

CHARTER FOR THE
VILLAGE OF ALMONT

Lapeer County, State of Michigan

Preamble

To the end that the people of the Village of Almont may enjoy to the fullest extent the advantages and benefits of the local self-government as authorized by the constitution and laws of the State of Michigan, They hereby establish this charter.

Chapter 1

Boundaries and Subdivisions of the Village

BOUNDARIES:

Section 1.1 The following described territory, together with all territories that may hereafter be annexed thereto, shall continue and remain a body corporate under the official name and title of the VILLAGE OF ALMONT, and shall be subject to the municipal control of said Village:

DESCRIPTION OF VILLAGE LIMITS OF ALMONT

A village located in parts of Sections 21, 22, 27 and 28, T.6N., R.12., Almont Township, Lapeer County, Michigan and more particularly described as follows:

Beginning at the Northeast ¼ corner of Section 21, T. 6N., R.12E., which is the Point of Beginning and which is located at the intersection of Tub Spring Road and Howland Road Centerlines; thence S. 01°19' W. 1427.37 feet along the East line of said Section 21; thence N. 89°17' W. 249.02 feet along the South line of lot 16 of "Barnes Acres No. 2" Subdivision to the Southwest corner of said lot 16; thence S. 01°19' W. 216.95 feet along the West line of said Subdivision to the Southwest corner of lot 17; thence N. 86°15' E. 216.88 feet to the Southeast corner of said lot 17; thence S. 1°19' W. 200.0 feet along the East line of said "Barnes Acres No. 2" Subdivision to the Southeast corner of lot 18; thence S. 86°15' W. 216.88 feet along the South line of lot 18 to the Southwest corner of said lot 18; thence S. 01°19' W. 320.55 feet to the Southwest corner of lot 20; thence N. 89°17' W. 230.98 feet; thence Southerly 374.78 feet to a point on the E-W ¼ line of Section 21 that is Westerly 451.14 feet from the East ¼ corner of Section 21; thence Easterly along the E-W ¼ line 451.14 feet to the East ¼ corner of Section 21 which is also the West ¼ corner of Section 22 and which is located in the Centerline of Howland Road; thence N. 89°06'32" E. 697.42 feet along E-W ¼ line of Section 22; thence S. 00°31'55" W. 1775.54 feet to the Northwest corner of the North line of "Northeast Addition to Almont Village" Subdivision; thence N. 87°49'26" E. 1794.30 feet along the North line of "Northeast Addition to Almont Village" Subdivision and continuing along North line of "Fred Schocke Subdivision" to the Northeast corner of lot 15 of the aforementioned "Fred Schocke Subdivision"; thence S. 01°33'30" W. 478.29 feet to the Southeast corner of lot 11 of said "Fred Schocke Subdivision"; thence N. 87°57'57" E. 212.99 feet to a point on the N-S line of said Section 22, which is the Centerline of Kidder Road; thence S. 03°17'56" W. along the N-S ¼ line of said Section 22 which is the Centerline of Kidder Road to a point 374.55 feet North of the South ¼ post of said Section 22; thence N. 86°37' E. 214.5 feet; thence Southerly 374.55 feet to a point on the South line of Section 22, 214.5 feet Easterly of the South ¼ corner of said Section 22; thence Westerly 214.5 feet on the South line of Section 22 which is also the Centerline of Almont Road to the South ¼ corner of said Section 22; said South ¼ corner of Section 22 is also the North ¼ corner of Section 27; said corner is located at the intersection of the Centerlines of Almont Road and Kidder Road; thence S. 04°32'17" E. 756.0 feet along the N-S ¼ line of said section 27 and which is the Centerline of Kidder Road; thence N. 85°43' E. 513.0 feet; thence N. 04°32'17" W. 396.0 feet; thence N. 85°43' E. 613.77 feet; thence N. 04°17' W. 155.0 feet; N. 85°43' E. 200.0 feet; thence N. 04°17' W. 205.0 feet to the North line of said Section 27; thence N. 85°43' E. 227.56 feet along the North line of said Section 27 said point also being the Northwest corner of "Clinton Estates" Subdivision; thence S. 01°32'40" E. along the West line of the said "Clinton Estates" Subdivision to a point 774.21 feet North of the E-W ¼ line of said Section 27; thence N. 85°28'30" E. 927.95 feet; thence N. 04°15'10" W. 50 feet; thence N. 85°44';50" E. 242 feet to a point on the East line of "Timber Lanes" Subdivision Extended; thence Southerly along the East line of said "Timber Lanes" Subdivision Extended to a point on the E-W ¼ line of said Section 27; thence Westerly along the said E-W ¼ line of Section 27 to a point of intersection of said line with the West line of "Clinton Estates" Subdivision Extended Southerly; thence Northerly 33 feet along the extended West line of said "Clinton Estates" Subdivision; thence S. 85°29'55" W. 1017.29 feet to the Southeast corner of "Kidder Road Farms" Subdivision; thence N. 04°32'12" W. 1200.10 feet along the East plat line to the Southeast corner of lot 1 of said "Kidder Road Farms" Subdivision; thence due East 400 feet along the South line of said lot 1 to a point on the N-S ¼ line of Section 27 which is the Centerline of Kidder Road; thence Southerly 1233.0 feet along the N-S ¼ line to the Center Post of said Section 27;

thence S. 88°12'34" W. 2717.74 feet along the E-W ¼ line of said Section 27 to the West ¼ corner of said Section 27 which is also the East ¼ corner of Section 28 and which point is on the Centerline of Michigan State Highway M-53 (Van Dyke Road); thence N. 89°21'01" W. 2711.25 feet along the E-W ¼ line of said Section 28 to the Center Post of said Section 28; thence N. 00°03'21" W. 1213.54 feet along the N-S ¼ line of said Section 28; thence continuing along the N-S ¼ corner of said Section 28 which is also the South ¼ corner of Section 21 and is on the Centerline of General Squier Road; thence N. 00°51'12" E. 2616.12 feet along the N-S ¼ line of said Section 21 to the Center Post of said Section 21; thence N. 84°55'51" E. 844.45 feet along the E-W ¼ line of said Section 21 to a point on the Centerline of a ditch; thence N. 01°01'01" E. 335.16 feet along the Centerline of said ditch; thence N. 00°51'48" E. 125.71 feet; thence N. 84°46'38" E. 315.82 feet to the Westerly right of way line of Michigan State Highway M-53 (Van Dyke Road); thence S. 35°27'22" E. 144.68 feet; thence S. 35°18'09" E. 68.49 feet along the West line of M-53 to a point of curvature; thence along the West line of M-53 on a curve to the left of a radius of 2421.34 feet, a central angle of 07°55'40" whose long chord bears S. 39°13'29" E. 331.25 feet and an arc distance of 331.51 feet to a steel D.U.R. fence post on the E-W ¼ line of said Section 21; thence N. 85°14'40" E. along the E-W ¼ line of said Section 21 to the Easterly M-53 right of way line; thence Northwesterly along said right of way line 533.24 feet to the Southwest corner of said lot 1 of "Barnes Acres" Plat; thence S. 89°17' E. 300 feet to the Southeast corner of said lot 1; thence N. 34°17' W. 1181.60 feet along the Easterly line of said "Barnes Acres" Plat; thence on a curve to the right whose radius is 2814.78 feet and whose chord bearing and distance are N. 31°14'47" W. 298.20 feet to the Southeast corner of lot 6 of said "Barnes Acres" Plat; thence S. 89°17' E. 48.50 feet; thence N. 00°43' E. 466.87 feet; thence N. 89°17' W. 553.81 feet to the Easterly right of way line of M-53 Highway; thence on a curve to the right along said M-53 right of way whose radius is 2814.78 feet and whose chord bearing and distance are N. 12°38'44" W. 507.07 feet to the North line of Section 21; thence S. 88°55' E. 2557.60 feet along the North line to the Northeast ¼ corner of said Section 21 which point is also the point of beginning. Containing 786.9 acres.

(Passed: Village General Election, March 11, 2002)

Chapter 2

General Municipal Powers

POWERS OF THE VILLAGE:

Section 2.1. All powers, privileges, and immunities not inconsistent with the provisions of this charter, possessed by the Village of Almont by virtue of its incorporation as such and enumerated in Act. No. 3, P.A. 1895, the former charter of the village which is hereby superseded, are hereby expressly retained by the village and shall constitute a part of the police power of the village even though not expressly enumerated herein. Further, unless otherwise provided or limited in this charter, the Village of Almont and its officers shall be vested with any and all powers, privileges and immunities, expressed and implied, which villages and their officers 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, and of the United States of America, including all the powers, privileges, and immunities which villages are permitted to or may provide in their charters by the Michigan Home Rule Act for Villages, being Act No. 278 of the Public Acts of 1909, as amended, as fully completely as though those powers, privileges, and immunities were specifically enumerated in and provided for in this charter, and in no case shall any enumeration of particular powers, privileges, or immunities in this charter be held to be exclusive, it being the intent of the Charter Commission in framing this charter, and of the people of the village in adopting it, to include all such powers, privileges, and immunities within the scope of powers, privileges, and immunities granted to the Village of Almont by the provisions of this charter.

The village and its officers shall have the power to exercise all municipal powers in the management and control of municipal property and in the administration of the municipal government whether such powers be expressly enumerated or not; to do any act to advance the interest of the village, the good government and prosperity of the municipality and its inhabitants, and through its regular constituted authority, to pass and enforce all laws, ordinances and resolutions relating to its municipal concerns, subject to the constitution and general laws of the state and provisions of this charter.

EXERCISE OF POWER

Section 2.2. Where no procedure is set forth in this charter for the exercise of any power granted to or possessed by the village and its officers, resort may be had to any procedure set forth in any statute of the State of Michigan which was passed for the government of villages or townships, or in any other statute of the State of Michigan. If alternate procedures are to be found in different statutes, then the Council shall select that procedure which it deems to be most expeditious and to the best advantage of the village and its inhabitants. Where no procedure for the exercise of any power of the village is set forth either in this charter or in any statute of the State of Michigan, the Council may prescribe by ordinance a reasonable procedure for the exercise thereof.

DIVISION OF POWERS OF GOVERNMENT:

Section 2.3. All of the powers of municipal government possessed by the village are hereby divided into two (2) general divisions, i.e. legislative or policy forming and administrative. No person or body belonging to or being part of one (1) such division shall exercise powers imposed by this charter upon or properly belonging to another. It shall be the duty of every officer of the village to preserve the two (2) divisions of the village government distinct and separate.

Chapter 3

Governmental Organizations

VILLAGE LEGISLATIVE BODY

Section 3.1. All legislative or policy forming powers of the village shall be vested in, exercised and determined by a Council of seven (7) members who shall be designated and known as ~~Councilmen~~ "Councilmember." In all cases where the word "Council" is used in this charter, the same shall mean and be synonymous with the terms "Commission" "common council," "board of aldermen.," "governing body," or "legislative body," or any other synonymous term, as the same may be used in any state or Federal law in referring to legislative or governing bodies of villages.

