

CHARTER
VILLAGE OF SANFORD

Updated
December 1996

CHARTER OF VILLAGE OF SANFORD

PREAMBLE

We, the electors of the Village of Sanford, Midland County, Michigan, under authority of the Constitution and laws of the State of Michigan, and agreeable to the will of the electors as expressed in the spring election of April 1, 1963, in order to promote, maintain, and provide for the interest and welfare of all inhabitants, do ordain, adopt, and establish the following as a Charter of said Village.

ARTICLE I

NAME

Section 1. The name of this Village shall be the Village of Sanford, under the provisions of Act 278, Public Acts of 1909 as amended (commonly referred to as the Home Rule Act). It shall include within its limits the territory hereinafter described, together with such territory as may from time to time be attached thereto, and less such territory as may from time to time be detached therefrom, in accordance with the statute.

BOUNDARIES

Section 2. The Village of Sanford shall include all the territory described as follows, to wit:

Beginning at the intersection of North Saginaw Road and North M-30, thence NORTH along center of North M-30 to the intersection of North M-30 and the south boundary line of the New U.S. 10, thence WEST along the south boundary of the New U.S. 10 to the intersection of the West River Road and the New U.S. 10, thence SOUTH along center of the West River Road to the intersection of North Saginaw Road and West River Road, thence EAST along center of North Saginaw Road to the intersection of the center of the Tittabawassee River under the bridge on North Saginaw Road, thence down river following the curves and bends of the center of the Tittabawassee River in a Southerly and Easterly direction until it reaches a point due South of the intersection of North Saginaw Road and North M-30, thence NORTH from this point to the point of beginning of North Saginaw Road and North M-30, located in Sections 13, 14, 23, 24, 25, in Jerome Township, Midland County.

ARTICLE II

MUNICIPAL POWERS

Section 1. Unless otherwise provided or limited in this Charter, the Village and its officers shall possess and be vested with any and all powers in the management and control of municipal property and in the administration of the municipal government, whether such powers be herein expressly enumerated or not; for any act to advance the interest of the Village, the good government and prosperity of the municipality and its inhabitants; and for making all laws which shall be necessary and proper for carrying into execution the following powers and all other powers vested by the constitution in Villages, except where forbidden, or where the subject is covered exclusively by a general law.

Section 2. Trades, Regulations: For the regulation of trade, occupations, and amusements within its boundaries, including the sale of intoxicating liquors and the number of licenses to be issued therefor,

Section 3. Penalties: For the punishment by proper penalties of those who violate its laws or ordinances; (following section removed by November 7, 1995 election "no such penalty, however to exceed a fine of \$100.00 and 90 days' imprisonment in the county jail or Village prison, or in any workhouse in the state authorized by ordinance to receive prisoners from such Village")

Section 4. Departments, Establishment: For the establishment of any department that it may deem necessary for the general welfare of the Village and for the separate incorporation thereof, provided, however, that these provisions shall not be construed to extend to public schools;

Section 5. For the use and enjoyment of the surface of its streets and of the space above and beneath them;

Section 6. Improvements, Costs, Special Assessment Districts: For assessing and reassessing the cost, or any portion thereof, of any public improvement to a special district;

Section 7. Purchase of Private Property: For the purchase of private property for any public use or purpose within the scope of its powers;

Section 8. Heat, Light, Power, Water: For welling and delivering heat, power, and light without its corporate limits to an amount not to exceed 25% of that furnished by it within the corporate limits; and for selling and delivering water outside of its corporate limits in such amount as may be determined by the legislative body of the Village;

Section 9. Sewage and Garbage, Purchase of Lands: For acquiring by purchase, land without its corporate limits necessary for the disposal or sewage and garbage, or for any purpose authorized by the constitution or general laws;

Section 10. Property in Streets, Use by Public Utility: For the use upon the payment of reasonable compensation by others than the owner, of property located in streets, alleys and public places and used in the operation of a public utility;

Section 11. Street Plan: For a plan of streets and alleys within its limits;

Section 12. Control of Water Courses: For the use, control, and regulation of streams, waters, and water courses within its boundaries, but not so as to conflict with the laws or action thereunder where a navigable stream is bridged or dammed;

Section 13. Regulations, Enforcement: For the enforcement of all such local, police, sanitary and other regulations as are not in conflict with the general law;

Section 14. General Municipal Powers: For exercising all municipal powers in the management and control of municipal property and in the administration of the municipal government, whether such powers be herein expressly enumerated or not; for any act to advance the interest of the Village, the good government and prosperity of the municipality and its inhabitants; and for making all laws which shall be necessary and proper for carrying into execution the foregoing powers and all other powers vested by the constitution in villages, except where forbidden, or where the subject is covered exclusively by general law.

Section 15. Statutory Provisions, Adoption: The Village may adopt as its charter or any part of the same, any chapter, act or section of the statutes of this state in force at the time of such adoption and not inconsistent with the provisions of this law, which relates to the powers or government of villages generally, either by reciting the same in this charter or by appropriate reference thereto; and except insofar as any of the same may be so adopted, this village shall not be subject to any of the limitations or restrictions thereof.

ARTICLE III

ELECTIONS

Section 1. Election Districts, Voting Precincts: The Village shall constitute one election district and one voting precinct, except that the Council may by ordinance establish additional precincts not in excess of the minimum number required by law. The Council shall fix the location of the polling places.

Section 2. Qualifications of Electors: The residents of the Village having the qualifications of electors in the State of Michigan shall be electors of the Village.

Section 3. Election Procedures: The election of all Village officers shall be on a non-partisan basis. The general election statutes shall apply to and control, as near as may be, all procedures relating to registration and election except as such statutes relate to political parties or partisan procedure and except as otherwise provided in this charter.

Section 4. Election Dates: A regular Village election shall be held on the first Tuesday in November in each even numbered year. (Changed 4/14/86 by Atty. General and Governor, originally "second Tuesday")

Section 5. Elective Officers and Terms of Office: The elective officers of the Village shall be a Village Council of five (5) members, one of whom shall in turn be elected by the Council as Village President. At each regular Village election, three (3) councilmen shall be elected on a single ballot. Each elector shall be entitled to vote for not more than three (3) candidates. The two candidates receiving the highest number of votes shall be elected for a term of four (4) years and the candidate receiving the third highest number of votes shall be elected

for a term of two (2) years, all such terms to commence on the Monday next following the date of such election. There shall also be a Village Clerk elected on a separate ballot for a term of two (2) years.

Section 6. Nominations: The method of nomination of elective officers shall be by petition signed by not less than fifteen (15) nor more than twenty-five (25) qualified electors of the Village. No person shall sign his name to a greater number of petitions for office than there will be persons elected to said office at said election. Where the signature of any individual appears on more petitions than he is so permitted to sign, such signatures shall be counted only to the extent he is so permitted to sign in order of the respective dates of signing the petitions containing such signatures.

Nomination petitions shall be filed with the Clerk between the Twentieth day preceding such election and five o'clock in the afternoon on the tenth day preceding such election. The Clerk shall publish notice of the last day so permitted for filing petitions at least one week before, and not more than three weeks before such last day. The form of petition shall be substantially as that designated by the Secretary of State for the nomination of non-partisan judicial officers. A supply of official petition forms shall be provided by the Clerk.

Section 7. Approval of Petitions: The Clerk shall accept only nomination petitions which conform with the form provided and maintained by him and which considered together, contain the required number of valid signatures for candidates having those qualifications required for elective office by this charter. When a petition is filed by persons other than the person whose name appears thereon as candidate, it may be accepted only when accompanied by the written consent of the candidate. The Clerk shall, forthwith after the filing of a petition, notify in writing any candidate whose petition is then known not to meet the requirements of this charter, but failure to so notify any candidate shall in no way prevent a final determination that the petition does not meet such requirement.

Within five (5) days after the last date for filing petitions, the Clerk shall make his final determination as to the validity and sufficiency of each nomination petition and whether or not the candidate has the qualifications required for office by this charter and shall write his determinations thereof on the face of the petition. The Clerk shall immediately notify in writing the candidate whose name appears thereon of his determinations. Such notice to any candidate whose petition is found invalid or insufficient shall be delivered by personal messenger if possible. Any candidate whose petition is so found invalid or insufficient shall be allowed to file supplementary or replacement petition before five (5) o'clock in the afternoon on the fifth day after the last date for filing original petitions; thereafter no further petitions may be filed.

The names of the candidates who file valid and sufficient nomination petitions shall be certified by the Clerk to the Election Commission to be placed upon the ballot for the next subsequent regular Village election or the next special election for the filling of vacancies in office as the case may be.

Section 8. Election Commission: The Election Commission shall consist of the Clerk, the Treasurer, and the President of the Council, of which the Clerk shall be Chairman; such Commission shall have the duties and powers conferred on Village election commissions by statute.

Section 9. Election Inspectors: The Council shall before each election appoint for each precinct of the Village a board of inspectors of election consisting of not less than three qualified electors, and shall fix their compensation.

Section 10. Notice of Elections: Notice of the time and place of holding any Village election and of the officers to be elected and the questions and propositions to be voted upon shall be given by the Clerk by publishing such notice not less than ten (10) days prior to such election.

Section 11. Voting Hours: The polls at all elections shall be opened and closed at the time prescribed by the statute for the opening and closing of polls at State elections.

