



**CITY OF GROSSE POINTE WOODS**  
**REGULAR CITY COUNCIL MEETING AGENDA**  
**Monday, May 05, 2025 at 7:00 PM**

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*Robert E. Novitke Municipal Center - Council Chambers/Municipal Court,  
20025 Mack Plaza, Grosse Pointe Woods, MI 48236  
(313) 343-2440*

**1. CALL TO ORDER**

A. Administrative Memo: May 1, 2025

**2. ROLL CALL**

**3. PLEDGE OF ALLEGIANCE**

**4. RECOGNITION OF COMMISSION MEMBERS**

**5. ACCEPTANCE OF AGENDA**

**6. CONSENT AGENDA**

**A. Approval of Minutes**

1. Council 04/28/25

**B. Commission Minutes to be Received and Placed on File**

1. Planning Commission 03/25/25

**C. Proclamations**

1. National Military Appreciation Month (May)

2. Peace Officers Memorial Day (May 15) / National Police Week (May 11-17)

**D. Resolutions**

1. Social District Recommendations - 2025 Season

- a) Memo 04/29/25 - City Planner Jankowski
- b) GPW Social District Operations and Maintenance Plan
- c) Proposed Resolutions for Participating Businesses

2. Adjustments to Sections 2-674 and 2-677 Purchasing Threshold

- a) Memo 05/05/25 - City Administrator Schulte
- b) Proposed Resolution

**E. Claims and Accounts**

1. Anderson, Eckstein & Westrick, Inc. (AEW) - City Engineers - Ghesquiere & Lake Front Park Bldg. Renovations - Invoice No. 157179 - Proj. No. 0160-0479 - 04/01/25 - \$3,736.25.

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cc: Council - 7  
City Administrator  
City Attorney

Treasurer/Comptroller  
City Clerk  
Email Group/Media

Assistant City Administrator  
Post - 4

**7. PRESENTATION**

A. Grosse Pointe Woods Fire Department Commendation

- 1) Letter 03/31/25 - Kenneth Werenski, GP Shores Director of Public Safety

**8. COMMUNICATIONS**

A. Schedule Public Hearing Date for Proposed FY 2025-2026 Budget

- 1) Memo 05/05/25
- 2) Notice of Public Hearing
- 3) Committee-of-the Whole Sitting As Finance Committee Minutes Excerpt 04/28/25

B. Schedule Public Hearing for Proposed Rezoning and Site Plan for 20160 Mack Avenue

- 1) Letter 04/24/25 -City Planner Jankowski
- 2) Notice of Public Hearing
- 3) Planning Commission Minutes Excerpt 04/22/25

**9. CHARTER/ORDINANCE**

A. City Charter Proposed Amendment Changing the Title of City Administrator to City Manager

- 1) Memo 05/01/25 - City Administrator Schulte
- 2) Proposed Resolution
- 3) Exhibit A of Resolution
- 4) Exhibit B of Resolution

**10. NEW BUSINESS/PUBLIC COMMENT**

**11. ADJOURNMENT**

**Paul P. Antolin, MiPMC  
City Clerk**

IN ACCORDANCE WITH PUBLIC ACT 267 (OPEN MEETINGS ACT)  
POSTED AND COPIES GIVEN TO NEWSPAPERS

The City of Grosse Pointe Woods will provide necessary, reasonable auxiliary aids and services, such as signers for the hearing impaired, or audio tapes of printed materials being considered at the meeting to individuals with disabilities. All such requests must be made at least five days prior to a meeting. Individuals with disabilities requiring auxiliary aids or services should contact the City of Grosse Pointe Woods by writing or call the City Clerk's office, 20025 Mack Plaza, Grosse Pointe Woods, MI 48236 (313) 343-2440 or Telecommunications Device for the Deaf (TDD) 313 343-9249

**\*\*\* NOTE TO PETITIONERS: YOU, OR A REPRESENTATIVE, ARE REQUESTED TO BE IN ATTENDANCE AT THE MEETING SHOULD THE COUNCIL HAVE QUESTIONS REGARDING YOUR REQUEST. \*\*\***

OFFICE OF THE CITY ADMINISTRATOR

**Subject: Recommendations for the Regular Council Meeting of May 5, 2025**

Item 1 **CALL TO ORDER**

Prerogative of the Mayor to call this meeting to order.

Item 2 **ROLL CALL**

Prerogative of the Mayor to request a Roll Call from the City Clerk.

Item 3 **PLEDGE OF ALLEGIANCE**

Prerogative of the Mayor to lead the City Council, Administration, and members of the audience in the Pledge of Allegiance.

Item 4 **RECOGNITION OF COMMISSION MEMBERS**

Prerogative of the Mayor to request Commission Members in attendance at tonight's meeting to approach the podium and introduce themselves and the Commission on which they serve.

Item 5 **ACCEPTANCE OF THE AGENDA**

Prerogative of the City Council that all items on tonight's agenda be received, placed on file, and taken in order of appearance.

Item 6 **CONSENT AGENDA**

All items listed under the consent agenda are considered routine by the Council and will be enacted by one motion and a second. There will be no separate discussion of these items. If discussion of an item is required, it will be removed from the consent agenda and considered. One member may request that an item be removed and no second is required.

Prerogative of the City Council to approve all items (6A-6E) listed under the consent agenda as presented.

**A. Approval of Minutes**

1. Council 04/28/25

**B. Commission Minutes to be Received and Placed on File**

1. Planning Commission 03/25/25\*

\*The recommendation in these minutes were addressed at the 04/28/25 City Council meeting.

**C. Proclamations**

1. National Military Appreciation Month (May)
2. Peace Officers Memorial Day (May 15)/National Police Week (May 11-17)

**D. Resolutions**

1. Social District Recommendations - 2025 Season
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  - b) GPW Social District Operations and Maintenance Plan
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Item 7        PRESENTATION

Item 7A      GROSSE POINTE WOODS FIRE DEPARTMENT COMMENDATION  
Prerogative of the Mayor to ask the Director of Public Safety Kosanke to present the commendation.

Item 8        COMMUNICATIONS

Item 8A      SCHEDULE PUBLIC HEARING DATE FOR PROPOSED FY 2025-2026 BUDGET  
Prerogative of the City Council to set May 19, 2025, for a Public Hearing to consider final adoption of the Proposed FY 2025-2026 Budget, and to authorize the City Clerk to publish said Public Hearing Notice in the *Grosse Pointe News*.

Item 8B      SCHEDULE PUBLIC HEARING DATE FOR PROPOSED REZONING AND SITE PLAN FOR 20160 MACK AVENUE  
Prerogative of the City Council to set May 19, 2025, for a Public Hearing to consider final adoption of proposed rezoning and site plan for 20160 Mack Avenue, and to authorize the City Clerk to publish said Public Hearing Notice in the *Grosse Pointe News*.

Item 9        CHARTER/ORDINANCE

Item 9A      CITY CHARTER PROPOSED AMENDMENT CHANGING THE TITLE OF CITY ADMINISTRATOR TO CITY MANAGER  
Prerogative of the City Council to concur with the City Administrator's recommendation and approve the proposed City Charter Amendment Ballot Language to change the title from "City Administrator" to City Manager" throughout the City Charter, request the State



of Michigan Attorney General by Resolution to recommend the amendment change to the Governor to be placed on the City of Grosse Pointe Woods November 4, 2025 ballot, and authorize the City Clerk to sign the resolution and transmit a copy of the proposed amendment to the Governor and Attorney General of the State of Michigan, as required by law.

Item 10      NEW BUSINESS/PUBLIC COMMENT

Prerogative of the Mayor to ask if there is any New Business to come before the City Council from the City Council or Administration; and then, to ask members of the audience if there is any Public Comment to come before the City Council.

Item 11      ADJOURNMENT

Upon the conclusion of New Business/Public Comment with no further business to be conducted by the City Council, prerogative of the City Council to motion for adjournment of tonight's meeting.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Frank Schulte", written in a cursive style.

Frank Schulte  
City Administrator

MINUTES OF THE RESCHEDULED CITY COUNCIL MEETING OF THE CITY OF GROSSE POINTE WOODS HELD ON MONDAY, APRIL 28, 2025, IN THE COUNCIL-COURTROOM OF THE ROBERT E. NOVITKE MUNICIPAL CENTER, 20025 MACK PLAZA DR., GROSSE POINTE WOODS, MICHIGAN.

The meeting was called to order at 7:02 p.m. by Mayor Bryant.

PRESENT: Mayor Bryant  
Council Members: Brown, Gafa, Koester, McConaghy, Motschall  
ABSENT: Granger

Also Present: City Administrator Schulte  
Assistant City Administrator Como  
City Attorney Walling  
City Treasurer/Comptroller Schmidt  
City Clerk Antolin  
Director of Parks & Recreation Gafa  
City Engineer Siedel

**Motion** by Gafa, seconded by Brown, that Councilmember Granger be excused from tonight's meeting.

Motion carried by the following vote:

Yes: Brown, Bryant, Gafa, Koester, McConaghy, Motschall  
No: None  
Absent: Granger

Council, Administration, and the audience Pledged Allegiance to the U.S. Flag.

The following Commission members were in attendance:

- Catherine Dumke, Senior Citizens' Commission
- Mollie Mackinnon, Planning Commission

**Motion** by McConaghy, seconded by Gafa, that all items on tonight's **agenda be received, placed on file, and taken in order of appearance.**

Motion carried by the following vote:

Yes: Brown, Bryant, Gafa, Koester, McConaghy, Motschall

No: None

Absent: Granger

**Motion** by Gafa, seconded by Brown, that all items (6A-6F) on the consent agenda be approved as presented.

**A. Approval of Minutes**

1. Council 04/07/25
2. Committee-of-the-Whole 04/07/25 with Recommendation\* & 02/24/25  
*\*Recommendation to increase Planning Commission Budget by \$20,000 for the next fiscal year (FY 2025-2026).*

**B. Commission Minutes Received and Placed on File**

1. Beautification Advisory Commission (BAC) 03/12/25 with Recommendations\*  
*\*Recommendation to approve an amount of \$1,000.00 to reserve Lochmoor Club for the 11/12/25 BAC Awards night dinner.*  
*\*Recommendation to approve a budget not to exceed \$8,000.00 for the total expense of the 11/12/25 BAC Awards night dinner.*  
*\*Note the recommendation appointing George Dinicu to the BAC was presented at the 04/07/25 Council meeting.*
2. Citizens' Recreation Commission 02/11/25 with Recommendations\* & 03/11/25  
*\*Recommendation requesting the Commission's FY 2025/2026 Budget of \$17,500.00.*  
*\*Recommendation requesting up to \$3,000.00 from Account No. 101-105-880.000 for activities and signage for SpringFest.*
3. Historical Commission 09/12/24 & 11/14/24 (amended)

**C. Monthly Financial Report**

1. March 2025

**D. Bids/Proposals/Contracts**

1. AEW Fees - Lake Front Park Old Concession Stand Building Renovation
  - a) Memo 04/16/25 - Director of Public Services Kowalski
  - b) Authorization for Additional Services
2. Bark Mulch for City Landscape Beds and Installation of Playground Mulch
  - a) Memo 04/23/25 – Director of Public Services Kowalski
  - b) 04/22/25 BID Opening Documents

**E. Resolution**

1. Resident Canada Goose Management Program
  - a) Memo 04/23/25 – Director of Parks and Recreation Gafa
  - b) Letter 04/14/25 - Permit Specialist - Michigan Department of Natural Resources/Wildlife Division
  - c) Proposed Resolution
  - d) Petition to Request Permit to Participate in Canada Goose Programs

**F. Claims and Accounts**

1. Anderson, Eckstein & Westrick, Inc. (AEW) - City Engineers
  - a) ENG. Plan Review - Parcels Middle School - Invoice No. 156830 - Proj. No. 0160-0492 - 03/19/25 - \$4,426.00.
  - b) ENG. Plan Review - Monteith Elementary - Invoice No. 156836 - Proj. No. 0160-0491 - 03/20/25 - \$4,540.50.
2. Keller Thoma - Legal Services - Invoice No. 127473 - March 2025 - 04/01/25 - \$393.75.
3. McKenna - Building/Planning Services
  - a) Invoice No. 21849-108 - Building Services - March 2025 - 04/21/25 - \$52,927.60.
  - b) Invoice No. 22-064-40 - Planning Services - March 2025 - 04/15/25 - \$3,395.00.
4. Rosati, Schultz, Joppich & Amtsbuechler, P.C. - Legal Services - Invoice No. 1083260 - March 2025 - 04/11/25 - \$2,726.70.
5. WCA Assessing - Assessing Services - Invoice No. 040225 - May 2025 - 04/02/25 - \$7,534.41.

Motion carried by the following vote:

Yes: Brown, Bryant, Gafa, Koester, McConaghy, Motschall  
No: None  
Absent: Granger

The Mayor asked Director of Parks and Recreation, Owen Gafa, to present the Snow Creation Contest Awards. Director of Parks and Recreation Gafa presented the awards to the following recipients:

- Most Creative – “Summertime Dreamin’” by the Swaneck Family
- Best Construction – “Fort Littlestone” by the O’Hara Family
- Best Traditional – “Chilly Charlie” by the Trost Family

**Motion** by Brown, seconded by McConaghy, regarding **Second Reading – Chapter 50 – Zoning Ordinance Amendment: Providing a Definition of Short-Term Rentals and Regulating Short-Term Rentals**, that the City Council approve this zoning ordinance amendment as presented and make it effective 10 days after its enactment.

Motion carried by the following vote:

Yes: Brown, Bryant, Gafa, Koester, McConaghy, Motschall  
No: None  
Absent: Granger

Under New Business the following individual was heard:

- Mayor Bryant read aloud a letter of appreciation from the City Council to the Grosse Pointe Chamber Foundation Board for selecting the City of Grosse Pointe Woods as the recipient of the Community Foundation Wilson Grant in the amount of \$3,914.00. At the request and feedback of residents, the funds will be used to purchase an all-in-one workout station and elliptical machine for the activities center.

Under Public Comment, no one wished to be heard.

**Motion** by Motschall, seconded by Koester, to **adjourn tonight’s meeting** at 7:14 p.m. PASSED UNANIMOUSLY.

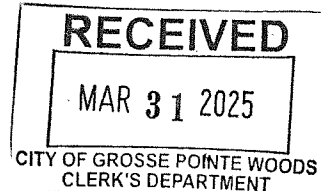
Respectfully submitted,

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Paul P. Antolin  
City Clerk

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Arthur W. Bryant  
Mayor



*Commission approved*  
*4/22/25*

PLANNING COMMISSION  
03-25-25 - 10

MINUTES OF THE **PLANNING COMMISSION** MEETING OF THE CITY OF GROSSE POINTE WOODS HELD ON **MARCH 25, 2025**, IN THE COUNCIL-COURT ROOM OF THE ROBERT E. NOVITKE MUNICIPAL CENTER, 20025 MACK PLAZA, GROSSE POINTE WOODS, MICHIGAN.

The meeting was called to order at 7:00 p.m. by Vice Chair Hamborsky.

Roll Call: Chair Fenton

Commission Members: Fuller, Gilezan, Hamborsky, Mackinnon, Marx, McNelis, O'Keefe, Vitale

Absent: Fenton

Also Present: City Planner, Ashley Jankowski  
Recording Secretary, Gretchen Miotto  
Council Representative Kenneth Gafa

Vice Chair Hamborsky recognized Council Representative Gafa.

The Planning Commission, staff, and the public, Pledged Allegiance to the U. S. Flag.

**MOTION** by Gilezan, seconded by Fuller, to excuse Commission Member Fenton from attendance at tonight's meeting.

Motion carried by the following vote:

YES: Fuller, Gilezan, Hamborsky, Mackinnon, Marx, McNelis, O'Keefe, Vitale

NO: None

ABSENT: Fenton

**MOTION** by Fuller, seconded by O'Keefe, to accept tonight's agenda as presented and place on file.

Motion carried by the following vote:

YES: Fuller, Gilezan, Hamborsky, Mackinnon, Marx, McNelis, O'Keefe, Vitale

NO: None

ABSENT: Fenton

**MOTION** by Vitale, seconded by Gilezan, that the February 25, 2025, Planning Commission meeting minutes be approved as presented.

Motion carried by the following vote:

YES: Fuller, Gilezan, Hamborsky, Mackinnon, Marx, McNelis, O'Keefe, Vitale

NO: None

ABSENT: Fenton

The first item, under **Public Hearings**, was to **Host a Public Hearing on Short Term Rental Ordinance, which requires a minimum tenant tenure of 30 days.**

**MOTION** by Gilezan, seconded by O'Keefe, to open the **public hearing.**

Motion carried by the following vote:

YES: Fuller, Gilezan, Hamborsky, Mackinnon, Marx, McNelis, O'Keefe, Vitale  
NO: None  
ABSENT: Fenton

Vice Chair Hamborsky opened the public hearing at 7:03 pm.

Planner Jankowski provided an overview of the hearing purpose and the proposed language for Chapter 50 – Zoning, Section 50-2.19 Definitions, and Section 50-4.34 Rental Properties.

No one wished to speak in support of the proposed changes.

No one wished to speak in opposition of the proposed changes.

**MOTION** by Gilezan, seconded by Fuller, to **close the public hearing on Short Term Rental Ordinance, which requires a minimum tenant tenure of 30 days.**

Motion carried by the following vote:

YES: Fuller, Gilezan, Hamborsky, Mackinnon, Marx, McNelis, O'Keefe, Vitale  
NO: None  
ABSENT: Fenton

Vice Chair Hamborsky closed the public hearing at 7:06 pm.

The next item, under **New Business**, was to **Consider Recommending Approval of the Proposed Zoning Ordinance Amendment on Short-Term Rentals.**

**MOTION** by O'Keefe, seconded by McNelis, that the Planning Commission Recommend Approval to City Council on the Proposed Zoning Ordinance Amendment on Short-Term Rentals.

Motion carried by the following vote:

YES: Fuller, Gilezan, Hamborsky, Mackinnon, Marx, McNelis, O'Keefe, Vitale  
NO: None  
ABSENT: Fenton



The next item, under **New Business**, is the **Consideration of the Rezoning Application for 20160 Mack Avenue and to Consider a Public Hearing.**

Planner Jankowski provided an overview of the rezoning request and the Building Department's initial findings after the application review. The request is to consider the change of the existing Zoning of RO-1, Restricted Office District, to C, Commercial Business. The applicant proposes to re-develop the site and construct a new commercial retail strip consisting of three tenant spaces. The following findings of fact have been made in favor of the re-zoning: a) the proposed site is architecturally consistent with the neighboring residential neighborhood; and b) there is demand for more commercial retail along the Mack Avenue corridor, and to promote walkability; and c) the up zoning aligns with the newly adopted 2024 Master Plan and Future Land Use Plan Map.

Commissioners McNelis & Vitale indicated they would be recusing themselves from the public hearing and voting due to their involvement in the project.

**MOTION** by Marx, seconded by Fuller, that the Planning Commission schedule a public hearing to **Consider the Rezoning Application, from RO-1 to C, for 20160 Mack Avenue** on April 22, 2025.

Motion carried by the following vote:

YES: Fuller, Gilezan, Hamborsky, Mackinnon, Marx, O'Keefe  
NO: None  
ABSENT: Fenton  
ABSTAIN: McNelis, Vitale

The next item was the **Building Official's Report, February, 2025 to March, 2025.**

Planner Jankowski provided an overview of current projects and permits.

The next item was the **City Council Reports for March 3 and 17, 2025.**

Commissioner Hamborsky attending the March meetings, and reported there were no items pertinent to the Planning Commission.

Commissioner Mackinnon will attend the March meetings.

The next item was **Information Only on Discussion on Crosswalk Improvement and GPW Public Safety Data.**

Planner Jankowski updated the Commission on her work with Director Kosanke, Public Safety, to gather data.

No one wished to be heard under **Public Comment**.

Planner Jankowski stated the "Passport" app for parking in the city is coming soon with a 3-year contract. The Mack/Vernier Intersection Improvements are expected to start in April.

**MOTION** by Gilezan, seconded by O'Keefe, to adjourn at 7:30 p.m.

Motion carried by the following vote:

YES: Fuller, Gilezan, Hamborsky, Mackinnon, Marx, McNelis, O'Keefe, Vitale

NO: None

ABSENT: Fenton

Respectfully Submitted,  
Gretchen Miotto  
Clerk's Confidential Administrative Assistant & Recording Secretary

## CITY OF GROSSE POINTE WOODS

### PROCLAMATION

WHEREAS, the freedom and security that the citizens of the United States enjoy today are a direct result of the bloodshed and continued vigilance provided by the United States Armed Forces over the history of our great nation; and

WHEREAS, the sacrifices of the members of the United States Armed Forces and the family members that support them, have preserved the liberties that have enriched this nation making it unique in the world community; and

WHEREAS, the United States Congress, in 2004, passed a resolution proclaiming **May** as **National Military Appreciation Month**, calling all Americans to remember those who gave their lives in defense of freedom and to honor the men and women of all of our Armed Services who have served and are now serving our Country, together with their families; and

WHEREAS, the month of **May** was selected because it contains more national observances in honor of the armed forces than any other month, such as Victory in Europe (VE) Day, Military Spouse Day, Loyalty Day, Armed Forces Day/Week, National Day of Prayer, and Memorial Day.

NOW, THEREFORE, I, ARTHUR W. BRYANT, Mayor of the City of Grosse Pointe Woods, Michigan do hereby proclaim the month of **MAY** as **NATIONAL MILITARY APPRECIATION MONTH** in the City of Grosse Pointe Woods, Michigan and encourage all citizens to join the City Council and me in showing our gratitude by the appropriate display of flags and ribbons during the designated period.



Arthur W. Bryant  
Mayor  
May 5, 2025



# CITY OF GROSSE POINTE WOODS

## PROCLAMATION

WHEREAS, the Congress and President of the United States have designated **May 15** as **PEACE OFFICERS MEMORIAL DAY**, and the week in which it falls as **NATIONAL POLICE WEEK**; and


WHEREAS, the members of the Public Safety Department of the City of Grosse Pointe Woods play an essential role in safeguarding the rights and freedoms of the citizens of Grosse Pointe Woods; and

WHEREAS, it is important that all citizens know and understand the problems, duties and responsibilities of their Public Safety Department, and that members of our Public Safety Department recognize their duty to serve the people by safeguarding life and property, by protecting them against violence and disorder, and by protecting the innocent against deception and the weak against oppression and intimidation; and

WHEREAS, the Public Safety Department of the City of Grosse Pointe Woods is a modern and scientific law enforcement agency which unceasingly provides a vital public service.

NOW, THEREFORE, I, Arthur W. Bryant, Mayor of the City of Grosse Pointe Woods, Michigan, call upon all citizens of Grosse Pointe Woods and upon all patriotic, civil and educational organizations to observe the week of **May 11 through 17, 2025**, as **NATIONAL POLICE WEEK** and that all of our residents join in commemorating police officers, past and present, who by their faithful and loyal devotion to their responsibilities have rendered a dedicated service to their communities and, in doing so, have established for themselves an enviable and enduring reputation for preserving the rights and security of all citizens.

I, FURTHER call upon all citizens of Grosse Pointe Woods to observe **Wednesday, May 15, 2025**, as **PEACE OFFICERS MEMORIAL DAY** in honor of those peace officers who, through their courageous deeds, have lost their lives or have become disabled in the performance of duty.

*Arthur W. Bryant*  
ARTHUR W. BRYANT

Mayor  
May 5, 2025



# Memorandum Presented To Council

**TO:** Grosse Pointe Woods City Council; Frank Schulte, City Manager; Paul Antolin, City Clerk  
**FROM:** Ashley Jankowski  
**SUBJECT:** Social District Recommendations – 2025 Season  
**DATE:** April 29, 2025

The City of Grosse Pointe Woods is excited to relaunch our Social District for the 2025 Season, which will last from **May 1st through October 31st, 2025. During these designated calendar months, Social District operations can occur from 1pm – 10pm Thursday through Sunday.**

Per MCL 436.1551, qualified licensees whose licensed premises are contiguous to the commons area within the Social District, and that have been approved for and issued a Social District Permit, may sell alcoholic liquor (beer, wine, mixed spirit drink, spirits, or mixed drinks) on their licensed premises to customers who may then consume the alcoholic liquor within the commons area of the Social District

Participating businesses located within the Social District boundaries are required to (1) receive renewed recommendation from City Council; (2) apply for and receive a renewed Social District Permit from the State of Michigan; and (3) apply for and receive a Social District Permit from the City of Grosse Pointe Woods Building Department.

## RENEWAL OF RECOMMENDATION OF BUSINESSES FOR 2025 SEASON

We request that the City Council provide their recommendation for each of the following individual businesses for inclusion in the Social District's 2025 Season, following their successful inclusion in the Social District's 2024 Season.

- Bucci (20217 Mack Avenue)
- Crispelli's (19852 Mack Avenue)
- Da Edoardo Restaurant (19767 Mack Avenue)
- Ferlito's Family Dining (20745 Mack Avenue)
- Mack Avenue Grille (19841 Mack Avenue)
- Pendency's Grosse Pointe (20930 Mack Avenue)
- Salvatore Scallopini (19655 Mack Avenue)
- Someday Brewing (20746 Mack Avenue)
- Telly's Place (20791 Mack Avenue)

Please note that the recommendation by Council is the first of several steps needed for a business to be included in the Social District. Following receipt of this local recommendation, these businesses will have the option to pursue renewed Social District Permits from both the State and City.





## SOCIAL DISTRICT BOUNDARIES AND COMMON AREAS

Commons Areas are intended to provide extra outdoor space for consumption of alcoholic beverages and increase foot traffic and gathering of peoples while ensuring sufficient separation between unrelated parties. The areas will accommodate seating options, barriers, boundaries, posted signage on ground mounted signs and accessory materials related to the offered services. Qualified establishments, as defined by PA 124 of 2020 may apply to utilize **certain specifically designated places within** the established Commons Areas.

The Common Areas for the **Northern Social District** include:

1. The sidewalk in the rights-of-way along Mack Avenue and side streets within the boundaries of the district;
2. Pedestrian crossing across Mack Avenue at Anita Road and Ridgemont to Hampton Road.
3. The Chene-Trombly Parks, which will close at dusk;
4. In accordance with the MLCC guidelines, all Commons Areas must be "contiguous to the premises of at least 2 qualified licensees."

The Common Areas for the **City Hall Social District** include:

1. The right-of-way along Mack Avenue and side streets within the boundaries of the district;
2. Pedestrian crossing across Mack Avenue at Lochmoor Boulevard, Torrey Road, and Cook Road;
3. The front lawn of City Hall along the Mack Plaza Drive;
4. In accordance with the MLCC guidelines, all Commons Areas must be "contiguous to the premises of at least 2 qualified licensees."

It is also intended that Commons Areas may be shared by multiple businesses, so long as the shared use is defined by the City authorization and joint operation and maintenance guidelines are established. However, public spaces immediately in front of a business establishment will be reserved solely for that business (exp. public sidewalks and parking spaces). All designated spaces will be subject to review by Grosse Pointe Woods Police and Fire Departments for traffic and safety considerations.

## SOCIAL DISTRICT OPERATIONS AND REGULATIONS

For a full overview of the Social District regulations, maintenance and operations procedures, please review the attached Operations Plan.

Please don't hesitate to reach out to the Building Department with questions.

Sincerely,

**McKENNA**

Ashley Jankowski  
Associate Planner



## ***City of Grosse Pointe Woods Social District***

### **Operations and Maintenance Plan**

#### **Intent**

In an effort to support local restaurants, bars, microbreweries, and similar food service businesses, the City of Grosse Pointe Woods has established a permitting process for temporary outdoor social districts and Commons Areas. Commons Areas are intended to allow for outdoor dining and alcoholic beverage consumption on City properties that are adjacent to or near associated businesses establishments. This application package is designed to ensure compliance with the Michigan Liquor Control Commission (MLCC) guidelines and Public Act 58 of 1998 as amended by Public Act 124 of 2020.

The Commons Areas are proposed to be administered through the Building Department and permits from both the MLCC and the City are required prior to utilization by qualified establishments. The Commons Areas will be monitored by the City's Police Department.

This plan can change at **any time** per the discretion of City Council and City Administration.

#### **District Boundaries and Commons Areas**

Commons Areas are intended to provide extra outdoor space for consumption of alcoholic beverages and increase foot traffic and gathering of peoples while ensuring sufficient separation between unrelated parties. The areas will accommodate seating options, barriers, boundaries, posted signage on ground mounted signs and accessory materials related to the offered services. Qualified establishments, as defined by PA 124 of 2020 may apply to utilize **certain specifically designated places within** the established Commons Areas.

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3. The front lawn of City Hall along the Mack Plaza Drive;
4. In accordance with the MLCC guidelines, all Commons Areas must be "contiguous to the premises of at least 2 qualified licensees."

It is also intended that Commons Areas may be shared by multiple businesses, so long as the shared use is defined by the City authorization and joint operation and maintenance guidelines are established. However, public spaces immediately in front of a business establishment will be reserved solely for that business (exp. public sidewalks and parking spaces). All designated spaces will be subject to review by Grosse Pointe Woods Police and Fire Departments for traffic and safety considerations.



### Other Options for Outdoor Dining and Alcoholic Beverage Consumption

The establishment of the Commons Areas in accordance with the new MLCC provisions in no way negates the ability of businesses to establish sidewalk cafes for outdoor dining and alcoholic beverage consumption or exempts businesses from having to apply for the City's Outdoor Café and Dining Application in accordance with the pre-existing MLCC guidelines and City ordinances. The Commons Areas are intended to be supplemental and in addition to these previous provisions.

### Operations Plan

The operations of the Grosse Pointe Woods Social District will be overseen by the City Manager after consultation with the Director of Public Safety with assistance from other City Departments as necessary. The Grosse Pointe Woods Social District is solely in place to support local business owners and has no regulatory or taxing authority. The City of Grosse Pointe Woods will provide any supporting documentation that local businesses need for their social district permit applications to the Michigan Liquor Control Commission.

The Grosse Pointe Woods Social District Commons Area hours of operation are as followed:

**1pm – 10pm Thursday through Sunday in the months of May to October.**

The Commons Area will be closed on the following US Holiday, Independence Day, in the case it falls on a Thursday, Friday, Saturday, or Sunday.

The City will provide signage throughout the district that clearly marks the boundaries of the entire Social District and Commons Areas. Additionally, Commons Areas hours of operation signs will also be placed at the boundary line North, South, East, and West. Public Safety Officers will be utilized to enforce the hours of operations and commons areas boundaries when necessary and appropriate.

The City will also have a dedicated section of its website that will include a copy of this plan, hours of operations, maps showcasing boundaries and participating businesses. All of the City's communication channels will be utilized to notify consumers when the Social District and/or commons areas are closed for maintenance or for the holidays stated above.

### Maintenance Plan

Commons Areas of the Social District are subject to the following requirements:

1. Boundaries, structures, and materials associated with Commons Areas shall:
  - a. Not impede drivers, pedestrians, or wheelchair users. *Note: The City will consider the extended closure of sections of public parking lots and streets, subject to maintaining adequate access to the surrounding properties.*
  - b. Not block sight visibility of remaining parking lot aisles or intersections.
  - c. Not impede emergency vehicle and personnel access.
  - d. Not prevent access to nearby businesses or homes.
  - e. Be approved by City of Grosse Pointe Woods Police and Fire Departments.
2. Alcohol service shall conform to all Michigan Liquor Control Commission requirements, including any Social District and Commons Areas Permit requirements. Specifically:
  - a. The serving container must prominently display the licensee's trade name or logo or some other mark that is unique to the licensee that sold the alcohol.
  - b. The serving container must prominently display a logo or some other mark that is unique to the commons area.
  - c. The serving container is not made of glass.