(Passed: Village General Election, March 11, 2002)

Section 3.2. "At each regular Village election there shall be elected by and from the Village at large four (4) Councilmembers, the three (3) receiving the highest number of votes shall hold office for four (4) years and the one (1) who shall receive the fourth highest number of votes shall hold the office for two (2) years. The term of the office of each ~~Councilmen~~ Councilmember shall commence on and date from the Tuesday next following the date of the regular election at which they are elected."

(Passed: Village General Election, March 11, 2002)

JUDGE OF QUALIFICATIONS OF MEMBERS:

Section 3.3. The Council shall be the judge of the eligibility and qualification of its own members, subject only to review by the courts.

REMUNERATION OF MEMBERS OF THE COUNCIL:

Section 3.4. ~~The President and each councilmen shall receive as remuneration for his service to the Village the sum of seven dollars and fifty cents (\$7.50) per regular meeting of the council actually attended by him, but not to exceed in total \$180.00 for a calendar year. The President shall receive an additional \$100.00 annually. Such salaries shall be paid quarterly, and shall constitute the only salary or remuneration which may be paid for services performed by the President or any Councilman for the discharge of any official duty for or on behalf of the village during their term of office. Upon authorization of the council, reasonable expense may be allowed when actually incurred on behalf of the village.~~

The President and each Councilmember shall receive as remuneration for services to the Village the sum as established by a five (5) person committee, which shall set the salary of the Village President and the Village Councilmembers. Any increase or decrease in the salary determined appropriate by this committee shall take effect immediately after the next scheduled election of the Village Councilmember(s) so elected or upon appointment of a Councilmember to the Village Council or upon the election of the Village President by the Village Council. No Councilmembers or Village President's salary shall be changed during his term in office. All procedures necessary to implement this section shall be completed by the Council."

(Passed: Village General Election, March 11, 2002)

SELECTION OF PRESIDENT AND PRESIDENT PRO TEM:

Section 3.5. The Council shall at its first regular meeting following each regular village election, elect (1) of its members to serve as President and one (1) to serve as President Pro Tem, to serve for a period of two (2) years. The President Pro Tem, shall perform the duties of the President when, on account of absence from the village, disability, or otherwise, the President is temporarily unable to perform the duties of his office, and in case of vacancy in the office of President, until such vacancy is filled by the Council. The President Pro Tem shall preside over the meetings of the Council at the call of the President. In the event of a vacancy occurring in the office of President or President Pro Tem, the Council shall appoint one of its elected members to fill such vacancy.

DUTIES OF PRESIDENT:

Section 3.6. (a) Insofar as required by law, and for all ceremonial purposes, the President shall be recognized as the executive head of the village and shall preside over Council meetings. He shall have an equal voice and vote in the proceeding of the Council, but shall have no veto power.

(b) He shall be a conservator of the peace, and may exercise within the village the powers conferred upon sheriffs to suppress disorder, and shall have the power to command assistance of all able bodied citizens to aid in the enforcement of the ordinances of the village, and to suppress riot and disorderly conduct.

(c) He shall authenticate by his signature such instruments as the Council, this charter, or the laws of the State of Michigan or the United States shall require.

(d) He shall exercise only such powers as this charter or the Council shall specifically confer upon him, except as may be required by statute.

VILLAGE MANAGER:

Section 3.7. All administrative powers, duties and functions of the Village shall be vested in the Village Manager except as otherwise provided in this charter. ~~He~~The Village Manager shall be appointed by the Council ~~on the basis of training and ability to work which would qualify him for the position of Village Manager~~ and shall hold office at the pleasure of the Council. ~~He need not be a resident of the village at the time of his appointment but shall, unless excused by the Council, The Village Manager shall either be a resident of the Village or shall become a resident of the Village within ninety (90) days after his appointment as Village Manager and so shall remain throughout his tenure of office. The Village Manager shall remain a resident of the Village throughout his tenure in office.~~ The Village Manager may, with the approval of the Council, designate an administrative officer or employee of the village to perform the duties of the Village Manager during his temporary absence or incapacity. ~~The Council shall designate a qualified person to perform the duties of Village Manager during a vacancy in the office. No person acting as Village Manager in a temporary capacity, whether during the absence or disability of the Village Manager or during a vacancy in that office, shall make any change in the administrative officer of the village without the consent of the Council. No Person who holds or has held an elective village office shall be eligible for appointment as Village Manager, nor shall any such person perform the duties of the Village Manager during a vacancy in that office, until the expiration of the term for which he was elected.~~ No elected official of the Village shall be eligible for appointment as Village Manager during the term of office for which that person was elected.

(Amended: August 05,1983)

RESIDENCY OF PUBLIC EMPLOYEE (EXERPT) Act 212 of 1999

15.602 Residency requirements of public employees.

Sec. 2. (1) Except as provided in subsection (2), a public employer shall not require, by collective bargaining agreement or otherwise, that a person reside within a specified geographic area or within a specified distance or travel time from his or her place of employment as a condition of employment or promotion by the public employer.

(2) Subsection (1) does not prohibit a public employer from requiring, by collective bargaining agreement or otherwise, that a person reside within a specified distance from the nearest boundary of the public employer. However, the specified distance shall be 20 miles or another specified distance greater than 20 miles.

(3) A requirement described in subsection (2) does not apply to a person if the person is married and both of the following conditions are met:

(a) The person's spouse is employed by another public employer.

(b) The person's spouse is subject to a condition of employment or promotion that, if not for this section, would require him or her to reside a distance of less than 20 miles from the nearest boundary of the public employer.

(4) Subsection (1) does not apply if the person is a volunteer or paid on-call firefighter, an elected official, or an unpaid appointed official.

History: 1999, Act 212, Eff. Mar. 10, 2000

FUNCTIONS OF THE VILLAGE MANAGER:

Section 3.8. The Village Manager shall be the chief administrative officer of the village government. He shall carry out the policies formulated by the Council. He is charged with the responsibility for the enforcement of the ordinances of the village, this charter, and applicable laws of the State. He shall make the reports to the Council required by this charter, and such others as may be required of him by ordinance or by resolution of the Council, and, in addition thereto, any which he may deem advisable. He shall prepare the budget of the village for consideration by the Council, as in the charter provided, and upon the adoption thereof by the Council, he shall administer the budget so adopted and keep the Council at all times informed as to the financial affairs of the village. He shall have the right to take part in the discussion of all matters coming before the Council, but shall have no vote. In addition to the duties prescribed by this charter, he shall perform such other duties as may be required of him by ordinance or by resolution of the Council.

OTHER ADMINISTRATIVE OFFICERS:

Section 3.9. In addition to the Village Manager, and subordinate to him in the performance of the duties of their several offices, except the Clerk and Village Attorney insofar as their duties as clerk of and attorney for the Council are concerned, the administrative officers of the village shall be the Clerk, the Treasurer, the Assessor, the Village Attorney, the Police Chief, the Health Officer, and other officers included in the administrative plan approved by the Council. The Council may, by resolution, combine any administrative offices in any manner which is not inconsistent with the provisions of the State Law or this charter. No combination of administrative offices one with another shall abolish the office of Village Manager or diminish any of the duties or responsibilities of that office as set forth in this charter.

APPOINTMENT OF ADMINISTRATIVE OFFICERS AND EMPLOYEES OF THE VILLAGE:

Section 3.10. All administrative officers of the village, except the Village Manager, the Clerk, the Treasurer, and the Village Attorney, shall be appointed by the Council upon the recommendation of the Village Manager and shall serve at the pleasure of the Village Manager and shall serve at the pleasure of the Village Manager, who shall set their salaries in accordance with budget appropriations and upon recommendations of the Village Manager. The Village Manager, Clerk, Treasurer, and Village Attorney shall hold office by virtue of appointment by the Council, which body shall also set their salaries. They shall hold office at the pleasure of the Council.

APPOINTMENT OF OTHER OFFICERS, HEADS OF DEPARTMENTS, AND EMPLOYEES:

Section 3.11. The Village Council shall appoint such other officers, as may be required by ordinance or resolution of the Council. Every appointment of an administrative office shall be for an indefinite term and shall be at the pleasure of the Council.

DUTIES OF ADMINISTRATIVE OFFICERS:

Section 3.12. All administrative officers of the village shall perform such duties as are provided for such officers by state law, this charter, the village ordinances, and the administrative directives of the Village Manager. Unless the Council shall otherwise provide by ordinances, specifying another officer of the Village, the Clerk shall be the chief accountant and auditor of the village and he, or such other officer as shall be so designated by the Council, shall, subject to the direction of the Village Manager, maintain a system of accounts which conform to such uniform system as may be required by state law. In the exercise of such duties, each village officer shall exercise and possess all of the powers, privileges, and immunities granted to village and township officers exercising the same duties for villages and townships generally under the general laws of the state.

VILLAGE OFFICERS AND EMPLOYEE BENEFITS:

Section 3.13. The Council may provide by ordinance for a merit system of personnel management for employees, and may provide for the pensioning of its appointive officers and employees and for any recognized standard plan of group life, hospital, health, or accident insurance.

Chapter 4

Elections and Appointments

ELIGIBILITY FOR OFFICE IN VILLAGE:

Section 4.1. No person shall be elected or appointed to any office ~~who is in default to the Village, or who has been convicted of a felony. The election or appointment of any such defaulter or person shall be void~~ forfeit that office. No person shall be eligible to any elective office of the village, other than that of Village Manager and Village Attorney, unless he shall be of legal age and a registered elector ~~in and the owner of real property assessed for village taxes in his name, or shall be the lawful husband or wife of such a person, and shall have been a resident of the village for at least two (2) years immediately prior to the date of his election to any such office~~ of the village.

(Amended: August 05, 1983)

NEPOTISM:

Section 4.2. Relatives by blood or marriage of any Councilmembers, or the Village Manager, within the second degree of consanguinity or affinity, shall be disqualified from holding any appointive office, or from being employed by the Village during the term of office of such Councilmembers or Village Manager, except and unless said relatives are bona fide appointive officers or employees of the Village at the time of the election of such officer or appointment of such Village Manager. If the status of relationship between any employee of the Village and any officer of the Village changes to a relationship prohibited hereby after one (1) year following the employment of such person or election or appointment of such officer, the provisions of this section shall not apply. Temporary or emergency employment for periods of not more than three (3) months may be permitted upon unanimous vote of the Village Council.

(Passed: Village General Election, March 11, 2002)

VACANCIES IN OFFICES:

Section 4.3. Every village office shall become vacant upon the happening of any of the following events before the expiration of the term of such office.

- (a) For any reason specified by state law as grounds, for creating a vacancy;
- (b) If any officer of the village shall absent himself continuously from the village for more than sixty (60) days without the permission of the Council;
- (c) In the case of the President and other members of the Council, where such officer shall miss four (4) consecutive regular meetings of the Council, or twenty-five (25) per cent of such meetings in any fiscal year of the Village, unless such absences shall in each case be excused by the Council and the reason therefor entered in the proceedings of the Council;
- (d) If the officer shall be convicted of any act constituting misconduct in office under the provisions of this charter.