Section 12. Form of Ballot: The form, printing, and numbering of ballots in all Village elections shall conform as nearly as may be to that prescribed by statute, except that no party designation or emblem shall appear. In all elections, the names of qualified candidates shall be rotated systematically in the manner prescribed by statute for rotation of names.

Section 13. Special Elections: Special Village elections shall be held when called by resolution of Council at least forty (40) days in advance of such election, or when required by this charter or statute. Any resolution calling a special election shall set forth the purpose of such election. The Council shall not call more special elections within any year than the number permitted by statute.

Section 14. Canvass of Vote: The Council shall be the board of canvassers to canvass the votes at Village elections. It shall meet at seven-thirty in the evening on the day following each Village election and publicly canvass the returns of such election and determine the results of the election upon each question and proposition voted upon and what persons are duly elected to the several offices, and shall notify in writing the successful

candidates of their election. The number of candidates for Council equal to the number to be elected who receive the highest number of votes shall be elected. The Clerk shall make under the corporate seal of the Village duplicate certificates of the determinations of the board and shall file one certificate with the County Clerk and the other in his office.

Section 15. Recount: A recount of the votes cast at any Village election for any office or upon any proposition may be had in accordance with election statutes. Unless otherwise required by statute. (1) A recount petition shall be filed with the Clerk by five o'clock in the afternoon on the second full day after the board of canvassers has made its official report. (2) Any counter-petition shall be filed by five o'clock in the afternoon on the next full day thereafter and (3) No officer shall be qualified to take office until the final determination of any recount of the votes cast for such office.

Section 16. Recall: Any elected official may be recalled from office by the electors of the Village in the manner provided by statute. A vacancy created by such recall shall be filled in the manner prescribed by statute.

ARTICLE IV

ORGANIZATION OF GOVERNMENT

Section 1. The Council: There shall be a council of five (5) members, one of whom shall serve as President. The Council shall constitute the legislative and governing body of the Village. In all cases where the word "Council" is used in this charter, the same shall be synonymous with any other term used in any statute or federal law in referring to municipal legislative or governing bodies.

Section 2. Compensation of President and Councilperson: Each Councilperson and President shall receive compensation for the performance of the duties of the office or president or councilperson only as provided by ordinance. The ordinance shall specify the manner and method that the compensation is due and payable and shall provide for publication, a public hearing and a 30 day waiting period prior to final approval. Such salaries shall constitute the only compensation which they may be paid for the discharge or any official duty for or on behalf of the Village during their tenure of office except in the case of Councilpersons who are members of the fire department. The President and Councilpersons may, however, upon order of the Council, be paid such necessary bona fide expenses incurred in service in behalf of the Village as are authorized and itemized. (The following original section changed and replaced by November 7, 1995 election – Each Councilman and President shall receive as compensation two dollars for each regular and special meeting of the Council which he attends, but not in excess of forty dollars in any fiscal year. Such salaries shall be paid monthly and, except as otherwise provided in this charter, shall constitute the only compensation which they may be paid for the discharge of any official duty for or on behalf of the Village during their tenure of office except in the case of Councilmen who are members of the fire department. The President and the Councilmen may, however, upon order of the Council, be paid such necessary bona fide expenses incurred in service in behalf of the Village as are authorized and itemized.)

Section 3. Compensation of Clerk: The Clerk shall receive compensation for the performance of the duties of the office of clerk only as provided by ordinance. The ordinance shall specify the manner and method that the compensation is due and payable. The Clerk shall receive such bona fide expenses incurred in service in behalf of the Village as approved by the Council. (The following original section changed and replaced by November 7, 1995 election – The compensation of the Clerk shall be two hundred dollars per year; except that, the Clerk shall receive such bona fide expenses incurred in service in behalf of the Village as approved by the Council.)

Section 4. Election of President: The Council shall at its first meeting following each regular Village election elect one of its members to serve as President for a term expiring at the first Council meeting following the next regular Village election. In the event of absence or disability of the President, the Council may designate another of its members to serve as Acting President during such absence or disability.

Section 5. Duties of President: The duties of the President shall be as follows:

- (a) Insofar as required by statute, and for all ceremonial purposes, he shall be the executive head of the Village;
- (b) He shall have a voice and vote in the proceedings of the Council equal with that of the other members of the Council, but shall have no veto power. He shall be the presiding officer of the Council.
- (c) He shall be the conservator of the peace and may in emergencies exercise within the Village the powers conferred upon sheriffs to suppress riot and disorder, and shall have the authority to command the assistance of all able-bodied citizens to aid in the enforcement of the ordinances of the Village and to suppress riot and disorder.
- (d) He shall execute or authenticate by his signature such instruments as the Council, this charter, or any statute or law of the United States shall require.

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

Section 6. Clerk: Functions and Duties: The functions and duties of the Clerk shall be as follows:

- (a) He shall be Clerk of the Council and shall attend all meetings of the Council and he shall keep a permanent journal of its proceedings in the English language.
- (b) He shall be Custodian of the Village seal, and shall affix it to all documents requiring the seal and shall attest the same. He shall be custodian of all papers, records and documents pertaining to the Village; except where custody is otherwise provided for.
- (c) He shall certify, by his signature, all resolutions and ordinances enacted by the Council.
- (d) He shall be responsible for maintaining the system of accounts of the Village, which shall conform to any uniform system required by law and to generally accepted principles and procedures of governmental accounting. He shall make a monthly financial statement to the Council.
- (e) He shall have power to administer oaths of office.
- (f) He shall perform such other duties as may be prescribed for him by this charter.

Section 7. Administrative Service: The administrative officers of the Village shall be the Treasurer, Assessor, Superintendent of Public Works, and such additional administrative officers as may be created by ordinance or resolution. The Council may combine any administrative offices in any manner it deems necessary or advisable for the proper and efficient operation of the Village.

Except as may be otherwise provided by statute or this charter, the Council shall by resolution establish such departments of the Village as it deems necessary or advisable and shall prescribe therein the functions of each department and the duties, authorities and responsibilities of the officers of each.

All personnel employed by the Village who are not elected officers or declared to be administrative officers by, or under the authority of, this section shall be deemed to be employees. All employees of the Village shall be employed and discharged by the Council upon the recommendation of the administrative officer in charge of the department in which such employees work, or is to work.

Section 8. Treasurer: Functions and Duties: The functions and duties of the Treasurer shall be as follows:

- (a) He shall have custody of all moneys of the Village and all evidences of indebtedness belonging to the Village or held in trust by the Village.
- (b) He shall collect all moneys of the Village, the collection of which is not provided for elsewhere by charter or ordinance. He shall receive from other officers and employees of the Village all money belonging to and receivable by the Village that may be collected by them, including fines, license fees, taxes, assessments, and all other charges. All money shall be turned over to the Treasurer promptly after collection or receipt and he shall in all cases give a receipt therefor.
- (c) He shall disburse all Village funds in accordance with the provisions of statute, this charter and procedures to be established by the Council.
- (d) He shall have such powers, duties and prerogatives in regard to the collection and custody of Village taxes as are conferred by statute upon township treasurers in connection with state, county, township, and school district taxes.
- (e) He shall perform such other duties as may be prescribed for him by this charter or by the Council.

Section 9. Assessor: Functions and Duties: The assessor shall possess all the powers vested in, and shall be charged with all the duties imposed upon, assessing officers by statute. He shall prepare all regular and special assessment rolls in the manner prescribed by this charter and by statute. He shall perform such other duties as may be prescribed for him by this charter or by the Council.

Section 10. Superintendent of Public Works: Functions and Duties: The Superintendent of Public Works shall be in charge of streets, alleys, and public places and property. He shall supervise and manage all utilities and public works and services of the Village. He shall perform such other duties as may be prescribed for him by the Council.

Section 11. Independent Boards and Commissions: The Council may not create any board or commission, other than those provided for in this charter to administer any department or agency of the Village government except those activities which by statute are required to be so administered. The Council may, however, establish (a) semi-judicial appeal boards and (b) boards or commissions to serve solely in an advisory capacity.

ARTICLE V

GENERAL PROVISIONS REGARDING

OFFICERS AND PERSONNEL OF THE VILLAGE

Section 1. Eligibility for Office in Village: No person shall hold any elective office of the Village unless he has been a resident of the Village for at least one year immediately prior to the last day for filing supplemental petitions for such office and is also a qualified and registered elector of the Village and is the owner of property assessed for Village taxes in his name, or the husband or wife of such a person, on such day and throughout his tenure of office.

The Council shall be the sole judge of the election and qualification of its own members.

All administrative officers shall be citizens of the United States.

No elective officer may be appointed as an administrative officer or in any way be employed by the Village during the term of office for which he was elected, except that Councilmen may serve as firemen.

Section 2. Vacancies in Office: The office of any Councilman including the President shall be declared vacant by the Council before the expiration of the term of such office:

- (a) For any reason specified by statute or by this charter as creating a vacancy in office;
- (b) If no person is elected to, or qualified for, the office at the election at which such office is to be filled;
- (c) If he shall be found guilty by a competent tribunal of any act constituting misconduct in office under the provisions of this charter;
- (d) If he shall miss four consecutive regular meetings of the Council or twenty-five percent of such meetings in any fiscal year of the Village unless such absence shall be excused by the Council and the reason therefor entered in its proceedings at the time of each absence;
- (e) If he is removed from office by the Council in accordance with the provisions of Article V, Section 3.