- d. The serving container does not have a liquid capacity over 16 ounces.
3. **Hours of operation shall begin no earlier than 1:00 PM and food and beverage service shall discontinue in the Commons Areas no later than 10:00 PM.** Service shall not extend beyond the range established in the MLCC or City permits.
4. Service shall conform to the permitted days of operation during the months of **May to October**.
5. The layout of boundaries, structures, and materials shall conform to the proposed outdoor Commons Area layout plan during open hours. Outdoor dining areas must receive the proper permits with the Building Department and undergo annual renewal and must comply with the Zoning Ordinance.
6. Tents and other temporary shelter structures shall be approved by Fire and Building Official.
7. Waste receptacles shall be provided within the Commons Area and shall be emptied regularly during open hours and at close each day.
8. Heaters must be approved by the Building and Fire Department (type and location).
9. Smoking is not permitted within designated Commons Areas.

### Signage and Barriers

The City will prepare generic signs as required by the MLCC Rules that identify the general boundaries of the Commons Areas. The individual establishments may be required to provide additional barriers to define the portion of the Commons Area they plan to utilize and provide for the safety of their customers/patrons. Additional barriers or barricades as specified by the City may be required when the area utilized is within a parking lot and/or on a public sidewalk or right-of-way. The City will assist in coordination between the permitted establishments to minimize the necessary investment in additional barriers/barricades.

The marked cups from participating businesses will be marked with an uniform logo, such as in the image to the right.



### Revocation of Designation

The City Council may revoke the designation of a commons area if it determines that the commons area threatens the health, safety, and welfare of the public or has become a nuisance. Before revoking the designation of a commons area, the City Council shall give notice as required under the Open Meeting Act, MCL§15.761 et seq and hold at least 1 public hearing on the proposed revocation.

The City shall file the revocation of the designation with the Michigan Liquor Control Commission.

### Requirements of Permit Holders

A qualified licensee whose licensed premises is shared by and contiguous to a commons area in a Social District designated hereunder shall obtain from the Michigan Liquor Control Commission an annual social district permit.

The holder of a social district permit issued by the Michigan Liquor Control Commission may sell alcoholic liquor for consumption within the confines of a commons area if both of the following requirements are met:

The holder of a social district permit only sells and serves alcoholic liquor on the holder's licensed premises.

The holder of a Social District permit only serves alcoholic liquor to be consumed in the commons area in a container to which all of the following shall apply: (i) the container prominently displays the social district permittee's trade name or logo or some other mark that is unique to the Social District permittee's on-premises



license; (ii) the container prominently displays a logo or some other mark that is unique to the commons area; (iii) the container is not glass; and (iv) the container has a liquid capacity that does not exceed 16 ounces.

A purchaser may remove a container of alcoholic liquor sold by the holder of a Social District permit from the Social District permittee's licensed premises if both of the following conditions are met: (i) the purchaser does not remove the container from the commons area and (ii) while possessing the container, the purchaser does not enter the licensed premises of a Social District permittee other than the Social District permittee from which the purchaser purchased the container.

The consumption of alcoholic liquor in the commons area as allowed herein may only occur during the legal hours of the sale of alcoholic liquor of the social district permittee.

Reasonable conditions may be applied by the City to ensure the protection of public health, safety, and welfare. The City reserves the right to request additional details and information to ensure the protection of public health, safety, and welfare.

Plan amendments may be considered at any time but must comply with all requirements for Commons Areas.



## Local Governmental Unit Approval For Social District Permit

### Instructions for Governing Body of Local Governmental Unit:

A qualified licensee that wishes to apply for a Social District Permit must first obtain approval from the governing body of the local governmental unit where the licensee is located and for which the local governmental unit has designated a social district with a commons area that is clearly marked and shared by and contiguous to the licensed premises of at least two (2) qualified licensees, pursuant to MCL 436.1551. Complete this resolution or provide a resolution, along with certification from the clerk or adopted minutes from the meeting at which this request was considered.

At a Regular meeting of the Grosse Pointe Woods City Council council/board  
(regular or special) (name of city, township, or village)

called to order by \_\_\_\_\_ on \_\_\_\_\_ at \_\_\_\_\_  
(date) (time)

the following resolution was offered:

Moved by \_\_\_\_\_ and supported by \_\_\_\_\_

that the application from Bucci (20217 Mack Avenue)  
(name of licensee - if a corporation or limited liability company, please state the company name)

for a **Social District Permit** is \_\_\_\_\_ by this body for consideration for approval by the  
(recommended/not recommended)

Michigan Liquor Control Commission.

If not recommended, state the reason: \_\_\_\_\_

### **Vote**

Yeas: \_\_\_\_\_

Nays: \_\_\_\_\_

Absent: \_\_\_\_\_

I hereby certify that the foregoing is true and is a complete copy of the resolution offered and adopted by the \_\_\_\_\_  
council/board at a \_\_\_\_\_ meeting held on \_\_\_\_\_  
(regular or special) (date) (name of city, township, or village)

I further certify that the licensed premises of the aforementioned licensee are contiguous to the commons area designated by the council/board as part of a social district pursuant to MCL 436.1551.

\_\_\_\_\_  
Print Name of Clerk

\_\_\_\_\_  
Signature of Clerk

\_\_\_\_\_  
Date

Under Article IV, Section 40, of the Constitution of Michigan (1963), the Commission shall exercise complete control of the alcoholic beverage traffic within this state, including the retail sales thereof, subject to statutory limitations. Further, the Commission shall have the sole right, power, and duty to control the alcoholic beverage traffic and traffic in other alcoholic liquor within this state, including the licensure of businesses and individuals.



## Local Governmental Unit Approval For Social District Permit

### Instructions for Governing Body of Local Governmental Unit:

A qualified licensee that wishes to apply for a Social District Permit must first obtain approval from the governing body of the local governmental unit where the licensee is located and for which the local governmental unit has designated a social district with a commons area that is clearly marked and shared by and contiguous to the licensed premises of at least two (2) qualified licensees, pursuant to MCL 436.1551. Complete this resolution or provide a resolution, along with certification from the clerk or adopted minutes from the meeting at which this request was considered.

At a Regular meeting of the Grosse Pointe Woods City Council council/board  
(regular or special) (name of city, township, or village)

called to order by \_\_\_\_\_ on \_\_\_\_\_ at \_\_\_\_\_  
(date) (time)

the following resolution was offered:

Moved by \_\_\_\_\_ and supported by \_\_\_\_\_

that the application from Crispelli's (19852 Mack Avenue)  
(name of licensee - if a corporation or limited liability company, please state the company name)

for a **Social District Permit** is \_\_\_\_\_ by this body for consideration for approval by the  
(recommended/not recommended)

Michigan Liquor Control Commission.

If not recommended, state the reason: \_\_\_\_\_

### Vote

Yeas: \_\_\_\_\_

Nays: \_\_\_\_\_

Absent: \_\_\_\_\_

I hereby certify that the foregoing is true and is a complete copy of the resolution offered and adopted by the \_\_\_\_\_  
council/board at a \_\_\_\_\_ meeting held on \_\_\_\_\_  
(regular or special) (date) (name of city, township, or village)

I further certify that the licensed premises of the aforementioned licensee are contiguous to the commons area designated by the council/board as part of a social district pursuant to MCL 436.1551.

\_\_\_\_\_  
Print Name of Clerk

\_\_\_\_\_  
Signature of Clerk

\_\_\_\_\_  
Date

Under Article IV, Section 40, of the Constitution of Michigan (1963), the Commission shall exercise complete control of the alcoholic beverage traffic within this state, including the retail sales thereof, subject to statutory limitations. Further, the Commission shall have the sole right, power, and duty to control the alcoholic beverage traffic and traffic in other alcoholic liquor within this state, including the licensure of businesses and individuals.



## Local Governmental Unit Approval For Social District Permit

### Instructions for Governing Body of Local Governmental Unit:

A qualified licensee that wishes to apply for a Social District Permit must first obtain approval from the governing body of the local governmental unit where the licensee is located and for which the local governmental unit has designated a social district with a commons area that is clearly marked and shared by and contiguous to the licensed premises of at least two (2) qualified licensees, pursuant to MCL 436.1551. Complete this resolution or provide a resolution, along with certification from the clerk or adopted minutes from the meeting at which this request was considered.

At a Regular meeting of the Grosse Pointe Woods City Council council/board  
(regular or special) (name of city, township, or village)

called to order by \_\_\_\_\_ on \_\_\_\_\_ at \_\_\_\_\_  
(date) (time)

the following resolution was offered:

Moved by \_\_\_\_\_ and supported by \_\_\_\_\_

that the application from Da Edoardo Restaurant (19767 Mack Avenue)  
(name of licensee - if a corporation or limited liability company, please state the company name)

for a **Social District Permit** is \_\_\_\_\_ by this body for consideration for approval by the  
(recommended/not recommended)

Michigan Liquor Control Commission.

If not recommended, state the reason: \_\_\_\_\_

### **Vote**

Yeas: \_\_\_\_\_

Nays: \_\_\_\_\_

Absent: \_\_\_\_\_

I hereby certify that the foregoing is true and is a complete copy of the resolution offered and adopted by the \_\_\_\_\_  
council/board at a \_\_\_\_\_ meeting held on \_\_\_\_\_  
(regular or special) (date) (name of city, township, or village)

I further certify that the licensed premises of the aforementioned licensee are contiguous to the commons area designated by the council/board as part of a social district pursuant to MCL 436.1551.

\_\_\_\_\_  
Print Name of Clerk

\_\_\_\_\_  
Signature of Clerk

\_\_\_\_\_  
Date

Under Article IV, Section 40, of the Constitution of Michigan (1963), the Commission shall exercise complete control of the alcoholic beverage traffic within this state, including the retail sales thereof, subject to statutory limitations. Further, the Commission shall have the sole right, power, and duty to control the alcoholic beverage traffic and traffic in other alcoholic liquor within this state, including the licensure of businesses and individuals.



## Local Governmental Unit Approval For Social District Permit

### Instructions for Governing Body of Local Governmental Unit:

A qualified licensee that wishes to apply for a Social District Permit must first obtain approval from the governing body of the local governmental unit where the licensee is located and for which the local governmental unit has designated a social district with a commons area that is clearly marked and shared by and contiguous to the licensed premises of at least two (2) qualified licensees, pursuant to MCL 436.1551. Complete this resolution or provide a resolution, along with certification from the clerk or adopted minutes from the meeting at which this request was considered.

At a Regular meeting of the Grosse Pointe Woods City Council council/board  
(regular or special) (name of city, township, or village)

called to order by \_\_\_\_\_ on \_\_\_\_\_ at \_\_\_\_\_  
(date) (time)

the following resolution was offered:

Moved by \_\_\_\_\_ and supported by \_\_\_\_\_

that the application from Ferlito's Family Dining (20745 Mack Avenue)  
(name of licensee - if a corporation or limited liability company, please state the company name)

for a **Social District Permit** is \_\_\_\_\_ by this body for consideration for approval by the  
(recommended/not recommended)

Michigan Liquor Control Commission.

If not recommended, state the reason: \_\_\_\_\_

### **Vote**

Yeas: \_\_\_\_\_

Nays: \_\_\_\_\_

Absent: \_\_\_\_\_

I hereby certify that the foregoing is true and is a complete copy of the resolution offered and adopted by the \_\_\_\_\_  
council/board at a \_\_\_\_\_ meeting held on \_\_\_\_\_  
(regular or special) (date) (name of city, township, or village)

I further certify that the licensed premises of the aforementioned licensee are contiguous to the commons area designated by the council/board as part of a social district pursuant to MCL 436.1551.

\_\_\_\_\_  
Print Name of Clerk

\_\_\_\_\_  
Signature of Clerk

\_\_\_\_\_  
Date

Under Article IV, Section 40, of the Constitution of Michigan (1963), the Commission shall exercise complete control of the alcoholic beverage traffic within this state, including the retail sales thereof, subject to statutory limitations. Further, the Commission shall have the sole right, power, and duty to control the alcoholic beverage traffic and traffic in other alcoholic liquor within this state, including the licensure of businesses and individuals.



## Local Governmental Unit Approval For Social District Permit

### Instructions for Governing Body of Local Governmental Unit:

A qualified licensee that wishes to apply for a Social District Permit must first obtain approval from the governing body of the local governmental unit where the licensee is located and for which the local governmental unit has designated a social district with a commons area that is clearly marked and shared by and contiguous to the licensed premises of at least two (2) qualified licensees, pursuant to MCL 436.1551. Complete this resolution or provide a resolution, along with certification from the clerk or adopted minutes from the meeting at which this request was considered.

At a Regular meeting of the Grosse Pointe Woods City Council council/board  
(regular or special) (name of city, township, or village)

called to order by \_\_\_\_\_ on \_\_\_\_\_ at \_\_\_\_\_  
(date) (time)

the following resolution was offered:

Moved by \_\_\_\_\_ and supported by \_\_\_\_\_

that the application from Mack Avenue Grille (19841 Mack Avenue)  
(name of licensee - if a corporation or limited liability company, please state the company name)

for a **Social District Permit** is \_\_\_\_\_ by this body for consideration for approval by the  
(recommended/not recommended)

Michigan Liquor Control Commission.

If not recommended, state the reason: \_\_\_\_\_

### **Vote**

Yeas: \_\_\_\_\_

Nays: \_\_\_\_\_

Absent: \_\_\_\_\_

I hereby certify that the foregoing is true and is a complete copy of the resolution offered and adopted by the \_\_\_\_\_  
council/board at a \_\_\_\_\_ meeting held on \_\_\_\_\_  
(regular or special) (date) (name of city, township, or village)

I further certify that the licensed premises of the aforementioned licensee are contiguous to the commons area designated by the council/board as part of a social district pursuant to MCL 436.1551.

\_\_\_\_\_  
Print Name of Clerk

\_\_\_\_\_  
Signature of Clerk

\_\_\_\_\_  
Date

Under Article IV, Section 40, of the Constitution of Michigan (1963), the Commission shall exercise complete control of the alcoholic beverage traffic within this state, including the retail sales thereof, subject to statutory limitations. Further, the Commission shall have the sole right, power, and duty to control the alcoholic beverage traffic and traffic in other alcoholic liquor within this state, including the licensure of businesses and individuals.



## Local Governmental Unit Approval For Social District Permit

### Instructions for Governing Body of Local Governmental Unit:

A qualified licensee that wishes to apply for a Social District Permit must first obtain approval from the governing body of the local governmental unit where the licensee is located and for which the local governmental unit has designated a social district with a commons area that is clearly marked and shared by and contiguous to the licensed premises of at least two (2) qualified licensees, pursuant to MCL 436.1551. Complete this resolution or provide a resolution, along with certification from the clerk or adopted minutes from the meeting at which this request was considered.

At a Regular meeting of the Grosse Pointe Woods City Council council/board  
(regular or special) (name of city, township, or village)

called to order by \_\_\_\_\_ on \_\_\_\_\_ at \_\_\_\_\_  
(date) (time)

the following resolution was offered:

Moved by \_\_\_\_\_ and supported by \_\_\_\_\_

that the application from Pendyys Grosse Pointe (20930 Mack Avenue)  
(name of licensee - if a corporation or limited liability company, please state the company name)

for a **Social District Permit** is \_\_\_\_\_ by this body for consideration for approval by the  
(recommended/not recommended)

Michigan Liquor Control Commission.

If not recommended, state the reason: \_\_\_\_\_

### **Vote**

Yeas: \_\_\_\_\_

Nays: \_\_\_\_\_

Absent: \_\_\_\_\_

I hereby certify that the foregoing is true and is a complete copy of the resolution offered and adopted by the \_\_\_\_\_  
council/board at a \_\_\_\_\_ meeting held on \_\_\_\_\_  
(regular or special) (date) (name of city, township, or village)

I further certify that the licensed premises of the aforementioned licensee are contiguous to the commons area designated by the council/board as part of a social district pursuant to MCL 436.1551.

\_\_\_\_\_  
Print Name of Clerk

\_\_\_\_\_  
Signature of Clerk

\_\_\_\_\_  
Date

Under Article IV, Section 40, of the Constitution of Michigan (1963), the Commission shall exercise complete control of the alcoholic beverage traffic within this state, including the retail sales thereof, subject to statutory limitations. Further, the Commission shall have the sole right, power, and duty to control the alcoholic beverage traffic and traffic in other alcoholic liquor within this state, including the licensure of businesses and individuals.





## Local Governmental Unit Approval For Social District Permit

### Instructions for Governing Body of Local Governmental Unit:

A qualified licensee that wishes to apply for a Social District Permit must first obtain approval from the governing body of the local governmental unit where the licensee is located and for which the local governmental unit has designated a social district with a commons area that is clearly marked and shared by and contiguous to the licensed premises of at least two (2) qualified licensees, pursuant to MCL 436.1551. Complete this resolution or provide a resolution, along with certification from the clerk or adopted minutes from the meeting at which this request was considered.

At a Regular meeting of the Grosse Pointe Woods City Council council/board  
(regular or special) (name of city, township, or village)

called to order by \_\_\_\_\_ on \_\_\_\_\_ at \_\_\_\_\_  
(date) (time)

the following resolution was offered:

Moved by \_\_\_\_\_ and supported by \_\_\_\_\_

that the application from Salvatore Scallopini (19655 Mack Avenue)  
(name of licensee - if a corporation or limited liability company, please state the company name)

for a **Social District Permit** is \_\_\_\_\_ by this body for consideration for approval by the  
(recommended/not recommended)

Michigan Liquor Control Commission.

If not recommended, state the reason: \_\_\_\_\_

### **Vote**

Yeas: \_\_\_\_\_

Nays: \_\_\_\_\_

Absent: \_\_\_\_\_

I hereby certify that the foregoing is true and is a complete copy of the resolution offered and adopted by the \_\_\_\_\_  
council/board at a \_\_\_\_\_ meeting held on \_\_\_\_\_  
(regular or special) (date) (name of city, township, or village)

I further certify that the licensed premises of the aforementioned licensee are contiguous to the commons area designated by the council/board as part of a social district pursuant to MCL 436.1551.

\_\_\_\_\_  
Print Name of Clerk

\_\_\_\_\_  
Signature of Clerk

\_\_\_\_\_  
Date

Under Article IV, Section 40, of the Constitution of Michigan (1963), the Commission shall exercise complete control of the alcoholic beverage traffic within this state, including the retail sales thereof, subject to statutory limitations. Further, the Commission shall have the sole right, power, and duty to control the alcoholic beverage traffic and traffic in other alcoholic liquor within this state, including the licensure of businesses and individuals.



## Local Governmental Unit Approval For Social District Permit

### Instructions for Governing Body of Local Governmental Unit:

A qualified licensee that wishes to apply for a Social District Permit must first obtain approval from the governing body of the local governmental unit where the licensee is located and for which the local governmental unit has designated a social district with a commons area that is clearly marked and shared by and contiguous to the licensed premises of at least two (2) qualified licensees, pursuant to MCL 436.1551. Complete this resolution or provide a resolution, along with certification from the clerk or adopted minutes from the meeting at which this request was considered.

At a Regular meeting of the Grosse Pointe Woods City Council council/board  
(regular or special) (name of city, township, or village)

called to order by \_\_\_\_\_ on \_\_\_\_\_ at \_\_\_\_\_  
(date) (time)

the following resolution was offered:

Moved by \_\_\_\_\_ and supported by \_\_\_\_\_

that the application from Someday Brewing (20746 Mack Avenue)  
(name of licensee - if a corporation or limited liability company, please state the company name)

for a **Social District Permit** is \_\_\_\_\_ by this body for consideration for approval by the  
(recommended/not recommended)

Michigan Liquor Control Commission.

If not recommended, state the reason: \_\_\_\_\_

### **Vote**

Yeas: \_\_\_\_\_

Nays: \_\_\_\_\_

Absent: \_\_\_\_\_

I hereby certify that the foregoing is true and is a complete copy of the resolution offered and adopted by the \_\_\_\_\_  
council/board at a \_\_\_\_\_ meeting held on \_\_\_\_\_  
(regular or special) (date) (name of city, township, or village)

I further certify that the licensed premises of the aforementioned licensee are contiguous to the commons area designated by the council/board as part of a social district pursuant to MCL 436.1551.

\_\_\_\_\_  
Print Name of Clerk

\_\_\_\_\_  
Signature of Clerk

\_\_\_\_\_  
Date

Under Article IV, Section 40, of the Constitution of Michigan (1963), the Commission shall exercise complete control of the alcoholic beverage traffic within this state, including the retail sales thereof, subject to statutory limitations. Further, the Commission shall have the sole right, power, and duty to control the alcoholic beverage traffic and traffic in other alcoholic liquor within this state, including the licensure of businesses and individuals.



## Local Governmental Unit Approval For Social District Permit

### Instructions for Governing Body of Local Governmental Unit:

A qualified licensee that wishes to apply for a Social District Permit must first obtain approval from the governing body of the local governmental unit where the licensee is located and for which the local governmental unit has designated a social district with a commons area that is clearly marked and shared by and contiguous to the licensed premises of at least two (2) qualified licensees, pursuant to MCL 436.1551. Complete this resolution or provide a resolution, along with certification from the clerk or adopted minutes from the meeting at which this request was considered.

At a Regular meeting of the Grosse Pointe Woods City Council council/board  
(regular or special) (name of city, township, or village)

called to order by \_\_\_\_\_ on \_\_\_\_\_ at \_\_\_\_\_  
(date) (time)

the following resolution was offered:

Moved by \_\_\_\_\_ and supported by \_\_\_\_\_

that the application from Telly's Place (20791 Mack Avenue)  
(name of licensee - if a corporation or limited liability company, please state the company name)

for a **Social District Permit** is \_\_\_\_\_ by this body for consideration for approval by the  
(recommended/not recommended)

Michigan Liquor Control Commission.

If not recommended, state the reason: \_\_\_\_\_

### **Vote**

Yeas: \_\_\_\_\_

Nays: \_\_\_\_\_

Absent: \_\_\_\_\_

I hereby certify that the foregoing is true and is a complete copy of the resolution offered and adopted by the \_\_\_\_\_  
council/board at a \_\_\_\_\_ meeting held on \_\_\_\_\_  
(regular or special) (date) (name of city, township, or village)

I further certify that the licensed premises of the aforementioned licensee are contiguous to the commons area designated by the council/board as part of a social district pursuant to MCL 436.1551.

\_\_\_\_\_  
Print Name of Clerk

\_\_\_\_\_  
Signature of Clerk

\_\_\_\_\_  
Date

Under Article IV, Section 40, of the Constitution of Michigan (1963), the Commission shall exercise complete control of the alcoholic beverage traffic within this state, including the retail sales thereof, subject to statutory limitations. Further, the Commission shall have the sole right, power, and duty to control the alcoholic beverage traffic and traffic in other alcoholic liquor within this state, including the licensure of businesses and individuals.



## CITY OF GROSSE POINTE WOODS

### MEMORANDUM

**Date:** May 5, 2025

**To:** Mayor and Council

**From:** Frank Schulte, City Administrator *FS*

**Subject:** Adjustments to Sections 2-674 and 2-677 Purchasing Threshold

On January 9, 2023, city council adopted amendments to City Code Sections 2-674 and 2-677 following the voters' approval of the amendment to Chapter 8. – General Finance – Budget, Audit, Purchasing: *Section 8.8. – Purchase and Sale of Property* of the City Charter at the November 8, 2022 election. The City Code amendments state that a written contract or purchase order, competitive bidding, and City Council approval are required for all purchases and sales of personal property and all public improvement contracts exceeding \$10,000, and any future adjustments to this amount can be made by council resolution.

In 2022, inflation was 6.5%, which decreased to 3.4% in 2023 and has further declined to 2.9% in 2024. Despite these decreases in inflation, purchasing power has diminished due to increases in the cost of goods and services. Recently, Grosse Pointe Farms and Grosse Pointe Park raised their purchase thresholds to the amounts shown in the below chart.

Raising the purchase threshold from \$10,000 to \$20,000 would account for inflation and allow the City Administrator to complete projects, make purchases as well as maintain city buildings and grounds more efficiently. This adjustment would also align with the amounts set by Grosse Pointe Farms and Grosse Pointe Park, which are similar-sized cities.

City of Grosse Pointe	\$5,000	City Code Sec. 2-98 Changed by Ordinance and/or Resolution
Grosse Pointe Farms	\$20,000	Charter Sec. 8.8 Changed by Ordinance and/or Resolution
Grosse Pointe Park	\$25,000	City Code Sec. 2-248 Changed by Ordinance and/or Resolution
Grosse Pointe Shores	\$10,000	City Code Sec. 2-303 Changed by Ordinance and/or Resolution
Harper Woods	\$5,000	City Code Sec. 2-83 Changed by Ordinance and/or Resolution
St. Clair Shores	\$15,000	City Code Sec. 2-603 Changed by Ordinance and/or Resolution

Administration is recommending that City Council approve by resolution amending the purchasing threshold in City Code Sections 2-674 and 2-677 from \$10,000 to \$20,000.





## CITY OF GROSSE POINTE WOODS

### CERTIFIED RESOLUTION

#### **A RESOLUTION AMENDING THE PURCHASING THRESHOLD FROM \$10,000 TO \$20,000 IN ACCORDANCE WITH SECTIONS 2-674 AND 2-677 OF THE CITY ORDINANCES**

At a regular meeting of the City Council of the City of Grosse Pointe Woods on May 5, 2025, at 7:00 p.m. in the Robert E. Novitke Municipal Complex at 20025 Mack Plaza Dr., Grosse Pointe Woods, MI, with those present and absent being,

PRESENT: Mayor Bryant  
Council Members: Brown, Gafa, Granger, Koester, McConaghy, Motschall  
ABSENT: None

The following resolution was offered by Council Member \_\_\_\_\_, seconded by Council Member \_\_\_\_\_:

WHEREAS: City Charter, Section 8.8. - Purchase and Sale of Property, states that all purchases and sales of personal property and all public improvement contracts shall be evidenced by written contract or purchase order. In such sales or purchase or contracts, in excess of ten thousand dollars (\$10,000), with future adjustments to this amount to be determined according to procedure established by ordinance, Council approval is required and formal sealed bidding must be obtained unless Council unanimously votes that no advantage to the City would result from competitive bidding, and

WHEREAS: City Code Sections 2-674 and 2-677 indicate that adjustments to the amount of the \$10,000 purchasing threshold "may be made by council resolution," and

WHEREAS: The City Administrator has requested that the purchasing threshold amount of \$10,000 be increased to \$20,000 due to inflation and the increased costs of goods during the past three years, and

WHEREAS: Two neighboring communities have increased their respective purchasing thresholds to \$20,000 and \$25,000 to increase efficiencies in the purchasing process, and

WHEREAS: Raising the purchasing threshold from \$10,000 to \$20,000 will allow the City Administrator to make purchases to complete projects and maintain city buildings and grounds more efficiently; now therefore be it

NOW, THEREFORE LET IT BE RESOLVED: That the purchasing threshold referenced in City Code Sections 2-674 and 2-677 shall be and are hereby changed from ten thousand dollars (\$10,000) to twenty thousand dollars (\$20,000).

AYES: Brown, Bryant, Gafa, Granger, Koester, McConaghy, Motschall  
NAYS: None  
ABSENT: None

Resolution declared adopted.

STATE OF MICHIGAN )  
 ) SS.  
COUNTY OF WAYNE )

CERTIFICATION

I, Paul P. Antolin, Clerk of the City of Grosse Pointe Woods, do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the City Council of the City of Grosse Pointe Woods at the regular meeting held on May 5, 2025.

_____ PAUL P. ANTOLIN, CITY CLERK Signature	_____ DATE
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**ANDERSON, ECKSTEIN & WESTRICK, INC.**  
CIVIL ENGINEERS SURVEYORS ARCHITECTS  
51301 SCHOENHERR RD. SHELBY TOWNSHIP, MI 48315  
www.aewinc.com p(586)726-1234

**INVOICE**

CITY OF GROSSE POINTE WOODS  
ACCOUNTS PAYABLE  
20025 MACK AVENUE  
GROSSE POINTE WOODS, MI 48236-2397

April 01, 2025  
Project No: 0160-0479-0  
Invoice No: 157179

Project 0160-0479-0 GHESQUIERE & LAKEFRONT PARK BLDG RENO

**Professional Services from February 10, 2025 to March 09, 2025**

Phase 01 LAKEFRONT PARK

PURCHASE ORDER NO. 24-48614

**Fee**

Total Fee	25,000.00		
Percent Complete	100.00	Total Earned	25,000.00
		Previous Fee Billing	25,000.00
		Current Fee Billing	0.00
		<b>Total Fee</b>	<b>0.00</b>

**Reimbursable Expenses**

**REIMBURSABLE OTHER EXPENSE**

2/12/2025	CITY OF ST. CLAIR SHORES	ZBA Application	300.00	
2/14/2025	CAPITAL ONE SPARK CARD	City of SCS - Plan Reviews Fee	103.00	
	<b>Total Reimbursables</b>		<b>403.00</b>	<b>403.00</b>

**Total this Phase \$403.00**

Phase 03 LAKEFRONT CA

**Fee**

Total Fee	13,333.00		
Percent Complete	25.00	Total Earned	3,333.25
		Previous Fee Billing	0.00
		Current Fee Billing	3,333.25
		<b>Total Fee</b>	<b>3,333.25</b>

**Total this Phase \$3,333.25**

**Total this Invoice \$3,736.25**

PO 48614  
# 401-902-977-104

OK-J.K.

SS  
#8

5-1-25

**RECEIVED**

MAY 02 2025

CITY OF GROSSE POINTE WOODS  
CLERK'S DEPARTMENT

# ANDERSON, ECKSTEIN AND WESTRICK, INC.

## CHECK REQUEST FORM

DATE: 2/12/25

PAYABLE TO: ADDRESS: CITY OF ST. CLAIR SHORES  
27600 JEFFERSON AVE  
ST. CLAIR SHORES, MI 48081

AMOUNT: \$300 --

REASON: ZBA APPLICATION

PROJECT # 0160-0479  
☒ Reimbursable ☐ Non-Remibursable

REQUESTED BY: JRA

APPROVED BY:   
Supervisor's Signature

☐ Please Mail Check  
☒ Please Give Check To: JRA

SPECIAL REQUEST: \_\_\_\_\_

DATE CHECK NEEDED BY \_\_\_\_\_



City of St. Clair Shores  
27600 Jefferson Circle Drive  
St. Clair Shores, MI 48081-2093  
PHONE: 586-447-3340


Invoice For Permit: PB250061

Print Date: 01/29/2025

0160-0479-0  
Reimb



AEW  
51301 SCHOENHERR  
SHELBY TWP MI 48315

		Invoice No	Invoice Date	Permit Number	Address	Amount Due
		00239446	01/30/25	PB250061	23000 JEFFERSON AVE	\$ 100.00
Fee Details:	Quantity	Description			Amount Cost	Balance
	100.000	PLAN REVIEW FEES - COMM/IND			\$100.00	\$ 100.00
TOTAL AMOUNT DUE:						\$ 100.00

\$ 103.00

NOT A PERMIT  
RECEIPT ONLY

CITY OF ST. CLAIR SHORES  
27600 JEFFERSON CIRCLE DRIVE  
ST. CLAIR SHORES, MICHIGAN  
48081-2955  
Phone : 586-447-3317  
E-Mail : CLERM@STCLAIRSHORES.MI.NET  
WWW.STCLAIRSHORES.MI.NET

Received From: ALB  
Date: 01/30/2025 Time: 8:45:00 AM  
Receipt: 91446691  
Cashier: Schniederg

ITEM REFERENCE	AMOUNT
EDINW PROVISION INVOICE 00229446	\$100.00
SUB-TOTAL	\$100.00
Total Tendered:	\$100.00
ORDER #: 176006226	
Credit Card Type Visa	
CC Processing Fee	\$3.00
CREDIT CARD XXXXXXXXXXXX6441	
Grand Total:	\$103.00
Change:	\$0.00

Signature



## Grosse Pointe Shores Department of Public Safety

KENNETH V. WERENSKI, CHIEF

(313) 881-5501

FAX (313) 881-2622

kwerenski@gpshoresmi.gov

To: Director John Kosanke  
From: Kenneth Werenski  
Date: 03/31/2025  
Re: House Fire

Director Kosanke,

The intention of this letter is to inform your office of the professional efforts the Grosse Pointe Woods Fire Department displayed at a Mutual Aid house fire.

