered as members of the Police force or Fire force as those terms are used in this

as Amended 11/2/65

CHAPTER VI - DEPARTMENT OF PUBLIC SAFETY.

Police and Fire Commission - How Appointed.

SECTION 19. (a) There is hereby created in the Department of Public Safety a police and fire commission which shall consist of five (5) members, one member to be appointed each year on the 3rd Tuesday in November, commencing November, 1965, each member to hold office for a term of five (5) years, members of the present Police and Fire Commission to remain in office until the respective term of each expires, his (her) successor to be appointed in the manner hereinabove and hereafter provided.

(b) Appointments to the Police and Fire Commission shall be made as follows, in the order indicated:

1. First Appointment: By the Mayor;
2. Second appointment: By the Council (excluding the Mayor);
3. Third Appointment: By vote (secret ballot) of the members of the Police Department, in person only, at the office of the City Clerk, the latter to supervise the voting and tabulate the votes at conclusion of the voting period, with the assistance of the Chief of Police, voting period to be set by the City Clerk on such hour-span as to allow all members to vote while off duty;
4. Fourth Appointment: By vote(secret ballot) similarly conducted as in 3, of the members of the Fire Department, except that if there is a Chief of the Fire Department (other than Chief of Police), he shall assist the City Clerk as indicated;
5. Fifth Appointment: By vote of the four members (appointed as aforesaid) of the Police and Fire Commission, provided that if said vote produce a tie, the appointment shall be made by the Council (including the Mayor).

(c) If any vacancy (not including the vacancy due to arise November 18, 1965) exists on the Police and Fire Commission at the effective date of this Amendment, it shall be filled by the Council (including the Mayor).

(d) If the effective date hereof is subsequent to November 17, 1965, the above First Appointment (by the Mayor) shall be made on said effective date or immediately thereafter.

(e) If any member of the Commission, appointed under former Section 19 (superseded by this Amendment), and continuing to serve hereunder as above provided, shall resign, die, absent himself from meetings or become disabled from attendance (for a continuous period of 90 days), be removed for cause (after hearing) by the Council (including the Mayor), or otherwise withdraw from the Commission, such vacancy, for his (her) unexpired term, shall be filled by appointment to be made by the Council (including the Mayor). However, if any such vacancy arises as to a member of the Commission, appointed under the provisions of this Amendment, his (her) successor shall be appointed by the same authority, in the above appointment schedule, which appointed him (her).

(f) All members of the Commission, present and future shall hold office until their respective successors are appointed, qualified, and enter upon the duties of office.

(g) Membership on the Commission shall be honorary, and the members thereof shall serve without compensation.

CHAPTER VI
DEPARTMENT OF PUBLIC SAFETY

(amended 11/ 2 /65)

SECTION 22. (this Amendment to be new paragraph immediately following present single paragraph of said Section).

1. The following relatives, and their spouses, of any elective official (including officials temporarily appointed by the City Council to fill any vacancy in any elective office) or of his (her) spouse, and of any member of the Police and Fire Commission or of his (her) spouse, are disqualified from appointment to or employment by the Police Department or the Fire Department during the period commencing with the date of election (temporary appointment of said elective official or date of appointment of said member of the Police and Fire Commission, and concluding with the date on which his (her) elective temporary appointive) or appointive term closes, both said dates inclusive.

Child, grandchild, parent, grandparent, brother, sister, half-brother, half-sister, uncle, aunt, nephew, niece, first cousin, second cousin.

2. All such relationship shall include those arising from adoption.

3. The provisions hereof shall not in any way be effective to disqualify any such relatives or their spouses who are bona fide appointees and/or employees of the Police Department or Fire Department at the time of the election (temporary appointment) of said elective official or appointment of said member of the Police and Fire Commission.

Saving Clause.

SECTION 10. If any section or part of a section of this Charter proves to be invalid or unconstitutional, the same shall not be held to invalidate or impair the validity, force or effect of any other section or part of a section of this Charter unless it clearly appears that such other section or part of a section is wholly or necessarily dependent for its operation upon the section or part of a section so held invalid or unconstitutional.

Amendments.

SECTION 11. This Charter may be amended at any time in the manner provided in Act 279 of the Public Acts of 1909, and amendments thereto.

CHAPTER XVII

SUBMISSION AND ELECTION

When Submitted.

SECTION 1. This Charter shall be submitted to the electors of the City of Ecorse for their approval or rejection at a special election to be held on the 27th day of January, 1942, on which day there shall also be elected the several elective city officers provided for in this Charter.

Publication of This Charter and Notice of Election.

SECTION 2. Prior to the submission of this Charter, it shall be published at least once in a newspaper of general circulation in the City of Ecorse to be selected by the Charter Commission, which publication shall be not less than two (2) weeks nor more than four (4) weeks preceding said election, together with a notice of said election which shall state that at said election the question of adopting said proposed Charter will be voted on, and that the elective officers provided for therein will be elected and shall also state the location of the polling places for said election, the hours of the election and any other matters required by law. Notice of said election shall also be posted in at least two conspicuous places in each voting precinct within the City not less than two weeks nor more than four weeks prior to said election.

Candidates, How Nominated at First Election.

SECTION 3. Candidates for all elective offices provided for in this Charter shall be nominated at the first election at which this Charter is submitted from the City at large by petitions only. No primary election shall be held at said first election but shall be held at all subsequent elections after the adoption of this Charter in the manner herein provided.

Who Entitled to Vote.

SECTION 4. All qualified electors residing within the limits of the City of Ecorse whose names appear upon the last registration books of the Village of Ecorse shall be deemed to be registered electors of the City of Ecorse for the purpose of said election. There shall be a registration of the qualified electors residing in the territory comprised within the City of Ecorse and not already registered on the registration books of the Village of Ecorse previous to said election. The registration prior to said election at which this

Charter shall be submitted shall be had at the time and in the manner provided for by the general registration laws of the State and in relation to such registration the Clerk of the Village of Ecorse shall perform all duties therein provided to be performed by Township, Village and City Clerks. Said Village Clerk shall give notice of said registration in the manner and for the time provided by the registration laws of the State.

Candidates to Consist of Whom.

SECTION 5. The name of any elector of the City shall be placed on the ballot whenever a nominating petition and declaration of candidacy in the form and containing the signatures required by Chapter III of this Charter shall have been filed in his behalf with the Village Clerk. Said nominating petitions and declarations of candidacy for the election at which this Charter is submitted shall be filed not later than 12:00 o'clock noon of the third Saturday preceding the election and notice of the last day for the filing of said petition shall be given by publication in a newspaper circulated in the Village of Ecorse and selected by the Charter Commission not later than ten (10) days before said last day. Filing fees shall be paid by candidates as required in Chapter III of this Charter. The Village Clerk shall provide uniform nominating petitions in form prescribed by the Charter Commission.

Election Districts, Polling Places.

SECTION 6. The election districts for said special election and the polling places therein shall be the same as those last established by the former Village of Ecorse.

Ballots.

SECTION 7. The ballots for elective officers at said election shall be in the form provided by this Charter and by law for regular City elections and the form of the ballot on the question of the adoption or rejection of this Charter shall be as follows:

OFFICIAL BALLOT

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

"Shall the proposed Charter for the City of Ecorse, drafted by the Charter Commission elected on the 15th day of September, 1941, be adopted?" ☐ YES

"Shall the proposed Charter for the City of Ecorse, drafted by the Charter Commission elected on the 15th day of September, 1941, be adopted?" ☐ NO

Registration.

SECTION 8. The registration of voters for said special election shall be made by the City Clerk in accordance with the provisions therefor in the general laws of the State.

Polls, When Open—Election of Officers—Canvassing.

SECTION 9. The polls for said special election at which this Charter is submitted, shall be opened at 7:00 o'clock in the forenoon and shall remain open until 8:00 o'clock in the afternoon, Eastern Standard Time, of the same day. Said election shall be conducted by such inspectors, clerks and gate-keepers as shall be hereafter designated by resolution of this Charter Commission. The votes cast at said election shall be canvassed by a Canvassing Board of three (3) electors to be hereafter designated by resolution of this Charter Commission.

How Conducted.

SECTION 10. Except as in this Charter otherwise provided, said election shall be noticed and conducted in the same manner as is provided in Chapter III of this Charter so far as said provisions are applicable, and the officers of the Village of Ecorse corresponding to the officers provided in this Charter for the City of Ecorse shall perform such duties and have such powers as are in said Chapter III of this Charter conferred upon such City officers in relation to nominations, registrations, and elections, except as provided in Section 9 of this Chapter, insofar as the same relates to the designation by the Charter Commission of inspectors, clerks and gate-keepers of election, and except as herein otherwise provided. All notices herein required shall be signed by the Clerk of the Village of Ecorse and below his signature he shall attach the following words: "By order of the Charter Commission of the City of Ecorse." Said Clerk of the Village of Ecorse shall also perform all other duties in relation to said election as are required under the election laws of the State.

Canvass of Votes—When.

SECTION 11. The Canvassing Board of said special election shall meet on the Thursday following said election and canvass the votes cast and determine the result thereof. The Canvassing Board shall determine in the same manner as is provided in Section 13 of Chapter III of this Charter what persons have been elected to office.

SECTION 12. If this Charter be approved at said election then two (2) copies thereof, with the vote for and against duly certified by the City Clerk, shall within one week after the vote is taken, be filed with the Secretary of State and a like number with the County Clerk of the County of Wayne, and the same shall thereupon become law.

Sec. 8 - amended 11-2-65

CHAPTER XVIII

AMENDMENT TO THE CHARTER OF THE CITY OF ECORSE, MICHIGAN

Approved by the Electors November 2, 1954.

Civil Service Amendment.

Purpose.

SECTION 1. The purpose of this Chapter is to establish a civil service system based on merit principles and scientific methods, thereby providing the basis for establishing effective personnel policies and practices as guides to administrative action.

Department of Civil Service Created.

SECTION 2. In order that certain words and terms wherever used in this Chapter shall have uniform meaning, the following definitions and interpretations shall have a meaning indicated below unless the context clearly requires otherwise:

(a) "Appointing authority" means the Commission, Board, person or group of persons having the power to make appointments by virtue of a statute or by reason of lawfully delegated authority.

(b) "Employment" means all types of City service except that classified as emergency service.

(c) "Emergency service" means that type of service not within the general permanent and/or periodic functions of the City, the need of which arises due to some unforeseen condition.

(d) "Position" means any office or place of employment in the Classified Service with duties and responsibilities calling for the employment of one person in the performance and exercise thereof.

(e) "Employee" means a person who is legally an incumbent of a position in the Classified Service or who is on authorized leave of absence and whose position is held for him pending his return.

(f) "Class or class of positions" means a group of positions in the Classified Service established under the law or by the Civil Service Commission in its rules sufficiently similar in respect to the duties, responsibilities and authority thereof that the same descriptive title may be used to designate each position allocated to the class, that the same requirements as to education, experience, ca-

pacity, knowledege, proficiency, ability and other qualifications should be required of the incumbents, that the same tests of fitness may be used to choose qualified employees and that the same schedule of compensations can be made to apply with equity.

(g) "Re-employment list" means a list of the names of persons arranged in the order provided by rules or regulations established by the Commission who have occupied positions allocated to any class in the Classified Service, who have been separated from the service and who are entitled to have their names certified to appointing authorities, when vacancies in the class are to be filled ahead of those whose names are on the original employment and promotional lists for the class.

(h) "Original employment list" means a list of the names of persons arranged in the order of merit who have been found qualified, through suitable tests, for employment in positions allocated to a specific class.

(i) "Promotional list" means a list of the names of persons arranged in the order of merit who have been found qualified, through suitable promotional tests, for promotion to positions allocated to a specific class.

(j) "Eligible" means any person whose name is on a re-employment list for a given class.

(k) "Promotion" means a change from one class of positions to another class of positions having a higher rate of compensation and involving a change of duties and responsibilities.

(l) "Demotion" means the reduction of an employee in accordance with the rules established by the Commission from a higher class to a lower class involving either a decrease in responsibility and/or a change in title and/or the application of a lower rate of compensation.

(m) "Suspension" means either the temporary removal of an employee from his position with loss of pay as a disciplinary measure or his removal preliminary to hearing and discharge from the service.

(n) "Removal" means the separation or discharge of an employee from his position in accordance with the law or the rules established by the Commission for cause sustained by the Commission.

(o) "Public notice" means publication by posting in a public place in or near the office of the Civil Service Commission and accessible to the public during business hours, or the delivery of such notice or information to the authorized representative or representatives of the press.

(p) The Masculine noun or pronoun as used in this Chapter shall be held to include the feminine, the singular to include the plural and the plural the singular.

(q) The word "shall" as used herein is to be deemed as construed as mandatory and not merely directory.

Department of Civil Service Created.

SECTION 3. There is hereby established a Department of Civil Service in which there shall be a Civil Service Board consisting of three members.

To enable the Civil Service Board to execute its powers, the City Council shall appropriate for each and every fiscal year, a sum of not less than one and one-half per cent of the aggregate annual pay roll of the classified service of the City for the preceding fiscal year as certified to by the Board. Appropriations thus made available shall be expended to carry out the provisions of this Chapter.

All officers and employees of the City shall grant to the Civil Service Board or its authorized representatives free access to premises and records under their control and shall furnish them such facilities, assistance or information as he or they may require in carrying out the provisions of this Chapter.

Appointment of the Civil Service Board.

SECTION 4. The members of the Civil Service Board shall be residents of the City of Ecorse and shall be citizens known to be sympathetic to merit principles as applied to public personnel policies and practices and shall serve without compensation or remuneration. No person shall be eligible for appointment to the Civil Service Board if at any time within the four years immediately preceding the date of his appointment he has been a member of any local, state or national political party committee, or has been a candidate for or held any elective public office. The members of the Civil Service Board shall be appointed within thirty days after this amendment takes effect. Their manner of appointment shall be as follows: One member by the mayor for a term of two years; one by the City Council for a term of four years; and two so chosen shall appoint the third member for a term of six years. Thereafter, the appointments shall be made in each case by the same respective authority, and shall be for six year terms, except that vacancies shall be filled only for the unexpired term in the same manner. Any member of the Civil Service Board may be removed by resolution of the Council but only after an opportunity has been given to such member to be heard before the Council in his own defense.

Organization of Civil Service Board.

SECTION 5. The Board, at its first meeting and thereafter at its first meeting after January 1 of each year, shall elect a chair-

man. It shall determine the order of its business for the conduct of its meetings. Two members of the Board shall constitute a quorum for the transaction of official business.

The City Clerk shall act as secretary for the Board and shall supply the necessary clerical and stenographic service for the work of the Board.

Appointment and Duties of Personnel Technician.

SECTION 6. Upon taking effect of this amendment, the Civil Service Board shall recommend and the City Council shall contract for the services, on a part-time basis only, of a Personnel Technician who shall be thoroughly familiar with the principles and experienced in the practice of modern personnel administration. The Personnel Technician may reside and be employed outside the City. His duties shall be (1) to prepare, conduct and score examinations; (2) to prepare lists of eligibles for appointments; (3) to classify positions and prepare class specifications; (4) to perform any additional technical personnel work as required by this Chapter or the Board.

Duties of the Civil Service Board.

SECTION 7. It shall be the duty of the Civil Service Board:

(1) To represent the public interest in the improvement of personnel administration in the City service.

(2) To make annual or special reports to the Mayor and to the City Council on the quality and status of personnel administration in the City government and to make recommendations for improvements.

(3) To do any lawful acts necessary to effect the purpose of this Chapter and of the rules promulgated in accordance therewith.

(4) To sit as a body in investigating and hearing appeals of any officer or employee.

(5) As soon as practicable, and in any case within six months after this amendment takes effect, to prepare rules for carrying out the provisions of this Chapter. The rules may, from time to time, be added to, amended or rescinded. The rules and any amendments thereto shall have the force and effect of law and shall be drafted to promote the efficiency and good of the city service; to improve employee morale; and to provide for the use of scientific personnel methods and standards which will further these ends. Such rules shall provide for conducting among others the following phases of the personnel program:

(a) The preparation, installation and maintenance of a classification plan based on the duties, authority and responsibilities of positions in the city service;

(b) The preparation and maintenance of a salary plan for positions in the city service;

(c) The establishment of policies and practices, governing permanent and emergency appointments to positions in the City classified service and promotions therein — including announcing examinations, receiving applications for employment, conducting examinations and other methods of measurement designed to assist in rating the relative qualifications of applicants, establishing and making public record of employment and re-employment lists containing the names of persons eligible for appointment, extending, cancelling and combining employment and re-employment lists, certifying the three highest persons to fill each vacancy from open competitive employment lists, and the highest person from promotional and re-employment lists, and establishing working test periods prior to giving new appointees classified service status; provided that war veterans, as herein defined, who have attained the minimum earned rating on examinations shall have five points, if they have not been determined to be eligible for disability compensation from the United States through the veterans' administration, or ten points, if they have been determined to be eligible for such disability compensation, added to their earned ratings, and their names shall be placed upon the register in the order of such augmented ratings. The term veteran as herein used shall be interpreted to mean any person who is credited by the Federal Government of the United States, or any of its branches, with having war-time service between the dates specified by the Federal Government for the Federal Civil Service preference in any uniformed rank of the Army, Navy or the Marine Corps of the United States, or any person in the above mentioned forces who has been issued a campaign badge for expeditionary service as specified in the Federal Civil Service Code. The provisions of this paragraph shall not apply to any person having a mental impairment or active tuberculosis with a veteran's administration rating of permanent fifty per cent or more.

