

PART I - CHARTER

of the  
CITY OF HUDSONVILLE  
MICHIGAN

Charter Commission: Chairman: John Brink

Secretary: Edward F. Wierenga

Commissioners Ted Kort, Nelson Hoezee, Henry Scholten, Louis Smit,  
Ray Van Dyke, John Vander Molen, and John De Vree Jr.

Attorney: James J. Nopper

*Footnotes:*

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**Editor's note**— *Printed herein is the Hudsonville Charter as adopted by the electors on November 5, 1957. Amendments have been inserted and are indicated by history notes in parentheses following the amended sections. Obvious misspellings have been corrected. Other changes made for clarity are indicated by brackets.*

**State Law reference**— *Home rule cities generally, MCL 117.1 et seq., MSA 5.2071 et seq.; power to adopt and amend Charter, Mich. Const. 1963, Art. VII, § 22.*

PREAMBLE

We, the people of the City of Hudsonville, pursuant to authority granted by the Constitution and Laws of the State of Michigan, in order to secure the benefits of efficient self-government and to promote our common interests and welfare, do ordain and establish this home rule charter.

CHAPTER I. - INCORPORATION AND BOUNDARIES

*Footnotes:*

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**State Law reference**— *Transportation, consolidation of territory and alteration of boundaries of home rule cities, MCL 117.61 et seq., MSA 5.2085 et seq.*

Section 1.1. - [Name.]

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

#### Section 1.2. - [Boundaries.]

The City shall include the following described territory in Ottawa County, Michigan, together with such annexations thereto and less such detachments therefrom as may be made from time to time in accordance with the applicable law: Beginning at the center of Section Twenty-eight (28) of Town Six (6) North, Range Thirteen (13) West (Georgetown Township); thence West approximately One (1) mile to the center of Section Twenty-nine (29); thence South approximately Nine hundred twenty-three (923) feet to a point Sixteen hundred seventeen (1617) feet North of the Southwest corner of said Section Twenty-nine (29); thence West approximately One-half ( $\frac{1}{2}$ ) mile to the West line of said Section Twenty-nine (29); thence South approximately One (1) and Sixteen hundred seventeen (1617) feet to the Southwest corner of Section Thirty-two (32); thence East approximately One and one-half ( $1\frac{1}{2}$ ) miles to the South One-quarter ( $\frac{1}{4}$ ) post of Section Thirty-three (33); thence North approximately One and one-half ( $1\frac{1}{2}$ ) miles to the point of beginning. This area contains approximately 2.153 square miles.

**Editor's note**— Subsequent annexations are on file in the office of the city clerk.

### CHAPTER II. - MUNICIPAL POWERS

#### Section 2.1. - [Powers of home rule cities.]

The City shall possess and be vested with all the powers, privileges and immunities, expressed or implied, which home rule cities are or hereafter may be permitted to exercise or to provide for in their charters under the Constitution and Laws of the State of Michigan, as fully and completely as though such powers, privileges and immunities were specifically enumerated herein, unless otherwise provided or limited in this charter. Any enumeration of particular powers, privileges or immunities anywhere in this charter shall not be held to be exclusive.

#### Section 2.2. - [Power to exercise all municipal powers in management and control of municipal property.]

The City shall have power to exercise all municipal powers in the management and control of municipal property, either within or without the corporate limits of the City and in the administration of the municipal government, whether such powers be expressly enumerated in this charter or not; to do any act to advance the interests of the City, the good government and prosperity of the municipality and its inhabitants, and through its regularly constituted authority, to pass and enforce all laws and ordinances relating to its municipal concerns, subject to the Constitution and general laws of the state and to this charter.

**State Law reference**— Permissible that Charter provide that the city may exercise all municipal powers in the management and control of municipal property and in the administration of the municipal government, MCL 117.4j(3), MSA 5.2083(3).

### Section 2.3. - [Enumeration of powers.]

The following shall be deemed to be among the powers conferred upon the City subject to any specific limitation placed thereon by this charter or by state law:

**State Law reference**— Restrictions on city powers, MCL 117.5, MSA 5.2084.

- (1) The power to refund money advanced or paid on special assessments imposed for water-main extensions;

**State law reference**—Permissible that charter provide for water main extensions, MCL 117.4b(1), MSA 5.2075(1).

- (2) *Public buildings, grounds, acquisition.* The power for the acquisition by purchase, gift, condemnation, lease, construction or otherwise, either within or without its corporate limits and either within or without the corporate limits of the county in which it is located, of the following improvements including the necessary lands therefor, viz.: City hall, police station, fire stations, boulevards, streets, alleys, public parks, recreation grounds, municipal camps, public grounds, zoological gardens, museums, libraries, airports, cemeteries, public wharves and landings upon navigable waters, levees and embankments, watch-houses, city prisons and work houses, penal farms, institutions, hospitals, quarantine grounds, city dumps, garbage collection, electric light and power plants and systems, gas plants and systems, waterwork plants and systems, sewage disposal plants and systems, market houses and market places, office buildings for city officers and employees,

public works, and public buildings of all kinds; and for the costs and expenses thereof; provided, that no municipal services shall be extended beyond the limits of the city unless the commission shall determine such to be in the public interest;

- (3) *Condemnation.* The power for the acquisition by purchase, gift, condemnation, lease or otherwise of private property, either within or without its corporate limits and either within or without the corporate limits of the county in which it is located, for any public use or purpose within the scope of its powers, whether herein specifically mentioned or not. If condemnation proceedings are resorted to for the acquisition of private property outside the corporate limits of such city, such condemnation proceedings may be brought under the provisions of Act 149 of the public Acts of 1911 [MCL 213.21 et seq.; MSA 8.11 et seq.], as amended or as may be amended, entitled "An act to provide for the condemnation by state agencies and public corporations of private property for the use or benefit of the public to define the terms 'public corporation', state agencies and 'private property' as used herein," being sections 353 to 373 inclusive to the Compiled Laws of 1915, or such other appropriate provisions therefor as exist or shall be made by law;

**State law reference**—Permissible that charter provide for condemnation, MCL 117.4e(2), MSA 5.2078(2).

- (4) *Property, lease, sale, etc.* The power for the maintenance, development and operation, of its property and upon the discontinuance thereof to lease, sell or dispose of the same subject to any restrictions placed thereupon by law: Provided, that on the sale of any capital asset of a municipally owned utility the money received shall be used in procuring a similar capital asset, or placed in the sinking fund to retire bonds issued for said utility;

**State law reference**—Permissible that Charter provide for maintenance and disposition of city property, MCL 117.4e(1), MSA 5.2078(1).

- (5) The power to fix and collect charges for the services rendered on such basis as the Commission may from time to time determine, which charges, in addition to the personal liability therefor, may in the discretion of the Commission be made a lien upon the property served and if not paid when due, subject to collection in the same manner as City taxes;
- (6) The power to manufacture and sell fertilizer, as a by-product of the operation of its sewers and sewage disposal plant;

- (7) The power to purchase or condemn the franchise and the property used in the operation of companies or individuals engaged in power business, and street railway or transportation companies;

**State law reference**—Authority to operate utilities, Mich. Const. 1963, Art. VII, § 24; permissible Charter provisions concerning public utilities, MCL 117.4c, 117.4f, MSA 5.2079.

- (8) The power to use, regulate, improve, and control the surface of its streets, alleys, bridges, and public ways, and the space above and beneath them, including the power to establish and vacate streets, alleys, and public ways;

**State law reference**—Permissible that Charter provide for regulation of public ways, MCL 117.4h(1), MSA 5.2081(1).

- (9) The power to provide for the use, by others than the owner, of property located in streets, alleys, and public places in the operation of a public utility, upon the payment of a reasonable compensation to the owners thereof;

**State law reference**—Permissible that Charter provide for joint use of public property, MCL 117.4h(2), MSA 5.2081(2).

- (10) The power to provide for a plan of streets and alleys within the City and for a distance of not more than three miles beyond its limits;

**State law reference**—Permissible that Charter provide for plan of streets and alleys within three miles of city, MCL 117.4h(3), MSA 5.2081(3).

- (11) The power to provide for the use, control, and regulation of streams, waters, and water courses within its boundaries;

**State law reference**—Permissible that Charter provide for regulation of water courses, MCL 117.4h(4), MSA 5.2081(4).

- (12) The power to acquire, establish, operate, extend, and maintain facilities for the storage and parking of vehicles within its corporate limits, including the fixing and collection of charges for service and use thereof on a public utility basis, and for such purpose to acquire by gift, purchase, condemnation, or otherwise, the land necessary therefor;

**State law reference**—Permissible that Charter provide for vehicle parking facilities, MCL 117.4h(6), MSA 5.2081(6).

- (13) The power to regulate and restrict the locations of oil, and gasoline stations, and any other hazardous occupations within the City;

**State law reference**—Permissible that Charter provide for regulating gas stations, MCL 117.4i(2), MSA 5.2082(2).

- (14) The power to establish districts or zones within which the use of land and structures, the height, the area, the size and location of buildings and required open spaces for light and ventilation of such buildings, and the density of population may be regulated by ordinance; Provided, that such regulations in one or more districts may differ from those in other districts;

**State law reference**—Permissible that Charter provide for zoning, MCL 117.4i(3), MSA 5.2082(3).

- (15) The power to license, regulate and restrict trades, occupations and amusements within the City, not inconsistent with State and Federal laws and to prohibit such trades, occupations and amusements as are detrimental to the health, morals or welfare of its inhabitants;

**State law reference**—Permissible that Charter provide for regulation of trades and occupations, MCL 117.4i(4), MSA 5.2082(4).

