

CHARTER

of the

CITY OF CLAWSON

Oakland County

Michigan

2023



**CLAWSON**  
— MICHIGAN —

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# **CHARTER REVISION MASTER**

## **CHARTER**

### **PREAMBLE**

We, the people of the City of Clawson, Oakland County, Michigan, by virtue of the authority of the Constitution of the State of Michigan and the Public Acts of the Legislature of the State of Michigan duly adopted, do hereby ordain and establish this Charter for the City of Clawson in order to promote, maintain and better provide for the interests and welfare of all our people.

### **CHAPTER 1 BOUNDARIES**

#### **Sec. 1.01 Boundaries.**

The City of Clawson shall include all the territory formerly included in the village of Clawson described as follows:

Beginning at the northwest corner of the southwest quarter of Section three T1N, R. 11 East (Royal Oak) thence easterly along the north line of the southwest quarter of said Section three to the centerline of the Rochester Road (so called), thence northeasterly along the center of the said Rochester Road to a point on the northerly line of the said Section three, thence easterly along the northerly line of said Section three T1N, R. 11 East to the northeast corner of the said Section three T1N, R. 11 East, also being the southeast corner of Section Thirty-four T2N, R. 11 East, (Troy) thence northerly along the easterly line of the said Section Thirty-four to the east quarter post, thence westerly along said quarter line to the west quarter post of said Section Thirty-four T2N, R. 11 East also being the east quarter post of Section Thirty-three T2N, R. 11 East. Thence northerly along the easterly line of said Section Thirty-three to the northeast corner of the said Section Thirty-three thence westerly along the north line of the said Section Thirty-three to the northwest corner of the said Section Thirty-three thence southerly along the west line of the said Section Thirty-three to the southwest corner of the said Section Thirty-three T2N, R. 11 East thence southerly along the center of Crooks Road, so called, it being the westerly line of Section four T1N, R. 11 East (Royal Oak) to the west quarter post of said Section four thence easterly along the said quarter line to the east quarter post of said Section four T1N, R. 11 East being the point of beginning.

#### **Sec. 1.02 Annexed territory included.**

The City of Clawson shall also include all territory that may hereafter be annexed thereto.

#### **Sec. 1.03 Election precincts; one ward.**

The City of Clawson shall consist of one ward, which shall be divided into such number of election precincts as may be required by state law. Until otherwise provided by ordinance, the city shall constitute a single voting district.

### **CHAPTER 2 OFFICIAL TITLE**

#### **Sec. 2.01 Official city name.**

The official title shall be the "City of Clawson."

## **CHAPTER 3 GENERAL POWERS**

### **Sec. 3.01 General powers; state law; enumeration not limitation.**

All of the powers, not inconsistent with the provisions of this charter, possessed by the City of Clawson by virtue of its incorporation as such and enumerated in the City Charter adopted by the people of said City at an election held June 30, 1940, which charter is hereby superseded, are expressly retained by the City of Clawson under this charter. Further, unless otherwise provided or specifically limited in this charter, said city and its officers shall be vested with any and all powers expressed and implied, which cities 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, including all the powers permissible under Public Act No. 279 of 1909 (MCL 117.1 et seq.), as amended, as fully and completely as though those powers were specifically incorporated into and provided for in this charter, and in no case shall any enumeration of particular powers in this charter be held to be exclusive or limiting in any way the general grant of powers in this section. The city's powers under this charter shall be construed liberally in favor of the city.

### **Sec. 3.02 Intergovernmental cooperation.**

The City may join or participate, by contract or as otherwise permitted by law, with any other governmental units or agencies in the performance of an activity, service, power, or duty that the city is required or authorized by law to undertake.

### **Sec. 3.03 Property; acquisition, development, disposition.**

The city shall have power:

(1) To acquire by purchase, gift, condemnation, lease, construction or otherwise, either within or without its corporate limits and either within or without the corporate limits of the County of Oakland, the following improvements, including the necessary lands therefor: city hall, police station, fire station, boulevards, streets, alleys, public parks, recreation grounds, library, museum, airport, city prison, hospital, water works plant and system, sewage disposal plant and system, garbage disposal plant, rubbish disposal plant, market places, public works and public buildings of all kinds; and to acquire by purchase, gift, condemnation, lease, or otherwise, private property, either within or without its corporate limits and either within or without the corporate limits of the County of Oakland, for any public use or purpose within the scope of its powers, whether herein specifically mentioned or not. All condemnation proceedings instituted for the acquisition of private property, either within or without the corporate limits of the city, may, at the option of the city council, be taken in accordance with any appropriate provisions of the state law, including the procedure provided for in the Uniform Condemnation Procedures Act, Public Act 87 of 1980, MCL 213.51 et seq, as amended.

(2) To maintain, develop, operate, lease and dispose of its property subject to any restrictions placed thereupon by law or by this charter, provided that no property of a value in excess of \$400,000.00 (which shall be annually adjusted for inflation), and no property, equipment, or assets belonging or appertaining to any city-owned or operated utility shall be sold, exchanged, leased, or otherwise alienated or disposed of, unless approved by a majority of the electors voting thereon at a regular election.

(3) The city shall not vacate, discontinue, sell, lease, exchange, or convert to other use any public park, or any part thereof, unless approved by a three-fifths (3/5) majority of the electors voting thereon at a regular election.

(4) To make and enforce ordinances and resolutions for the protection and control of property belonging to the city located within its corporate limits, and to make and enforce such ordinances and resolutions as to such property located without its corporate limits as is permissible under the laws of the state.

### **Sec. 3.04 Fire department and police department; establishment, operation, etc.**

The city shall have power:

(1) To establish, equip, operate and maintain a fire department and a police department, and to make rules and regulations therefor.

(2) To contract with or arrange with any municipality, individual or corporation for fire protection.

### **Sec. 3.05 Municipal concerns; state law.**

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

### **Sec. 3.06 Non-discrimination; equal rights.**

No official, officer, employee, appointee, or contractor of the city shall in the exercise of their powers or in the performance of their duties or services discriminate against any person in any manner prohibited by law, nor shall they deny equal access to city services, or equal opportunity in employment, or the conditions and benefits thereof, to any person because of race, color, religion, national origin, age, sex, sexual orientation, gender identity or expression, height, weight, marital or familial status, or any other status that is protected by federal, state, or local law or ordinance.

## **CHAPTER 4 PLAN OF GOVERNMENT**

### **Sec. 4.01 City council; authority; members, qualifications.**

All the powers of the city, except as otherwise provided by statute or this charter, shall be vested in a mayor and a city council. The city council shall have six city council members, plus the mayor shall also be on the city council. The mayor and city council members shall be elected at large as hereinafter provided. To be eligible for the offices of mayor or city councilmember a person must be, at the time of election or appointment, a registered voter of the city, at least 21 years of age, a citizen of the United States, and a resident of the City of Clawson for at least one (1) year.

### **Sec. 4.02 Mayor and Council members; terms of office.**

The mayor shall hold office for a term of two years from the second Monday following the regular city election at which he the mayor was elected. Each city council member shall hold office for a term of four years from the second Monday following the regular city election at which they were elected. Two city council members shall be elected every two years. All elective officers shall hold office until their successors have been elected and qualified.

Commencing with the 2025 regular election, and thereafter, the mayor shall hold office for a term of four years. At the 2025 regular election, four city council members shall be elected. The three highest vote-getters shall hold office for a term of four years. The fourth highest vote-getter shall hold office for a term of two years. Commencing with the 2027 regular election, and thereafter, three city council members shall be elected to four year terms every two years. Sec. 4.03 City council; legislative authority.

The city council shall constitute the legislative and governing body of the city with power and authority to pass such ordinances and adopt such resolutions as it shall deem proper for the exercise of the powers possessed by the city.

#### **Sec. 4.04 Same; members; election, qualifications; council sole judge.**

The city council shall be the judge of the election and qualification of its own members, subject, however, to review by the courts in appropriate proceedings.

#### **Sec. 4.05 Mayor, powers and duties; mayor pro tempore, election.**

The mayor shall be a voting member and the presiding officer of the city council and chief executive officer of the city and shall be recognized as the head of the city government for all ceremonial purposes. The mayor shall have such other powers and perform such other duties as are or may be imposed or authorized by the laws of the state, by this charter or by the city council. The mayor as a member of the city council shall have the right to vote on all matters before the city council and shall possess all of the other rights and powers of members of that body. The mayor shall not have the power of veto.

#### **Sec. 4.06 Organizational meeting; mayor pro tempore.**

The city council, on the second Monday after each regular city election shall hold an organizational meeting where it shall elect a city council member as mayor pro tempore, who during the mayor's absence or disability to perform the mayor's duties, shall act in the mayor's stead and shall during the time of said absence or disability, exercise all of the duties and possess all of the powers of the mayor. In the absence or disability of the mayor pro tem, the city council may temporarily appoint one of its members to that office.

#### **Sec. 4.07 City council meetings; open to public; journal of proceedings required, signatures.**

City Council meetings shall be held in accordance with the Michigan Open Meetings Act, Public Act 267 of 1976, MCL 15.261 et seq, as amended. Regular meetings of the city council shall be held at such time as may be prescribed by resolution, provided that it shall meet regularly not less than once each month. The mayor or any two city councilmembers may call special meetings of the city council upon at least eighteen (18) hours written notice to each member, served personally or left at the council member's usual place of residence, provided, however, that any special meeting at which all members of the city council are present, or have waived notice in writing, shall be a legal meeting for all purposes without such written notice. Except as permitted under the Michigan Open Meetings Act, all meetings of the city council shall be open to the public, and any citizen may have access to the minutes and records thereof at all reasonable times. The city council shall determine its own rules and order of business. The city council may establish committees. The city council shall keep a journal of its proceedings in English which shall be signed by the city clerk and mayor.