(d) The establishment of policies and practices controlling personnel status changes affecting employees while in the City service —including transferring employees from one position to another either within the same department or to a different department, promoting employees from a position of a lower grade to one of a higher grade, demoting employees from a position of a higher grade to one of a lower grade, administering service ratings for appraising the performance of employees, establishing employee post-entry training programs, establishing employee health, welfare, safety and recreation programs, establishing uniform practices with regard to hours of work, attendance, and leave, and certifying pay rolls before payments of salaries and wages are made to employees;

(e) The establishment of policies and practices governing the separation of employees from the City service—including rejecting employees during the working test period, laying off employees due to lack of work or funds, establishing uniform practices with regard to resignations, deaths, retirements, suspensions for disciplinary purposes, and dismissals for cause;

(f) The establishment of policies and practices governing the manner in which employees in the City Classified Service may appeal to the Civil Service Board relative to any proceedings or situation having a bearing on their employment status of conditions of employment under the provisions of this chapter and of the rules adopted thereunder; and

(g) The establishment of policies and practices governing the use of personnel records and forms—including roster cards showing the complete employment history of each officer and employee, and other required personnel records. All such records and forms shall not be open to public inspection.

(6) To appoint, in the manner prescribed for other positions in the City Classified Service, such employees of the Department as may be necessary in addition to the Personnel Technician to carry out the provisions of this chapter, and to employ, from time to time, such experts and special assistants as its work may require.

(7) To certify pay rolls in the manner prescribed in this chapter.

(8) To prepare or cause to be prepared, a salary plan for the positions in the City Service together with regulations for the administration of such plan. This suggested plan shall be submitted by the Civil Service Board to the City Council for approval and shall, when adopted, constitute the official salary plan for positions in the City service; and

(9) To do any other lawful act or acts necessary to effect the purpose of this chapter and of the rules promulgated in accordance therewith;

(10) To enforce the provisions of this chapter and the rules promulgated hereunder, by the institution of the proper proceedings in courts of competent jurisdiction.

A failure by the Commission to carry out the provisions of this Chapter of the Charter shall be deemed a violation and as such, subject to the penalties as specified in Section 24.

Classified and Unclassified Service.

* SECTION 8. The classified service shall be comprised of the employees of the Department of Public Works and the Department

* amended Sec 8 11-2-65

of Water Supply except the following positions which shall come under the unclassified service.

(a) The City Engineer

(b) The Superintendent of Public Works

(c) The Water Commissioner and his clerical help

The unclassified service shall include all other positions not in the classified service. The provisions of this chapter shall not apply to the unclassified service.

Status of Officers and Employees Holding Positions When This Charter Amendment Takes Effect.

SECTION 9. Any person holding a position at the time this Charter Amendment becomes effective and has held the said position for a period of at least six (6) months prior to the effective date of this Chapter, in the classified service, as defined or specified by this Chapter, shall be retained without preliminary of performance tests and shall thereafter be subject in all respects to the provisions of this Chapter and the rules adopted thereunder. Any other person in the classified service at the time this Chapter takes effect shall be considered as having been given probationary appointment as defined in the rule relating to the subject.

Removal and Suspension.

SECTION 10. Any separation from the service for a period of more than fifteen (15) days for cause assigned, shall be and is hereby declared to be a removal.

Any separation from the service for a period less than fifteen (15) days shall be and is hereby declared to be a suspension.

No removal shall be valid unless for cause assigned and ordered by the proper appointing authority.

Causes for Removal and Suspension.

SECTION 11. Any one of the following causes shall be sufficient for removal or suspension, though such removal or suspension may be also made for good causes other than the following:

(a) Neglect of duty.

(b) Absence without leave or failure to report after authorized leave has expired or after such leave has been disapproved or revoked by the appointing authority.

(c) Incompetency or inefficiency in the service or incapacity due to mental or physical disability.

CHAPTER XVIII

CIVIL SERVICE (amended 11/2/65)

Classified and Unclassified Service.

SECTION 8. The classified service shall be comprised of all of the officers and employees for the City of Ecorse with the following exceptions:

(a) All elective officers as set forth in Chapter IV of the Charter of the City of Ecorse and Amendment thereto and their respective deputies.

(b) All of the appointive officers as set forth in Chapter VI, Section 3, Section 12 and Section 13 of the Charter of the City of Ecorse and only said appointive officers deputies and/or assistants who may act and carry out the duties of said appointive officers and their stead or in their absence.

(c) Members of all commissions created by the Charter and/or Ordinances of the City of Ecorse or otherwise.

(d) Policemen and Firemen.

(e) All officers, commission members and employees as set forth in Chapter III, Section 11 of the Charter of the City of Ecorse.

(f) Secretaries of all of the commissions of the City of Ecorse whether created by the Charter, ordinance or otherwise, provided, however, that said secretaries shall be part-time employees.

(g) Electrical Inspector, Building Inspector, Heating Inspector and Plumbing Inspector.

(h) All seasonal and part-time employees and officers.

(i) All Department heads and their deputies of any Department, temporary or otherwise, as created by virtue of Chapter VI, Section 2 of the Charter of the City of Ecorse.

All provisions of the Ecorse City Charter inconsistent with the provisions of this Amendment are hereby repealed to the extent of such inconsistency.

This Amendment shall be effective forthwith upon adoption by the electors of the City of Ecorse.

This Amendment shall apply to all employees, officers, and officials of the City of Ecorse as of the date that this Amendment is submitted to the Electors of the City of Ecorse, and further, this Amendment shall apply to all Departments hereinafter created.

269.73R Moved by Councilman Smith, Supported by Councilman McGee,

RESOLVED. That the Mayor or any Council member voting with the prevailing side on any resolution may reconsider said vote by filing a written reconsideration with the City Clerk's Office within seventy-two (72) hours following said vote.

All resolutions, parts of resolutions, previous custom, or Robert's Rule of Order, in conflict herewith are repealed to the extent necessary to give this resolution full force and effect.

Yeas: Councilmen Smith, McGee, Silva.
Nays: Councilmen White, Petri.
Absent: Councilman Hickey.

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(d) Violation of any lawful and reasonable official regulation or order made and given by his superior officer or failure to obey any lawful or reasonable direction when such violation or failure to obey amounts to insubordination or serious breach of discipline.

(e) Intoxication while on duty or in a public place while off duty.

(f) Conduct unbecoming an employee in the public service.

(g) Offensive conduct or language toward the public, to superiors or fellow employees.

(h) Disorderly or immoral conduct.

(i) Wilful violation of any of the provisions of the Civil Service laws, rules or regulations.

(j) The commitment of any criminal act.

(k) Failure to pay or make reasonable provision for the payment of just debts thereby causing annoyances to superior officers or scandal in the service.

(l) Negligence of or wilful damage to public property or waste of public supplies and equipment.

(m) Conviction of a criminal offense or of a misdemeanor involving moral turpitude.

(n) The use of or the attempt to use political influence or authority upon any person in the service, engaging in any form of political activity during working hours, or impaired efficiency due to political activity outside of working hours.

(o) No removal for Political or Religious reasons:

In no case may an employee be removed on account of his religious or political opinions or affiliations unless they be in contravention of the principles of government of the United States of America; or for the refusal or failure to contribute or solicit funds for political purposes, or to render political service.

(p) Reduction of force. In such case removals shall only be affected on the basis of seniority and efficiency ratings.

Demotions

SECTION 12. Demotions may be affected for disciplinary purposes and for cause assigned as stipulated in Section 11 and subject to the provisions of Section 13, 14 and 15.

Notice of Removal, Suspension, Demotion.

SECTION 13. Within 24 hours after the removal, suspension or demotion takes effect, the appointing authority shall serve or cause to be served on the person removed, suspended or demoted and the Civil Service Commission, a written statement of the cause assigned for such removal, suspension or demotion, together with statement of facts upon which the cause is predicated.

Right to Hearing: Order of Reinstatement.

SECTION 14. An employee removed, suspended or demoted, may within fifteen (15) days from the receipt of such notice or removal, suspension, or demotion, apply to the Civil Service Commission for a hearing in the matter and upon the receipt of such application, the Civil Service Commission shall grant such hearing and if the commission finds and determines that the removal, suspension or demotion is unfounded and not supported by the proper showing of sufficient facts to substantiate the cause assigned, shall issue an order providing for the return of such employee to his position without prejudice, together with the payment of compensation withheld due to the removal, suspension or demotion.

The findings and determinations of the Commission shall be final and conclusive upon all parties concerned.

In case the cause assigned is found to be valid and substantiated it may recommend a modification of the order of removal, suspension or demotion.

Hearing, Procedure of.

SECTION 15. All hearings of the Commission shall be conducted in a fair and impartial manner with rules adopted providing for the same, and in accordance with the principles of American jurisprudence relative to due process.

Employment and Re-employment.

SECTION 16. (a) Employment: Except as specifically provided otherwise herein, no person shall be appointed to a position in the Classified Service unless he shall have (1) filed a written application on a form prescribed by the Commission; (2) qualified by passing the required competitive examinations conducted by the Board after due and proper public notice of such examination have been given, and (3) been certified for appointment in accordance with the provisions of this Chapter of the Charter and the rules of procedure as adopted by the Commission.

In the case of original employment, the appointing authority shall choose from three persons highest on the appropriate employment list.

(b) Re-Employment: All persons who have attained a status in the Classified Service and have become separated from the service not for cause assigned as set out in Section 11, with the exception of subsection (p) thereof, may, upon the proper form provided therefor by the Commission apply for the placing of their names on a re-employment list.

Upon receipt of such application by the Commission, the applicant's name shall be placed on the re-employment list in the proper classification and number in order. This eligible list shall take precedence over promotional eligible lists and original eligible lists. No additional application shall be required from a person who has been properly employed and whose name is certified from a re-employment list.

The Commission by adoption of rules may limit the time that such re-employment list shall remain effective, provided, however, such period of time shall not be less than one year.

Appointments made by re-employment shall not be subject to the provisions for a probationary period as provided in employment from the original employment eligible list.

Promotions.

SECTION 17. All vacancies in the Classified Service shall be filled by promotions following competitive examination, except where such vacancy may properly be filled from the re-employment eligible list.

Promotional examinations shall be open only to such employees in the Classified Service who have served for a period not less than six months and who pass at least the minimum established qualifications for the position to which promotion is sought.

Appointments shall be made according to the standing on the promotional employment list, as determined from the competitive promotional examinations, provided, however, that an employee in the department in which the promotional appointment is to be made who is in first, second or third position on the promotional list, shall be preferred; otherwise the employee who is in the first position on the promotional list shall be preferred.

If not more than one person is eligible or applies to take the promotional test, the Commission may in its discretion authorize such promotion without competitive test, but shall satisfy itself that such person nominated for promotion is qualified.

Certification and Order of Preference of Appointment.

SECTION 18. Upon the certification by the Commission and selection by the appointing authority and notice to the proper disbursing officer of the City, in the case of original employment; and upon certification in the case of re-employment or promotion, the employment shall be deemed complete without further action by any other executive or legislative official or body of the City.

Order of preference of Eligible lists shall be as follows: First, Re-employment; second, Promotional eligible list; third, Original employment eligible list.

Emergency Service.

SECTION 19. An appointing authority may in case of an emergency employ persons who have not qualified under the provisions requiring examinations, after receipt of notice from the Commission that persons on the re-employment or original employment lists will not accept such emergency employment.

In no event shall such employment of any person be valid for a period in excess of thirty days in any period of six months.

The Commission may investigate the need of emergency employment and its findings in the matter shall be final and conclusive.

Transfers.

SECTION 20. (a) The transfer of any employee in the Classified Service of the City from one position to another, or from one department to another, shall be made only by consent of the appointing authorities involved and the employees, and on approval of the Civil Service Commission; but if the new position is at a higher or a different rate of compensation and/or more responsible duties are involved, a promotional examination shall be held in accordance with rules governing promotions. Any employee unwilling to accept such transfer shall have the right to be heard by this Commission in his or her own behalf.

(b) TRANSFER TO NON-CLASSIFIED SERVICE: Any employee of the regular City classified service who shall fill any appointive office, position of employment, or any office not coming within the City classified service, upon request of any branch of the City government such as the Mayor, Council, a commission or department, may preserve his or her Classified Service employment or office by applying in writing therefor to the Civil Service Commission, which Commission in its discretion, may approve such transfer to a nonclassified service position and issue a certificate of eligibility to reinstatement to the position formerly held in the Classified service by such person.

(c) In case of discontinuance of the position to which the transfer is made, the employee transferred shall be returned to the position from which he was transferred.

Military Leaves of Absence.

SECTION 21. Any full time regular employee holding a position in either the classified or unclassified City service, who was called into or voluntarily entered the United States military, naval, marine or aviation service, or any other service of the United States Government, either prior to, or during the present war, shall, upon written request to the City Council, be granted a leave of absence without pay for the duration of such service and for a period of six months following an honorable discharge therefrom. Upon an honorable discharge from the United States Service or at any time during the six months' period immediately following such a discharge, the employee shall have the right to return to his position; provided, the position still exists, and the City Physician certified that such employee is free from any bodily or mental defects, deformity or disease that might, in fact, incapacitate him from the performance of the duties of his former position. Such an employee shall not suffer any loss of rating or demotion of any kind whatsoever. Applications for reinstatement shall be in writing and must be accompanied by the employee's discharge papers from the service of the United States.

(b) All employees certified by the Civil Service Commission to fill vacancies created by leaves of absence granted in accordance with the provisions of this Section shall be employed for temporary and indefinite period and only until the return of permanent employees granted leaves.

(c) All vacancies created by leaves of absence granted in accordance with the provisions of this Section shall be filled in accordance with the provisions of Sections 16, 17 and 20.

Oaths.

SECTION 22. For the purpose of administering the provisions of this chapter, any member of the Civil Service Board or the City Clerk, shall have the power to administer oaths.

Prohibitions.

SECTION 23. No person in the City classified service or seeking admission thereto shall be appointed, promoted, demoted, dismissed, or in any way favored or discriminated against because of his political or religious opinions or affiliations. No person shall wilfully or corruptly make any false statement, certificate, mark,

rating or report in regard to any test, certification, or appointment held or made under the provisions of this chapter or in any manner commit or attempt to commit any fraud preventing the impartial execution of such personnel provisions or of the rules and regulations made thereunder. No person seeking appointment to or promotion in the classified service of the City shall either directly or indirectly give, render or pay any money, service or other valuable thing to any person for or on account of or in connection with his test, appointment, proposed appointment, promotion, or proposed promotion. No person elected to the City Council shall during the term for which he is elected be appointed to any offices or positions in the City classified service. No member or officer of the Civil Service Board shall continue in such office after becoming an officer of any political party or a member of any local, state or national political party committee, nor take any part in the management, operation or conduct of any political party or political campaign. No employee in the City classified service shall continue in such position after becoming an officer of any political party or a member of any local, state, or national political party committee or after becoming a candidate for nomination or election to any public office. No person holding a position in the City classified service shall make any contribution to the campaign funds of any political party or any candidate for public office in the City of Ecorse, or take any part in the management, affairs, or political campaigns of any political party, or candidate or public office in the City of Ecorse. No person shall orally, by letter, or otherwise solicit or be in any manner concerned in soliciting any assessment, subscription, contribution or support for any political party or candidate for public office in the City of Ecorse, from any person holding a position in the classified service of the City. No person shall be prohibited hereby from exercising his right as a citizen to express his opinion and to cast his vote, nor shall this section abridge any of the rights guaranteed to any of the persons named herein by the Constitution of the United States or of the State of Michigan. Any person in the classified service violating any of the provisions of this section shall be subject to removal or suspension by the Civil Service Board in addition to any other penalties provided in this chapter.

Penalties.

SECTION 24. Any person who by himself or with others wilfully or corruptly violates any of the provisions of this chapter shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine of not more than $500.00 or by imprisonment for a term not exceeding 90 days, or by both fine and imprisonment. Any person who is convicted under the provisions of this chapter shall be for a period of five years ineligible for appointment to or employment in positions in the City service and shall, if he be an

officer or employee of the City, immediately forfeit the office or position he holds.

Certification of Payrolls.

SECTION 25. Neither the City Controller nor any other fiscal officer of the City shall draw, sign, or issue, or authorize the drawing, signing, or issuing of any warrant or check upon the City Treasurer or other disbursing officer of the City, for the payment of a salary or other compensation for personal services, nor shall the City Treasurer or other disbursing officer of the City pay any salary or other compensation for personal services unless a pay roll or account for such salary or other compensation, containing the names of every person to be paid and the amounts to be paid them, has been certified by the Civil Service Board or a person designated by them to the effect that the persons named on the pay roll or account are either in the unclassified service or have been appointed or employed or otherwise established in their position according to the provisions of this chapter, and that the payment of the amounts shown on the pay roll or account will not violate the provisions of the salary plan or the rules pertaining thereto. Any tax payer of the City may maintain an action in any court of competent jurisdiction to recover for the City any sum paid contrary to the provisions of this chapter, or to enjoin the Civil Service Board from certifying any item on a pay roll or account, or the disbursing officer from paying any such account for services where the employment is in violation of the chapter or the rules made pursuant thereto.

Legal Counsel

SECTION 26. In order to enable the Civil Service Board to carry out and to protect the provisions of this chapter, the Board may employ and retain the services of legal counsel at a reasonable fee or compensation in their discretion to represent it in any trial or hearing in or before any court or legally established commission in any case where the established legal counsel of the City represents the opposing parties in the litigation or controversy or is, in the opinion of the Board, disqualified to act as attorney for the Board for any reason whatsoever. Provided further, that in the event of such action it is and shall be mandatory upon the legislature or other proper body or officers to appropriate the necessary funds for the same.

Validity.

SECTION 27. Should any court or competent jurisdiction declare any section, clause or other part of this amendment invalid

for any reason, then such decision shall not affect any other section, clause or part of this amendment.

Signed by Commissioners:

CLARENCE R. MEAD, Chairman
JOHN E. DAVIS, Secretary
PAUL VOLLMAR
RAY MONTIE
JAMES C. HARDAGE
THOMAS J. WEBER
ELMER J. LABADIE
WILLIAM W. VOISINE
EARL HEBERT

Charter Commissioners,
City of Ecorse.