RESIGNATIONS:

Section 4.4. Resignations of all elected officers shall be made in writing and filed with the Clerk and shall be presented to the Council at its next regular meeting following receipt thereof by the Clerk. A resignation submitted by an official shall be deemed to be as an unconditional resignation and shall become effective upon acceptance by the Council. No such resignation shall be accepted by the Council at the same meeting at which it is received, unless by unanimous vote of all members of the Council. Resignations of appointed officers shall be made in writing to the Village Manager, and shall be acted upon by him.

FILLING VACANCIES:

Section 4.5. If a vacancy occurs in any elective office, the Council shall, within thirty (30) days after such vacancy occurs, elect a person who possesses the qualifications required of holders of the office in which the vacancy exists to fill such vacancy. If the vacancy shall be in the office of Councilmember, any person so appointed shall hold office until the Monday next following the next village election, at which election the vacancy shall be filled for the balance of the term of the person whose office is so filled. In the event of a vacancy in the office of Village Manager, the Council shall fill such vacancy within ninety (90) days after such vacancy occurs.

If a vacancy occurs in any appointive office, the Village Manager shall, within thirty (30) days thereafter, appoint a qualified person to fill such vacancy in the manner required for making the original appointment, unless such office may be combined.

TERM OF OFFICE CANNOT BE SHORTENED OR EXTENDED

Section 4.6. Except by procedures provided in this charter, the terms of the officials of the village elected for a definite term shall not be shortened. The terms of officers of the village may not be extended beyond the period for which any such officer was elected except that an elected officer of the village shall, after his term has expired, continue to hold office until his successor is elected and has qualified.

INCREASE OR DECREASE OF COMPENSATION

Section 4.7. The Council shall not grant or authorize extra compensation to any village officer, elected or appointive, or to any employee, after the service has been rendered. Nor shall the salary of any village officer, elected or appointive, be increased or decreased after his election or appointment during any fixed term of office for which he was elected or appointed. Nor shall the council grant or authorize extra compensation to any agent or contractor after service has been rendered or the contract has been entered into without the approving vote of all (each and every) member of the council.

OATH AND BOND OF OFFICE:

Section 4.8. Every officer, elected or appointed, before entering upon the duties of his office, shall take the oath of office prescribed by Section 2 of Articles XVI of the Constitution of the State and shall file the same with the Clerk, together with any bond which he may be required by this Charter or by the Council to give. In case of failure to comply with the provisions of this section within ten (10) days from the date of the notice to him of the election or appointment, such officer shall be deemed to have declined the office and such office shall thereupon become vacant unless the Council shall, by resolution, extend the time in which such officer may qualify as above set forth.

SURETY BONDS AND DELIVERY OF OFFICE:

Section 4.9. Except as otherwise provided in this chapter, all officers of the village whose duties involve the custody of public property or the handling of public funds, either by way of receipt or disbursement or both, and all other officers and employees so required by the Council, shall, before they enter upon the duties of their respective offices, file with the village an official bond in such form and amount as the Council shall direct and approve. Such official bond of every officer and employee shall be conditioned that he will faithfully perform the duties of his office, and will on demand deliver over to his successor in office, or other proper officer or an agent of the village, all books, papers, monies, effects and property belonging thereto, or appertaining to his office, which may be in the custody as an officer or employee; and such bonds may be further conditioned as the council prescribe. The official bond of every office whose duty it may be to receive or pay out money, besides being conditioned as above required, shall be further conditioned that he will, on demand, pay over or account for to the village or any proper officer or agent designated by Council thereof, all monies received by him a such officer or employee. The requirements of this paragraph may be met by the purchase of one or more appropriate blanket surety bonds covering all, or a group of, village employees and officers.

All official bonds shall be corporate surety bonds and the premiums thereon shall be paid by the village. All bonds of all officers or employees shall be filed with the Clerk, except that any bond pertaining solely to the Clerk, shall be filed with the Treasurer. No bond shall be issued for a term exceeding two (2) years.

Chapter 5

Village Elections

ELECTION PROCEDURE:

Section 5.1. The general election laws of the state shall apply to and control, as near as may be, all procedures relating to registration for and the conduct of village elections, except as such general laws relate to political parties or partisan procedure, or otherwise provided by this charter.

QUALIFICATIONS OF ELECTORS:

Section 5.2. Each person who has the constitutional qualifications at the next ensuing regular or special village election, shall be entitled to register as an elector of the Village of Almont in the voting district in which he resides.

PRIMARY ELECTION:

Section 5.3. ~~A non partisan village primary election shall be held on the third Monday of February of each year.~~ A non-partisan village primary election shall be held in even numbered years when regular Village elections are currently held pursuant to Sections 3.2 and 5.4 of the Almont Village Charter. If, upon the expiration of the time for filing nomination petitions for the officers of the village with respect to which elections are to be held at the next regular village election, it appears that petitions have been filed for no more than twice the number of candidates for each such office, then no primary election shall be held and the Clerk shall publish notice of such fact. It is the intent of this section that if a primary is required for any office, it shall be held for all offices which are to be filled at the next regular village election. The candidate for nomination for each village office to be filled at the next village election, in number equal to twice the number of persons to be elected to such village office, receiving the highest number of votes at any such village primary election shall be declared the nominees for election to the respective offices for which they are candidates for election and their names, and the names of persons filing petitions, or in whose behalf petitions have been filed in cases where no primary election was held, shall be certified to the election commission to be placed upon the ballot for the next subsequent regular village election. No person whose name is not printed on the primary election ballot, but whose name is written on or appears on the ballot on a sticker pasted thereon at such election, except such stickers as have been placed thereon by the election commission as provided by law, shall be nominated for election to any office, unless he received at least twenty-five (25) votes nominating him for such office.

(Passed: Village General Election, March 11, 2002)

REGULAR VILLAGE ELECTION:

~~Section 5.4. A non partisan regular village election shall be held on the second Monday in March in each even calendar year.~~

Michigan Election Law Excerpt
Act 116 of 1954

168.381 Village officer; qualifications, nomination, election, appointment, term and removal; temporary appointment of trustees for transaction of business; expiration of appointment; filing for office; nominating petitions.

Sec. 381. (1) Except as provided in this section and sections 383, 641, 642, 642a, and 644g, the qualifications, nomination, election, appointment, term of office, and removal from office of a village officer shall be as determined by the charter provisions governing the village.

(2) If the membership of the village council of a village governed by the general law village act, 1895 PA 3, MCL 61.1 to 74.25, is reduced to less than a quorum of four (4) and a special election for the purpose of filling all vacancies in the office of trustee is called under section thirteen (13) of chapter II of the general law village act, 1895 PA 3, MCL 62.13, temporary appointments of trustees shall be made as provided in this subsection. The board of county election commissioners of the county in which the largest portion of the population of the village is situated shall make temporary appointment of the number of trustees required to constitute a quorum for the transaction of business by the village council. A trustee appointed under this subsection shall hold the office only until the trustee's successor is elected and qualified. A trustee who is temporarily appointed under this subsection shall not vote on the appointment himself or herself to an elective or appointive village office.

(3) Notwithstanding another provision of law or charter to the contrary, an appointment to an elective or appointive village office made by a quorum constituted by temporary appointments under this subsection expires upon the election and qualification of trustees under the special election called to fill vacancies in the office of trustee.

(4) Filing for a village office shall be with the township clerk if the township is conducting the election or if the village is located in more than one (1) township with the township in which the largest number of the registered electors of the village reside. Until December 31, 2013, nominating petitions for village officers shall be filed with the appropriate township clerk by four (4) p.m. on the twelfth Tuesday before the general November election. Beginning January 1, 2014, nominating petitions for village offices shall be filed with the appropriate township clerk by 4 p.m. on the fifteenth Tuesday before the general November election. After a nominating petition is filed for a candidate for a village office, the candidate is not permitted to withdraw unless

a written withdrawal notice, signed by the candidate, is filed with the appropriate township clerk not later than 4 p.m. of the third day after the last day for filing the nominating petition.

(Changed Per State Law)

SPECIAL ELECTIONS

Section 5.5 Special village elections shall be held when called by resolution of the Council at least forty (40) days in advance of such election, or when required by this charter or statute. Any resolution calling a special election shall set forth the purpose of such election. The Council shall not call more special elections within any year than the number permitted by statute.

ELECTION PRECINCTS:

Section 5.6 The Council shall, by ordinance, establish convenient election precincts which shall comply with the provisions of state law.

ELECTION COMMISSION:

Section 5.7. An election commission is hereby created, consisting of three (3) members appointed by the Council. The Clerk shall be chairman. The commission shall have charge of all activities and duties required of election commissions in villages by state law and this charter, relating to the conduct of elections in the village. The compensation of election personnel shall be determined in advance by the Council. In any case where election procedure is in doubt, the election commission shall prescribe the procedure to be followed.

NOTICE OF ELECTION:

Section 5.8. Notice of the time and place of holding any village election and of the officers to be nominated or elected and the questions to be voted upon, shall be given by the Clerk ~~by publication at least once in some legal newspaper of general circulation in the village, and if deemed advisable by the Council, by posting in two (2) or more conspicuous places in the village not less than ten (10) days prior to such election~~ in the manner required by state statute.

(Amended: August 5, 1983)

VOTING HOURS:

Section 5.9. The polls of all elections shall be opened and closed at the time prescribed by law for the opening and closing of polls at state elections.

NOMINATION PETITIONS:

Section 5.10. Persons desiring to qualify as candidates for nomination for any elective office under this charter shall file a petition therefor with the Clerk signed by not less than twenty-five (25) nor more than fifty (50) registered electors of the village not later than 12:00 Noon on the fourth Saturday prior to the date of the regular village primary election. Official blank petitions in substantially the same form as required by state law for state and county officers, except for references to party, shall be prepared and furnished by the Clerk. Before the Clerk shall furnish any nomination petitions to any person, he shall enter thereon in ink the name of the person desiring to become a candidate for office in the village, or the person in whose behalf the petition is to be circulated, and the name of the office for which he is a candidate. Nomination petitions for the purpose of filling a vacancy shall so state in connection with the name of the office for which the petition is to be circulated. The Clerk shall publish notice of the last day and time for filing nomination petitions at least one (1) week before, and not more than three (3) weeks before that date. No person shall sign his name to a greater number of petitions for any one office than there will be persons elected to said office. Where any name appears on more petitions than there are candidates to be elected to said office, such name shall not be counted upon any petition for that office.

APPROVAL OF PETITIONS:

Section 5.11. The Clerk shall accept for filing only nomination petitions on official blanks, furnished by him, containing the required number of signatures for candidates having those qualifications required for elective village officers by this charter. When petitions are filed by persons other than the person whose name appears thereon as a candidate, they may be accepted for filing only when accompanied by the written consent of the person in whose behalf the petition or petitions were circulated. The Clerk shall, within five (5) days after the final day and hour for receiving nomination petitions, determine the sufficiency of the signatures on each petition filed, and if he finds any petition does not contain the required number of legal signatures of registered electors, he shall immediately notify the candidate in writing, by registered mail with return receipt requested, of the insufficiency of his petition. Each petition which is found by the Clerk to contain the required number of signatures of registered electors shall be marked "In Order", with the date thereof, and he shall so notify the candidate whose name appears thereon, in writing.

PUBLIC INSPECTION OF PEITIONS:

Section 5.12. All nomination petitions shall be open to public inspection in the office of the Clerk beginning five (5) days after the final filing date for such petitions.