#### **Sec. 4.08 Same; quorum, adjournment; legislation, votes required.**

Through the 2025 regular election, three members of the city council shall constitute a quorum, but a lesser number may adjourn from time to time and compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance, and all pending business noticed or set down for hearing at such meeting shall be taken up and heard at such adjourned meeting or at the next regular meeting without further notice. The city council shall act only by ordinance or resolution. The word "resolution" as used in this charter shall include official action in form of a motion, and such action shall be limited to matters pertaining to the administrative concerns of the city government. The affirmative votes of not less than three members of the city council shall be required for the passage of any ordinance or resolution, unless in any given case a different number is required by this charter or by state law. All votes shall be in the affirmative and negative. Each member present shall be required to vote unless disqualified or unless the member states the member's reason for not voting, which shall be recorded in the minutes. Where a vote is unanimous it shall not be necessary to include in the minutes the names of the members voting but it shall only be necessary to state that the vote was unanimous.

Commencing with the 2025 regular election, four members of the city council shall constitute a quorum, and the concurring votes of not less than four member of city council shall be required for the passage of any ordinance or resolution, unless in any given case a different number is required by this charter or by state law.

#### **Sec. 4.09 City manager; appointment; qualifications; tenure of office.**

The city council shall appoint a city manager who shall be responsible to the city council. The city manager shall be the chief administrative officer of the city government. The city manager shall be selected on the basis of fitness and ability alone, and need not be a resident of the city. No person who has been elected a member of the city council shall be eligible for appointment as city manager or acting city manager until two years have elapsed following the expiration of the term for which the council member was elected.

#### **Sec. 4.10 Same; compensation.**

The city council shall fix the compensation of the city manager.

#### **Sec. 4.11 Same; removal; city council authority.**

The city manager shall serve at the pleasure of the city council and shall be removable by the city council by a majority vote of its members holding office. If the city council removes the city manager, it shall enter upon the journal of its proceedings a statement of the reasons for such removal, and, if the city manager within two weeks after removal shall submit a statement in reply to the statement of the city council, the manager's statement shall also be entered upon the journal of the proceedings of the city council. The action of the city council in removing the city manager shall be final, it being the intent of this charter to vest all authority for such removal in the city council.

#### **Sec. 4.12 City manager; powers and duties.**

The functions of the city manager shall be to:

- (a) See that all laws and ordinances are enforced;
- (b) Manage and supervise all public improvements, works, and undertakings of the city. The city manager shall have charge of the construction, repair, maintenance, cleaning, and lighting of streets, sidewalks, bridges, pavements, sewers, and of all public buildings or other property belonging to the city. The city manager shall manage and supervise all city utilities and shall be responsible for the preservation of property, tools and appliances of the city;
- (c) See that all terms and conditions imposed in favor of the city or its inhabitants in any public utility franchise, or in any contract, are faithfully kept and performed;
- (d) Attend all meetings of the city council, with the right to take part in discussions, but without the right to vote;
- (e) Be a member, ex-officio, of all committees of the city council;
- (f) Prepare and administer the annual budget under policies formulated by the city council, and keep the city council fully advised at all times as to the financial condition and needs of the city;
- (g) Recommend to the city council for adoption such measures as the manager may deem necessary or expedient;
- (h) Be purchasing agent for the city, and all purchases for the city shall be made by the city manager and all invoices for the payment of the same shall be approved by the city manager; provided, that the city manager shall make no purchases in any sum exceeding that established by resolution without first securing the consent of the city council; provided, further, that the city manager shall, in no case, be able to make purchases under this provision which total more than that established by resolution ; further, the city manager shall conduct all sales of personal property which may be authorized or ordered by the city council. Such purchases and sales shall be made as the city council shall by resolution or ordinance provide and according to any provisions of this charter pertinent thereto;
- (i) Direct and supervise the administration of all departments of the city government;

(j) Appoint, remove, or discipline all city employees and appointive officers, except as otherwise provided by law, this charter, collective bargaining agreement, or personnel rules adopted by the city.

(k) Be responsible to the city council for the proper discharge of all the just obligations of the city;

(l) See that all accidents to city employees are reported to the state Department of Labor and Economic Opportunity;

(m) Perform such other duties as may be prescribed by this charter or as may be required of the city manager by ordinance or resolution or by direction or delegation from the city council; and

(m) Exercise and perform all administrative functions of the city that are not imposed by this charter or any city ordinance upon some other official.

The city council may provide that the powers and duties of any appointive officer other than the city attorney shall be exercised by the city manager; or, subject to the provisions of this charter, it may appoint the city manager to any office other than that of city attorney. The city council may at any time appoint an acting city manager to act in the event of the disability or absence of the appointed city manager, or pending the appointment of a city manager. Where no such appointment is made, the city council shall perform the duties imposed by this charter upon the city manager and shall possess the prerogatives of that office, or may delegate any or all of the powers or prerogatives to any appointive office.

#### **Sec. 4.13 Non-interference with administration.**

Except for making inquiries for the purpose of obtaining information needed by them in the discharge of their duties or to respond to constituent requests, the mayor and city council members shall communicate with city officers and employees who are subject to the direction and supervision of the city manager through the city manager, and neither the mayor nor council members shall direct or give orders to any such officer or employee.

#### **Sec. 4.14 Appointive officers; enumeration; appointment, tenure of office.**

The city council shall appoint an assessor and a city attorney, and it shall appoint members of the board of review. The city manager shall, with the advice and consent of the city council, appoint a clerk, a treasurer, a chief of police, and a chief of the fire department, and may, with the advice and consent of the city council, appoint an engineer, and any other officers for whose appointment provisions shall be made in this charter or by ordinance, and shall exercise general supervision over the administration of their duties. Unless otherwise provided in this charter, all appointees of the city council shall hold office at the pleasure of the city council, and all other appointive officers shall hold office at the pleasure of the city manager. One person may be appointed to two or more offices except that the offices of city clerk and treasurer shall not be filled by the same person.

#### **Sec. 4.15 Same; qualifications.**

The appointment of any officer to any appointive office of the city shall be based solely upon the qualifications of such person to hold such office.

#### **Sec. 4.16 City clerk; powers and duties.**

The city clerk, in addition to the powers and duties elsewhere specified in this charter, shall keep the corporate seal and have the custody of all books, official bonds, records, papers and documents which are not by this charter or the ordinances of the city, entrusted to some other officer. The city clerk shall be clerk of the city council, shall attend all of its meetings, and shall keep a record of all of its proceedings. The city clerk shall issue all licenses as authorized by the city council or by ordinance, and shall keep a record thereof. The city clerk shall, upon request, make certified copies of any papers or documents in the city clerk's custody, and such copies shall be evidence in all places or proceedings of the matters therein contained to the same extent as the original would be, and the city clerk may charge therefor such fees as shall be authorized by the Michigan Freedom of Information Act. The city clerk shall keep a record of all property belonging to the city.

#### **Sec. 4.17 General accountant, designation; duties.**

The city manager may designate a general accountant for the city who shall keep a complete set of records and accounts showing the financial transactions for all departments of the city, which accounts shall conform to any uniform system required by law. Forms for all such accounts shall be adequate to record all cash receipts and disbursements, all revenues accrued and liabilities incurred, and all transactions affecting the acquisition, custody and disposition of all property, and for the making of such reports of the financial transactions and conditions of the city as may be required by law, ordinance or resolution. The city manager or the designated accountant shall at least once a month, and more often if required, furnish the city council with a statement showing the condition and operations of the several funds and accounts of the city.

#### **Sec. 4.18 City treasurer; powers and duties.**

The city treasurer, in addition to the powers and duties elsewhere specified in this charter, shall have the custody of all moneys, bonds, mortgages, notes and securities belonging to the city. The treasurer shall give bond in such amount and with such sureties as are satisfactory to the city council. The treasurer shall receive and disburse all moneys belonging to the city and shall keep an accurate detailed record of money received and disbursed for each fund, showing from whom the money was received and to whom it was paid, and the bank account in which it was deposited or from which it was paid. The treasurer shall make a daily report of all receipts to the city clerk. The treasurer shall pay out no money except upon warrant checks issued as in this charter provided. The treasurer shall furnish to the city council, at the first meeting in each month or more often if required, a statement for each fund showing the cash on hand at the beginning of the preceding month, the total receipts and total disbursements for such month and the balance at the end of said month, with a reconciliation of the fund balance at the end of the month with the balance of the fund bank account statement. The treasurer shall make such other reports as the city council may require.

#### **Sec. 4.19 City assessor; powers and duties.**

The city assessor shall be the assessing officer of the city and shall prepare all of the assessment and tax rolls of the city, both general and special. The Assessor shall perform all the duties and have all the powers required of and possessed by assessing officers under the general laws of the state.

#### **Sec. 4.20 Board of review; composition, qualifications and compensation.**

A Board of Review is established in accordance with the Michigan General Property Tax Act, Public Act 2206 of 1893, MCL 211.28, as amended, and shall be composed of not fewer than 3 nor more than 9 members, as determined by the city council. Each member of the board of review shall be a registered elector of the city and must be a property taxpayer of the city. Compensation of board of review members shall be fixed by the city council. Members appointed to the board of review shall serve for terms of 2 years. City council members are not eligible to serve on the board of review.