Regular adjourned meeting of the Charter Commission of the City of Ecorse, Wayne County, Michigan, held at the Municipal Building in the Village of Ecorse, Michigan, on the 13th day of December, 1941, at seven o'clock P.M.

Present Commissioners: Mead, Davis, Hardage, Hebert. Labadie, Montie, Weber, Voisine and Vollmar.

Absent Commissioners: None.

Resolution by Commissioner Hebert.

Supported by Commissioner Labadie.

RESOLVED, that the Charter Commission of the City of Ecorse does hereby adopt the foregoing Proposed City Charter as presented at this meeting, and that the Secretary of the Commission is hereby instructed to submit the same to the Governor of the State of Michigan in accordance with the provisions of Act #279 of the Public Acts of the State of Michigan for the year 1909 as amended.

I, JOHN E. DAVIS, Secretary of the Charter Commission of the City of Ecorse, Wayne County, Michigan, do hereby certify that the foregoing is a true copy of the Proposed Charter of the City of Ecorse as drafted by said Charter Commission and approved by a majority of its members at its meeting on the 13th day of December, 1941; that I have compared the same with original thereof in my possession and that it is a true and complete copy thereof.

Approved this 18th day of December, 1941, for the purpose of submitting to the electors of the City of Ecorse.

MURRAY D. VAN WAGONER,
Governor of State of Michigan.

CHAPTER XIX

LONGEVITY PAY

(amended 4/6/59)

SECTION 1. All City employees who have completed twenty (20) or more years of service on November 1, 1959, shall be entitled to payment in the amount of $500.00 e.e.: (a) $400.00 computed at $20.00 per year, plus (b) $100.00 base longevity pay for each City Employee ($500.00 on November 1, 1959), and annually thereafter on November 1, as long as they remain in the service of the City.

SECTION 2. All employees with less than twenty (20) years of service completed on November 1, 1959, shall be entitled to payment in the amount of $20.00 per year for each year of completed service, plus a $100.00 base longevity pay, payable on November 1, 1959, and annually thereafter on November 1, as long as they remain in the service of the City.

SECTION 3. Under no circumstances shall any advance payments be made, nor shall an employee be entitled to more than one payment in any twelve (12) month period.

SECTION 4. Seven or more months' service in the starting year of employment at full time based on a forty (40) hour work week shall qualify that period as a full year of service.

SECTION 5. On or after November 1, an employee must be on the payroll on that longevity pay date to be entitled to longevity payment, except in the case of death of the employee or those employees placed on retirement list, in which case they (or their beneficiaries) shall be entitled to payment if their completed work period is equal to seven (7) months or more.

SECTION 6. Any employee on leave of absence without pay on November 1, shall be entitled to longevity pay in the amount of $20.00 per year for each year of completed service, plus the $100.00 base longevity pay during the fiscal year in which such leave of absence occurs, if he or she subsequently returns to the employ of the City, in which case the employee's accumulated service record shall show a deduction of the months that the employee is on a leave of absence.

SECTION 7. For the purpose of computing longevity payments, all employees shall be given credit for all previous service even though such service was not continuous, provided that the length of service shall be reduced by the number of months

SECTION 8. Any offense such as Misfeasance, Malfeasance, Insubordination, or Derelection of Duty by any employee which offense has resulted in dismissal previous to or during the inception of this plan shall automatically disqualify the employee from any longevity benefits payable after such dismissal.

SECTION 9. The City Council shall lay and collect annually by taxation the sum of not to exceed one-half (1/2) mill of the assessed valuation of the real and personal property of the City for the purpose of carrying into effect the provisions of this Chapter which shall be in addition to the limitation of taxation imposed by Section 2 of Chapter 12 of the Charter of the City of Ecorse, for its general fund and other funds provided for and constituted under the provisions of Section 2 and subdivisions two (2) and three (3) of Section 22 of Chapter XII of said Charter.

CHAPTER XV

PENSIONS AND DISABILITY BENEFITS FOR POLICEMEN AND FIREMEN

When Subject to Reitrement. (amended 11/5/57)

SECTION 1. The following Policemen and Firemen of the City of Ecorse shall be subject to retirement as hereinafter provided.

(a) All Firemen and Policemen whose service heretofore and hereafter with either or both the Fire and Police Force of the City of Ecorse and Village of Ecorse shall total twenty-five years and shall have attained an age of 55 years; provided, that the amount of time spent in the United States Military, Navy or Marine service by any Fireman or Policeman who left the force of which he was a member to enter such United States Service and who returned to either force when honorably discharged from said United States Service, shall be counted as part of the aforesaid twenty-five years service.

Provided further, that all members of the Police and Fire Department in the employ of the City of Ecorse as of November 5, 1957 shall at such members own option have the privilege of retiring upon completion of twenty (20) years service regardless of age.

(b) All Firemen or Policemen hereafter totally disabled.

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Total Disability Benefits. (amended 11/5/57)

SECTION 5. Any Fireman or Policeman subject to retirement as above set forth shall upon his own application and may upon the application of the City Council be retired on a pension of one-half of his average monthly rate of pay determined over the period of five (5) years preceding the time his services totaled twenty-five (25) years or twenty (20) years service as the case may be, or his total disability occurred, provided that if he is determined to be totally disabled before he has served a period of five (5) years said pension of one-half of his average monthly rate shall be determined over the full period of his employment, and provided further, that in no case shall the pension so paid be less than a sum of money equal to one-half the current base pay for probationary Patrolmen and Firemen.

The City Council shall lay and collect annually by taxation such sums of money as may be necessary to create and maintain a reserve of Five Hundred Thousand Dollars ($500,000.00) in the Fireman's and Policeman's Pension Fund, provided, however, that such annual sum shall not exceed one-fourth (1/4) of one (1) mill of the assessed value of the real and personal property of the City, the provisions of Section 2 of Chapter 12 of the Charter of the City of Ecorse notwithstanding.

All parts of the Charter of the City of Ecorse inconsistant with the aforesaid provisions are hereby repealed, and should a court declare any Section, part or clause of this amendment to Section 14, Chapter 15, invalid for any reason, then such decision shall effect only the Section, part or clause so declared to be invalid, and shall not effect any other Section, part or clause of this amendment.

CHAPTER XIX
MUNICIPAL EMPLOYEES' RETIREMENT ACT

"Shall the City Charter of the City of Ecorse be amended by adding thereto a proposed new Chapter to be known as Chapter XIX, entitled "Municipal Employees' Retirement Act", being Act 135 of the Public Acts of 1945, under Plan B, which plan grants to its employees and appointive officials the benefits created by the aforementioned Act?"

Note: Amended 11/2/48 .... Yes: 2,322 No: 865

Charter Amendments

Chap. XIX Emp Pension - 1948

Chap XX Longevity - 1959

Chap IV Salary - Clerk + Treas - 1957

Chap XV Police + Fire Pension - 1957

Chap. VI Dept of Public Safety
(2 Prop - 11-65)

Chap. XVII Civil Service 1965

Chap VIII Justice Courts 1953

Chap XII Taxation 1968

Chap VI Dept Safety 1969
(age of policemen) (page 28)

CITY OF ECORSE
COUNTY OF WAYNE
STATE OF MICHIGAN

EXTRACT TAKEN FROM THE SPECIAL MEETING OF THE MAYOR AND COUNCIL OF THE CITY OF ECORSE HELD UNDER DATE OF AUGUST 15, 1985, MAYOR KENNETH SLIFKA PRESIDING.

PRESENT: COUNCILMEN SILVA, JOHNSON, LACKEY, RHOADS.
ABSENT: COUNCILMEN NORRIS AND DOBBS.

RESOLUTION NO. 414.855

Moved by Councilman Lackey, Supported by Mayor Slifka,

WHEREAS, the Circuit Court for the County of Wayne and William M. Ellmann, former Receiver for the Police and Fire Departments, have both recommended that the Charter for the City of Ecorse, as it pertains to the Department of Public Safety and the Police and Fire Commission, be amended.

NOW, THEREFORE, BE IT RESOLVED, That the City Council of the City of Ecorse by a three-fifths vote of the members of said Council, and pursuant to the provisions of Section 21 of Act 279 of the Public Acts of Michigan of 1909, as amended, does hereby propose that Sections19, 20, 21, 22, 23, 24, 25, 26, 27 and 28 of Chapter VI of the Charter of the City of Ecorse be amended by deleting therefrom said Sections 19, 20, 21, 22, 23, 24, 25, 26, 27 and 28 of Chapter VI of the Charter of the City of Ecorse and by adding new Sections 19 through 32, both inclusive, which shall read as follows:

Section 19 - Police Department

A police department is created in the executive branch of City government. The Chief of Police is the head of the police department.

Section 20 - Powers and Duties

The Chief of Police and police officers of the department possess powers conferred by law.

Section 21 - Powers and Duties of Police Chief

The Chief of Police is responsible for the public peace and order and the enforcement of the criminal laws of Michigan and ordinances of the City. Other departments of the City may be given concurrent enforcement jurisdiction for ordinances which cover technical fields of municipal operations. The Chief of Police shall define the duties of police officers and prescribe rules relative to the performance thereof.

Section 22 - Probationary Employment

Every person hired by the Police or Fire Department shall be first hired as a probationary member, for a period not to exceed 18 months.

Section 23 - Fire Department

A fire department is created in the executive branch of City government. The Fire Chief is the head of the fire department.

Section 24 - Emergency Power

The Fire Chief or the person of the department in charge at any fire, may cause any building to be razed or destroyed, when necessary, in order to arrest the progress of a fire, or deemed unsafe as a result of a fire, and no action shall be maintained against any person or against the City therefor.

Section 25 - Powers and Duties of the Fire Chief

The Fire Chief possesses all powers conferred by law, this charter or ordinance. The Fire Chief shall define the duties of fire personnel and prescribe rules relative to the performance thereof.

Section 26 - Police and Fire Department Trial Board

A Police and Fire Department Trial Board is hereby created. It shall consist of 15 members appointed by the Mayor with the approval of the Council. The Mayor shall endeavor to make the Trial Board as representative of the entire City as reasonably possible. The members of the Trial Board shall serve without compensation. Each member shall serve a staggered 3 year term. The first appointments after the effective date of this charter to the Trial Board may be for varying terms less than the length prescribed in order that thereafter not more than 1/3 of the terms shall expire in any year.

Section 27 - Case Panels

A panel of the Trial Board consisting of 5 members chosen at random by lot shall serve as the trial board in a given case to hear and determine a complaint against an accused member or members of the department.

Section 28 - Rules and Regulations

The Trial Board shall adopt rules and regulations relative to the conduct of proceedings before the Trial Board and case panels thereof.

Section 29 - Citizen Complaints

A complaint by a citizen against a member of the police department or fire department shall be made to the Chief of Police or Fire Chief. However, if the citizen is dissatisfied with the disposition of the complaint made by the Chief of Police or Fire Chief or if no disposition is made within 10 days, the citizen may make a complaint to the Trial Board.

Section 30 - Commencement of Proceedings

Proceedings before the Trial Board shall be instituted by a formal complaint, under oath. The complaint shall contain sufficient information so that both the Board and the accused member may be informed of the nature of the offense. A copy of the complaint shall be served on the accused member and the trial shall be commenced, before a trial board panel selected as provided in Sections 26 and 27, within 10 days after the filing of such complaint. Upon such filing, the accused may be immediately suspended by the Chief of Police or Fire Chief. Any such suspension shall be without pay but, if acquitted of the charge, the accused shall suffer no loss of pay for the period of suspension.

Section 31 - Taking of Proofs and Decision

A trial board panel shall hear the evidence and may determine judgment and pronounce penalties under its rules and regulations. A trial board panel may subpoena witnesses, administer oaths, take testimony and require the production of evidence in any matter pending before it. To enforce a subpoena or order for production of evidence or to impose any penalty prescribed for failure to obey a subpoena or order, a trial board panel shall apply to the appropriate court. A trial board panel's decision shall be final. A trial board panel, on any case brought before it for determination, shall make a stenographic record of all proceedings.

Section 32 - Proceedings to be Public

Proceedings before the Trial Board and case panels shall be public and an accused employee and any person who has filed a complaint shall be given reasonable advance notice of the time and place of any proceedings and copies of decisions.

BE IT FURTHER RESOLVED, That the provisions of the existing sections of the Charter of the City of Ecorse which are altered, abrogated or affected by this proposal, if adopted, now read as follows:

Section 19 (a) There is hereby created in the Department of Public Safety a Police and Fire Commission which shall consist of five (5) members, one member to be appointed each year on the 3rd Tuesday in November, commencing November, 1965, each member to hold office for a term of five (5) years, members of the present Police and Fire Commission to remain in office until the respective term of each expires, his (her) successor to be appointed in the manner hereinabove and hereafter provided.

(b) Appointments to the Police and Fire Commission shall be made as follows, in the order indicated:

1. First Appointment: By the Mayor;
2. Second Appointment: By the Council (excluding the Mayor);
3. Third Appointment: By vote (secret ballot) of the members of the Police Department, in person only, at the Office of the City Clerk, the latter to supervise the voting and tabulate the votes at conclusion of the voting period, with the assistance of the Chief of Police, voting period to be set by the City Clerk on such hour-span as to allow all members to vote while off duty;
4. Fourth Appointment: By vote (secret ballot) similarly conducted as in 3, of the member of the Fire Department, except that if there is a Chief of the Fire Department (other than Chief of Police), he shall assist the City Clerk as indicated;
5. Fifth Appointment: By vote of the four members (appointed as aforesaid) of the Police and Fire Commission, provided that if said vote produce a tie, the appointment shall be made by the Council (including the Mayor).

(c) If any vacancy (not including the vacancy due to arise November 18, 1965) exists on the Police and Fire Commission at the effective date of this Amendment, it shall be filled by the Council (including the Mayor).

(d) If the effective date hereof is subsequent to November 17, 1965, the above First Appointment (by the Mayor) shall be made on said effective date or immediately thereafter.

(e) If any member of the Commission, appointed under former Section 19 (superseded by this Amendment), and continuing to serve hereunder as above provided, shall resign, die, absent himself from meetings or become disabled from attendance (for a continuous period of 90 days), be removed for cause (after hearing) by the Council (including the Mayor), or otherwise withdraw from the Commission, such vacancy, for his (her) unexpired term, shall be filled by appointment to be made by the Council (including the Mayor). However, if any such vacancy arises as to a member of the Commission, appointed under the provisions of this Amendment, his (her) successor shall be appointed by the same authority, in the above appointment schedule, which appointed him (her).

(f) All members of the Commission, present and future, shall hold office until their respective successors are appointed, qualified, and enter upon the duties of office.

(g) Membership on the Commission shall be honorary, and the members thereof shall serve without compensation.

Section 20. The Police and Fire Commission shall have general control and management of the Police Department and Fire Department. Said Commission shall at its first regular meeting after the adoption of this Charter and at its first regular meeting after the 3rd Tuesday in November each year, elect a chairman, a vice-chairman and a secretary from among its number. It shall meet regularly each month and at such other times as it deems necessary. All regular meetings shall be held in the Municipal Building. It shall adopt rules for its own procedure and provide for the keeping of a complete record thereof.

Section 21. The Police and Fire Commission shall when a vacancy exists appoint a Chief of Police and a Chief of Fire Department, both of whom shall be directly responsible to the Commission, and the executive head of the Police Department shall be the Chief of Police and the executive head of the Fire Department shall be the Chief of Fire Department. In addition to the respective chiefs, there shall be in the Police Department and in the Fire Department, such number of policemen and firemen, respectively, as the Council shall from time to time authorize, or deem necessary to protect said City from lawlessness or ravages of fire. The Council may also authorize the employment of civilian employees who, however, shall not be considered as members of the Police force or Fire force as thoseterms are used in this Charter. All persons appointed to either the Police force or Fire force,except those appointed to office of Chief, shall be first appointed as probationary members thereof. All members of the Police and Fire forces shall be residents of the City of Ecorse.

Section 22. (this Amendment to be new paragraph immediately following present single paragraph of said Section).

1. The following relatives, and their spouses, of any elective official (including officials temporarily appointed by the City Council to fill any vacancy in any elective office) or of his (her) spouse, and of any member of the Police and Fire Commission or of his (her) spouse, are disqualified from appointment to or employment by the Police Department or the Fire Department during the period commencing with the date of election (temporary appointment of said elective official or date of appointment of said member of the Police and Fire Commission, and concluding with the date on which his (her) elective temporary appointive) or appointive term closes, both said dates inclusive.

Child, grandchild, parent, grandparent, brother, sister, half-brother, half-sister, uncle, aunt, nephew, niece, first cousin, second cousin.

2. All such relationships shall include those arising from adoption.

3. The provisions hereof shall not in any way be effective to disqualify any such relatives or their spouses who are bona fide appointees and/or employees of the Police Department or Fire Department at the time of the election (temporary appointment) of said elective official or appointment of said member of the Police and Fire Commission.

Section 23. The Commission shall adopt rules and regulations for the organization and conduct of the Police and Fire Departments, for the rank of the members of the Police and Fire forces, and for punishment for breaches of discipline or violations of rules and regulations. The Commission may discipline, suspend temporarily and discharge permanently, any member of the Police or Fire Department for any cause which the Commission in the exercise of their discretion deem sufficient, provided, however, that neither the Chief of the Police Department nor the Chief of the Fire Department, nor any member of the police or fire forces except a probationary member shall dismiss unless a formal complaint of the cause or causes of his suspension or removal be served upon him, and after trial and conviction by the Commission sitting as a trial board. The decision of the Commission shall be final. Such rules shall provide for the manner of making such complaint and for the procedure upon such trial.

Section 24. The Council shall make such provisions as it shall deem necessary for the maintenance of the Police and Fire Commission and the Police and Fire Departments, and shall provide proper quarters therefor.

Section 25. The members of the Police and Fire Departments and all employees thereof shall receive such compensation as the Council may prescribe.

Section 26. The Council may from time to time authorize and the Commission may appoint, additional policemen and firemen for temporary service.