- (16) The power to license, regulate, restrict, and limit the number and locations of billboards and advertising signs within the City;

**State law reference**—Permissible that charter provide for regulation of billboards, MCL 117.4i(5), MSA 5.2082(5).

- (17) The power to enforce all such local police, sanitary, and other regulations as are not in conflict with general laws;

- (18) The power to require an owner of real property within the City to construct and maintain sidewalks abutting upon such property, and, if the owner fails to comply with such requirements or, if the owner is unknown, to construct and maintain such sidewalks and assess the cost thereof against the abutting property;

- (19) The power to require an owner of real property within the City to abate public hazards and nuisance which are dangerous to the health or safety of inhabitants of the Village within a reasonable time after notification that such hazard or nuisance

exists, and, if the owner fails to comply with such requirements, or, if the owner is unknown to abate such hazard or nuisance and assess the cost thereof against such property;

- (20) The power to prohibit or control the operation of commercial establishments on Sunday.

#### [CHAPTER III.] - ELECTIONS

*Footnotes:*

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**State Law reference**— *Michigan election laws, MCL 168.1 et seq., MSA 6.1001 et seq.; mandatory that Charter provide for the time, manner and means of holding elections, MCL 117.3(c), MSA 5.2073(c).*

#### Sections 3.1. - [Non-partisan elections.]

The nomination and election of all City officers shall be on a non-partisan basis.

#### Section 3.2. - [Wards and precincts.]

The City shall constitute Three (3) wards and shall be divided into such number of election precincts as presently established until the City Commission shall otherwise provide by resolution.

**State Law reference**— Mandatory that Charter provide for one or more wards, MCL 117.3(e), MSA 5.2073(e); election precincts, MCL 168.654 et seq., MSA 6.1654 et seq.

#### Section 3.3. - [General elections.]

A regular City election shall be held on the first Monday in April in each year.

**Editor's note**— Regular elections are now held on the Tuesday succeeding the first Monday in November of each odd-numbered year pursuant to MCL 168.644a, MSA 6.1644(1). See Code of Ordinances Section 9-1.

#### Section 3.4. - [Primary elections.]

A regular city primary election shall be held on the first Monday in March in each year. If, upon the expiration of the time for filing nomination petitions for any elective city office, valid petitions have been filed for on more than twice the number of candidates for such office to be elected at the following regular city election, than [then] no primary election shall be held with respect to such office. If no primary is to be held for one or more offices, the Clerk shall publish notice of this fact and the reason therefor as part of, or at the time provided for, the publication of notices for such primary election. Candidates, equal in number to twice the number of persons to be elected in each city office at the next subsequent regular city election, who receives the highest number of votes at any such primary election shall be declared the nominees for election to the respective offices for which they are candidates. The names of such candidates, together with the names of candidates who filed valid petitions for any office for which no primary was held, shall be certified by the Clerk to the Election Commission as nominees for the next subsequent regular city election.

**Editor's note**— Primary elections are now held the Tuesday following the first Monday in August of each odd-numbered year pursuant to MCL 168.644b, MSA 6.1644(2).

#### Section 3.5. - [Special elections.]

Special city elections shall be held when called by resolution of the City Commission. Any resolution calling a special election shall set forth the purpose of such election.

**State Law reference**— Special election approval, MCL 168.631, 168.639, MSA 6.1631, 6.1639.

#### Section 3.6. - [Elective officers and terms of office.]

The elective officers of the City are:

- (a) A Mayor,
- (b) Six (6) Commissioners, two (2) of which shall be residents from each of the three wards nominated and elected by the voters of their particular ward.

Commencing with the 1999 calendar year election, the term of office of the Mayor is four (4) years or until his/her successor is elected and qualifies. The terms of office of the Commissioners are four (4) years or until their successors are elected and qualify. The terms of Mayor and Commissioners shall commence at 12 o'clock noon of the first Monday following the election at which they are elected.



(Char. Amend. of 11-3-98, § 1)

### Section 3.7. - [Nominations.]

The method of nomination of all candidates for the City primary elections shall be by petition. Petitions for each candidate shall be signed by not less than fifteen (15) not more than Thirty (30) registered electors of the ward in which the candidate resides and will represent, except the mayor, and the Justice of the Peace\* the petitioners for which may reside in any part of the city. No person shall sign his name to a greater number of petitions for any office than there are persons to be elected to said office at the following regular city election. Where a person's signature appears on more petitions than he is hereby permitted to sign, the signatures bearing the most recent date shall be invalidated.

A nominating petition may be accepted for filing by the City Clerk only when accompanied by the written consent of the candidate to the filing thereof. The filing deadline for filing nominating petitions for regular City Elections shall be filed no later than 4 p.m., on the fifteenth Tuesday before the odd year August Primary Election. Each candidate for an elective office shall, at the time his nominating petition is filed, file an affidavit that he possesses the eligibility qualifications for such office.

(Res. No. 18-1649, §§ 1, 2, 5-15-18)

### Section 3.8. - [Nominating commission.]

There is hereby created a commission of the city government, to be known as the Nominating Commission. Such commission shall be composed of five members who shall be appointed by the Mayor, with the advice and approval of the City Commission, in the first instance, within four months following the effective date of this charter, two for terms of two years and three for terms of one year, or until their successors are appointed as herein provided. Thereafter three members in the commission shall be appointed at the first meeting of the city Commission in May of each year, two for terms of two years and one for the term of one year. In the event that no nomination petition is filed for an elective office or offices of the City at the next ensuing election, the commission herein created shall nominate such a number of representative qualified electors of the city who signify their willingness to serve in such office or offices, if elected thereto, as a candidate or as candidates for such office or offices as will make the number of candidates therefor equal twice the number of persons to be elected thereto. Such nomination shall be made by the Nominating commission not less than twenty days prior to each regular city election and

certified by the said commission to the Election Commission. The inability of the said commission to nominate any person or persons to any office or offices, as in this section required, shall not affect the validity of the election either as a whole, or with respect to the office or offices for which no such nomination was made.

(Char. Amend. of 11-3-98, § 3)

#### Section 3.9. - [Petitions forms.]

The form of the nominating petition shall be determined by the City Clerk. A supply of official petition forms shall be provided and maintained by the Clerk.

#### Section 3.10. - [Approval of petitions.]

Immediately after the filing of each petition the Clerk shall determine whether the regular requirements have been met and shall give written notice of such determination to each candidate. If a candidate's nominating petition does not meet the requirements of this Section, and the time for filing nominating petitions has not elapsed, additional nominating petitions may be filed.

#### Section 3.11. - [Conduct of elections.]

The City Clerk shall be in charge of the conduct of elections in the city. He shall appoint, with the consent of the City Commissioners, such election inspectors and member[s] of the elections board as are necessary and provided for by the applicable state law.

#### Section 3.12. - [Board of canvassers.]

The Mayor, Clerk and City Manager shall be the Board of City Canvassers. Such Board shall convene at 7:30 p.m., on the second day following each election at the usual meeting place of the City Commission and publicly canvass the returns and determine the results of the city election upon each question and proposition and also determine which persons are nominated or elected to the several offices respectively voted on at said election. Such members of the Board of Canvassers as shall appear at such meeting shall constitute a quorum.

**Editor's note**— The board of canvassers is now selected pursuant to MCL 168.24a et seq., MSA 6.1024(1) et seq.

Section 3.13. - [Determination of winning candidates.]

A candidate may be elected in the primary election if he shall receive a majority of all the votes cast for candidates for that office. Where several offices are to be filled at the same election, a candidate shall be deemed to have received a majority if he shall have received more than one-half ( $\frac{1}{2}$ ) of the average number of votes cast for each of the offices. The average is to be determined by dividing the total number of votes cast for all the candidates for such office by the number of offices. In the event a candidate is elected in the primary where there is more than one office to be filled, then candidates equal in number to twice the number of persons to be elected to the office than [sic] remaining shall be declared nominees and certified by the Clerk to the Election Commission, based upon the method of determination and the procedure prescribed in Section 3.7 hereof. In the regular election, the number of candidates for each office equal to the number to be elected who receive the highest number of votes shall be elected.

Section 3.14. - [Registration of electors; voting hours; ballots; notice of elections.]