On Friday March 28, 2025, the Grosse Pointe Woods Fire Department responded to 36 Sunningdale Drive in Grosse Pointe Shores for a confirmed "working fire." On scene Incident Command requested Grosse Pointe Woods to initiate fire suppressions operations utilizing Tower 5. With many obstacles in their way and the fire spreading quickly, the Grosse Pointe Woods Fire Department took initiative, established a water supply and began suppression operations. The strategy and efforts that your staff provide were instrumental in ending this fire.

Director Kosanke, the Grosse Pointe Woods Fire Department is to be commended for their efforts and professionalism during this critical incident. The officers who serve in the fire department are assets to the communities they serve and protect.

Kenneth V. Werenski  
*Director of Public Safety*



## CITY OF GROSSE POINTE WOODS MEMORANDUM

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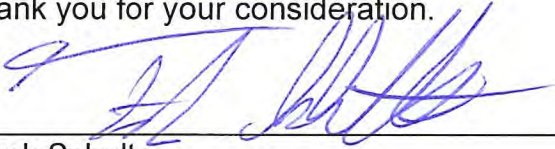
**Date:** May 5, 2025  
**To:** Mayor and City Council  
**From:** Frank Schulte, City Administrator  
Steven Schmidt, Treasurer/Comptroller  
**Re:** Public Hearing Date

---

Pursuant to Section 8.2 of the City Charter, I am requesting the City Council set a public hearing date of May 19, 2025 for accepting public comment on the proposed budget for fiscal year 2025 –2026.

The Finance Committee met on March 31, 2025 to discuss the proposed budget and the budget was presented to the Committee of the Whole on April 28, 2025.

Thank you for your consideration.

  
\_\_\_\_\_  
Frank Schulte  
City Administrator

  
\_\_\_\_\_  
Steven Schmidt  
Treasurer/Comptroller

**CITY OF GROSSE POINTE WOODS**  
**Notice of Public Hearing**

On the Proposed 2025-26 General Budget  
And  
Various Other Fund Budgets

NOTICE IS HEREBY GIVEN that the Mayor and the City Council of the City of Grosse Pointe Woods will be meeting on May 19, 2025 at 7:00 p.m. in the Council Chambers of the Municipal Building, 20025 Mack Plaza, for the purpose of conducting a public hearing on the proposed 2025-26 General Fund Budget as well as the various other Fund Budgets of the said City.

The subject of this hearing is the property tax millage rate of 15.5137 proposed to be levied on July 1, 2025 to support the proposed General Fund, Public Relations, Solid Waste and Road Budgets. If adopted, the proposed millage will generate \$14,904,809 in operating revenue from ad valorem property taxes for all funds, which is a \$437,227 or 2.85% decrease compared to the 2024-2025 total collection of \$15,342,036. The winter millage levied for the Milk River Drainage tax will be 3.9118 mills.

Purpose of Millage	Millage Rate	Revenue Generated
General Operating	12.6444	\$12,148,178
Road Bond Debt	0.4000	\$384,396
Act 359-Public Relations	.0522	\$50,000
Act 298-Solid Waste	2.4171	\$2,322,235
<b>Total Special Acts Millage</b>	<b>2.4693</b>	<b>\$2,299,993</b>

<b>TOTAL GENERAL, PUBLIC RELATIONS SOLID WASTE &amp; ROAD DEBT MILLAGE</b>	<b>15.5137</b>	<b>\$14,904,809</b>
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**Milk River Drain**

Purpose of Millage	Millage Rate	Revenue Generated
Milk River Drain Operations	2.5827	\$2,469,883
Milk River Drain Bonded Debt	1.3446	\$1,285,868
Administration	.0037	\$3,500

<b>Total Milk River Drain Levy</b>	<b>3.9310</b>	<b>\$3,759,251</b>
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The City Council expects to take action on the proposed millage rates as well as taking action to approve the aforementioned budgets at the Council meeting immediately following the public hearing. The taxing unit publishing this notice, identified above, has complete authority to establish the number of mills to be levied from within its authorized millage rate.

**2025-2026 Proposed Budget Summary  
City of Grosse Pointe Woods**

	<b>2024 - 2025 PROPOSED</b>
<b><u>GENERAL FUND</u></b>	
General Government	\$4,257,774
Public Safety	\$8,635,770
Public Works	\$2,594,918
Management Info. Systems	\$526,534
Parks & Recreation	\$2,091,306
Total General Fund	<u>\$18,106,302</u>
<b><u>SPECIAL REVENUE</u></b>	
Major Street	\$1,511,752
Local Street	\$1,406,433
Act 302 Training	\$5,000
Parkway Beautification	\$99,990
Cable Fund	\$0
MCOLES	\$10,000
Solid Waste	\$2,407,063
CDBG	\$20,000
SOM MIDC Grant	\$52,000
911 Service Fund	\$153,920
Drug Forfeiture	\$750
Opioid Settlement	\$7,000
Total Special Revenue	<u>\$5,673,908</u>
<b><u>DEBT SERVICE FUND</u></b>	
Road Bond Debt	\$353,150
Capital Improvement Debt	\$212,363
Grosse Gratiot Drain (Milk River)	\$3,766,276
Total Debt Funds	<u>\$4,331,789</u>
<b><u>CAPITAL PROJECTS FUND</u></b>	
Municipal Improvement	\$118,500
Total Capital Projects Fund	<u>\$118,500</u>
<b><u>INTERNAL SERVICE FUNDS</u></b>	
Motor Vehicle Fund	\$1,564,400
Workmen's Compensation	\$173,115
Health Fund	\$3,106,895
Total Internal Service Funds	<u>\$4,844,410</u>

**ENTERPRISE FUNDS**

Parking	\$589,011
Water & Sewer	\$9,679,282
Boat Dock	\$164,997
Commodity Sales	\$250
Total Enterprise Funds	<u>\$10,433,540</u>

**FIDUCIARY FUNDS**

Pension Trust Funds	\$4,223,172
Supplemental Annuity	\$313,052
Retiree Healthcare (OPEB)	\$20,950
Total Fiduciary Funds	<u>\$4,557,174</u>

**BUDGET TOTAL**

\$48,065,623

A copy of the proposed budget will be available for inspection during regular business hours at the office of the City Administrator. Public comments, oral and/or written, will be welcome at the public hearing on the aforesaid proposed General Fund Budget and the various other Fund Budgets.

**Frank Schulte**  
City Administrator

COMMITTEE-OF-THE-WHOLE SITTING AS FINANCE COMMITTEE  
MINUTES EXCERPT  
04/28/25

**Motion** by McConaghy, seconded by Koester, that the Committee-of-the-Whole recommends to City Council **approval of the Proposed FY 2025-2026 Budget**.

Motion carried by the following vote:

Yes: Brown, Bryant, Gafa, Koester, McConaghy, Motschall

No: None

Absent: Granger





April 24, 2025

City of Grosse Pointe Woods  
cc: City Council; Frank Schulte; Sue Como; GPW Building Department  
City of Grosse Pointe Woods  
20025 Mack Plaza, Grosse Pointe Woods, MI 48236

**Subject: Rezoning of 20160 Mack Avenue – Summary of April 22, 2025 Planning Commission Meeting**

To the City of Grosse Pointe Woods Administration:

On March 14<sup>th</sup>, Stucky Vitale submitted an application on behalf of Buccellato Development LLC for a rezoning for 20160 Mack Avenue from Restricted Office (R-O) to Commercial Business (C). The site is located on Mack Avenue between Oxford Road and S. Renaud Road. The site contains an existing one-story office structure and surface parking lot, and the Applicant submitted a site plan to re-develop the site into an 11,000 sq foot, single-story, multi-tenant retail space.

McKenna offered our recommendation for the rezoning to the Planning Commission, based on the following:

- a. *The upzoning to support mixed use along Mack Avenue aligns with the newly adopted 2024 Master Plan and the spirit of the Future Land Use Plan Map, which shows Corridor Mixed Use, aligning with the C Commercial Business District, for the subject site and sites up and down the same side of Mack Avenue. This rezoning may create a desirable zoning trend along the Mack Avenue Corridor.*
- b. *The proposed site is architecturally consistent with the neighboring residential neighborhood and Mack Avenue corridor, meets all dimensional requirements, and is proposed to be constructed with high quality materials; and*
- c. *There is demand for more commercial retail along the Mack Avenue corridor in Grosse Pointe Woods to promote walkability and community life.*

On April 22<sup>nd</sup>, the Planning Commission held a Public Hearing on the proposed rezoning, and reviewed the proposed Site Plan for 20160 Mack Avenue. The following concerns were raised by residents:

- Screening between site and residential neighborhoods
- Additional traffic intensity on neighboring residential roads and pedestrian safety
- Additional noise from potential patrons and deliveries
- Light pollution
- Potential for rodents and pests
- Loss of green space in parking lot
- Aesthetic and property value impacts to neighboring residences
- Concern about the potential used by future tenants (such as bars, restaurants, or liquor stores)
- Need for swift construction timelines with proper dust and environmental hazard mitigation



Following a sustained discussion with the public, the proposed rezoning was recommended for approval to City Council. However, the site plan was tabled by the Planning Commission to enable the Applicant to adjust the site plan to address resident concerns. To address these concerns, the following steps were taken:

- Stucky Vitale prepared photometric plans, landscaping plans, and exterior materials for review by the Planning Commission at the April 22<sup>nd</sup> meeting. These items fulfilled missing components of the original site plan application.
- Stucky Vitale agreed to meet with the concerned residents to address their concerns around the site plan. The tentative date for this meeting is Wednesday, April 30<sup>th</sup> at 3pm in the Community Room at City Hall. Community concerns will be addressed in an updated site plan design and/or included as conditions of site plan approval.

The next step for this process will be to hold a Public Hearing for the rezoning at the May 19, 2025 City Council Meeting. City Council will receive the Rezoning Application, the Site Plan, and all other associated documents in their packet prior to the Hearing. A second Site Plan Review by Planning Commission is scheduled for May 20<sup>th</sup>, 2025 – conditional on the rezoning decision.

Note that specific tenants of the proposed commercial site have not been identified. However, within the Commercial Business (C) District, Fast-Food and Carry-Out Restaurants, Taverns, liquor stores (among other uses, per Section 50-3.1J. of the Zoning Ordinance) would also require a Special Land Use approval, if these uses were pursued by future tenants. Residents would have the opportunity to weigh in on such uses at that time through another series of Public Hearings.

Please do not hesitate to contact me for additional information.

Respectfully submitted,

**McKENNA**

Ashley Jankowski  
Associate Planner

Cc: John Jackson, AICP, President

**CITY OF GROSSE POINTE WOODS  
NOTICE OF PUBLIC HEARING**

**Notice is hereby given** that the Grosse Pointe Woods City Council, under the provisions of Public Act 110 of 2006, MCL 125.3101 as amended, and Grosse Pointe Woods City Code of 2022 Chapter 50, Article 7, Section 50-7.15, will hold a Public Hearing on Monday, May 19, 2025 at 7:00 p.m., at City Hall in the Council Chamber/Courtroom (located at 20025 Mack Plaza Drive, Grosse Pointe Woods, MI 48236) for the following purpose: Consider rezoning of 20160 Mack Avenue from RO-1 Restricted Office to C Commercial.

All interested persons are invited to attend and will be given opportunity for public comment. The public may appear in person or be represented by counsel. Written comments will be received in the City Clerk's Office ([cityclerk@gpwmi.us](mailto:cityclerk@gpwmi.us)), up to close of business preceding the hearing. Individuals with disabilities requiring auxiliary aids or services at the meeting should contact the Grosse Pointe Woods Clerk's Office at 313-343-2440 seven days prior to the meeting. The agenda and pertinent documents will be available at [www.gpwmi.us](http://www.gpwmi.us).

For additional project information, contact the Building and Planning Department at 313-343-2426 or e-mail [building@gpwmi.us](mailto:building@gpwmi.us).

Paul P. Antolin  
City Clerk

**MOTION** by Fuller, seconded by Hamborsky, that the Planning Commission Recommend Approval to City Council on the Proposed Rezoning of 20160 Mack Avenue to C Commercial based on the following facts:

- a) The proposed site is architecturally consistent with the neighboring residential neighborhood; and
- b) There is demand for more commercial retail along the Mack Avenue corridor in Grosse Pointe Woods, and to promote walkability, and
- c) The upzoning to support mixed use along Mack Avenue aligns with the newly adopted 2024 Master Plan and Future land Use Plan Map, which shows Corridor Mixed Use, aligning with the C Commercial Business District, for the subject site and sites up and down the same side of Mack Avenue.

Motion carried by the following vote:

YES: Fenton, Fuller, Hamborsky, Mackinnon, Marx, O'Keefe  
NO: None  
ABSENT: Gilezan  
ABSTAIN: McNelis, Vitale

**MOTION** by Fuller, seconded by Hamborsky, to immediately certify the minutes on the Planning Commission Recommending Approval to City Council on the Proposed Rezoning of 20160 Mack Avenue to C Commercial.

Motion carried by the following vote:

YES: Fenton, Fuller, Hamborsky, Mackinnon, Marx, O'Keefe  
NO: None  
ABSENT: Gilezan  
ABSTAIN: McNelis, Vitale



## CITY OF GROSSE POINTE WOODS

### MEMORANDUM

---

**Date:** May 1, 2025

**To:** Mayor and Council

**From:** Frank Schulte, City Administrator *F.S.*

**Subject:** City Charter Proposed Amendment Changing the Title of City Administrator to City Manager

---

On February 7, 2022, the ordinance amendment that changed the supervision of the City Clerk and the Treasurer/Comptroller was adopted. (ARTICLE I - IN GENERAL Sec. 2-1) The City Clerk and the City Treasurer shall be appointed by the Council and serve at its discretion. For administrative purposes, the Clerk and Treasurer thereafter have worked under the supervision of the City Administrator and fulfill any duties assigned to them by the City Administrator, provided these duties are consistent with the Charter and any statutory provisions regarding the powers and responsibilities of their offices.

Since this change, the City Administrator has hired a City Clerk and a Treasurer, with their appointments approved by the Council. This new organizational structure has proven effective. All surrounding governments in the Grosse Pointes refer to their leadership as City Manager.

The administration recommends that the Council approve the attached resolution to change the title from "City Administrator" to "City Manager" throughout the City Charter. Below is the proposed ballot language for the November 2025 election.

#### GROSSE POINTE WOODS CITY CHARTER AMENDMENT

The Grosse Pointe Woods City Charter was adopted by the electors in 1950. Since then, the title of City Manager has become more commonly used and understood than the title of City Administrator, which is currently used in the City Charter. The City Administrator supervises all department heads and city employees. An ordinance amendment in 2022 also increased the duties of the City Administrator to include supervision of the City Clerk and the Treasurer/Comptroller. The proposed amendment will change the title of City Administrator to City Manager throughout the City Charter.

Shall the amendment be adopted?

Yes [ ]      No [ ]

**CITY OF GROSSE POINTE WOODS**

**WAYNE COUNTY, MICHIGAN**

**RESOLUTION AUTHORIZING SUBMISSION OF CHARTER AMENDMENT**  
**BALLOT PROPOSAL TO ELECTORS**

At a regular meeting of the City Council of the City of Grosse Pointe Woods, Wayne County, Michigan, held on the \_\_\_\_ day of \_\_\_\_\_, 2025, at 7:00 p.m.

PRESENT: \_\_\_\_\_

ABSENT: \_\_\_\_\_

The following resolution was offered by \_\_\_\_\_ and  
seconded by \_\_\_\_\_:

**WHEREAS**, pursuant to the City Charter, Section 2.1, the City Council has authority to propose an amendment to the City Charter in a manner provided by statute; and

**WHEREAS**, the Home Rule City Act, Public Act 279 of 1909, as amended, provides that an amendment to the City Charter may be proposed by the legislative body of the City on three fifths (3/5) vote of the seated members; and

**WHEREAS**, the City Council by at least a three-fifths vote of its members, pursuant to authority granted by the Home Rule City Act, Public Act 279 of 1909, as amended, has determined that it is appropriate to submit a Charter Amendment to the electors of the City at the regular election to be held on November 4, 2025, which, if adopted by a majority of voters, would amend the City of Grosse Pointe Woods City Charter to change all references to City Administrator to City Manager; and

**WHEREAS**, Exhibit A contains the City Charter as currently written with redlined additions and deletions showing the proposed language if adopted; and

**WHEREAS**, Exhibit B is a clean copy of the proposed City Charter incorporating the proposed changes and showing the City Charter if the proposal is adopted; and

**WHEREAS**, the changes from City Administrator to City Manager occur in the following sections of the Charter:

Sections 4.5, 4.6, 4.7, 4.8, 4.9, 4.10, 4.11, 4.12, 4.14, 4.18, 5.1, 5.10, 5.12, 6.2, 8.2, 8.3, 8.5, 8.7, 8.8, 10.4, 13.6, 12.2, 12.6, 15.13, 15.14, 18.6.

**NOW, THEREFORE, IT IS HEREBY RESOLVED** by the City of Grosse Pointe Woods City Council that the following ballot language for the proposed amendment to the City Charter shall be placed on the ballot and submitted to the qualified electors of the City at the regular election to be held in the City of Grosse Pointe Woods on the 4<sup>th</sup> day of November, 2025:

## **GROSSE POINTE WOODS CITY CHARTER AMENDMENT**

The Grosse Pointe Woods City Charter was adopted by the electors in 1950. Since then, the title of City Manager has become more commonly used and understood than the title of City Administrator, which is currently used in the City Charter. The City Administrator supervises all department heads and city employees. An ordinance amendment in 2022 also increased the duties of the City Administrator to include supervision of the City Clerk and the Treasurer/Comptroller. The proposed amendment will change the title of City Administrator to City Manager throughout the City Charter.

Shall the amendment be adopted?

Yes [    ]            No [    ]

**BE IT FURTHER RESOLVED** that the City Clerk shall transmit the proposed amendment to the Governor of the State of Michigan for approval and transmit the ballot language for the proposed amendment to the Attorney General of the State of Michigan for approval, as required by law.

**BE IT FURTHER RESOLVED** that the City Clerk is hereby directed to do all things necessary to provide for the submission of the aforesaid proposition to the qualified electors of the City at the regular election on the 4<sup>th</sup> day of November, 2025.

**BE IT FURTHER RESOLVED** that all resolutions and parts of resolutions in conflict with this resolution are repealed to the extent of such conflict. This resolution shall have immediate effect.

YEAS:

NAYS:

ABSENT:

ABSTENTIONS:

The resolution was declared \_\_\_\_\_.

---

Paul Antolin, City Clerk

**CERTIFICATION**

*I, Paul Antolin, Clerk of the City of Grosse Pointe Woods, do hereby certify that the foregoing constitutes a true and complete copy of a resolution adopted by the City Council on \_\_\_\_\_, 2025, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting have been kept and will be, or have been, made available as required by said Act.*

\_\_\_\_\_  
Paul Antolin, City Clerk



**EXHIBIT A**

Grosse Pointe Woods, Michigan, Code of Ordinances  
PART I CHARTER

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## **PART I CHARTER<sup>1</sup>**

### **PREAMBLE**

We, the people of the City of Grosse Pointe Woods, Wayne County, Michigan, formerly known as the Village of Grosse Pointe Woods, by virtue of authority of the Constitution and of Act No. 279 of the Public Acts of Michigan of 1909 (MCL 117.1 et seq.), as amended, do hereby ordain and establish this home rule charter for the City of Grosse Pointe Woods.

### **CHAPTER 1. NAME AND BOUNDARIES**

#### **Section 1.1. Name and Boundaries.**

The name of this organized city is "City of Grosse Pointe Woods." It is a body corporate, and embraces the following described territory in the townships of Grosse Pointe and Gratiot in the County of Wayne, State of Michigan, constituting the former Village of Grosse Pointe Woods, 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 law:

Beginning at the intersection of the old center line of Mack Avenue, 66 feet wide, and the southerly line of Private Claim 617 and proceeding thence northwest along said southerly line, said line being also the boundary of the City of Detroit, 1793 feet to the easterly boundary of Gratiot Township; thence north along said boundary, being a line 1650 feet west of and parallel to the old center line of Mack Avenue, 1307.59 feet to the line between Private Claims 617 and 618, said line being also the southerly boundary of Grosse Pointe Country Club Woods Subdivision, as recorded in Liber 59 of plats, pages 63 and 64, Wayne County Records; thence along the boundary of said subdivision, northwest, 805.65 feet and northeast, 1256.47 feet to the line between Private Claims 618 and 619; thence northwest along said line, 2161.57 feet to the center line of Harper Avenue; thence northerly along said center line, 628.38 feet to the line between Private Claims 619 and 620; thence southeast along said line, 2176.1 feet to the easterly boundary of Gratiot Township; thence northerly along said boundary, being a line 1650 feet west of and parallel to the old center line of Mack Avenue, approximately 7700 feet to the north line of Wayne County; thence east along said county line, approximately 9200 feet to a point on the westerly boundary of the Village of Grosse Pointe Shores, said point being 1026.57 feet (measured along said County line) west of the westerly line of Lake Shore Road, 120 feet wide; thence southerly along said westerly Village boundary, approximately 5110 feet to a point in Vernier Road distant westerly 1920 feet (measured along Vernier Road) from the westerly line of Lake Shore Road, 120 feet wide; thence continuing southerly along said westerly Village boundary approximately 7370

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<sup>1</sup>Editor's note(s)—Printed herein is the Charter of the City of Grosse Pointe Woods, as adopted by the electorate on December 11, 1950, and effective on December 13, 1950. Amendments to the Charter are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original Charter. Obvious misspellings have been corrected without notation. For stylistic purposes, a uniform system of headings, catchlines and citations to state statutes has been used. Additions made for clarity are indicated by brackets.

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feet to a point on the southerly line of Private Claim 619, distant westerly 1944.32 feet (measured along said southerly line) from the westerly line of Lake Shore Road, 120 feet wide; thence northwest along said southerly line, being also the northerly boundary of the City of Grosse Pointe Farms, approximately 6060 feet to the old center line of Mack Avenue, 66 feet wide; thence southerly along said old center line, being also the westerly boundary of the City of Grosse Pointe Farms, approximately 2680 feet to the point of beginning.

State law reference(s)—Incorporation, consolidation of territory and alteration of boundaries of home rule cities, MCL 117.6 et seq.

## **CHAPTER 2. MUNICIPAL POWERS**

### **Section 2.1. General Powers.**

Unless otherwise provided or limited in this charter, the city and its officers shall possess and be vested with any and all powers, privileges and immunities, expressed or implied, which cities and their officers are, or hereafter may be, permitted to exercise or to provide for in their Charters under the Constitution and statutes of the State of Michigan, including all powers, privileges and immunities which cities are, or may be, permitted to provide in their charters by Act No. 279 of the Public Acts of Michigan of 1909 (MCL 117.1 et seq.), as amended, as fully and completely as though these powers, privileges and immunities were specifically enumerated in and provided for in this charter, and in no case shall any enumeration of particular powers, privileges or immunities herein be held to be exclusive.

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

### **Section 2.2. Further Definition of Powers.**

In addition to the powers possessed by the city under the Constitution and statutes of the State of Michigan, and those set forth throughout this charter, the city shall have power with respect to and may, by ordinance and other lawful acts of its officers, provide for the following, subject to any specific limitations placed thereon by this charter:

- (a) The acquisition by purchase, gift, condemnation, lease, construction, or in any manner permitted by statute, of private property of every type and nature for public use, which property may be located within or without the County of Wayne and which may be required for or incidental to the present or future exercise of the purposes, powers and duties of the city, either proprietary or otherwise;
- (b) The maintenance, development, operation, leasing and disposal of city property subject to any restrictions placed thereon by statute or this charter;
- (c) The refunding of money advanced or paid on special assessments for water main extensions;
- (d) The installation and connection of conduits for the service of municipally owned and operated electric lighting plants;
- (e) The purchase or condemnation of the franchises and of the property used in the operation of companies or individuals engaged in the cemetery, hospital, almshouse, electric light, gas, heat, water and power business;

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- (f) The use, regulation, improvement and control of the surface of its streets, alleys, public ways and other public places and of the space above and beneath them, whether such be located within or without the limits of the city;
  - (g) The use, by others than the owner, of property located in streets, alleys and public places, in the operation of a public utility, upon the payment of a reasonable compensation to the owners thereof;
  - (h) A plan of streets and alleys within and for a distance of not more than three miles beyond the municipal limits;
  - (i) The use, control and regulation of streams, waters and water courses within its boundaries, subject to any limitations imposed by statute;
  - (j) The securing by condemnation, by agreement or purchase, or by any other means, of an easement in property abutting or adjacent to any navigable body of water for the purpose of securing the privilege and right to construct, own and maintain along or adjacent to any navigable body of water an elevated structure of one or more levels for use as a vehicular or pedestrian passageway, or for any other municipal purpose;
  - (k) The acquiring, establishment, operation, extension and maintenance of facilities for the storage and parking of vehicles within its corporate limits, including the fixing and collection of charges for services and use thereof on a public utility basis, and for such purpose to acquire by gift, purchase, condemnation or otherwise, the land necessary therefor;
  - (l) The acquiring, constructing, establishment, operation, extension and maintenance of facilities for the docking of water craft, hydroplanes and seaplanes, within its corporate limits, including the fixing and collection of charges for use thereof, and for such purpose or purposes, to acquire by gift, purchase, condemnation, or otherwise, the land necessary therefor;
  - (m) Regulating, restricting and limiting the number and locations of oil and gasoline stations;
  - (n) Establishing of districts or zones within which the use of land and structures, the type, character, height, area, size and location of buildings and required open spaces for light and ventilation of such buildings, and the density of population may be regulated by ordinance in accordance with statutory provisions governing zoning;
  - (o) Regulating of trades, occupations and amusements within the city, not inconsistent with state and federal laws and for the prohibition of such trades, occupations and amusements as are detrimental to the health, morals or welfare of its inhabitants;
  - (p) Licensing, regulating, restricting and limiting the number and locations of advertising signs or displays and billboards within the city;
  - (q) Preventing injury or annoyance to the inhabitants of the city from anything which is dangerous, offensive or unhealthful, and for preventing and abating nuisances and punishing those occasioning them or neglecting or refusing to abate, discontinue or remove the same;
  - (r) Prescribing the terms and conditions upon which licenses may be granted, suspended or revoked; requiring payment of reasonable sums for licenses; and requiring the furnishing of a bond to the city for the faithful observance of the conditions under which licenses are granted, and otherwise conditioning such licenses as the Council may prescribe;
  - (s) Regulating all airports located within its boundaries, and, for the purpose of promoting and preserving the public peace, safety and welfare, controlling and regulating the use of the air above the city by aircraft of all types;
  - (t) Prohibiting or regulating the use, occupancy, sanitation and parking of house trailers within the city, and the right of the city to so regulate any house trailer shall not be abrogated because of any

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detachment thereof from its wheels or because of placing it on, or attaching it to, the ground by means of any temporary or permanent foundation, or in any manner whatsoever;

- (u) Requiring an owner of real property within the city to construct and maintain sidewalks abutting upon such property, and if the owner fails to comply with such requirements or if the owner is unknown, to construct and maintain such sidewalks and assess the cost thereof against the property in accordance with Section 11.9;
- (v) Requiring an owner of real property within the city to abate public hazards and nuisances which are dangerous to the health or safety of inhabitants of the city within a reasonable time after the Council notifies him that such hazard or nuisance exists, and if the owner fails to comply with such requirements, or if the owner is unknown, to abate such hazard or nuisance and assess the cost thereof against such property in accordance with Section 11.9.

State law reference(s)—Permissible that Charter provide for acquisition of public buildings and grounds, MCL 117.4e(1); permissible that Charter provide for condemnation, MCL 117.4e(2); permissible that Charter provide for maintenance and disposition of city property, MCL 117.4e(1); permissible that Charter provide for zoning, MCL 117.4i(c); permissible that Charter provide for police powers, MCL 117.4i(j); permissible that Charter provide for regulation of trades and occupations, MCL 117.4i(d); permissible that Charter provide for regulation of public ways, MCL 117.4h(1); permissible that Charter provide for plan of streets and alleys, MCL 117.4h(3); permissible that Charter provide for vehicle parking facilities, MCL 117.4h(6).

### **Section 2.3. Inter-governmental Contracts.**

The city shall have power to join with any governmental unit or agency, or with any number or combination thereof by contract or otherwise as may be permitted by law to have performed (a) jointly, or (b) by one or more of them for or on behalf of the other or others, or (c) by any other person, firm or corporation, any power or duty which is permitted to be so performed by law or which is possessed by, or imposed upon, each such governmental unit or agency.

State law reference(s)—Authority to enter into intergovernmental contract, MCL 124.1 et seq.

### **Section 2.4. Outside Fire Protection.**

In exercise of the powers contained in Section 2.1 herein, the Council shall have the right to contract with persons, firms, corporations or governing bodies to furnish fire protection to property outside the corporate limits of the city for a fair consideration, if the Council shall find that the financial interests of the city are advanced by obtaining payments therefor; and/or that the prosperity of the municipality and its inhabitants are advanced through preventing a conflagration which might spread within the city limits or through protecting industrial or commercial properties at which residents of the city are employed, from fire.

## **CHAPTER 3. ELECTIONS<sup>2</sup>**

### **Section 3.1. Qualification of Electors.**

The residents of the city having the qualifications of electors in the State of Michigan, and no others, shall be electors of the city.

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<sup>2</sup>State law reference(s)—Michigan election laws, MCL 168.1 et seq.

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State law reference(s)—Qualifications for registration as elector, MCL 168.492; mandatory that Charter provide for registration of electors, MCL 117.3(c); registration of electors generally, MCL 168.491 et seq.

### **Section 3.2. Election Procedure.**

The election of all city officers shall be on a non-partisan basis. The general election laws of the state shall apply to and control, as near as may be, all procedures relating to registration and city elections except as such general laws relate to political parties or partisan procedure and except as otherwise provided in this charter.

### **Section 3.3. Wards and Precincts.**

The City of Grosse Pointe Woods shall consist of one ward. The Council shall from time to time establish by ordinance convenient election precincts. The precincts into which the Village is divided on the effective date of this Charter shall be the precincts of the city until otherwise provided for by the Council.