Section 27. The Chief of Police and the Chief of Fire Department shall have all the powers and duties conferred by the laws of this State upon such officers. In addition to such duties as are required of them by the laws of this State and the provisions of this Charter, they shall perform such other duties as may be prescribed by ordinance or by the Commission. They shall each make such reports as are required by law or by resolution of the Commission or Council.

Duties of Police Force.

Members of the police force shall power and it shall be their duty to enforce the penal laws of the State, the penal ordinances of the city and the penal provisions of this Charter; to suppress all riots, disturbances and breaches of the peace; to arrest all persons fleeing from justice; in compliance with the laws of the State, to apprehend persons guilty or suspected of being guilty of violation of the laws of the State, the ordinances of the City, or the provisions of this Charter; to make complaints before the proper officer or magistrate against any person known or believed by them to be guilty of any violation of the laws of the State, the ordinances of the City or the provisions of this Charter; to serve all processes that may be delivered to them in criminal and ordinance cases. When any person has committed or is suspected of having committed any crime, or misdemeanor within the City or has escaped from the city prison or from custody of the police, the police force of the City shall have the same right to pursue, arrest and detain such person without the

Mailing of Statements.

SECTION 23. After receiving the City Tax Roll, and before June 1st each year, the Treasurer shall prepare and send by regular mail to each taxpayer whose name and postoffice address appears on the City Tax Roll, a statement of the amount of taxes assessed to him and a description of the property taxed; but neither the failure to send such statement nor error in such statement shall invalidate the legality of the tax levy. It shall be the duty of the Treasurer to obtain as complete as possible a list of the names and addresses of the taxpayers when collecting taxes and to make corrections of names and addresses on the tax roll whenever necessary.

When Tax and Assessment Becomes a Charge and Lien.

SECTION 24. The Treasurer shall commence the collection of City taxes on the first secular day of June in each year. Every tax and assessment levied by authority of this Charter, shall, except when otherwise provided, constitute a charge against the person whom and property upon which it is levied from the date of the confirmation of the assessment roll upon which such tax or assessment has been levied. Every interest in real estate included in the annual assessment roll or in any special assessment roll, shall from the date of the confirmation of such roll be subject to a lien in favor of the City for the payment of all City taxes and assessments levied against it in such roll.

When Personal Property Is Subject to Lien for Tax.

SECTION 25. All personal property of every person assessed in the annual assessment roll shall from and after the first of May be subject to a lien in favor of the city for the payment of all personal taxes to be levied against such person during the same calendar year; all personal property assessed in any supplemental assessment roll shall be subject to a like lien from the confirmation of said roll; such lien shall take precedence of any sale, assignment or chattel mortgage, levy or other lien on such personal property, whether executed or made before or after said lien attaches as herein provided, except actual sales from a stock of goods in the course of regular trade at wholesale or retail.

CHAPTER XIII

SPECIAL ASSESSMENTS

Expenses, Determined by City Council.

SECTION 1. When the City Council shall determine to make public improvements or repairs and defray the whole or any part of the cost and expense thereof by special assessment, they shall so declare by resolution, stating the improvement, and what part or portion of the expense shall be paid by special assessment, and what part, if any, has been appropriated from the general funds of the city or shall be borne by the city, and shall designate the district or lands and premises upon which the special assessment shall be levied.

Estimates to Be Filed.

SECTION 2. Before ordering any public improvement or repairs, any part of the expense of which is to be defrayed by special assessment, the City Council shall cause estimates of the expense thereof to be made, and also plats and diagrams, when practicable, of the work and of the locality to be improved, and file the same with the City Clerk.

Cost, What to Include.

SECTION 3. The costs and expenses of any improvement which may be defrayed by special assessment, shall include the cost of surveys, plans, assessments, notices, advertising and construction.

Levy, Before Improvement.

SECTION 4. Special assessments to defray the cost of any improvement shall be levied before making the improvement.

Assessment—Roll for.

SECTION 5. The City Assessor shall make all special assessments for said city. If the City Assessor shall be personally interested in any particular special assessment, such particular special assessment shall be made by such other person as the City Council may, by resolution, designate.

Assessments, How Made.

SECTION 6. When any special assessment is to be made pro rata upon the lots and premises in any special district, according

to frontage or benefits, the City Council shall, by resolution, direct the same to be made by the City Assessor and shall state therein the amount to be assessed, and whether according to frontage or benefits, and describe or designate the lots and premises, or locality constituting the districts to be assessed.

Assessor, Duties of in Making Assessments.

SECTION 7. Upon receiving such order and directions, the City Assessor shall make out an assessment roll, entering and describing therein all the lots, premises and parcels of land to be assessed, with the names of the persons, if known, chargeable with the assessments thereon; and shall levy thereon and against such persons the amount to be assessed, in the manner directed by the City Council and the provisions of this Charter, applicable to the assessment. In all cases where the ownership of any description is unknown to the City Assessor, he shall, in lieu of the name of the owner, insert the name "Unknown"; and if by mistake or otherwise any person shall be improperly designated as the owner of any lot, parcel of land or premises, or if the same shall be assessed, without the name of the owner, or in the name of a person other than the owner, such assessment shall not, for any such cause be vitiated, but shall in all respects be as valid upon and against such lot, parcel of land or premises as though assessed in the name of the proper owner, and when the assessment roll shall have been confirmed, be a valid lien on such lot, parcel of land or premises, and collected as in other cases.

Assessor, Duties of in Making Assessments.

SECTION 8. If the assessment is required to be according to frontage, the City Assessor shall assess to each lot, or parcel of land such relative portion of the whole amount to be levied as the length of front of such premises abutting upon the improvement bears to the whole frontage of all the lots to be assessed, unless on account of the shape or size of any lot, an assessment for a different number of feet would be more equitable. If the assessment is directed to be according to benefits, the City Assessor shall assess upon each lot such relative portion of the whole sum to be levied as shall be proportionate to the estimated benefit resulting to such lot from the improvement. When the City Assessor shall have completed the assessment, he shall report the same to the City Council; such report may be in the form of a certificate, indorsed on the assessment roll as follows:

STATE OF MICHIGAN, City of Ecorse, ss.

To the City Council of the City of Ecorse:

I hereby certify and report, that the foregoing is the special assessment roll, and the assessment made by me pursuant to a reso-

lution of the City Council of said City, adopted (give date) for the purpose of paying that part of the cost which the City Council decided should be paid and borne by special assessment for the (here insert the object of the assessment); that in making such assessment, I have, as near as may be, and according to my best judgment, conformed in all things to the directions contained in the resolutions of the City Council hereinbefore referred to, and the Charter of the City relating to such assessments.

Dated_____

_____City Assessor.

Assessments on Single Lots.

SECTION 9. When any expense shall be incurred by the City upon or in respect to any separate or single lot, parcel of land or premises, which by the provisions of this Charter, the City Council is authorized to charge and collect as a special assessment against the same, and not being of that class of special assessments required to be made pro rata upon several lots or parcels of land in a special assessment district, an account of the labor or services for which such expense was incurred, verified by the officer or person performing the labor or services, or causing the same to be done, with a description of the lot or premises upon or in respect to which the expense was incurred, and the name of the owner or person, if known chargeable therewith, shall be reported to the City Council in such manner as they shall prescribe. The provisions of the preceding sections of the Chapter with reference to special assessments generally, and the proceedings necessary to be had before making the improvement shall not apply to assessments contemplated in this section.

Amount, Council to Determine.

SECTION 10. The City Council shall determine what amount or part of every such expense shall be charged, and the person, if known, against whom, and the premises upon which the same shall be levied as a special assessment; and as often as the City Council shall deem it expedient, they shall require all of the several amounts so reported and determined, and the several lots or premises and the persons chargeable therewith respectively, to be reported by the City Clerk to the City Assessor for assessment.

Assessor, Duties of in Making Assessments.

SECTION 11. Upon receiving the report mentioned in the preceding section, the City Assessor shall make a special assessment roll, and levy as a special assessment thereon, upon each lot

or parcel of land so reported to him, and against the person chargeable therewith if known, the whole amount or amounts of all the charges so directed as aforesaid to be levied upon each of such lots or premises respectively, and when completed, he shall report the assessment to the City Council.

Assessments, Filing, Numbering, Review.

SECTION 12. When any special assessment shall be reported by the City Assessor to the City Council as this Charter directs, the same shall be filed in the office of the City Clerk and numbered consecutively. Before adopting such an assessment the City Council shall cause notice of the filing of the same with the City Clerk and the appointment of a time when the City Council and City Assessor shall meet to review said assessment, to be published once each week for two successive weeks in the official newspaper of the City, or be served personally on those persons whose names appear on the special assessment roll. Any person objecting to the assessment may file his objections thereto in writing with the City Clerk. The notices mailed to the parties may be in the following form:

NOTICE OF SPECIAL ASSESSMENT

Take notice, That the roll of the special assessment heretofore made by the City Assessor for the purpose of defraying that part of the cost which the City Council decided should be paid and borne by special assessment for the (insert the object of the assessment and a description of the special assessment district) now is on file in my office for public inspection. Notice is also hereby given, that the City Council and the City Assessor of the City of Ecorse will meet at the City Hall in said City on (insert the date fixed upon) to review said assessment, at which time and place opportunity will be given to all persons interested to be heard.

Dated_____

_____City Clerk.

Commission to Review, Confirmation.

SECTION 13. At the time and place appointed for the purpose, as aforesaid, the City Council shall meet, and there, or at some adjourned meeting review the assessment; and shall hear any objections to said assessment which may be made by any person deeming himself aggrieved thereby, and the City Council may correct said roll as to any assessment, or description of premises appearing therein, and may confirm it as reported, or as corrected or they may refer the assessment back to the City Assessor for revision; or annul it and direct a new assessment; in which case the same proceedings shall be had as in respect to the previous assess-

ment. When special assessment shall be confirmed, the City Clerk shall make an endorsement upon the roll showing the date of confirmation.

Confirmation, Final.

SECTION 14. When any special assessment shall be confirmed by the City Council, it shall be final.

Special Assessments, Lien on.

SECTION 15. Special assessments shall, from the date of the confirmation thereof, constitute a lien upon the respective lots or parcels of land assessed, and shall be a charge against the person to whom assessed, until paid.

May be Paid in Installments.

SECTION 16. Any special assessment roll for street improvements other than sewers, the amount thereof may be divided into not more than ten installments, and sewer rolls may be divided into not more than ten installments. One of said installments shall be collected each year, at such times as the City Council shall determine. However, the whole assessment after confirmation, may be paid to the City Treasurer at any time in full, with the proportionate interest thereon.

First Installment, When Due.

SECTION 17. All special assessments, except such installments thereof as the City Council shall make payable at a future time, as provided in the preceding section, shall be due and payable upon confirmation.

Roll for Installments.

SECTION 18. If any special assessments shall be divided into installments, the assessment roll upon which said special assessment shall be spread shall be made with separate columns for each installment, showing the amount of each installment, and such roll, when so made shall constitute an assessment roll for each installment as provided by the City Council; and the warrant hereinafter provided for, shall command the City Treasurer, in addition to all other requirements to collect the several installments as provided by the City Council, together with the interest as provided by law on all installments not paid. Such warrant shall have the same effect and confer the same powers upon the City Treasurer as if a separate warrant should be annexed to a separate roll for each installment when due.

Division of Lands After Confirmation of Roll.

SECTION 19. Should any lots of lands be divided after a special assessment thereon has been confirmed and divided into installments, and before the collection of all the installments, the City Council may require the City Assessor to apportion the uncollected amounts upon the several parts of lots and lands so divided. Notice of the division shall be filed with the City Clerk and published as required in Section 12 of this Chapter, but publication may be dispensed with when all interested parties agree to the division. The report of such apportionment, when confirmed, shall be conclusive upon all the parties, and all assessments thereafter made upon such lots or lands shall be according to such division.

Insufficient and Excessive Assessment.

SECTION 20. Should any special assessment prove insufficient to pay for the improvement or work for which it was levied, and the expenses incident thereto, and the principal of and interest on any bonds issued in anticipation, the City Council shall, within the limitations prescribed for such assessments, make an additional pro rata assessment to supply the deficiency, and in case a larger amount shall have been collected than was necessary, the excess shall be refunded ratably to those by whom it was paid.

Irregular and Invalid Assessments.

SECTION 21. Whenever any special assessment shall, in the opinion of the City Council, be invalid by reason of irregularity or informality in the proceedings, or if in any court of competent jurisdiction shall adjudge such assessment to be illegal, the City Council shall, whether the improvement has been made or not, or whether any part of the assessment has been paid or not, have power to cause a new assessment to be made for the same purpose for which the former assessment was made. All proceedings on such re-assessment and for the collection thereof shall be conducted in the same manner as provided for the original assessment and whenever any sum or part thereof, levied upon any premises in the assessment so set aside has been paid and not refunded, the payment so made shall be applied upon the re-assessment on said premises, and the re-assessment shall to that extent be deemed satisfied.

Vacating Special Assessments.

SECTION 22. No judgment or decree, nor any act of the City Council vacating a special assessment shall destroy or impair the lien of the City upon the premises assessed, for such amount of the assessment as may be equitably charged against the same, or as by a regular mode of proceeding, might have been lawfully assessed thereon.

When Levied on General Tax Roll.

SECTION 23. Whenever any special assessment shall be confirmed and be payable, the City Council may direct the City Clerk to report to the City Assessor a description of such lots and premises as are contained in said roll, with the amount of the assessment levied upon each, and the name of the owner or occupant against whom the assessment was made, and direct said Assessor to levy the several sums so assessed as a tax upon the several lots and premises to which they were assessed respectively. Upon receiving said report, the City Assessor shall levy the sums therein mentioned upon the respective lots and premises to which they are specially assessed, and against the persons chargeable therewith, as a tax in the city tax roll or other general tax roll in which such premises are described, next thereafter to be made, in a column for special assessments, and thereupon the amounts so levied in said tax roll shall be collected and enforced with the other taxes in such tax roll, and in the same manner; and shall continue to be a lien upon the premises assessed, until paid, and when collected shall be paid into the City Treasury.

When Collected Directly.

SECTION 24. When any special assessment shall be confirmed and payable as hereinbefore provided, the City Council, instead of requiring the assessment to be reported to the City Assessor, as provided in the preceding section, may direct the assessment so made in the special assessment roll to be collected directly therefrom; and thereupon the City Clerk shall attach his warrant to said special assessment roll, therein commanding the City Treasurer to collect from each of the persons assessed in said roll, the amount of money assessed to and set opposite his name therein; and in case any person named in said roll shall neglect or refuse to pay his assessment within forty days from the date of the warrant, then to levy and collect the same by distress and sale of goods and chattels of such person; and return said roll and warrant together with his doings thereon, and within sixty days from the date of such warrant.

Collection, How Made.

SECTION 25. Upon receiving said assessment roll and warrant the City Treasurer shall proceed to collect the amounts assessed therein and for that purpose it shall be his duty, immediately upon receiving such roll, to give public notice of the receipt thereof by him, by publication for two successive weeks in the official newspaper of the City. If any person shall neglect or refuse to pay his assessment within forty days from the date of the warrant attached to such roll, the Treasurer shall seize and levy upon any personal property found within the City, or elsewhere within the County, belonging to such person, and sell the same at public auc-

tion, first giving six days' notice of the time and place of such sale, or so much thereof as may be necessary for that purpose, shall be applied to the payment of the assessment and a percentage of five per centum upon the amount of the assessment for the costs and expenses of said seizure and sale, and the surplus, if any, shall be paid to the person entitled thereto.

Return by Treasurer.

SECTION 26. The Treasurer shall make return of said assessment roll and warrant to the City Clerk, according to the requirement of the warrant, and if any of the assessments in said roll shall be returned unpaid, the Treasurer shall attach to his return a statement, verified by affidavit, containing a list of the persons delinquent, and description of the lots and premises upon which the assessments remain unpaid, and the amount unpaid on each.

Renewal of Warrant, Re-assessment.

SECTION 27. Said warrant may be renewed from time to time by the City Council, and for such time as they shall determine, and during the time of such renewals the warrant shall have the same force, and the City Treasurer shall perform the same duties and make the like returns, as above provided. In case any assessment shall be finally returned to the City Treasurer unpaid, as aforesaid, the same may be certified to the City Assessor in the manner provided in Section 23 of this Chapter, and shall then be re-assessed with interest included at the rate of seven per cent per annum from the date of the confirmation of the assessment until the last day for the payment of taxes, in the next city or other general tax roll, and be collected and paid in all respects as provided in Section 23.

Collected by Suit.

SECTION 28. At any time after a special assessment has become payable, the same may be collected by suit, in the name of the City, against the person assessed, in an action of assumpsit, in any court having jurisdiction of the amount. In every such action a declaration upon the common counts for money paid shall be sufficient. The special assessment roll and a certified copy of the resolution confirming the same shall be prima facie evidence of the regularity of all proceedings in making assessment, and of the right of the City to recover judgment therefor.

Irregularities No Bar.

SECTION 29. If in any such action it shall appear that by reason of any irregularities or informalities, the assessment has not been properly made against the defendants, or upon the lot or premises sought to be charged, the court may, nevertheless, on satisfactory proof that expense has been incurred by the city, which

is a proper charge against the defendant, or the lot or premises in question, render judgment for the amount properly chargeable against such defendant or upon such lot or premises.

Cost of Condemned Property Added.

SECTION 30. Whenever any property is acquired by condemnation or otherwise for the purpose of any special improvement, the cost thereof may be added to the cost of such special improvement, levied upon the property benefited thereby and collected accordingly.

SECTION 31. The issuance and sale of special assessment bonds in anticipation of the collection of special assessments, shall be in accordance with the provisions of the general laws of the State and the provisions of Chapter XIV of this Charter.

CHAPTER XIV

BONDS, PUBLIC IMPROVEMENTS AND CONTRACTS

Issuance of Bonds.