- (1) All persons who are entitled to the franchise under Article III, Section I of the constitution of the State of Michigan as amended shall be qualified electors of the City, and shall be entitled to vote for all elected offices of the city except commissioners from other wards.
- (2) Electors shall be registered to vote by the Clerk in accordance with the general election laws, and all such electors shall be entitled to vote for all elected officials of the City.
- (3) The voting hours shall be from 7 o'clock in the forenoon until 8 o'clock in the afternoon and no longer. Every qualified elector present and in line at the polls at the hour prescribed for the closing thereof shall be allowed to vote.
- (4) Preparation of ballots and the procedure and conduct at polling places shall be in accordance with the general elections laws.
- (5) Absentee ballots shall be furnished in accordance with the general election laws.
- (6) The Clerk shall give public notice of each city election by publication thereof in a newspaper in general circulation in the City. The first publications of such shall be given at least ten (10) days prior to such election. The notice shall be directed to the electors of the City of Hudsonville and contain the following:
  - (a) Whether the election is to be a primary, special, or general city election;
  - (b) The date of the election;
  - (c) The voting hours;

- (d) The offices to be filled; and
- (e) The propositions or special questions to be submitted.

Propositions or special questions submitted to the voters shall be quoted in full in the notice if less than 300 words in length; if greater, a summary or condensation shall be prepared by the Clerk, or, if the question has been initiated by petition, by such person or persons who initiated such question.

- (7) All other procedural aspects of the city elections, unless provided otherwise in this charter, shall be in accordance with the general election laws except as same shall relate to political parties or party or partisan procedures.

**State Law reference**— Mandatory that Charter provide for registration of electors, MCL 117.3(c), MSA 5.2073(c); registration of electors generally, MCL 168.491 et seq., MSA 6.1491 et seq.; opening and closing of polls, MCL 168.720, MSA 6.1720; notice of election, MCL 168.653, MSA 6.1653.

#### Section 3.15. - [Recount.]

A recount of the votes cast at any city election for any office or upon any proposition may be had in accordance with the general election laws of the State of Michigan. Unless otherwise required by law, the petition for recount of the votes cast at any city election shall be filed with the Clerk before 5 o'clock in the afternoon on the second full day after the Board of Canvassers has determined the result of the election at which such votes were cast. The person filing such petition shall give notice thereof to the opposing candidate or candidates in the manner provided by law. Any such opposing candidate may file a counter petition for recount before 5 o'clock in the afternoon in the next full day thereafter.

**State Law reference**— Recounts, MCL 168.861 et seq., MSA 6.1861 et seq.

#### [CHAPTER IV.] - ORGANIZATION OF GOVERNMENT

##### *Footnotes:*

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**State Law reference**— Mandatory that Charter provide for duties of city offices, MCL 117.3(d), MSA 5.2073(d).

#### Section 4.1. - [Commission form of government.]

The municipal government of the City shall be the commission form of government under which the responsibility of making determinations of policy shall be in the city commission and the responsibility for the administration of such policies shall be in the city manager and the other administrative officers of the City.

#### Section 4.2. - [City Commission.]

There shall be a City Commission of Seven (7) members consisting of six commissioners and a mayor who shall be a member of the Commission for all purposes. The Commission shall be the governing and legislative body of the City, and, except as otherwise provided by this charter or by law, there is vested in it the authority to exercise all powers possessed by the City. The Commission shall have the power to replace any member who is no longer able to serve on the Commission. The member replacing such a commissioner shall serve until the next City election.

**State Law reference**— Mandatory that Charter provide for election of a body vested with legislature power, MCL 117.3(a), MSA 5.2073(a).

#### Section 4.3. - [Mayor.]

The Mayor shall be the executive head of the City. He shall also be the presiding officer of the Commission, and shall have voice and vote in all proceedings of the Commission with that of other members of the Commission but shall have no veto power. The Mayor shall be a conservator of the peace, and may, in emergencies, exercise within the City the powers conferred upon sheriffs to suppress riots and disorder and shall have the authority to command the assistance of all able bodied citizens to aid in the enforcement of the ordinances of the City and to suppress riot and disorder. He shall also serve on the board of supervisors <sup>[5]</sup> of the county.

*Footnotes:*

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**Editor's note**— *Election and appointment of members of the board of supervisors is now done pursuant to MCL 46.401 et seq., MSA 5.359(1) et seq.*

#### Section 4.4. - [Mayor pro tempore.]

At its first meeting following each regular City election after the newly elected members have taken office, the Commission shall elect one of its members mayor pro tempore for a term expiring at the first Commission meeting following the next regular village election. The election

shall be by a majority vote of the Commission. The mayor pro tempore shall perform all the duties of the mayor when on account of a vacancy in the office, absent from the City, disability, or otherwise, the mayor is temporarily unable to perform the duties of his office. If both the Mayor and Mayor pro tempore are unable to perform the duties of the office of Mayor, the Commission shall elect another of its members to temporarily perform such duties.

#### Section 4.5. - [Administrative departments.]

The following administrative departments are created: (1) Finance Department; (2) Department of Public Works; and (3) Department of Public Safety. The Commission may create and abolish such additional departments as it deems advisable. The Commission shall by ordinance prescribe the functions, duties, and organization of each department and the duties and responsibilities of the officers and employees of each department.

#### Section 4.6. - [City Manager.]

A City Manager shall be appointed by the Commission by majority vote to serve at its pleasure. He shall be the chief administrative officer of the City and shall be directly responsible to the Commission. He shall be responsible for the efficient administration of all departments of the City government under his jurisdiction.

#### Section 4.7. - [Finance Department.]

The head of the Finance Department shall be the City Treasurer who shall be appointed by the Commission and may be one of its members. He may, by majority vote of the commission, be made subject to the City Manager. The duties of the Finance Department shall include, but shall not be limited to, the following:

- (a) To supervise and be responsible for the disbursements of all City moneys and to have control over all expenditures thereof.
- (b) To maintain a general accounting system for the City which shall conform to any uniform system as may be required by law.
- (c) To submit at the end of each fiscal year, a complete statement and report of the City's financial status at the end of each year.
- (d) To collect all taxes and special assessments, license fees, and other revenues of the City and such other revenues as provided by law.
- (e)

To have custody of all public funds belonging to or under the control of the City, and to deposit all funds in such depositories as may be designated by the Commission in accordance with law.

- (f) To have custody of all investments and invested funds of the City and to have the safekeeping of all bonds and notes for transfer, registration or exchange.
- (g) To perform such other functions as may be designated by the Commission or by the State of Michigan.

**State Law reference**— Uniform budgeting and accounting act MCL 141.421 et seq., MSA 5.3228(21) et seq.; designation of depositories, MCL 129.12, MSA 3.752; deposit of public moneys, MCL 211.43b, MSA 7.86.

#### Section 4.8. - [Department of Public Works.]

The administrative head of the Department of Public Works shall be the director of Public Works who shall be appointed by the City Manager with the approval of the Commission, and who shall serve at the pleasure of the Manager and the Commission. The City Manager may be appointed Director of Public Works at the discretion of the Commission. Among the duties of the department shall be the responsibility for administering the highway and street construction and maintenance program of the City, and such engineering, public works, utility, or other activities as are assigned to it by this charter or by the Commission.

#### Section 4.9. - [Department of Public Safety.]

The administrative head of the Department of Public Safety shall be the director of Public Safety, who shall be appointed by the City Manager with the approval of the Commission, and who shall serve at the pleasure of the manager and the Commission. The City Manager may be appointed Director of Public Safety at the discretion of the Commission. Among the duties of the department shall be the responsibility for the protection of the public safety of the City, including fire and police protection.

#### Section 4.10. - [City Clerk.]

A City Clerk shall be appointed by the Commission by majority vote to serve at its pleasure. The City Clerk shall be the Clerk of the Commission, shall attend all its meetings, and shall keep a permanent journal in the English language, of its proceedings. The Clerk shall certify by his signature all ordinances, resolutions, and other actions of the Commission and shall keep a

record thereof which shall be public. He shall, upon request, administer the oath required for municipal purposes and he shall be custodian of all papers, documents, surety bonds and records which pertain to the City and the custody of which is not otherwise provided for. 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 provide and maintain in his office a supply of forms for all petitions required to be filed for any purpose by the provisions of this charter.

**State Law reference**— Mandatory that Charter provide for keeping of journal, MCL 117.3(m), MSA 5.2073(m); freedom of information act, MCL 15.231 et seq., MSA 4.1801(1) et seq.; historical records and papers, MCL 399.5, MSA 15.1805.

#### Section 4.11. - [City Assessor.]

A City Assessor shall be appointed by the Commission by majority vote to serve at its pleasure. The duties of the Assessor shall include the preparation of all regular and special assessment rolls and he shall possess all the powers vested in and shall be charged with all the duties imposed upon assessing officers by law. He may by majority vote of the commission, be directly responsible to the finance department and/or to the City Manager.

#### Section 4.12. - [Police Chief.]

The Police Chief shall be appointed by the City Manager with the approval of the Commission to serve at its pleasure of the manager and the Commission. The Police Chief shall be responsible for maintaining the public peace and the safety of persons and property in the Village. A City Constable or Constables may also be appointed by the Commission.

#### Section 4.13. - [Fire Chief.]

The Fire Chief shall be appointed by the City Manager with the approval of the Commission to serve at the pleasure of the Manager and the Commission. The Fire Chief shall be responsible for preventing and extinguishing fires in the city.

#### Section 4.14. - [Health Officer.]

The Health Officer shall be appointed by the City Manager with the approval of the Commission. The Health Officer shall be responsible for administering the public health activities of the City.



Section 4.15. - [City attorney.]