State law reference(s)—Mandatory that Charter provide for one or more wards, MCL 117.3(e).

### **Section 3.4. Election Date.**

A Regular City Election shall be held on the first Monday in April of 1965 and on the first Monday in April of 1966 and each even year thereafter.

### **Section 3.5. Elective Officers and Terms of Office.**

The elective officers of the City shall be a Mayor, six Councilmembers and the Municipal Judge. At the Regular City Election in November of 1997, there shall be elected from the City at large, a Mayor for a term of four years and three City Councilmembers for a term of four years, and at the Regular City Election in 1999 there shall be elected from the City at large three City Councilmembers for a term of four years. In the year 2001 and each four years thereafter there shall be elected from the City at large a Mayor and three City Councilmembers, and in the year 2003 and each four years thereafter there shall be elected from the City at large three City Councilmembers.

At the Regular City Election in 1999 and every fourth year thereafter there shall also be elected the Municipal Judge for a term of four years, commencing on the 1st day of January next following such election.

(Adopted by electors 4-2-1956, 4-6-1964, 11-5-1996)

### **Section 3.6. Special Elections.**

Special city elections shall be held when called by resolution of the Council at least thirty days in advance of such election, or when required by this charter or the general laws of the state. Any resolution calling a special election shall set forth the purpose of such election. No more than two special city elections shall be called in any one year.

State law reference(s)—Special elections, MCL 168.631 et seq.

### **Section 3.7. Notice of Elections.**

Notice of time and place of holding any city election and of the officers to be nominated or elected and the questions to be voted upon shall be given by the Clerk in the same manner and at the same time as provided in the state election law for the giving of notice by township or city clerks.

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State law reference(s)—Notice of election, MCL 168.653a.

### **Section 3.8. Voting Hours.**

The polls of all elections shall be opened and closed at the time prescribed by law for the opening and closing of polls at state elections, subject to any statutory right of the Council to adjust these hours to local time.

State law reference(s)—Opening and closing of polls, MCL 168.720.

### **Section 3.9. Nominations.**

The method of nomination of all officers provided for in this charter which are to be filled by the electors of the city shall be by petition. Such petitions for each candidate shall be signed by not less than two hundred (200) nor more than two hundred and fifty (250) registered electors of the City. No person shall sign his name to a greater number of petitions for any one office than there are persons to be elected to said office at said election. Where the signature of any individual appears on more petitions than there are candidates to be elected to said office, the signature of such individual on all such petitions shall be invalidated.

Nomination petitions shall be filed with the city clerk at his office not prior to August 1 and not later than the second Monday in September preceding the date for holding the regular city election; and in case of a special election to fill a vacancy, not later than 30 days prior to the date fixed for holding such special election. No nomination petitions shall be received by the City Clerk after 5:00 o'clock P.M. prevailing time on the last day fixed for receiving nomination petitions. The clerk shall publish notice of the last day permitted for filing nomination petitions at least one week and not more than three weeks before such day.

In the event the provisions hereof shall, at any time, conflict with the provisions of the "Michigan Election Law," as the same may be hereafter amended, relating to [the] last day upon which such nomination petitions can be filed, the Council shall thereupon adopt an appropriate ordinance to provide the last day upon which nomination petitions for city offices may be filed in conformity with the provisions of the statutes of the State of Michigan relating thereto.

(Adopted by electors 8-7-1962, 11-5-1996)

State law reference(s)—Preparation and filing of nominating petitions, MCL 168.542 et seq.

### **Section 3.10. Form of Petition.**

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 and maintained by the Clerk.

State law reference(s)—Nonpartisan nominating petitions, MCL 168.544a.

### **Section 3.11. Approval of Petition.**

The Clerk shall accept only nomination petitions which conform with the forms provided and maintained by him, and which, considered together, contain the required number of valid signatures for candidates having those qualifications required for the respective elective city offices by this charter. All petitions shall be accompanied by the affidavit of qualifications provided for in Section 5.1. When a petition is filed by persons other than the person whose name appears thereon as a 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 section, but the failure to so notify any candidate shall in no way prevent a final determination that the petition does not meet such requirements. Within five days after the last date for filing petitions, the Clerk shall make his final determinations as to the validity and sufficiency of

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each nomination petition and whether or not the candidate has the qualifications required for his respective elective city office by this charter and shall write his determinations thereof on the face of the petition and shall notify in writing the candidate whose name appears thereon of his determinations. However, no petitions shall be determined to be valid unless the affidavit of qualifications provided for in Section 5.1 shall be filed with such petition. 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 [placed] upon the ballot for the next subsequent regular city election or at the next special election for the filling of vacancies in office, as the case may be.

### **Section 3.12. Public Inspection of Petitions.**

All nomination petitions filed shall be open to public inspection in the office of the Clerk.

### **Section 3.13. Election Commission.**

An Election Commission is hereby created, consisting of the Clerk, the Attorney and one member of the Council who shall not be a candidate for elective office at the election for which he serves as a member of the Election Commission, such member to be appointed by the Council not less than fifteen days before each election. The members shall serve without compensation. The Clerk shall be chairman and two members of such board shall be a quorum. The Commission shall appoint the Board of Election Inspectors for each precinct and have charge of all activities and duties required of it by statute and this charter relating to the conduct of elections in the city. The compensation of election personnel shall be determined in advance by the Council. In any case where election procedure is in doubt, the Election Commission shall prescribe the procedure to be followed.

State law reference(s)—Duties of election commission, MCL 168.719.

### **Section 3.14. Form of Ballot.**

The form, printing and numbering of ballots or the preparation of the voting machines used in any city election shall conform as nearly as may be to that prescribed by statute, except that no party designation or emblem shall appear. In all city elections, the names of qualified candidates for each office shall be listed under a separate heading and shall be rotated systematically in the manner prescribed by statute for rotation of names.

If two or more candidates for the same office have the same or similar surnames, the Election Commission shall print the occupation and residence address under the respective names of each of such candidates on the ballots (or on labels or slips to be placed on voting machines when used), provided, that for any of such candidates who is an incumbent of such office, the occupation shall be designated as "Incumbent." Except as provided in this section there shall be no supplementary identification of candidates on the ballot.

State law reference(s)—Preparation and distribution of ballots, MCL 168.559 et seq.; preparation, printing and delivery of official ballots, MCL 168.684 et seq.

### **Section 3.15. Canvass of Votes.**

The Clerk and the members of the City Council shall be the board of canvassers to canvass the votes at city elections, except that if any of such persons are candidates for office at the election to be canvassed such persons shall not serve as a canvasser at such election. A majority of the members of such board shall be a quorum. The board of canvassers shall convene on the Thursday next succeeding each city election at the usual time and place of meeting of the Council and determine the results of the city election upon each question and proposition voted upon and what persons are duly elected to the several offices respectively at said election, and shall notify in writing the successful candidates of their election. The number of candidates for each office equal to the number to be elected to such office who receive the highest number of votes shall be elected. The Clerk shall make under

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the corporate seal of the city duplicate certificates of the determinations of the board and shall file one certificate with the County Clerk and the other in his own office.

State law reference(s)—Canvass of returns, MCL 168.323.

### **Section 3.16. Recount.**

A recount of the votes cast at any city election for any office or upon any proposition may be ad in accordance with the general election laws of the state. Unless otherwise provided by statute the petition for a recount of the votes cast at any city election shall be filed with the Clerk within six days after the board of canvassers has made its official report of the result of the election at which such votes were cast, and any counter petition shall be filed within twenty-four hours thereafter.

State law reference(s)—Recounts, MCL 168.861 et seq.

### **Section 3.17. Recall.**

Any elected official may be recalled from office by the electors of the city in the manner provided by statute. A vacancy created by the recall of any elected official shall be filled in the manner prescribed by statute.

State law reference(s)—Recall, MCL 168.951 et seq.

## **CHAPTER 4. ORGANIZATION OF GOVERNMENT**

### **Section 4.1. The City Council.**

There shall be a Council of seven members, consisting of the six elected Councilmen and the Mayor, who shall be deemed a member of the Council for all purposes. The Council shall constitute the legislative and governing body of the city and shall have power and authority, except as otherwise provided in this charter or by law, to exercise all powers conferred upon or possessed by the city, and shall have the power and authority to adopt such laws, ordinances and resolutions as it shall deem proper in the exercise thereof. In all cases where the word "Council" is used in this charter, the same shall be synonymous with the word "Commission" or any other term used in any state or federal law in referring to municipal legislative or governing bodies.

State law reference(s)—Mandatory that Charter provide for body vested with legislative power, MCL 117.3(a).

### **Section 4.2. Compensation of Mayor and Councilmen.**

Each Councilman and the Mayor shall receive as compensation fifteen dollars (\$15.00) for each regular/special meeting of the Council which he attends, but the compensation so paid shall not exceed four hundred dollars (\$400.00) in any year, such year to be determined as commencing as of the Monday following the Regular City Election. The Mayor shall, in addition, receive the sum of two hundred dollars (\$200.00) per year for each year of his term of office served.

Such salaries shall be paid monthly and except as otherwise provided in this Charter shall constitute the only compensation which may be paid the Mayor or Councilmen for the discharge of any official duty for or in behalf of the city during their term of office. However, the Mayor and Councilmen may, upon order of the Council, be paid such necessary bona fide expenses incurred in service in behalf of the city as are authorized and itemized.

(Adopted by electors 4-2-1956)

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Editor's note(s)—Compensation of elected officers is now determined by the Local Officers Compensation Commission under Code of Ordinances § 2-251 et seq.

#### Section 4.3. Election of Mayor: Mayor Pro Tem.

The Council shall, at its first meeting following each regular city election, elect one of its members to serve as Mayor Pro Tem, for a term expiring at the first Council meeting following the next regular city election. In the event of absence or disability of both the Mayor and Mayor Pro Tem, the Council may designate another of its members to serve as Acting Mayor during such absence or disability.

#### Section 4.4. Duties of Mayor.

- (a) Insofar as required by law, and for all ceremonial purposes, the Mayor shall be the executive head of the city. He shall have a voice and vote in all proceedings of the Council, equal with that of other members of the Council, but shall have no veto power. He shall be the presiding officer of the Council.
- (b) The Mayor shall be a conservator of the peace, and may exercise within the city the powers conferred upon sheriffs to suppress riot and disorder, and shall have authority to command the assistance of all able-bodied citizens to aid in the enforcement of the ordinances of the city and to suppress riot and disorder.
- (c) The Mayor shall execute or authenticate by his signature such instruments as the Council, this charter or the laws of the State of Michigan or of the United States shall require.
- (d) Except as may be required by law, the Mayor shall exercise only such powers as this charter or the council shall specifically confer upon him.
- (e) In the absence or disability of the Mayor, the Mayor Pro Tem shall perform the duties of Mayor. In the absence or disability of both, the designated Acting Mayor shall perform such duties.

#### Section 4.5. Administrative Service.

The administrative officers of the city shall be the City ~~Administrator~~Manager, Clerk, Treasurer, Assessor, Attorney, Chief of Police, Fire Chief and Superintendent of Public Works, and if the Council deems necessary a Health Officer, City Engineer, Water Superintendent and Building Inspector. The Council may by ordinance create additional administrative offices and may by resolution combine any administrative offices in any manner it deems necessary or advisable for the proper and efficient operation of the city.

The City ~~Administrator~~Manager, Clerk, Treasurer, Assessor and Attorney shall be appointed by the Council for an indefinite period, shall be responsible to and serve at the pleasure of the Council and shall have their compensation fixed by the Council. All administrative officers of the city except the City ~~Administrator~~Manager, Clerk, Treasurer, Assessor and Attorney shall be appointed or selected by the City ~~Administrator~~Manager for an indefinite period, shall be responsible to and hold office at the pleasure of the City ~~Administrator~~Manager and shall have their compensation fixed by the City ~~Administrator~~Manager in accordance with budget appropriations and any pay plan adopted by the Council. Appointments of administrative officers by the City ~~Administrator~~Manager shall be subject to confirmation by the Council, but he may discharge such officers without such confirmation.

Except as may be otherwise required by statute or this charter, the Council shall establish by ordinance such departments of the city 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 department, but the Council may not diminish the duties or responsibilities of the office of City ~~Administrator~~Manager. The City ~~Administrator~~Manager may prescribe such duties and responsibilities of the officers of those departments responsible to him which are not inconsistent with this charter or with any ordinance or resolution.

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All personnel employed by the city who are not elected officers of the city or declared to be administrative officers by or under the authority of this charter shall be deemed to be employees of the city. The head of each department shall have the power to hire and discharge the employees of his department without confirmation by the Council. Any employee who has been discharged may within ten days thereafter petition the Council to hear the facts regarding such discharge, and in any such case the Council may, in its own discretion, hold a hearing and inquire into such facts and may make such recommendation in the manner as it considers proper.

#### **Section 4.6. City ~~Administrator~~Manager: Appointment and Qualifications.**

The Council shall appoint a City ~~Administrator~~Manager within ninety days after any vacancy exists in such position. The City ~~Administrator~~Manager shall hold office at the pleasure of a majority of the Council, but he shall not be removed from office during a period of thirty days following any regular city election except by the affirmative vote of five members of the Council. He shall be selected on the basis of his executive and administrative qualifications with special reference to his training and experience and without regard to his political or religious preferences.

#### **Section 4.7. City ~~Administrator~~Manager: Functions and Duties.**

The City ~~Administrator~~Manager shall be the chief administrative officer of the city government. His functions and duties shall be:

- (a) To be responsible to the Council for the efficient administration of all administrative departments of the city government except the departments under the direction of the Clerk, Treasurer, Assessor and Attorney;
- (b) To see that all laws and ordinances are enforced;
- (c) To appoint, with the consent of the Council, the heads of the several city departments whose appointment is not otherwise specified in this charter, and to discharge such department heads without the consent of the Council, and to direct and supervise such department heads;
- (d) To give to the proper department or officials ample notice of the expiration or termination of any franchises, contracts or agreements;
- (e) To see that all terms and conditions imposed in favor of the city or its inhabitants in any public utility franchise, or in any contract, are faithfully kept and performed;
- (f) To recommend an annual budget to the Council and to administer the budget as finally adopted under policies formulated by the Council, and to keep the Council fully advised at all times as to the financial condition and needs of the city;
- (g) To recommend to the Council for adoption such measures as he may deem necessary or expedient; and to attend Council meetings with the right to take part in discussions but not to vote;
- (h) To exercise and perform all administrative functions of the city that are not imposed by this charter or ordinance upon some other official;
- (i) To maintain a system of accounts of the city which shall conform to any uniform system required by law and by the Council and to generally accepted principles and procedure of governmental accounting. He shall make monthly financial statements to the Council;
- (j) To perform such other duties as may be prescribed by this charter or as may be required of him by ordinance or by direction of the Council.

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#### Section 4.8. Acting City ~~Administrator~~Manager.

The Council may appoint or designate an Acting City ~~Administrator~~Manager during the period of a vacancy in the office or during the absence of the City ~~Administrator~~Manager from the city. Such Acting ~~Administrator~~Manager shall, while he is in such office, have all the responsibilities, duties, functions and authority of the City ~~Administrator~~Manager.

#### Section 4.9. Relationship of Council to Administrative Service.

Neither the Council nor any of its members or committees shall dictate the appointment of any person to office by the City ~~Administrator~~Manager or in any way interfere with the City ~~Administrator~~Manager or other city officer to prevent them from exercising their judgment in the appointment or employment of officers and employees in the administrative service. Except for the purpose of inquiry, the Council and its members shall deal with the administrative service (except the Clerk, Treasurer, Assessor and Attorney) solely through the City ~~Administrator~~Manager and neither the Council nor any member thereof shall give orders to any of the subordinates of the City ~~Administrator~~Manager.

#### Section 4.10. Clerk: Functions and Duties.

- (a) The Clerk shall be the Clerk of the Council and shall attend all meetings of the Council and shall keep a permanent journal of its proceedings in the English language.
- (b) He shall be custodian of the city seal, and shall affix it to all documents and instruments requiring the seal, and shall attest the same. He shall also be custodian of all papers, documents and records pertaining to the city the custody of which is not otherwise provided for.
- (c) He shall certify by his signature all ordinances and resolutions enacted or passed by the council.
- (d) He shall provide and maintain in his office a supply of forms for all petitions required to be filed for any purpose by the provisions of this charter.
- (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 or by the Council.
- (g) He shall at all times cooperate with the City ~~Administrator~~Manager and shall provide such information and reports and perform such duties as are requested by the City ~~Administrator~~Manager so long as they are not inconsistent with duties of his office as provided herein.

State law reference(s)—Oath of public officers, Mich. Const. 1963, art. XI, § 1; mandatory that Charter provide for keeping in the English language a written or printed journal of every session of the legislative body, MCL 117.3(m).

#### Section 4.11. Treasurer: Functions and Duties.

- (a) The Treasurer shall have the custody of all moneys of the city, any bond pertaining solely to the Clerk and all evidences of indebtedness belonging to the city or held in trust by the city.
- (b) He shall receive from other officers, employees and any other representative and/or agency of the city, as may be authorized by the City Council, all money belonging to and receivable by the city that may be collected by such officers, employees, representatives and/or agencies, including fines, license fees, permit fees, taxes, assessments, utility bills and other charges.

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- (c) He shall keep and deposit all moneys or funds in such manner and only in such places as the Council may determine and shall report the same in detail to the City ~~Administrator~~Manager.
  - (d) He shall have such powers, duties and prerogatives in regard to the collection and custody of state, county, school district and city taxes as are conferred by law upon township treasurers in connection with state, county, township and school district taxes upon real and personal property.
  - (e) He shall perform such other duties as may be prescribed for him by this charter or by the Council.
  - (f) He shall at all times cooperate with the City ~~Administrator~~Manager and shall provide such information and reports and perform such duties as are requested by the City ~~Administrator~~Manager so long as they are not inconsistent with the duties of his office as provided herein.

(Adopted by electors 11-7-1989)

#### **Section 4.12. Attorney: Functions and Duties.**

- (a) The Attorney shall act as legal advisor to, and be attorney and counsel for, the Council and shall be responsible solely to the Council. He shall advise any officer or department head of the city in matters relating to his official duties when so requested and shall file with the Clerk a copy of all written opinions given by him.
- (b) He shall prosecute all ordinance violations and he shall conduct for the city such cases in court and before other legally constituted tribunals as the Council may request. He shall file with the Clerk copies of such records and files relating thereto as the Council may direct.
- (c) He shall prepare or review all ordinances, contracts, bonds and other written instruments which are submitted to him by the Council and shall promptly give his opinion as to the legality thereof.
- (d) He shall call to the attention of the Council all matters of law, and changes or developments therein, affecting the city.
- (e) He shall perform such other duties as may be prescribed for him by this charter or by the Council.
- (f) He shall at all times cooperate with the City ~~Administrator~~Manager and shall provide such information and reports and perform such duties as are requested by the City ~~Administrator~~Manager so long as they are not inconsistent with the duties of his office as herein provided.
- (g) Upon the recommendation of the Attorney, or upon its own initiative, the Council may retain special legal counsel to handle any matter in which the city has an interest, or to assist and counsel with the Attorney therein.

#### **Section 4.13. Attorney: Compensation.**

The compensation set by the Council for the Attorney shall be in contemplation of the normal duties of that office. Special compensation may be provided at the discretion of the Council for appeals to, or litigation commenced in, the Federal Courts, the Circuit Court or State Supreme Court; for work requiring extensive hearings before quasi-judicial or administrative tribunals; for legal work in connection with the issuance of bonds of the city; for condemnation proceedings or for other matters outside the scope of his normal duties. No such special compensation, nor any compensation to special legal counsel, shall be paid except in accordance with an agreement between the Council and the Attorney or special counsel made before the service for which such special compensation is to be paid has been rendered.

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#### Section 4.14. City Assessor: Functions and Duties.

The City 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 prescribe[d] by this charter, by ordinance and by statute. He shall perform such other duties as may be prescribed for him in this charter or by the Council or the City ~~Administrator~~Manager.

#### Section 4.15. Planning Commission.

The Council shall by ordinance maintain a city planning commission created in accordance with, and under the authority of, statute and having the powers and duties prescribed by statute and this charter.

State law reference(s)—Municipal planning, MCL 125.31 et seq.

#### Section 4.16. Zoning.

The Council shall maintain a zoning ordinance in accordance with, and under the authority of statute, and having the powers and duties prescribed by statute and this charter and the Council shall be the Board of Zoning Appeals.

State law reference(s)—Authority to regulate land use, MCL 125.581 et seq.

#### Section 4.17. Independent Boards.

The Council may provide by ordinance for independent boards or commissions to administer the following activities of the city and no others: civil service or merit system, parks and recreation, public housing, hospitals and activities which by statute are required to be administered by a board or commission.

#### Section 4.18. Comptroller.

The City Council may appoint a City Comptroller who shall hold office at the will and pleasure of the Council and who shall be the General Finance Officer of the City. He shall be responsible to and work under the supervision of the City ~~Administrator~~Manager. His functions and duties shall be:

- (a) To maintain a system of accounts of the City which shall conform to any uniform system required by law and by the Council and to generally accepted principles and procedures of governmental accounting;
- (b) To examine and audit all accounts and claims against the City except claims for unliquidated damages. He shall not approve the issuance of, nor sign any draft, check or warrant until he has verified the correctness of the amount for which the same is issued;
- (c) To prescribe a method of accounts and financial records for any office, department or court of the city maintaining independent accounts or financial records;
- (d) To examine and audit all books of accounts or financial records kept by any office, department or court of the City, at the close of each fiscal year and at any other time at his own discretion;
- (e) To present to the Council monthly financial reports showing in detail the financial condition and operations of the city;
- (f) To at all time[s] cooperate with the City ~~Administrator~~Manager and shall provide such information and reports and perform such duties as are requested by the City ~~Administrator~~Manager so long as they are not inconsistent with the duties of his office as herein provided.

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(Adopted by electors 11-4-1986)

## **CHAPTER 5. GENERAL PROVISIONS REGARDING OFFICERS AND PERSONNEL OF THE CITY**

### **Section 5.1. Eligibility for Office in City.**

No person shall hold any elective office of the city unless immediately prior to the last day for filing petitions for such office he is a qualified and registered elector of the city on such day and throughout his tenure of office.

The Municipal Judge shall, in addition, have the qualifications for that office prescribed in Section 15.3.

No person shall be eligible for any elective or appointive city office who is in default to the city or to any other governmental unit of the state. The holding of office by any person who is in such default shall create a vacancy unless such default shall be cured within thirty days after written notice thereof by the Council or unless such person shall in good faith be contesting the liability for such default.

Each candidate for elective office shall file with his petition his affidavit that he possesses the qualifications for such office provided in this section. Failure to file such affidavit shall invalidate his petition.

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

Each member of the city board or commission created by, or pursuant to, this charter shall have been a resident of this city or village for at least two years prior to the day of his appointment and shall be a qualified and registered elector of the city on such day and throughout his tenure of office.

All administrative officers shall be United States citizens. If the city ~~Administrator~~Manager is not a resident of the city at the time of his appointment, he shall become a resident thereof within one year after his appointment and shall so remain throughout his tenure in office.

No elective city officer may be appointed to any city office other than the office of Mayor or be employed by the city during the term of office for which he was elected or for two (2) years thereafter, except that after the expiration of his term of office he may be appointed as a member of an independent Board or Commission or to fill a vacancy in the position of Councilman.

(Adopted by electors 11-7-1989)

### **Section 5.2. Vacancies in Office; Removal from Office.**

Any elective city office shall be declared vacant by the Council upon the occurrence of any of the following events 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 qualifies for, the office at the election at which such office is to be filled;
- (c) If the officer shall be found guilty by a competent tribunal of any act constituting misconduct in office under the provisions of this charter;
- (d) If the officer shall absent himself continuously from the city for more than thirty consecutive days in any one year without the permission of the Council;
- (e) In the case of any members of the Council, if such officer shall miss four consecutive regular meetings of the Council, or twenty-five per cent of such meetings in any fiscal year of the city, unless such

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absences shall be excused by the Council and the reason therefor entered in the proceedings of the Council at the time of each absence;

- (f) If the officer is removed from office by the Council in accordance with the provisions hereinafter set forth.

The office of any member of any board or commission created by, or pursuant to, this charter shall be declared vacant by the Council:

- (a) For any reason specified by statute or by this Charter as creating a vacancy in office;
- (b) If the officer shall be found guilty by a competent tribunal of any act constituting misconduct in office under the provisions of this charter;
- (c) If such officer shall miss four consecutive regular meetings of such board or commission, or twenty-five per cent of such meetings in any fiscal year of the city, unless such absences shall be excused by such board or commission and the reason therefor entered in the proceedings of such board or commission at the time of each absence;
- (d) If the officer is removed from office by the Council in accordance with the provisions hereinafter set forth.

Removals of officers by the Council shall be made for either of the following reasons: (1) for any reason specified by statute for removal of city officers by the Governor, (2) for misconduct in office under the provisions of this charter. Such removals by the Council shall be made only after 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 of residence. 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.

State law reference(s)—Removal of city officers, MCL 168.327.

### **Section 5.3. 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. Resignations of appointive officers shall be made in writing to the appointing officer or body and shall be acted upon immediately.

### **Section 5.4. Filling Vacancies in Offices.**

- (a) Vacancies in appointive offices shall be filled in the manner provided for making the original appointment.
- (b) Vacancies in elective offices other than [the] Municipal Judge shall be filled by appointment by the Council, of a person possessing the qualifications for the office. Any person appointed to a vacancy in any such elective offices shall hold office until such vacancy is filled at the next regular city election. If four or more vacancies exist simultaneously in the positions of Mayor and Councilmembers, the Clerk shall within 10 days thereafter call a special election to be held within 60 days to fill such vacancies for the unexpired terms of the officers whose offices have become vacant.
- (c) Vacancies in the office of Municipal Judge occurring more than sixty days before the regular city election to be held in years (1) other than in 1954, or (2) other than in any fourth year after 1954, shall be filled by appointment by the Council for a term expiring on the 31st of December following the next regular city election. At such election such vacancy shall be filled for the balance of the unexpired term of office.

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Vacancies in the office of Municipal Judge occurring sixty days or less before the regular city election in years (1) other than in 1953 or 1954, or (2) other than in any fourth year after 1953 or 1954, shall be filled by appointment by the Council for a term expiring on the Monday following the second succeeding regular city election. At such second succeeding regular city election such vacancy shall be filled for the balance of the unexpired term of office.

Vacancies in the office of Municipal Judge occurring (1) in the period beginning on the sixtieth day before the regular city election in 1953 and ending on July 4, 1954, or (2) in the corresponding period beginning in any fourth year after 1953, shall be filled for the balance of the unexpired term of office.

(Adopted by electors 4-7-1952, 11-5-1996)

### **Section 5.5. Change In Term of Office or Compensation.**

Except by procedures provided in this charter, the terms of office of the elective officers and members of boards and commissions appointed for a definite term shall not be shortened. The terms of elective officers shall not be extended beyond the period for which any such officer was elected except that an elective officer shall, after his term has expired, continue to hold office until his successor is elected and has qualified. The Council shall not grant or authorize extra compensation to any officer or employee after his service has been rendered. The salary of any elective officer shall not be increased from the time of his election until the end of the term of office for which he was elected, except by vote of a majority of the electors voting on the question.

(Adopted by electors 11-5-1996)

### **Section 5.6. 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 of the State and shall file the oath with the Clerk, together with any bond required by statute, this charter or by 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 as above set forth.

State law reference(s)—Oath of public officers, Mich. Const. 1963, art. XI, § 1.

### **Section 5.7. Surety Bonds.**

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

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All official bonds shall be corporate surety bonds and the premiums thereon shall be paid by the city. All bonds of all officers or employees shall be filed with the Clerk, except that any bond pertaining solely to the Clerk shall be filed with the Treasurer.

#### **Section 5.8. Delivery of Office.**

Whenever any officer or employee shall cease to hold such office or employment for any reason whatsoever, he shall within five days, and sooner on demand, deliver to his successor in office or to his superior all the books, papers, moneys and effects in his custody as such officer or employee.

Any officer violating this provision may be proceeded against in the same manner as public officers generally for a like offense under statute. Any employee found guilty of violating this provision by a court of competent jurisdiction may be punished by a fine of not to exceed five hundred dollars or imprisonment for not to exceed ninety days or both in the discretion of the court.

#### **Section 5.9. Financial Interest Prohibited.**

- (a) Except as permitted by this section no contract or purchase involving an expenditure in excess of one hundred dollars shall be made by the city in which any elective or appointive officer, (except a member of a city board or commission created by or pursuant to this charter) or any member of his family has any financial interest, direct or indirect, other than the common public interest. A "contract" shall for the purposes of this section include any arrangement or agreement pursuant to which any material, service or other thing of value is to be furnished to the city for a valuable consideration to be paid by the city, or sold or transferred by the city, except the furnishing of personal services as an officer or employee of the city; and the term "member of his family" shall include only [a] spouse, child, grandchild, father, mother, sister, brother and the spouse of any of them.
- (b) Without limiting the generality of paragraph (a) of this section, an officer shall be deemed to have a financial interest in a contract if he or any member of his family is an employee, partner, officer, director or sales representative of the person, firm or corporation with which such contract is made or of a sales representative of such person, firm or corporation. Ownership, individually or in a fiduciary capacity, by an officer or member of his family of securities, or of any beneficial interest in securities, of any corporation with which a contract is made or which is a sales representative of any person, firm or corporation with which such contract is made, shall not be deemed to create a financial interest in such contract unless the aggregate amount of such securities, or interest in such securities, so owned by such officer and the members of his family, shall amount to ten per cent of any class of the securities of such corporation then outstanding.
- (c) A contract in which an officer or member of his family has a financial interest may be made by the city if the members of the Council having no such interest shall unanimously determine that the best interests of the city will be served by the making of such contract and if either such contract is made after competitive prices are obtained or if the members of the Council having no such interest shall unanimously determine that the obtaining of competitive prices is not feasible in such particular case. Any Council member may evidence his participation in either determination required by this paragraph by vote at a Council meeting or by written instrument filed with the Clerk.
- (d) Any officer who knowingly permits the city to enter into any contract in which he has a financial interest without disclosing such interest to the Council prior to the action of the Council in authorizing such contract, shall be guilty of misconduct in office. Except in the instances specified in paragraph (c) of this section, the unanimous determination (by vote or written instrument) of all members of the Council that in a particular case an officer or member of his family will not have a financial interest in any contract or purchase to be entered into by the city shall be final and conclusive in the absence of fraud or misrepresentation.

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- (e) No officer shall stand as surety on any bond to the city or give any bail for any other person which may be required by the charter or any ordinance of the city. Any officer of the city who violates the provisions of this paragraph shall be guilty of misconduct in office.

State law reference(s)—Conflicts of interest as to contracts, MCL 15.321 et seq.; standards of conduct and ethics, MCL 15.341 et seq.

#### **Section 5.10. Compensation of Employees and Officers.**

- (a) The compensation of all employees and officers of the city whose compensation is not provided for herein shall be fixed by the appointing officer or body within the limits of budget appropriations and in accordance with any pay plan adopted by the Council.
- (b) The respective salaries and compensation of officers and employees as fixed by, or pursuant to, this 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. Such fees, commissions and compensation shall belong to the city and shall be collected and accounted for by such officers or employees, and be paid into the city treasury and a statement thereof filed periodically with the City ~~Administrator~~Manager. The provisions of paragraph (b) of this section shall not apply to fees, commissions or other compensation paid by the County of Wayne to any officer or employee serving as a city representative on the Board of Supervisors who is not a full time officer or employee of the city.
- (c) Nothing contained in this section shall prohibit the payment of necessary bona fide expenses incurred in service in behalf of the city.