FORM OF BALLOTS:

Section 5.13. The form of the ballot used in any village election shall conform as nearly as may be to the prescribed by the general laws of the state for non-partisan elections. The names of candidates for nomination or of qualified nominees, as the case may be, for each office shall be listed in a single column and shall be rotated on the ballots. In all other respects the printing and numbering of ballots shall conform to the general laws of the state relating to elections.

CONVASS OF VOTES:

Section 5.14. The canvass of votes shall be conducted in accordance with Act 65 of Public Acts of 1963 or amendments or revisions thereof.

CERTIFICATION:

Section 5.15. The Village Clerk shall file in his office and preserve the original statement and determination of the Village Board of Canvassers of the results of the elections and shall forthwith execute and cause to be delivered to the persons thereby declared to be elected to Village Offices, a certification of election certified by him.

RECOUNT:

Section 5.16. A recount of the votes cast at any village election for any office, or upon any proposition, may be had in accordance with the general election laws of the state.

RECALL:

Section 5.17. Any elective official may be removed from the office by the electors of the village in the manner provided by the general laws of the state. A vacancy created by the recall of any elective official shall be filled in the manner prescribed by law.

THE VOTE:

Section 5.18. If, at any village election, there shall be no choice between candidates by reason of two (2) or more persons having received an equal number of votes, then the Council shall name a date for the appearance of such persons for the purpose of determining the election of such candidate by lot as provided by the state law. Should any person or persons fail or refuse to appear, in person or by representative, after notice to each of such candidates of a place and time therefor, to determine the result of any tie election at the time and place named by the Council, such determination shall be made by lot in his or their absence and under the supervision of the Council. Such determination shall, in any event, be final.

Chapter 6

Functions of the Council

PUBLIC HEALTH AND SAFETY:

Section 6.1. Through the established departments and agencies of the village government, together with any such departments or agencies as may be created under authority of this charter, the Council shall provide for the public peace and health and for the safety of persons and property.

POLICE DEPARTMENT:

Section 6.2. ~~The Council shall maintain, within the administrative division of the village, a village police force which shall be under the direction of the Village Manager, to enforce all law and ordinances which are in force in the village and to preserve peace and good order in the village.~~

The Village shall maintain, within the administrative authority and direction of the Village Manager, its own police force, which shall be under the direction of the Village Manager, unless a 2/3 vote of the Village Council and a majority vote of Village electors voting in that particular election determine otherwise. The police force shall enforce all laws and ordinances, which are in force in the Village, and preserve peace and good order in the Village.

(Passed: Village General Election, March 11, 2002)

FIRE DEPARTMENT:

Section 6.3. The Council shall have the power to enact such ordinances and to establish and enforce such regulation as it shall deem necessary to guard against the occurrence of fires in the Village and to protect the property and persons of the inhabitants of the Village against damage and accident resulting there from. For this the Council may establish, organize and maintain within the Administrative division of the Village a fire department under the direction of the Village Manager. Further that until otherwise provided by an ordinance passed by a majority, by roll call vote of the entire village council, the Fire Department shall remain as now organized and administered under the terms of a contract with the Township Board. However, if the need arises the Village Manager may represent the village on any matters pertaining to the Village itself.

ADVISORY BOARDS, COMMISSIONS; ORDINANCE AUTHORIZED:

Section 6.4. The Council may provide by ordinance for the following advisory boards or commissions: planning, zoning, zoning appeal, cemetery, health and welfare, parks and recreation, hospital, civil service or merit system, public housing, civil defense, or other activities which by statute are required to be administered by a board or commission.

MEETINGS OF THE COUNCIL:

Section 6.5. (a) The regular meetings of the Council shall be held at 7:30 p.m. on the first and third Tuesday of each month in the Village Hall. Change in time and place shall be permitted upon proper legal notifications. If any time set for the holding of a regular meeting of the Council shall be a holiday, then such regular meeting shall be held on the next secular day which is not a holiday.

(b) Special meetings of the Council shall be called by the Clerk on the written request of the President or of any two (2) members of the Council, on at least twenty-four (24) hours written notice to each member of the Council, designating the time, place and purpose of any meeting and served personally or left at his usual place of residence by the Clerk or someone designated by him.

Notwithstanding the foregoing requirements for the calling of a special meetings, any special meeting of the Council at which all members of the Council are present or have, in writing, waived the requirement that notice be given at least twenty-four (24) hours prior to the time specified for the holding of such meeting and at which a quorum of the Council is present, shall be a legal meeting.

(c) No business shall be transacted at any special meeting of the Council unless the same has been stated in the notice of such meeting.

(d) All regular and special meetings of the Council shall be open to the public and the rules of order of the Council shall provide that citizens shall have a reasonable opportunity to be heard.

(e) Four (4) members of the Council shall be a quorum for the transaction of business at all meetings of the Council, but, the President or any three (3) members may adjourn any regular or special meeting to a later date.

(f) Except that there shall be no standing committees of the Council, the Council shall determine its own rules and order of business and shall keep a journal of all of its proceedings in the English language which shall be signed by the President and Clerk. The vote upon the passage of all ordinances, and upon the adoption of all resolutions shall be taken by "Yes" and "No" votes and entered upon the record, except that where the vote is unanimous, it shall only be necessary to so state. Each member of the Council who shall be recorded as present shall vote on all questions decided by the Council unless excused by the unanimous consent of the other members present. Any citizen or taxpayer of the village shall have access to the minutes and records of all regular and special meetings of the Council at all reasonable times.

(g) The Council may, by vote of not less than three (3) of its members, compel the attendance of its members and other officers of the village at its regular and special meetings and enforce orderly conduct therein; and any member of the Council or other officer of the Village who refuses to attend such meetings or conduct himself in an orderly manner thereat shall be deemed guilty of misconduct in office. The Chief of Police or a member of the Almont Police Force designated by him when deemed necessary shall serve as Sergeant at Arms of the Council in the enforcement of the provisions of this section upon request of the President.

INTERGOVERNMENTAL CONTRACTS:

Section 6.6. The village may join with any governmental unit or agency, or with any number or combination thereof, by contract or otherwise as may be permitted by law to perform jointly, or by one or more, for or on behalf of the other or others, any power or duty which is permitted to be so performed by law or which is possessed or imposed upon each such governmental unit or agency.

LICENSES:

Section 6.7. The Council shall by ordinance prescribe the terms and conditions upon which licenses may be granted, suspended, or revoked; and may require and exact payment of such reasonable sums for any licenses as it may deem proper. The persons receiving the licenses shall, before the issuing thereof, execute a bond to the village, when required by any ordinance, in sum and with such securities as prescribed by such ordinance, conditioned for the faithful observance of the charter of the village, and the ordinance under which the license is granted.

STREETS AND ALLEYS:

Section 6.8. Except, insofar as limited by state law and the provisions of this charter, the Council shall have the power to establish and vacate and use, and to control and regulate the use of its streets, alleys, bridges, and public places (whether such public places be located within or without the limits of the village) and the space above and beneath them. Such power shall include, but not be limited to, the proper policing and supervision thereof; to the licensing and regulation, or the prohibition of the placing of signs, awnings, awning posts, and other things which are of such nature as to impede or make dangerous the use of sidewalks or streets, upon or over the sidewalks or streets of the village; and the licensing and regulation of the construction and use of openings in the sidewalks or streets, and of all vaults, structures, and excavations under the same.

PUBLIC HIGHWAYS, GROUNDS:

PROCEDURE TO VACATE:

Section 6.9. When the council shall deem it advisable to vacate, discontinue, or abolish any highway, street, lane, alley or public ground or any part thereof, they shall by resolution so declare, and in the same resolution shall appoint a time not less than four (4) weeks thereafter when they will meet and hear objections thereto; notice of such meeting, with a copy of said resolution shall be posted in at least three (3) places frequented by the public and at least once in the local newspaper. Objections to such proposed action of the council may be filed with the Clerk in writing, and if any such be filed, the street, alley, or public ground, or any part thereof shall not be vacated or discontinued except by the affirmative vote of five councilmembers.

RIGHTS AS TO PROPERTY:

Section 6.10. The Council shall have the power to acquire for the village by purchase, gift, land contract, purchase, condemnation, lease, construction or otherwise, either within or without the Village of Almont, property of every type and nature which may be required for or incidental to the present or future exercise of the purpose, powers, and duties of the village government established by this charter and may build thereon, and on any other property owned or leased by the village, such buildings or structures as may be necessary to carry out the purposes for which such land is owned or leased.

INVESTIGATIONS:

Section 6.11. The Council, or any person or committee authorized by it for the purpose, shall have power to inquire into the conduct of any department, office, or officer of the village and to make investigations as to municipal affairs, and for that purpose may subpoena witnesses, administer oaths, and compel the production of books, papers and other evidence. Failure on the part of any officer of the village to obey such subpoena or to produce books, papers, or other evidence as ordered under the provisions of this section shall constitute misconduct in office. If such failure shall be on the part of any employee of the village, the same shall constitute a misdemeanor.

RESTRICTION ON THE COUNCIL:

Section 6.12. (a) Except for the purpose of inquiry, and in case of emergency during the temporary absence or disability of the Village Manager, the Council and its members shall deal with the administrative service solely through the Village Manager and neither the Council nor any member thereof shall give orders to any subordinate of the Village Manager, either publicly or privately; neither shall any member of the Council direct or request: (1) except for the election of those administrative officers required to be elected by the Council, the appointment of any person to, or the removal of, any person from any employment or office for which the Village Manager is responsible; nor (2) except at public meetings and in cases of letting contracts, the purchase of any specific materials, supplies or equipment. It is not the intention of this provision to prevent frank discussion of the business of the village between the Village Manager and the Council or any member of the Council at any

time, but to prevent the personal favoritism or prejudice of any member of the Council from hampering the administration of the village government as set forth in this charter.

(b) The Council shall not have the power to make any contract with or give any official position to any person who is in default to the village. Further, the Council shall not have the power to sell any property of a fair market value in excess of one fourth of one percent of the assessed valuation of property on the village tax roll unless approved by a majority vote of the electors of the village voting thereon, No real estate shall be sold, nor leased, in excess of three (3) years, without first being appraised by at least one qualified appraiser within sixty (60) days prior to the proposed sale or lease; which proposed sale or lease to be on a bid basis pursuant to public notice. The Council shall reserve the right to reject any and all bids. The Council shall not sell any park, cemetery or any part thereof, or any property bordering on a water front nor shall the Council engage in any business enterprise requiring an investment of money in excess of one tenth of one percent of the assessed valuation of property on the village tax roll unless approved by a majority vote of the electors of the Village of Almont voting thereon.

PROHIBITED INTEREST IN VILLAGE BUSINESS:

Section 6.13. No member of the Council, nor any officer of the village, unless approved by the unanimous vote of the remaining members of the Council, shall be interested, directly or indirectly, in any contract made, or service to be performed, for or on behalf of the village. The approval herein required shall, in each instance, be spread upon the records of the Council and published in full when the minutes of the meeting at which such approval was given are published. Any violation of this provision shall constitute misconduct in the office.