The office of any member of any board or commission created by this charter shall be declared vacant for reasons (a), (c), or (e), as listed in the foregoing part of this section.

Section 3. Removals from Office: Removals of Councilmen (including the President) and members of boards or commissions created by this charter by the Council shall be made for either of the following reasons: (1) for any reason specified by statute for removal of Village officers by the Governor, (2) for any act declared by this charter to constitute misconduct in office. Such removals by the Council shall be made only after a hearing of which such officer has been given notice by the Clerk at least ten days in advance, either personally or by delivering the same at his last known place or residence and witnessed thereof. Such notice shall include a copy of the charges against such officer. The hearing shall afford an opportunity to the officer, in person or by attorney, to be heard in his defense, to cross-examine witnesses and to present testimony. If such officer shall neglect to appear at such hearing and answer such charges, his failure to do so may be deemed cause for his removal. A majority vote of the members of the Council in office at the time, exclusive of any member whose removal is being considered, shall be required for any such removal.

Section 4. Resignations: Resignations of elective officers shall be made in writing and filed with the Clerk and shall be acted upon by the Council at its next regular meeting following receipt thereof by the Clerk.

Section 5. Filling Vacancies:

- (a) Vacancies of offices elective or appointive by the Council shall be filled in the manner provided for the original filling of such office.
- (b) Vacancies in the office of Councilman or President or Clerk shall, within sixty days after such vacancy occurs, be filled for the unexpired term of the officer whose office has become vacant by appointment by a majority vote of the members of the Council then in office of a person possessing the qualifications for the office.

If any such vacancy in the position of Councilman or Clerk is not so filled within sixty days, or if three or more vacancies exist simultaneously in such position, the Clerk or Council shall within ten days thereafter call a special election to be held within sixty days thereafter to fill such vacancies for the unexpired terms of the officers whose offices have become vacant.

Notwithstanding the foregoing, no vacancy in an elective office shall be filled in any manner if the term of office of the person whose office has become vacant expires within ninety days after the vacancy occurs.

Section 6. No Change in Term of Office or Compensation: Except by procedures provided in this charter, the terms of Councilmen and of members of boards or commissions appointed for a definite term shall not be

shortened or extended beyond the period for which the officer was elected or appointed, except that a councilman shall, after his term has expired, continue to hold office until his successor is elected or appointed and has qualified. Where several terms of councilmen expire simultaneously, the Councilman who was elected by the highest number of votes (or any appointee who filed his position) shall be deemed to be succeeded by the candidate who received the highest number of votes, that Councilman who elected by the second highest number of votes, by the candidate who receives the second highest number of votes, etc.

The salary of any elective officer shall not be changed from the day he is elected until the end of the term of office for which he was elected.

Section 7. Compensation of Employees and Officers: The compensation of all employees and officers of the Village whose compensation is not provided for herein shall be fixed by the Council within the limits of budget appropriations.

No officers shall be paid on a fee basis. The respective salaries and compensation of officers and employees as fixed pursuant to his charter shall be in full for all official services of such officers or employees and shall be in lieu of all fees, commissions and other compensation receivable by such officers or employees for their services.

Any such fees, commissions and other compensation shall belong to the Village and shall be collected and accounted for by such officers or employees and be paid into the Village treasury and a statement thereof filed periodically with the Clerk.

Nothing contained in this section shall prohibit the payment of necessary bona fide expenses incurred in service in behalf of the Village.

Section 8. Oath of Office and Bond: Every officer, elective or appointive, before entering upon the duties of his office shall take the oath of office prescribed for public officers by the Constitution and shall file the oath with the Clerk, together with any bond required by statute, this charter or the Council. In case of failure to comply with the provisions of this section within ten days from the date he is notified in writing of his election or appointment, such officer shall be deemed to have declined the office and such office shall thereupon become vacant unless the Council shall, by resolution, extend the time in which such officer may qualify.

Section 9. Surety Bonds: All officers or employees of the Village handling public funds, either by way of receipt or disbursement or both, shall be bonded as required by statute or as the council prescribes.

Such bonds shall be filed with the clerk; except that any bond pertaining solely to the Clerk shall be filed with the Treasurer.

Section 10. Delivery of Office: Whenever any officer or employee ceases to hold office for any reason, such person shall within five days turn over all papers, moneys, effects and properties of the Village. Any person failing to do so shall be punished as prescribed by statute.

ARTICLE VI

THE COUNCIL: PROCEDURE AND MISCELLANEOUS POWERS AND DUTIES

Section 1. Regular Meetings: The Council shall provide by resolution for the time and place of its regular meetings and shall hold at least one such meeting each month. A regular meeting shall be held on the Monday following each regular Village election.

Section 2. Special Meetings: Special meetings shall be called by the Clerk on the written request of the President or any two members of the Council on at least six hours written notice to each member of the Council served personally or left at his usual place of residence, but a special meeting may be held on shorter notice if all members of the Council are present or have waived notice thereof in writing.

Section 3. Business of Special Meetings: No business shall be transacted at any special meeting unless the same has been stated in the notice of such meeting. However, any business which might lawfully come before a regular meeting may be transacted at a special meeting if all the members of the council present consent thereto and all the members absent file their written consent.

Section 4. Meetings to be Public: All regular and special meetings of the council shall be open to the public and citizens shall have a reasonable opportunity to be heard.

Section 5. Quorum: Adjournment of Meeting: A majority of the members of the Council in office shall be a quorum for the transaction of business at all council meetings, except that any business conducted by the council

shall be by the affirmative vote of at least three members of the council; but in the absence of a quorum lesser number may adjourn any meeting to a later time or date, and in the absence of all members the Clerk may adjourn any meeting for not longer than one week.

Section 6. Compulsory Attendance and Conduct at Meetings: Any two or more members of the Council may by vote, either request or compel the attendance of its members or other officers of the Village at any meeting. Any member of the Council or other officer who when notified of such request for his attendance fails to attend such meeting for reasons other than confining illness shall be deemed guilty of misconduct in office unless excused by the Council. The presiding officer shall enforce orderly conduct at meetings and any member of the Council or other officer who shall fail to conduct himself in an orderly manner at any meeting shall be deemed guilty of misconduct in office.

Section 7. Organization and Rules of the Council: The Council shall determine its own organization, rules and order of business subject to the following provisions:

- (a) A journal of the proceedings of each meeting in the English language shall be kept by the Clerk and shall be signed by the presiding officer and clerk of the meeting;
- (b) A vote upon all ordinances and resolutions shall be taken by "Yes" and "No" vote and entered upon the records, except that where the vote is unanimous and it shall only be necessary to so state;
- (c) No member of the council shall vote on any question in which he has a financial interest, other than the common public interest, or on any question concerning his own conduct, but on all other questions each member who is present shall vote when his name is called unless excused by the unanimous consent of the remaining members present. Any member refusing to vote except when not so required by this paragraph shall be guilty of misconduct in office.
- (d) Any standing committees of the council shall be composed of at least three members. The council shall not assign the administration of any department of the Village to any member or committee of the council.

Section 8. Public Health and Safety: The Council shall see that provision is made for the public peace and health and for the safety of persons and property. The council shall constitute the Board of Health of the Village, and it and its office shall possess all powers, privileges, and immunities granted to boards of health by statute.

ARTICLE VII

LEGISLATION

Section 1. Ordinances, Resolutions, Motions, and Orders: All official action of the council shall be by ordinance or resolution. Action by resolution, motion, or order shall be limited to matters required or permitted to be so done by this charter or state or federal law or pertaining to the internal affairs or concerns of the village government. All other acts of the Council and all acts carrying a penalty for the violation thereof shall be by ordinance. Each ordinance shall be identified by a short title and serial number.

The style of all ordinances shall be: "The Village of Sanford ordains:"

Section 2. Enactment, Amendment, Repeal, and Effective Date of Ordinances:

- (a) Ordinances may be enacted by the affirmative vote of not less than three members of the Council;
- (b) No ordinance shall be amended or repealed except by an ordinance adopted as aforesaid, and
- (c) The effective date of all ordinances shall be described therein, but the effective date shall not be earlier than ten days after enactment or before publication thereof. It is provided, however, that an ordinance which is declared therein to be an emergency ordinance which is immediately necessary for the reservation of the public peace, health, or safety may be given earlier effect than ten days after its enactment by four affirmative votes if four or five members of the Council are present at the meeting at which it is enacted.

No ordinance shall be amended by reference to its title only, but the revised sections of the ordinance, as amended, shall be enacted and published in full. However, an ordinance or section thereof may be repealed by referendum to its title and ordinance number only.

Section 3. Publication and Recording of Ordinances: Each ordinance enacted by the Council shall be published within ten days after its enactment. All ordinances shall be recorded by the Clerk in a book to be called "The Ordinance Book", and it shall be the duty of the President and Clerk to authenticate such records by their official signature thereon. The Clerk shall enter in such book after the publication of each ordinance the date and method of publication, which shall be prima facie evidence of such publication, but the failure to so record and authenticate such ordinance shall not invalidate it or suspend its operation.

Section 4. Penalties for Violation of Ordinances: Any ordinance may provide for the punishment of those who violate its provisions. (The following section eliminated by November 7, 1995 election, "not to exceed a fine of \$100.00 and ninety days' imprisonment.")