SECTION 1. Subject to Constitutional, Statutory and Charter restrictions and limitations, the Council by proper resolution may authorize the borrowing of money for any purpose within the scope of the powers vested in the City and for the issuance of the bonds of the City therefor, and may pledge the full faith, credit and resources of the City for the payment of the obligation created thereby: Provided, That the net bonded indebtedness incurred for all public purposes shall not at any time exceed ten per centum of the assessed value of all the real and personal property in the City: Provided, further, That in case of fire, flood or other calamity, the City Council by a five-sevenths vote of its members, may borrow for the relief of the inhabitants of the City and for the preservation of municipal property a sum not to exceed three-eighths of one per centum of the assessed value of all the real and personal property in the City, due in not more than five years, even if such loan would cause the indebtedness of the City to exceed the limit fixed in this Charter: Provided, further, That in computing the net bonded indebtedness for the purposes hereof, there shall not be included bonds issued in anticipation of the payment of special assessments, even though they are also a general obligation of the City, mortgage bonds which are secured only by a mortgage on the property or franchise of a public utility, and such other indebtedness provided by law to be excluded; and the resources of any sinking fund pledged for the requirement of any outstanding bonds, shall also be deducted from the amount of bonded indebtedness.

Special Assessment Bonds.

SECTION 2. The City Council shall, subject to the general laws of the State, have authority to borrow money in anticipation of the payment of special assessments made for the purpose of defraying the cost of any public improvement, or in anticipation of the payment of any combination of such special assessments, and to issue bonds therefor. Such special assessment bonds may be an obligation of the special assessment district or districts or may be both an obligation of the special assessment district or districts and a general obligation of the City. All collections on each special assessment roll or combination of rolls shall be set apart in a separate fund for the payment of the principal and interest of the bonds issued in anticipation of the payment of such special assessments, and shall be used for no other purpose.

Issuance of Bonds.

SECTION 3. Each bond or other evidence of indebtedness shall contain on its face a statement specifying the purpose for which the same is issued and it shall be unlawful for any officer of the City to use the proceeds thereof for any other purpose, provided that, whenever the proceeds of any bond issue or any part thereof shall remain unexpended and unencumbered for the purpose for which said bond issue was made, the Council may authorize the use of such unexpended and unencumbered funds for the retirement of said bond issue. All bonds and other evidences of indebtedness issued by the City shall be signed by the Mayor and countersigned by the City Clerk, under the seal of the City. Interest coupons may be executed with the facsimile signatures of the Mayor and City Clerk. A complete and detailed record of all bonds and other evidences of indebtedness issued by the City shall be kept by the Controller. Upon the payment of any bond or other evidence of the indebtedness, the same shall be marked "Cancelled".

Power to Acquire and Own Property.

SECTION 4. The City shall have the power to acquire by purchase, gift, condemnation, lease, construction or otherwise either within or without its corporate limits, the following improvements including the necessary lands therefor, viz.: City Hall, police stations, fire stations, boulevards, streets, alleys, parking lots, public parks, cemeteries, recreation grounds, libraries, museums, airports, City prisons, hospitals, electric light and power plants and systems, gas plants and systems, water works plants and systems, sewage disposal plants and systems, garbage disposal plants, rubbish disposal plants, market places, office buildings for City officers and employees, public works and public buildings of all kinds and additions thereto and extensions thereof; to acquire by purchase, gift, condemnation, lease or otherwise, private property either within or without its corporate limits for any public use or purpose within the scope of its powers whether herein specifically mentioned or not; to maintain, develop, operate, lease and dispose of its property subject to any restrictions placed thereupon by law.

Condemnation.

SECTION 5. All condemnation proceedings instituted for the acquisition of private property for any public use either within or without the corporate limits of the City shall be taken in the manner prescribed by the statutes of the State of Michigan, and the City Council may by ordinance regulate condemnation procedure whenever permissible.

Public Improvement Cost.

SECTION 6. The City shall have power to assess and re-assess the cost or any portion of the cost of any public improvement to a special district; to assess the cost of installing a boulevard lighting system upon the lands abutting thereupon providing the property owners having a majority of the frontage on such street or part thereof to be so improved shall petition therefor; to acquire, own, establish, construct, and operate within or without its corporate limits, public utilities for supplying water, light, heat, and power to the City and the inhabitants thereof for domestic, commercial and municipal purposes and to sell and deliver water, heat, power and light without its corporate limits to an amount not to exceed twenty-five per centum of that furnished by the City within its corporate limits for like purposes; to acquire, own, establish, construct and operate sewage disposal systems, sewers and plants either within or without the corporate limits of such City and including the fixing and collecting of charges for service covering the cost of such service.

City May Contract for Public Work.

SECTION 7. The City Council shall have power to do any public work or make any public improvement by the employment of the necessary labor and the purchase of necessary supplies and materials with separate accounting as to each improvement so made or to do such work by contract duly let after competitive bidding.

Plans and Specifications.

SECTION 8. The responsibility of the preparation of plans and specifications, estimates of the cost, advertising for bids, supervision and approval of the work upon or for any public or special improvement is vested in the City Engineer.

Notification of Contracts.

SECTION 9. When it becomes necessary in the prosecution of any work or improvement done under contract to make alterations or modifications in such contract, such alterations or modifications shall be made only upon resolution of the City Council. No such resolution shall be effective until the price to be paid for the labor and material for work or both under the altered or modified contract shall have been agreed upon in writing and signed by the Contractor and the City Controller.

Sec 1, 5 and 14
* amended 11-5-57

CHAPTER XV

PENSIONS AND DISABILITY BENEFITS FOR POLICEMEN AND FIREMEN

When Subject to Retirement.

* SECTION 1. The following Policemen and Firemen of the City of Ecorse shall be subject to retirement as hereinafter provided.

(a) All Firemen and Policemen whose service heretofore and hereafter with either or both the Fire and Police Force of the City of Ecorse and Village of Ecorse shall total twenty (20) years; provided, that the amount of time spent in the United States Military, Navy or Marine service by any Fireman or Policeman who left the force of which he was a member to enter such United States Service and who returned to either force when honorably discharged from said United States Service, shall be counted as a part of the aforesaid twenty (20) years' service.

(b) All Firemen or Policemen hereafter totally disabled.

Total Disability Defined.

SECTION 2. The term "totally disabled" herein used shall be construed to mean physically unable from any cause, either violent, accidental or natural, to perform his official duties.

Partial Disability Defined.

SECTION 3. The term "partial disability" shall be construed to mean any personal injury received while in the performance of manual labor; also the contracting of any disease or illness as the result of occupation while in the performance of duty which shall render the member temporarily incapable of performing his duties.

Disability—How Determined.

SECTION 4. All disputed questions of fact as to the extent and continuation of disability shall be determined by a committee of three (3) physicians; one chosen by the person claiming disability; one chosen by the Public Safety Commission of the City of Ecorse; and one chosen by the City Council, who may be the City Health Officer. Such committee shall file its findings in writing with the Council, and such findings shall be conclusive upon the parties as to all questions of fact. Every fireman and policeman shall receive an annual physical examination by the City Health Officer.

Total Disability Benefits.

SECTION 5. Any Fireman or Policeman subject to retirement as above set forth shall upon his own application and may upon the application of the City Council be retired on a pension of one-half of his average monthly rate of pay determined over the period of five (5) years preceding the time his services totalled twenty (20) years or his total disability occurred, provided that if he is determined to be totally disabled before he has served a period of five (5) years said pension of one-half of his average monthly rate shall be determined over the full period of his employment, and provided further that in no case shall the pension so paid be less than the sum of Ninety-five Dollars ($95.00) per month.

Partial Disability Benefits.

SECTION 6. In the event that any member is partially disabled in the performance of his duty as hereinbefore defined, he shall be paid the same amount that he would receive under the provisions of the Michigan Workmen's Compensation Act until such time as he may die or be retired as herein provided or be declared to be totally disabled, which payments shall be made from the Pension Fund.

Medical, Surgical and Hospital Benefits.

SECTION 7. During the period of partial disability, said member shall also be furnished reasonable medical, surgical and hospital services and medicines according to the provisions of the Michigan Workmen's Compensation Law, the cost of which shall be paid from the Pension Fund.

Burial Expense.

SECTION 8. If death results to a member before his retirement because of the contracting of any disease or illness or the suffering of any injury as a result of occupation while in the performance of duty, there shall be paid from the Pension Fund in addition to the benefits hereinbefore provided, the reasonable expense of his burial not exceeding the sum of Three Hundred ($300.00) Dollars.

Termination of Disability.

SECTION 9. Any Fireman or Policeman whose retirement for disability has been effectuated or terminated shall at any time upon the request of himself or any member of the Council be re-examined by a committee of three (3) constituted as provided in Section 4. If the Council after receiving the report of said committee shall find that said total disability has ceased, then such Fireman or Policeman shall be returned to duty at full pay.

Compulsory Retirement.

SECTION 10. Any Fireman or Policeman who attains the age

of sixty (60) years shall be retired and pensioned as herein provided, irrespective of length of service. This section is declared self-executing.

Death Benefits.

SECTION 11. If any Fireman or Policeman of the City of Ecorse shall be deceased from any cause except suicide, either before or after retirement, a pension in the same amount provided for in Section 5 of this Chapter shall be paid to his widow or children as additional recompense for services rendered, as follows:

(a) If such Fireman or Policeman leaves a widow, who was by virtue of statutory license and ceremony his wedded wife at the time of his death or retirement, whichever occurs first; then to said widow until she shall die or remarry.

(b) If such Fireman or Policeman leaves no such widow, or if such widow shall later die, then to his surviving children, under eighteen (18) years of age, each to share equally until he or she attains the age of eighteen (18) years, dies or marries, whichever occurs first, including posthumous children if such officer dies before retirement, and excluding children born after retirement.

Applications for Pensions.

SECTION 12. Applications for pensions shall be made in writing to the Safety Commission, and shall be filed with the City Clerk. The applicant shall furnish such proofs as shall be required by the Council. Proof of deduction from pay as herein provided shall be prima facie evidence that the person from whose pay deduction was made, was a Policeman or Fireman. Any person who shall make any false statement for the purpose of securing or to aid any person to secure such pension, shall be guilty of misdemeanor, and upon conviction thereof shall be punished by a fine of not more than One Hundred Dollars ($100.00), of imprisonment in the Detroit House of Correction for a period of not more than ninety (90) days, or both such fine and imprisonment in the discretion of the court, provided, that the Council of the City of Ecorse may from time to time change such place of imprisonment.

Duties of Controller.

SECTION 13. The City Controller shall keep in his office a book to be known as the "Fireman's and Policeman's Pension List." This book shall give a complete history and record of the action of the Council in granting a pension or disability benefits to any person or persons. Such record shall give the names of the Firemen and Policemen to whom or to whose widow or children such pensions have been granted, the date when each of said Firemen or Policemen joined the force, the date when such pension or disability benefit was first allowed and the reason therefor. Whenever

a pension or disability benefit shall be allowed to any person or persons by the Council as herein provided, it shall be the duty of the City Controller to transmit the names of all such persons to the City Treasurer who shall register such names in his office as persons entitled to such pensions.

Contributions by Members and by City.

Amendment to; Approved by Electors April 7, 1947.

Amended 1957

* SECTION 14. There shall be deducted by the City Treasurer from the pay of each Fireman and Policeman five per cent (5%) of his salary, to be paid into the Fireman's and Policeman's Pension Fund, as now constituted, together with all rewards, gifts, and departmental fines and such additional moneys as the City shall annually appropriate as hereinafter provided. The City Council shall appropriate in each fiscal year a sum equal to the estimated total five per cent (5%) contributions of all Firemen and Policemen for said fiscal year and shall in addition thereto appropriate a further sum not exceeding the sum of Two Thousand and Five Hundred Dollars ($2,500.000) in each year in lieu of the cost of Workmen's Compensation Insurance. Any amounts which may be paid under the provisions of any Workmen's Compensation or similar law to a member or to the dependents of a member as herein provided on account of any disability or death, shall be offset against and payable in lieu of any benefits payable out of funds provided by the City under the provisions hereof on account of the same disability or death. Immediately prior to the date for final adoption of the annual appropriation budget for each fiscal year, as provided for in this Charter, the City Controller, or the City Treasurer, as the case may be, shall submit to the City Council, his estimate of any deficit which he might find that will exist in the **Firemen's and Policemen's Pension Fund** during the ensuing fiscal year necessary to pay all valid and mature claims, due against said fund. The City Council shall include in its annual appropriation a sum of money equivalent to said estimated deficit, and shall raise said sum by general taxation for such purposes and, provided further, that said City Council shall have the same power and jurisdiction as is vested in the City Controller and/or the City Treasurer, as above provided, to make such estimates and appropriations, provided further, that if at any time, the cash balance in said **Firemen's and Policemen's Pension Fund** is insufficient to pay all pending, accrued and valid claims due against said Fund, the City Council shall, and is hereby directed, authorized and empowered to appropriate from the general fund of the City, or borrow money in accordance with law, a sufficient sum to pay all of said claims.

All parts of the Charter of the City of Ecorse inconsistent with the aforesaid provisions are hereby repealed, and should a court declare any Section, part or clause of this amendment to Section 14,

Chapter 15, invalid for any reason, then such decision shall affect only the Section, part or clause so declared to be invalid, and shall not affect any other Section, part or clause of this amendment.

Appointment of Pension Board.

SECTION 15. On the third Tuesday in November of each year, a Pension Fund Board of three members shall be chosen as follows: One appointed by the Mayor, with the consent of the Council; one elected by the Firemen; and one elected by the Policemen. This Board shall investigate and recommend to the Council all investments of moneys and sales of securities in said Pension Fund, and report other pertinent matters. Moneys of said Fund shall be invested only in United States Government Bonds.

Contributions Not to Be Returned.

SECTION 16. No Fireman or Policeman, nor any probationary Fireman or Policeman, shall receive a return of any contributions so deducted from his salary upon termination of his service with the Fire or Police Force. The word "termination" as herein used is defined as a cessation of service in the Police or Fire Forces for any cause except by death, or by partial or total disability or retirement as defined in Sections 1, 2 and 3 of this Chapter.

Exemption from Levy, Etc.

SECTION 17. No moneys owed to any disabled or retired Fireman or Policeman, his widow or to his children shall be held, seized or taken or detained, levied on by virtue of attachment, execution, injunction, writ, interlocutory or other order or decree or any process or proceedings whatever issued out of any court of this State for the payment or satisfaction in whole or in part of any debt, damages, claim, demand or judgment, against any such Fireman or Policeman, or widow, or guardian of any minor child or children, of any deceased Fireman or Policeman. And no pensioner shall have the right to assign his or her pension or any part thereof, but said money shall be sacredly held, kept, secured and distributed, for the purpose of pensioning the persons named and for no other purposes whatever.

Treasurer's Duties.

SECTION 18. At the last regular meeting of Council in each month, the City Treasurer shall present a list of persons, as shown by the records in his office, entitled to pensions and the amount payable to each such person. The Council shall examine such list and if found to be correct, shall order the payment of moneys due all such persons. A warrant shall be drawn for the payment to each person entitled to such moneys in the same manner as is provided for the payment of all other claims against the City. Such pensions

shall be paid only out of the Firemen's and Policemen's Pension Fund.

Affidavit Requirement.

SECTION 19. Before issuing any warrant for the payment of any pension hereunder, the City Controller may require a sworn affidavit from the recipient thereof, showing the continued eligibility therefor of such recipient. Whenever any recipient ceases to be so eligible, the City Controller shall make a suitable record on the roll of pensioners and promptly notify the Council accordingly, and such recipient shall thereupon be dropped from the roll of pensioners.

Pensions—When to Commence.

SECTION 20. All pensions shall be payable by the City Treasurer on the first secular day in each month. In all cases where pensions are payable because of injuries resulting in the death of such person, such pension shall be allowed from the date of death, or in cases of total disability, such pension shall be allowed from the date when the injury was received resulting in such total disability; provided, however, that if a member, who is determined to be totally disabled, has received weekly partial disability payments for the same injury, the amount of said partial disability payments shall be deducted from the total disability benefits.

Definition.

SECTION 21. The terms "Firemen" and "Policemen" herein used shall include all regular Policemen and Firemen, including chiefs, probationers, and policewomen and firewomen; and excluding private policemen and firemen appointed at the request and expense of private persons and corporations, special police having limited authority, police officers temporarily deputized, and volunteer or temporary firemen.

Continuation of Present Benefits—Transfer of Funds.

SECTION 22. Pensions or disability benefits now being paid or subject to being paid under the provisions of the Charter amendment governing pensions now in effect in the Village of Ecorse shall continue to be paid out of the Pension Fund provided for in this Act in accordance with the provisions of said Charter provision now in effect in the Village of Ecorse. All moneys now in the possession of the Village Treasurer in the Village Policemen's and Firemen's Pension Fund shall upon this Charter taking effect be transferred to the Policemen's and Firemen's Pension Fund of the City of Ecorse. All pension or disability benefits now being paid or subject to being paid under the said Village of Ecorse Pension Amendment provision shall continue to be paid in the same amount as provided therein regardless of the benefits provided therefor under provisions of this Charter.