Chapter 7

Village Legislation

ORDINANCE ENACTMENT:

Section 7.1 (a) The Council is empowered to adopt, continue, amend or repeal Village Ordinances, and shall publicize all such ordinances in full text as enacted prior to the effective date.

(b) All legislation of the Village of Almont shall be by ordinance or by resolution. The word resolution as used in this charter shall be the official action of the Council in the form of a motion, and such action shall be limited to the matters required or permitted to be done by resolution by this Charter or by State or Federal Law and to matters pertaining to internal affairs or concerns of the village government. All other acts of the Council, and all acts carrying a penalty for the violation thereof, shall be by ordinance. Each ordinance shall be identified by a number and short title. Each proposed ordinance shall be introduced in written or printed form, and except for emergency ordinances, ~~shall be published in full text~~ shall publish only the amended portion of a proposed ordinance or the synopsis of a proposed ordinance not less than fifteen (15) days prior to its enactment in some legal newspaper of general circulation in the Village. All ordinances, when enacted, shall immediately be recorded by the Clerk in a book call the "Ordinance Book"; and it shall be the duty of the President and the Clerk to authenticate such record by their official signature thereon. The style of all ordinances passed by the Council shall be, "The Village of Almont Ordains".

(c) The Council is empowered to pass an emergency ordinance so as to be given immediate effect. Such ordinance shall contain a declaration of such emergency and the reasons therefor and can be passed only upon the affirmative vote of five (5) councilmembers. Any such ordinance shall be limited to be effective for a period of not more than sixty (60) days from the adoption thereof and any such ordinance shall not be effective beyond such sixty (60) day period unless such emergency ordinance has been enacted as a regular ordinance in accordance with the provisions of this Charter.

(Amended: Village General Election March 11, 2002)

PENALTIES:

Section 7.2. The Council shall provide in each ordinance for the punishment of those who violate its provisions. No punishment for the violation of any village ordinance or for the commission by any officer of the village of any act declared by this charter to constitute misconduct in office shall exceed a fine of ~~one hundred (100) dollars~~ five hundred (500) dollars or imprisonment for ninety (90) days, or both in the discretion of the court, except that any officer of the village found guilty of any act declared by this charter to constitute misconduct in office, shall, in addition to such fine or imprisonment, or both, forfeit his office.

(Amended: Village General Election March 11, 2002)

ORDINANCE: EFFECTIVE DATE:

Section 7.3. Each ordinance passed by the Council shall be published at least once in some legal newspaper of general circulation in the village within fifteen (15) days after its adoption by the Council. All ordinances of the village shall become effective immediately upon the publication thereof, unless a date upon which an ordinance shall become effective, which is subsequent to the date of the publication thereof, is specifically provided in the ordinance itself. The publication of any ordinance in full after its final passage as a part of the published proceedings of the Council shall constitute publication of such ordinance as required herein.

TECHNICAL CODES:

Section 7.4. The Council may adopt any provision of state law or any plumbing code, electrical code, or building code which has been promulgated by the State of Michigan or by any department, board, or other agency thereof, or by any organization or association which is organized and conducted for the purpose of developing any such code or codes by reference thereto in an adopting ordinance and without publishing any such code in full, provided, that said code is clearly identified in said ordinance and that the purpose of said code shall be published with the adopting ordinance and that printed copies thereof are kept in the office of the Clerk, available for inspection, or distribution at cost, to the public at all times; Provided further, that the publication shall contain a notice to the effect that a complete copy of said code is available for public use and inspection at the office of the Clerk. Any amendment to or revision of such adopted code or detailed technical ordinance may be published in the same manner.

COMPILATION:

Section 7.5. (a) Copies of all ordinances enacted and amendments to the village charter adopted after the effective date of this charter shall be available at the office of the Clerk.

(b) Within two (2) years after adoption of this charter and at least once in every five (5) years the Council shall direct and complete the compilation or codification and the publication of the charter and of all ordinances of the village then in force,

in loose leaf or pamphlet form, and may provide for a reasonable charge for copies thereof. No further publication of any such compilation or codification shall be required for the validity thereof. In case the compilation or codification of the ordinances of the village shall have been maintained current and up-to-date during any five (5) year period, no recompilation or recodification of the ordinances of the village shall be required during or at the end of such period.

The copies of ordinances and of any compilation, code, or codes referred to in this charter may be certified by the Clerk, and, when so certified, shall be competent evidence in all courts and legally established tribunals as to the matters contained therein.

INITIATIVE AND REFERENDUM:

Section 7.6. An ordinance may be initiated by petition, or a referendum or an ordinance enacted by the Council may be had, by a petition, as hereinafter provided.

PETITIONS:

Section 7.7. An initiatory or a referendary petition shall be signed by not less than fifteen (15) per cent of the registered electors of the village who have signed said petition within six (6) months before the date of filing the petition with the Clerk. Before being circulated for signatures, all such petitions shall be approved as to form by the Clerk. No such petition need be on one paper, but may be the aggregate of two (2) or more petition papers. Each signer of a petition shall sign his name in ink or indelible pencil, and shall place thereon, after his name, the date and his place of residence by street and number, or by other customary designation. To each petition paper there shall be attached a sworn affidavit by the circulator thereof, stating the number of signers thereto and that each signature is that of the person whose name it purports to be, and that it was made in the presence of the affiant. Such petition shall be filed with the Clerk who shall, within ten (10) days, canvass the signatures thereon to determine the sufficiency thereof. If found to contain an insufficient number of signatures of registered electors of the village, or to be improper as to form or compliance with the provisions of this section, the Clerk shall notify forthwith the person filing such petition and ten (10) days from such notification shall be allowed for the filing of supplemental petition papers. When found sufficient and proper, the Clerk shall present the petition to the Council at its next regular meeting.

COUNCIL PROCEDURE:

Section 7.8. Upon receiving an initiatory or referendary petition from the Clerk, the Council shall, within thirty (30) days after publication in accordance with Section 7.1., either (a) If it be an initiatory petition, adopt the ordinance as submitted in the petition or determine to submit the proposal to the electors of the village.

(b) If it be a referendary petition, repeal the ordinance to which the petition refers or determine to submit the proposal to the electors of the village.

SUBMISSION TO ELECTORS:

Section 7.9. Should the Council decide to submit the proposal to the electors, it shall be submitted at the next election held in the village for any other purpose, or, in the discretion of the Council, at a special election. The result shall be determined by a majority vote of the electors voting thereon, except in cases where otherwise required by the constitution or laws of the State of Michigan.

ORDINANCE SUSPENDED:

Section 7.10. The certification by the Clerk of the sufficiency of a referendary petition within thirty (30) days after the passage of the ordinance to which such petition refers shall ~~automatically suspend the operation of the ordinance in question pending repeal~~ remain in effect until repealed or until a final determination through referendum by the Council or final determination by the electors as the case may be. An ordinance adopted by the electorate through initiatory proceedings may not be amended or repealed by the Council for a period of two (2) years after the date of the election at which it was adopted. Should two (2) or more ordinances, adopted at the same election, have conflicting provisions, the one receiving the highest vote shall prevail as to those provisions.

(Amended: Village General Election March 11, 2002)

Chapter 8

General Finance

FISCAL YEAR:

Section 8.1. The fiscal year of the village shall begin on the first day of July and end on the 30th day of June of the following year. Such year shall constitute the budget year of the village government.

BUDGET PROCEDURE:

Section 8.2. ~~On or before~~ No later than the first Monday in March, each village officer shall submit to the Village Manager an itemized estimate of the expenditures for the next fiscal year, for the department or activities under his control. ~~The Village Manager shall prepare a~~ The Village Manager shall consult with the Village Clerk in preparing the complete itemized annual budget proposal for the next fiscal year and shall submit it to the Council ~~at its first regular meeting in April~~ by the second regular meeting in May.

(Amended: August 05, 1983)

(Passed: Village General Election March 11, 2002)

BUDGET DOCUMENT

Section 8.3. The budget document shall present a complete financial plan for the ensuing fiscal year. It shall include at least the following information:

- (a) Detailed estimates of all proposed expenditures for each department and office of the village showing the expenditures for corresponding items for the current and last preceding fiscal year, including contingent, miscellaneous or other similar fund expenditures, with reasons for increases and decreases recommended, as compared with appropriations for the current year.
- (b) Statements of the bonded and other indebtedness of the village, showing the debt redemption and interest requirement, the debt authorized and unissued, and the condition of sinking funds, if any.
- (c) Detailed estimates of all anticipated income of the village from sources other than taxes and borrowing, with a comparative statement of the amounts received by the village from each of the same or similar sources for the last preceding and current fiscal year.
- (d) A statement of the estimated balance or deficit, as the case may be, for the end of the current fiscal year.
- (e) An estimate of the amount of money to be raised from current and delinquent taxes and the amount to be raised from bond issues which, together with income from other sources, will be necessary to meet the proposed expenditures and commitments of the village government during the ensuing year.
- (f) Such other supporting schedules as the Council may deem necessary.

BUDGET HEARING:

Section 8.4. A copy of the budget proposal shall be on file and available to the public in the office of the Clerk during regular office hours for a period of not less than one (1) week prior to the adoption of the budget by the Council. Notice of the requirement that the budget proposal is so required to be filed shall be published by the Clerk in a legal newspaper of general circulation in the village not less than fifteen (15) days prior to the adoption of the budget by the Council: Provided, however, that failure to give such notice shall not invalidate the adoption of any budget.

ADOPTION OF BUDGET, TAX LIMIT:

Section 8.5. ~~Not later than the first regular meeting in May,~~ The Village Council shall, by resolution, adopt the budget for the next fiscal year, prior to the end of the fiscal year and shall, in such resolution make an appropriation of the money needed for municipal purposes during the ensuing fiscal year of the village and provide for levy of the amount necessary to be raised by taxes upon real and personal property for municipal purposes, which levy shall not exceed two (2) percent of the assessed valuation of all real and personal property subject to taxation in the village. The levy so provided shall be known and referred to as the charter tax rate of the Village of Almont and shall be subject to all provisions of State law and the Michigan Constitution pertaining thereto.

(Passed: Village General Election, March 11, 2002)

TRANSFER OF APPROPRIATIONS:

Section 8.6. After the budget has been adopted, no money shall be drawn from the treasury of the village nor shall any obligation for the expenditure of money be incurred, except pursuant to the budget appropriations. The Council may transfer any unencumbered appropriation balance, or any portion thereof, from one department, fund or agency to another. The balance in 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.

BUDGET CONTROL:

Section 8.7. At the beginning of each quarterly period during the fiscal year, and more often if required by the Council, the Village Manager shall submit to the Council data showing the relation between the estimated and actual income and expenses to date; and if it shall appear that the income is less than anticipated, the Council may reduce appropriations, except amounts required for debt and interest charges to such a degree as may be necessary to keep expenditures within the cash income.

UNIFORM SYSTEM OF ACCOUNTS:

Section 8.8. A uniform system of accounts conforming to the laws of the State of Michigan shall be maintained by the Village of Almont.

DEPOSITORY:

Section 8.9. The Council shall designate the depository or depositories for the village funds, and shall provide for the regular deposit of all village moneys. The Council shall provide for such security for village deposits as is authorized or permitted by the general laws of the state, except that personal surety bonds shall not be deemed proper security.