State law reference(s)—Salaries, MCL 117.5(d).

#### **Section 5.11. Employee Welfare Benefits.**

The Council shall have the power to finance and provide group life, health and accident, and hospitalization and surgical benefit insurance for the administrative officers and employees and retired employees of the City, and its departments and boards, and the dependents of such administrative officers and employees, by the adoption of any recognized standard plan of group life, health and accident or hospitalization and surgical benefit insurance.

(Adopted by electors 4-6-1970)

#### **Section 5.12. Anti-Nepotism.**

The following relatives and their spouses (1) of any elective official or (2) of his spouse, or of the City ~~Administrator~~Manager or of his spouse are disqualified from holding any appointive office or any employment during the term for which said elective official was elected or during the tenure of office of the City ~~Administrator~~Manager, respectively: child, grandchild, parent, grandparent, brother, sister, half brother and half sister. All relationships shall include those arising from adoption. This section shall in no way disqualify such relatives or their spouses who are bona fide appointive officers or employees of the city at the time of the election of said elective official or appointment of said City ~~Administrator~~Manager, respectively.

#### **Section 5.13. Merit System; Civil Service.**

The Council may provide for a merit or civil service system for city employees.

## CHAPTER 6. THE COUNCIL: PROCEDURE AND MISCELLANEOUS POWERS AND DUTIES

### Section 6.1. Regular Meetings.

The Council shall provide by resolution for the time and place of its regular meetings and shall hold at least two regular meetings each month. A regular meeting shall also be held on the Monday following each regular city election.

### Section 6.2. Special Meetings.

Special meetings shall be called by the Clerk on the written request of the Mayor, the City ~~Administrator~~ **Manager** or any two members of the Council on at least twenty-four 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 6.3. Business of Special Meetings.

No business shall be transacted at any special meeting of the Council 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 such special meeting if all the members present consent thereto and all the members absent file their written consent.

### Section 6.4. 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.

State law reference(s)—Open meetings act, MCL 15.261 et seq.

### Section 6.5. 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 meetings of the Council, but in the absence of a quorum a lesser number may adjourn any meeting to a later date, and in the absence of all members the Clerk may adjourn any meeting to a date not later than one week thence.

### Section 6.6. Compulsory Attendance and Conduct at Meetings.

Any three or more members of the Council may by vote either request or compel the attendance of its members and other officers of the city 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 or absence from the County of Wayne shall be deemed guilty of misconduct in office unless excused by the Council. The presiding officer shall enforce orderly conduct at meetings and any Councilman or other officer who shall fail to conduct himself in an orderly manner at any meeting shall be deemed guilty of misconduct in office.

Any police officer designated by the presiding officer of the meeting shall serve as the Sergeant-at-arms of the Council in the enforcement of the provisions of this section.

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## Section 6.7. Rules and Organization of the Council.

The Council shall determine its own 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 it shall only be necessary to so state.
- (c) No Councilman 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 excuse [excused] by 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) In all roll call votes the names of the members of the Council shall be called in alphabetical order, and the name to be called first shall be advanced one position alphabetically in each successive roll call.
- (e) Any standing committee of the Council shall be composed of at least three members. The Council shall not assign the administration of any department or agency of the city to any member or committee of the Council.

State law reference(s)—Mandatory that Charter provide for keeping of a journal, MCL 117.3(m).

## Section 6.8. Providing for 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 city, and it and its officers shall possess all powers, privileges and immunities granted to boards of health by statute.

## Section 6.9. Investigations.

The Council or any person or committee authorized by it for the purpose, shall have power to inquire into the conduct of any department, office or officer and to make investigations as to matters in which the municipality has an interest. The Council, for the purposes stated herein, may summon witnesses, administer oaths and compel the attendance of witnesses and the production of books, papers and other evidence.

Failure on the part of any officer to obey such summons or to produce books, papers and other evidence as ordered under the provisions of this section shall constitute misconduct in office. Failure on the part of any employee or other person to obey such summons or to produce books, papers or other evidence as ordered under the provisions of this section shall constitute a violation of this charter and such employee when found guilty of such violation by a competent tribunal may be punished by a fine of not to exceed five hundred dollars or imprisonment not to exceed ninety days or both in the discretion of the court.

It is provided further that, in case of failure on the part of any person to obey such summons or to produce such books, papers and other evidence as so ordered, the Council may invoke the aid of the Circuit Court of Wayne County in requiring obedience of such summons or production of such books, papers and other evidence. The Circuit Court of Wayne County, in case of contumacy or refusal to obey such summons or to produce such books, papers and other evidence, may issue an order requiring such person to obey such summons or to produce such books, papers and other evidence and to give evidence touching the matter in question, and any failure to obey such order of the Court may be punished by such Court as contempt thereof.

## CHAPTER 7. LEGISLATION<sup>3</sup>

### Section 7.1. Prior City Ordinances and Regulations.

All bylaws, ordinances, resolutions, rules and regulations of the Village or city which are not inconsistent with this charter and which are in force and effect on the effective date of this charter shall continue in full force and effect as bylaws, ordinances, resolutions, rules and regulations of the city until repealed or amended. If any such ordinance, resolution, rule or regulation provides for the appointment of any officers or any members of any board or commission by the Village President, such officers or members of any board or commission shall, after the effective date of this Charter, be appointed by the Council.

### Section 7.2. Ordinances and Resolutions.

All official action of the Council shall be by ordinance, resolution, motion or order. Action by resolution, motion or order shall be limited to matters required or permitted to be so done by this charter, or by state or federal law or pertaining to the internal affairs or concerns of the city 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 by a serial number (or a code section number if a codification of city ordinances exists).

Each proposed ordinance shall be introduced in written or printed form. The style of all ordinances passed by the Council shall be, "The City of Grosse Pointe Woods ordains:"

### Section 7.3. Enactment, Amendment, Repeal and Effective Date of Ordinances.

Subject to the exceptions which follow hereafter, (1) ordinances may be enacted, amended or repealed by the affirmative vote of not less than four members of the Council, (2) no ordinance shall be enacted or amended or repealed by the Council until after publication of the proposed ordinance or amendment or repeal, or summary thereof, and (3) the effective date of all ordinances shall be prescribed therein but the effective date shall not be earlier than ten days after the enactment nor 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 preservation of the public peace, health or safety may be enacted at the meeting at which it is introduced or otherwise before publication of the proposed ordinance or amendment, or summary thereof, or may be given earlier effect than ten days after its enactment, or both, by the affirmative votes of not less than five members of the Council if six or seven members of the Council are present at the meeting at which it is enacted or by the affirmative vote of not less than four members of the Council if four or five members of the Council are present at the meeting at which it is enacted.

In case an ordinance is given effect earlier than ten days after its enactment, the requirements for publication before such ordinance becomes operative may be met by posting copies thereof in conspicuous locations in three public places in each voting precinct of the city; and the Clerk shall, immediately after such posting, enter in the Ordinance Book under the record of the ordinance a certificate under his hand stating the time and place of such publication by posting, which certificate shall be prima facie evidence of such publication by

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<sup>3</sup>State law reference(s)—Power of city to adopt ordinances relative to municipal concerns, Mich. Const. 1963, art. VII, § 22; Charter to provide for adopting, amending and repealing ordinances and publication thereof, MCL 117.3(k).

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posting of the ordinance. Such ordinance shall also be published in accordance with Section 7.4 but not as a requirement for the effectiveness thereof.

No ordinance granting any public utility franchise shall be enacted except in accordance with the provisions of Section 13.2.

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

#### **Section 7.4. Publication and Recording of Ordinances.**

Each ordinance enacted by the Council shall be published in either of the following manners, as the Council shall determine by proper action:

- (1) By posting copies thereof in five conspicuous public places, in the City within 20 days after its adoption; or,
- (2) By publication in the official newspaper of the city at least once within 20 days after its adoption.

All ordinances and amendments thereto shall be recorded by the Clerk in a book to be called "The Ordinance Book," and it shall be the duty of the Mayor and Clerk to authenticate such records by their official signatures 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.

(Adopted by electors 2-16-1953)

Editor's note(s)—Notwithstanding the publication requirement in this section, a city may publish a summary instead. See MCL 117.3(k).

#### **Section 7.5. Penalties for Violations of Ordinances.**

The Council may provide in any ordinance for the punishment of those who violate its provisions. The punishment for the violation of any city ordinance shall not exceed a fine of five hundred dollars or imprisonment for ninety days, or both in the discretion of the court.

Editor's note(s)—Notwithstanding the penalty limitation in this section, a city may increase the imprisonment to 93 days in certain circumstances. See MCL 117.3(k).

#### **Section 7.6. Vacating of Public Places.**

Council 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 appoint a time when it shall meet and hear objections thereto; and notice of the time, place and purpose of such meeting shall be published either separately or as part of any published proceedings of the Council.

#### **Section 7.7. Requirement of Four Votes for Certain Actions.**

Unless by the affirmative vote of four members of the Council, no office shall be created or abolished, no tax or assessment shall be imposed, no street, lane, alley or other public place shall be vacated or discontinued or abolished, no real estate or any interest therein shall be sold or disposed of, no action shall be taken to condemn private property for public use, no money shall be appropriated nor shall any vote of the Council be reconsidered or rescinded.



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### **Section 7.8. Technical Codes Adopted by Reference.**

Subject to the provisions of this section, the Council may adopt as a city ordinance or code, by reference thereto in an adopting ordinance, in whole or [in] part, provisions of (a) any Michigan statute or (b) any detailed technical regulations promulgated or enacted by (1) any state or federal agency, (2) by any municipality, or (3) by 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 (1) publishing the ordinance citing such provisions in the manner provided by this charter for the publication of other city 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 (2) so making copies available for public inspection and for distribution to the public at a reasonable charge.

State law reference(s)—Authority to adopt technical codes by reference, MCL 117.3(k).

### **Section 7.9. Severability of Ordinances.**

Unless an ordinance shall expressly provide to the contrary, if any portion of an 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 7.10. Compilation and Codification of Ordinances.**

Immediately after the effective date of this charter, and at least once in every ten years thereafter, the Council shall direct the compilation or codification and printing in looseleaf or pamphlet form of all ordinances of the city then in force. Such compilation or codification shall be completed within one year thereafter. Any such codification may include provisions not previously contained in ordinances of the city. All requirements for publication of such compilation or codification, and of the ordinances contained therein, other provisions of this charter notwithstanding, may be met by making copies thereof available for inspection by, and distribution to, the public at a reasonable charge and by publishing notice of the printing and availability thereof.

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

State law reference(s)—Codification authority, MCL 117.5b.

### **Section 7.11. Initiative and Referendum.**

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

State law reference(s)—Permissible that Charter provide for initiative and referendum, MCL 117.4i(g).

### **Section 7.12. Initiatory and Referendary Petitions.**

An initiatory or a referendary petition shall be signed by not less than ten per cent of the registered electors of the city, as of the date of filing the petition, and all signatures on said petition shall be obtained within twenty-one days before the date of filing the petition with the Clerk. Any such petition shall be addressed to the Council.

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No such petition need be on one paper, but may be the aggregate of two or more petition papers identical as to contents. 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 code sections 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 the 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 by this section, the Clerk shall present the petition to the Council at its next regular meeting.

#### **Section 7.13. 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 law, either:

- (a) Adopt the ordinance as submitted by an initiatory petition;
- (b) Repeal the ordinance referred to by a referendary petition; or
- (c) Determine to submit the proposal provided for in the petition to the electors.

#### **Section 7.14. 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 city for any other purpose, or, in the discretion of the Council, at a special election called for that specific purpose. The result shall be determined by a majority vote of the electors voting thereon, except in cases where otherwise required by the general laws of the State of Michigan.

#### **Section 7.15. Ordinance Suspended; Miscellaneous Provisions on Initiatory and Referendary Ordinances.**

The presentation to the Council by the Clerk of a valid and sufficient referendary petition, containing a number of signatures equal to twenty-five percent of the registered electors of the City shall 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 or referendary proceedings shall not be amended or repealed, nor shall an ordinance repealed by the electorate be reenacted, unless and until the electorate shall have approved any such action. Any ordinance may be adopted, amended or repealed by appropriate referendary or initiatory proceedings instituted in accordance with the provisions of this chapter or upon submission to the electorate by the Council, upon its own motion.

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

(Adopted by electors 4-5-1954)

## CHAPTER 8. GENERAL FINANCE—BUDGET, AUDIT, PURCHASING<sup>4</sup>

### Section 8.1. Fiscal Year.

The fiscal year of the city 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 8.2. Budget Procedures.

The City ~~Administrator~~Manager shall prepare and submit to the Council, on or before the first regular meeting in April of each year, a recommended budget covering the next fiscal year, and shall include therein at least the following information:

- (a) Detailed estimates with supporting explanations of all proposed expenditures for each department and office of the city, including those for the Retirement System, and for the Court, showing 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 city, 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 city from sources other than taxes with a comparative statement of the amounts received by the city 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 sources, will be necessary to meet the proposed expenditures;
- (f) Such other supporting information as the Council may request.

### Section 8.3. Budget Hearing.

A public hearing on the proposed budget shall be held before its final adoption, at such time and place as the Council shall direct. Notice of such public hearing, a summary of the proposed budget and notice that the proposed budget is on file in the office of the City ~~Administrator~~Manager shall be published at least one week in advance of the hearing. The complete proposed budget shall be on file for public inspection during office hours at such office for a period of not less than one week prior to such public hearing.

State law reference(s)—Public hearing required prior to adoption of budget, Mich. Const. 1963, art. VII, § 32.

<sup>4</sup>State law reference(s)—Revised municipal finance act, MCL 141.2101 et seq.; local government fiscal responsibility act, MCL 141.1201 et seq.; fiscal stabilization act, MCL 141.1001 et seq.; uniform budgeting and accounting act, MCL 141.421 et seq.

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#### Section 8.4. Adoption of Budget.

Not before April fifteenth nor later than the third Monday in May in each year, the Council shall by resolution adopt a budget for the next fiscal year, shall appropriate the money needed for municipal purposes during the next fiscal year of the city and shall 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 Section 9.1.

State law reference(s)—Mandatory that Charter provide for an annual appropriation, MCL 117.3(h).

#### Section 8.5. 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 city without an appropriation thereof, 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 department, fund or agency to another. In the case of emergency endangering the public health, peace or safety, the Council may make additional appropriations to cover unanticipated expenditures required of the city because of such emergency.

At the beginning of each quarterly period during the fiscal year, and more often if required by the Council, the City ~~Administrator~~Manager 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 appropriation which has not been encumbered at the end of the fiscal year shall revert to the general fund.

#### Section 8.6. Depository.

The Council shall designate depositories for city funds, and shall provide for the regular deposit of all city moneys. The Council shall provide for such security for city deposits as is authorized or permitted by statute except that personal surety bonds shall not be deemed proper security.

State law reference(s)—Designation of depositories, MCL 129.12; deposits of public money, MCL 211.43b.

#### Section 8.7. Independent Audit; Annual Report.

An independent audit shall be made of all city accounts at least annually, and more frequently if deemed necessary by the Council. Such audit may be made by Certified Public Accountants experienced in municipal accounting selected by the Council.

The City ~~Administrator~~Manager shall prepare an annual report of the affairs of the city including a financial report.

Copies of such audit and annual report shall be made available for public inspection at the office of the City ~~Administrator~~Manager within thirty days after the receipt of the audit.

State law reference(s)—Annual accounting of public funds, Mich. Const. 1963, art. IX, § 21.

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## Section 8.8. Purchase and Sale of Property.

The City ~~Administrator~~Manager shall be responsible for the purchase and sale of all city personal property. Except when no advantage to the city would result, competitive prices shall be obtained for all purchases of personal property and public improvements contracts, and the purchase made or contract awarded according to procedure established by ordinance. All purchases and sales of personal property and all public improvement contracts shall be evidenced by written contract or purchase order. In such sales or purchase or contracts, in excess of ten thousand dollars (\$10,000.00), with future adjustments to this amount to be determined according to procedure established by ordinance,[:]

- (1) the sale or purchase shall be approved by the Council,
- (2) formal sealed bids shall be obtained unless the Council by formal unanimous resolution of those present at the meeting, based upon the written recommendation of the City ~~Administrator~~Manager, determines that no advantage to the city would result from competitive bidding, and
- (3) the requirements of Section 13.6 shall be complied with. The Council may authorize the making of public improvements or the performance of any other city work by any city agency without competitive bidding.

The purchase and sale of all city property shall be subject to the provisions of Section 5.9.

Detailed purchasing, sale and contract procedure shall be established by ordinance.

The purchase or sale of real property by the city shall be authorized by appropriate action of the Council, provided that the city may not sell any park, except where such park is not required under an official master plan of the city, cemetery, or any part thereof, unless approved by a majority of the electors voting thereon at any general or special election.

(Adopted by electors 11-7-1989; Adopted by electors 11-8-2022)

## CHAPTER 9. TAXATION<sup>5</sup>

### Section 9.1. Power to Tax; Tax Limit.

The city shall have the power to annually levy and collect taxes for municipal purposes, but may not levy excises. Exclusive of any levies authorized by statute to be made beyond charter tax rate limitations, the annual ad valorem tax levy shall not exceed two per cent of the assessed value of all real and personal property subject to taxation in the city.

State law reference(s)—Mandatory that Charter provide for annually levying and collecting taxes, MCL 117.3(g).

### Section 9.2. Subjects of Taxation.

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

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<sup>5</sup>State law reference(s)—General powers of city to levy taxes for public purposes, Mich. Const. 1963, art. VII, § 21; Charter to provide for taxation, MCL 117.3(g).

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

### **Section 9.3. Exemptions.**

No exemptions from taxation shall be allowed except as expressly required or permitted by statute.

State law reference(s)—Property exempt from taxation, MCL 211.7 et seq.

### **Section 9.4. 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.

State law reference(s)—Designation of levy date, MCL 211.2; time, place and method of assessment, MCL 211.10 et seq.

### **Section 9.5. 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 city subject to taxation. Such roll shall be prepared in accordance with statute and this charter. Values shall be estimated according to recognized methods of systematic assessment. The roll shall show separate figures for the value of the land and of the building improvements. On or before the first Monday in March the Assessor shall give by first class mail a notice of any increase in the assessed value of any property or of the addition of any property to the roll to the owner as shown by such assessment roll. The failure to give any such notice or of the owner to receive it shall not invalidate any assessment roll or assessment thereon.

State law reference(s)—Mandatory that Charter provide for preparation of assessment roll, MCL 117.3(i); assessment roll, MCL 211.24 et seq.

### **Section 9.6. Board of Review.**

Effective January 1, 1962, the Board of Review shall be composed of five (5) freeholders who are qualified and registered electors of the City of Grosse Pointe Woods, who, during their term of office, shall not be city officers or employees or be nominees or candidates for any elective city office. The filing by a member of the Board of Review of his nomination petition for an elective city office or the filing of a consent thereto, or upon accepting appointment to an elective office, or upon becoming an employee of the city, the same shall constitute a resignation from the Board of Review.

The terms of office of the members of the Board of Review, effective January 1, 1962, shall be as follows:

The incumbent member of the Board of Review, whose term expires in January, 1963, shall continue as a member of the Board of Review until January 1st, 1964.

The incumbent member of the Board of Review, whose term expires in January, 1964, shall continue as a member of the Board of Review until January 1st, 1964.

The three (3) vacancies on the Board of Review existing as of January 1st, 1962, shall be filled by appointment of members to said Board of Review with terms expiring as follows:

One member whose term shall expire January 1st, 1963;

One member whose term shall expire January 1st, 1964;

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One member whose term shall expire January 1st, 1965.

Appointments to the Board of Review to succeed the members thereof, upon the expiration of their respective terms as above provided, shall be made for terms of three (3) years. The Council shall make all appointments to the Board of Review and shall annually fix the compensation of the members of such Board. The Board of Review shall annually select from among its own members a Chairman for the ensuing year. The City Assessor shall act as the Clerk of the Board and shall be entitled to be heard at its sessions, but he shall have no vote upon any action taken by the Board. A majority of the members of the Board of Review shall constitute a quorum.

(Adopted by electors 9-12-1961)

Editor's note(s)—The composition of the board has been changed pursuant to MCL 211.28. See Code Of Ordinances § 2-316 et seq.

State law reference(s)—Mandatory that Charter provide for a board of review, MCL 117.3(a); board of review, MCL 211.28 et seq.

### **Section 9.7. Meeting of Board of Review.**

The Board of Review shall convene in its first session on the Tuesday following 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 one day for the purpose of considering and correcting the roll. In each case in which the assessed value of any property is increased or any property is added to the roll by the Board, or the Board has resolved to consider at its second session the increasing of an assessment or the adding of any property to the 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.

The Board of Review shall convene in its second session on the Tuesday following 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 six 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.

State law reference(s)—Mandatory that Charter provide for meetings of the board of review, MCL 117.3(i); completion of review, MCL 211.30a.

### **Section 9.8. Notice of Meetings.**

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.

State law reference(s)—Open meetings act, MCL 15.261 et seq.

### **Section 9.9. Duties and Functions of Board of Review.**

For the purpose of revising and correcting assessments, the Board of Review shall have the same powers and perform like duties in all respects as are by the general tax laws 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

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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 9.10. 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 city for the year in which it has been prepared. The omission of such endorsement shall not affect the validity of such roll.

State law reference(s)—Completion of review of assessments prior to first Monday in April required, MCL 211.30a.

#### **Section 9.11. 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 ad valorem tax. He shall also certify all amounts of current or delinquent special assessments and all other amounts which the Council requires to be assessed, reassessed or charged upon any property or against any person.

#### **Section 9.12. City 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 "City Tax Roll," and upon receiving the certification of the several amounts to be raised, as provided in Section 9.11, the Assessor shall spread upon said tax roll the several amounts determined by the Council to be charged, assessed or reassessed against persons or property. He shall also spread the amounts of the general ad valorem city 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 city.

State law reference(s)—Avoidance of fractions, MCL 211.39.

#### **Section 9.13. Tax Roll Certified for Collection.**

After spreading the taxes the Assessor shall certify the tax roll, and the Mayor shall annex his warrant thereto directing and requiring the Treasurer to collect prior to March 1 of the following year from the several persons named in said roll the several sums mentioned therein opposite their respective names as a tax or assessment and granting to 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 15 the roll shall be delivered to the Treasurer for collection.

State law reference(s)—Collection of taxes, MCL 211.44 et seq.

#### **Section 9.14. Tax Lien on Property.**

On July first, the taxes thus assessed shall become a debt due to the city from the persons to whom they are assessed and the amounts assessed on any interest in real property shall 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,



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encumbrances and liens to the extent provided by statute and shall continue until such taxes, interest and charges are paid.

#### **Section 9.15. Taxes Due; Notification Thereof.**

City taxes shall be due on the first day of July. The Treasurer shall not be required to call upon persons named in the city tax roll, nor to make personal demand for the payment of taxes, but he shall publish, between June 15 and July 1, 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 penalty and fees provided in this chapter in case of non-payment or late payment of the same.

#### **Section 9.16. Collection Fees.**

All taxes paid on or before August 31 of each year shall be collected by the Treasurer without collection fee. On September 1 he shall add to all taxes paid thereafter a collection fee of four per cent and on October 1 and each month thereafter an additional 1/2 of 1 per cent per month on the amount of said taxes. Such collection fee shall belong to the City 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 Section 9.13, is delayed for any reason by more than thirty days after June fifteenth, the application of the collection fee 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.

(Adopted by electors 11-7-1978)

#### **Section 9.17. Failure or Refusal to Pay Tax.**

If any person, firm or corporation shall neglect or refuse to pay any tax assessed to him or them [it], the Treasurer shall collect the same by seizing the personal property of such person, firm or corporation to an amount sufficient to pay such tax, fees and charges for subsequent sale, wherever the same may be found in the state, and from which seizure no property shall be exempt. He may sell the property seized to an amount sufficient to pay the taxes and all charges in accordance with statutory provisions. The Treasurer may, if otherwise unable to collect a tax on personal property, sue the person, firm or corporation to whom it is assessed in accordance with statute.

State law reference(s)—Failure or refusal to pay tax, MCL 211.47.

#### **Section 9.18. Delinquent Tax Roll to County Treasurer.**

All city taxes on real and personal property 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 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. If by change in statute or otherwise, the Treasurer of the County of Wayne is no longer charged with the collection of either delinquent real or delinquent personal property taxes, such delinquent taxes shall be collected in the manner then provided by statute for the collection of delinquent township, school and county taxes.

State law reference(s)—Return of delinquent taxes, MCL 211.55 et seq.

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## Section 9.19. State, County and School Taxes.

For the purpose of assessing and collecting taxes for state, county and school purposes, the city shall be considered the same as a township, and all provisions of statute relative to the collection of and accounting for such taxes shall apply. For these purposes the Treasurer shall perform the same duties and have the same powers as township treasurers under statute.

State law reference(s)—Mandatory that Charter provide for levy, collection and return of state, county and school taxes, MCL 117.3(i).

## CHAPTER 10. BORROWING POWER<sup>6</sup>

### Section 10.1. Grant of Authority to Borrow.

Subject to the applicable provisions of law and this charter, the Council may by ordinance or resolution authorize the borrowing of money for any purpose within the scope of powers vested in the city and permitted by law and may authorize the issuance of bonds or other evidences of indebtedness therefor. Such bonds or other evidences 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 city for the payment of such obligations including bonds for the city'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 Section 8.5;
- (c) In case of fire, flood or other calamity, emergency loans due in not more than five years for the relief of the inhabitants of the city and for the preservation of municipal property;
- (d) Special assessment bonds issued in anticipation of the payment of special assessments made for the purpose of defraying the cost of any public improvement, or in anticipation of the payment of any combination of such special assessments. Such special assessment bonds may be an obligation of the special assessment district or districts alone or may be both an obligation of the special assessment district or districts and a general obligation of the city;
- (e) Mortgage bonds for the acquiring, owning, purchasing, constructing, improving, or operating of any public utility which the city is authorized by this charter to acquire or operate; provided such bonds shall not impose any liability upon such city 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 bonds shall be authorized by a three-fifths vote of the electors voting thereon at any general or special election. 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 the payment of the mortgage bonds at maturity;
- (f) Bonds issued in an amount not to exceed two hundred and fifty thousand dollars and at a rate of interest not to exceed six per cent per annum to refund money advanced or paid on special assessments imposed for water main extensions;

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<sup>6</sup>State law reference(s)—Municipal power to borrow money and contract debts, Mich. Const. 1963, art. VII, § 21; Charter may provide for borrowing, MCL 117.4a.

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- (g) Bonds for the refunding of the funded indebtedness of the City;
  - (h) Revenue bonds as authorized by Act No. 94 of the Public Acts of Michigan of 1933 (MCL 141.101 et seq.), as amended, which are secured only by the revenues from a public improvement and do not constitute a general obligation of the city.

State law reference(s)—City authority to borrow money on the credit of the city and issue bonds therefor, MCL 117.4a(1).

### Section 10.2. Limits of Borrowing Powers.

The net bonded indebtedness incurred for all public purposes shall not at any time exceed ten per cent of the assessed value of all the real and personal property in the city, provided that in computing such net bonded indebtedness there shall be excluded money borrowed under the following sections of this charter: 10.1(b) (tax anticipation notes), 10.1(d) (special assessment bonds even though they are also a general obligation of the city), 10.1(e) (mortgage bonds), 10.1(f) (bonds issued to refund moneys advanced or paid on special assessments imposed for water main extensions), 10.1(h) (revenue bonds) and other bonds issued under the authority of statutes which provide that such bonds shall not be subject to the limitations on the amount of bonded indebtedness contained in city charters. The resources of the sinking fund pledged for the retirement of any outstanding bonds shall also be deducted from the amount of the bonded indebtedness.

The amount of emergency loans which the Council may make under the provisions of Section 10.1(c) of this charter may not exceed three-eighths of one per cent of the assessed value of all the real and personal property in the city.

The total amount of such special assessment bonds issued under Section 10.1(d) which are a general obligation of the city shall at no time exceed five percent of the assessed value of all real and personal property in the city, nor shall such bonds be issued in any calendar year in excess of one per cent of such assessed value unless authorized by a majority vote of the electors voting thereon at any general or special election.

State law reference(s)—Limitation of net bonded indebtedness incurred for all public purposes, MCL 117.4a(1).

### Section 10.3. Applicability of Other Statutory Restrictions.

The issuance of any bonds not otherwise requiring the approval of the electors shall be subject to applicable requirements of statute with reference to public notice in advance of the authorization of such issues, filing of petitions for a referendum on such issuance, holding of such referendum and other applicable procedural requirements.

### Section 10.4. Preparation and Record of Bonds.

Each bond or other evidence of indebtedness shall contain on its face a statement specifying the purpose for which the same is issued and it shall be unlawful for any officer of the city to use the proceeds thereof for any other purpose, and any officer who shall violate this provision shall be deemed guilty of misconduct in office, except that whenever the proceeds of any bond issue or part thereof shall remain unexpended and unencumbered for the purpose for which said bond issue was made, the Council may authorize the use of said funds for the retirement of bonds of such issue. All bonds and other evidences of indebtedness issued by the city shall be signed by the Mayor and countersigned by the Clerk, under the seal of the city. Interest coupons may be executed with the facsimile signature of the Mayor and Clerk. A complete and detailed record of all bonds and other evidences of indebtedness issued by the city shall be kept by the City ~~Administrator~~ Manager. Upon the payment of any bond or other evidence of indebtedness, the same shall be canceled.

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### **Section 10.5. Unissued Bonds.**

No bonds of the city shall be issued or sold to secure funds for any purpose other than that for which they were specifically authorized, and if any such bonds are not sold within three years after authorization by the electors, such authorization shall, as to such bonds, be null and void and such bonds shall be canceled.

### **Section 10.6. Deferred 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 period greater than five years nor shall the principal amounts payable under all such general fund contracts exceed the sum of one hundred thousand dollars (\$100,000.00) in any fiscal year of the city.

All such deferred payments shall be included in the general fund budget for the year in which the installment is payable.

(Adopted by electors 11-7-1989)

## **CHAPTER 11. SPECIAL ASSESSMENTS<sup>7</sup>**

### **Section 11.1. 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 benefitted in proportion to the benefits derived or to be derived.

State law reference(s)—Power re assessments, MCL 117.4a, 117.4b, 117.4d, 117.5.

### **Section 11.2. Detailed Procedure to Be Fixed By Ordinance.**

The Council shall prescribe by ordinance the complete special assessment procedure governing the initiation of projects, preparation of plans and cost estimates, creation of districts, making and confirming of assessment rolls, correction of errors in the rolls, collection of assessments and any other matters concerning the making of improvements by the special assessment method.

Such ordinance shall provide for the enforcement of the following restrictions:

- (1) No resolution finally determining to proceed with establishing any special assessment district for the making of any public improvement shall be made until cost estimates have been prepared and a public hearing has been held on the advisability of so proceeding, which hearing shall be held not less than ten days after notice thereof has been sent by first class mail to all property owners in the proposed district as shown by the current assessment roll of the city.
- (2) No special assessment district or districts shall be created by the Council for any one public improvement which includes property having an area in excess of twenty-five per cent of the total area

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<sup>7</sup>State law reference(s)—Public improvement or public building, MCL 141.261 et seq.; notices and hearings, MCL 211.741 et seq.; deferment of special assessment for homesteads, MCL 211.761 et seq.