Section 5. Special Procedure on Vote on Certain Council Actions: Action to vacate, discontinue or abolish any highway, street, lane, alley or other public place or part thereof, shall be by resolution. After the introduction of such resolution and before its final adoption, the Council shall hold a public hearing thereon and shall publish notice of such hearing at least one week prior thereto.

Section 6. Technical Codes Adopted by Reference: Subject to the provisions of this section, there may be adopted as a Village ordinance or code, by reference thereto in an adopting ordinance, in whole or part, provisions of (a) any Michigan statute or (b) any detailed technical regulation promulgated or enacted by (1) any state or federal agency, (2) any municipality, or (3) any organization or association which has developed a recognized standard code or set of such technical regulations. Such adopting ordinance shall clearly identify and state the purpose of the provisions or regulations so adopted. Where any ordinance or code, or amendment thereto, adopting provisions by reference is enacted. All requirements for its publication may be met, other provisions of this charter notwithstanding, by (a) publishing the ordinance citing such provisions in a manner provided by this charter for the publication of other ordinances and including as part of such publication a notice that printed copies of the provisions so cited are available for inspection by and distribution to the public at the office of the Clerk, and (b) so making copies available for public inspection and for distribution to the public at a reasonable charge.

Section 7. Severability of Ordinances: Unless an ordinance shall provide to the contrary, if any portion of any ordinance or the application thereof to any person or circumstances shall be found to be invalid by a court, such invalidity shall not affect the remaining portions or applications of the ordinance which can be given effect without the invalid portion or application, provided such remaining portions or applications are not determined by the court to be inoperable, and to this end ordinances are declared to be severable.

Section 8. Initiative and Referendum: An ordinance may be initiated by petition, or a referendum or an enacted ordinance may be had by petition, as hereinafter provided.

Section 9. Initiatory and Referendary Petitions: An initiatory referendary petition shall be signed by not less than 35% of the registered electors of the Village, as of date of the last Village election and all signatures on said petitions shall be obtained within thirty days before the date of filing the petitions with the Clerk. Any such petition shall be addressed to be Council and may be the aggregate of two or more petition papers identical as to contents and simultaneously filed by one person. An initiatory petition shall set forth in full the ordinance it proposes to initiate, and no petition shall propose to initiate more than one ordinance. A referendary petition shall identify the ordinance or part thereof, it proposes to have repealed.

Each signer of a petition shall sign his name and shall place thereon after his name the date and his place of residence by street and number or by other customary designation. To each petition paper there shall be attached a sworn affidavit by the circulator thereof, stating the number of signers thereof, and that each signature thereon is a genuine signature of the person whose name it purports to be, and that it was made in the presence of the affiant. Such petition shall be filed with the clerk who shall, within fifteen days, canvass the signatures thereon. If the petition does not contain a sufficient number of signatures of registered electors of the city, the clerk shall notify forthwith the person filing such petition and fifteen days from such notification shall be allowed for the filing of supplemental petition papers. When a petition with sufficient signatures is filed within the time allowed this section, the clerk shall present the petition to the Council at its next regular meeting.

Section 10. Council Procedure on Initiatory and Referendary Petitions: Upon receiving an initiatory or referendary petition from the Clerk, the council shall, within thirty days unless otherwise provided by statute, either: (a) Adopt the ordinance as submitted by an initiatory petition; (b) Repeal the ordinance, or part thereof, referred to by a referendary petition; or (c) Determine to submit the proposal provided for in the petition to the electors.

Section 11. Submission of Initiatory and Referendary Ordinances to Electors: Should the Council decide to submit the proposal to the electors, it shall be submitted at the next election held in the Village for any other purpose, or, in the discretion of the council, at a special election called for that specific purpose. The result of all elections held under the provisions of this election shall be determined by a majority vote of the electors voting thereon, except in cases where otherwise required by statute or constitution.

Section 12. Ordinance Suspended: Miscellaneous Provisions on Initiatory and Referendary Petitions: The presentation to the council by the Clerk of a valid and sufficient referendary petition proposing to repeal an ordinance which has been in effect one year or less on the date of filing such petition shall be automatically suspend the operation of the ordinance in question pending repeal by the Council or final determination by the electors.

An ordinance adopted by the electorate through initiatory proceeding may not be amended or repealed for a period of one year after the date of the election at which it was adopted, and an ordinance repealed by the electorate may not be re-enacted for a period of one year after the date of the election at which it was repealed.

If two or more ordinances adopted at the same election shall have conflicting provisions, the provisions in the ordinance receiving the highest number of affirmative votes shall govern.

ARTICLE VIII

GENERAL FINANCE

Section 1. Fiscal Year: The fiscal year of the village and of all its agencies shall begin on the first day of July of each year and end on the thirtieth day of June of the following year.

Section 2. Budget Procedures: At the first regular Council meeting in May of each year the Clerk shall submit a recommended budget for the ensuing fiscal year, which budget shall contain at least the following:

- (a) Detailed estimates, with supporting explanations, of all proposed expenditures for each department and office of the village, together with the expenditures for corresponding items for the last preceding fiscal year in full and for the current fiscal year to March 1 and estimated expenditures for the balance of the current fiscal year.
- (b) Statements of the bonded and other indebtedness of the village showing the debt redemption and interest requirements, the debt authorized and unissued and the condition of sinking funds, if any.
- (c) Detailed estimates of all anticipated revenues of the village from sources other than taxes, with a comparative statement of the amounts received by the village from each of the same or similar sources for the last preceding fiscal year in full and for the current fiscal year to March 1 and estimated revenues for the balance of the current fiscal year.
- (d) A statement of the estimated balance or deficit for the end of the current fiscal year.
- (e) An estimate of the amount of money to be raised from current and delinquent taxes and the amount to be raised from bond issues which together with any available unappropriated surplus and any revenues from other source will be necessary to meet the proposed expenditures.
- (f) Such other supporting information as the council may request.

Section 3. Adoption of Budget: Not later than the first regular monthly meeting in June, the Council shall, by resolution, adopt a budget for the next fiscal year and shall appropriate the money needed for municipal purposes during such year and shall in such resolution provide for a levy of the amount necessary to be raised by taxes upon real and personal property for municipal purposes subject to the limitations contained in Article IX, Section 1.

Section 4. Budget Control: Except for purposes which are to be financed by the issuance of bonds or by special assessment, or for other purposes not chargeable to a budget appropriation, no money shall be drawn from the treasury of the village except in accordance with an appropriation thereof, for such specific purpose, nor shall any obligation for the expenditure of money be incurred without an appropriation covering all payments which will be due under such obligation in the current fiscal year. The Council by resolution may transfer any unencumbered appropriation balance or any portion thereof, from one account, department fund or agency to another. The council may make additional appropriations during the fiscal year for unanticipated expenditures required of the village, but such additional appropriations shall not exceed the amount by which actual anticipated revenues of the year exceed the revenues as estimated in the budget unless the appropriations are necessary to relieve an emergency endangering the public health, peace or safety.

Except in those cases where there is no other logical account to which an expenditure can be charged, expenditures shall not be charged directly to the contingent fund (or other similar fund); instead of the necessary part of the appropriation for the contingent fund (or other similar fund) shall be transferred to the logical account and the expenditures then charged to such account.

At the beginning of each quarterly period during the fiscal year, and more often if required by the Council, the officer responsible for the maintenance of the village accounting system shall submit to the Council data showing the relation between the estimated and actual revenues and expenditures to date; and if it shall appear that the revenues are less than anticipated the Council may reduce appropriations, except amounts required for debt and interest charges, to such a degree as may be necessary to keep expenditures within the revenues.

The balance in any budget appropriation which has not been encumbered at the end of the fiscal year shall revert to the general fund.

Section 5. Depository: An independent audit shall be made of all village accounts at least annually, and more frequently if deemed necessary by the Council. Such accounting to be selected by the Council.

ARTICLE IX

TAXATION

Section 1. Power to Tax: The village shall have the power to lay and collect taxes for municipal purposes. The annual general advalorem tax levy shall not exceed one percent of the assessed value of all real and personal property subject to taxation in the village exclusive of any levies authorized by general statute to be made beyond charter tax rate limitations. It is provided, however, that this tax limitation may be increased for a period of not to exceed three years at any one time to not more than one and one-half percent of the assessed valuation of such real and personal property by a majority vote of those electors voting thereon at any regular village election or special election called for that purpose.

Section 2. Exemption from Taxation: The subjects of advalorem taxation for village purposes shall be the same as for state, county, and school purposes under statute. Except as otherwise provided by this chapter, village taxes shall be levied, collected and returned in the manner provided by statute.

Section 3. Exemption from Taxes: No exemptions from taxation shall be allowed except as expressly required or permitted by statute. In the case of exemptions made to persons who in the option of the Assessor and Board of Review, by reason of poverty, are unable to contribute toward the public charges, there shall be required annually, as a condition to the grant of such exemption, a written statement under oath of the financial inability of such persons or person to pay taxes, which statement shall be filed with the Board of Review and made a part of its records.

Section 4. Tax Day: Subject to the exceptions provided or permitted by statute, the taxable status of persons and property shall be determined as of the first day of January, which shall be deemed the tax day.