INDEPENDENT AUDIT:

Section 8.10. An independent audit shall be made of all accounts of the village government at least annually and more frequently if deemed necessary by the Council. Such audit shall be made by public accountants experienced in municipal accounting. The results of such audit shall be made public in such manner as the Council may designate.

Chapter 9

Taxation

POWER TO TAX AND SECURE REVENUE:

Section 9.1. In order to carry out the purposes, powers, and duties of the village government established by this charter, the village may assess, levy, and collect taxes, rents, tolls, and any other taxes as may be authorized by State law.

SUBJECTS OF TAXATION:

Section 9.2. The subjects of ad valorem taxation for municipal purposes shall be the same as for state, county, and school purposes under the general law. Except as otherwise provided by this charter, village taxes shall be levied, collected, and returned in the manner provided by State law.

ASSESSMENTS:

Section 9.3. Unless otherwise provided by State law, the first day of January in each year shall be the assessment day for both real and personal property in the village.

TIME FOR MAKING ASSESSMENTS ROLLS:

Section 9.4. The Assessor shall make and complete an assessment roll of the village in the manner and form provided in the general tax law of the State.

CLERK TO CERTIFY TAX LEVY:

Section 9.5. Within three (3) days after the Council has adopted the budget for the ensuing year, the Clerk shall certify to the Assessor the total amount which the Council determines shall be raised by general tax; all amounts of special assessments which the Council requires to be assessed or re-assessed upon any property or against any person; and all other amounts which the Council may determine shall be charged, assessed, or re-assessed against any person or property.

VILLAGE TAX ROLL:

Section 9.6. After the Assessor shall make and complete an assessment of the village, the village assessor upon receiving the certification of the several amounts to be raised, as provided in the preceding section, proceed forthwith to spread upon the assessment roll the several amounts determined by the Council to be charged, assessed, or reassessed against persons or property; and shall also proceed to spread the amounts of the general village tax according to an in proportion to the several valuations set forth in said assessment roll. For the purpose of avoiding fractions in computation the Assessor may add to the amount of the several taxes to be raised not more than one (1) percent; said excess shall belong to the village.

TAX ROLL CERTIFIED FOR COLLECTION:

Section 9.7. After extending the taxes aforesaid and not later than the fifteenth (15) day of June in each year, the Assessor shall certify said tax roll, and the President shall annex his warrant thereto, directing and requiring the Treasurer to collect 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 him, for the purpose of collecting the taxes, assessments, and charges on such roll, all the power and immunities possessed by township treasurers for the collection of taxes under the general laws of the State.

TAXES LIEN ON PROPERTY:

Section 9.8. The village taxes thus assessed shall become at once a debt due to the village from the persons to whom they are assessed, and the amount assessed on any interest in real property shall on the first of July become a lien upon such real property, and the lien for such amounts and for all interest and other charges thereon shall continue until payment thereof. All personal taxes shall also be a first lien, prior, superior, and paramount, upon all personal property of the persons so assessed from and after the first day of July in each year and shall so remain until paid, which said tax liens shall take precedence over all other claims, encumbrances and liens upon said personal property whatsoever, whether created by chattel mortgage, execution, levy, judgment, or otherwise, and whether arising before or after the assessment of said personal taxes, and no transfer of personal property assessed for taxes thereon shall operate to divest or destroy such lien except where such personal property is actually sold in the regular course of retail trade.

TAXES DUE: NOTIFICATION:

Section 9.9 The Treasurer shall not be required to call upon the persons named in the village tax roll, nor to make personal demand for the payment of taxes, but he shall give notice to the taxpayers of the village, by publication in a legal newspaper of general circulation in the village at least once, which publication of notice shall be made at least ten (10) days prior to the first day of July in each year, of the time when said taxes will be due for collection and shall give such notice of the time when said taxes will be due for collection by first class mail addressed to the owners of the property upon which taxes are assessed according to the names of such owners and their addresses as indicated on the tax roll, which notice shall be deemed sufficient for the payment of all taxes on said tax roll. Failure on the part of the Treasurer to give said notices shall not invalidate

the taxes on said tax roll nor release the person or property assessed from any penalty or interest provided in this chapter in case of nonpayment of the same.

COLLECTION OF VILLAGE TAXES:

Section 9.10. Village taxes shall be due and payable on the ~~first day of July~~ fourteenth day of September (September 14) of each year and may be paid at the Office of the Village Treasurer until and including ~~August 31~~ September 14. To all taxes paid after ~~August 31~~ September 14, there shall be added ~~a four (4) percent penalty~~ a three (3) percent administrative fee, and to all taxes paid after said date, there shall also be added interest at the rate of ~~one half (1/2) of one (1) percent~~ one (1) percent for each month or fraction of a month intervening between said date and the date of payment, ~~or the first day of March of next succeeding calendar year~~, penalty shall be assessed until the delinquent taxes are turned over to the county in March of the following year, whichever date shall first occur. The added penalties and interest herein provided shall belong to the village and shall constitute a charge and shall be a lien against the property to which the taxes themselves apply, collectible in the same manner as the taxes to which they are added.

(Passed: Village General Election, March 11, 2002)

DELINQUENT TAX ROLL TO COUNTY TREASURER:

Section 9.11. If the Treasurer has been unable to collect any of the village taxes on said roll on real property before the first day of March of the next succeeding calendar year when said roll was received by him, it shall be his duty to return all such unpaid taxes on real property to the county treasurer in the same manner and with like effect as returns by township treasurers of township, school, and county taxes. Such returns shall be made upon a delinquent tax roll to be prepared by the Treasurer and shall include all the additional charges and fees hereinbefore provided, which charges shall, in such return, be added to the amount assessed in said tax roll against each description. The taxes thus returned shall be collected in the same manner as other taxes returned to the county treasurer are collected under the provisions of the general laws of the State and shall be and remain a lien upon the lands against which they are assessed, until paid.

PROTECTION OF VILLAGE LIEN:

Section 9.12. The village shall have power, insofar as the exercise thereof shall not conflict with or contravene the provisions of any general law of the State, to acquire by purchase any premises within the village at any tax or other public sale, or by direct purchase from the State of Michigan or the fee owner when such purchase is necessary to protect the lien of the village for taxes or special assessments, or both, on said premises and may hold, lease, or sell the same solely for the purpose of securing therefrom the amount of such taxes or special assessments, or both, together with any incidental expenses incurred in connection with the exercise of this power. Any such procedure exercised by the village in the protection of its tax lien shall be deemed to be for a public purpose.

Chapter 10

Municipal Borrowing Power

GENERAL POWER TO BORROW:

Section 10.1. Subject to the applicable provisions of State law, ~~and this charter,~~ the Council ~~by proper ordinance or resolution,~~ may authorize the borrowing of money for any purpose within the scope of the powers vested in the Village. Any borrowing of money involving the pledge of the full faith and credit of the Village shall be authorized only if the Village electors grant their approval in an election held for that purpose. ~~and the issuance of bonds of the village or other evidence of indebtedness therefor, an may pledge the full faith, credit, and resources of.~~ For the purposes of borrowing money, the Village will have the power to issue bonds or other evidence of indebtedness which are permitted by law. ~~the village for the payment of the obligation created thereby. Provided, that the net bonded indebtedness incurred for all public purposes shall not at any time exceed ten (10) per centum of the assessed value of all real and personal property in the village. The village shall also have power to issue special assessment, mortgage, revenue, or other types of bonds, beyond the debt limits fixed by law for the issuance of bonds or other evidence of indebtedness which are a general obligation of the village, in the manner and for the purpose permitted by the charter, the Constitution and general laws of the State of Michigan, including Act. No. 278, P.A. 1909, under which the village is incorporated.~~ Bonds or other evidence of indebtedness issued in anticipation of the payment of special assessments may be an obligation of the special assessment district or may be an obligation of both the special assessment district and the Village as a whole ~~an obligation of the village.~~ All collections on special assessment rolls shall be set apart in a special fund and shall be used only for the ~~purpose or~~ purposes for which ~~they~~ the special assessments were levied and for the payment of the principal and interest of any ~~bonds~~ debt issued in anticipation of the payment of such special assessments. If there be any deficiency in ~~the~~ a special assessment fund needed to meet the payment of any ~~such~~ principal ~~and~~ or interest, moneys ~~shall be~~ may be advanced from the general funds of the village to meet such deficiency and shall be replaced in such general fund when the special assessment fund shall be sufficient therefor. ~~No bond of the village shall bear interest at a rate to exceed six (6) percent per annum.~~

(Amended: March 12, 1984)

(Amended: Village General Election, March 11, 2002)

INSTALLMENT PAYMENT CONTRACTS:

Section 10.2. The council may enter into installment contracts for the purchase of property or capital equipment. Each of such contracts shall not extend over a greater period than ~~ten (10)~~ fifteen (15) years nor shall the total amount of the principal payable under all such contracts exceed the ~~sum of one and one half percent of the assessed valuation of the then current tax roll of the Village of Almont~~ maximum permitted under State law for villages. All such deferred payments shall be included in the budget for the year in which the installment is payable.

UNISSUED BONDS:

Section 10.3. No unissued bonds of the village shall be issued or sold to secure funds for any purpose other than that for which they were specifically authorized, and if any such bonds are not issued or sold within three (3) years after authorization, such authorization shall, as to such bond, be null and void.

Chapter 11

Public Improvements, Contracts, Utilities

VILLAGE MAY PERFORM PUBLIC WORK:

Section 11.1. The Council shall have power to do any public work or make any public improvement by the employment of the necessary labor and the purchase of the necessary supplies and materials with separate accounting as to each improvement so made, or to do such work by contract duly let after competitive bidding. Where competitive bids are secured, the Village, or any village department qualified to do the work, may enter a bid on an equal footing with other bidders. The Council shall also have the power to do any public work or make any public improvement under any legally constituted plan under which the labor is furnished by any other governmental unit, department, or agency of the United States or the State of Michigan, or which is wholly or in part financed by them or either of them.

PURCHASING AND CONTRACTUAL PROCEDURE:

Section 11.2. Before making any purchase or contract for supplies, materials, equipment, or contractual services, opportunity shall be given for competition, under such rules and regulations, and with such exceptions as the Council may by ordinance prescribe. ~~All expenditures for supplies, materials, equipment or contractual services involving more than one thousand dollars (\$1,000.00)~~ The Village Council may, by resolution, establish the amount over which the Village must enter into a written contract for the purchase of supplies, equipment or contractual services ~~shall be made on written contract~~, and such contract shall be awarded to the lowest competent bidder meeting specification and whose bid is most advantageous to the Village after such public notice and competition as may be prescribed by ordinance: Provided however, that the Council shall have the power to reject all bids and advertise again. The Council shall provide, by ordinance, for the ordinary purchasing procedure to be followed in purchasing village supplies.