#### **Sec. 4.21 Chief of police; powers and duties.**

The chief of police shall be charged with the enforcement within the city, of the laws of the United States, the State of Michigan, and of the charter and ordinances of the city, unless it is otherwise provided in such laws, charter or ordinances. The chief shall be in charge of the police force of the city. Members of the police force shall have power and it shall be their duty to enforce the penal laws of the United States, the penal laws of the state, the penal ordinances of the city, and the penal provisions of this charter; to suppress all riots, disturbances and breaches of the peace; to arrest all persons fleeing from justice; in compliance with the laws of the state to apprehend persons guilty or responsible, or suspected of being guilty or responsible, of violation of the laws of the United States, the state, the ordinances of the city, or the provisions of this charter; to make complaints before the proper officer or magistrate against any person known or believed by them to be guilty of any violation of the laws of the United States, the state, the ordinances of the city or the provisions of this charter; and to serve all processes that may be delivered to them in criminal, charter, and ordinance cases. When any person has committed or is suspected of having committed any crime, civil infraction, or misdemeanor within the city or has

escaped from the city prison or from custody of the police, the police force of the city shall have the same right to pursue, arrest and detain such person without the city limits as the sheriff of the county. The police shall have the same powers and rights in relation to offenses against the ordinances of the city and the provisions of this charter, as they have in cases of misdemeanors and civil infractions under the laws of this state. They shall have all the powers given by law to constables and sheriffs for the preservation of quiet and good order in the city, and in relation to the enforcement of the laws of the state and ordinances of the city, and in addition thereto shall have and exercise such other powers as are conferred generally upon peace officers of the state. They shall perform such other duties as may be required of them by the city council for the good government of the city.

#### **Sec. 4.22 Fire chief; powers and duties.**

The chief of the fire department, or in the chief's absence, any other appropriate officer in charge, may command any person present at a fire to aid in the extinguishment thereof, and to assist in the preservation of life or property thereat. If any person willfully disobeys any such lawful requirement or other lawful order of any such officer, the person shall be deemed guilty of a misdemeanor. Such officer may cause any building to be razed or destroyed when deemed necessary in order to arrest the progress of a fire and no action shall be maintained against any such officer or against the city therefor.

#### **Sec. 4.23 Mayor, council members and appointive officers; compensation.**

Compensation of elected officials shall be determined by the City's Local Officers Compensation Commission established by ordinance no. 416, adopted November 7, 1972, as amended, subject to and in accordance with state law, MCL 117.5c, as amended.

#### **Sec. 4.24 City officers; powers and duties.**

All officers of the city shall perform such duties and possess such powers as are or may be prescribed by this charter, by the general laws of the state, and by the city council.

#### **Sec. 4.25 Nepotism prohibited.**

Relatives by blood or marriage of the mayor, any city council member, or the city manager, within the second degree of consanguinity or affinity, are disqualified from holding any appointive office or from being employed by the city, during the term for which the mayor or council member was elected, or during the tenure of the city manager. However, a person who is already an employee or appointive officer at the time the mayor or council member is elected will not be disqualified from continuing city employment due to a relationship specified in this section.

#### **Sec. 4.26 Officers; surety bonds required; filing.**

The city council may require any officer or employee to give a bond, to be approved by the city council, conditioned upon the faithful and proper performance of the duties of that person's office, in such sum as the city council shall determine. All officers or employees receiving or disbursing city funds shall be bonded in a sum which shall, in no case, exceed twenty-five percent of the estimated amount of city moneys which the officer or employee shall receive or disburse during the period of time for which the officer or employee is bonded. The resignation or removal of any administrative officer shall not, nor shall the appointment of another to the office, exonerate the officer nor the officer's sureties from any liability incurred by the officer or surety. All official bonds shall be corporate surety bonds and the premiums thereon shall be paid by the city, except as otherwise provided in this charter. All bonds of administrative officers shall be filed with the city clerk, except that of the city manager and city clerk, which shall be filed with the treasurer.

#### **Sec. 4.27 Elective officers; holding additional office, restriction.**

Except as otherwise specifically provided in this charter, no elective officer shall hold any city office except that to which elected, nor shall an elective officer be elected or appointed to any city office which was created or

the compensation of which was fixed or increased by the city council while the elective officer was a member of such body, until the expiration of one year from the date when the elective officer ceased to be a member thereof.

#### **Sec. 4.28 Elective officers; declaring vacancies, causes enumerated.**

In addition to other provisions herein contained, a vacancy shall exist in any elective office when an elected officer fails to qualify as in this charter provided, dies, resigns, is adjudged legally incapacitated, is removed from office, removes from the city, or is convicted of a felony.

#### **Sec. 4.29 Same; filling vacancies, procedure.**

A vacancy in the office of mayor or city council member shall, within thirty days after such vacancy occurs, be filled by appointment by a majority vote of the remaining members of the city council. The appointee shall hold office until the next regular municipal election, at which election a successor shall be elected for the unexpired term of the person in whose office the vacancy occurs. When a vacancy occurs in any office to which a person has been appointed, the vacancy shall, within thirty days, be filled by appointment made in the manner provided for appointment to such office. The city council shall by ordinance or resolution establish a procedure for filling vacancies.

#### **Sec 4.30 Conflicts of Interest; ethics.**

In addition to, and subject to the governing provisions of Public Act 317 of 1968, MCL 15.328, as amended, with respect to City contracts with City officials and employees, and Public Act 196 of 1973, MCL 15.341, as amended, concerning standards of conduct for public officers and employees:

*Conflicts of Interest.* The use of public office for private gain is prohibited. The city shall implement this prohibition by ordinance. Regulations to this end shall include but not be limited to: Acting in an official capacity on matters in which the official has a personal financial interest clearly separate from the general public; the acceptance of gifts and other things of value; acting in a private capacity on matters dealt with as a public official; the use of confidential information; and appearances by city officials before other city boards and commissions on behalf of private interest. The ordinance shall provide for reasonable public disclosure of finances by officials with major-decision-making authority over expenditures and contractual matters.

*Ethics.* The city shall, by ordinance, establish an independent board of ethics to administer and enforce the conflict of interest and financial disclosure ordinance. No member of the board of ethics shall hold any other elective or appointive office in the city government. To the extent permissible under state law, the ordinance shall authorize the board of ethics to issue advisory opinions, conduct investigations on its own initiative and on referral or complaint, and to refer matters to the prosecuting attorney. The city council shall appropriate sufficient funds to the board of ethics to enable it to perform its duties.

#### **Sec. 4.31 Defaulters; not qualified to hold office.**

No person who has been convicted of theft, misuse or misappropriation of public funds or who is in default to the city, or to any other governmental subdivision of the State of Michigan, or who has been convicted of a felony, shall be elected or appointed to any office of the city. All votes for, or any appointment of such person shall be void.

#### **Sec. 4.32 Officers; candidates for other office, restriction; exceptions.**

Except as otherwise provided in this charter, no officer or employee of the city shall hold any other elective or appointive City of Clawson government office.

#### **Sec. 4.33 Officers; oaths required, filing; penalty.**

Every officer elected or appointed to any city office, before entering upon the duties of their office, shall take and subscribe to the oath of office prescribed by the state constitution for officers of the state. The oath of office of each officer of the city shall be filed and kept in the office of the city clerk. In case of the officer's failure to do

so on or before the time fixed for taking office, the officer will be deemed to have declined the office unless the time therefor is extended by the city council.

**Sec. 4.34 Clerk, treasurer; deputies; appointment, removal, powers and duties.**

The city clerk and the treasurer may respectively appoint a deputy clerk and a deputy treasurer, subject to the approval of the city manager. The city clerk and the treasurer, or either of them, may remove their deputy at will. Each deputy shall possess all the powers and authorities of their superior officer.

**Sec. 4.35 Appointive officers; appointment, time; extension authorized.**

If, for any reason, any appointment is not made by the city council within the time provided in this charter, it may be made at any subsequent regular or special meeting.

**Sec. 4.36 Appointive officers; removal, restriction.**

Except for reason of gross misconduct in office, no appointive official of the city shall be removed from office within ninety days following the date of any regular city election.

**Sec. 4.37 Employee retirement systems.**

The city council shall have the power to establish an employee retirement system or systems to provide for retirement allowances and death benefits for any or all employees of the city.

## **CHAPTER 5 ELECTIONS**

**Sec. 5.01 Electors; qualifications; registration.**

Each person who has the constitutional qualifications of an elector in the State of Michigan, or who will have such qualifications at the next ensuing regular or special election, shall be entitled to register as an elector of the City of Clawson.

**Sec. 5.02 Election procedure; state law.**

The general election laws of the state shall apply to and control all procedure relating to registration of electors in the city and to the holding of state and county elections within the City of Clawson; and, as near as may be, to the holding of city elections, except as such general laws relate to political parties or partisan procedure, or require more than one publication of notice, and except as otherwise provided by this charter.

**Sec. 5.03 Regular elections; time of holding.**

A nonpartisan regular city election shall be held on the Tuesday following the first Monday of November in each odd numbered year for the election of city officers.

**Sec. 5.04 Special elections; time of holding.**

Special elections shall be held in accordance with the Michigan Election Law, Public Act 116 of 1954, MCL 168.1 et seq, as amended, when called by resolution of the city council at least sixty (60) days in advance of such election, or when required by this charter or the general laws of the state. Any resolution calling a special election shall set forth the purpose of such election.

**Sec. 5.05 Elections; notices required; city clerk, duties.**

Notice of the time and place of holding any election and the officers to be elected and the questions to be voted upon shall be given by the city clerk in accordance with the Michigan Election Law, as amended.

**Sec. 5.06 Polls; hours open.**

The opening and closing of polls of all elections shall be in accordance with the Michigan Election Law, as amended.

**Sec. 5.07 Nominating petitions; signatures required.**

Nominating petition procedure shall be in accordance with the Michigan Election Law, as amended. Persons desiring to qualify as candidates for any elective office under this charter shall file with the city clerk a petition thereof signed by not less than twenty (20) nor more than fifty (50) registered electors of the city not later than 4:00 p.m. on the fifteenth Tuesday prior to the date of the regular city election. Petition forms shall be furnished by the city clerk.

**Sec. 5.08 Elective offices; filling vacancies; nominating petitions, contents.**

Whenever it is necessary at any city election to elect an officer to fill a vacancy for an unexpired term, the candidate nominating petitions shall state the purpose of the election is to fill a vacancy for the remainder of an unexpired term.