Contributions by Members and by City. (amended 11/5/57)

SECTION 14. There shall be deducted by the City Treasurer from the pay of each Fireman and Policeman five per cent (5%) of his salary, to be paid into the Fireman's and Policeman's Pension Fund, as now constituted, together with all rewards, gifts, and departmental fines and such additional moneys as the City shall annually appropriate as hereinafter provided. The City Council shall appropriate in each fiscal year a sum equal to the estimated total five per cent (5%) contributions of all Firemen and Policemen for said fiscal year and shall in addition thereto appropriate a further sum not exceeding the sum of Two Thousand and Five Hundred Dollars ($2,500.00) in each year in lieu of the cost of Workmen's Compensation Insurance. Any amounts which may be paid under the provisions of any Workmen's Compensation or similar law to a member or to the dependants of a member as herein provided on account of any disability or death, shall be offset and payable in lieu of any benefits payable out of funds provided by the City under the provisions hereof on account of the same disability or death. Immediately prior to the date for final adoption of the annual appropriation budget for each fiscal year, as provided for in this Charter, the City Controller, or the City Treasurer, as the case may be, shall submit to the City Council, his estimates of any deficit which he might find that will exist in the Firemen's and Policemen's Pension Fund during the ensuing fiscal year necessary to pay all valid and mature claims, due against said fund. The City Council shall include in its annual appropriation a sum of money equivalent to said estimated deficit, and shall raise said sum by general taxation for such purposes, and, provided further, that said City Council shall have the same power and jurisdiction as is vested in the City Controller and/or City Treasurer, as above provided, to make such estimates and appropriations, provided further, that if at any time, the cash balance in said Firemen's and Policemen's Pension Fund is insufficient to pay all pending, accrued and valid claims due against said Fund, the City Council shall, and is hereby directed, authorized and empowered to appropriate from the general fund of the City, or borrow money in accordance with law, a sufficient sum to pay all of said claims.

CHAPTER XVI

MISCELLANEOUS

Official Newspaper.

SECTION 1. The City Council after investigating the circulation, rates, quality of printing, deliveries and responsibility of available newspapers and the qualification of said newspapers for the publication of legal notices required to be published by the City Charter, shall designate some newspaper of general circulation in the City of Ecorse, or in case there be no such paper then some newspaper published in the County of Wayne and circulated in the City, as the official newspaper of the City. All notices, commission proceedings, ordinances and other records of the City required by the provisions of this Charter or by law to be published, shall be published in said official newspaper: Provided, However, That the Council may order additional publications of the above notices, Council proceedings, ordinances or other records in other newspapers published in said County of Wayne and circulated in the City. If at any time no official newspaper has been designated, the City Council shall in each case as the necessity may arise designate a qualified newspaper in which publication shall be made, but the City shall not be without a designated official newspaper for more than thirty days. The term of the contract or appointment of the official newspaper shall be fixed by the Council, but shall not extend beyond the term of the Council making the designation.

Penalties.

SECTION 2. All offenses herein declared to be misdemeanors shall be punishable unless herein otherwise provided by a fine not exceeding Five Hundred Dollars ($500.00) or by imprisonment in the County jail or the City jail, the Detroit House of Correction or any place of imprisonment provided by the City or the laws of the State of Michigan for a period not exceeding ninety days or both such fine and imprisonment.

City to Control and Regulate Use of Streets.

SECTION 3. The right is hereby reserved to the City to use, control and regulate the use of its streets, alleys, bridges and public places, and the space above and beneath them. Every franchise for the operation of a public utility, enterprise or service occupying the streets, alleys, bridges or public places of the City, or the space above or beneath them, shall be subject to the limitation that the

City may permit the joint use of the property of such public utility, enterprise or service located in the streets, alleys, bridges or public places of the City by any other public utility, enterprise or service, of the City, on such reasonable terms as it may impose, and upon payment of a reasonable compensation to the owner thereof. If the owner of such property and the one desiring such joint use are not able to agree on such terms and compensation for the use thereof within sixty days from the time of opening negotiations therefor, then the City Council shall, by ordinance, after a fair hearing, fix the terms and conditions of such joint use and compensation, which award of the City Council when so made shall be binding and final and observed by all parties concerned.

Vacation of Streets and Alleys.

SECTION 4. When the Council shall deem it necessary, advisable and expedient to vacate, discontinue or abolish any highway, street, alley or public ground or any part thereof, they shall by resolution so declare and in the same resolution shall appoint a time not less than four weeks thereafter when they shall meet and hear objections thereto. Notice of such meeting, with a copy of said resolution, shall be given by publication in the official newspaper at least twice before the date of hearing, the last of which publications shall be at least seven days before said hearing. When the proceedings to vacate, discontinue, or abolish any highway, street, alley or public ground or any part thereof, does not initiate in the official body, the City Council may in its resolution require that cost of publication be paid by the parties petitioning for the improvement. The City Council at said hearing or at any adjourned date thereof, after determining the necessity for the improvement, that the same will make a public improvement, and that no sufficient reason exists for not making the same, may by resolution vacate, discontinue, or abolish said highway, street, alley or public ground or any part thereof, and may in the vacating resolution impose reasonable conditions which must be complied with before the resolution shall become effective.

Service of Process.

SECTION 5. All process against the City shall run against the City in its corporate name and may be served by leaving a certified copy with the Mayor or City Clerk at such time and in such manner as may be provided by law.

Plats.

SECTION 6. No lands or premises shall hereafter be laid out, divided and platted into lots, streets and alleys within the City except by permission and approval of the City Council which shall

have authority to impose reasonable terms and conditions upon the approval of any plat.

Supervisors—Representation on County Board.

SECTION 7. The City of Ecorse shall be represented on the Board of Supervisors of Wayne County, Michigan, by the Mayor, City Assessor and three Councilmen selected as hereinafter provided. The Council representatives shall be the Councilmen receiving the largest popular vote at the election at which this Charter is submitted and at each subsequent regular election and their terms shall continue until their successors are elected, qualified and enter upon the duties of their office. They shall possess all the powers and perform all the duties of Supervisors of Townships under the general laws, not inconsistent with this Charter and not delegated to other officers. In case the City shall hereafter become entitled by general law to additional representation on the Board of Supervisors, and in case a vacancy occurs, such additional representation shall be chosen as hereinbefore in this Section provided.

Elected by District 11-68

Succession to Rights, Liabilities, Remedies.

SECTION 8. All rights and properties of any kind and description which were vested in the former Village of Ecorse on the effective date of this Charter shall be deemed and held to be vested in City; and no franchises or licenses granted or rights or liabilities, either in favor of or against the former Village of Ecorse on the effective date of this Charter, and no suit or prosecution of any kind shall be in any manner affected by the adoption or taking effect of this Charter, but the same shall stand or progress as if no such change had been made, and all debts and liabilities of the former Village of Ecorse under its Charter shall be deemed to be debts and liabilities of the City under this Charter, and all taxes, and special assessments levied and uncollected on the effective date of this Charter shall be collected the same as if such change had not been made; provided, that when a different remedy is given in this Charter, which can be made applicable to any rights existing on the effective date of this Charter, the same shall be deemed cumulative to the remedies before provided, and may be used accordingly.

Licenses.

SECTION 9. The City Council may prescribe the terms, conditions and time, not exceeding one year, upon which licenses may be granted and revoked. The City Council may provide for punishment by fine or imprisonment, or both, of any person, who without license, shall exercise any occupation or trade, or do anything for or in respect to which any license shall be required by any ordinance or regulation of said City Council or this Charter.

Charter. All persons appointed to either the Police force or Fire force, except those appointed to office of Chief, shall be first appointed as probationary members thereof. All members of the Police and Fire forces shall be residents of the City of Ecorse.

Appointment.

SECTION 22. The Commission shall from time to time receive applications for the positions of policemen and firemen, it shall cause such applicants to be examined physically and mentally by the City Physician or such other physician as the Council may designate; it shall determine the fitness of such applicant for the positions applied for and shall create and maintain a waiting list of satisfactory applicants for appointment as policemen and firemen respectively. All appointments to positions as policemen and firemen shall be made by the Commission.

Amended 11-2-1965

Still in force and amend 10-2-65

SECTION 23. The Commission shall adopt rules and regulations for the organization and conduct of the Police and Fire Departments, for the rank of the members of the Police and Fire forces, and for punishment for breaches of discipline or violations of rules and regulations. The Commission may discipline, suspend temporarily and discharge permanently, any member of the Police or Fire Department for any cause which the Commission in the exercise of their discretion deem sufficient, provided, however, that neither the Chief of the Police Department nor the Chief of the Fire Department, nor any member of the police or fire forces except a probationary member shall dismissed unless a formal complaint of the cause or causes of his suspension or removal be served upon him, and after trial and conviction by the Commission sitting as a trial board. The decision of the Commission shall be final. Such rules shall provide for the manner of making such complaint and for the procedure upon such a trial.

Maintenance.

SECTION 24. The Council shall make such provisions as it shall deem necessary for the maintenance of the Police and Fire Commission and the Police and Fire Departments, and shall provide proper quarters therefor.

Compensation.

SECTION 25. The members of the Police and Fire Departments and all employees thereof shall receive such compensation as the Council may prescribe.

Temporary Service.

SECTION 26. The Council may from time to time authorize and the Commission may appoint, additional policemen and firemen for temporary service.

Powers and Duties of Police and Firemen.

SECTION 27. The Chief of Police and the Chief of Fire Department shall have all the powers and duties conferred by the laws of this State upon such officers. In addition to such duties as are required of them by the laws of this State and the provisions of this Charter, they shall perform such other duties as may be prescribed by ordinance or by the Commission. They shall each make such reports as are required by law or by resolution of the Commission or Council.

Duties of Police Force.

Members of the police force shall have power and it shall be their duty to enforce the penal laws of the State, the penal ordinances of the city and the penal provisions of this Charter; to suppress all riots, disturbances and breaches of the peace; to arrest all persons fleeing from justice; in compliance with the laws of the State, to apprehend persons guilty or suspected of being guilty of violation of the laws of the State, the ordinances of the City, or the provisions of this Charter; to make complaints before the proper officer or magistrate against any person known or believed by them to be guilty of any violation of the laws of the State, the ordinances of the City or the provisions of this Charter; to serve all processes that may be delivered to them in criminal and ordinance cases. When any person has committed or is suspected of having committed any crime, or misdemeanor within the city or has escaped from the city prison or from custody of the police, the police force of the City shall have the same right to pursue, arrest and detain such person without the city limits as the sheriff of the county, and the police shall have the same powers and rights in relation to offenses against the ordinances of the City and the provisions of this Charter. They shall have all the powers given by law to constables for the preservation of quiet and good order and in relation to the enforcement of the laws of the State and ordinances of the City, and in addition thereto shall have such other powers as are conferred generally upon peace officers of the State. They shall perform such other duties as may be required of them by the Police and Fire Commission for the good government of the City.

Age Limits. (amended 10/7/69)

SECTION 28. Rules and regulations for the organization of the Police and Fire Departments, as adopted by the Commission, shall provide that no person shall be eligible to be a new member of the Fire Force who has not attained the age of 21 years or who has passed the age of 30 years, and that no person shall be eligible to be a new member of the Police Force who has not attained the age of 21 years or who has passed the age of 30 years.

CHAPTER VII

GENERAL PROVISIONS RELATING TO OFFICERS

Notification of Election or Appointment.

SECTION 1. It shall be the duty of the City Clerk, within five (5) days after the meeting of the Council and its determination as to the result of any election, to notify each person elected of his election by ordinary mail to his place of residence, and also within five (5) days after the appointment of any person to any office to notify such person in like manner of his appointment.

Oath of Office.

SECTION 2. Every officer elected or appointed shall before entering upon the duties of his office take and subscribe the Constitutional Oath of Office which shall be kept and filed in the office of the City Clerk. In case of his failure to take, subscribe and file said Oath of Office within two (2) weeks after his election or appointment, he shall be deemed to have declined the office unless the Council shall for good cause extend the time therefor.

Bond.

SECTION 3. (a) Every officer, elective or appointive, before entering the duties of his office and within the time prescribed for filing his Oath of Office, if a bond is required, shall file with the City Clerk such bond or security as may be required by law, 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.

(b) The City shall pay the cost of bonds for the City Clerk and City Treasurer, and such bonds shall be surety bonds. All other officers shall be required to furnish their own bonds.

New or Additional Bonds.

SECTION 4. The Council may at any time by resolution require any officer to execute and file with the City Clerk additional or new official bonds, with such new or further security as said Council shall deem requisite. Failure to comply with such requirements within thirty (30) days shall subject the officer to immediate removal from office by the Council.

Resignation or Removal Not to Affect Bond.

SECTION 5. The resignation or removal of any officer shall not, nor shall the appointment or election of another to the office, exonerate such officer or his sureties from any liability incurred by him or them.

Clerk to Report Failure to Qualify.

SECTION 6. 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.

Council May Declare Office Vacant for Failure to Qualify.

SECTION 7. If any person elected or appointed to office shall fail to file his Oath of Office or to give the bond with surety required for the due performance of the duties of his office within the time herein limited therefor, the Council may declare the office vacant unless previous thereto he shall file the Oath and give the requisite bond or security.

Compensation Not to be Increased or Diminished During Term.

SECTION 8. The salary or rate of compensation of any elective or appointive officer of the City shall not be diminished or increased during the term of office, and no person who shall have resigned or vacated any office shall be eligible to the same office during the term for which he was elected or appointed when during the same time the salary or rate of compensation has been increased; provided, however, that this section shall not apply to officers who are not elected or appointed for a fixed term; nor shall the term of any public official be shortened or extended beyond the period for which he was elected or appointed unless he resign or be removed for cause, where such office is held for a fixed term.

Delivery of Effects of Office.

SECTION 9. Whenever any officer shall resign or be removed from office, or the term for which he has been elected shall have expired, he shall on demand deliver over to his successor in office all the books, papers, money and effects in his custody as such officer, and in any way pertaining to his office; and any person wilfully violating this provision shall be deemed guilty of a misdemeanor and shall be punished as in this Charter provided.

Officers Not to Become Sureties.

SECTION 10. 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 contract executed or entered into by the City.

When Office Vacant.

SECTION 11. If any person elected or appointed to office shall die, resign, remove from the City, be removed from office, be convicted of a felony, absent himself continuously from the City for more than ninety (90) days without the permission of the Council, or if any Councilman shall wilfully absent himself from Council meetings for a period of five (5) consecutive regular meetings of the Council without good and sufficient reason therefor, and without the permission of the Council, the office held by such person shall be deemed to be vacant.

Deputies and Assistants—Appointment of.

SECTION 12. The Clerk, Controller and Treasurer of the City shall each have power to employ, subject to the approval of the Council, a deputy and such number of assistants as the Council may authorize and the said Clerk, Controller and Treasurer shall have power to revoke the employments at pleasure. All employments of deputies and revocations of such employments shall be in writing and filed with the City Clerk. During the absence or disability of the said Clerk, Controller or Treasurer, his respective deputy shall have the power and may exercise the functions of said office. In case of the absence or disability of any of said officers or their respective deputies to perform or discharge the duties of their offices, the City Council shall designate some properly qualified person or persons to perform or discharge said duties for such time as may be necessary, who during such time shall have all the power and perform all the duties of the office.

Fees to be Paid to Treasury.

SECTION 13. Unless otherwise specifically provided in this Charter or in the ordinance or resolution fixing the salary or compensation of any officer or employee, no officer or employee shall be entitled to retain for his own use and benefit any fee or money payable to him by virtue of his office or position, but shall collect all such fees and moneys for the use and benefit of the City, and shall pay the same into the City Treasury to be credited to the proper funds.

Defaulter Disqualified.

SECTION 14. No person shall be elected or appointed to any office who at the time of his election or appointment is a defaulter to the City or to any Board of officers or department thereof.

Physical Examination.

SECTION 15. Every employee of the City, except elective or appointive officers, may be required to submit to a physical and mental examination as a condition precedent to his employment, and may from time to time be required to submit to physical and mental examinations to determine his or her fitness for employment. This provision shall include members of the Police and Fire forces.

Suspension and Removal of Appointive Officers.

SECTION 16. A majority of the Councilmen elect, exclusive of the Mayor, may suspend any appointive officer of the City by resolution, adopted at any regular meeting, specifically charging neglect of duty, misconduct in office, or other sufficient cause or causes as a basis for removal.

The salary of such suspended officer shall be immediately terminated, but shall be reinstated if removal charges are not preferred or sustained as herein provided.

No suspension shall result in removal unless a copy of the suspension resolution, and a statement of the offense or offenses and time and place thereof, shall be served personally on such officer, or left with a person of suitable age and discretion at the last known place of residence of such suspended officer, within seventy-two (72) hours after suspension.

The said officer shall have the privilege of filing an answer to said charges within five (5) days after service upon him of a copy thereof. The Council shall hear such complaint and charges, and defense if any, at its next regular meeting.

Should no charges be served within the time provided or be not sustained at the hearing thereof, said officer may resume the duties of his office as if no suspension had been made. A majority of the Council elect, exclusive of the Mayor, may determine at such hearing that the charges have been sustained and may remove such officer.

Amended - 1953
(see back folder)

CHAPTER VIII

JUSTICE COURTS

Amendment Approved by Electors April 6, 1953.

SECTION 1. There shall be two Justices of the Peace for the City of Ecorse, whose courts shall be and comprise the Justice Courts of said city. Said Justices of the Peace shall be attorneys at law, in good standing, who have been admitted to practice before the Supreme Court of the State of Michigan for at least two years prior to their election. Such Justices of the Peace shall possess such other qualifications as are prescribed in Section 7, Chapter IV of this Charter.

SECTION 2. Except as in this Charter otherwise provided, the provisions of the general law relative to the election and qualification of Justices of the Peace in townships shall apply to the Justices of Peace of the City of Ecorse.

SECTION 3. The said Justices of the Peace shall have and exercise the same jurisdiction and powers in all civil and criminal matters, causes, suits and proceedings, and shall perform the same duties in all respects so far as occasion may require, as are or may be conferred upon or required of Justices of the Peace in townships under the general laws of the State. Provided, however, that in all civil matters, causes, suits and proceedings, ex-contractu and ex-delecto, the said Justices of the Peace shall have concurrent jurisdiction to the amount of Five Hundred ($500.00) Dollars, with such exceptions and restrictions as are provided by law, provided further that the Justice of the Peace before whom such cause shall have been tried, shall upon legal cause shown therefor have the same power and authority as the Circuit Courts of the State possess to set aside the verdict or judgment and grant a new trial therein whenever a motion in writing is made and filed with said justice within five days after the rendition of the verdict or judgment in said cause, which said motion shall briefly and plainly set forth the reasons and grounds upon which it is made and shall be supported by an affidavit or affidavits setting forth the facts relied upon and filed at the time of filing said motion; notice of hearing of said motion with a copy of the motion and affidavits filed as aforesaid shall be served on the adverse party or his attorney at least two days before the hearing thereof and such motion shall be determined within two days after the same shall have been heard and submitted and such motion shall be submitted and heard within one week after the same shall have been filed.