A City Attorney shall be appointed by the Commission by majority vote to serve at its pleasure. The City Attorney shall act as the legal advisor to and be the attorney and counsel for the Commission.

Section 4.16. - [Justice of the Peace—Election.]

There shall be a Justice of the Peace elected for the City of Hudsonville, who shall be nominated and elected in the same manner as the Mayor, and he shall serve for a term of four years, unless provided otherwise by State Law. The first Justice shall serve until the regular City election in 1959, or until his successor is elected and qualified.

**Editor's note—** Justice of the Peace were abolished by MCL 600.9921, MSA 27A.9921.

Section 4.17. - [Same—Jurisdiction.]

The Justice of the Peace elected in the City of Hudsonville shall have and exercise therein and within the county, 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 Justice of the Peace by the general laws of the State. They have authority to hear, try, and determine all suits and prosecutions for the recovery or enforcing of fines, penalties, and forfeitures imposed by the ordinances of the city, and to punish offenders for violations of such ordinances, as in the ordinances prescribed and directed, subject only to the limitations prescribed and directed in this charter or provided by state law.

Such Justice of the Peace shall also have:

- (a) Jurisdiction to the amount of five hundred dollars (\$500.00) in all civil matters, *ex contractu* [*contractu*] and *ex delicto*, with such exceptions and restrictions as are or may be provided by State law.
- (b) The same power and authority as the circuit courts of the State possess to set aside, upon legal cause shown therefor, the verdict or judgement in any civil case, and grant a new trial therein, whenever a motion in writing is made and filed with the Justice of the Peace within five days (5) after the rendition of the verdict or judgement in said case. Such 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. A notice of the hearing of such motion with a copy of the motion and affidavits filed as aforesaid, shall be served upon the adverse party or his attorney at least two days (2) before the hearing thereof. Such motion shall be determined within two days (2) after the same shall have been heard and submitted and such motion shall be submitted and heard within one week (1) after the same shall have been filed. The time for taking an appeal from judgement in case such motion be not granted shall begin to run from the time when such motion shall be overruled. In no case shall the pendency of such motion stay the issuing and levy of an execution in such case, but in case of levy under execution pending such motion, no sale of the property so levied on shall be advertised or made until the final determination of such motion.

- (c) Such additional powers and authorities as may be conferred upon City Justice of the Peace by State law, it being the intent of this section that the Justice of the Peace in the City of Hudsonville shall have and exercise all powers and authority which Justice in cities may now or hereafter be permitted to exercise under State law, this charter, or the ordinances of the city.
- (d) The proceedings in all suits and actions before said Justice of the Peace, and in the exercise of the powers and duties conferred upon and required of them, shall, except as otherwise provided in this charter, be according to and governed by the general laws of the State, which are applicable to justice courts and to the proceedings before such courts.
- (e) *Docket:* Every Justice of the Peace shall enter in the docket kept by him the title of all suits and prosecutions commenced or prosecuted before him for violations of the ordinances of the city, and all the proceedings and the judgement rendered in every such cause and the items of all costs taxed or allowed therein; and also the amounts and date of payment of all fines, penalties, and forfeitures, moneys, and costs received by him on account of any such suit or proceeding. Such docket shall be submitted by the Justice of the Peace, at all reasonable times, to the examination of any person desiring to examine the same and shall be produced by the Justice of the Peace to the Council annually or whenever required.
- (f) *Compensation of justices of the peace:* The provisions of the general law of the State of Michigan applying to the compensation of Justices of the Peace shall apply to Justices of the Peace in the City of Hudsonville: Provided, that the Council may,

by ordinance, provide for placing the Justice of the Peace of the city on a salary instead of a fee basis. Such ordinance shall fix their salaries and may not be amended at any time after the thirteenth day before the last day for filing nominating petitions for any election at which a Justice of the Peace is to be elected nor may the salary of any Justice be changed during the term of office for which he has been elected or appointed. In the event that no ordinance is passed amending the salary of the Justice, such salary shall remain the same for the ensuing term as it was for the previous term.

The salary of the Justice of the Peace shall be in lieu of all fees, both in civil and criminal cases, to which said Justice might be entitled but for the provisions of this section, except those for the performance of marriage ceremonies, and for administering oaths in matters not connected with suits and proceedings in this court.

- (g) All fines, penalties, and forfeitures collected or received by any Justice of the Peace for, or on account of, violations of the penal laws of the State and all fines, penalties, forfeitures, and moneys collected or received by such Justice, for or on account of violations of any ordinances of the city, shall be paid over by such Justice of [to] the city Treasurer on or before the 10th day of the month next after the collection or receipt thereof; and the Justice shall take the receipt of the City Treasurer therefore and file the same with the City Clerk.

Each such Justice shall report on oath, to the Treasurer, at the time of making the payments herein provided, for, the name of every person against whom a prosecution has been commenced, or judgement rendered for any of such fines, penalties, or forfeitures, and the amount of all moneys received by him on account thereof, or on account of any such suit or prosecution.

All fines recovered for the violation of the penal laws of the State when collected and paid into the city treasury shall be disposed of as provided by law.

- (h) *Prosecution under state penal laws:* The expenses of prosecutions before Justice of the Peace of the city, for violations of State criminal laws, and in punishing the offenders, shall be paid by the County of Ottawa.
- (i) *Bond required:* Each Justice of the Peace, in addition to any other 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 corporate surety bond to the city, in a penalty of

one thousand dollars (\$1,000.00), to be approved by the Mayor, which approval shall be endorsed upon the bond, conditioned for the faithful performance of the duties of Justice of the Peace within and for the city.

- (j) *Rules of court:* Subject to the approval of the Council, the Justice of the Peace of the city may, by court rule, regulate the office hours and make other necessary and proper rules for the regulation and conduct of the city's justice court, which rules shall not be inconsistent with the provisions of this charter and the general laws of the State.
- (k) *Traffic violations bureau:* The Council shall have the power and authority to pass an ordinance establishing a Traffic Violations Bureau for the handling of Traffic cases, other than driving while under the influence of intoxicating liquors or narcotics, failure to stop in the event of an accident, or reckless driving. In such Traffic Violations Bureau, any persons who has received any notice to appear in answer to a traffic charge under the ordinances of the city may, within the time specified in the notice, in lieu of making an appearance in court, answer to the charges set forth in such notice by paying a prescribed fine, and, in writing, pleading guilty to the charge. The creation of such a Bureau by the Council shall not operate so as to deprive any person of a full and impartial hearing in court, should such person so choose.

**Editor's note—** Justices of the peace were abolished by MCL 600.9921, MSA 27A.9921.

## [CHAPTER V.] - GENERAL PROVISIONS REGARDING OFFICERS AND EMPLOYEES OF THE CITY

### Section 5.1. - [Eligibility for office.]

Each person who holds any elective office of the City shall have been a resident of the area included with the City, or any area annexed thereto, for at least one (1) year immediately prior to the last day for filing petitions for such office or prior to the day of appointment to fill a vacancy, and shall be a qualified and registered elector of the City on such day and throughout his tenure of office. The Commission shall be the sole judge of the election and qualification of its own members. Commissioners representing any ward shall serve only so long as they are residents of that ward. The other officers in the city shall be citizens of the United States qualified as electors of the Community in which they reside.

**State Law reference**— Mandatory that Charter provide for qualification of city officers, MCL 117.3(d), MSA 5.2073(d).

Section 5.2. - [Compensation and expenses of mayor and commissioners.]

The compensation of the Mayor and Commissioners shall be established by the City Commission, providing fees shall be allowed in an amount to be stipulated by the Commission for attendance at committee, City Commission, and other meetings and activities. Such fees shall be provided in the annual budget to be adopted with the hearing provided in this charter. Such fees shall not, however, affect the Mayor and Commissioners during their terms of office and shall be established only for the next ensuing term of the Mayor or the Commissioners. The compensation of the first Commission shall be the same as for the present Village of Hudsonville, being Twenty-five dollars (\$25.00) per regular meeting attended for Mayor and Twenty dollars (\$20.00) for Commissioners.

Upon authorization of the council, additional reasonable expenses may be allowed to its members when actually incurred on behalf of the city.

**Editor's note**— Compensation of elected officials is now determined by the local officers' compensation commission vested in Code of Ordinances Section 2-176 et seq., adopted pursuant to MCL 117.5c, MSA 5.2084(3).

**State Law reference**— Mandatory that Charter provide for compensation of officers, MCL 117.3(d), MSA 5.2073(d).

Section 5.3. - [Compensation of city officials and employees.]

The compensation of other City officials and employees shall be fixed from time to time by the Commission.

**Editor's note**— Compensation of elected officials is now determined by the local officers' compensation commission vested in Code of Ordinances Section 2-176 et seq., adopted pursuant to MCL 117.5c, MSA 5.2084(3).

**State Law reference**— Mandatory that Charter provide for compensation of officers, MCL 117.3(d), MSA 5.2073(d).

Section 5.4. - [Vacancies in elective office.]

Any vacancy in any elective office shall be filled by appointment by majority vote of the members of the Commission then in office. The person appointed shall serve until 12 o'clock noon of the Monday following the next regular spring election or until his successor is elected and qualified. At such regular spring election if the vacant office would not expire on the Monday noon following, the remainder of the unexpired term shall be filled by an election at such time.