**Sec. 5.09 Ballots; form, printing, numbering, etc.; state law; party designation prohibited; candidates' names; rotation.**

The form of the ballot used in any city election shall conform as nearly as may be to that prescribed by the general laws of the state, except that no party designation or emblem shall appear upon any city ballot.

**Sec. 5.10 Election commission; creation, composition, powers and duties.**

An election commission is hereby created, consisting of the city clerk, the mayor and one other elective or appointive city officer as the city council may designate. The city clerk shall be chairperson. The election commission shall have charge of all activities and duties required of it by state law and this charter relating to the conduct of elections in the city. The compensation of election personnel shall be determined in advance by the election commission, and shall be a fixed amount for each election; provided, such compensation shall not exceed the amount appropriated for elections in the budget, unless such increase shall first have been approved by the city council as are other increases in appropriation for any department or function. In the event of a conflict in election procedure as between the general election laws of the state and the provisions of this charter, or in any case where election procedure is in doubt, the election commission shall prescribe the procedure to be followed.

**Sec. 5.11 Tie vote; determination.**

If at any city election there shall be no choice between candidates by reason of two or more candidates having received an equal number of votes, then the county board of canvassers shall name a date for the appearance of such candidates for the purpose of determining the election of such candidates by lot as provided by state law.

**Sec. 5.12 Recount of votes.**

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

**Sec. 5.13 Elective officers; recall.**

Any elective official may be removed from office by the electors of the city in the manner provided by the general laws of the state. No person who has been removed from office by recall, or who has resigned from office while recall proceedings are pending against the person, shall be appointed to any office within one year after such recall or resignation.

## **CHAPTER 6 GENERAL FINANCE, CITY BUDGET AND FUNDS**

### **Sec. 6.01 Fiscal year.**

The fiscal year of the city shall be the twelve months period from July 1st of one year to June 30th of the following calendar year.

### **Sec. 6.02 Withdrawals from treasury; requisites.**

No money shall be drawn from the treasury except upon warrant checks signed by the mayor, city clerk and treasurer. Every warrant check shall specify the fund from which it is payable and the bank account on which it is drawn. No warrant check shall be drawn which will overdraw the cash balance of the fund from which it should be paid and if any such warrant check shall be drawn it shall be void. No warrant checks shall be issued until the same shall have been authorized by the city council; provided, however, that warrant checks may be issued for the payment of freight, discharged labor, or other current expenses without the prior authorization of the city council if authorized by the city manager or city clerk, but the total amount of such warrant checks issued between any successive regular meetings of the city council shall not exceed such an amount as the city council shall from time to time establish. All claims and demands against the city, together with any counter claims that may be credited thereto, shall be received and audited by the clerk who shall enumerate them on a regular form prescribed by the city council. The city manager and city clerk shall certify to the city council as to the correctness or incorrectness of the various amounts on such list. The city council shall authorize the issuance of warrant checks for the payment of such items as shall be approved by it.

### **Sec. 6.03 Taxes, fees, funds, etc.; collection, deposit.**

All taxes, special assessments, water bills and license fees accruing to the city shall be collected by the city treasurer. All moneys received by any officer or employee of the city for or in connection with the business of the city shall be paid promptly into the city treasury. The treasurer shall deposit each day's receipts of each fund intact in such responsible banking institutions as may be designated by the city council and furnishing such security as the city council may determine, and all interest on such deposits shall accrue to the benefit of the city. The city council shall provide for the prompt and regular payment and deposit of all city moneys as required by this section. City funds shall be invested in accordance with an investment policy established by ordinance or resolution of the city council in accordance with 1943 PA 20, MCL 129.91, as amended.

### **Sec. 6.04 Fees; delivery to treasurer required; penalty.**

Except as otherwise provided in this charter, all fees paid to any officer in the performance of any duties which may be required under the ordinances of the city, this charter, or by state law, shall belong to the city and shall be accounted for and paid to the treasurer forthwith, upon receipt thereof. Failure to do so shall constitute misconduct in the office.

### **Sec. 6.05 Revenues; appropriation to designated funds.**

The revenues raised by general taxation upon all the property in the city, or by loan to be repaid by such tax, shall be appropriated to such and so many funds as the city council may by ordinance or resolution determine.

### **Sec. 6.06 Accounts; annual audit required.**

No later than thirty days after the close of each fiscal year, the city council shall provide that an annual audit be made of all city accounts by certified public accountants, who have no personal interest, direct or indirect, in the financial affairs of the city or any of its officers or employees.

### **Sec. 6.07 Annual budget; preparation, contents.**

In April of each year, the city manager, or city manager's designee in the absence of the city manager, shall submit to the city council a budget of all income and expenditures of the city for the ensuing year. The budget shall contain at least the following information:

- (1) Expenditure data for the most recently completed fiscal year and estimated expenditures for the current fiscal year.
- (2) An estimate of the expenditure amounts required to conduct, in the ensuing fiscal year, the city government, including its budgetary centers.
- (3) Revenue data for the most recently completed fiscal year and estimated revenues for the current fiscal year.
- (4) An estimate of the revenues, by source of revenue, to be raised or received by the city in the ensuing fiscal year.
- (5) The amount of surplus or deficit that has accumulated from prior fiscal years, together with an estimate of the amount of surplus or deficit expected in the current fiscal year. The inclusion of the amount of an authorized debt obligation to fund a deficit shall be sufficient to satisfy the requirement of funding the amount of a deficit estimated under this subdivision.
- (6) An estimate of the amounts needed for deficiency, contingent, or emergency purposes.
- (7) Other data relating to fiscal conditions that the city manager considers to be useful in considering the financial needs of the city.

### **Sec. 6.08 Annual appropriation resolution; tax levy, limitation.**

In May of each year, the city council shall pass an annual appropriation resolution, which shall be based on the budget submitted by the city manager, as approved or amended by the city council. The total amount of appropriation shall not exceed the revenue of the city as estimated by the city council, based upon a tax levy for all city purposes which shall not exceed one and one-half (1½) percent of the assessed value of all real and personal property in the city, plus all miscellaneous revenues derived by the city in accordance with the provisions of state law, this charter, and the ordinances of the city.

### **Sec. 6.09 Tax levy, certification; general taxes; apportionment to designated funds.**

The city clerk, after the city council has determined the several amounts which they require to be raised by general tax for the several funds of the city, and the aggregate thereof, shall certify the same to the city treasurer. When such general taxes shall be received by the treasurer, they shall be apportioned to the several funds of the city pro rata according to the several amounts of said funds so certified. No liabilities shall be incurred by any officer or employee of the city, except in accordance with the provisions of the annual appropriation resolution, or under continuing contracts and loans authorized under the provisions of this charter. At any meeting, after the passage of the appropriation resolution and after at least one week's notice in a newspaper circulating in the city, the city council may amend such resolution to authorize the transfer of unused balances appropriated for one purpose to another purpose, or to appropriate available revenues of a class not included in the annual budget.

### **Sec. 6.10 Funds; surplus, disposition.**

If for any reason there is, at the end of the fiscal year, a surplus in any current expense fund, the surplus shall be transferred and credited by the city council to the general fund. The city council shall have power to withdraw any portion of such funds and apply same to contingent expenses, reduction of taxes, or acquisition of property.

## **CHAPTER 7 GENERAL ASSESSMENTS AND TAXATION**

### **Sec. 7.01 Subjects of taxation.**

The subjects of taxation for municipal purposes shall be the same as for state, county, and school purposes under the general law of the state. No exemptions from taxation upon such subjects shall be allowed except such exemptions as are expressly authorized or required to be made by the city by state law.

### **Sec. 7.02 Assessment roll; preparation; city assessor, duties.**

Between tax day and the first meeting of the board of review each year, the city assessor shall make and complete an assessment roll in the manner and form provided in the General Property Tax Act..

### **Sec. 7.03 Same; review; hearing, notice; adjustments.**

The board of review shall meet for the purpose of reviewing and correcting said assessment roll, at a designated place in the city on the Tuesday following the first Monday in March of each year and the day(s) following, if necessary. For the purpose of hearing protests from taxpayers, the board of review shall also meet on the second Monday in March and the following day(s) as may be necessary to complete the review and hear protests. The board shall have the powers and shall comply with the procedures for boards of review set forth in the General Property Tax Act, MCL 211.29 et seq.

### **Sec. 7.04 Assessment roll; county, school and city taxes.**

The assessment roll herein provided for shall be the assessment roll for the county, school and city taxes and for any other taxes that may be authorized by law.

### **Sec. 7.05 Assessment roll; county, school taxes; state law.**

After the board of review shall have approved such assessment roll, the city assessor shall, within the proper time, spread thereon the amount of the county taxes, and also school taxes if raised at the same time as the county taxes, in the manner and form provided therefor by the general tax laws of the state. County and school taxes shall be levied, collected and returned in conformity with the general laws of the state.

### **Sec. 7.06 School taxes; city officers, powers and duties; state law.**

In all proceedings in relation to assessment, spreading and collection of taxes for county and school purposes, and in relation to the receipt and disbursement of all money belonging to the school district, the city assessor, city clerk, and city treasurer shall have like powers and duties as are prescribed by the laws of the state for supervisors of townships, township clerks and township treasurers respectively.

### **Sec. 7.07 Tax levy, certification; city clerk, duties.**

The city clerk shall certify to the city assessor the total amount which the city council determines shall be raised by general tax; all amounts of special assessments which the city council requires to be reassessed upon any property or against any person; and all other amounts which the city council may determine shall be reassessed against any person or property.

### **Sec. 7.08 City tax roll; preparation, contents.**

After the endorsement of the assessment roll by the chairperson and the clerk of the board of review, and after the same has been equalized, the city assessor shall prepare a copy thereof to be known as the "city tax roll," and upon receiving the said certificate of the several amounts to be raised as provided in the preceding section, the assessor shall proceed to assess the several amounts determined by the city council to be reassessed against persons or property; and shall also proceed to assess the amounts of the general city tax according and in proportion to the several valuations set forth in said assessment roll. The assessor shall set down in columns opposite to the several valuations of real and personal property on said tax roll the respective sums in dollars and

cents, apportionable to each, placing general taxes in one column, school taxes if raised at the same time as city taxes, in the next column, special assessments in the next column, and the amounts of any assessments or reassessments in the following column or columns.