Section 5. Preparation of the Assessment Roll: On or before the first Monday in March in each year the Assessor shall prepare and certify an assessment roll of all property in the village subject to taxation. Such roll shall be prepared in accordance with the statute and shall show separate figures for the value of land and of the building improvements.

Section 6. Board of Review: The Board of Review shall be composed of three freeholders of the village who shall meet the eligibility requirements contained in Article 5, Section 1, and who during their term of office shall not be village officers or employees or nominees or candidates for elective village office. One member of the Board shall be appointed by the Council annually in January 1964 and each year thereafter for a term of three years, to replace the member whose term expires that year. The Council shall fix the compensation of the members of the Board. The Board shall annually in February select its own Chairman for the ensuing year, and the Assessor shall be clerk of the Board and shall be entitled to be heard at its sessions, but shall have no vote.

Section 7. Meeting of Board of Review: The Board of Review shall convene in its first session on the second Monday in March of each year at such time of day and place as shall be designated by the Council and shall remain in session for at least four hours, for the purpose of reviewing and correcting the roll. In each case in which the assessed value of any property is increased over the amount shown on the assessment roll as prepared by the Assessor or property is added to such roll by the Board, or the Board has resolved to consider at its second session such increasing of an assessment or the adding of any property to such roll, the Assessor shall give notice thereof to the owners as shown by such roll by first class letter mailed not later than the day following the end of the first session of the Board. Such notice shall state the date, time, place and purpose of the second session of the Board. The failure to give any such notice or of the owner to receive it shall not invalidate any assessment roll or assessment thereon.

Section 8. Endorsement of Roll: The Board of Review shall convene in its second session on the fourth Monday in March of each year at such time of day and place as shall be designated by the Council and shall continue in session until all interested persons have had an opportunity to be heard, but in no case for less than four hours. At the second session, the Board may not increase any assessment or add any property to the rolls, except in those cases in which the Board resolved at its first session to consider such increase or addition at its second session.

Section 9. Notice of Meeting: Notice of the time and place of the sessions of the Board of Review shall be published by the Clerk at least ten days prior to each session of the Board.

Section 10. Duties and Functions of Board of Review: For the purpose of reviewing and correcting assessments, the Board of Review shall have the same powers and perform like duties in all respects as are by

statute conferred upon and required of boards of review in townships, except as otherwise provided in this charter. It shall hear the complaints of all persons considering themselves aggrieved by assessments, and if it shall appear that any person or property has been wrongfully assessed or omitted from the roll, the Board shall correct the roll in such manner as it deems just. In all cases the roll shall be reviewed according to the facts existing on the tax day and no change in the status of any property after said day shall be considered by the Board in making its decisions. Except as otherwise provided by statute, no person other than the Board of review shall make or authorize any change upon, or additions or corrections to, the assessment roll. It shall be the duty of the Assessor to keep a permanent record of all proceedings and to enter therein all resolutions and decisions of the Board.

Section 11. Endorsement of Roll: After the Board of Review has completed its review of the assessment roll, and not later than the first Monday in April, the majority of its members shall endorse thereon and sign a statement to the effect that the same is the assessment roll of the village for the year in which it has been prepared. The omission of such endorsement shall not affect the validity of such roll.

Section 12. Clerk to Certify Tax Levy: Within three days after the Council has adopted the budget for the ensuing year, the Clerk shall certify to the Assessor the total amount which the council determines shall be raised by general and advalorem tax. He shall also certify all amounts of current or delinquent special assessments and all other amounts which the Council required to be assessed, reassessed or changed upon any property or against any person.

Section 13. Village Tax Roll: After the Board of Review has completed its review of the assessment roll, the Assessor shall prepare a copy of the assessment roll to be known as the "Village Tax Roll," and upon receiving the certification of the several amounts to be raised, as provided in Article 9, Section 12, the Assessor shall spread upon said tax roll the several amounts determined by the Commission to be charged, assessed or reassessed against persons or property. He shall also spread the amounts of the general advalorem village tax according to and in proportion to the several valuations set forth in said assessment roll. To avoid fractions in computation on any tax roll, the Assessor may add to the amount of the several taxes to be raised not more than the amount prescribed by statute. Any excess created thereby on any tax roll shall belong to the village.

Section 14. Tax Roll Certified for Collection: After spreading the taxes the Assessor shall certify the tax roll, and the President shall annex his warrant thereto directing and requiring the Treasurer to collect prior to March first of the following year from the several persons named in said tax roll the several sums mentioned therein opposite their respective names as a tax or assessment and granting to him for the purpose of collecting the taxes, assessments and charges on such roll, all the statutory powers and immunities possessed by township treasurers for the collection of taxes. On June twenty-fifth, the roll shall be delivered to the Treasurer for collection.

Section 15. Tax Lien on Property: On July first, the taxes thus assessed shall become a debt due to the village from the persons to whom they are assessed and the amounts assessed on any interest in real property shall become a lien upon such real property, for such amounts and for all interest and charges thereon, and all personal taxes shall become a first lien on all personal property of such persons so assessed. Such lien shall take precedence over all other claims, encumbrances and liens to the extent provided by statute and shall continue until such taxes, interest and charges are paid.

Section 16. Taxes Due - Notification: Village taxes shall be due on July first of each year. The Treasurer shall not be required to call upon the persons named in the village tax roll, nor to make personal demand for the payment of taxes, but he shall publish, between June twenty-fifth and July first notice of the time when said taxes will be due for collection and the penalties and fees for late payment of same.

Failure on the part of the Treasurer to give said notice shall not invalidate the taxes on said tax roll nor release the person or property assessed from the penalties and fees provided in this Article in case of late payment or non-payment of the same.

Section 17. Collection Fees: All taxes paid on or before August thirty-first of each year shall be collected by the Treasurer without collection fee. On September first he shall add to all taxes then unpaid two percent of said taxes as a collection fee and on the first day of October and of each succeeding month he shall add to all taxes then unpaid an additional one-half of one percent of said taxes as a collection fee. Such collection fee shall belong to the village and constitute a charge and shall be a lien against the property to which the taxes themselves apply, collectible in the same manner as the taxes to which they are added.

It is provided, however, that if delivery of the tax roll to the Treasurer, as provided in Article 9, Section 14, is delayed for any reason by more than thirty days after June twenty-fifth, the application of the schedule of collection fees provided herein shall be postponed thirty days for the first thirty days of such delay and shall be postponed an additional thirty days for each additional thirty days, or major fraction thereof, of such delay.

Section 18. Delinquent Tax Roll to County Treasurer: All village taxes remaining uncollected by the Treasurer on the first day of March following the date when said roll was received by him shall be returned to the County Treasurer to the extent and in the same manner and with like effect as provided by statute for returns by township treasurers of township, school, and county taxes. Such returns shall include all the additional assessments, charges and fees hereinbefore provided, which shall be added to the amount assessed in said tax roll against each property or person. The taxes thus returned shall be collected in the same manner as other taxes returned to the County Treasurer are collected, in accordance with statute, and shall be and remain a lien upon the property against which they are assessed until paid.

ARTICLE X

BORROWING POWER

Section 1. Grant of Authority to Borrow: Subject to the applicable provisions of statute and constitution, the council may by ordinance or resolution borrow money and issue bonds and other evidence of indebtedness therefore, for any purpose within the scope of powers vested in the village. Such bonds or other evidence of indebtedness shall include, but not be limited to, the following types:

- (a) General obligation bonds which pledge the full faith, credit and resources of the village for the payment of such obligations, including bonds for the village's portion of public improvements;
- (b) Notes issued in anticipation of the collection of taxes, but the proceeds of such notes may be spent only in accordance with appropriations as provided by Article 8, Section 4;
- (c) In case of fire, flood or other calamity requiring an emergency fund for the relief of the inhabitants of the village, or for the repairing or rebuilding of any of its municipal buildings, works, bridges, or streets, emergency obligations therefore due in not more than three years;
- (d) Bonds issued in anticipation of special assessments, which bonds may be an obligation of one or more special assessment districts, or may be both an obligation of such special assessment district or districts, and the general obligation of the village;
- (e) Mortgage bonds for the acquiring, owning, purchasing, constructing or operating of any public utility as provided in Article VIII, Section 23, of the Constitution; provided such bonds shall not impose any liability upon the village but shall be secured only upon the property and revenues of such public utility, including a franchise, stating the terms upon which, in case of foreclosure, the purchaser may operate the same, which franchise shall in no case extend for a longer period than twenty years from the date of the sale of such utility and franchise on foreclosure. Such mortgage bonds shall be sold to yield not to exceed six percent per annum. A sinking fund shall be created in the event of the issuance of such bonds, by setting aside such percentage of the gross or net earnings of the public utility as may be deemed sufficient for such payment;
- (f) Refunding bonds for the funded indebtedness of the village;
- (g) Revenue bonds as authorized by Public Act 94 of 1933 which are secured only by the revenues from a public improvement and do not constitute a general obligation of the village.