**Editor's note**— Elections are now held in the Fall. See editor's notes following Charter Sections 3.3 and 3.4.

#### Section 5.5. - [Oath of office.]

Every elective and administrative officer and such other officers and employees as the Commission shall designate shall take and subscribe to the oath of office prescribed for public officers by the Constitution and shall file same with the Clerk.

**State Law reference**— Oath of public officers, Mich. Const. 1963, Art. XI, § 1.

#### Section 5.6. - [Official bonds.]

All officers and employees of the City whose duties involve the receipt, disbursement, or custody of City funds and all other officers and employees so required by the Commission, shall file with the City an official bond in such form and amount as the Commission shall direct and approve. Such official bond shall be conditioned that the bonded person will faithfully perform the duties of his office and will, on demand deliver to his successor in office, or other proper officer of the City, all books, papers, moneys, and effects, and property belonging to or appertaining to his office, and that he will pay over or account for to the City all moneys received by him as such officer or employee. All official bonds shall be corporate bonds and the premiums thereon shall be paid by the City.

#### [CHAPTER VI.] - LEGISLATION

##### *Footnotes:*

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**State Law reference**— *Mandatory that Charter provide for ordinances, MCL 117.3(k), MSA 5.2073(k); general authority relative to adoption of ordinances, Mich. Const. 1963, Art. VII, § 22.*

#### Section 6.1. - [Regular meetings.]

The commission shall provide by ordinance for at least one (1) regular meeting of the Commission each month, and shall fix the time and place thereof. If a meeting cannot be held in the regular meeting place, the Mayor shall designate where the Commission shall meet. A regular meeting shall be held at 7 o'clock p.m. on the Monday next following each regular City election.

#### Section 6.2. - [Special meetings.]

Special meetings shall be held at the regular meeting place of the Commission. They shall be called by the Clerk on the written request of the Mayor or any three (3) Commissioners on at least six hours' written notice served personally on each Commissioner or left at his usual place of residence. Any special meeting shall be a legal meeting for all purposes without such notice if all the Commissioners are present or have waived notice thereof in writing.

**State Law reference**— Notice shall be posted eighteen (18) hours prior to the meeting, MCL 15.265, MSA 4.1800(15).

#### Section 6.3. - [Open meetings.]

All meetings of the Commission shall be open to the public and citizens shall have a reasonable opportunity to be heard.

**State Law reference**— Mandatory that Charter provide for public meetings, MCL 117.3(l), MSA 5.2073(l); open meetings act, MCL 15.261 et seq., MSA 4.1800(11) et seq.

#### Section 6.4. - [Organization, rules and order of business; quorum.]

The Commission shall determine its own organization, rules, and order of business. A majority of the members of the Commission in office at the time shall be a quorum for the transaction of business at all meetings of the Commission. In the absence of a quorum, a lesser number may adjourn any meeting to a later time and date.

#### Section 6.5. - [Official journal.]

An official journal of the proceedings of each meeting shall be kept by the Clerk, in the English language.

**State Law reference**— Mandatory that Charter provide for keeping of journal, MCL 117.3(m), MSA

5.2073(m).

Section 6.6. - [Public peace, health and safety.]

The Commission shall see that provision is made for the public peace and health and for the safety of persons and property.

**State Law reference**— Mandatory that Charter provide for public peace, health and safety, MCL 117.3(j), MSA 5.2073(j).

Section 6.7. - [Prior village ordinances and resolutions; prior duties of officers.]

All ordinances and resolutions of the Village of Hudsonville which are not inconsistent with this charter and which are in force and effect on the effective date of this charter shall continue in full force and effect until repealed or amended or until one (1) year from the effective date of the City. Ordinances and resolutions which are inconsistent with this charter are hereby repealed. Where enforcement discretion are [is] vested in prescribed officers, the officer who shall perform comparable duties under this charter shall be vested with such enforcement and discretionary powers.

Section 6.8. - [Official action of the Commission.]

All official action of the Commission shall be by ordinance, resolution, motion or order. All legislation shall be by ordinance. All action of the Commission shall be by majority vote of those present and voting, provided that a quorum as above defined is present at the Commission meeting. All official action of the Commission may be amended or repealed by an appropriate ordinance, resolution, motion or order, as the case may be.

Section 6.9. - [Style of ordinances; publication; codification; identification.]

The style of all ordinances shall be: "The City of Hudsonville Ordains:". All ordinances shall be published in full in a newspaper in general circulation in the City at least once before they become operative, provided, however, that a codification of City ordinances need not be published in full and instead the Commission shall provide for making printed copies of the codification which shall be available for inspection and for distribution to the public at a reasonable charge and the Commission shall publish notice of the printing and availability of such codified City ordinances prior to the effective date of such codification. Each ordinance shall be identified by a number and a short title.



**State Law reference**— Authority to codify, MCL 117.5b, MSA 5.2084(2); mandatory that charter provide for publication of all ordinances before they become operative, MCL 117.3(k), MSA 5.2073(k).

Section 6.10. - [Penalties.]

All violations of City ordinances shall be punishable by a fine not exceeding \$100.00 or imprisonment for a period of not exceeding Ninety (90) days, or both, in the discretion of the court, provided that if the applicable state law permits fines in a greater amount or imprisonment for a longer period such shall apply any provision of this charter notwithstanding.

**State Law reference**— Limitations on penalties, MCL 117.4i(10), MSA 5.2082(10).

Section 6.11. - [Initiative or referendum.]

- (1) An ordinance may be initiated by petition, or the repeal of any ordinance may be initiated by a petition, hereafter called a referendum.
- (2) An initiatory or a referendary petition shall be signed by registered electors equal in number to 10% of those who voted at the last general election prior to the filing of the petition. The form of the petition shall be approved by the City Attorney. The petition shall be filed with the City Clerk and if found to be sufficient by him, then presented to the Commission at its next regular meeting.
- (3) Upon receiving an initiatory or referendary petition from the City Clerk, the Commission within thirty (30) days shall either (a) if it be an initiatory petition, adopt the ordinance; (b) if it be a referendary petition, repeal the ordinance; or (c) determine to submit the proposal to the electors.
- (4) Should the Commission decide to submit the proposal to the electors, it shall be submitted at the next election held in the city for any purpose, or in the discretion of the Commission at a special election. The result shall be determined by the majority vote of the electors voting thereon.
- (5) Should two or more ordinances adopted at the same election have conflicting provisions, the one receiving the highest affirmative vote shall prevail as to those provisions.
- (6)

An ordinance adopted through initiatory proceedings may not be amended or repealed by the Commission for a period of two years after the date of election at which it was approved. An ordinance repealed by referendary proceedings may not be re-enacted for a like period of time.

- (7) Any ordinance may be adopted, amended, or repealed at any time by appropriate initiatory or referendum procedure in accordance with the foregoing. The Commission may submit the question of adopting, amending, to electors of the City on its own motion, and may submit any other question to the electors as it seems advisable.

**State Law reference—** Permissible that Charter provide for initiative and referendum, MCL 117.4i(6), MSA 5.2082(6).

#### Section 6.12. - [Ward boundaries.]

The City Commission shall as herein provided, define and determine the boundaries of the three wards of the City. Whenever any one ward shall have a population twenty percentum greater than any other ward, the boundaries of these or any of the wards shall be so changed by the Commission as to correct the imbalance between the wards to less than the said 20 per-centum imbalance. Within one (1) year of the receipt of the returns of each Federal Decennial census, the City Commission shall re-set ward boundaries so that there shall be a less than ten per-centum imbalance between the populations of the wards, provided, if there shall be such an imbalance occurring prior to the next decennial census, the said City commission may re-set the ward boundaries, provided further, that the ward boundaries shall not be changed more than once in any two year period, and provided further, said ward boundary provisions, shall be subject to any state law affecting boundaries or annexations. The original boundaries of the said ward shall be set by the charter commission within the ninety (90) day period following the incorporation election, and the said boundaries shall clearly be shown and published in connection with and in the same manner as this charter.

**State Law reference—** Mandatory that Charter provide for one or more wards, MCL 117.3(e), MSA 5.2073(e).

#### [CHAPTER VII.] - GENERAL FINANCE

#### Section 7.1. - [Fiscal and budget year.]

The fiscal and budget year of the City shall begin on the first day of July of each year.

Section 7.2. - [Itemized proposal for fiscal year.]

The City Manager and the Treasurer shall prepare a complete itemized proposal for the next fiscal year, and shall submit it to the Commission at its regular meeting in the month of May.

Section 7.3. - [Proposal budget document.]