#### **Sec. 7.09 City tax roll; certification; warrant, issuance; installment payments, interest charges.**

After extending the taxes aforesaid, the city assessor shall certify said tax roll and the mayor shall annex the mayor's 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 authorizing the treasurer, in case any person named therein shall neglect or refuse to pay such sums, to levy the same by distress and sale of their goods and chattels, together with the costs and charges of such distress and sale. Said warrant shall direct that all of said taxes may be paid in eight equal installments, which installments shall fall due on the 31st day of July of the same year and on the last day of each of the seven respective months thereafter and may be paid without additional charge while not in default; provided, however, if any of such deferred installments be not paid on or before the respective due date or dates thereof, then there shall be added to said delinquent installment or installments an additional charge computed thereon at the rate of six percent per annum, from July 31st preceding, while such default continues. The additional charge hereinbefore provided for shall become the property of the city of reimbursement for the expense of such tax collection. The city tax roll and annexed warrant, together with a true copy of duplicate thereof, shall be delivered by the assessor to the treasurer on or before the 15th day of June of the year when made.

#### **Sec. 7.10 Notice to taxpayers required; sufficiency.**

Upon receiving the city tax roll, the treasurer shall proceed to collect the taxes. The city treasurer shall prepare and mail to each taxpayer, at the last known address on the tax roll, a statement or billing stating the assessed and taxable values, the amount of tax payable and a brief description of the property taxed, but neither the failure to send or receive such notice nor error in such notice shall invalidate the legality of the tax levy.

#### **Sec. 7.11 Taxes; due date.**

City taxes shall be due on the first day of July of the year when levied and shall be payable as stated in the warrant of the mayor annexed to said roll.

#### **Sec. 7.12 Taxes; lien on property.**

The city taxes when assessed shall become at once a debt due to the city from the persons to whom they are assessed, and the amounts assessed on any interest in real property shall on the first day 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 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 lien 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 commerce.

#### **Sec. 7.13 Liens; city powers.**

The city shall have power to acquire by purchase any premises within the city 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 city for taxes or special assessments, or both, on said premises and may hold, lease, or sell the same for the purpose of securing therefrom the amount of such taxes or special assessments, or both, together with any incidental expenses incurred in connection with the exercise of this power. Any such procedure exercised by the city in the protection of its tax lien shall be deemed to be for a public purpose.

**Sec. 7.14 Unpaid taxes; return to county treasurer; state law.**

If the treasurer has been unable to collect any of the city taxes on said roll on real property before the first day of March following the date when said roll was received by the treasurer, then it shall be the treasurer's duty to return all such unpaid taxes on real property to the county treasurer in the manner provided by statute for returns by township treasurers of uncollected school and county taxes. Such returns shall be made upon a delinquent tax roll which the treasurer shall make in duplicate and shall include all the additional assessments, charges, and fees hereinbefore provided, which shall be added to the amount assessed in said the city tax roll against each person or property. The treasurer shall retain the duplicate copy of said delinquent tax roll in the treasurer's files. The taxes returned shall be collected in the same manner as other taxes are collected under the general tax laws of the state, and the same rate of interest and all charges shall be collected thereon, and all taxes upon lands so returned as delinquent shall be and remain a lien thereon until paid.

**Sec. 7.15 Sales, lands; delinquent taxes; payment to city treasurer.**

Moneys collected by the county treasurer or received from the sale of lands for delinquent city taxes, shall be paid over to the city treasurer as required by state law. All of the provisions of the general tax laws relative to the sale and redemption of lands returned for delinquent taxes shall apply to the sale and redemption of lands returned for delinquent taxes assessed under the provisions of this charter.

**Sec. 7.16 Real property, joint interests; taxes, apportionment.**

Any person owning an undivided share or other part of any parcel of real property, assessed in one description, may pay on the share or part thus owned by paying an amount having the same relation to the whole tax as the value of the part on which payment is made has to the value of the whole parcel. The person making the payment shall accurately describe the part or share on which the person makes payment and the receipt given and the record of the receiving officers shall show such description and by whom paid; and in case of the sale of the remaining part or share, for nonpayment of taxes, the person may purchase the same in like manner as any disinterested person could. The values above referred to shall be determined by the city assessor who before making such determination shall set a time for hearing and shall notify the interested parties by registered mail at their last known addresses, such notice to be mailed at least ten days before the hearing. Any person aggrieved by such determination may appeal therefrom to the board of review by filing notice thereof with the city clerk within ten days after receiving notice of such decision. The board of review shall then without delay meet and review such decision and either affirm or modify it.

**Sec. 7.17 Liens on property; certificates, issuance and fees.**

It shall be the duty of the city treasurer, upon request made by any party, to certify all unpaid taxes, special assessments, and other charges which are a lien upon any specified property, and which are payable at the treasurer's office, and the treasurer may upon being authorized by the city council charge the party requesting the same such fee as the city council shall establish, which fee shall be paid into the city treasury and credited to the general fund. The issuance of such certificate shall not create any liability upon the part of the city or city treasurer, except that in event of fraud in the issuance thereof, the person actually issuing the same shall be liable therefor.

**Sec. 7.18 Fees, penalties; credit to general fund.**

The fees and penalties for the collection of all taxes provided for by this charter, or the general laws of the state, shall belong to the city and shall be credited to the general fund.

## **CHAPTER 8 BONDS**

### **Sec. 8.01 Bonds; issuance, council powers.**

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

### **Sec. 8.02 Special assessment bonds; issuance, regulations.**

The city council shall, subject to the applicable provisions of the general laws of the state, have authority to borrow money, at interest rates not to exceed six percent per annum, in anticipation of the payment of special assessments made for the purpose of defraying the cost of any public improvement, and to issue bonds therefor. Such special assessment bonds shall be secured by the faith and credit of the special assessment district to which they apply and the city council may also pledge the full faith and credit of the City of Clawson for the payment of the principal and interest thereon. Said bonds shall not be sold or otherwise disposed of by the city at less than their par value. Collections on special assessments pledged for the payment of bonds shall be set aside in a special fund for the payment of the principal and interest on such bonds, and shall be used for no other purpose. Any improvement which is to be financed in whole or in part from the sale of special assessment bonds, shall not be begun or contracted for until such bonds shall have been sold; provided that the foregoing shall not apply to the acquiring of plans and specifications. Bonds of a single series may be issued in anticipation of the collection of special assessments levied in respect to two or more improvements but no special assessment district shall by reason thereof be compelled to pay the obligation of any other special assessment district.

### **Sec. 8.03 Special improvement bonds; issuance.**

Whenever any portion of the cost of any improvement shall be assumed by or charged to the city at large and the balance of such cost assessed to the property benefited, if the city council shall provide for the payment of the city's portion of such cost in installments, then in such case, bonds may be issued in anticipation of the payment of the amount assessed to the city at large the same as they may be issued in anticipation of the payment of the amount assessed to the benefited property. There shall be appropriated each year an amount sufficient to pay such bonds issued against the city portion when the same fall due. Nothing in this section contained shall be construed to require the financing of the city's portion of the cost of any improvement in the manner herein specified.

### **Sec. 8.04 Mortgage bonds; issuance.**

When the city is authorized to acquire, own, or operate any public utility, it may, in accordance with the provisions of sections 24 and 25 of Article VII of the Michigan Constitution of 1963, and MCL 117.4c, issue mortgage bonds therefor beyond the general limit of bonded indebtedness prescribed by law.

### **Sec. 8.05 Revenue bonds; issuance.**

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

### **Sec. 8.06 Sinking funds; investments, restriction; city treasurer, custodian.**

The city council shall make such investments of the moneys in the sinking fund or funds, and such disposals of securities held in such fund as the city council may deem expedient, provided, however, that investments shall be made in only such securities as are approved by the laws of the state, for sinking fund purposes. The city treasurer shall have the custody of all securities and moneys held in the sinking funds.

### **Sec. 8.07 Interest and principal, payment; tax levies required.**

It shall be the duty of the city council to include in the amount of taxes levied each year an amount sufficient to pay the annual interest on all loans, any installments of the principal thereof falling due before the time of the following tax collection and all payments required to be made to the sinking fund.

### **Sec. 8.08 Emergency bonds, issuance; amount, limitation.**

In case of fire, flood or other calamity, the city council by a three- fourths vote of its members holding office may borrow for the relief of the inhabitants of the city and for the preservation of municipal property a sum not to exceed three-eighths of one per centum of the assessed valuation of all real and personal property in the city, due in not more than five years, even if such loan would cause the indebtedness of the city to exceed the limit fixed in this charter, or as may otherwise be permitted under state law.

### **Sec. 8.09 Bonds; proceeds, use; restriction, penalty; signatures, records, required.**

Each bond or other evidence of indebtedness shall contain on its face a statement specifying the purpose for which the same is issued and it shall be unlawful for any officer of the city to use the proceeds thereof for any other purpose, and any officer who violates this provision shall be deemed guilty of misconduct in office. All bonds and other evidences of indebtedness issued by the city shall be signed by the mayor and countersigned by the city clerk, under the seal of the city. Interest coupons may be executed with the facsimile signature of the treasurer. A complete and detailed record of all bonds and other evidences of indebtedness issued by the city shall be kept by the city clerk. Upon the payment of any bond or other evidence of indebtedness, the same shall be marked "canceled."