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of the city. No public improvement project shall be divided geographically for the purpose of circumventing this provision.

- (3) No special assessment roll shall be finally confirmed until after a meeting of the Council has been held for the purpose of reviewing such roll, which meeting shall be held not less than ten days after notice thereof has been sent by first class mail to all property owners in the proposed district as shown by the current assessment roll of the city.
- (4) No public improvement to be financed in whole or [in] part by special assessment shall be made before the confirmation of the special assessment roll for such improvement.

### **Section 11.3. Special Assessment Powers.**

The Council shall, in the exercise of its powers of special assessment, have power to provide for the following, but this list shall not be exclusive:

- (a) For the construction of public parking facilities as a public improvement financed in whole or [in] part by the special assessment method.
- (b) For installing a boulevard lighting system on any street as a public improvement to be financed in whole or [in] part by special assessment upon the lands abutting thereupon, provided that the property owners of a majority of a frontage on such street or part thereof to be so improved shall petition therefor.
- (c) For the payment of special assessments in annual installments not to exceed fifteen in number, the first such installment to be due either upon confirmation of the special assessment roll or on the following July first and subsequent installments to be due on July first of succeeding years and to be placed upon the annual city tax roll, and for an interest charge only until the due date of each such deferred installment not to exceed six per cent per year, subject to the right of advance payment of any such installment with interest only to the date of payment.
- (d) For making additional pro rata assessments 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 per cent of the assessment as originally confirmed unless a meeting of the Council be held to review such additional assessment, for which meeting notices shall be mailed as provided in the case of review of the original special assessment roll.

### **Section 11.4. 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 city if such excess is five per cent or less of the assessment, but should the assessment prove larger than necessary by more than five per cent the entire excess shall be refunded on a pro rata basis to the owners of the property assessed. Such refund shall be made by credit against future unpaid installments to the extent such installments then exist and the balance of such refund shall be in cash. No refunds may be made which contravene the provisions of any outstanding evidence of indebtedness secured in whole or [in] part by such special assessment.

### **Section 11.5. Correction of Invalid Special Assessments.**

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 assessments have been paid or not, have power to cause a new assessment to be made for the same purpose for which the former

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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 city upon the premises assessed for such amount of the assessment as may be equitably charged against the same or as by regular mode of proceeding might have been lawfully assessed thereupon.

#### **Section 11.6. 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 (1) 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 (2) unless such suit or action shall be commenced within sixty days after confirmation of the roll.

State law reference(s)—Statement of right to file written appeal, MCL 211.746.

#### **Section 11.7. Collection of Special Assessments.**

Upon the confirmation of each special assessment roll the special assessments shall become a debt to the city from the persons to whom they are assessed and shall until paid be a lien upon the property assessed for the amount of such assessment and all interest and charges thereon. Such lien shall be of the same character and effect as created by this charter for city taxes. Such assessments shall become due upon confirmation of the special assessment roll except as may be provided by the Council pursuant to Section 11.3(c).

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 due date of such assessment or instrument. On the first day of the third month following such due date the Treasurer shall add to any assessment or initial installment paid thereafter a collection fee of four per cent of the amount of the assessment.

All collection fees shall belong to the city and be collectible in the same manner as the collection fee on city taxes.

Special assessments, or installments thereof, which become due on July first of any year shall be collected in all respects as are city taxes due on such date, and if uncollected on the following first day of March, shall be returned to the County Treasurer with unpaid taxes as provided in Section 9.18.

Special assessments or initial installments which become due other than on July first shall, if unpaid for ninety days or more on May first of any year, be certified as delinquent to the Council by the Treasurer and the Council shall place such delinquent assessments on the tax roll for that year together with accrued collection fees to July first of such year. The total amount of such assessment and fees shall thereafter be collected in all respects as are city taxes due on July first of that year, shall be subject to the same fees and penalties as are city taxes due on that date and if uncollected on the following March first shall be returned to the County Treasurer with unpaid taxes as provided in Section 9.18.

#### **Section 11.8. 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

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improvement for which the assessment was levied and expenses incidental thereto or to repay any money borrowed therefor.

#### **Section 11.9. Assessments for Removal of Hazards, Etc.**

The assessment for the cost of the construction or maintenance of any sidewalk or the abatement of any hazard or nuisance, to be made pursuant to Section 2.2(u) or Section 2.2(v) shall be made by resolution of the Council. Notice of the time at which the Council will act thereon shall be given by first class mail to the owner of the property to be assessed as shown by the current tax roll of the city.

For the purposes of collection of such assessment, the adoption of such resolution shall be equivalent to the confirmation of a special assessment roll. The amount of any such assessment shall become a debt due to the city upon adoption of such resolution, be payable and subject to the collection fees and shall become a lien, all as provided in Section 11.7. Every such assessment shall also be subject to Sections 11.4, 11.5 and 11.6.

#### **Section 11.10. Failure to Receive Notice.**

Failure of any owner to receive any notice required to be sent by this chapter shall not invalidate any special assessment or special assessment roll.

Editor's note(s)—The failure to give notice does invalidate the assessment on the property lacking notice in some circumstances. See MCL 211.744.

### **CHAPTER 12. MUNICIPALLY OWNED UTILITIES<sup>8</sup>**

#### **Section 12.1. General Powers Respecting Utilities.**

The city shall possess and hereby reserves to itself all the powers granted to cities by law to acquire, construct, own, operate, improve, enlarge, extend[,] 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 law.

#### **Section 12.2. Management of Municipally Owned Utilities.**

All municipally owned utilities shall be administered as a regular department of the city government under the management and supervision of the City ~~Administrator~~Manager.

#### **Section 12.3. Rates.**

The Council shall have the power to fix from time to time such just and reasonable rates as may be deemed advisable for supplying the inhabitants of the city and others with such public utility services as the city may provide.

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<sup>8</sup>State law reference(s)—Restrictions on municipal utilities, Mich. Const. 1963, art. VII, §§ 24, 25.

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#### **Section 12.4. Utility Rates and Charges: Collection.**

The Council shall provide by ordinance for the collection of all public utility rates and charges of the city. Such ordinance shall provide:

- (a) That the city shall have as security for the collection of such utility rates and charges a lien upon the real property supplied by such utility, which lien shall become effective immediately upon the supplying of such utility service and shall be enforced in the manner provided in such ordinance;
- (b) The terms and conditions under which utility services may be discontinued in case of delinquency in paying such rates or charges;
- (c) That suit may be instituted by the city in any court of competent jurisdiction for the collection of such rates or charges.

With respect to the collection of rates charged for water the city shall have all the powers granted to cities by Act No. 178 of the Public Acts of Michigan of 1939 (MCL 123.161 et seq.), as amended.

#### **Section 12.5. Disposal of Utility Plants and Property.**

Unless approved by a three-fifths majority vote of the electors voting thereon at a regular or special election, the city 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. All contracts, negotiations, license, grants, leases or other forms of transfer in violation of this section shall be void and of no effect as against the city. The restrictions of this section shall not apply to the sale or exchange of any articles of machinery or equipment of any city owned public utility which are worn out or useless or which have been, or could with advantage to the service, be replaced by new and improved machinery or equipment.

#### **Section 12.6. Utility Accounts.**

Transactions pertaining to the ownership and operation by the city 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 city 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 City ~~Administrator~~Manager.

### **CHAPTER 13. FRANCHISES—CONTRACTS—LEASES**

#### **Section 13.1. Franchises, Contracts and Leases Remain in Effect.**

All franchises, contracts and leases to which the Village or city is a party when this charter becomes effective shall remain in full force and effect in accordance with their respective terms and conditions.

#### **Section 13.2. Granting of Public Utility Franchise.**

Public utility franchises and all renewals and 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.



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No franchise ordinance which is not subject to revocation at the will of the Council shall be enacted nor become operative until the same shall have first been referred to the people at a regular or special election and received the affirmative vote of three-fifths of the electors voting thereon. No such franchise ordinance shall be approved by the Council for referral to the electorate before thirty days after application therefor has been filed with the Council, nor until a public hearing has been held thereon, nor until the grantee named therein has filed with the Clerk his unconditional acceptance of all terms of such franchise. No special election for such purpose shall be ordered by the 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 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 complete 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.

State law reference(s)—Submittal to electors required if franchise irrevocable, Mich. Const. 1963, art. VII, § 25; expense of special election to be paid by grantee, MCL 117.5(i); franchise limited to 30 years, Mich. Const. 1963, art. VII, § 30.

### **Section 13.3. 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 city, 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 city 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 impose such other regulations as may be determined by the Council to be conducive to the safety, welfare and accommodation of the public;
- (f) To use, control and regulate the use of its streets, alleys, bridges and public places and the space above and beneath them.

### **Section 13.4. 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 13.5. 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 city harmless from all damages arising from said use. Every such public utility may be required by the city

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to permit joint use of its property and appurtenances located in the streets, alleys and other public places of the city by the city and by other utilities insofar as such 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.

#### **Section 13.6. Contracts.**

The authority to contract on behalf of the City is vested in the Council and shall be exercised in accordance with the provisions of the statutes and of this Charter, except that purchases and sales may be made by the City ~~Administrator~~**Manager** subject to the provisions of Section 8.8. The City Council shall provide detailed procedures for the purchase and sale of property by ordinance, which ordinance may include provisions for legal review of such contracts and require that funds be available for such purchases. No contract shall be amended after same has been made except upon the authority of the Council. No compensation shall be paid to any contractor except in accordance with the terms of the contract. No contract shall be made with any person, firm or corporation who is in default to the City.

(Adopted by electors 11-6-1986)

#### **Section 13.7. Leases.**

No lease of public property to any person, firm or corporation which is not subject to revocation by the Council upon thirty days notice to the lessee shall be made 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 lease shall be approved by the Council for referral to the electorate before thirty days after application therefor has been filed with the Council, nor until a public hearing has been held thereon, nor until the lessee named therein has filed with the Clerk his unconditional acceptance of all terms of such lease.

### **CHAPTER 14. SUPERVISORS<sup>9</sup>**

### **CHAPTER 15. COURT<sup>10</sup>**

#### **Section 15.1. Establishment of Courts.**

There is hereby established a Court in the city. The presiding officer of such Court shall be a justice of the peace elected in accordance with the provisions of this charter. This Court is created under the authority of Section 28 of Act No. 279 of the Public Acts of Michigan of 1909 (MCL 117.1 et seq.), as amended.

#### **Section 15.2. Title of Court.**

- (a) The Court shall be entitled "Municipal Court."

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<sup>9</sup>Editor's note(s)—This chapter was repealed by Charter amendment. Adopted by electors 11-6-86.

<sup>10</sup>State law reference(s)—Retention of municipal courts in certain cities, MCL 600.9928.

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- (b) The justice of the peace shall be entitled "Municipal Judge" and shall be so designated in nominating petitions, on election ballots and in all other election procedures.
  - (c) The Court shall be referred to in all process, pleadings and proceedings therein as the Municipal Court of the City of Grosse Pointe Woods, and the justice of the peace thereof shall be referred to in such process, pleadings and proceedings as the Municipal Judge of the City of Grosse Pointe Woods.

### **Section 15.3. Qualifications of Presiding Officer of Court.**

The Municipal Judge of the Court shall meet the eligibility requirements contained in Section 5.1 and shall be an attorney admitted to practice law in the Supreme Court of this State immediately preceding the date of his appointment or election. Neither he nor his business partners or employees shall have any part in any case before this Court.

(Adopted by electors 11-5-1996)

### **Section 15.4. Compensation of Municipal Judge.**

The Municipal Judge of the Court shall receive annual compensation of nine thousand dollars.

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

(Adopted by electors 11-5-1996)

Editor's note(s)—The compensation of the municipal judge is now established by the local officers compensation commission under Code § 2-251 et seq. See also Code § 26-31.

### **Section 15.5. Bond.**

The presiding officer of the Court shall, before entering upon the duties of his office, give a bond to the City of Grosse Pointe Woods and to the Treasurer of the County of Wayne, each in such sum as shall be set by ordinance or statute and which shall in no case be less than two thousand dollars each. Such bonds shall be subject to the provisions of Section 5.7.

### **Section 15.6. Jurisdiction of Court.**

- (1) *General Jurisdiction.* The Court shall have and exercise within the City of Grosse Pointe Woods and County of Wayne the same jurisdiction, powers and duties as are or may be conferred upon or required of Judges in cities and townships by statute and shall be subject to such statutes with respect to such Judges except as otherwise provided in this charter. The Court shall have concurrent jurisdiction with other Judges in Wayne County as to all crimes, offenses and misdemeanors alleged to have been committed within Wayne County, whether within or without the city.
- (2) *Charter and Ordinance Cases.* The Court shall have authority to hear, try and determine all suits and prosecutions for the recovery and enforcing of fines, penalties and forfeitures imposed by this charter and the ordinances of the city, and to punish offenders for the violation of such charter and ordinances as in the charter or ordinances prescribed and directed.
- (3) *Extended Jurisdiction.* The Court shall also have jurisdiction to the amount of fifteen hundred dollars in all civil matters ex contractu and ex delicto with such exceptions and restrictions as are provided by law.

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- (4) *Additional Authority.* The Court shall have additional jurisdiction, powers and duties as may now or hereafter be conferred upon such courts by statute.

(Adopted by electors 11-5-1996)

#### **Section 15.7. Fees and Costs.**

The Council shall by ordinance establish and fix the fees and costs which may be taxed by the Court in all civil matters and in all cases for the violations of the charter or city ordinances and in such criminal cases which will not be inconsistent with the general laws of the state. Such ordinances shall be originally enacted within ninety days after the effective date of this charter.

#### **Section 15.8. Disposition of Fees, Cost and Fines; Fees in State Criminal Cases.**

- (a) *Civil Cases.* All fees in civil cases shall be collected by the Court and turned over to the City Treasurer on or before the first day of the next month after collection or receipt thereof and shall be credited to the general fund of the city.
- (b) *State Criminal Cases.*
- (1) All fees and costs in state criminal cases shall be charged and presented to and audited by the Board of Supervisors of Wayne County, in the same manner and amounts as provided by law in the cases of justices of the peace in townships, and upon allowance by said Board, shall be paid monthly by said county to the City Treasurer for the use and benefit of the city and shall be credited to the general fund of the city. The expenses of prosecution before the Court for violations of criminal laws of the state and in punishing the offenders shall be paid by the County of Wayne.
  - (2) All fees, costs, penalties and forfeitures imposed by the Court in state criminal cases shall be paid over by the Court to the County Treasurer within thirty days after the receipt thereof.
- (c) *Charter and Ordinance Violations.* All fines, costs, penalties, forfeitures and moneys collected or received by the Court on account of violations of any provisions of the charter or ordinances of the city shall be paid over by the Court to the City Treasurer on or before the first day of the next month after collection or receipt thereof and shall be credited to the general fund of the city.
- (d) *Failure to Comply.* Failure of the presiding officer of the Court to comply with the provisions of this section shall constitute misconduct in office.

#### **Section 15.9. Place and Conduct of Court.**

The Council shall furnish necessary supplies and a suitable place for conducting Court. It may regulate the hours of Court and may make other necessary and proper rules and regulations for the conduct of the business of the Court which are not inconsistent with this charter or statute.

The presiding officer of the Court shall file with the Council promptly after the end of the fiscal year an annual report of the Court in such detail as the Council shall prescribe.

#### **Section 15.10. Docket.**

There shall be kept at the place of holding court a docket in the manner required by statute. Failure of the presiding officer of the court to make provision for the maintenance of such a docket shall constitute misconduct in office.

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### Section 15.11. Transfer of Cases.

In case of the absence, disability or disqualification of the presiding officer of the Court, any other justice of the peace or Municipal Judge in the County of Wayne shall be qualified to act in his place and for him in the performance of any of the duties imposed upon him by statute or this charter; and shall so act when called upon in the manner and under the conditions herein set forth. The Council shall by ordinance fix the compensation to be paid Justices or Judges for such services and the procedure to be followed in calling upon them so to act. Unless the Council shall so provide by ordinance, no such Justice or Judge shall so act or be entitled to compensation therefor.

### Section 15.12. Court Clerk.

The Council may by ordinance provide for a court clerk and one or more deputy clerks to perform such duties as shall be therein prescribed. Such clerk and deputy clerks shall also, by virtue of their office, have the statutory powers to administer oaths to persons making affidavits for writs in civil causes and to issue all process and test the same in the name of the presiding officer of the Court and shall be required to collect all fees, costs, fines and other moneys paid into court and to keep a record book of the same and to pay over all such moneys to the authorities of the city or county or other persons entitled to the same as directed by this charter, the proper authorities or by law, and the Council shall cause such book to audited annually.

### Section 15.13. Court Officers.

The City ~~Administrator~~Manager upon request of the presiding officer of the Court, may assign a police officer of the city to the Court who shall have all the duties and powers of court officers of the Circuit Courts of the state and shall serve in such capacity during the pleasure of the City ~~Administrator~~Manager. Such officer shall receive no compensation except such as he may be entitled to as a police officer. All fees and mileage allowances received by such officer in the performance of the duties imposed upon him shall be paid into the City Treasury in accordance with Section 5.10.

### Section 15.14. Constables.

The City ~~Administrator~~Manager shall appoint one or more police officers of the city as Constables. Such Constables shall have like powers and authority in matters of civil and criminal nature, and in relation to the service of process, civil and criminal, as are conferred by law on Constables in townships. They shall have power also to serve all process issued for breaches of ordinances of the city. The bond of Constables shall be that required of Constables in townships and shall otherwise be subject to the provisions of Section 5.7. The Statutory fees received by such Constables shall be paid into the city treasury in accordance with Section 5.10.

Editor's note(s)—Constables were abolished pursuant to MCL 117.32.

### Section 15.15. Violations Bureau.

The Council shall have power and authority to establish by ordinance a Violations Bureau within the Court for the handling of such violations of ordinances and regulations of the city, or parts thereof, as prescribed in the ordinance establishing such Bureau. Any person who has received any notice to appear in answer to a charge of violating any of such ordinances may within the time specified in the notice of such charge answer at the Violations Bureau to the charges set forth in such notice by paying a fine prescribed by ordinance which cannot be waived by the Bureau, and in writing pleading guilty to the charge, waiving a hearing in court and giving power of attorney to make such a plea and pay such fine in court. Acceptance of the prescribed fine and the power of attorney by the Bureau shall be deemed to be complete satisfaction for the violation, and the violator shall be given a receipt

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which so states. The creation of such a Bureau shall not operate so as to deprive any person of a full and impartial hearing in Court should such person so choose.

## **CHAPTER 16. RETIREMENT SYSTEM<sup>11</sup>**

## **CHAPTER 17. MISCELLANEOUS**

### **Section 17.1. City Liability.**

The city shall not be liable for damages sustained by any person either to his person or property by reason of the negligence of the city [or] its officers or employees, nor by reason of any defective condition of or obstruction in any public place unless such person shall serve or cause to be served upon the Clerk within sixty days after the injury resulting in such damages shall have occurred a notice in writing, which notice shall set forth substantially the time and place of such injury, the manner in which it occurred, the extent of such damages as far as the same has become known, the names and addresses of the witnesses known at the time by the claimant and a statement that the person sustaining such damages intends to hold the city liable for such damages as may have been sustained by him.

The city shall not be liable for any damages to person or property arising out of any such injury unless there shall have been first presented to the Clerk a claim in writing and under oath setting forth particularly the time, place, nature and extent of such injury and the amount of damages claimed by reason thereof. No person shall bring any action against the city for any damages until such claim shall have been filed with the Clerk and until the Council shall have been given opportunity to act thereon either by allowing or refusing to allow the claim.

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

Editor's note(s)—Liability for negligence of city in governmental functions is governed by MCL 691.1401 et seq.

### **Section 17.2. No Estoppel.**

No estoppel may be created against the city.

### **Section 17.3. Vested Rights Continued.**

After the effective date of this charter, the city shall be vested with all the property, moneys, contracts, rights, credits, effects and the records, files, books and papers belonging to the Village. No right or liability, either in favor of or against the Village, existing at the time this charter becomes effective and no suit or prosecution of any character shall in any manner be affected by any change, resulting from the adoption of this charter, but the same shall stand or proceed as if no change has been made. All debts and liabilities of the Village shall be the debts and liabilities of the city and all fines and penalties imposed at the time of such change shall be collected.

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<sup>11</sup>Editor's note(s)—This chapter was repealed on March 31, 1987.

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#### **Section 17.4. 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 17.5. Vacancies in Appointive Boards and Commissions.**

Except as otherwise provided in this charter, if a vacancy occurs in the membership of any appointive board or commission, the authority responsible for the appointment of the person whose position has become vacant shall fill such vacancy by appointment of a qualified person for the unexpired term of such person.

#### **Section 17.6. Records to Be Public.**

All records of the city shall be public, shall be kept in city offices except when required for official reasons or for purposes of safe keeping to be elsewhere and shall be available for inspection at all reasonable times.

State law reference(s)—Freedom of information act, MCL 15.231 et seq.

#### **Section 17.7. 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 publishing an appropriate insertion in a newspaper published in the English language for the dissemination of news of a general character which newspaper shall have had a general circulation at regular intervals in the city or Village for at least two years immediately preceding the time that it is used for such publication purposes. The affidavit of the printer or publisher of such newspaper, or of his foreman or principal clerk, annexed to a printed copy of such notice, ordinance or proceeding taken from the paper in which it was published and specifying the times of publication shall be prima facie evidence of such publication.

In any case in which this charter requires 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 17.8. Sundays and Holidays.**

Whenever the date fixed by this charter for the doing or completion of any 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 17.9. Chapter and Section Headings.**

The chapter, section and subsection headings used in this charter are for convenience only and shall not be considered as part of the charter.

#### **Section 17.10. Interpretations.**

Except as otherwise specifically provided or indicated by the context:

- (1) 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.

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- (2) 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.
  - (3) The word "person" may extend and be applied to bodies politic and corporate and to partnerships as well as to individuals.
  - (4) The words "printed" and "printing" shall include reductions by printing, engraving, stencil duplicating, lithographing or any similar method.
  - (5) Except in reference to signatures, the words "written" and "in writing" shall include printing and typewriting.
  - (6) The word "Village" shall mean the municipal corporation of Grosse Pointe Woods as it existed prior to the effective date of this charter including the period from and after its incorporation as a city and until such effective date.
  - (7) The word "officer" shall include the Mayor and other members of the Council, the administrative officers, members of city boards and commissions created by or pursuant to this charter, the Municipal Judge (justice of the peace) and a Court Clerk if one shall be appointed.
  - (8) The word "statute" shall denote the Public Acts of the State of Michigan in effect at the time the provision of the charter containing the word "statute" is to be applied.
  - (9) All references to specific Public Acts of the State of Michigan shall be to such acts as are in effect at the time the reference to such act is to be applied.
  - (10) The words "law" or "general laws of the state" shall denote the Constitution and the Public Acts of the State of Michigan in effect at the time the provision of the charter containing the words "law" or "general laws of the state" is to be applied, and applicable common law.
  - (11) All references to section numbers shall refer to section numbers of this charter.

#### **Section 17.11. Penalties for Violations of Charter.**

Any officer of the city found guilty by a court of competent jurisdiction of any act declared by this charter to constitute misconduct in office may be punished by a fine of not to exceed five hundred dollars or imprisonment for not to exceed ninety days or both in 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 Section 5.2.

#### **Section 17.12. 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 the one receiving the largest affirmative vote shall prevail as to those provisions.

#### **Section 17.13. 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 applications are not determined by the court to be inoperable and to this end this charter is declared to be severable.

### **CHAPTER 18. SCHEDULE**



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### Section 18.1. Election on Adoption of Charter.

- (1) *Date.* This charter shall be submitted to a vote of the registered electors of the City of Grosse Pointe Woods at a special election to be held on Monday, December 11, 1950. At the same special election the elective officers provided for in this charter shall also be elected as hereinafter provided. The charter shall be adopted if a majority of the ballots cast thereon are in favor of adoption.

- (2) *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.

Shall the proposed charter for the City of Grosse Pointe Woods drafted by the Charter Commission elected on June 19, 1950, be adopted?

Yes

No

- (3) *Election Commission.* The Charter Commission of the City of Grosse Pointe Woods shall be the Election Commission for this election. The Chairman of the Charter Commission shall be Chairman of the Election Commission, and the Village Clerk shall act as Secretary of the Commission and shall perform such duties in connection with the work of the Commission as are prescribed by the Commission and this charter.
- (4) *Inspectors of Election.* The inspectors of election for this election shall be those persons designated by the Charter Commission in its meeting on October 30, 1950.
- (5) *Board of Canvassers.* The board of canvassers for this election shall be the Village President, Village Clerk and Village Treasurer of Grosse Pointe Woods. The board shall meet in the municipal building of the Village and city at 8 P.M., Tuesday, December 12, 1950, to canvass the results of such election.
- (6) *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 city. Said board shall be authorized to procure the necessary books or files and forms to conduct such registration. The last day for registration shall be November 21, 1950, the twentieth day preceding the election. The board of registration shall on such last day for registration procure from the Village Clerk the records of the Clerk of the persons who are registered Village electors and shall incorporate such records with their records and shall cause all such persons to be registered as city electors in the same manner as though such persons had then and there applied for registration and all such persons shall be deemed to be registered as city electors. Subsequent to the election, the registration records shall be delivered to the Clerk.
- (7) *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 publishing the same in the Grosse Pointe News and Grosse Pointe Review on November 9 and November 16, 1950, said first publication being not less than ten days prior to the last day for receiving registration.
- (8) *Notice of Election.* The Secretary of the Election Commission shall cause to be published with the publication of this charter, and again in the Grosse Pointe News and the Grosse Pointe Review on November 30 and December 7, 1950, a notice of this election, the location of the polling places, that on the date fixed therefor the question of adopting such proposed charter will be voted on and that the elective officers provided for in the charter will be elected on the same date. He shall also post such notice in at least ten public places within the Village not less than ten days prior to such election.
- (9) *Procedure Governing Election.* In all respects not otherwise provided for in [this] Chapter 18 of this charter, the election procedure shall be in accordance with the provisions of the other chapters of this charter.

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## Section 18.2. First Election of City Officers.

- (1) *Election.* The first election of officers provided for in this charter shall be held on Monday, December 11, 1950, in conjunction with the election on the adoption of this charter. At this election the voters shall be entitled to vote for a Mayor, not more than six candidates for Council and not more than one candidate for the Municipal Judge (justice of the peace).
- (2) *Terms.* The three candidates for Council who receive the three highest numbers of votes shall be declared elected for a term beginning on Wednesday, December 13, 1950, and ending on the Monday next following the date of the regular city election in 1953. The three candidates for Council who receive the fourth, fifth and sixth highest numbers of votes shall be declared elected for a term beginning on Wednesday, December 13, 1950, and ending on the Monday next following the date of the regular city election in 1952. The Municipal Judge (justice of the peace) who receives the highest number of votes shall be declared elected for a term beginning on Wednesday, December 13, 1950, and ending on the fourth day of July, 1954. After this election the provisions contained in this charter relative to elections and terms of elective officers shall govern.
- (3) *Nomination.* Candidates shall be nominated by petition in a manner identical to that provided for in Section[s] 3.9 to 3.12, inclusive, except that (1) petitions shall be filed with the Secretary of the Election Commission who shall perform all the duties in connection with such nomination petitions as are required by this charter of [sic] the Clerk, and (2) nomination petitions shall be filed at least fourteen and not more than twenty-one days prior to December 11, 1950. The Secretary of the Election Commission shall on November 16, 1950, make available a supply of official petition forms as required by Section 3.10. Notice of the days permitted for filing nomination petitions and the number of persons to be elected to each office shall be published by the Secretary of the Election Commission in the Grosse Pointe Review and the Grosse Pointe News on November 9, 16 and 23, 1950, other provisions of this charter notwithstanding. The names of those candidates who file valid and sufficient nomination petitions and have the qualifications required for their respective office shall be certified to the Election Commission to be placed on the ballot.
- (4) *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 Section 18.1.

## Section 18.3. 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 first city officers, this charter shall take effect on November 16, 1950. For all other purposes this charter shall take effect on Wednesday, December 13, 1950, at 8[:00] P.M. Eastern Standard Time. At such time the officers first elected under this charter shall assemble in the municipal Council chambers. The meeting shall be called to order by the Chairman of the Charter Commission. Each elective officer shall take and subscribe to his oath of office as administered by said Chairman, and shall thereupon be qualified for, and shall assume the duties of, his office.

At the time the elective officers of the city assume the duties of their respective offices, the Village Commission shall cease to be and the office of each and every member thereof shall terminate, and all other elective village offices shall thereupon cease to be and terminate. The control of such Village Commission and Village officers and of the officers of the Township of Grosse Pointe over that territory which was formerly the Village shall cease and be superseded by that of the Council and officers of the City of Grosse Pointe Woods.

## Section 18.4. Continuation of Appointed Officers and Employees.

After the effective date of this charter all appointive officers and all employees of the Village shall continue in that city office or employment which corresponds to the Village office or employment which they held prior to the

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effective date of the charter as though they had been appointed or employed in the manner provided in this charter, and they shall in all respects be subject to the provisions of this charter; except that the terms of office of all members of the Village Board of Review shall terminate on December 13, 1950, and except that any officer or employee who holds a position which this charter provides be held at the will or pleasure of the appointing officer or body shall hold such position only at such will or pleasure regardless of the term for which originally appointed.

#### **Section 18.5. First Board of Review.**

Before February 1, 1951, the Council shall appoint a Board of Review of three freeholders who meet the qualifications for such office as provided in this charter and shall fix their compensation. One such member shall be designated to serve for a term expiring in January 1952, one for a term expiring in January, 1953, and one for a term expiring in January, 1954. Thereafter the provisions of Section 9.6 shall govern.

#### **Section 18.6. Interim Financial Provisions.**

The Council shall, at its first meeting on December 13, 1950, by resolution continue as city appropriations the unencumbered balances of the appropriations made by the previous Village Commission of Grosse Pointe Woods until March 31, 1951, and these appropriations shall then be deemed to be city appropriations and the fiscal year of the Village shall be completed by the city as though no governmental change had been made. At the close of business on March 31, 1951 the balances of all appropriations not then encumbered shall revert to the general fund of the city.

The period from April 1, 1951, to June 30, 1951, inclusive, shall constitute a special interim fiscal, budget and tax period to accomplish the transition from the previously existing fiscal year. A budget for such special fiscal period shall be prepared and adopted and administered in accordance with Sections 8.2 to 8.5 inclusive, except that the City ~~Administrator~~Manager shall submit the budget to the Council on or before March 1, 1951, and the budget shall be adopted not later than March 31, 1951. At the time of the adoption of the budget, the Council shall appropriate the money needed for municipal purposes for the three-month interim fiscal period and shall provide a levy of the amount necessary to be raised by taxes upon real and personal property for such purposes. Such levy shall not exceed one-fourth of the annual limit of two per cent of the assessed value of all real and personal property subject to taxation in the city. Such levy shall be spread on the tax roll which becomes due and payable on July 1, 1951 in addition to the regular taxes for the fiscal year beginning July 1, 1951, and the amounts of taxes for these two levies may be combined for the purpose of convenience in spreading of the roll and preparation of the tax bills. Taxes for the interim period shall be collected in all respects as provided in this charter for the collection of city taxes.