The time for taking an appeal from judgment in case said motion be not granted shall begin to run from the time when such motion shall be overruled. In no case shall pendency of such motion stay the issuing and levy of an execution in such case, but in case of a levy under execution pending such motion, no sale of the property so levied on shall be advertised or made until a final determination of such motion.

SECTION 4. Said Justices of the Peace shall also have authority and it shall be their duty to hear, try and determine all suits and prosecution for the recovery and enforcing of fines, penalties and forfeitures imposed by the Charter and ordinances of the City of Ecorse, and to punish offenders for the violation of said charter and ordinances as therein prescribed and directed.

SECTION 5. The proceedings in all suits and actions before the said Justices of the Peace and in the exercise of the powers and duties conferred upon and required of them, shall be according to and be governed by the general laws applicable to justice courts and to proceedings before such courts, and in all suits and prosecutions arising under the Charter and ordinances of the City of Ecorse the right of appeal or certiorari from said courts to the Circuit Court for the County of Wayne, or to any other court having jurisdiction, shall be allowed to the parties, or any or either of them, and the same recognizance or bond shall be given as is or may be required by law in case of appeal or certiorari from Justice Courts in analogous cases.

SECTION 6. Said Justices of the Peace shall enter or cause to be entered in the docket kept by them the title of all suits and prosecutions commenced or prosecuted before them for violations of the Charter and ordinances of the city and all the proceedings and the judgment rendered in such case and shall itemize all costs taxed or allowed therein. They shall also enter or cause to be entered the amounts and dates of costs received by them on account of said suit or proceeding. Such docket shall be submitted by the Justices of the Peace at all reasonable times to the examination of any person desiring to examine the same, and shall be produced by the Justices of the Peace to the Council or the Controller of the city whenever required.

SECTION 7. The Justices of the Peace shall each receive a salary of Four Thousand, Five Hundred ($4,500.00) Dollars per annum. The salary herein provided for Justices of the Peace, and each of them shall be in lieu of all fees, costs and charges to which said Justices of the Peace or either of them would be entitled but for the provisions of this section, except fees for the performance of marriage ceremonies and for administering oaths in matters not connected with suits or proceedings in the Justice Courts of the City of Ecorse.

SECTION 8. All the provisions in the General Laws of the State of Michigan in relation to the fees chargeable in the several proceedings in criminal cases in the Justice Courts in townships shall apply to the Justice Courts for said City of Ecorse; the filing fee in civil matters in the Justice Courts for said City of Ecorse shall be $3.50. All filing fees and constable fees in civil matters shall be paid when suit is commenced. All fees provided for in this Section shall be collected for the use and benefit of the City of Ecorse, except constable fees.

SECTION 9. Each Justice of the Peace, in addition to any security required by law to be given for the performance of his official duties, shall, before entering upon the duties of his office, give a bond to the City in a penalty of Two Thousand ($2,000.00) Dollars with sufficient sureties to be approved by the Council, conditioned for the faithful performance of the duties of Justice of the Peace within and for the city and for payment to the city of all moneys collected or received by such Justice, which, by the provisions of the general laws of the State or of this Charter, he shall be required to pay into the treasury of said city.

SECTION 10. The Justices of the Peace shall not practice law in the justice courts of the City of Ecorse.

SECTION 11. The City Council shall furnish a suitable place for Justice Court rooms and shall provide for all necessary expense in connection with the establishment and maintenance of the Justice Courts of said city.

SECTION 12. Each Justice of the Peace shall appoint a deputy clerk who shall be under the controls and direction of said Justice of the Peace, and subject to his orders, at a salary to be determined and paid by the City Council.

SECTION 13. All fees in civil causes, all fines, fees, costs and penalties in ordinance cases, and all fines and costs imposed in criminal causes shall be collected by said Justices of the Peace, and all such fees and fines received by them shall be entered in a book kept by them for that purpose, and all such fees, fines and costs by them paid over to the City Treasurer at least once in each month, and the City Controller shall audit the books of said Justices of the Peace at least once each month for the purpose of ascertaining the correctness of the books kept and the payment to the City Treasurer of the money collected by them.

SECTION 14. All ordinance cases, criminal cases and civil cases shall be divided equally between the two Justices of the Peace. The said Justices of the Peace shall by rule determine the manner of assignment of cases to effectuate the provisions of this Section.

SECTION 15. The City Council may provide for the appointment of such additional clerks as may become necessary.

SECTION 16. The Justices of the Peace herein provided for shall be nominated and elected at the next primary and general election held in the City of Ecorse on the first Tuesday of October, 1953, and the first Tuesday of November, 1953, in accordance with the provisions of Chapter III of the Charter of the City of Ecorse; all other provisions of this Amendment shall become effective concurrently with the election of the Justices of the Peace herein provided for.

CHAPTER IX

ORDINANCES

Enactment.

SECTION 1. (a) Each proposed ordinance shall be introduced in written or printed form. The enacting clause of all ordinances passed by the City Council shall be, "The City of Ecorse Ordains." Such caption may be omitted, however, when said ordinances are published in book form or are revised and digested by authority of the Council.

(b) No ordinance shall be adopted by the Council at the same meeting at which it is introduced. It may be adopted at any subsequent regular meeting upon the concurrence of two-thirds of the Councilmen elect, exclusive of the Mayor. No ordinance shall be amended unless such section or sections as are intended to be amended shall be re-enacted.

Emergency Measures.

SECTION 2. (a) All ordinances except franchise ordinances passed by the City Council shall be in effect from and after fifteen (15) days from the date of their passage, except that the City Council may, by an affirmative vote of at least five of its members, pass emergency measures to take effect at the time indicated therein.

(b) An emergency measure is herein defined to be an ordinance necessary for the immediate preservation of the public peace, property, health or safety, or providing for the usual daily operation of a municipal department. In every such measure the emergency shall be set forth in the preamble thereto. No measure making a grant, renewal or extension of a franchise or other special privilege, or regulating the rate to be charged for its services by any public utility, shall ever be so passed.

Record and Publication.

SECTION 3. (a) Every ordinance when passed shall be recorded by the City Clerk in a book kept for that purpose, and it shall be the duty of the Mayor and the City Clerk to authenticate said records by their official signatures thereon.

(b) Within ten days after the adoption of any ordinance by the City Council, the same shall be published in one of the following methods:

Said ordinance shall be printed in full once in the official newspaper of said City, or said ordinance may be posted in the office of the City Clerk and two other public places in the City of Ecorse.

In case an ordinance is posted rather than printed in full in the newspaper, a notice of the enactment of the ordinance giving the subject of the ordinance and the places where the copies have been posted, shall be printed twice in the official newspaper of the City.

Compilation.

SECTION 4. (a) At least once in every two years the City Council shall direct the printing in pamphlet form of all amendments to the Charter and all ordinances and amendments thereto which shall have been enacted since the date of the last publication of like nature, including franchises and contracts for the use of city property by public utilities privately owned.

(b) At least once in every ten years the City Council shall direct the compilation and printing in book form of the Charter and all ordinances, franchises and contracts for the use of city property by public utilities privately owned, or the parts thereof, then in force. The compilation referred to in this section shall be certified by the City Clerk.

Enforcement—Proceedings, When to be Commenced.

SECTION 5. Prosecution for the violation of the ordinances of said city shall be commenced within two years after the commission of the offense, and shall be brought within the City.

Prosecutions by Warrant.

SECTION 6. Prosecution for the violation of ordinances of the City may, in all cases, except against corporations, be commenced by warrant for the arrest of the offender.

Proceedings.

SECTION 7. 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 be substantially of the form, and be issued upon complaint made as provided by law in criminal cases cognizable by Justices of the Peace. And the proceedings relating to the arrest and custody of the accused during the pendency of the suit, the pleading and all proceedings upon the trial of the cause and in procuring the attendance and testimony of witnesses, and in rendition of judgment, 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 the proceedings in criminal cases cognizable by Justices of the Peace.

Judgment.

SECTION 8. If the accused shall be convicted the court shall render judgment thereon and inflict such punishment, either by fine or imprisonment, or both, not exceeding the limit prescribed in the ordinance violated, as the nature of the case may require, together with costs of prosecution. In no case shall the party complained of recover costs.

Commitment.

SECTION 9. Every such judgment shall be executed by virtue of an execution or warrant of commitment specifying the particulars of the judgment. If judgment be for both fine and imprisonment, a warrant shall issue immediately for the commitment of the defendant until the expiration of the term mentioned in the sentence, and an execution shall issue at the same time against the goods and chattels of the defendant for the collection of the fine or forfeiture imposed but in neither case above mentioned shall the imprisonment without payment operate as a satisfaction of the fine and costs imposed. In cases where a fine and imprisonment in default of payment thereof, or where imprisonment is alone imposed, a warrant of commitment shall issue accordingly, in the former case, until the expiration of the sentence, unless the fine and costs be sooner paid, and in the latter, for the term named in the sentence.

City Prison—Use of County Jail.

SECTION 10. The Council shall have power to provide and maintain a city prison and may provide for the confinement therein of all persons liable to imprisonment or detention under this Charter or the ordinances of the city and for the employment of those imprisoned therein. Said City of Ecorse shall be allowed the use of the jail of the County of Wayne for the confinement of all persons liable to imprisonment under the ordinances thereof, or under any of the provisions of this Charter and any person so liable to imprisonment may be sentenced to and committed to imprisonment in such county jail, and the sheriff or other keeper of such jail, shall receive and safely keep any person committed thereto as aforesaid, until lawfully discharged.

Process, to Whom Directed.

SECTION 11. All process issued in any prosecution or proceeding for the violation of any ordinance of the City shall be directed to the officers authorized by law to serve process from Justices of the Peace, or to the Chief of Police or any member of the police force of the City of Ecorse, and may be executed in any part of the state by said officers.

Pleadings, Etc., Statement of Ordinances.

SECTION 12. It shall not be necessary in any suit, proceeding or prosecution for the violation of any ordinance of the city, to state or set forth such ordinance or any provisions thereof in any complaint, warrant, process, or pleading therein; but the same shall be deemed sufficiently set forth or stated by reciting its title and the date of its passage or approval. And 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 as to time and place, the act or offense complained of, and to allege the same to be in violation of an ordinance of the City of Ecorse, referring thereto by its title and the date of its passage or approval, and every court or magistrate having authority to hear or determine the cause, shall take judicial notice of the enactment, existence and provisions of the ordinance of the City, and the resolution of the City Council and of the authority of the City Council to enact the same.

Jury.

SECTION 13. In all prosecutions for violations of the ordinances of the City, whether commenced by summons or warrant, either party may require a trial by jury. Such jury, except when other provision is made, shall consist of six persons and shall be selected and drawn as provided by law for selecting and drawing juries in the Justice Court of said City. No inhabitant of the City shall be incompetent to serve as a juror in any cause in which the City is a party or interested on account merely of such interests as he may have in common with the inhabitants of the City in the result of the suit.

Appeal.

SECTION 14. Any person convicted of a violation of any ordinance of the City in a suit commenced by warrant as aforesaid, may remove the judgment and proceedings into the Circuit Court of Wayne County by appeal or writ of certiorari. The time for such appeal or removal, the proceedings thereof, the bond or security to be given thereon, and the proceedings and disposition of the cause in the Circuit Court shall be the same as on appeal and certiorari in criminal cases cognizable by Justice of the Peace.

Fines, Payment of.

SECTION 15. All fines imposed for violations of the ordinances of the City, if paid before the accused is committed, shall be received by the court or magistrate before whom the conviction was had. If any fine shall be collected upon execution, the officer or persons receiving the same shall immediately pay over the

money collected to such court or magistrate. If the accused be committed, payment of the fine and costs shall be made to the sheriff, or other keeper of the jail, who shall, within thirty days thereafter, pay the same to said court or magistrate, and the court or magistrate receiving any such fine or penalty or any part thereof, shall pay the same into the City Treasury on or before the first Monday of the month next after the receipt of the same, and take the Treasurer's receipt for and file the same with the City Clerk.

Suit and Penalty for Retention of.

SECTION 16. If any person who shall have received any such fine, or any part thereof, shall neglect to pay over the same pursuant to the foregoing provisions, it shall be the duty of the City Council to cause suit to be commenced immediately therefor, in the name of the City and to prosecute the same to effect. Any person receiving any such fine who shall, wilfully neglect or refuse to pay over the same, as required by the foregoing provisions, shall be deemed guilty of a misdemeanor and shall be punished accordingly.

Apprehending Expenses Paid by City.

SECTION 17. The expenses of the apprehension and punishment of persons violating the ordinances and Charter of the City shall be defrayed by the City.

Security for Costs.

SECTION 18. In all prosecutions for violations of provisions of this Charter or the ordinances of the City, commenced by any person other than an officer of the City, the court may require the complaining party to file security for the payment of the costs of the proceedings, in case the defendant is acquitted. But such complainant shall not be liable for the payment of costs in any proceeding if the Justice of the Peace before whom the complaint is made or trial is had, shall certify in his minutes that there was probable cause for the making of such complaint.

Ordinances to Remain in Force.

SECTION 19. All ordinances, regulations and resolutions in force in the Village of Ecorse at the time this Charter shall take effect and not inconsistent with the provisions thereof, shall remain and be in force until amended, modified or repealed.

CHAPTER X

INITIATIVE, REFERENDUM AND RECALL

Initiative—Requirements of Petition for.

SECTION 1. Any proposed ordinance may be submitted to the City Council by petition filed with the City Clerk and signed by registered voters of the City in number of not less than fifteen per cent (15%) of the number of total valid ballots cast for Councilmen at the last preceding regular election, and verified by the person or persons who obtained the signatures thereto. Such verifications shall state that said signatures were obtained by the person or persons verifying the same, that the said signatures are the genuine signatures of the persons purporting to sign the same, and that the person or persons verifying such petition believed that the signers thereof are fully qualified and registered electors of the City. Said petitions shall give the residence of each of said electors signing the same by street and number, precinct and the date of signing the same. Such initiatory petition shall contain said proposed ordinance in full and a request that if said proposed ordinance be not passed by the City Council the same shall be submitted to a vote of the electors. Said petition shall also contain any existing ordinance which would be altered or abrogated thereby.

Duty of City Clerk and City Council.

SECTION 2. Upon filing said petition the City Clerk shall at once ascertain and certify its number of qualified signers. If such certificate shows the required number of qualified signers, the City Council within twenty (20) days thereafter shall either enact said proposed ordinance without alteration, or submit the proposed ordinance to the electors as hereinafter provided.

If such ordinance shall be enacted by the City Council it shall be subject to the regulations and restrictions upon the manner of the enactment as though it had originated in the City Council.

Submission to a Vote.

SECTION 3. If the City Council shall determine not to enact an ordinance proposed by initiatory petition, it shall by resolution provide for its submission unamended to the electors, and shall fix the time for the submission thereof and shall call a special election for that purpose not later than three (3) months thereafter unless a general election or a special election for another purpose is to be held in six (6) months. In such case, if a special election has not been called to vote upon such ordinance the same shall be

submitted at the first regular election thereafter. At such election all registered voters having the qualifications of electors shall be entitled to vote. If a majority of the electors voting on the question vote in favor of the proposed ordinance it shall go into effect upon the proper publication or notice as provided in Section 3, Chapter IX of this Charter.

Conflicting Ordinances—Which to Prevail.

SECTION 4. If the provisions of two or more ordinances, both of which were adopted or approved by the electors at the same election, whether by initiatory provision or referendum as provided in this Charter, be inconsistent, then the ordinance receiving the lesser affirmative votes shall be of force or effect so far as it or any of its provisions are inconsistent with the other ordinance or ordinances adopted or approved.

Manner of Recalling or Amending.

SECTION 5. An ordinance proposed by petition and adopted by a vote of the electors as herein provided, shall not be recalled or amended except by a majority vote of the electors voting thereon at an election called and held under the provision of the City Charter.

Referendum—Requirements of Petition for.

SECTION 6. If within twenty (20) days from time of the enactment of any ordinance other than emergency measures by the City Council, or if at any time before the same shall have been published or posted and due notice of enactment given as provided in Section 3, Chapter IX of this Charter, a petition shall be filed with the City Clerk protesting against such ordinance taking effect and signed by registered voters of the City in number of not less than fifteen per cent (15%) of the number of total valid ballots cast for Councilmen at the last preceding regular election, and verified as required in Section 1 of this Chapter and certified by the Clerk as required in Section 2 of this Chapter, the same shall thereupon be suspended from taking effect; and the City Council shall at its next regular session reconsider such ordinance and act thereon; and if the same be not entirely repealed the City Council shall submit such ordinance by the method hereinbefore provided for referendum or ordinances initiated by petition, to the vote of the qualified electors of the City, either at the next regular municipal election or at a special election which may be called for that purpose at the discretion of the City Council and such ordinance shall not take effect unless a majority of the qualified electors voting thereon at such election shall vote in favor thereof.

The Recall of Elective Officials.

SECTION 7. Any elective officer may be removed by the qualified electors of the city, at the time and in the manner provided by the general laws of the State.

CHAPTER XI

FRANCHISES AND PUBLIC UTILITIES

Power to Grant Franchises.

SECTION 1. The power to grant irrevocable franchises for any public utility, enterprise or service and to renew, amend and extend the same, shall be exercised by ordinance only, which ordinance shall not become effective until it shall have:

(a) Been passed by the City Council.

(b) Been unconditionally accepted in writing by the grantee.

(c) Been published in full, together with the grantee's acceptance, in the official newspaper of the City at least once a week for three (3) successive weeks, the last insertion to be made not more than ten (10) days preceding the date of the popular vote.