### **Sec. 8.10 Bonds, sale; proceeds, disposition.**

When the proceeds from the sale of any bonds shall have been paid into the city treasury, the principal thereof shall be credited to the fund for which the bonds were issued, and be applied exclusively to the purpose for which the bonds are authorized. No moneys received from the sale of any bonds issued for any permanent public improvement shall be used for maintenance. The premiums and accrued interest received, if any, shall be credited to the interest fund.

### **Sec. 8.11 Bonds; payment, refunds; cancellation required.**

All bonds and evidences of debt which have been paid or which shall have been refunded, shall be properly canceled.

### **Sec. 8.12 Registration; council authority.**

The city council may, if it deems advisable, provide for the registration of any bonds issued by the city.

### **Sec. 8.13 Unissued bonds; void after specified time.**

If any bonds properly authorized are not issued within three years after authorization, such authorization of bonds shall thereafter be null and void.

## **CHAPTER 9 SPECIAL ASSESSMENTS**

### **Sec. 9.01 Procedure to be Fixed by ordinance.**

The city council shall have the power to determine whether to defray all or part of the cost of any public improvement or repair by special assessment of property specially benefited by the public improvement or repair. The city council shall establish by ordinance a complete special assessment procedure concerning the initiation of projects, plans and specifications, cost estimates, notices and hearings, making and confirmation of special assessment rolls, correction of errors, contested assessments, financing of public improvements by special assessment, collection of special assessments, and any special assessment project-related matters.

## **CHAPTER 10 STREETS AND SIDEWALKS**

### **Sec. 10.01 Streets, alleys, etc.; control, city powers; plan, adoption.**

The city shall have reasonable control of all the streets, alleys and public highways within its limits and may use and enjoy the same and the space above and below them. The city may adopt a plan of streets, alleys and public highways within its limits and so far beyond its limits as may be permitted by law.

### **Sec. 10.02 Same; improvements, council authority; vacating highways, restriction.**

The city council shall have power to improve streets, alleys and public highways in the city by grading, graveling, curbing, paving, repairing, repaving, illuminating, maintaining the same free from dust and nuisance; by constructing, reconstructing and repairing sidewalks; or otherwise. It shall have authority to lay out, open, widen, extend, straighten, alter, close, vacate or abolish any street, alley or public highway or part thereof in the city, except as herein otherwise prohibited, whenever it shall deem such action to be a public improvement, provided that it shall not vacate any state or county highway designated as such.

### **Sec. 10.03 Vacating streets, etc.; resolution required; hearing objections; notice, publication.**

When the city council shall deem it advisable to vacate or abolish any street, alley or other public highway or any part thereof, it shall, by resolution adopted by a majority of the council members holding office, so declare, and in the same resolution shall appoint a time, not less than four weeks thereafter, when it shall meet and hear objections thereto. Notice of such meeting, with a copy of said resolution, shall be published once, not less than one week before the appointed time for such meeting, in a newspaper circulating in the city.

### **Sec. 10.04 Grades; establishment, alteration; council authority; records, diagrams, required.**

The city council shall have authority to establish and alter the grades of streets, alleys, public highways, sidewalks, curbs and public grounds within the city. Whenever a grade shall be established or altered, a record and diagram thereof shall be kept on file in the proper office of the city.

### **Sec. 10.05 Sidewalks, grade changes; costs.**

Whenever any sidewalk has been built in conformity to a grade established by the city and the cost thereof paid for by the abutting property owner by special assessment or otherwise, then such owner or the owner's successor in title shall not be required to reconstruct such sidewalk nor shall the abutting property be subject to a special assessment therefor, in event a reconstruction is made necessary by a change in grade made by the city, provided such sidewalk is in good condition.

### **Sec. 10.06 Trees, shrubs; planting, maintenance; council powers.**

The city council may provide for and regulate the planting of shade and ornamental trees and shrubbery in the streets and public highways of the city and may provide for the care and maintenance thereof.

### **Sec. 10.07 Sidewalks; snow, ice, etc., removal; ordinance authorized; city authority.**

The city council may by ordinance require abutting property owners to remove snow, ice, filth and other obstructions from the sidewalks in front of their respective properties, and in event of the failure of any person to do so, such ordinance may provide that the city may perform such work and charge the cost thereof to such property owner and to assess the owner and the property therefor as in this charter provided.

## **CHAPTER 11 SEWERS AND DRAINS**

### **Sec. 11.01 Construction, maintenance; contracts; council authority.**

The city council may establish, construct and maintain a sewerage system, sewage disposal system, sewers and drains whenever and wherever necessary. Such systems, sewers and drains may be constructed either within or without the city or partly within and partly without the city. The city council may contract with any other government unit or units for sewerage and drainage facilities, provided that the same is approved by two-thirds of the electors of the city voting thereon at a general or special election.

### **Sec. 11.02 Private connections authorized.**

The owners or occupants of lots and premises may connect the same, at their own expense, by means of private drains, with the city sewers and drains, as permitted by law and ordinance and under such rules and regulations as the city may prescribe.

### **Sec. 11.03 Private drains; construction, repair; property owners, duties; city authority.**

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

### **Sec. 11.04 Sewage disposal systems; acquisition, etc., city powers.**

The city may acquire, establish, operate, extend and maintain sewage disposal systems, sewers and plants either within or without its corporate limits, as a utility, and may fix and collect charges for service covering the cost of such service, the proceeds whereof shall be exclusively used for the purpose of such sewage disposal system, and which may include a return on the fair value of the property devoted to such services, excluding from such valuations such portions of the system as may have been paid for by special assessment, and which charge may be made a lien upon the property served, and if not paid when due, may be collected in the same manner as are city taxes.

## **CHAPTER 12 WATER SUPPLY**

### **Sec. 12.01 Water; council powers; charges, ordinance required.**

The city council may provide for a water system and an adequate supply of water for the use of the city and its inhabitants. Such supply may be secured from some other municipality or by the establishment and maintenance of a waterworks pumping station. If the water is furnished by the city to the inhabitants thereof, the city council shall establish a scale of rates to be charged for water, which shall be based upon the consumption thereof, and from time to time, either modify, amend, increase, or diminish such rates in accordance with the cost of furnishing such water supply, and the city council shall prescribe, by ordinance, when and to whom such rates shall be paid and what steps shall be taken to enforce payment thereof, including any steps provided for or permitted to cities by state law, and such ordinance may provide in case of nonpayment, that unpaid water charges shall be a lien against the property served, and that the supply of water shall be shut off or stopped as to any person or persons neglecting or refusing to make such payment.

## **CHAPTER 13 FRANCHISES AND PUBLIC UTILITIES**

### **Sec. 13.01 Franchises; council authority.**

The city council may grant franchises for public utilities and other purposes, subject to the limitations of the constitution and general laws of the State of Michigan and this charter. No ordinance granting a franchise shall be passed until after the expiration of thirty days from the date of its introduction.

### **Sec. 13.02 Franchises; revocable at will; exception.**

No franchise of any kind, which is not subject to revocation at the will of the city council, shall be granted unless such proposition shall have first received the affirmative vote of three-fifths of the electors voting thereon at a regular or special election. No franchise shall be submitted to the electors at a special election unless the expense of holding the election, as determined by the city council, shall be paid to the city treasurer in advance by the grantee in said franchise.

### **Sec. 13.03 Exclusive franchise prohibited; term, restriction.**

No exclusive franchises shall ever be granted by the city, and no person, firm or corporation shall ever be granted any franchise, license, right or privilege whatever, for a term exceeding thirty (30) years. No franchise or contract shall be renewed before one year prior to its expiration and no franchise shall ever be granted unless and until the holder thereof shall have given to the city a good and sufficient bond conditioned for the faithful performance of the terms and provisions of the said franchise to be approved by the city council and in an amount to be fixed by the city council, and the city council shall have the right to require new or additional sureties on said bond whenever in its discretion the interests of the said city so require.

### **Sec. 13.04 Franchises; leases, assignments, etc.; restriction.**

No franchise granted by the city council shall ever be leased, assigned or otherwise alienated except in accordance with the express provisions of said franchise, and all franchises granted by the city council shall provide how and in what manner, and under what conditions said franchises may be leased, assigned or alienated and no dealings with the lessee or assignee shall be deemed to have operated as such consent.

### **Sec. 13.05 Franchises; changes, modifications; restriction.**

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

### **Sec. 13.06 Franchises; property, purchase by city.**

Every franchise hereafter granted for a public utility shall contain a provision that the city shall at any time have the right to purchase the property, exclusive of the franchises of the grantee, its successors or assigns, within this city, at a price to be agreed upon, determined by arbitration as provided in the franchise, but this right of purchase shall not apply to railroads other than street railroads. When such property in its entirety shall be sold to the city, the franchise shall be surrendered at no cost to the city.

### **Sec. 13.07 Franchises; city rights, reservation.**

The grant of every franchise or privilege shall be subject to the right of the city, whether such right is expressly reserved in the terms thereof or not, to make all regulations which shall be necessary to secure in the most ample manner the safety, welfare and accommodation of the public, including among other things the right to pass and enforce ordinances to require proper and adequate extensions of the service of such grant and to protect the public from danger or inconvenience, in the operation of any work or business authorized by the grant of the franchise, and to control at all times the location and relocation of public utility fixtures, whether above or under the ground, or if the city council deems it necessary to prohibit or prevent the placing or maintaining of

telegraph, telephone or electric wires in the streets, alleys, avenues or public grounds of the city, above the ground, it may compel the placing of them underground.

#### **Sec. 13.08 Property; joint use, compensation.**

The city, by and through its city council, shall have the power to require any person holding a franchise from the city to allow the use of its tracks, poles, conduits and wires or any facilities that can be jointly used, by any other person to which the city shall grant a franchise, or by the city itself, upon the payment of reasonable compensation to the owner thereof.

#### **Sec. 13.09 Public utilities; supervision, control; council authority.**

The city council shall maintain general supervision over all public utility companies insofar as they are subject to municipal control. The city council shall cause to be instituted such actions or proceedings as may be necessary to prosecute public utility companies for violations of law, and may revoke, cancel or annul all franchises that may have been granted by the city, which have become in whole or in part for any reason illegal or void and not binding upon the city.