There shall be an audit of this interim fiscal period in accordance with the provisions of Section 8.7.

#### **Section 18.7. Township Assets and Liabilities.**

As soon as practicable the Council shall take all necessary and proper action to obtain the division between the city and the Township of Grosse Pointe of the assets and liabilities of such township.

#### **Section 18.8. Status of Schedule Chapter.**

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

RESOLUTION OF ADOPTION

At a regular meeting of the Charter Commission of the City of Grosse Pointe Woods held on the thirtieth day of October, 1950, the following resolution was offered by Commissioner Burgess:

RESOLVED, that the Charter Commission of the City of Grosse Pointe Woods does hereby adopt the foregoing proposed charter for the City of Grosse Pointe Woods, and the Secretary of this Commission is directed to transmit a copy of this charter to the Governor of the State of Michigan for his approval in accordance with statute, and to cause this proposed charter to be published in the Grosse Pointe Review on November 16, 1950.

The resolution was seconded by Commissioner Eyre and adopted by the following votes:

YEAS: Commissioners Beauchamp, Beever, Burgess, Diesing, Eyre, Harkness, Love, McKnight and Savage.

NO: None.

ABSENT: None.

The Chairman declared the foregoing resolution carried unanimously and requested the members of the Charter Commission to authenticate said resolution and also the copy of the charter to be presented to the Governor by attesting their names thereto in the following manner:

GEORGE A. BEAUCHAMP	RUSSELL M. HARKNESS
ALBERT BEEVER	HAROLD O. LOVE
GEORGE M. BURGESS	WAID H. MCKNIGHT
ARNOLD L. DIESING	HERBERT N. SAVAGE
ALBERT L. EYRE	

All of the Commissioners having attested as to said resolution and also having attested the copy to be signed by the Governor, the meeting adjourned subject to the call of the Chairman.

STATE OF MICHIGAN,

COUNTY OF WAYNE, ss.

Russell M. Harkness, Secretary of the Charter Commission of the City of Grosse Pointe Woods, being duly sworn says that at an election duly called and held in the Village of Grosse Pointe Woods on the 19th day of June, 1950, the following named persons were duly elected as the Charter Commission to frame a revised charter for the city, namely: George A. Beauchamp, Albert Beever, George M. Burgess, Arnold L. Diesing, Albert L. Eyre, Russell M. Harkness, Harold O. Love, Waid H. McKnight and Herbert N. Savage, and that the annexed the foregoing [sic] charter was duly adopted by said Charter Commission by the foregoing resolution which is a true and correct copy thereof, and that the said Charter Commission directed that said charter be presented to the electors of the City of Grosse Pointe Woods in accordance with the requirements of this charter and the laws of the State of Michigan. Further deponent sayeth not.

RUSSELL M. HARKNESS,

Secretary of the Charter Commission of the City of Grosse Pointe Woods.

Dated: October 30, 1950.

Subscribed and sworn to before me this 30th day of October, 1950.

LUCILLE BROWN,

Notary Public, Wayne County, Michigan. My commission expires October 31, 1953.

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I do hereby approve the above and foregoing charter of the City of Grosse Pointe Woods.

Approved G. MENNEN WILLIAMS,

Governor of the State of Michigan. Dated: November 9, 1950

## **EXHIBIT B**

### Grosse Pointe Woods, Michigan, Code of Ordinances PART I CHARTER

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## **PART I CHARTER<sup>1</sup>**

### **PREAMBLE**

We, the people of the City of Grosse Pointe Woods, Wayne County, Michigan, formerly known as the Village of Grosse Pointe Woods, by virtue of authority of the Constitution and of Act No. 279 of the Public Acts of Michigan of 1909 (MCL 117.1 et seq.), as amended, do hereby ordain and establish this home rule charter for the City of Grosse Pointe Woods.

## **CHAPTER 1. NAME AND BOUNDARIES**

### **Section 1.1. Name and Boundaries.**

The name of this organized city is "City of Grosse Pointe Woods." It is a body corporate, and embraces the following described territory in the townships of Grosse Pointe and Gratiot in the County of Wayne, State of Michigan, constituting the former Village of Grosse Pointe Woods, 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 law:

Beginning at the intersection of the old center line of Mack Avenue, 66 feet wide, and the southerly line of Private Claim 617 and proceeding thence northwest along said southerly line, said line being also the boundary of the City of Detroit, 1793 feet to the easterly boundary of Gratiot Township; thence north along said boundary, being a line 1650 feet west of and parallel to the old center line of Mack Avenue, 1307.59 feet to the line between Private Claims 617 and 618, said line being also the southerly boundary of Grosse Pointe Country Club Woods Subdivision, as recorded in Liber 59 of plats, pages 63 and 64, Wayne County Records; thence along the boundary of said subdivision, northwest, 805.65 feet and northeast, 1256.47 feet to the line between Private Claims 618 and 619; thence northwest along said line, 2161.57 feet to the center line of Harper Avenue; thence northerly along said center line, 628.38 feet to the line between Private Claims 619 and 620; thence southeast along said line, 2176.1 feet to the easterly boundary of Gratiot Township; thence northerly along said boundary, being a line 1650 feet west of and parallel to the old center line of Mack Avenue, approximately 7700 feet to the north line of Wayne County; thence east along said county line, approximately 9200 feet to a point on the westerly boundary of the Village of Grosse Pointe Shores, said point being 1026.57 feet (measured along said County line) west of the westerly line of Lake Shore Road, 120 feet wide; thence southerly along said westerly Village boundary, approximately 5110 feet to a point in Vernier Road distant westerly 1920 feet (measured along Vernier Road) from the westerly line of Lake Shore Road, 120 feet wide; thence continuing southerly along said westerly Village boundary approximately 7370

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<sup>1</sup>Editor's note(s)—Printed herein is the Charter of the City of Grosse Pointe Woods, as adopted by the electorate on December 11, 1950, and effective on December 13, 1950. Amendments to the Charter are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original Charter. Obvious misspellings have been corrected without notation. For stylistic purposes, a uniform system of headings, catchlines and citations to state statutes has been used. Additions made for clarity are indicated by brackets.

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feet to a point on the southerly line of Private Claim 619, distant westerly 1944.32 feet (measured along said southerly line) from the westerly line of Lake Shore Road, 120 feet wide; thence northwest along said southerly line, being also the northerly boundary of the City of Grosse Pointe Farms, approximately 6060 feet to the old center line of Mack Avenue, 66 feet wide; thence southerly along said old center line, being also the westerly boundary of the City of Grosse Pointe Farms, approximately 2680 feet to the point of beginning.

State law reference(s)—Incorporation, consolidation of territory and alteration of boundaries of home rule cities, MCL 117.6 et seq.

## **CHAPTER 2. MUNICIPAL POWERS**

### **Section 2.1. General Powers.**

Unless otherwise provided or limited in this charter, the city and its officers shall possess and be vested with any and all powers, privileges and immunities, expressed or implied, which cities and their officers are, or hereafter may be, permitted to exercise or to provide for in their Charters under the Constitution and statutes of the State of Michigan, including all powers, privileges and immunities which cities are, or may be, permitted to provide in their charters by Act No. 279 of the Public Acts of Michigan of 1909 (MCL 117.1 et seq.), as amended, as fully and completely as though these powers, privileges and immunities were specifically enumerated in and provided for in this charter, and in no case shall any enumeration of particular powers, privileges or immunities herein be held to be exclusive.

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

### **Section 2.2. Further Definition of Powers.**

In addition to the powers possessed by the city under the Constitution and statutes of the State of Michigan, and those set forth throughout this charter, the city shall have power with respect to and may, by ordinance and other lawful acts of its officers, provide for the following, subject to any specific limitations placed thereon by this charter:

- (a) The acquisition by purchase, gift, condemnation, lease, construction, or in any manner permitted by statute, of private property of every type and nature for public use, which property may be located within or without the County of Wayne and which may be required for or incidental to the present or future exercise of the purposes, powers and duties of the city, either proprietary or otherwise;
- (b) The maintenance, development, operation, leasing and disposal of city property subject to any restrictions placed thereon by statute or this charter;
- (c) The refunding of money advanced or paid on special assessments for water main extensions;
- (d) The installation and connection of conduits for the service of municipally owned and operated electric lighting plants;
- (e) The purchase or condemnation of the franchises and of the property used in the operation of companies or individuals engaged in the cemetery, hospital, almshouse, electric light, gas, heat, water and power business;

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- (f) The use, regulation, improvement and control of the surface of its streets, alleys, public ways and other public places and of the space above and beneath them, whether such be located within or without the limits of the city;
  - (g) The use, by others than the owner, of property located in streets, alleys and public places, in the operation of a public utility, upon the payment of a reasonable compensation to the owners thereof;
  - (h) A plan of streets and alleys within and for a distance of not more than three miles beyond the municipal limits;
  - (i) The use, control and regulation of streams, waters and water courses within its boundaries, subject to any limitations imposed by statute;
  - (j) The securing by condemnation, by agreement or purchase, or by any other means, of an easement in property abutting or adjacent to any navigable body of water for the purpose of securing the privilege and right to construct, own and maintain along or adjacent to any navigable body of water an elevated structure of one or more levels for use as a vehicular or pedestrian passageway, or for any other municipal purpose;
  - (k) The acquiring, establishment, operation, extension and maintenance of facilities for the storage and parking of vehicles within its corporate limits, including the fixing and collection of charges for services and use thereof on a public utility basis, and for such purpose to acquire by gift, purchase, condemnation or otherwise, the land necessary therefor;
  - (l) The acquiring, constructing, establishment, operation, extension and maintenance of facilities for the docking of water craft, hydroplanes and seaplanes, within its corporate limits, including the fixing and collection of charges for use thereof, and for such purpose or purposes, to acquire by gift, purchase, condemnation, or otherwise, the land necessary therefor;
  - (m) Regulating, restricting and limiting the number and locations of oil and gasoline stations;
  - (n) Establishing of districts or zones within which the use of land and structures, the type, character, height, area, size and location of buildings and required open spaces for light and ventilation of such buildings, and the density of population may be regulated by ordinance in accordance with statutory provisions governing zoning;
  - (o) Regulating of trades, occupations and amusements within the city, not inconsistent with state and federal laws and for the prohibition of such trades, occupations and amusements as are detrimental to the health, morals or welfare of its inhabitants;
  - (p) Licensing, regulating, restricting and limiting the number and locations of advertising signs or displays and billboards within the city;
  - (q) Preventing injury or annoyance to the inhabitants of the city from anything which is dangerous, offensive or unhealthful, and for preventing and abating nuisances and punishing those occasioning them or neglecting or refusing to abate, discontinue or remove the same;
  - (r) Prescribing the terms and conditions upon which licenses may be granted, suspended or revoked; requiring payment of reasonable sums for licenses; and requiring the furnishing of a bond to the city for the faithful observance of the conditions under which licenses are granted, and otherwise conditioning such licenses as the Council may prescribe;
  - (s) Regulating all airports located within its boundaries, and, for the purpose of promoting and preserving the public peace, safety and welfare, controlling and regulating the use of the air above the city by aircraft of all types;
  - (t) Prohibiting or regulating the use, occupancy, sanitation and parking of house trailers within the city, and the right of the city to so regulate any house trailer shall not be abrogated because of any



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detachment thereof from its wheels or because of placing it on, or attaching it to, the ground by means of any temporary or permanent foundation, or in any manner whatsoever;

- (u) Requiring an owner of real property within the city to construct and maintain sidewalks abutting upon such property, and if the owner fails to comply with such requirements or if the owner is unknown, to construct and maintain such sidewalks and assess the cost thereof against the property in accordance with Section 11.9;
- (v) Requiring an owner of real property within the city to abate public hazards and nuisances which are dangerous to the health or safety of inhabitants of the city within a reasonable time after the Council notifies him that such hazard or nuisance exists, and if the owner fails to comply with such requirements, or if the owner is unknown, to abate such hazard or nuisance and assess the cost thereof against such property in accordance with Section 11.9.

State law reference(s)—Permissible that Charter provide for acquisition of public buildings and grounds, MCL 117.4e(1); permissible that Charter provide for condemnation, MCL 117.4e(2); permissible that Charter provide for maintenance and disposition of city property, MCL 117.4e(1); permissible that Charter provide for zoning, MCL 117.4i(c); permissible that Charter provide for police powers, MCL 117.4i(j); permissible that Charter provide for regulation of trades and occupations, MCL 117.4i(d); permissible that Charter provide for regulation of public ways, MCL 117.4h(1); permissible that Charter provide for plan of streets and alleys, MCL 117.4h(3); permissible that Charter provide for vehicle parking facilities, MCL 117.4h(6).

### **Section 2.3. Inter-governmental Contracts.**

The city shall have power to join with any governmental unit or agency, or with any number or combination thereof by contract or otherwise as may be permitted by law to have performed (a) jointly, or (b) by one or more of them for or on behalf of the other or others, or (c) by any other person, firm or corporation, any power or duty which is permitted to be so performed by law or which is possessed by, or imposed upon, each such governmental unit or agency.

State law reference(s)—Authority to enter into intergovernmental contract, MCL 124.1 et seq.

### **Section 2.4. Outside Fire Protection.**

In exercise of the powers contained in Section 2.1 herein, the Council shall have the right to contract with persons, firms, corporations or governing bodies to furnish fire protection to property outside the corporate limits of the city for a fair consideration, if the Council shall find that the financial interests of the city are advanced by obtaining payments therefor; and/or that the prosperity of the municipality and its inhabitants are advanced through preventing a conflagration which might spread within the city limits or through protecting industrial or commercial properties at which residents of the city are employed, from fire.

## **CHAPTER 3. ELECTIONS<sup>2</sup>**

### **Section 3.1. Qualification of Electors.**

The residents of the city having the qualifications of electors in the State of Michigan, and no others, shall be electors of the city.

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<sup>2</sup>State law reference(s)—Michigan election laws, MCL 168.1 et seq.

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State law reference(s)—Qualifications for registration as elector, MCL 168.492; mandatory that Charter provide for registration of electors, MCL 117.3(c); registration of electors generally, MCL 168.491 et seq.

### **Section 3.2. Election Procedure.**

The election of all city officers shall be on a non-partisan basis. The general election laws of the state shall apply to and control, as near as may be, all procedures relating to registration and city elections except as such general laws relate to political parties or partisan procedure and except as otherwise provided in this charter.

### **Section 3.3. Wards and Precincts.**

The City of Grosse Pointe Woods shall consist of one ward. The Council shall from time to time establish by ordinance convenient election precincts. The precincts into which the Village is divided on the effective date of this Charter shall be the precincts of the city until otherwise provided for by the Council.

State law reference(s)—Mandatory that Charter provide for one or more wards, MCL 117.3(e).

### **Section 3.4. Election Date.**

A Regular City Election shall be held on the first Monday in April of 1965 and on the first Monday in April of 1966 and each even year thereafter.

### **Section 3.5. Elective Officers and Terms of Office.**

The elective officers of the City shall be a Mayor, six Councilmembers and the Municipal Judge. At the Regular City Election in November of 1997, there shall be elected from the City at large, a Mayor for a term of four years and three City Councilmembers for a term of four years, and at the Regular City Election in 1999 there shall be elected from the City at large three City Councilmembers for a term of four years. In the year 2001 and each four years thereafter there shall be elected from the City at large a Mayor and three City Councilmembers, and in the year 2003 and each four years thereafter there shall be elected from the City at large three City Councilmembers.

At the Regular City Election in 1999 and every fourth year thereafter there shall also be elected the Municipal Judge for a term of four years, commencing on the 1st day of January next following such election.

(Adopted by electors 4-2-1956, 4-6-1964, 11-5-1996)

### **Section 3.6. Special Elections.**

Special city elections shall be held when called by resolution of the Council at least thirty days in advance of such election, or when required by this charter or the general laws of the state. Any resolution calling a special election shall set forth the purpose of such election. No more than two special city elections shall be called in any one year.

State law reference(s)—Special elections, MCL 168.631 et seq.

### **Section 3.7. Notice of Elections.**

Notice of time and place of holding any city election and of the officers to be nominated or elected and the questions to be voted upon shall be given by the Clerk in the same manner and at the same time as provided in the state election law for the giving of notice by township or city clerks.

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State law reference(s)—Notice of election, MCL 168.653a.

### **Section 3.8. Voting Hours.**

The polls of all elections shall be opened and closed at the time prescribed by law for the opening and closing of polls at state elections, subject to any statutory right of the Council to adjust these hours to local time.

State law reference(s)—Opening and closing of polls, MCL 168.720.

### **Section 3.9. Nominations.**

The method of nomination of all officers provided for in this charter which are to be filled by the electors of the city shall be by petition. Such petitions for each candidate shall be signed by not less than two hundred (200) nor more than two hundred and fifty (250) registered electors of the City. No person shall sign his name to a greater number of petitions for any one office than there are persons to be elected to said office at said election. Where the signature of any individual appears on more petitions than there are candidates to be elected to said office, the signature of such individual on all such petitions shall be invalidated.

Nomination petitions shall be filed with the city clerk at his office not prior to August 1 and not later than the second Monday in September preceding the date for holding the regular city election; and in case of a special election to fill a vacancy, not later than 30 days prior to the date fixed for holding such special election. No nomination petitions shall be received by the City Clerk after 5:00 o'clock P.M. prevailing time on the last day fixed for receiving nomination petitions. The clerk shall publish notice of the last day permitted for filing nomination petitions at least one week and not more than three weeks before such day.

In the event the provisions hereof shall, at any time, conflict with the provisions of the "Michigan Election Law," as the same may be hereafter amended, relating to [the] last day upon which such nomination petitions can be filed, the Council shall thereupon adopt an appropriate ordinance to provide the last day upon which nomination petitions for city offices may be filed in conformity with the provisions of the statutes of the State of Michigan relating thereto.

(Adopted by electors 8-7-1962, 11-5-1996)

State law reference(s)—Preparation and filing of nominating petitions, MCL 168.542 et seq.

### **Section 3.10. Form of Petition.**

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 and maintained by the Clerk.

State law reference(s)—Nonpartisan nominating petitions, MCL 168.544a.

### **Section 3.11. Approval of Petition.**

The Clerk shall accept only nomination petitions which conform with the forms provided and maintained by him, and which, considered together, contain the required number of valid signatures for candidates having those qualifications required for the respective elective city offices by this charter. All petitions shall be accompanied by the affidavit of qualifications provided for in Section 5.1. When a petition is filed by persons other than the person whose name appears thereon as a 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 section, but the failure to so notify any candidate shall in no way prevent a final determination that the petition does not meet such requirements. Within five days after the last date for filing petitions, the Clerk shall make his final determinations as to the validity and sufficiency of

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each nomination petition and whether or not the candidate has the qualifications required for his respective elective city office by this charter and shall write his determinations thereof on the face of the petition and shall notify in writing the candidate whose name appears thereon of his determinations. However, no petitions shall be determined to be valid unless the affidavit of qualifications provided for in Section 5.1 shall be filed with such petition. 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 [placed] upon the ballot for the next subsequent regular city election or at the next special election for the filling of vacancies in office, as the case may be.

### **Section 3.12. Public Inspection of Petitions.**

All nomination petitions filed shall be open to public inspection in the office of the Clerk.

### **Section 3.13. Election Commission.**

An Election Commission is hereby created, consisting of the Clerk, the Attorney and one member of the Council who shall not be a candidate for elective office at the election for which he serves as a member of the Election Commission, such member to be appointed by the Council not less than fifteen days before each election. The members shall serve without compensation. The Clerk shall be chairman and two members of such board shall be a quorum. The Commission shall appoint the Board of Election Inspectors for each precinct and have charge of all activities and duties required of it by statute and this charter relating to the conduct of elections in the city. The compensation of election personnel shall be determined in advance by the Council. In any case where election procedure is in doubt, the Election Commission shall prescribe the procedure to be followed.

State law reference(s)—Duties of election commission, MCL 168.719.

### **Section 3.14. Form of Ballot.**

The form, printing and numbering of ballots or the preparation of the voting machines used in any city election shall conform as nearly as may be to that prescribed by statute, except that no party designation or emblem shall appear. In all city elections, the names of qualified candidates for each office shall be listed under a separate heading and shall be rotated systematically in the manner prescribed by statute for rotation of names.

If two or more candidates for the same office have the same or similar surnames, the Election Commission shall print the occupation and residence address under the respective names of each of such candidates on the ballots (or on labels or slips to be placed on voting machines when used), provided, that for any of such candidates who is an incumbent of such office, the occupation shall be designated as "Incumbent." Except as provided in this section there shall be no supplementary identification of candidates on the ballot.

State law reference(s)—Preparation and distribution of ballots, MCL 168.559 et seq.; preparation, printing and delivery of official ballots, MCL 168.684 et seq.

### **Section 3.15. Canvass of Votes.**

The Clerk and the members of the City Council shall be the board of canvassers to canvass the votes at city elections, except that if any of such persons are candidates for office at the election to be canvassed such persons shall not serve as a canvasser at such election. A majority of the members of such board shall be a quorum. The board of canvassers shall convene on the Thursday next succeeding each city election at the usual time and place of meeting of the Council and determine the results of the city election upon each question and proposition voted upon and what persons are duly elected to the several offices respectively at said election, and shall notify in writing the successful candidates of their election. The number of candidates for each office equal to the number to be elected to such office who receive the highest number of votes shall be elected. The Clerk shall make under

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the corporate seal of the city duplicate certificates of the determinations of the board and shall file one certificate with the County Clerk and the other in his own office.

State law reference(s)—Canvass of returns, MCL 168.323.

### **Section 3.16. Recount.**

A recount of the votes cast at any city election for any office or upon any proposition may be ad in accordance with the general election laws of the state. Unless otherwise provided by statute the petition for a recount of the votes cast at any city election shall be filed with the Clerk within six days after the board of canvassers has made its official report of the result of the election at which such votes were cast, and any counter petition shall be filed within twenty-four hours thereafter.

State law reference(s)—Recounts, MCL 168.861 et seq.

### **Section 3.17. Recall.**

Any elected official may be recalled from office by the electors of the city in the manner provided by statute. A vacancy created by the recall of any elected official shall be filled in the manner prescribed by statute.

State law reference(s)—Recall, MCL 168.951 et seq.

## **CHAPTER 4. ORGANIZATION OF GOVERNMENT**

### **Section 4.1. The City Council.**

There shall be a Council of seven members, consisting of the six elected Councilmen and the Mayor, who shall be deemed a member of the Council for all purposes. The Council shall constitute the legislative and governing body of the city and shall have power and authority, except as otherwise provided in this charter or by law, to exercise all powers conferred upon or possessed by the city, and shall have the power and authority to adopt such laws, ordinances and resolutions as it shall deem proper in the exercise thereof. In all cases where the word "Council" is used in this charter, the same shall be synonymous with the word "Commission" or any other term used in any state or federal law in referring to municipal legislative or governing bodies.

State law reference(s)—Mandatory that Charter provide for body vested with legislative power, MCL 117.3(a).

### **Section 4.2. Compensation of Mayor and Councilmen.**

Each Councilman and the Mayor shall receive as compensation fifteen dollars (\$15.00) for each regular/special meeting of the Council which he attends, but the compensation so paid shall not exceed four hundred dollars (\$400.00) in any year, such year to be determined as commencing as of the Monday following the Regular City Election. The Mayor shall, in addition, receive the sum of two hundred dollars (\$200.00) per year for each year of his term of office served.

Such salaries shall be paid monthly and except as otherwise provided in this Charter shall constitute the only compensation which may be paid the Mayor or Councilmen for the discharge of any official duty for or in behalf of the city during their term of office. However, the Mayor and Councilmen may, upon order of the Council, be paid such necessary bona fide expenses incurred in service in behalf of the city as are authorized and itemized.

(Adopted by electors 4-2-1956)

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Editor's note(s)—Compensation of elected officers is now determined by the Local Officers Compensation Commission under Code of Ordinances § 2-251 et seq.

### **Section 4.3. Election of Mayor: Mayor Pro Tem.**

The Council shall, at its first meeting following each regular city election, elect one of its members to serve as Mayor Pro Tem, for a term expiring at the first Council meeting following the next regular city election. In the event of absence or disability of both the Mayor and Mayor Pro Tem, the Council may designate another of its members to serve as Acting Mayor during such absence or disability.

### **Section 4.4. Duties of Mayor.**

- (a) Insofar as required by law, and for all ceremonial purposes, the Mayor shall be the executive head of the city. He shall have a voice and vote in all proceedings of the Council, equal with that of other members of the Council, but shall have no veto power. He shall be the presiding officer of the Council.
- (b) The Mayor shall be a conservator of the peace, and may exercise within the city the powers conferred upon sheriffs to suppress riot and disorder, and shall have authority to command the assistance of all able-bodied citizens to aid in the enforcement of the ordinances of the city and to suppress riot and disorder.
- (c) The Mayor shall execute or authenticate by his signature such instruments as the Council, this charter or the laws of the State of Michigan or of the United States shall require.
- (d) Except as may be required by law, the Mayor shall exercise only such powers as this charter or the council shall specifically confer upon him.
- (e) In the absence or disability of the Mayor, the Mayor Pro Tem shall perform the duties of Mayor. In the absence or disability of both, the designated Acting Mayor shall perform such duties.

### **Section 4.5. Administrative Service.**

The administrative officers of the city shall be the City Manager, Clerk, Treasurer, Assessor, Attorney, Chief of Police, Fire Chief and Superintendent of Public Works, and if the Council deems necessary a Health Officer, City Engineer, Water Superintendent and Building Inspector. The Council may by ordinance create additional administrative offices and may by resolution combine any administrative offices in any manner it deems necessary or advisable for the proper and efficient operation of the city.

The City Manager, Clerk, Treasurer, Assessor and Attorney shall be appointed by the Council for an indefinite period, shall be responsible to and serve at the pleasure of the Council and shall have their compensation fixed by the Council. All administrative officers of the city except the City Manager, Clerk, Treasurer, Assessor and Attorney shall be appointed or selected by the City Manager for an indefinite period, shall be responsible to and hold office at the pleasure of the City Manager and shall have their compensation fixed by the City Manager in accordance with budget appropriations and any pay plan adopted by the Council. Appointments of administrative officers by the City Manager shall be subject to confirmation by the Council, but he may discharge such officers without such confirmation.

Except as may be otherwise required by statute or this charter, the Council shall establish by ordinance such departments of the city 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 department, but the Council may not diminish the duties or responsibilities of the office of City Manager. The City Manager may prescribe such duties and responsibilities of the officers of those departments responsible to him which are not inconsistent with this charter or with any ordinance or resolution.

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All personnel employed by the city who are not elected officers of the city or declared to be administrative officers by or under the authority of this charter shall be deemed to be employees of the city. The head of each department shall have the power to hire and discharge the employees of his department without confirmation by the Council. Any employee who has been discharged may within ten days thereafter petition the Council to hear the facts regarding such discharge, and in any such case the Council may, in its own discretion, hold a hearing and inquire into such facts and may make such recommendation in the manner as it considers proper.

#### **Section 4.6. City Manager: Appointment and Qualifications.**

The Council shall appoint a City Manager within ninety days after any vacancy exists in such position. The City Manager shall hold office at the pleasure of a majority of the Council, but he shall not be removed from office during a period of thirty days following any regular city election except by the affirmative vote of five members of the Council. He shall be selected on the basis of his executive and administrative qualifications with special reference to his training and experience and without regard to his political or religious preferences.

#### **Section 4.7. City Manager: Functions and Duties.**

The City Manager shall be the chief administrative officer of the city government. His functions and duties shall be:

- (a) To be responsible to the Council for the efficient administration of all administrative departments of the city government except the departments under the direction of the Clerk, Treasurer, Assessor and Attorney;
- (b) To see that all laws and ordinances are enforced;
- (c) To appoint, with the consent of the Council, the heads of the several city departments whose appointment is not otherwise specified in this charter, and to discharge such department heads without the consent of the Council, and to direct and supervise such department heads;
- (d) To give to the proper department or officials ample notice of the expiration or termination of any franchises, contracts or agreements;
- (e) To see that all terms and conditions imposed in favor of the city or its inhabitants in any public utility franchise, or in any contract, are faithfully kept and performed;
- (f) To recommend an annual budget to the Council and to administer the budget as finally adopted under policies formulated by the Council, and to keep the Council fully advised at all times as to the financial condition and needs of the city;
- (g) To recommend to the Council for adoption such measures as he may deem necessary or expedient; and to attend Council meetings with the right to take part in discussions but not to vote;
- (h) To exercise and perform all administrative functions of the city that are not imposed by this charter or ordinance upon some other official;
- (i) To maintain a system of accounts of the city which shall conform to any uniform system required by law and by the Council and to generally accepted principles and procedure of governmental accounting. He shall make monthly financial statements to the Council;
- (j) To perform such other duties as may be prescribed by this charter or as may be required of him by ordinance or by direction of the Council.

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#### **Section 4.8. Acting City Manager.**

The Council may appoint or designate an Acting City Manager during the period of a vacancy in the office or during the absence of the City Manager from the city. Such Acting Manager shall, while he is in such office, have all the responsibilities, duties, functions and authority of the City Manager.

#### **Section 4.9. Relationship of Council to Administrative Service.**

Neither the Council nor any of its members or committees shall dictate the appointment of any person to office by the City Manager or in any way interfere with the City Manager or other city officer to prevent them from exercising their judgment in the appointment or employment of officers and employees in the administrative service. Except for the purpose of inquiry, the Council and its members shall deal with the administrative service (except the Clerk, Treasurer, Assessor and Attorney) solely through the City Manager and neither the Council nor any member thereof shall give orders to any of the subordinates of the City Manager.

#### **Section 4.10. Clerk: Functions and Duties.**

- (a) The Clerk shall be the Clerk of the Council and shall attend all meetings of the Council and shall keep a permanent journal of its proceedings in the English language.
- (b) He shall be custodian of the city seal, and shall affix it to all documents and instruments requiring the seal, and shall attest the same. He shall also be custodian of all papers, documents and records pertaining to the city the custody of which is not otherwise provided for.
- (c) He shall certify by his signature all ordinances and resolutions enacted or passed by the council.
- (d) He shall provide and maintain in his office a supply of forms for all petitions required to be filed for any purpose by the provisions of this charter.
- (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 or by the Council.
- (g) He shall at all times cooperate with the City Manager and shall provide such information and reports and perform such duties as are requested by the City Manager so long as they are not inconsistent with duties of his office as provided herein.

State law reference(s)—Oath of public officers, Mich. Const. 1963, art. XI, § 1; mandatory that Charter provide for keeping in the English language a written or printed journal of every session of the legislative body, MCL 117.3(m).

#### **Section 4.11. Treasurer: Functions and Duties.**

- (a) The Treasurer shall have the custody of all moneys of the city, any bond pertaining solely to the Clerk and all evidences of indebtedness belonging to the city or held in trust by the city.
- (b) He shall receive from other officers, employees and any other representative and/or agency of the city, as may be authorized by the City Council, all money belonging to and receivable by the city that may be collected by such officers, employees, representatives and/or agencies, including fines, license fees, permit fees, taxes, assessments, utility bills and other charges.
- (c) He shall keep and deposit all moneys or funds in such manner and only in such places as the Council may determine and shall report the same in detail to the City Manager.