Section 2. Limits of Borrowing Powers: The net bonded indebtedness incurred for all public purposes shall not at any time exceed ten percent of the assessed value of all the real and personal property in the village subject to taxation as shown by the last preceding assessment roll of the village, provided that in computing such net bonded indebtedness there shall be excluded money borrowed under the following: Article X, Section 1(b) (Tax anticipation notes), Article X, Section 1(d) (special assessment bonds even though they are also a general obligation of the village), Article X, Section 1(e) (mortgage bonds), Article X, Section 1(g) (revenue bonds) and any other obligations excluded by statute or Constitution from such limitations. The resources of the sinking fund pledged for the retirement or any outstanding bonds shall also be deducted from the amount of the bonded indebtedness.

The amount of emergency loans which the Council make under the provision of Article X, Section 1© may not exceed one-fourth of one percent of the assessed value of all the real and personal property in the village (or such larger percentage as villages may by statute be permitted to provide in their charter) notwithstanding such loan may increase the indebtedness of the village beyond the limitation fixed in the preceding paragraph.

The total amount of such special assessment bonds issued under Article X, Section 1(e) which are a general obligation of the village shall at no time by reason of future issues, other than issues of refunding bonds, exceed the statutory limitations thereon, nor shall such bonds be issued in any calendar year in excess of the amount so permitted to be issued by statute unless authorized by a vote of three-fifths of the electors of the village.

Section 3. Vote of Electors Required: Unless approved by three-fifths of the electors voting thereon at any general special election, the Council shall not have power to authorize any issue of bonds except special

assessment bonds, bonds for the village portion of local improvements, not to exceed forty percent of the cost of such improvement, refunding bonds, bonds for relief from fire, flood or calamity or for payment of judgments, revenue bonds and other bonds excluded by statute from the requirement for such vote. Only those electors having the constitutional qualifications for voting on the approval of bond issues shall be entitled to vote on such questions.

Section 4. Preparation and Record of Bonds: Every bond issued by the village shall contain on its face a statement specifying the object for which the same is issued. It shall be unlawful for any officer of the village to sign or issue any such bond unless such statement is set forth on the face of the same, or to use such bonds or the proceeds from the sale thereof for any object other than that mentioned on the face of such bond. Any officer who shall violate any of the provisions of this section shall be deemed guilty of misconduct in office.

Bonds and all other evidences of indebtedness issued by the village shall be signed by the President and Clerk under the seal of the Village. The coupons evidencing the interest upon said bonds may be executed with the facsimile signatures of the President and the Clerk. A complete detailed record of all bonds shall be kept by the Clerk.

Upon the payment of any bond or other evidence of indebtedness, the same shall be canceled.

Section 5. Unissued Bonds: Any authorization by the electors for the issuance of bonds by the Village shall be void if such bonds shall not be issued within three years from the date of such authorization.

Section 6. Installment Payment Contracts: The Council may enter into installment contracts for the purchase of property or capital equipment. Each of such contracts shall not extend over a greater period than five years nor shall the total amount of principle payable under all such contracts exceed the sum of one and one-half percent of the total assessed valuation of all the real and personal properties of the Village, as assessed by the last Village tax roll. All such deferred payments shall be included in the budget for the year in which the installment is payable.

ARTICLE XI

SPECIAL ASSESSMENTS

Section 1. General Power Relative to Special Assessments: The Council shall have the power to determine by resolution that the whole or any part of the expense of any public improvement be defrayed by special assessment upon the property especially benefited in proportion to the benefits derived or to be derived.

Section 2. Procedure in Providing for Special Assessments:

- (a) No resolution determining to proceed with any public improvement to be defrayed by special assessment shall be enacted until cost estimates have been prepared and public hearing has been held on the advisability of so proceeding, which hearing shall be held not less than ten days after notice thereof has been published and sent by first class mail to all property owners in the proposed district as shown by the current assessment roll or the village.
- (b) Such resolution shall state the nature of the public improvement, the estimated cost thereof, the portion of the cost to be paid by special assessment and the portion to be paid from the general funds of the village, shall designate the district or lands and premises upon which such special assessments shall be levied and shall direct the method of determining the benefits upon the property in the district.
- (c) The Assessor shall thereupon prepare a special assessment roll and shall enter and describe thereon all of the lands and premises to be assessed, together with the names of the persons, if known, owning such lands and chargeable with the assessment thereon, and shall assess the cost of such improvements against said lands and premises in the manner directed by the foregoing resolution. When such roll has been completed, it shall be endorsed by the Assessor and filed with the Clerk.
- (d) A public hearing shall be held by the Council for the purpose of correcting and reviewing such roll, which hearing shall be held not less than ten days after notice thereof has been published and sent by first class mail to all property owners in the proposed district as shown by the current assessment roll of the Village. At such hearing the Council shall review said roll and hear all objections thereto and may correct the roll and may then, or at a later date, confirm the roll as reported or corrected. It is provided, however, that no original special assessment roll shall be confirmed except by the affirmative vote of four members of the Council if prior to such confirmation written objections to the proposed improvements have been filed by the owners of property which will be required to bear more than 50 percent of the amount of such special assessment.
- (e) No public improvement to be financed in whole or part by special assessment shall be made before the confirmation of the special assessment roll for such improvement.

Section 3. Disposition of Excessive Special Assessments: The excess by which any special assessment proves larger than the actual cost of the improvement and expenses incidental thereto may be placed in the general fund of the village if such excess is five percent or less of the assessment, but should the assessment prove larger than necessary by more than five percent the entire excess shall be refunded on a pro rata basis to the owners of the property assessed as shown by the current assessment roll of the Village. Such refunds shall be made by credit against future unpaid installments to the extent such installments then exist and the balance of such refund shall be in cash. No refunds shall be made which contravene the provisions of any outstanding evidence of indebtedness secured in whole or part by such special assessment.

Section 4. Additional Assessments: Correction of Invalid Special Assessments: Additional pro rata assessments may be made when any special assessment roll proves insufficient to pay for the improvement for which it was levied and the expenses incident thereto, provided that the additional pro rata assessment shall not exceed twenty-five percent of the assessment as originally confirmed unless a meeting of the Council to be held to review such additional assessment, for which meeting notices shall be published and mailed as provided in the case of review of the original special assessment roll.

Whenever any special assessment shall, in the opinion of the Council, be invalid by reason of irregularity or informality in the proceedings, or if any court of competent jurisdiction shall adjudge such assessment to be illegal, the Council shall, whether the improvement has been made or not, or whether any part of the assessment has been paid or not, have power to cause a new assessment to be made for the same purpose for which the former assessment was made. All proceedings on such reassessment and for the collection thereof shall be conducted in the same manner as provided for the original assessment and whenever any sum or part thereof levied upon any property in the assessment so set aside has been paid and not refunded, the payment so made shall be applied upon the reassessment, or if the payments exceed the amount of the reassessment refunds shall be made.

No judgment or decree nor any act of the council vacating a special assessment shall destroy or impair the lien of the Village upon the premises assessed for such amount of the assessment as may be equitably charged against the same or as by regular mode or proceedings might have been lawfully assessed thereupon.

Section 5. Contested Assessments: No suit or action of any kind shall be instituted or maintained for the purpose of contesting or enjoining the collection of any special assessment (a) unless within thirty days after the confirmation of the special assessment roll, written notice is given to the Council of intention to file such suit or action, stating the grounds on which it is claimed such assessment is illegal; and (b) unless such suit or action shall be commenced within sixty days after confirmation of the roll.

Section 6. Lien and Collection of Special Assessments: Lien. Upon the confirmation of each special assessment roll the special assessments shall become a debt to the village from the persons to whom they are assessed and shall until paid be a lien upon the property assessed for the amount of such assessments and all interest and charges thereon. Such lien shall be of the same character and effect as created by this Charter for Village taxes.

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

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

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

Delinquent Assessments. Special assessments or initial installments which become due other than on July first shall, if unpaid for thirty days or more on May first of any year, be certified as delinquent to the Council by the

Treasurer and council shall place such delinquent assessments on the tax roll for that year together as one item with accrued collection fees thereon to September first of such year.

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

Section 7. Special Assessment Accounts: Except as otherwise provided in this charter, moneys raised by special assessment for any public improvement shall be segregated in a special fund or account and may be used only to pay for the costs of the improvement for which the assessment was levied and expenses incidental thereto or to repay any money borrowed therefor.

Section 8. Additional Procedure May be Provided by Ordinance: The Council may provide by ordinance for any additional procedure in connection with the entire procedure of constructing improvement by special assessment not inconsistent with the provisions of this charter.

Section 9. Failure to Mail Notice: Failure to mail any notice require to be so sent by this charter or by ordinance shall not invalidate any special assessment or special assessment roll.

ARTICLE XII

PURCHASING - CONTRACTS - LEASES

Section 1. Purchase and Sale of Property: The Council shall designate an administrative officer of the Village as Purchasing Agent, and he shall be responsible for the purchase and sale of all Village property. Comparative prices shall be obtained for the purchase or sale of all materials, supplies, and public improvements except (a) in the employment of professional services, and (b) when the Purchasing Agent (or the Council as hereinafter provided) shall determine that no advantage to the Village would result therefrom.

The Council may authorize the Purchasing Agent to make purchases and sales within a prescribed dollar limit without prior approval of the Council. However, in all sales or purchases in excess of five hundred dollars (\$500.00), (a) the sale or purchase shall be approved by the Council, (b) formal sealed bids shall be obtained unless the Council by formal unanimous resolution of those present at the meeting determines that no advantage to the Village will result from competitive bidding, and (c) for purchase over one thousand dollars (\$1,000.00) the requirements of Article XII, Section 2, shall be complied with. No sale or purchase shall be divided for the purpose of circumventing the dollar value limitation contained in this section. The Council may authorize the making of public improvements or the performance of any other Village work by any Village department or agency without competitive bidding.