#### **Sec. 13.10 Franchises; provisions, enumeration not limitation.**

The enumeration and specification of particular matters in this charter which must be included in every franchise or grant shall never be construed as impairing the right of the city council to insert in such franchise or grant any other and further matters, conditions, covenants, terms, restrictions, limitations, burdens, taxes, assessments, rates, fares, rentals, charges, control forfeitures or any other provisions whatever, as the city council shall deem proper to protect the interest of the people.

#### **Sec. 13.11 Streets, public places, etc.; permits, issuance.**

The city council may grant permits at any time, in or upon any street, alley, easement or public place, provided such permit shall be revocable by the city council at its pleasure at any time whether such right to revoke be expressly reserved in said permit or not; provided, that when such a permit is granted for water mains, sewers or drains, it may be made irrevocable unless the grantee be a private person, firm or corporation.

#### **Sec. 13.12 Public utilities; acquisition, electors' approval required.**

Whenever the city council shall by resolution declare that it is expedient for the city to acquire by purchase or to construct works for the purpose of supplying the city and the inhabitants thereof for municipal or commercial purposes, or both, with gas, electric or other lights, or to purchase, construct or extend the waterworks of the city, then the city council shall have the power to take such action as it shall deem expedient to accomplish such purpose, and shall thereupon make or cause to be made an estimate of the expenses thereof and the question of raising the amount required for such purpose shall be submitted to the electors of the city at an annual or special election, and the city council shall be authorized to raise by tax or loan, or by both, the amount required, if at said election three-fifths of the electors voting thereon shall by ballot so decide. The city council shall have power to fix the time and place of the payment of the principal and interest of any debt contracted for the purchase or construction of said works and to issue bonds of the city therefor, provided that the total amount for the purchase or construction of such works shall not exceed the amount of the estimate of the expense determined at said election.

#### **Sec. 13.13 Public utilities; disposition, electors' approval required.**

The city shall not sell, exchange, lease, or in any way alienate or dispose of the property, easements, income or other equipment, privilege or asset belonging to and appertaining to any utility which it now owns or may acquire, unless and except the proposition for such purpose shall first have been submitted, at a regular election held for the purpose in the manner provided in this charter, to the qualified voters of the city and approved by them by a three-fifths majority vote of the electors voting thereon. All contracts, negotiations, grants, leases or other forms of transfer in violation of this provision shall be void and of no effect as against the city. The

provisions of this section shall not, however, apply to the sale or exchange of any articles or equipment of any city-owned utility as are worn out or useless, or which could, with advantage to the service, be replaced by new and improved machinery or equipment.

#### **Sec. 13.14 Separate accounts required; contents; annual report.**

Separate accounts shall be kept for each public utility owned or operated by the city, distinct from other city accounts, and in such manner as to show the true and complete financial result of such city ownership or operation, or both, including all assets, liabilities, revenues, and expenses. These accounts shall show the actual cost to the city of each such public utility, the cost of all extensions, additions, and improvements, all expenses of maintenance, the amounts set aside for sinking fund purposes, and all operating expenses of every description. They shall show as nearly as possible, the value of any service furnished to or rendered by any such public utility by or to any other city department. They shall also show a proper allowance, for depreciation, and insurance. The council shall annually cause to be made and printed for public distribution a report showing the financial results of such city ownership or operation, or both, which report shall give for each utility, the information specified in this section, and such further information as the city council shall deem expedient.

### **CHAPTER 14 CONTRACTS**

#### **Sec. 14.01 Authority and procedure to make contracts and purchases.**

The City Council shall establish by ordinance the procedures for the purchasing or contracting for supplies, materials, equipment or services.

### **CHAPTER 15 ORDINANCES**

#### **Sec. 15.01 Enacting clause; style; effective date; amendment, repeal.**

All legislation of the City of Clawson shall be by ordinance. Each ordinance shall be identified by a number and a short title. The style of all ordinances shall be, "The City of Clawson Ordains:". The effective date of each ordinance shall be prescribed therein. At least two weeks shall elapse between the introduction and enactment of ordinances, except that the city council may pass any ordinance which is immediately necessary for the preservation of the public peace, health, or safety by a four-fifths vote of the city council as an emergency ordinance on the date of introduction thereof. Any ordinance passed as an emergency ordinance shall recite such fact. No ordinance making or amending a grant, renewal, or extension of a franchise or other special privilege shall be passed by the city council as an emergency ordinance. No ordinance shall be revised, altered, or amended by reference to its title only, but the section or sections of the ordinance revised, altered, or amended shall be reenacted and published in full, except as otherwise provided in this charter. An ordinance may be repealed by reference to its number and title only.

#### **Sec. 15.02 Ordinances; record required, signatures.**

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

#### **Sec. 15.03 Violations; penalty, limitation.**

When, by the provisions of this charter, the city council has authority to pass ordinances for any purpose, it may prescribe fines, penalties and forfeitures not exceeding five hundred dollars, or imprisonment not exceeding ninety days, or both, in the discretion of the court, for each violation of any of such ordinances, and may provide that the offender, on failing to pay such fine, penalty or forfeiture and the cost of prosecution, may be imprisoned for any time not exceeding ninety days, unless payment thereof be sooner made, and also that the offender be kept at labor during such imprisonment. Such fine, penalty or forfeiture and imprisonment for the violation of any ordinance, shall be prescribed in the ordinance, and if imprisonment be adjudged in any case, the court may, in its discretion, direct that such imprisonment shall be in the city prison, the county jail of Oakland County or in any

other place of confinement provided by the city or general or special laws of the State of Michigan for such purpose. The city may adopt an ordinance punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00, or both, if the violation substantially corresponds to a violation of state law that is a misdemeanor for which the maximum period of imprisonment is 93 days.

#### **Sec. 15.04 Ordinances; publication required.**

All ordinances of the city shall be published before they become operative. All ordinances when enacted shall be published forthwith by the city clerk in the manner provided by this charter for publication of notices, or as may be otherwise authorized by state law, and the city clerk shall certify the manner and date of publication under each ordinance in the ordinance book.. Instead of publishing a true copy of an ordinance before it becomes operative, the city may publish a summary of the ordinance. If the city publishes a summary of the ordinance, the city shall include in the publication the designation of a location in the city where a true copy of the ordinance can be inspected or obtained. The city council may adopt any detailed technical regulations as a city ordinance or code by reference to the law, code, or rule in an adopting ordinance and without publishing the law, code, or rule in full. The law, code, or rule shall be clearly identified in the adopting ordinance and its purpose shall be published with the adopting ordinance. Printed copies of the law, code, or rule shall be kept in the office of the city clerk, available for inspection by and distribution to the public. The publication shall contain a notice stating that a complete copy of the law, code, or rule is made available to the public at the office of the city clerk in compliance with state law.

#### **Sec. 15.05 Codification.**

The city council shall have the power to codify, recodify and continue in code its municipal ordinances, in whole or in part. The ordinance adopting the code, as well as subsequent ordinances repealing, amending, continuing, or adding to the code, shall be published as required by law.

#### **Sec. 15.06 Initiative and referendum; petitions authorized.**

An ordinance may be initiated by petition, or a referendum on an ordinance enacted by the council may be had by a petition, as hereinafter provided. The registered electors of the city have the powers of initiative and referendum. Initiative means the power to propose and adopt ordinances. Referendum means the power to repeal ordinances adopted by city council. Electors may initiate an ordinance by petition, or electors may petition for a referendum of an ordinance the city council adopted.

#### **Sec. 15.07 Same; petitions; signatures required; sufficiency, determination.**

An initiative or a referendum petition shall be signed by registered qualified electors of the city in number equal to twenty-five percent of the registered voters in the city at the last regular election held prior to the filing of the petition. Before being circulated for signatures, all such petitions shall be approved as to form by the city clerk. Each signer of a petition shall sign his or her name in ink or indelible pencil, and shall include the date and the signer's place of residence by street and number, or by other designation sufficient to identify it. 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 thereon is the genuine signature of the person whose name it purports to be, and that it was made in the presence of the affiant. Any such petition shall be filed with the city clerk who shall, within ten days, determine the sufficiency thereof and so certify. If found to contain an insufficient number of names of qualified electors of the city, or to be improper as to form or compliance with the provisions of this section, ten days shall be allowed for the filing of supplemental petition papers. When found sufficient and proper, the city clerk shall present the petition to the city council at its next regular meeting.

#### **Sec. 15.08 Same; certified petitions, receipt; city council, duties.**

Upon receiving a certified initiative or referendum petition from the city clerk, the city council shall, within thirty days, either[:]

(a) if it be an initiative petition, adopt the ordinance as submitted in the petition or decide to submit the proposal to the electors of the City; or

(b) if it be a referendum petition, repeal the ordinance to which the petition refers or decide to submit the proposal to the electors of the City.

#### **Sec. 15.09 Proposals; submission to electors, determination.**

If the city council decide to submit the proposal to the electors, it shall be submitted at the next regular city election or, in the discretion of the city 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 law.

#### **Sec. 15.10 Referendum petitions; sufficiency, suspension of ordinance; conflicting provisions, determination.**

The certification by the city clerk of the sufficiency of a referendum petition filed with the clerk not more than sixty days after the passage of the ordinance to which such petition refers shall automatically suspend the operation of the ordinance in question pending repeal by the city council or final determination by the electors as the case may be. No referendum shall be had on any ordinance based on a franchise or a contract unless referendum petitions are filed within sixty days after the passage of such ordinance, unless a provision therefor is specifically provided for therein. An ordinance adopted by the electorate through initiative proceedings may not be amended or repealed by the city council for a period of two years, and then only by the concurring vote of three-quarters of the city council members holding office. Should two or more ordinances adopted at the same election have conflicting provisions, the one receiving the highest vote shall prevail as to those provisions.