(d) Received the affirmative vote of three-fifths (3/5) of the electors of said city voting thereon at a regular or special election.

Revocable Permits.

SECTION 2. Permits revocable at the will of the City Council for such minor or temporary public utility privileges as may be specified by general ordinance may be granted and revoked by the City 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 referendum as provided in Section 1 of Chapter X of this Charter and shall not be passed as an emergency measure.

Time Limitations and Term.

SECTION 3. No ordinance granting or renewing a franchise shall be adopted by the City Council within thirty (30) days after application therefor has been filed, nor shall a franchise ordinance be submitted to the electors of the city until after the expiration of forty (40) days after its preparation and adoption by the City Council and the grantee has filed with the City Council its unconditional acceptance of the proposed franchise or renewal if granted by the electorate. No franchise shall be renewed before three (3) years prior to its expiration. No franchise shall be granted for a

longer term than thirty (30) years and every amendment or alteration thereof, and all rights thereunder, shall expire at the same time as the original grant, unless a shorter time has been prescribed in the amendment or alteration.

Right of Regulation.

SECTION 4. All public utility franchises whether it be so provided in the ordinance or not, shall be subject to the right of the city: (a) to repeal the same for misuse or non-use, or for failure to comply therewith; (b) to require proper and adequate extension of plant and service and the maintenance thereof at the highest practicable standard of efficiency; (c) to establish reasonable standards of service and quality of products, and prevent unjust discrimination in service or rates; (d) to make independent audit and examination of accounts at any time, and to require reports annually; (e) to require continuous and uninterrupted service to the public in accordance with the terms of the franchise throughout the entire period thereof; (f) to impose such other regulations as may be determined by the Council to be conducive to the safety, welfare and accommodation of the public.

Regulation of Rates.

SECTION 5. All public utility franchises shall make provision for fixing rates, fares and charges, and for readjustments thereof at periodic intervals of not more than five (5) years, either by arbitration upon terms to be specifically set forth in the franchise, or by any state agency, at the election of the city. The value of the property of the utility used as a basis for fixing such rates, fares and charges shall in no event include a value predicated upon the franchise, good will or prospective profits.

Right of the City to Purchase or Condemn.

SECTION 6. Every franchise or renewal thereof shall reserve to the city the right to purchase or lease all the property of the utility, enterprise or service used in or useful for the operation of such utility, enterprise or service, at a price either fixed in the ordinance or to be fixed in the manner provided by the ordinance granting the franchise or renewal, which price shall not include or be affected by the value of the franchise or good will or profits to be earned on pending contracts or any other intangible element. Nothing in such ordinance shall prevent the city from acquiring the property of any such utility, enterprise or service by condemnation proceedings, or in any other lawful mode and all such methods of acquisition shall be alternative to the power of purchase reserved in the franchise or renewal as herein provided. Upon the acquisition by the city of the property of any utility, enterprise or service by purchase or condemnation or otherwise, all franchises

or renewals, and all rights thereunder, shall at once terminate. The power of the city to purchase or condemn the franchises and property of any utility, enterprise or service, as hereinbefore provided, shall apply to existing franchises.

Joint Use.

SECTION 7. Every public utility may be required by the city to permit joint use of its property and appurtenances located in the streets, alleys and public places of the city by other public utilities insofar as such joint use may be reasonably practicable upon payment of reasonable rental therefor; provided that in the absence of agreement, upon application by any public utility, the Council shall provide for arbitration of the terms and conditions of such joint use and the compensation to be paid therefor, which award shall be final.

Assignment of Franchises.

SECTION 8. No franchise granted by the City Council shall ever be leased, assigned or otherwise alienated except in accordance with the express provisions of said franchise, and all franchises granted by the City Council shall provide how and in what manner and under what conditions said franchise may be leased, assigned or alienated.

Use of Streets.

SECTION 9. The right to use, control and regulate use of its streets, alleys, bridges, and public places, and the space above and beneath them is hereby reserved to the city, and every public utility franchise shall be subject thereto. Every public utility shall pay such part of the cost of improvement or maintenance of streets, alleys, bridges and public places, as shall arise from its use thereof and shall protect and save the city harmless from all damages arising from said use.

Amendment to; Approved by Electors April 2, 1945.

Value to be Fixed and Determined.

SECTION 10. At any time after the City has granted a franchise to any public utility, the City may ask the grantee of such franchise to determine the value of the property of the utility, enterprise or service within the City necessarily used in, belonging to and part of the local service, and if the grantee does not furnish this valuation within a reasonable time, the City may ask the Michigan Public Service Commission to make a valuation at the expense of the City; provided that such value shall not include or be affected by the value of the franchise, or good will, or profits to be earned on pending contract or any other intangible element.

Cost of Special Franchise Election.

SECTION 11. No franchise shall be submitted to the electors of the city at a special election unless the expense of holding the election, as determined by the City Council, shall be paid in advance to the City Treasurer by the grantee of said franchise.

Power of City to Compel Resumption of Service.

SECTION 12. Whenever any public service corporation operating in the city shall fail in the opinion of the City Council to render adequate service it shall be the duty of the City Attorney, when so instructed by the City Council, at the expense and in the name of the city, to forthwith institute mandamus or other appropriate proceedings to compel resumption of service.

Power of City to Acquire and Operate Utilities.

SECTION 13. The City of Ecorse shall have and it is hereby given the right and power to acquire, construct, own, operate and maintain, either within or without its corporate limits, any public utility, enterprise or service, as the City Council may from time to time determine and designate, and to acquire all property, real and personal, necessary therefor, and to maintain and operate the same, or to lease the same, or any part thereof, to other corporations or individuals for the purpose of maintenance and operation. Said city may also sell and deliver the products of service of any such utility or enterprise as it is now or may be hereafter authorized to do by the laws of the State.

City May Issue Its Mortgage Bonds.

SECTION 14. To acquire, construct, own, operate or maintain any public utility, enterprise or service, the city may issue its mortgage bonds therefor beyond the limit of general bonded indebtedness prescribed by law and subject only to the conditions and limitations now or hereafter contained in the Constitution and laws of the State: Provided that in case of the issuance of any mortgage bonds by the city, the City Council shall provide for the creation of a sinking fund by setting aside such percentage of the gross or net earnings of the public utility as may be deemed sufficient for the payment of the mortgage bonds at maturity.

*Amended 3-26-68 Sec. 2

CHAPTER XII

FINANCE AND TAXATION

Subject of Taxation.

SECTION 1. The subject of taxation for municipal purposes shall be the same as for the State, County and School purposes under the general law.

Limitation of Taxation.

*SECTION 2. The City Council shall lay and collect annually by taxation such sums of money as may be necessary to carry into effect the powers granted in this Charter; provided, however, that the sum shall not exceed two (2) per centum of the assessed value of the real and personal property of the city; and, provided further, that the City shall not lay and collect annually more than one and one-fourth (1¼) per centum of the assessed value of the real and personal property of the City for its general fund and other funds provided for and constituted under the provisions of subdivisions two (2) and three (3) of Section 22 of this Chapter.

Time to Make Assessment Rolls.

SECTION 3. Between January 1st and the first meeting of the Board of Review in each year, the City Assessor shall make and complete an assessment of all the real and personal property within the city liable to taxation under the laws of the State, and of all the property of any person liable to be assessed therein in the same manner and within the same time as required by law, and in so doing he shall conform to the provisions of law governing the action of supervisors in townships performing like services, and in all other respects he shall, unless in this Charter otherwise provided, conform to the provisions of law applicable to the action and duties of supervisors in townships in the assessment of property, levying of taxes, and in the issuing of warrants for the collection and return thereof. Such Assessor shall make his assessment of property in two separate rolls: One for the City taxes and Special Assessments to be known as the "City Tax Roll" and the other for the State, County and School taxes to be known as the "December Tax Roll." In the making of such assessments and in the levying of taxes, such city shall be treated as a whole or as one assessment district as townships are treated under the general tax laws of the State.

Value of Real and Personal Property.

SECTION 4. Said Assessor shall estimate according to his best information and judgement, the true cash value of every parcel of

CHAPTER XII
FINANCE AND TAXATION

Limitation of Taxation. (amended 3/26/68)

SECTION 2. The City Council shall lay and collect annually by taxation such sums of money as may be necessary to carry into effect the powers granted in this Charter; provided, however, that the sum shall not exceed two (2) per centum of the assessed value of the real and personal property of the City, and, provided, further, that the City shall not lay and collect annually more than one and nine tenths (1.9) per centum of the assessed value of the real and personal property of the City for its general fund and other funds provided for and constituted under the provisions of subdivisions two (2) and three (3) of Section 22 of this Charter.

real estate and set the same down opposite such description. He shall also estimate the true cash value of the personal property of each person and set the same down opposite the name of such person.

Sworn Statement of Taxable Personal Property.

SECTION 5. On or before the 1st day of March in each year every person, owning or having charge of, as agent or otherwise, any personal property taxable by the city, shall file with the City Assessor a sworn list of such personal property, with such description as will enable said Assessor to assess the same. If any such person fails to file said list as herein provided, or if he omits any such property in the list delivered, the Assessor shall assess such personal property not listed, at its cash value upon such knowledge or information as may be satisfactory to him and according to his best judgment and discretion. Uniform printed blanks for the purpose of the statement herein required shall be furnished upon request by the City Assessor at the expense of the city.

Delivery of Assessment Roll.

SECTION 6. The Assessor shall certify and deliver the Assessment Roll to the Board of Review at its first meeting.

Boards of Review—Appointment of Members.

SECTION 7. There shall be a Board of Review consisting of the Mayor, Assessor, and three (3) Councilmen, to be appointed by the City Council prior to the first of February each year, and whose term shall commence on the first day of March next following and shall continue for the term of one year.

Organization and Procedure of Board of Review.

SECTION 8. The Board of Review shall meet on the second Monday of March of each year and continue in session for a period of not less than five (5) days from the hours of 9:00 o'clock in the forenoon until 4:00 o'clock in the afternoon, for the purpose of revising, correcting and approving said tax roll. It shall, except as herein otherwise provided, have and exercise the power and duties of Boards of Review in townships and with like effect. The Assessor shall be its Chairman and it shall elect its Secretary. It shall be the duty of such Secretary to keep permanent records of all proceedings and to enter therein all resolutions and decisions of the Board.

Notice of Meeting.

SECTION 9. The City Assessor shall give notice to the public of the time and place of meeting of the Board of Review by publi-

cation in the official newspaper of the city at least ten (10) days immediately preceding such meeting, and by posting notice thereof in at least three (3) conspicuous public places in said city.

Powers and Duties of Board of Review.

SECTION 10. The Board of Review shall have power, and it shall be its duty, to amend and correct any assessment or valuation, and to place upon the assessment roll of the city any taxable property, real or personal, not already assessed, and to strike from said rolls any property, real or personal, wrongfully thereon. Any person considering himself aggrieved by reason of any assessments may complain thereof either verbally or in writing to said Board, and said Board shall review the assessment complained of and may alter and correct the same, and may in its discretion increase or decrease any assessment. The concurrence of a majority of the Board shall be sufficient to decide any question of altering or correcting any assessment complained of.

Confirmation of Roll.

SECTION 11. When the Board of Review shall have completed its review and correction of such assessment roll, the same shall be certified by a majority of the Board of Review and be delivered to the City Council, and the City Council shall forthwith proceed to fully and finally confirm the same.

Amounts in Appropriation Bill to be Certified to Assessor: Procedure When Not Collected.

SECTION 12. On or before the first Monday of April in each year, the City Controller shall certify to the City Assessor for assessment all sums ordered in the annual appropriation bill, including all amounts which the Council requires to be reassessed upon any parcel of land, or against any particular person as a special assessment together with the description of the land or person upon whom the several sums are to be reassessed, with such further descriptions and directions as will enable such assessor to assess the several amounts upon the property and person chargeable therewith.

SECTION 13. After the endorsement of the Assessment Roll by the Board of Review, the Assessor shall prepare a copy thereof to be known as the "City Tax Roll," and upon receiving said certificate of sums ordered in the annual appropriation bill to be raised as provided in the preceding section, the Assessor shall proceed to estimate, apportion, and set down in columns opposite to the several valuations of real and personal property on said tax roll in proportion to the individual and particular estimates and valuations, the respective sums in dollars and cents apportionable

to each, placing the general taxes in one column, debt service taxes in a second column and special assessment taxes in a third column; and the total of all taxes assessed to each valuation shall be carried into the last column of such roll; he shall complete the duties required by this paragraph not later than May 1st each year.

Validity of Tax Roll.

SECTION 14. Upon completion of said assessment roll and its confirmation in the manner aforesaid, the same shall be conclusively presumed by all courts to be valid and shall not be set aside except for causes mentioned in the general tax law.

Collection of City Taxes.

SECTION 15. After extending the taxes as aforesaid and upon completion of said rolls, they shall be delivered to the City Treasurer together with a copy of the annual appropriation resolution and a warrant from the City Council authorizing and directing him to collect from the persons named in the said rolls, the taxes therein set forth. The said warrant shall direct and require the Treasurer to collect on or before the third (3rd) Monday in October of each year, the several sums mentioned therein as a tax or assessment, and shall authorize him in case any person or persons named therein shall neglect or refuse to pay such sums, to levy and collect the same by distress and sale of his or their goods and chattels together with the cost and charges of such distress and sale. Said warrant shall further direct that all taxes paid on or before the first day of August of the same year shall be collected without additional charges, and that there shall be added to all taxes paid after said first day of August a penalty of three-fourths of one per cent for each and every month or fraction thereof that the same remains unpaid provided, however, that the said warrant shall also provide that if any person shall pay one-half of the City taxes on or before the first day of July of that year, he may pay the other one-half of such taxes on or before the third Monday in October of that year without additional charges but should said latter one-half of said taxes be not paid on or before the said third Monday in October, then the same shall be subject to said charge of three-fourths of one per cent per month or fraction thereof from August 1st preceding and until paid.

Notice of Tax Collection.

SECTION 16. The City Treasurer shall give notice by publication at least once in the official newspaper of the City of Ecorse that such taxes are due and payable at his office. It shall thereupon be the duty of the City Treasurer to collect the taxes and other charges specified in the warrant.

Delinquent Taxes on Real Property Returned to County Treasurer.

SECTION 17. If the Treasurer has been unable to collect any taxes on said tax roll on real property before the first day of March following the date when said roll was received by him, then it shall be his duty to return all such unpaid taxes on real property to the County Treasurer in the same manner and with like effect as returned by township treasurers, including all the additional charges herein before provided which charges shall in such return be added to the amount assessed in said roll against said description. The taxes thus returned shall be collected in the same manner as other taxes returned to such County Treasurer are collected under the provisions of the general tax laws of the State, and the same rate of interest and all charges shall be collected thereon and all taxes so returned as delinquent shall be and remain a lien thereon until paid. Moneys received from the sale of lands for delinquent city taxes shall be paid over to the City Treasurer. All the provisions of the general laws relating to the sale and redemption of lands returned as delinquent taxes, shall apply to the sale and redemption of lands returned for delinquent taxes under the provisions of this Charter.

Collection of State, County and School Taxes.

SECTION 18. The levy, collection and return of taxes for State, County and School purposes shall be the same, as near as may be and with like effect, as provided in the general laws in regard to such matters in townships and the powers and duties of township supervisors, treasurers and clerks vested in them or imposed by the general laws of the State so far as they be applicable under this Charter, are hereby vested in and imposed upon the Assessor, the Treasurer and the Clerk of the City respectively.

Annual Appropriation Budget.

SECTION 19. On or before the fifteenth of February of each year, the head of each department shall prepare and file with the City Controller detailed estimates of the expense of operation of their various departments for the next succeeding fiscal year. The fiscal year of the city shall begin on the first day of July of each year. Such estimates shall be tabulated by the Controller in accordance with a uniform system of budgeting. The Controller shall furnish a list of the amounts required to provide for all interest and sinking fund requirements, the estimated expense of operating his own department and of all general expenses and income of the city. All such estimates shall be presented to the Council by the Controller and shall be accompanied by statistics for the current year of the amount appropriated, balance on hand, or delinquency of each budget allowance together with any other information which may be necessary or useful in establishing a budget

and in determining the amount of taxes necessary to be levied for the next succeeding fiscal year.

Budget, What to Contain.

SECTION 20. Said budget shall (1st) provide for all interest, principal and sinking fund requirements of the public debt, (2nd) provide fixed sums for the several purposes covered by the operations of each department of the City and for the general expenses of administration thereof, (3rd) provide for any special expenses for improvements or otherwise, if any, to be paid out of the current taxes, (4th) provide a sum for contingent expenses which in the judgment of the Council will be sufficient to supplement budget appropriations which may be under-estimated and provide for unforeseen and unusual expenses. The Controller shall divide the budget allowance for each department into 12 monthly installments, each of which shall equal the amount of the estimated disbursements of such department for the month for which the installment is allocated, and in making the monthly estimate, the Controller shall consider the department to which the fund is allocated and the seasonal requirements of such department.

Budget, When Adopted.

SECTION 21. The annual appropriation budget shall be adopted by the City Council not later than April 1st each year. The adoption of the City Budget shall not be construed as authority to any officer of the City to expend the amount set forth in said budget unless such expenditures have first been authorized by the Council. At any regular meeting after the adoption of the budget, the Council may, by five-sevenths vote of the Council elect, amend such budget so as to authorize the transfer of unused balances appropriated for one purpose to another.

Funds.

SECTION 22. All revenues raised by general tax or received from any other source shall be divided into the following funds:

(1) Debt Service Fund—which shall be irrevocably pledged to pay the interest and principal of bonded debt of the City.

(2) General Fund—to defray the general expenses and liabilities of the City including operation expenses, special expense for improvements, contingent expenses and other expenses necessarily incurred to carry into effect the powers granted in this Charter.

(3) Such other funds as the Council may from time to time constitute.