Purchases shall be made from the lowest competent bidder meeting specification; sales shall be made to the bidder whose bid is most advantageous.

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

The Council may by ordinance establish detailed purchasing, sale and contract procedures not inconsistent with this charter.

Section 2. Contracts: The authority to contract on behalf of the Village is vested in the Council and shall be exercised in accordance with the provisions of statute and this charter, provided that purchases and sales may be made by the Purchasing Agent subject to the provisions of Article XII, Section 1. No contract except (a) an agreement of employment or (b) an agreement for the purchase or sale of goods, wares, or merchandise in an amount of one thousand dollars (\$1,000.00) or less, shall be made unless the same shall have first been submitted to an attorney and his opinion obtained with respect to its legality of form, and unless the officer responsible for maintaining the Village accounts shall first have certified that an appropriation has been made for payment thereof, or that sufficient funds will be available if it be for a purpose to be financed by the issuance of bonds or special assessments, or for some other purpose not chargeable to a budget appropriation. In the case of a contract obligating the Village to periodic payments in the future fiscal years for the furnishing of a continuing service or the leasing of property, such certification shall not cover those payments on the contract which will be due in future fiscal years, but this exception shall not apply to a contract for the construction of a public improvement unless such public improvement is being purchased by installment payments under the provision of Article X, Section 6. A copy of all contracts requiring such opinion and certification shall be filed in the office of the Clerk. No contract shall be divided for the purpose of circumventing the dollar value limitation contained in this section.

No contract shall be amended after the same has been made except upon the authority of the Council (except that the Purchasing Agent may amend the terms of purchases and sales made by him subject to the provisions of Article XII, Section 1).

No compensation shall be paid to any contractor or vendor except in accordance with the terms of the contract.

Section 3. Restriction on Powers to Let Property: Any agreement or contract for the renting or letting of public property for a period longer than three years shall be subject to the same referendum procedure as provided in the case of ordinances passed by the Council. However, a summary of the terms of any such agreement or contract shall be published within ten days after its approval by the Council and any petition for such referendum must be filed within thirty days after such publication to be effective.

The transfer or assignment of any agreement or contract for the renting or letting of public property may be made only upon approval of the Council, but approval of such transfer shall not be subject to referendum.

ARTICLE XIII

MUNICIPAL OWNED UTILITIES

Section 1. General Powers Respecting Utilities: The Village shall possess and hereby reserves to itself all the powers granted to villages by statute and Constitution to acquire, construct, own, operate, improve, enlarge, extent, repair, and maintain, either within or without its corporate limits including, but not by the way of limitation, public utilities for supplying water, light, heat, power, gas, sewage treatment, and garbage disposal facilities, or any of them, to the municipality and the inhabitants thereof; and also to sell and deliver water, light, heat, power, gas, and other public utility services without its corporate limits to an amount not to exceed the limitations set by statute and Constitution.

Section 2. Management of Municipality Owned Utilities: All municipally owned utilities shall be administered as regular departments of the Village government under one or more department heads appointed by, and serving at the pleasure of the Council and not be an independent board or commission.

Section 3. Rates: The Council shall have power to fix from time to time such just reasonable rates as may be deemed advisable for supplying the inhabitants of the Village and others with such public utility services as the Village may provide. There shall be no discrimination in such rates within any classification of users thereof, nor shall free service be permitted, but higher rates may be charged for service outside the Village limits.

Section 4. Utility Rates and Charges - Collection: The Council shall provide by ordinance for the collection of all public utility rates and charges made by the Village. With respect to water the Village shall have all the powers granted to Villages by Public Act 178 of 1939. When any person, firm or corporation shall fail or refuse to pay any sums due on utility bills, the service upon which such delinquency exists may be discontinued and suit may be instituted by the Village for the collection of the same in any competent tribunal.

Section 5. Disposal of Utility Plants and Property: Unless approved by three-fifths majority vote of the electors voting thereon at a regular or special election, the Village shall not sell, exchange, lease, or in any way dispose of any property, easements, equipment, privilege or asset belonging to and appertaining to any municipally owned public utility which is needed to continue operating such utility. All contracts, negotiations, licenses, grants, leases, or other forms of transfer in violation of this section shall be void and of no effect as against the Village. The restrictions of this section shall not apply to the sale or exchange of any articles of machinery or equipment of any Village owned public utility which are worn out or useless or which have been, or could with advantage to the services be, replaced by new improved machinery or equipment, to the leasing of property not necessary for the operation of the utility, or to the exchange of property or easements for other needed property or easements.

Section 6. Utility Accounts: Transactions pertaining to the ownership and operation by the Village of each public utility shall be recorded in a separate group of accounts under an appropriate fund caption, which accounts shall be classified in accordance with generally accepted utility accounting practice. Charges for all service furnished to, or rendered by, other Village departments or agencies shall be recorded. An annual report shall be prepared to show fairly the financial position of the utility and the results of its operations, which report shall be available for inspection at the office of the Clerk.

ARTICLE XIV

PUBLIC UTILITY FRANCHISES

Section 1. Granting of Public Utility Franchises: Public Utility franchises and all renewals, extensions thereof, and amendments thereto shall be granted by ordinance only. No exclusive franchise shall ever be granted. No franchise shall be granted for a longer period than thirty years.

No franchise ordinance which is not subject to revocation at the will of the Council shall be enacted or become operative until the same shall have first been referred to the people at a regular or special election and received the affirmative vote of three-fifths of the electors voting thereon. No such franchise ordinance shall be approved by the Council for referral to the electorate before thirty days after application therefor has been filed with the Council or until a public hearing has been held thereon, or until the grantee named therein has filed with the Clerk his unconditional acceptance of all terms of such franchise. No special election for such purpose shall be ordered by the Council unless the expense of holding such election as determined by the Council shall have first been paid to the Treasurer by the Grantee.

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

Section 2. Conditions of Public Utility Franchise: All public utility franchises granted after the adoption of this charter, whether it be so provided in the granting ordinance or not, shall be subject to the following rights of the Village, but this enumeration shall not be exclusive or impair the right of the Council to insert in such franchise any provision within the power of the Village to impose or require:

- (a) To repeal the same for misuse, non-use or failure to comply with the provisions thereof;
- (b) To require proper and adequate extension of plant and service and maintenance thereof at the highest practicable standard of efficiency;
- (c) To establish reasonable standards of service and quality of products and prevent unjust discrimination in service or rates;
- (d) To require continuous and uninterrupted service to the public in accordance with the terms of the franchise throughout the entire period thereof;
- (e) To use, control and regulate the use of its streets, alleys, bridges, and public places, and the space above and beneath them.
- (f) To impose such other regulations as may be determined by the Council to be conducive to the safety, welfare, and accommodation of the public.

Section 3. Regulation of Rates: All public utility franchises shall make provision therein for fixing rates, fares, and charges and may provide for readjustments thereof at periodic intervals. The value of the property of the utility used as a basis for fixing such rates, fares, and charges shall in no event include a value predicated upon the franchise, goodwill, or prospective profits.

Section 4. Use of Public Places by Utilities: Every public utility, whether it has a franchise or not, shall pay such part of the cost of improvement or maintenance of streets, alleys, bridges, and public places as shall arise from its use thereof and shall protect and save the Village harmless from all damages arising from said uses. Every such public utility may be required by the Village to permit joint use of its property and appurtenances located in the streets, alleys, and other public places of the Village by the Village and by other utilities insofar as such joint use may be reasonably practicable and upon payment of reasonable rental therefor. In the absence of agreement and upon application by any public utility, the Council shall provide for arbitration of the terms and conditions of such joint use and the compensation to be paid therefor, and the arbitration award shall be final.

ARTICLE XV

MISCELLANEOUS

Section 1. Records to be Public: All records of the Village shall be public and shall be available for inspection at all reasonable times.

Section 2. Definitions and Interpretations: Except as otherwise specifically provided or indicated by the context:

- (a) All words used in this charter indicating the present tense shall not be limited to the time of the adoption of this charter, but shall extend to and include the time of the happening of any event or requirement for which provision is made herein.
- (b) The singular number shall include the plural, the plural number shall include the singular, and the masculine gender shall extend to and include the feminine gender and the neuter.
- (c) The word "person" may extend and be applied to bodies politic and corporate and to partnerships as well as to individuals.
- (d) The words "printed" and "printing" shall include reproductions by printing, engraving, stencil duplicating, lithographing or any similar method.
- (e) Except in reference to signatures, the words "written" and "in writing" shall include printing and typewriting.
- (f) The word "statute" shall denote the Public Acts of the State of Michigan as in effect at the time the provision of the charter containing the word "statute" is to be applied.
- (g) The word "Constitution" shall denote the Constitution of the State of Michigan as in effect at the time the provisions of the charter containing the word "Constitution" is to be applied.
- (h) All references to specific local or Public Acts shall be to such local or Public Acts of the State of Michigan as in effect at the time the reference to such act is to be applied.
- (i) All references to section numbers shall refer to section numbers of this charter.