The proposed budget document shall present a complete financial plan for the ensuing fiscal year. It shall include the following information:

- (1) Detailed estimates of all proposed expenditures for each department and office of the City showing the expenditures for corresponding items for the current and last preceding fiscal year, with reasons for increases and decreases recommended, as compared with appropriations for the current year.
- (2) Statements of the bonded and other indebtedness of the City showing the debt redemption and interest requirements, the debt authorized and unissued, and the condition of the sinking fund, if any.
- (3) Detailed estimates of all anticipated income from sources other than taxes and borrowing, with a comparative statement of the amounts received from each of the same or similar sources for the last preceding and current fiscal year.
- (4) A statement of the estimated balance or deficit, as the case may be, for the end of the current fiscal year.
- (5) An estimate of the amount of money to be raised from current and delinquent taxes and the amount from bond issues which, with income from other sources, will be necessary to meet the proposed expenditures.
- (6) Such other supporting schedules as the City Manager or Treasurer may deem necessary or the Commission may require.

Section 7.4. - [Recommended budget on public record.]

Upon submission to the Commission of the recommended budget it shall become a public record, a copy of which shall be available for public inspection in the Office of the Clerk.

**State Law reference**— Freedom of information act, MCL 15.231 et seq., MSA 4.1801(1) et seq.

#### Section 7.5. - [Budget hearing.]

A public hearing on the recommended budget shall be held before its final adoption at such time as the Commission shall direct. Notice of such public hearing and that the budget is on file shall be published at least one week before the date set for said public hearing.

#### Section 7.6. - [Adoption of budget.]

Not later than the regular June meeting of the Commission, the Commission shall by ordinance adopt a budget for the next fiscal year and appropriate the amounts needed for municipal purposes during such year. Such ordinance shall provide for a levy of the amount necessary to be raised by taxes upon real and personal property for municipal purposes. Appropriations to a contingent fund, which is not for a specific purpose or purposes, shall not exceed an amount which is reasonably necessary to provide for unforeseeable contingencies.

**State Law reference—** Mandatory that Charter provide for an annual appropriation, MCL 117.3(h), MSA 5.2073(h).

#### Section 7.7. - [Appropriations.]

After the budget has been adopted, no money shall be withdrawn from the treasury except pursuant to the budget appropriation. The Commission may transfer any unencumbered appropriation balance or any portion thereof from one department or fund to another. The balance of any appropriation which has not been encumbered at the end of the fiscal year shall revert to the general fund and be reappropriated during the next fiscal year.

#### Section 7.8. - [Depositories.]

The Commission shall designate depositories for City funds in accordance with law and shall provide for the regular deposit all City monies.

**State Law reference—** Designation of depositories, MCL 129.12, MSA 3.752; deposit of public moneys, MCL 211.43b, MSA 7.86.

#### Section 7.9. - [Disbursement of funds.]

All City funds shall be disbursed by the Treasurer in a manner not inconsistent with law and according to procedures to be established by resolution or ordinances of the Commission.

Section 7.10. - [Annual report; independent audit.]

The City Manager and Treasurer shall prepare an annual report of the affairs of the City within a reasonable time after the end of each fiscal year. An independent audit of the City accounts shall be made annually, at the end of the fiscal year, to be conducted by qualified accountants. The annual report and the results of the audit shall be made public in such manner as the Commission shall determine.

[CHAPTER VIII.] - TAXATION

*Footnotes:*

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**State Law reference**— *General property tax act, MCL 211.1 et seq., MSA 7.1 et seq.*

Section 8.1. - [Power to tax; tax limit.]

The City shall have the power to assess taxes and to lay and collect rents, tolls and excises. The annual general ad valorem tax levy for municipal purposes shall not exceed 2% of the assessed valuation of all real and personal property in the City.

**State Law reference**— Mandatory that Charter provide for annually levying and collecting taxes, MCL 117.3(g), MSA 5.2073(g).

Section 8.2. - [Subjects of taxation.]

The subjects of taxation for municipal purposes shall be the same as for state, county and school purposes under the general law.

**State Law reference**— Mandatory that Charter provide that subjects of taxation for municipal purposes shall be the same as for state, county and school purposes under general law, MCL 117.3(f), MSA 5.2073(f); property subject to taxation, MCL 211.1 et seq., MSA 7.1 et seq.

Section 8.3. - [Tax day.]

The taxable status of persons and property shall be determined as of the first day of January of each year.

**State Law reference**— Designation of tax day, MCL 211.2, MSA 7.2; time, place and method of

assessment, MCL 211.10 et seq., MSA 7.10 et seq.

#### Section 8.4. - [Preparation of the assessment roll.]

On or before the first Monday in March in each year the Assessor shall prepare and certify an assessment roll of all property in the City which is subject to the ad valorem taxation. Values shall be estimated according to recognized methods of systematic assessment. At least two weeks prior to this time a tentative assessment roll shall be prepared and made available for public inspection. Notice by mail shall be given to the owner thereof of any increase over the previous year in the assessed value of any property or the addition of any property to the roll unless a general proportionate increase shall have been made. The assessor shall also publish notice or post notice in three public places in the City that the tentative roll has been completed and will be available for inspection. Failure to give personal notice as provided above shall not invalidate the assessment roll of any assessment. During the two-week period the Assessor shall hear complaints and make such changes in the roll as he deems necessary before certification.

**State Law reference—** Mandatory that Charter provide for preparation of assessment roll, MCL 117.3(i), MSA 5.2073(i); assessment roll, MCL 211.24 et seq., MSA 7.24 et seq.

#### Section 8.5. - [Board of review.]

Three qualified electors not members of the Commission owning real property within the City, shall be appointed by the Commission, one for one year, one for two years, and one for three years, and thereafter for three year terms on completion of the original terms, who shall constitute the Board of Review. The assessor of the City shall be ex-officio, non-voting member of this Board. The Board of Review shall meet at a time and place set by the Commission, after the assessment roll is certified by the Assessor, and shall continue in session until all persons considering themselves aggrieved by assessments shall appear and are heard. If it shall appear then [that] any person or property has been wrongfully assessed or omitted from the roll, the Board of Review shall correct the roll in such manner as it seems just. Notice of the time and place of the meetings of the Board of Review shall be published or posted in three public places in the City by the Assessor at least once one week prior to its first meeting.

**State Law reference—** Mandatory that Charter provide for a board of review, MCL 117.3(a), MSA 5.2073(a); mandatory that Charter provide for meeting of board of review, MCL 117.3(i), MSA 5.2073(i).

#### Section 8.6. - [Endorsement of roll.]

After the Board of Review has completed its review of the assessment roll, the majority of its members shall endorse thereon and sign a statement to the effect that the same is the assessment roll of the City for the year in which it was prepared.

**State Law reference—** Completion of review of assessments prior to first Monday in April required, MCL 211.30a, MSA 7.30(1).

#### Section 8.7. - [Tax roll.]

After the Commission has made the appropriations for the ensuing fiscal year, the Clerk shall certify to the Assessor the total amount which the Commission determines shall be raised by general ad valorem tax together with such other assessments which the Commission requires to be assessed or re-assessed. The Assessor shall then proceed to spread the amounts of the general ad valorem tax according to and in proportion to the several valuations set forth in the assessment rolls and to place such other assessments and charges upon the roll as are required and authorized by the Commission. The Mayor shall then annex his warrant to the prepared tax roll directing and requiring the Treasurer to collect prior to March 1st of the following year from the several persons named in said roll the several sums mentioned therein opposite their respective names as a tax or assessment, and granting to and vesting in him, for the purpose of collecting the taxes and assessments on such roll, all the statutory powers and immunities possessed by township treasurers for collection of taxes.

**State Law reference—** Collection of taxes, MCL 211.44 et seq., MSA 7.87 et seq.

#### Section 8.8. - [Taxes due; lien; notice; collection fees; partial payments.]

City taxes shall be due and payable on July 1st of each year and shall become a lien on such property. The treasurer shall publish at least three times notice of the time when such taxes are due and mail a bill to each person named on the tax roll. Failure to give the above notice shall not invalidate the taxes on the tax roll. All taxes paid on or before August 15th shall be collected without additional charges. After such date there shall be added one-half of 1% for each and every month, or fraction thereof, to taxes remaining unpaid, together with such collection fee as the Commission may by resolution prescribe. The commission may, by resolution, authorize the

Treasurer to accept partial payments on taxes and special assessments together with interest and collection charge in such manner as the Commission may determine, providing that the period for partial payment not extend beyond the next March 1st.

Section 8.9. - [Return of unpaid taxes.]

On March 1st of the following calendar year the treasurer shall return all unpaid taxes on property to the County Treasurer in the same manner and with like effect as returns of state and county taxes are made by township treasurers. Such return shall include all the additional charges hereinbefore provided, which charges shall in such return be added to the amount levied in said roll against each description. The taxes thus returned shall be collected. All taxes and charges on lands so returned as delinquent and [sic] shall be and remain a lien thereon until paid.

Section 8.10. - Exemption.

No exemption from ad valorem taxation shall be allowed except such as are expressly required or permitted to be made by state law. In the case of exemption made to persons who are unable to contribute towards the public charges, such exceptions may be made only by reason of poverty on the filing of an oath stating the condition of poverty.

**State Law reference**— Property exempt from taxation, MCL 211.7 et seq., MSA 7.7 et seq.

[CHAPTER IX.] - SPECIAL ASSESSMENT

The Charter of the City of Hudsonville is amended by repealing Sections 9.1 through 9.10 thereof dealing with special assessment powers, provisions and procedures of the City, and providing instead, that the same shall be set forth in an appropriate ordinance adopted by the City Commission, the provisions of which shall conform to law.