### **CHAPTER 16 MISCELLANEOUS**

#### **Sec. 16.01 Definitions.**

Wherever used in this charter, the word "state" shall mean the "State of Michigan"; the word "city" shall mean the "City of Clawson"; the word "council" shall mean the "city council"; words referring to the several offices where not preceded by the word "city" shall be deemed to mean such offices of the city unless the context implies otherwise; the terms "council" and "city council" shall be construed as meaning "commission," "council," or "common council," or "governing body" for the purpose of such general laws of the state as use one or the other of such latter terms in referring to the legislative body of the city; words imparting the singular number only may extend to and embrace the plural number, and words imparting the plural number may be applied and limited to the singular number; words imparting the masculine gender only may extend and be applied to those of the feminine or neuter gender.

#### **Sec. 16.02 "Time," construed.**

Michigan time shall be the official time of the city until otherwise changed by the city council, or by the state law. Any reference herein to time shall be construed to be according to the official time of the city; except that if the law of the state shall fix a different time for the opening and closing of the polls, the state law shall prevail.

#### **Sec. 16.03 Words giving joint authority, construed.**

Words purporting to give joint authority to two or more public offices or other persons either as a board or otherwise shall be construed as giving such authority to a majority of such officers or other persons unless it shall be otherwise expressly declared.

#### **Sec. 16.04 "Person," defined; "written" and "in writing," construed.**

The word "person" may extend and be applied to bodies corporate as well as individuals. The words "written" and "in writing" may be construed to include printing, engraving, typewriting and lithographing, and

telegraphic and electronic communications except that this rule shall not apply to provisions requiring written signature, unless it be otherwise expressly provided herein or by state law.

#### **Sec. 16.05 Severability.**

Should any provision or section of this charter be held to be invalid for any reason, such holding shall not be construed as affecting the validity of any remaining portion of such section or of this charter, it being the intent that this charter shall not be invalidated by reason of the invalidity of any provision or section.

#### **Sec. 16.06 Records, etc.; public inspection.**

All records of the city shall be public and open to inspection at all reasonable times, subject to and in accordance with the Freedom of Information Act, Public Act 442 of 1976, MCL 15.231 et seq, as amended. All books, papers, records and accounts of any officer elected or appointed, or, of any office or department of the city, shall be the property of the city, and shall at all times be subject to audit, examination, or inspection by the council, or by any person employed or designated by the council for that purpose. All such books, papers, records, files and accounts shall be kept in such place as may be designated by the city council.

#### **Sec. 16.07 Notices, proceedings, ordinances; publication required; certificate, evidence.**

The city council shall select the method of publication of all notices, proceedings, and ordinances for which a mode of publication is not prescribed by law. The city council may determine that such publication shall be by posting prominently in at least three public places within the city, and/or may be made by posting in a newspaper or magazine which may be online, or printed or circulated in the city. The city council also may determine that such publications be made by posting to the internet, via the city's website, or by any other means or method determined by the city council to be appropriate to properly inform the general public.

#### **Sec. 16.08 City seal; village seal, change.**

Until otherwise changed by the city council, the seal of the City of Clawson shall be the same as the seal of the Village of Clawson, except that the date of "1940" shall be substituted in place of the date of "1920."

#### **Sec. 16.09 City council meetings; attendance required; violations, penalty.**

If the mayor or any other member of the city council fails to attend five successive regular meetings of the city council, the city council may thereupon determine that officer has vacated the office, and may by appropriate resolution to that effect, declare such office vacated, and proceed to fill the vacancy as hereinbefore provided.

#### **Sec. 16.10 Offices; declaration of vacancy; books, funds, etc.; delivery required, penalty.**

Whenever any officer resigns, or is removed from office, or the term for which the officer has been elected or appointed shall expire, the officer shall, on demand, deliver over to the officer's successor in office, or to the city clerk, all the books, papers, moneys and effects in the officer's custody as such officer, and in any way appertaining to the office, and every person willfully violating any provision of this section shall be deemed guilty of a misdemeanor, and may be prosecuted accordingly, provided, that when an officer has been removed from office that the city council may require that the effects of the office shall be delivered to the city council.

#### **Sec. 16.11 Appointive officers, compensation; increase, decrease; prohibition.**

The city council shall not increase or diminish the compensation of any officer appointed to office during the term of office, if such appointment is made for a definite term.

#### **Sec. 16.12 Council proceedings; publication authorized.**

The city council may provide for the publication of such portion of its proceedings as it shall deem advisable.

**Sec. 16.13 Sundays, holidays; acts required; performance, time.**

Whenever the day upon which some action or thing shall be done under the provisions of this charter falls upon a Saturday, Sunday, or legal holiday, then such days shall be excluded in computing time, and such action or thing shall be done on the first succeeding business day.

**Sec. 1.14 Nuisances, abatement; council powers.**

The city council shall have power to abate nuisances within the city, which power shall include, but not be limited to, the regulation of the emission of smoke from chimneys and stacks and the abatement of any nuisances resulting therefrom.

**Sec. 16.15 Penalty.**

All violations of this charter declared to be misdemeanors or misconduct in office shall be punishable by fine not exceeding five hundred dollars (\$500.00) or imprisonment for a period not exceeding ninety days, or both, in the discretion of the court, and the court may provide in any case that in event the fine shall not be paid, the offender shall be imprisoned until the payment thereof, provided that no person shall be imprisoned for a single violation for a longer period than ninety days.

**Sec. 16.16 Charter amendments and revision; conflicting provisions, determination.**

This charter may be amended or revised at the time and in the manner provided in Public Act No. 279 of 1909 (MCL 117.1 et seq.). Should two or more amendments, adopted at the same election, have conflicting provisions, the one receiving the highest vote shall prevail as to those provisions. Every twelve years after the adoption of this charter, the city shall submit to the electors of the city at a regular election the question of a general revision of the charter. At the same regular election, the election of charter commissioners shall be held.

**CHAPTER 17 SUBMISSION AND ELECTION**

**Sec. 17.01 Charter election.**

This charter shall be submitted to the electors of the City of Clawson for their approval or rejection at an election to be held on November 7, 2023. Adoption of this charter shall require a majority of those voting on the question.

**Sec. 17.02 Ballot proposal.**

The form of the ballot proposal shall be as follows:

Shall the 2023 City Charter proposed by the Clawson Charter Commission be adopted?

.....Yes \_\_\_\_

..... No \_\_\_\_

**CHAPTER 18 TRANSITION**

**Sec. 18.01 Transitional provisions.**

*Purpose and Status of Transitional Provisions.* The purpose of this chapter is to provide the transition from the government of the city under the previous charter to that under this charter. It shall constitute a part of this charter only to the extent and for the time required to accomplish that end.

**Sec. 18.02 Officers and employees.**

*Rights and Privileges Preserved.* Nothing in the charter, except as otherwise specifically provided, shall affect or impair the rights or privileges of persons who are city officers or employees at the time of its adoption.

### **Sec. 18.03 Departments, offices, and agencies.**

- (a) *Transfer of Powers.* If a city department, office, or agency is abolished by this charter, the powers and duties given it by law shall be transferred to the city department, office, or agency designated by the city council.
- (b) *Property and Records.* All property, records, and equipment of any department, office, or agency existing when this charter is adopted shall be transferred to the department, office, or agency assuming its powers and duties, but, in the event that the powers or duties are to be discontinued or divided between units or in the event that any conflict arises regarding a transfer, such property, records, or equipment shall be transferred to one or more departments, offices, or agencies designated by the city council in accordance with this charter.

### **Sec. 18.04 Pending matters.**

All rights, claims, actions, orders, contracts, and legal administrative proceedings shall continue except as modified pursuant to the provisions of this charter, and in each case shall be maintained, carried on, or dealt with by the city department, office, or agency appropriate under this charter.

### **Sec. 18.05 Municipal ordinances.**

- (a) *In General.* To the extent that the constitution and laws of the State of Michigan permit, all city ordinances, resolutions, orders, and regulations which are in force when this charter becomes fully effective, shall remain in full force and effect, except to the extent that they are inconsistent or interfere with the effective operation of this charter or of ordinances or resolutions adopted pursuant thereto.
- (b) *Specific Provisions.* Without limitation of the general operation of subsection (a) or of the number or nature of the provisions to which it applies:
  - (1) City manager - The city manager's contract shall remain in force and unaltered.
  - (2) City clerk – The city clerk's duties commence on the effective date of this charter.
  - (3) City treasurer - The city treasurer's duties commence on the effective date of this charter.
  - (4) City assessor - The city assessor's duties commence on the effective date of this charter.
  - (5) City attorney - The city attorney's duties commence on the effective date of this charter.
  - (6) City council – The city council shall review all legislation of the city for conflicts with this charter. All such conflicts shall be resolved, and amended legislation shall be adopted.
  - (7) Finances and budget – The city's finances, budget, and capital program adopted under the previous charter shall remain in force.

### **Sec. 18.06 City council action.**

In all cases involving the transition of the city government from that under the previous charter to that under this charter which are not covered by this charter, the city council shall determine the necessary implementation details and procedures, and may adopt such rules, regulations and ordinances as may be necessary or appropriate.

### **Sec. 18.07 Boards and commissions.**

The boards and commissions established and existing under the previous charter shall continue under the terms of the ordinance or resolution establishing them. The terms of office of the members of such boards and commissions shall continue as established, and they shall continue in office until their successors are appointed unless their terms are modified by resolution or ordinance of the city council.

**Sec. 18.08 Effective date of this charter.**

Except as otherwise provided herein, this charter shall take effect and become law as the charter of the City of Clawson for all purposes on January 1, 2024.

**Sec. 18.09 Elective officers of the city.**

The elective officers of the city, who hold office on the effective date of this charter shall continue to hold their office until their terms under the previous charter expire or their office becomes vacant.