Section 3. Definition of Publication, Mailing of Notices: The requirement contained in this charter for the publishing or publication of notices or ordinances shall be met by posting copies thereof in five of the most public places in the Village by the Clerk or his designated agent or by publication in any newspaper circulated within the Village. The affidavit of the Clerk or such agent or such posting shall be prima facie evidence of such publication.

In any case in which this charter required the mailing of notices, the affidavit of the officer or employee responsible for such mailing that such notice was mailed shall be prima facie evidence of such mailing.

Section 4. Village Liability: In accordance with the authority granted in Section 25 of Public Acts 278 of 1909, Section 7 of Chapter VII of Public Acts 3 of 1895, which section in part limits the liability of Villages and prescribes a procedure for claims against the Village is hereby adopted as part of this article by this reference thereto, but the Village shall not be subject to any limitations or restrictions of said act except as provided in this charter.

Section 5. Trusts: All trusts established for any municipal purpose shall be used and continued in accordance with the terms of such trust, subject to the cy pres doctrine. The Council may in its discretion receive and hold any property in trust for any municipal purpose and shall apply the same to the execution of such trust and for no other purposes except in cases where the cy pres doctrine shall apply.

Section 6. Sundays and Holidays: Whenever the date fixed by this charter or by ordinance for the doing or completion of an act falls on a Sunday or legal holiday, such act shall be done or completed on the next succeeding day which is not a Sunday or legal holiday.

Section 7. Penalties for Misconduct in Office: Any officer of the Village found guilty by a court of competent jurisdiction of any act declared by this charter to constitute misconduct in office may be punished * at the discretion of the court. The punishment provided in this section shall be in addition to that of having the office declared vacant as provided in Article V, Section 2. (This section eliminated by November 7, 1995 election **by a fine of not to exceed one hundred dollars (\$100.00) or imprisonment for not to exceed ninety (90) days or both")

Section 8. Articles and Section Headings: The Article, section and sub-section headings used in this charter are for convenience only and shall not be considered as part of the charter.

Section 9. Amendments: This charter may be amended at any time in the manner provided by statute. Should two or more amendments adopted at the same election have conflicting provisions to one receiving the largest affirmative vote shall prevail as to those provisions.

Section 10. Severability of Charter Provisions: If any provision, section, article, or clause of this charter or the application thereof to any person or circumstances shall be found to be invalid by a court, such invalidity shall not affect any remaining portion or application of the charter which can be given effect without the invalid portion or application, provided such remaining portions or application are not determined by the court to be inoperable, and to this end this charter is declared to be severable.

ARTICLE XVI

SCHEDULE

Section 1. Election on Adoption of Charter.

- (a) Date. This charter shall be submitted to a vote of the registered electors of the Village of Sanford at a special election to be held on July 16, 1963. At the same special election the elective officers provided for in this charter shall be elected as hereinafter provided. The charter shall be adopted if a majority of the ballots cast thereon are in favor of adoption.
- (b) Form of Ballot. The form of the ballot for the submission of this charter shall be as follows:

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

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

Shall the proposed charter for the Village of Sanford drafted by the
Charter Commission elected on April 1, 1963, be adopted?

() Yes
() No

- (c) The Charter Commission shall serve as the Election Commission for this special election and the Clerk of the Charter Commission shall be Clerk of the Election Commission.
- (d) The polling place for this special election shall be the Jerome Township Hall, Number 1.
- (e) Inspectors of Election. The inspectors of election for this special election shall be the following qualified electors of the Village:

Gerfrudé Chamberlain
Celia V. Woolman
Ruby Sampson

They shall receive no compensation for their services.

- (f) Board of Canvassers. The board of canvassers for this election shall be the following three qualified electors of the Village:

William B. Argyle
Stanley A. Raymond
Robert Hildebrandt

The Board shall meet at the Jerome Township Hall, Number 1, at 8:00 P.M. on Wednesday, 17th of July, 1963, to publicly canvass the results of such election.

- (g) Registration. The persons designated to act as inspectors of this election shall constitute a board of registration for the purpose of making the first registration of qualified voters in the Village. Said board shall be authorized to procure the necessary books, files and forms to conduct such registration. The last day for registration shall be the twentieth day preceding said election. The board of registration shall on or before such last day for registration secure from the Clerk of Jerome Township his record of the persons who are both residents of the Village of Sanford, as hereinbefore defined, and registered voters of the Township of Jerome on such day and shall incorporate such records with their records, and shall cause all such persons to be registered as Village electors in the same manner as though such persons had then and there applied for registration, and all such persons shall be deemed to be registered Village electors. Subsequent to the election, the registration records shall be delivered to the Clerk of the Village and shall constitute the original registration roll of the Village.
- (h) Notice of Registration. The secretary of the Election Commission shall give notice for the Board of Registration of the days, hours, and place that the registration will be conducted by posting notices thereof in at least five of the most conspicuous places in the Village, on or before May 27, 1963.
- (i) Notice of Election. The secretary of the Election Commission shall cause to be published with the charter and posted in at least ten public places in the Village not less than two weeks prior to the July 16, 1963, election notices of such election, of the location of the polling place, that on the date fixed therefor

the question of adopting this proposed charter will be voted upon and that the elective officers provided for in this charter will be elected on the same date.

- (j) Procedure Governing Elections. In all respects not otherwise provided for in this Article of this charter, the election procedure shall be in accordance with the provisions of the other Articles of this charter.

Section 2. First Election of Village Officers:

- (a) Election. The first election of officers provided for in this charter shall be held on July 16, 1963, in conjunction with the election on the adoption of this charter. At this election the voters shall be entitled to vote for not more than five candidates for Council, and for not more than one candidate for Clerk.
- (b) Terms. The two candidates for Council who receive the two highest number of votes shall be declared elected for a term beginning on Monday, July 22, 1963, and ending on the Monday next following the date of the regular village election in 1966. The three candidates for Council who receive the third, fourth, and fifth highest number of votes shall be declared elected for a term beginning on Monday, July 22, 1963, and ending on the Monday next following the date of the regular Village election in 1964. After this election the provisions contained in this charter relative to elections and terms of elective officers shall govern.
- (c) The candidate receiving the highest number of votes for Clerk shall be elected as Clerk commencing on Monday, July 22, 1963, and ending on the Monday next following the date of the regular Village election in 1964. After this election the provisions contained in this charter relative to elections and terms of elective officers shall govern.
- (d) Nominations. Candidates for the first election of officers shall be nominated by petition in a manner identical to that provided for in Article III, Sections 6 and 7, except that (1) petitions shall be filed with the Clerk of the Election Commission who shall perform all the duties in connection with such nomination, petitions as are required by this charter of the Village Clerk, and (2) nomination petitions shall be filed not before Monday, June 24, 1963, and not after 5:00 P.M. on Monday, July 1, 1963, and there shall be no opportunity thereafter to file corrected, supplemental, or replacement petitions, or provisions of this charter notwithstanding. Notice of the days permitted for filing nomination petitions and of the number of persons to be elected to each office shall be published both in the manner provided in this charter for the publication of notices and by newspaper publication in the same issue of the newspaper in which the charter is published. The Clerk of the Election Commission shall on Monday, June 10, 1963, make available a supply of official petition forms as required by Article III, Section 6. The Clerk of the Election Commission shall make his final determinations as to the validity and sufficiency of such nomination petitions on or before Friday, July 5, 1963, other provisions of this charter notwithstanding. The names of those candidates who file valid and sufficient nomination petitions and have the qualifications required for office shall be certified to the Election Commission to be placed on the ballot.
- (e) Other Election Procedure. In all respects not otherwise provided for in this Section, the procedure for the election of officers shall be in accordance with the provisions of Article XVI, Section 1.

Section 3. Effective Date of Charter: For the purpose of initiating the procedure for the election on the adoption of this charter and for nominating and electing the Village officers, this charter shall take effect on June 10, 1963. For all other purposes this charter shall take effect on July 22, 1963, at 8:00 P.M. Eastern Standard Time. At such time the first officers elected under this charter shall assemble at the Jerome Township Hall, Number 1. The meeting shall be called to order by a member of the Charter Commission designated by it for the purpose. Such member shall administer the oath of office to each elective officer of the Village and such officers shall thereupon be qualified for and shall assume the duties of their office.

Such officers shall then have control over the territory constituting the Village as provided in this charter.

Section 4. Interim Provisions: First Board of Review. Before January 6, 1964, the Council shall appoint a Board of Review of three persons who meet the qualifications for the office as provided in this charter, shall designate a chairman to serve until February, 1966, and shall fix their compensation. Such members shall take office on or before January 6, 1964. One such member shall be designated to serve for a term expiring in January, 1965, one for a term expiring in January, 1966, and one for a term expiring in January, 1967. Thereafter the provisions of Article IX, Section 6 shall govern.

Section 5. Interim Provisions: Township Assets; Sharing of State Aid. As provided by law, the Council shall take immediate steps to obtain the share of the Village in real property owned by the Township of Jerome and in distributions of State funds, moneys, or grants which by law are required to be distributed among cities, villages, townships, and (or) counties of the State in accordance with Section 10 of Public Act 278 of 1909.

Section 6. Interim Provisions: Status of Schedule Article. The purpose of this schedule article is to inaugurate the Government of the Village under this charter and it shall constitute a part of this charter only to the extent and for the time required to accomplish this end.