(Amended 11-3-81)

*Footnotes:*

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**State Law reference**— *Power re assessments, MCL 117.4a, 117.4b, 117.4d, 117.5, MSA 5.2074, 5.2075, 5.2077, 5.2084.*

[CHAPTER X.] - BORROWING POWER



*Footnotes:*

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**State Law reference—** *Municipal finance act, MCL 131.1 et seq., MSA 5.3188(1)*

#### Section 10.1. - [Grant of authority.]

Subject to the limitations of applicable state law, the Commission may, by ordinance or resolution, authorize the borrowing of money and the issuing of bonds and other evidences of indebtedness therefore, for any purpose or purposes within the scope of powers vested in the City and for the purpose or purposes permitted by applicable state law.

Such bonds, except as prohibited by law, may pledge the full faith and credit of the City.

**State Law reference—** Authority to borrow money on the credit of the city and issue bonds therefor, MCL 117.4a(1), MSA 5.2074(1).

#### Section 10.2. - [Special assessment bonds.]

The authority of the Commission shall include but not to be limited to the borrowing of money in anticipation of the payment of special assessments made for the purpose of defraying the cost combination of such assessments, and to issue bonds or other evidences of indebtedness 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.

**State Law reference—** Authority to borrow money and issue bonds therefor in anticipation of the payment of special assessments, MCL 117.4a(2), MSA 5.2074(2).

#### Section 10.3. - [Preparation and record of bonds.]

Every bond which is issued shall contain on its face a statement specifying the object for which the same is issued. It shall be unlawful for any officer of the City to use such bonds or the proceeds from the sale thereof for any object other than that mentioned on the face of such bond. Bonds and all other evidences of indebtedness which are issued by the City shall be signed by the Mayor and Clerk under the seal of the City. The coupons evidencing the interest upon said bonds may be executed with the facsimile signatures of the Mayor and Clerk. Upon the payment of any bond or other evidence of indebtedness the same shall be cancelled.

**State Law reference—** Cremation or disintegration of public obligations, MCL 129.121 et seq.,

MSA 3.996(1) et seq.

## CHAPTER XI. - CHARTERS AND CONTRACTS

### Section 11.1. - [Authority to contract vested in Commission.]

The authority to contract on behalf of the City is vested in the Commission and shall be exercised according to law and the provisions of this charter.

### Section 11.2. - [Competitive bids.]

Comparative or competitive prices shall be obtained and a record kept thereof for the purchase or sale of all materials, property, supplies, public improvements and services where the amount involved is in excess of \$100.00, and less than \$500.00. Competitive bids shall be secured when the amount involved is in excess of \$500.00. Such prices need not be obtained in the employment of professional services. Such prices need not be obtained when the Commission determines by ordinance or resolution that it would not be advantageous to the City to obtain such prices. Such prices need not be obtained when the work is to be performed by a City department or agency.

### Section 11.3. - [Advance approval by Commission.]

In all sales or purchases in the amount of \$500.00 or more, (a) the sale or purchase shall be approved in advance by the Commission; and (b) sealed competitive bids shall be obtained unless the Commission determines that it would not be advantageous to the City to obtain such bids.

### Section 11.4. - [Dividing of sales or purchases.]

No sale or purchase shall be divided for the purpose of circumventing the dollar value limitation contained in this section.

### Section 11.5. - [Purchase, sale or lease of real property.]

Any purchase or sale of real property or lease to the City of real property shall be approved in advance by the affirmative vote of two-thirds of the members elect of the Commission.

### Section 11.6. - [Acceptance of bids.]

Purchases shall be made from the lowest competent bidder meeting specifications unless the Commission shall adopt resolution stating the reason for not accepting the same. Sales shall be made to the bidder whose bid is most advantageous to the City.

Section 11.7. - [Written contract or purchase order.]

All purchases and sales shall be evidenced by written contract or purchase order.

CHAPTER XII. - PUBLIC UTILITY FRANCHISES

*Footnotes:*

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**State Law reference**— *Mandates relative to public utilities, Mich. Const. 1963, Art. VII, §§ 24, 25; permissible that Charter provide for operation of utilities, MCL 117.4c, 117.4f, MSA 5.2076, 5.2079.*

Section 12.1. - [Continuation of prior franchises.]

All franchises to which the City or Township is a party affecting property within the limits of the city on the effective date of this charter shall remain in full force and effect in accordance with their respective terms and conditions.

Section 12.2. - [Power to grant franchises.]

The City shall have the power to grant a franchise to any person for the use of the streets and other public places of the City for the furnishing of any public utility service to the City and its inhabitants.

Section 12.3. - [Approval of franchises by electors.]

No franchise which is not subject to revocation at the will of the Commission shall be granted nor become operative until the same shall have first been referred to the people at a regular or special election and received the affirmative vote of three-fifths of the electors voting thereon. No such franchise shall be approved by the Commission for referral to the electorate before thirty (30) days after application therefor has been filed with the Commission nor until a public hearing has been held thereon nor until the grantee named therein has filed with the Clerk his

unconditional acceptance of all terms of such franchise. No special election for such purpose shall be ordered by the Commission unless the expense of holding such election as determined by the Commission shall have first been paid to the Treasurer by the proposed grantee.

**State Law reference**— Submitted of franchise to electors required if irrevocable, Mich. Const. 1963, Art. VII, § 25; expenses of special election to the paid by grantee, MCL 117.5(i), MSA 5.2084(i).

#### Section 12.4. - [Franchise renewal, extension or amendment.]

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

#### Section 12.5. - [Fixing of rates, bases and charges of franchises.]

Public utility franchises, revocable or irrevocable, shall make provision therein for fixing rates, fares, and charges and may provide for readjustments thereof at periodic intervals. 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 predicted upon the franchise, good will, or prospective profits.

#### Section 12.6. - [Cost of improvements or maintenance of public places; joint use.]

Every public utility, whether it has a franchise or not, shall pay such part of the cost of improvements 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. Every such public utility may be required in the City to permit joint use of its property and appurtenances located in the streets, alleys, and other public places of the City by the City and by other utilities insofar as such use may be reasonably practicable and upon payment of reasonable rental therefor.

**State Law reference**— Permissible that Charter provide for use of public places by public utilities, MCL 117.4h(2), MSA 5.2081(2); permissible that Charter provide for joint use of public property, MCL 117.4h(2), MSA 5.2081(2).

### CHAPTER XIII. - MISCELLANEOUS

### Section 13.1. - [Claims against city.]

In any action on claims against the city in which there is no government immunity from suit, the claimant, nevertheless, is hereby required as a condition precedent to bringing suit against the city to satisfy the following conditions:

- (1) A claim shall be filed in writing with the City Clerk within six (6) months after the injury damage shall have occurred which shall specify the time, place and nature and extent of the injuries and damages of which complaint is made. The names and addresses of all known witnesses and the attending physician, if any.
- (2) The City shall have Sixty (60) days thereafter to investigate the claim and to determine whether or not payment should be made.
- (3) No court action shall be begun after one year has elapsed from the date the claim against the City shall have occurred.

**State Law reference—** City liability for damages to property and personal injuries sustained on public ways, MCL 242.1 et seq., MSA 9.591 et seq.

### Section 13.2. - [Recall of elective officers.]

Any elective officer may be removed from office by the electors in the manner provided by the general laws of the State of Michigan. A vacancy created by the recall of any elective officer shall be filled by election in the manner prescribed by law. No person who has been removed from office by recall, or who has been resigned from such office while recall proceedings are pending against him, shall be appointed to any office within one year after such recall of resignation.

**State Law reference—** Recall, MCL 168.951 et seq., MSA 6.1951 et seq. See also Mich. Const. 1963, Art. II, § 8.

### Section 13.3. - [Power over cemeteries.]

The Commission shall have the power to enact all ordinances deemed necessary for the establishment, maintenance and protection of cemeteries, together with improvements thereon and appurtenances thereto owned or hereafter acquired by the City either within or without its corporate limits.

#### Section 13.4. - [Charter amendments.]

This charter may be amended at any time in the manner provided by law. Should two or more amendments be adopted at the same election which have conflicting provisions, the amendment receiving the largest affirmative vote shall prevail as to those provisions.

**State Law reference**— Power to adopt and amend Charter, Mich. Const. 1963, Art. VII, § 22; Charter amendment procedure, MCL 117.21 et seq., MSA 5.2100 et seq.

#### Section 13.5. - [Severability of Charter provisions.]

If any provision, section or clause of this charter or the application thereof to any person or circumstances shall be found to be invalid by a court of competent jurisdiction, such invalidity shall not effect [affect] any remaining portion or application provided such remaining portions or applications are not determined by the court to be inoperable and, to this end, this charter is declared to be severable.

#### Section 13.6. - [Merit system; pension and retirement system.]

- (1) The City Commission may provide by ordinance for a merit system of personnel management and may establish by ordinance a Civil Service Board to operate such merit system of personnel management.
- (2) The City Commission may establish by ordinance a pension and retirement system for any or all groups of employees in the service of the City. The cost of any such pension and retirement system shall be determined on actuarially sound mortality and service tables.