(Amended: Village General Election, March 11, 2002)

NUISANCES AND HAZARDS:

Section 11.3. When any lot, building, or structure within the village, because of accumulation of refuse or debris, the uncontrolled growing of weeds, or age or dilapidation, or because of any other condition or happening, becomes, in the opinion of the Council, a public hazard or nuisance which is dangerous to the health or safety of the inhabitants of the village or of those of them residing or habitually going near such lot, building, or structure, the Council may, after investigation, give notice to the owner of the land upon which such hazard or nuisance exists, or to the owner of the building or structure itself, specifying the nature of the nuisance, to promptly have it eliminated within a time to be specified by the Council which shall be commensurate with the nature of the nuisance. If, at the expiration of the time limit in said notice, said owner has not complied with the requirements thereof, or in any case where the owner of the land or of the building or structure itself is not known, the Council may order such hazard or nuisance abated by the proper department or agency of the village which is qualified to do the work required and the cost of such abatement, assessed against the lot, premises, or description of real property upon which such hazard or nuisance was located. Procedure to be followed to make this section fully effective shall be established by ordinance.

COST OF ACQUIRED PROPERTY ADDED:

Section 11.4. Whenever any property is acquired by condemnation, or otherwise, for the purpose of any public improvement, the cost thereof, and of the proceedings required to acquire such property, may be added to the cost of such improvement.

SIDWALKS, CURBS, AND GUTTERS:

Section 11.5. The Council may prescribe that sidewalks, except crosswalks, may be built by the owners of lands within the village which abut upon such sidewalks in the manner and within the time prescribed by ordinance; provided, that, in case of failure of any such owner to comply with the provisions of such ordinance, the Village shall build or cause to be built such sidewalk and assess the cost thereof against such owner and against the land improved thereby, in the manner prescribed by the Council by ordinance.

CONDEMNATION:

Section 11.6. (a) Private property may be taken and appropriated for public use by the Village of Almont, either within or without its limits, for the purposes of opening, widening, altering and extending streets, alleys and avenues; for the construction of bridges, for public buildings and for other public structures; for public grounds, parks, market places and spaces; for the improvement of water courses; for the providing of water and utilities; for the acquisition and improvement of property for the public parking of motor vehicles; for sewers, drains and ditches; for public hospitals, pest houses, quarantine grounds and public cemeteries; for jail and fire halls and other lawful and necessary public uses.

(b) If it shall become necessary to take and appropriate private property for the public uses for the purposes specified in the preceding section, the right to occupy and hold the same and the ownership therein and thereto, may be acquired by the Village in the manner and with like effect, as provided by any of the general laws, statutes or Constitution of this State relating to the taking of private property for public use by cities and villages.

Chapter 12

Assessments

GENERAL POWER RELATIVE TO SPECIAL ASSESSMENTS:

Section 12.1. The Council shall have the power to determine by resolution that the whole or any part of the expense of any public improvement be defrayed by special assessment upon the property especially benefited in proportion to the benefits derived or to be derived.

PROCEDURE IN PROVIDING FOR SPECIAL ASSESSMENTS:

Section 12.2. (a) No resolution determining to proceed with any public improvement to be defrayed by special assessment shall be enacted until cost estimates have been prepared and a public hearing has been held on the advisability of so proceeding, which hearing shall be held not less than ten (10) days after notice thereof has been published and sent by first class mail to all property owners in the proposed district as shown by the current assessment roll of the village.

(b) Such resolution shall state the nature of the public improvement, the estimated cost thereof, the portion of the cost to be paid by special assessment and the portion to be paid from the general funds of the village, shall designate the district or lands and premises upon which such special assessments shall be levied and shall direct the method of determining the benefits upon the property in the district.

(c) The Assessor shall thereupon prepare a special assessment roll and shall enter and describe thereon all of the lands and premises to be assessed, together with the names of the persons, if known, owning such lands and chargeable with the assessment thereon, and shall assess the cost of such improvements against said lands and premises in the manner directed by the foregoing resolution. When such roll has been completed, it shall be endorsed by the Assessor and filed with the Clerk.

(d) A public hearing shall be held by the Council for the purpose of correcting and reviewing such roll, which hearing shall be held not less than ten (10) days after notice thereof has been published and sent by first class mail to all property owners in the proposed district as shown by the current assessment roll of the village. At such hearing the Council shall review said roll and hear all objections thereto and may correct the roll and may then, or at a later date, confirm the roll as reported or corrected. It is provided, however, that no original special assessment roll shall be confirmed except by the affirmative vote of five (5) members of the Council if prior to such confirmation written objections to the proposed improvement have been filed by the owners of property which will be required to bear more than fifty (50) percent of the amount of such special assessment.

(e) No public improvement to be financed in whole or part by special assessment shall be made before the confirmation of the special assessment roll for such improvement.

DISPOSITION OF EXCESSIVE SPECIAL ASSESSMENTS:

Section 12.3. The excess by which any special assessment proves larger than the actual cost of the improvement and expenses incidental thereto may be placed in the general fund of the Village if such excess is five (5) per cent or less of the assessment, but should the assessment prove larger than necessary by more than five (5) percent the entire excess shall be refunded on a pro rata basis to the owners of the property assessed as shown by the current assessment roll of the village. Such refunds shall be made by credit against future unpaid installments to the extent such installments then exist and the balance of such refund shall be in cash. No refunds may be made which contravene the provisions of any outstanding evidence of indebtedness secured in whole or part by such special assessment.

ADDITIONAL ASSESSMENTS: CORRECTION OF INVALID SPECIAL ASSESSMENTS:

Section 12.4. Additional pro rata assessments may be made when any special assessment roll proves insufficient to pay for the improvement for which it was levied and the expenses incident thereto, provided that the additional pro rata assessment shall not exceed twenty-five (25) percent of the assessment as originally confirmed unless a meeting of the Council to be held to review such additional assessment, for which meeting notices shall be published and mailed as provided in the case of review of the original special assessment roll.

Whenever an special assessment shall, in the opinion of the Council, be invalid by reason of irregularity or informality in the proceedings, or if any court of competent jurisdiction shall adjudge such assessment to be illegal, the Council shall, whether the improvement has been made or not or whether any part of the assessment has been paid or not, have power to cause a new assessment to be made for the same purpose for which the former assessment was made. All proceedings on such reassessment and for the collection thereof shall be conducted in the same manner as provided for the original assessment, and whenever any sum or part thereof levied upon any property in the assessment so set aside has been paid and not refunded, the payment so made shall be applied upon the reassessment or if the payments exceed the amount of the reassessment refunds shall be made. No judgment or decree nor any act of the Council vacating a special assessment shall destroy or impair the lien of the village upon the premises assessed for such amount of the assessment as may be equitably charged against the same or as by regular mode of proceedings might have been lawfully assessed thereupon.

LIEN AND COLLECTION OF SPECIAL ASSESSMENTS:

Section 12.5. Lien: Upon the confirmation of each special assessment roll the special assessments shall become a debt to the Village from persons to whom they are assessed and shall until paid be a lien upon the property assessed for the amount of

such assessments and all interest and charges thereon. Such lien shall be of the same character and effect as created by this charter for Village taxes.

Due Date: Special assessments shall become due on such date as the Council shall prescribe.

Installment Payments: ~~Any assessment may be made payable in yearly installments not to exceed fifteen (15) in number. The initial installment shall be due on such date as the Council shall prescribe.~~ At the discretion of the Council, a special assessment may be made payable in yearly installments for a period not to exceed twenty (20) years. The initial installment shall be due on such date as the Council shall prescribe. Subsequent yearly installments shall be spread on the annual village tax roll. The second installment shall be collected as part of the first village tax roll which becomes due six (6) months or more after the due date of the initial installment. All unpaid future installments, from such date as the Council shall prescribe, shall bear interest at a rate not exceeding six (6) percent per annum, which interest computed to the following September first shall be spread yearly upon the village tax roll together as one item with the amount of the installment then being spread. The Council may provide for advance payment of unpaid installments with interest computed to such date as the Council prescribes.

Collection Fees: Each special assessment, or the initial installment of such assessment when installment payments are provided for, shall be collected by the Treasurer without collection fee for a period ending on the last day of the second month following the month in which the assessment or initial installment falls due. On the first day of the third month following such due date, the Treasurer shall add to such assessment or initial installment a collection fee of four (4) percent of the amount thereof, and on the first day of each succeeding month he shall add an additional one-half (1/2) of one (1) percent collection fee. All collection fees shall belong to the village and be collectible in the same manner as the collection fee on village taxes.

Collection When Part of Tax Roll: Special assessments, or installments thereof which become due on July first of any year, and delinquent assessments together with accrued interest and collection fees thereon which have been placed upon the village tax roll, shall be collected in all respects as are village taxes due on such date and shall be returned to the County Treasurer with such taxes if unpaid on the following March first.

Delinquent Assessments: Special assessments or initial installments which become due other than on July first shall, if unpaid for thirty (30) days or more on May first of any year, be certified as delinquent to the Council by the Treasurer and the Council shall place such delinquent assessments on the tax roll for that year together as one item with accrued collection fees thereon to September first of such year.

(Amended: August 05, 1983)

SPECIAL ASSESSMENT ACCOUNTS:

Section 12.6. Except as otherwise provided in this charter, moneys raised by special assessment for any public improvement shall be segregated in a special fund or account and may be used only to pay for the costs of the improvement for which the assessment was levied and expenses incidental thereto or to repay any money borrowed therefor.

CONTESTED ASSESSMENTS:

Section 12.7. Except and unless notice is given to the Council in writing of any intention to contest or enjoin the collection of any special assessment for the construction of any pavement, sewer, or other public improvement, the construction of any sidewalk, or the removal or abatement of any public hazard or nuisance, within thirty (30) days after the date of the meeting of the Council at which it is finally determined to proceed with the making of the improvement in question, which notice shall state the grounds on which the proceedings are to be contested, no suit or action of any kind shall be instituted or maintained for the purpose of contesting or enjoining the collection of such special assessment; and, regardless of whether or not any public improvement is completed in any special assessment district, no owner of real property located in such district shall be entitled to commence any suit or action for the purpose of contesting or enjoining the collection of any such special assessment after he has received a benefit from the substantial completion of that portion of such public improvement for which he is assessed.

ADDITIONAL PROCEDURE MAY BE PROVIDED BY ORDINANCE:

Section 12.8. The Council may provide by ordinance for any additional procedure in connection with the entire procedure of constructing improvements by special assessment not inconsistent with the provisions of this charter.

FAILURE TO MAIL NOTICE:

Section 12.9. Failure to mail any notice required to be so sent by this charter or by ordinance shall not invalidate any special assessment or special assessment roll.

Chapter 13

Public Utility Franchises

RIGHT OF REGULATION:

Section 13.1 All public utility franchises granted after the adoption of this charter, whether it be so provided in the granting ordinance or not, shall be subject to the right of the Village:

- (a) To repeal the same for misuse, or non-use, or for failure to comply with the provisions thereof;
- (b) To require proper and adequate extension of plant and service and maintenance thereof at the highest practicable standard of efficiency;
- (c) To establish reasonable standards of service and quality of products, and prevent unjust discrimination in service or rate;
- (d) To require continuous and uninterrupted service to the public in accordance with the terms of the franchise throughout the entire period thereof;
- (e) To impose such other regulations as may be determined by the Council to be conducive to the safety, welfare, and accommodation of the public;
- (f) To require the public utility to which any franchise is granted to permit joint use of its property and appurtenances located in the streets, alleys, and public places of the Village, by the Village, and other utilities insofar as such joint use may be reasonably practicable and upon payment of reasonable rental therefor; provided, that, in the absence of agreement, upon application by any public utility, the Council shall provide for arbitration of the terms and conditions of such joint use and the compensation to be paid therefor.