#### Section 13.7. - [Records to be public.]

All records of the City shall be public.

**State Law reference**— Mandatory that Charter provide that all records of the municipality shall be public, MCL 117.3(l), MSA 5.2073(l); freedom of information act, MCL 15.231 et seq., MSA 4.1801(1) et seq.

#### [CHAPTER XIV.] - SCHEDULE

#### Section 14.1. - Purpose.

The purpose of this schedule chapter is to inaugurate the government of the city under this charter and to accomplish the transition from Township and Village to City government, and it shall constitute a part of this charter only to the extent and for the time required to accomplish this end.

#### Section 14.2. - Special election commission.

There is hereby created a special election commission for the special election for the adoption of this charter and for the first election of city officers. The members of the Hudsonville Charter Commission shall constitute the Special Election Commission and shall serve without compensation. The chairman of the Special Election Commission shall be John De Vree, Jr., a member of the charter commission, and the secretary of the charter commission shall act as secretary of the election commission and perform such duties as are prescribed by the commission and this charter. He may name such deputies as may be necessary to carry out his official duties; and the commission may provide for these deputies such compensation as is consistent with state law.

#### Section 14.3. - [Election inspectors; board of registration; board of canvassers.]

The chairman of the Charter Commission shall name, subject to the approval of the commission, such election inspectors and a Board of Registration as are necessary and are provided by state law. Such inspectors and such board together with any deputies acting under then [them], shall arrange and perform all acts that are necessary for the election on this charter and vote for the officers provided therein. The Charter Commission shall designate ten (10) days or more prior to the election, three members to constitute a board of canvassers who shall be qualified electors.

#### Section 14.4. - [Detailed schedule of action and events.]

The following detailed schedule is hereby prescribed for the actions and events necessary for the adoption of this charter and for the nomination and election of the first officers of the city. The dates and procedures provided for in this chapter shall be followed regardless of the regular nomination and election provisions of this chapter. Provided, however, such regular nomination and election provisions shall govern where not inconsistent with this chapter. It is provided further that all publications of notice required to be made in the Zeeland Record shall be made in

the issue thereof published within Seven (7) days prior to the dates shown hereafter. The dates listed herein may be advanced or delayed by resolution of the charter commission, provided, the times intervening between the various dates shall be preserved in so far as possible unless the same shall fall on a Sunday, when such time will be the next succeeding day.

October 1, 1957—(a) Charter takes effect only for the purpose of initiating the procedure for the election on its adoption and for nominating and electing the first city officers.

(b) A signed copy of the charter shall be placed on file for public inspection by the election commission in the Hudsonville Village Municipal Building, together with a description of the ward boundaries for the first election, which shall be:

First Ward: All that part of the Proposed City of Hudsonville lying South of the Center line of the C & O Railroad and that portion lying North of the said Railroad and South of the centerline of Grant Street.

Second Ward: All that part of the Proposed City of Hudsonville lying East of a line One Hundred sixty-five (165) feet West of the center line of Barnaby Road.

Third Ward: All that part of the Proposed City of Hudsonville lying West of a line One Hundred sixty-five (165) feet West of the center line of Barnaby and North of the center line of Grant Street.

October 3, 1957—(a) There shall be published in the Zeeland Record a first notice of the time for filing nomination petitions, which notice shall include at least the following: (1) The officers to be nominated on a non-partisan basis as provided in the charter, (2) The qualifications, compensation and term of such officers, (3) The method of nomination including the availability of petitions on and after the third day of October, 1957, at the Hudsonville Village Municipal Building, (4) The number of signatures required and the place and time for filing petitions, (5) The requirement for consent as provided in the Charter, (6) A very brief description of the duties of such officers, (7) A notice that a copy of the charter is available for public inspection at the office in the Hudsonville Municipal Building.

[(b) and (c) were skipped.]

(d) There shall be published in the Zeeland Record a first notice of the last day of registration for the November 5, 1957, first city election and the time and place for registration.

(e) There shall be made available at the office in the Hudsonville Municipal Building a supply of non-partisan petition forms and consent forms prescribed for in the Charter.



Thursday, October 10, 1957—There shall be published in the Zeeland Record a second notice of the time for filing nomination petitions, the last day of registration, and notice of officers to be nominated, and first notice of election and the location of the polling place. All said notices to be identical to the first notice when the said are second notices.

Thursday, October 17, 1957 (until 8:00 p.m.)—This shall be the last day for registering to vote in the November 5, 1957, election for adoption of the charter and election of officers as provided therein. The Board of Registration shall on such last day for registration procure from the Georgetown Township Clerk, the records of the Clerk of the persons who are registered Township electors and shall incorporate such records with their records and shall cause all such persons to be registered as City electors in the same manner as though such persons had then and there applied for registration and all such persons shall be deemed to be registered as city electors. Thereafter registrations for city election may be made only through the clerk of the Board of Registration as provided in the charter determined by state law.

October 17, 1957—(a) There shall be published in the Zeeland Record a third notice of the time for filing nomination petitions, identical to the first notice and there shall be published a third notice of the election of officers and adoption of the charter.

October 18, 1957 (4:00 p.m.) This shall be the last time for filing petitions. The filing and form of nomination petitions shall in all respects be as provided in this charter except that they shall be filed in the Municipal Village of Hudsonville. If there shall not be filed petitions for at least two (2) candidates for each of the offices (there being required four (4) candidates in each of the three (3) wards) to be filled at the first election, the nominating committee, consisting of charter commission members John Brink, Louis Smit, and Ray Van Dyke, shall serve as a nominating committee and perform the functions the said nominating committee is authorized to perform in Section 3.8 of the Charter.

Monday, October 21, 1957, (8:00 p.m.) By this time the charter commission shall complete the final determination as of to the validity and sufficiency of nomination petitions and whether or not the candidates have required qualifications for the several offices.

Thursday, October 24, 1957—There shall be published a full and complete copy of this charter in the Zeeland Record together with a final notice of election.

Tuesday, November 5, 1957—A special election shall be held as provided by state law of the question of adopting this charter and electing the several officers therein provided for. At this election there shall be but one (1) precinct and the polling place shall be in the Municipal Building in the Village of Hudsonville, and the proposal shall be as follows:

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

Before leaving the booth, fold the ballot so that the initials of the inspector may be seen on the outside.

Shall the proposed charter for the City of Hudsonville drafted by the Charter Commission elected on June 8, 1957, be adopted?

YES ☐

NO ☐

The charter shall be adopted if a majority of the ballots cast thereon are in favor of adoption.

At the first election of officers, the voters shall be entitled to vote for not more than two (2) candidates for Council, a Mayor, Supervisor and one (1) candidate for justice of the peace. The three (3) candidates for Councilman, one (1) from each of three (3) wards, who receive the highest number of votes shall be elected for a term beginning on the effective date of this charter and ending at 8:00 p.m. on the Monday next following the date of the regular city election in April, 1959; the three (3) candidates for councilman, one (1) from each ward, who receive the second highest number of votes shall be elected for a term beginning on the effective date of this charter and ending at 8:00 p.m. on the Monday next following the date of the regular city election in April, 1958. The justice of the peace, Mayor, and Supervisor candidates who receive the highest number of votes shall be elected for a term beginning on the effective date of this charter and ending at 8:00 p.m. on the Monday next following the date of the regular city election in April, 1959. After this election the provisions contained elsewhere in this charter relative to elections and terms shall govern.

The Board of Canvassers shall meet as provided by law to canvass the vote and if the charter shall have been adopted, to determine the several elected offices. The Board shall notify these elected officers and call an organizational meeting, where they may take and describe constitutional oath of office. The secretary of the election commission shall certify two (2) copies of this charter together with a statement of the vote for and against it with the secretary of the

State of Michigan and with the clerk of Ottawa County. The several officers shall do all acts necessary for the proper determining of the effective date of this charter and the commencement of the City of Hudsonville.

Moved by Ray Van Dyke, seconded by John De Vree

As follows:

"Be it Resolved that the foregoing be adopted as the proposed charter for the City of Hudsonville:"

YEAS: John De Vree, Ted Kort, Nelson Hoezee, Henry Scholten, Louis Smit, Ray Van Dyke, John Vander Molen, Edward Wierenga, and John Brink.

Nays: None

Resolution carried.

Edward D. Wierenga, Secretary of the Charter Commission of the City of Hudsonville on the 18th day of June, 1957, the following named persons were duly elected as the Charter Commission to frame a charter for the city, namely:

John De Vree, Ted Kort, Nelson Hoezee, Henry Scholten, Louis Smit, Ray Van Dyke, John Vander Molen, Edward Wierenga, and John Brink, and that the annexed and foregoing charter was duly adopted by said Charter Commission by the foregoing resolution which is a true and correct copy thereof and that the said Charter Commission directed that said charter be presented to the electors of the City of Hudsonville in accordance with the requirements of this charter and the laws of the State of Michigan, Further deponent says not.

August 22, 1957.

Edward D. Wierenga

Secretary of the Charter of Commission of the City of Hudsonville.

Henry Van Harn

Notary Public, Ottawa County

My Commission expires: 3/18/61

Approved

G. Mennen Williams

September 30, 1957