USE OF STREETS BY UTILITY:

Section 13.2. Every public utility franchise shall be subject to the right of the Village to use, control, and regulate the use of its streets, alleys, bridges, and public places and the space above and beneath them. Every public utility shall pay such part of the cost for improvement or maintenance of streets, alleys, bridges and public places, as shall arise from its use thereof and shall protect and save the village harmless from all damages arising from said use; and may be required by the village to permit joint use of its property and appurtenances located in the streets, alleys, and public places of the village, by the village, and other utilities insofar as such joint use may be reasonably practicable and upon payment of reasonable rental therefor; provided, that in the absence of agreement, upon application by any public utility, the Council shall provide for arbitration of the terms and conditions of such joint use and the compensation to be paid therefor; which award shall be final.

FRANCHISES:

Section 13.3 No franchise or grant which is not revocable at the will of the Council shall be granted or become operative until the same shall have been referred to the people at a regular or special election and has received the approval of three-fifths (3/5) of the electors voting thereon at such election. All irrevocable public utility franchises and all renewals, extensions, and amendments thereof shall be granted only by ordinance. No such ordinance shall be adopted before thirty (30) days after application therefor has been filed with the Council, nor until a full public hearing has been held thereon. No such ordinance shall be submitted to the electors at an election to be held less than thirty (30) days after the grantee named therein has filed with the Clerk its unconditional acceptance of all of the terms of such franchise, and it shall not be submitted to a special election unless the expense of holding the election, as determined by the Council, shall have been paid to the Treasurer by the grantee. No exclusive franchise shall ever be granted and no franchise shall be granted for a longer term than thirty (30) years.

LICENSES AND FRANCHISES REMAIN IN EFFECT:

Section 13.4. All licenses and franchises granted by the Village of Almont and in force within the village when this charter becomes law, shall remain in full force and effect until the period of time for which they were respectively granted, has expired under conditions contained in the license or franchise granted, or until any such licenses or franchises may have been taken over by the Village by purchase, condemnation, grant or otherwise.

CONTROL AND REVOCATION:

Section 13.5. The Council shall cause to be instituted such actions or proceedings as may be necessary to prosecute a public utility company for violations of its franchise, the Village charter or ordinances of the village, and may revoke, cancel, or annul all franchises that may have been granted by the Village, which, for any reason, have become inoperative, illegal, or void and not binding upon the village.

PROVISIONS STATED NOT TO BE EXCLUSIVE:

Section 13.6. The enumeration and specification of particular matters in this chapter which must be included in every franchise or grant shall never be construed as impairing the right of the Council to insert in such franchise or grant any other further matters, terms, or conditions as may be within the power of the village to impose or require and which the Council shall deem proper to protect the interests of the people of the village.

REGULATION OF RATES:

Section 13.7. All public utility franchises shall make provisions therein for fixing rates, fares, and charges, and for readjustments thereof at periodic intervals at the discretion of the Village. The value of the property of the utility used as a basis for fixing such rates, fares, and charges shall in no event include a value predicated upon the franchise, goodwill, or prospective profits.

REVOCABLE PERMITS:

Section 13.8. Temporary permits for public utilities, revocable at any time at the will of the Council may be granted by the Council by ordinance on such terms and conditions as it shall determine, provided that such permits shall in no event be construed to be franchises or amendments to franchises.

Chapter 14

Municipal Owned Utilities

GENERAL POWERS RESPECTING UTILITIES:

Section 14.1. The Village shall possess and hereby reserves to itself all the powers granted to villages by statute and Constitution to acquire, construct, own, operate, improve, enlarge, extend, repair and maintain, either within or without its corporate limits, including but not by way of limitation, public utilities for supplying water, light, heat, power, gas, sewage treatment and garbage disposal facilities, or any of them, to the municipality and the inhabitants thereof; and also to sell and deliver water, light, heat, power, gas and other public utility services without its corporate limits to an amount not to exceed the limitations set by statute and Constitution.

MANAGEMENT OF MUNICIPALITY OWNED UTILITIES:

Section 14.2. All municipally owned utilities shall be administered as a regular department of the village government under one or more department heads appointed by, and serving at the pleasure of the Council and not by an independent board or commission.

RATES:

Section 14.3. The Council shall have power to fix from time to time such just and reasonable rates as may be deemed advisable for supplying inhabitants of the village and others with such public utility services as the village may provide. There shall be no discrimination in such rates within any classification of users thereof, nor shall free service be permitted, but higher rates may be charged for service outside the village limits.

UTILITY RATES AND CHARGES – COLLECTION:

Section 14.4. The Council shall provide by ordinance for the collection of all public utility rates and charges made by the village. With respect to water, the Village shall have all the powers granted to villages by Public Act 178 of 1939. When any person, firm or corporation shall fail or refuse to pay any sums due on utility bills, the service upon which such delinquency exists may be discontinued and suit may be instituted by the Village for the collection of the same in any competent tribunal.

DISPOSAL OF UTILITY PLANTS AND PROPERTY:

Section 14.5. Unless approved by a three-fifths (3/5) majority vote of the electors voting thereon at a regular or special election, the village shall not sell, exchange, lease or in any way dispose of any property, easement, equipment, privilege or asset belonging to and appertaining to any municipally owned public utility which is needed to continue operating such utility. All contracts, negotiation, licenses, grants, leases or other forms of transfer in violation of this section shall not apply to the sale or exchange of any articles of machinery or equipment of any village owned public utility which are worn out or useless or which have been, or could with advantage to the service, be replaced by new and improved machinery or equipment, to the leasing of property not necessary for the operation of the utility, or to the exchange of property or easements for other needed property or easements.

UTILITY ACCOUNTS:

Section 14.6. Transactions pertaining to the ownership and operation by the village of each public utility shall be recorded in a separate group of accounts under an appropriate fund caption, which accounts shall be classified in accordance with generally accepted utility accounting practice. Charges for all service furnished to, or rendered by, other village departments or agencies shall be recorded. An annual report shall be prepared to show fairly the financial position of the utility and the results of its operations which report shall be available for inspection at the office of the Clerk.

Chapter 15

Miscellaneous

NOTICE TO VILLAGE OF CLAIM FOR INJURIES:

Section 15.1. The Village shall not be liable in damages sustained by any person, either to his person or property, by reason of or the negligence of the Village, its officers, or employees, nor by reason of any defective highway, street, bridge, sidewalk, crosswalk or culvert, or by reason of any obstruction, ice, snow or other encumbrances upon such street, sidewalk, crosswalk or public highway, situated in the Village, unless such person shall serve or cause to be served, within sixty (60) days after such injury shall have occurred, a notice in writing upon the Clerk, which notice shall set forth substantially the time and place of such injury, the nature of the defect, the manner in which it occurred, and the extent of such injury as far as the same has become known, the names and addresses of the witnesses known at the time by claimant, and a statement that the person receiving such injury intends to hold the Village liable for such damages as may have been sustained by him. No person shall bring any action against the Village for any damages to person or property arising out of any obstruction, ice, snow, or other encumbrance upon such street, sidewalk, crosswalk or public highway, situated in the village, unless he shall also present to the Clerk his claim in writing and under oath, setting forth particularly the nature and extent of such injury and the amount of damages claimed by reason thereof, which claim shall be presented to the Council by the Clerk.

NOTICE TO VILLAGE OF CLAIM FOR INJURIES:

Section 15.1. (continued) It shall be a sufficient bar and answer in any court to any action or proceeding for the collection of any demand or claim against the Village, under this section, that the notice of injury and the verified proof of claim, as in this section required, were not presented and filed within the time and in the manner as herein provided.

LIMITATION ON DEDICATION OF STREETS:

Section 15.2. The Council shall not accept dedication of streets unless and until the owners have provided facilities such as storm and sanitary sewers and water mains, and laterals in both cases, surfacing of streets, sidewalks, street lighting, and any other facilities as required by the Council and acceptable to the Council and at least equivalent to services and facilities already available to residents in that section of the village. The Council shall establish specifications and standards of material and workmanship for all improvements required to be made under the provisions of this section and may require that all work done shall be subject to inspection and approval by the Village Manager or by a proper person designated by him. The Village may refuse to accept, as compliance with the requirements of this section, any work, installation, or improvement which does not conform to the specifications or standards established by it. In the installation of such facilities prior to dedication there shall be no cost to the Village. In lieu of compliance with the provisions of this section, the Council may accept payment of an amount equal to the cost of complying with the provisions of this section to defray the expense of doing such work or the making of such installation or improvement by the village.

PUBLICATION:

Section 15.3. The Council shall determine the method of publication of all notices, ordinances, and proceedings for which a mode of publication is not prescribed by this charter or by law.

NO ESTOPPEL BY REPRESENTATIVE:

Section 15.4. No official of the Village shall have power to make any representation or recital of fact in any franchise, contract, document or agreement, contrary to any public record of this Village. Any such representation shall be void and of no effect as against the Village.

VILLAGE RECORDS:

Section 15.5. All records of the Village shall be public.

PRIOR VILLAGE ORDINANCES AND REGULATIONS:

Section 15.6. All ordinances, resolutions, rules, and regulations of the Village of Almont which are not inconsistent with the provisions of this charter, in force and effect at the same time of the adoption of this charter, shall continue in full force as ordinances, resolutions, rules and regulations of the Village until repealed or amended by action of the proper authorities.

TENSE:

Section 15.7. Except as otherwise specifically provided or indicated by the context; all words used in this charter indicating the present tense shall not be limited to the time of adoption of this charter, but shall extend to and include the time of the happening of any event or requirement for which provision is made therein, either as a power, immunity, requirement, or prohibition.

HEADINGS:

Section 15.8. The chapter and section headings used in this charter are for convenience only and shall not be considered to be a part of this charter.

EFFECT OF ILLEGALITY OF ANY PART OF CHARTER:

Section 15.9. Should any provision or section, or portion thereof, of this charter be held by a court of competent jurisdiction to be invalid, illegal, or unconstitutional, such holding shall not be construed as affecting the validity of this charter as a whole or of any remaining portion of such provision or section; it being hereby declared to be the intent of the Charter Commission and of the electors who voted thereon that such unconstitutionality or illegality shall not affect the validity of any part of this charter except that specifically affected by such holding. Further, it is hereby declared that it was the intent of the Charter Commission and of the electors of the Village of Almont, in preparing and adopting this charter that said instrument should conform in all respects with the provisions and requirements of state law. In the event that any provision of this charter shall conflict with or contravene the provisions of any general law of the State of Michigan, the provisions of such general law of the state shall govern.

AMENDMENTS:

Section 15.10. This charter may be amended at any time in the manner provided in Act. No. 278 of the Public Acts of 1909, as amended. Should two (2) or more amendments, adopted at the same election, have conflicting provisions, the one receiving the largest affirmative vote shall prevail as to those provisions.