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- (d) He shall have such powers, duties and prerogatives in regard to the collection and custody of state, county, school district and city taxes as are conferred by law upon township treasurers in connection with state, county, township and school district taxes upon real and personal property.
  - (e) He shall perform such other duties as may be prescribed for him by this charter or by the Council.
  - (f) He shall at all times cooperate with the City Manager and shall provide such information and reports and perform such duties as are requested by the City Manager so long as they are not inconsistent with the duties of his office as provided herein.

(Adopted by electors 11-7-1989)

#### **Section 4.12. Attorney: Functions and Duties.**

- (a) The Attorney shall act as legal advisor to, and be attorney and counsel for, the Council and shall be responsible solely to the Council. He shall advise any officer or department head of the city in matters relating to his official duties when so requested and shall file with the Clerk a copy of all written opinions given by him.
- (b) He shall prosecute all ordinance violations and he shall conduct for the city such cases in court and before other legally constituted tribunals as the Council may request. He shall file with the Clerk copies of such records and files relating thereto as the Council may direct.
- (c) He shall prepare or review all ordinances, contracts, bonds and other written instruments which are submitted to him by the Council and shall promptly give his opinion as to the legality thereof.
- (d) He shall call to the attention of the Council all matters of law, and changes or developments therein, affecting the city.
- (e) He shall perform such other duties as may be prescribed for him by this charter or by the Council.
- (f) He shall at all times cooperate with the City Manager and shall provide such information and reports and perform such duties as are requested by the City Manager so long as they are not inconsistent with the duties of his office as herein provided.
- (g) Upon the recommendation of the Attorney, or upon its own initiative, the Council may retain special legal counsel to handle any matter in which the city has an interest, or to assist and counsel with the Attorney therein.

#### **Section 4.13. Attorney: Compensation.**

The compensation set by the Council for the Attorney shall be in contemplation of the normal duties of that office. Special compensation may be provided at the discretion of the Council for appeals to, or litigation commenced in, the Federal Courts, the Circuit Court or State Supreme Court; for work requiring extensive hearings before quasi-judicial or administrative tribunals; for legal work in connection with the issuance of bonds of the city; for condemnation proceedings or for other matters outside the scope of his normal duties. No such special compensation, nor any compensation to special legal counsel, shall be paid except in accordance with an agreement between the Council and the Attorney or special counsel made before the service for which such special compensation is to be paid has been rendered.

#### **Section 4.14. City Assessor: Functions and Duties.**

The City 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

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prescribe[d] by this charter, by ordinance and by statute. He shall perform such other duties as may be prescribed for him in this charter or by the Council or the City Manager.

#### **Section 4.15. Planning Commission.**

The Council shall by ordinance maintain a city planning commission created in accordance with, and under the authority of, statute and having the powers and duties prescribed by statute and this charter.

State law reference(s)—Municipal planning, MCL 125.31 et seq.

#### **Section 4.16. Zoning.**

The Council shall maintain a zoning ordinance in accordance with, and under the authority of statute, and having the powers and duties prescribed by statute and this charter and the Council shall be the Board of Zoning Appeals.

State law reference(s)—Authority to regulate land use, MCL 125.581 et seq.

#### **Section 4.17. Independent Boards.**

The Council may provide by ordinance for independent boards or commissions to administer the following activities of the city and no others: civil service or merit system, parks and recreation, public housing, hospitals and activities which by statute are required to be administered by a board or commission.

#### **Section 4.18. Comptroller.**

The City Council may appoint a City Comptroller who shall hold office at the will and pleasure of the Council and who shall be the General Finance Officer of the City. He shall be responsible to and work under the supervision of the City Manager. His functions and duties shall be:

- (a) To maintain a system of accounts of the City which shall conform to any uniform system required by law and by the Council and to generally accepted principles and procedures of governmental accounting;
- (b) To examine and audit all accounts and claims against the City except claims for unliquidated damages. He shall not approve the issuance of, nor sign any draft, check or warrant until he has verified the correctness of the amount for which the same is issued;
- (c) To prescribe a method of accounts and financial records for any office, department or court of the city maintaining independent accounts or financial records;
- (d) To examine and audit all books of accounts or financial records kept by any office, department or court of the City, at the close of each fiscal year and at any other time at his own discretion;
- (e) To present to the Council monthly financial reports showing in detail the financial condition and operations of the city;
- (f) To at all time[s] cooperate with the City Manager and shall provide such information and reports and perform such duties as are requested by the City Manager so long as they are not inconsistent with the duties of his office as herein provided.

(Adopted by electors 11-4-1986)

## **CHAPTER 5. GENERAL PROVISIONS REGARDING OFFICERS AND PERSONNEL OF THE CITY**

### **Section 5.1. Eligibility for Office in City.**

No person shall hold any elective office of the city unless immediately prior to the last day for filing petitions for such office he is a qualified and registered elector of the city on such day and throughout his tenure of office.

The Municipal Judge shall, in addition, have the qualifications for that office prescribed in Section 15.3.

No person shall be eligible for any elective or appointive city office who is in default to the city or to any other governmental unit of the state. The holding of office by any person who is in such default shall create a vacancy unless such default shall be cured within thirty days after written notice thereof by the Council or unless such person shall in good faith be contesting the liability for such default.

Each candidate for elective office shall file with his petition his affidavit that he possesses the qualifications for such office provided in this section. Failure to file such affidavit shall invalidate his petition.

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

Each member of the city board or commission created by, or pursuant to, this charter shall have been a resident of this city or village for at least two years prior to the day of his appointment and shall be a qualified and registered elector of the city on such day and throughout his tenure of office.

All administrative officers shall be United States citizens. If the city Manager is not a resident of the city at the time of his appointment, he shall become a resident thereof within one year after his appointment and shall so remain throughout his tenure in office.

No elective city officer may be appointed to any city office other than the office of Mayor or be employed by the city during the term of office for which he was elected or for two (2) years thereafter, except that after the expiration of his term of office he may be appointed as a member of an independent Board or Commission or to fill a vacancy in the position of Councilman.

(Adopted by electors 11-7-1989)

### **Section 5.2. Vacancies in Office; Removal from Office.**

Any elective city office shall be declared vacant by the Council upon the occurrence of any of the following events 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 qualifies for, the office at the election at which such office is to be filled;
- (c) If the officer shall be found guilty by a competent tribunal of any act constituting misconduct in office under the provisions of this charter;
- (d) If the officer shall absent himself continuously from the city for more than thirty consecutive days in any one year without the permission of the Council;
- (e) In the case of any members of the Council, if such officer shall miss four consecutive regular meetings of the Council, or twenty-five per cent of such meetings in any fiscal year of the city, unless such

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absences shall be excused by the Council and the reason therefor entered in the proceedings of the Council at the time of each absence;

- (f) If the officer is removed from office by the Council in accordance with the provisions hereinafter set forth.

The office of any member of any board or commission created by, or pursuant to, this charter shall be declared vacant by the Council:

- (a) For any reason specified by statute or by this Charter as creating a vacancy in office;
- (b) If the officer shall be found guilty by a competent tribunal of any act constituting misconduct in office under the provisions of this charter;
- (c) If such officer shall miss four consecutive regular meetings of such board or commission, or twenty-five per cent of such meetings in any fiscal year of the city, unless such absences shall be excused by such board or commission and the reason therefor entered in the proceedings of such board or commission at the time of each absence;
- (d) If the officer is removed from office by the Council in accordance with the provisions hereinafter set forth.

Removals of officers by the Council shall be made for either of the following reasons: (1) for any reason specified by statute for removal of city officers by the Governor, (2) for misconduct in office under the provisions of this charter. Such removals by the Council shall be made only after 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 of residence. 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.

State law reference(s)—Removal of city officers, MCL 168.327.

### **Section 5.3. 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. Resignations of appointive officers shall be made in writing to the appointing officer or body and shall be acted upon immediately.

### **Section 5.4. Filling Vacancies in Offices.**

- (a) Vacancies in appointive offices shall be filled in the manner provided for making the original appointment.
- (b) Vacancies in elective offices other than [the] Municipal Judge shall be filled by appointment by the Council, of a person possessing the qualifications for the office. Any person appointed to a vacancy in any such elective offices shall hold office until such vacancy is filled at the next regular city election. If four or more vacancies exist simultaneously in the positions of Mayor and Councilmembers, the Clerk shall within 10 days thereafter call a special election to be held within 60 days to fill such vacancies for the unexpired terms of the officers whose offices have become vacant.
- (c) Vacancies in the office of Municipal Judge occurring more than sixty days before the regular city election to be held in years (1) other than in 1954, or (2) other than in any fourth year after 1954, shall be filled by appointment by the Council for a term expiring on the 31st of December following the next regular city election. At such election such vacancy shall be filled for the balance of the unexpired term of office.

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Vacancies in the office of Municipal Judge occurring sixty days or less before the regular city election in years (1) other than in 1953 or 1954, or (2) other than in any fourth year after 1953 or 1954, shall be filled by appointment by the Council for a term expiring on the Monday following the second succeeding regular city election. At such second succeeding regular city election such vacancy shall be filled for the balance of the unexpired term of office.

Vacancies in the office of Municipal Judge occurring (1) in the period beginning on the sixtieth day before the regular city election in 1953 and ending on July 4, 1954, or (2) in the corresponding period beginning in any fourth year after 1953, shall be filled for the balance of the unexpired term of office.

(Adopted by electors 4-7-1952, 11-5-1996)

### **Section 5.5. Change In Term of Office or Compensation.**

Except by procedures provided in this charter, the terms of office of the elective officers and members of boards and commissions appointed for a definite term shall not be shortened. The terms of elective officers shall not be extended beyond the period for which any such officer was elected except that an elective officer shall, after his term has expired, continue to hold office until his successor is elected and has qualified. The Council shall not grant or authorize extra compensation to any officer or employee after his service has been rendered. The salary of any elective officer shall not be increased from the time of his election until the end of the term of office for which he was elected, except by vote of a majority of the electors voting on the question.

(Adopted by electors 11-5-1996)

### **Section 5.6. 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 of the State and shall file the oath with the Clerk, together with any bond required by statute, this charter or by 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 as above set forth.

State law reference(s)—Oath of public officers, Mich. Const. 1963, art. XI, § 1.

### **Section 5.7. Surety Bonds.**

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

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All official bonds shall be corporate surety bonds and the premiums thereon shall be paid by the city. All bonds of all officers or employees shall be filed with the Clerk, except that any bond pertaining solely to the Clerk shall be filed with the Treasurer.

### **Section 5.8. Delivery of Office.**

Whenever any officer or employee shall cease to hold such office or employment for any reason whatsoever, he shall within five days, and sooner on demand, deliver to his successor in office or to his superior all the books, papers, moneys and effects in his custody as such officer or employee.

Any officer violating this provision may be proceeded against in the same manner as public officers generally for a like offense under statute. Any employee found guilty of violating this provision by a court of competent jurisdiction may be punished by a fine of not to exceed five hundred dollars or imprisonment for not to exceed ninety days or both in the discretion of the court.

### **Section 5.9. Financial Interest Prohibited.**

- (a) Except as permitted by this section no contract or purchase involving an expenditure in excess of one hundred dollars shall be made by the city in which any elective or appointive officer, (except a member of a city board or commission created by or pursuant to this charter) or any member of his family has any financial interest, direct or indirect, other than the common public interest. A "contract" shall for the purposes of this section include any arrangement or agreement pursuant to which any material, service or other thing of value is to be furnished to the city for a valuable consideration to be paid by the city, or sold or transferred by the city, except the furnishing of personal services as an officer or employee of the city; and the term "member of his family" shall include only [a] spouse, child, grandchild, father, mother, sister, brother and the spouse of any of them.
- (b) Without limiting the generality of paragraph (a) of this section, an officer shall be deemed to have a financial interest in a contract if he or any member of his family is an employee, partner, officer, director or sales representative of the person, firm or corporation with which such contract is made or of a sales representative of such person, firm or corporation. Ownership, individually or in a fiduciary capacity, by an officer or member of his family of securities, or of any beneficial interest in securities, of any corporation with which a contract is made or which is a sales representative of any person, firm or corporation with which such contract is made, shall not be deemed to create a financial interest in such contract unless the aggregate amount of such securities, or interest in such securities, so owned by such officer and the members of his family, shall amount to ten per cent of any class of the securities of such corporation then outstanding.
- (c) A contract in which an officer or member of his family has a financial interest may be made by the city if the members of the Council having no such interest shall unanimously determine that the best interests of the city will be served by the making of such contract and if either such contract is made after competitive prices are obtained or if the members of the Council having no such interest shall unanimously determine that the obtaining of competitive prices is not feasible in such particular case. Any Council member may evidence his participation in either determination required by this paragraph by vote at a Council meeting or by written instrument filed with the Clerk.
- (d) Any officer who knowingly permits the city to enter into any contract in which he has a financial interest without disclosing such interest to the Council prior to the action of the Council in authorizing such contract, shall be guilty of misconduct in office. Except in the instances specified in paragraph (c) of this section, the unanimous determination (by vote or written instrument) of all members of the Council that in a particular case an officer or member of his family will not have a financial interest in any contract or purchase to be entered into by the city shall be final and conclusive in the absence of fraud or misrepresentation.

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- (e) No officer shall stand as surety on any bond to the city or give any bail for any other person which may be required by the charter or any ordinance of the city. Any officer of the city who violates the provisions of this paragraph shall be guilty of misconduct in office.

State law reference(s)—Conflicts of interest as to contracts, MCL 15.321 et seq.; standards of conduct and ethics, MCL 15.341 et seq.

### **Section 5.10. Compensation of Employees and Officers.**

- (a) The compensation of all employees and officers of the city whose compensation is not provided for herein shall be fixed by the appointing officer or body within the limits of budget appropriations and in accordance with any pay plan adopted by the Council.
- (b) The respective salaries and compensation of officers and employees as fixed by, or pursuant to, this 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. Such fees, commissions and compensation shall belong to the city and shall be collected and accounted for by such officers or employees, and be paid into the city treasury and a statement thereof filed periodically with the City Manager. The provisions of paragraph (b) of this section shall not apply to fees, commissions or other compensation paid by the County of Wayne to any officer or employee serving as a city representative on the Board of Supervisors who is not a full time officer or employee of the city.
- (c) Nothing contained in this section shall prohibit the payment of necessary bona fide expenses incurred in service in behalf of the city.

State law reference(s)—Salaries, MCL 117.5(d).

### **Section 5.11. Employee Welfare Benefits.**

The Council shall have the power to finance and provide group life, health and accident, and hospitalization and surgical benefit insurance for the administrative officers and employees and retired employees of the City, and its departments and boards, and the dependents of such administrative officers and employees, by the adoption of any recognized standard plan of group life, health and accident or hospitalization and surgical benefit insurance.

(Adopted by electors 4-6-1970)

### **Section 5.12. Anti-Nepotism.**

The following relatives and their spouses (1) of any elective official or (2) of his spouse, or of the City Manager or of his spouse are disqualified from holding any appointive office or any employment during the term for which said elective official was elected or during the tenure of office of the City Manager, respectively: child, grandchild, parent, grandparent, brother, sister, half brother and half sister. All relationships shall include those arising from adoption. This section shall in no way disqualify such relatives or their spouses who are bona fide appointive officers or employees of the city at the time of the election of said elective official or appointment of said City Manager, respectively.

### **Section 5.13. Merit System; Civil Service.**

The Council may provide for a merit or civil service system for city employees.

## **CHAPTER 6. THE COUNCIL: PROCEDURE AND MISCELLANEOUS POWERS AND DUTIES**

### **Section 6.1. Regular Meetings.**

The Council shall provide by resolution for the time and place of its regular meetings and shall hold at least two regular meetings each month. A regular meeting shall also be held on the Monday following each regular city election.

### **Section 6.2. Special Meetings.**

Special meetings shall be called by the Clerk on the written request of the Mayor, the City Manager or any two members of the Council on at least twenty-four 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 6.3. Business of Special Meetings.**

No business shall be transacted at any special meeting of the Council 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 such special meeting if all the members present consent thereto and all the members absent file their written consent.

### **Section 6.4. 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.

State law reference(s)—Open meetings act, MCL 15.261 et seq.

### **Section 6.5. 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 meetings of the Council, but in the absence of a quorum a lesser number may adjourn any meeting to a later date, and in the absence of all members the Clerk may adjourn any meeting to a date not later than one week thence.

### **Section 6.6. Compulsory Attendance and Conduct at Meetings.**

Any three or more members of the Council may by vote either request or compel the attendance of its members and other officers of the city 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 or absence from the County of Wayne shall be deemed guilty of misconduct in office unless excused by the Council. The presiding officer shall enforce orderly conduct at meetings and any Councilman or other officer who shall fail to conduct himself in an orderly manner at any meeting shall be deemed guilty of misconduct in office.

Any police officer designated by the presiding officer of the meeting shall serve as the Sergeant-at-arms of the Council in the enforcement of the provisions of this section.



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## **Section 6.7. Rules and Organization of the Council.**

The Council shall determine its own 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 it shall only be necessary to so state.
- (c) No Councilman 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 excuse [excused] by 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) In all roll call votes the names of the members of the Council shall be called in alphabetical order, and the name to be called first shall be advanced one position alphabetically in each successive roll call.
- (e) Any standing committee of the Council shall be composed of at least three members. The Council shall not assign the administration of any department or agency of the city to any member or committee of the Council.

State law reference(s)—Mandatory that Charter provide for keeping of a journal, MCL 117.3(m).

## **Section 6.8. Providing for 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 city, and it and its officers shall possess all powers, privileges and immunities granted to boards of health by statute.

## **Section 6.9. Investigations.**

The Council or any person or committee authorized by it for the purpose, shall have power to inquire into the conduct of any department, office or officer and to make investigations as to matters in which the municipality has an interest. The Council, for the purposes stated herein, may summon witnesses, administer oaths and compel the attendance of witnesses and the production of books, papers and other evidence.

Failure on the part of any officer to obey such summons or to produce books, papers and other evidence as ordered under the provisions of this section shall constitute misconduct in office. Failure on the part of any employee or other person to obey such summons or to produce books, papers or other evidence as ordered under the provisions of this section shall constitute a violation of this charter and such employee when found guilty of such violation by a competent tribunal may be punished by a fine of not to exceed five hundred dollars or imprisonment not to exceed ninety days or both in the discretion of the court.

It is provided further that, in case of failure on the part of any person to obey such summons or to produce such books, papers and other evidence as so ordered, the Council may invoke the aid of the Circuit Court of Wayne County in requiring obedience of such summons or production of such books, papers and other evidence. The Circuit Court of Wayne County, in case of contumacy or refusal to obey such summons or to produce such books, papers and other evidence, may issue an order requiring such person to obey such summons or to produce such books, papers and other evidence and to give evidence touching the matter in question, and any failure to obey such order of the Court may be punished by such Court as contempt thereof.

## CHAPTER 7. LEGISLATION<sup>3</sup>

### Section 7.1. Prior City Ordinances and Regulations.

All bylaws, ordinances, resolutions, rules and regulations of the Village or city which are not inconsistent with this charter and which are in force and effect on the effective date of this charter shall continue in full force and effect as bylaws, ordinances, resolutions, rules and regulations of the city until repealed or amended. If any such ordinance, resolution, rule or regulation provides for the appointment of any officers or any members of any board or commission by the Village President, such officers or members of any board or commission shall, after the effective date of this Charter, be appointed by the Council.

### Section 7.2. Ordinances and Resolutions.

All official action of the Council shall be by ordinance, resolution, motion or order. Action by resolution, motion or order shall be limited to matters required or permitted to be so done by this charter, or by state or federal law or pertaining to the internal affairs or concerns of the city 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 by a serial number (or a code section number if a codification of city ordinances exists).

Each proposed ordinance shall be introduced in written or printed form. The style of all ordinances passed by the Council shall be, "The City of Grosse Pointe Woods ordains:"

### Section 7.3. Enactment, Amendment, Repeal and Effective Date of Ordinances.

Subject to the exceptions which follow hereafter, (1) ordinances may be enacted, amended or repealed by the affirmative vote of not less than four members of the Council, (2) no ordinance shall be enacted or amended or repealed by the Council until after publication of the proposed ordinance or amendment or repeal, or summary thereof, and (3) the effective date of all ordinances shall be prescribed therein but the effective date shall not be earlier than ten days after the enactment nor 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 preservation of the public peace, health or safety may be enacted at the meeting at which it is introduced or otherwise before publication of the proposed ordinance or amendment, or summary thereof, or may be given earlier effect than ten days after its enactment, or both, by the affirmative votes of not less than five members of the Council if six or seven members of the Council are present at the meeting at which it is enacted or by the affirmative vote of not less than four members of the Council if four or five members of the Council are present at the meeting at which it is enacted.

In case an ordinance is given effect earlier than ten days after its enactment, the requirements for publication before such ordinance becomes operative may be met by posting copies thereof in conspicuous locations in three public places in each voting precinct of the city; and the Clerk shall, immediately after such posting, enter in the Ordinance Book under the record of the ordinance a certificate under his hand stating the time and place of such publication by posting, which certificate shall be prima facie evidence of such publication by

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<sup>3</sup>State law reference(s)—Power of city to adopt ordinances relative to municipal concerns, Mich. Const. 1963, art. VII, § 22; Charter to provide for adopting, amending and repealing ordinances and publication thereof, MCL 117.3(k).

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posting of the ordinance. Such ordinance shall also be published in accordance with Section 7.4 but not as a requirement for the effectiveness thereof.

No ordinance granting any public utility franchise shall be enacted except in accordance with the provisions of Section 13.2.

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

#### **Section 7.4. Publication and Recording of Ordinances.**

Each ordinance enacted by the Council shall be published in either of the following manners, as the Council shall determine by proper action:

- (1) By posting copies thereof in five conspicuous public places, in the City within 20 days after its adoption; or,
- (2) By publication in the official newspaper of the city at least once within 20 days after its adoption.

All ordinances and amendments thereto shall be recorded by the Clerk in a book to be called "The Ordinance Book," and it shall be the duty of the Mayor and Clerk to authenticate such records by their official signatures 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.

(Adopted by electors 2-16-1953)

Editor's note(s)—Notwithstanding the publication requirement in this section, a city may publish a summary instead. See MCL 117.3(k).

#### **Section 7.5. Penalties for Violations of Ordinances.**

The Council may provide in any ordinance for the punishment of those who violate its provisions. The punishment for the violation of any city ordinance shall not exceed a fine of five hundred dollars or imprisonment for ninety days, or both in the discretion of the court.

Editor's note(s)—Notwithstanding the penalty limitation in this section, a city may increase the imprisonment to 93 days in certain circumstances. See MCL 117.3(k).

#### **Section 7.6. Vacating of Public Places.**

Council 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 appoint a time when it shall meet and hear objections thereto; and notice of the time, place and purpose of such meeting shall be published either separately or as part of any published proceedings of the Council.

#### **Section 7.7. Requirement of Four Votes for Certain Actions.**

Unless by the affirmative vote of four members of the Council, no office shall be created or abolished, no tax or assessment shall be imposed, no street, lane, alley or other public place shall be vacated or discontinued or abolished, no real estate or any interest therein shall be sold or disposed of, no action shall be taken to condemn private property for public use, no money shall be appropriated nor shall any vote of the Council be reconsidered or rescinded.

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## **Section 7.8. Technical Codes Adopted by Reference.**

Subject to the provisions of this section, the Council may adopt as a city ordinance or code, by reference thereto in an adopting ordinance, in whole or [in] part, provisions of (a) any Michigan statute or (b) any detailed technical regulations promulgated or enacted by (1) any state or federal agency, (2) by any municipality, or (3) by 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 (1) publishing the ordinance citing such provisions in the manner provided by this charter for the publication of other city 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 (2) so making copies available for public inspection and for distribution to the public at a reasonable charge.

State law reference(s)—Authority to adopt technical codes by reference, MCL 117.3(k).

## **Section 7.9. Severability of Ordinances.**

Unless an ordinance shall expressly provide to the contrary, if any portion of an 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 7.10. Compilation and Codification of Ordinances.**

Immediately after the effective date of this charter, and at least once in every ten years thereafter, the Council shall direct the compilation or codification and printing in looseleaf or pamphlet form of all ordinances of the city then in force. Such compilation or codification shall be completed within one year thereafter. Any such codification may include provisions not previously contained in ordinances of the city. All requirements for publication of such compilation or codification, and of the ordinances contained therein, other provisions of this charter notwithstanding, may be met by making copies thereof available for inspection by, and distribution to, the public at a reasonable charge and by publishing notice of the printing and availability thereof.

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

State law reference(s)—Codification authority, MCL 117.5b.

## **Section 7.11. Initiative and Referendum.**

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

State law reference(s)—Permissible that Charter provide for initiative and referendum, MCL 117.4i(g).

## **Section 7.12. Initiatory and Referendary Petitions.**

An initiatory or a referendary petition shall be signed by not less than ten per cent of the registered electors of the city, as of the date of filing the petition, and all signatures on said petition shall be obtained within twenty-one days before the date of filing the petition with the Clerk. Any such petition shall be addressed to the Council.

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No such petition need be on one paper, but may be the aggregate of two or more petition papers identical as to contents. 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 code sections 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 the 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 by this section, the Clerk shall present the petition to the Council at its next regular meeting.

### **Section 7.13. 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 law, either.

- (a) Adopt the ordinance as submitted by an initiatory petition;
- (b) Repeal the ordinance referred to by a referendary petition; or
- (c) Determine to submit the proposal provided for in the petition to the electors.

### **Section 7.14. 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 city for any other purpose, or, in the discretion of the Council, at a special election called for that specific purpose. The result shall be determined by a majority vote of the electors voting thereon, except in cases where otherwise required by the general laws of the State of Michigan.

### **Section 7.15. Ordinance Suspended; Miscellaneous Provisions on Initiatory and Referendary Ordinances.**

The presentation to the Council by the Clerk of a valid and sufficient referendary petition, containing a number of signatures equal to twenty-five percent of the registered electors of the City shall 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 or referendary proceedings shall not be amended or repealed, nor shall an ordinance repealed by the electorate be reenacted, unless and until the electorate shall have approved any such action. Any ordinance may be adopted, amended or repealed by appropriate referendary or initiatory proceedings instituted in accordance with the provisions of this chapter or upon submission to the electorate by the Council, upon its own motion.

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

(Adopted by electors 4-5-1954)

## **CHAPTER 8. GENERAL FINANCE—BUDGET, AUDIT, PURCHASING<sup>4</sup>**

### **Section 8.1. Fiscal Year.**

The fiscal year of the city 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 8.2. Budget Procedures.**

The City Manager shall prepare and submit to the Council, on or before the first regular meeting in April of each year, a recommended budget covering the next fiscal year, and shall include therein at least the following information:

- (a) Detailed estimates with supporting explanations of all proposed expenditures for each department and office of the city, including those for the Retirement System, and for the Court, showing 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 city, 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 city from sources other than taxes with a comparative statement of the amounts received by the city 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 sources, will be necessary to meet the proposed expenditures;
- (f) Such other supporting information as the Council may request.

### **Section 8.3. Budget Hearing.**

A public hearing on the proposed budget shall be held before its final adoption, at such time and place as the Council shall direct. Notice of such public hearing, a summary of the proposed budget and notice that the proposed budget is on file in the office of the City Manager shall be published at least one week in advance of the hearing. The complete proposed budget shall be on file for public inspection during office hours at such office for a period of not less than one week prior to such public hearing.

State law reference(s)—Public hearing required prior to adoption of budget, Mich. Const. 1963, art. VII, § 32.

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<sup>4</sup>State law reference(s)—Revised municipal finance act, MCL 141.2101 et seq.; local government fiscal responsibility act, MCL 141.1201 et seq.; fiscal stabilization act, MCL 141.1001 et seq.; uniform budgeting and accounting act, MCL 141.421 et seq.

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## **Section 8.4. Adoption of Budget.**

Not before April fifteenth nor later than the third Monday in May in each year, the Council shall by resolution adopt a budget for the next fiscal year, shall appropriate the money needed for municipal purposes during the next fiscal year of the city and shall 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 Section 9.1.

State law reference(s)—Mandatory that Charter provide for an annual appropriation, MCL 117.3(h).

## **Section 8.5. 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 city without an appropriation thereof, 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 department, fund or agency to another. In the case of emergency endangering the public health, peace or safety, the Council may make additional appropriations to cover unanticipated expenditures required of the city because of such emergency.

At the beginning of each quarterly period during the fiscal year, and more often if required by the Council, the City Manager 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 appropriation which has not been encumbered at the end of the fiscal year shall revert to the general fund.

## **Section 8.6. Depository.**

The Council shall designate depositories for city funds, and shall provide for the regular deposit of all city moneys. The Council shall provide for such security for city deposits as is authorized or permitted by statute except that personal surety bonds shall not be deemed proper security.

State law reference(s)—Designation of depositories, MCL 129.12; deposits of public money, MCL 211.43b.

## **Section 8.7. Independent Audit; Annual Report.**

An independent audit shall be made of all city accounts at least annually, and more frequently if deemed necessary by the Council. Such audit may be made by Certified Public Accountants experienced in municipal accounting selected by the Council.

The City Manager shall prepare an annual report of the affairs of the city including a financial report.

Copies of such audit and annual report shall be made available for public inspection at the office of the City Manager within thirty days after the receipt of the audit.

State law reference(s)—Annual accounting of public funds, Mich. Const. 1963, art. IX, § 21.

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## **Section 8.8. Purchase and Sale of Property.**

The City Manager shall be responsible for the purchase and sale of all city personal property. Except when no advantage to the city would result, competitive prices shall be obtained for all purchases of personal property and public improvements contracts, and the purchase made or contract awarded according to procedure established by ordinance. All purchases and sales of personal property and all public improvement contracts shall be evidenced by written contract or purchase order. In such sales or purchase or contracts, in excess of ten thousand dollars (\$10,000.00), with future adjustments to this amount to be determined according to procedure established by ordinance,[:]

- (1) the sale or purchase shall be approved by the Council,
- (2) formal sealed bids shall be obtained unless the Council by formal unanimous resolution of those present at the meeting, based upon the written recommendation of the City Manager, determines that no advantage to the city would result from competitive bidding, and
- (3) the requirements of Section 13.6 shall be complied with. The Council may authorize the making of public improvements or the performance of any other city work by any city agency without competitive bidding.

The purchase and sale of all city property shall be subject to the provisions of Section 5.9.

Detailed purchasing, sale and contract procedure shall be established by ordinance.

The purchase or sale of real property by the city shall be authorized by appropriate action of the Council, provided that the city may not sell any park, except where such park is not required under an official master plan of the city, cemetery, or any part thereof, unless approved by a majority of the electors voting thereon at any general or special election.

(Adopted by electors 11-7-1989; Adopted by electors 11-8-2022)

## **CHAPTER 9. TAXATION<sup>5</sup>**

### **Section 9.1. Power to Tax; Tax Limit.**

The city shall have the power to annually levy and collect taxes for municipal purposes, but may not levy excises. Exclusive of any levies authorized by statute to be made beyond charter tax rate limitations, the annual ad valorem tax levy shall not exceed two per cent of the assessed value of all real and personal property subject to taxation in the city.

State law reference(s)—Mandatory that Charter provide for annually levying and collecting taxes, MCL 117.3(g).

### **Section 9.2. Subjects of Taxation.**

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

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<sup>5</sup>State law reference(s)—General powers of city to levy taxes for public purposes, Mich. Const. 1963, art. VII, § 21; Charter to provide for taxation, MCL 117.3(g).



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

### **Section 9.3. Exemptions.**

No exemptions from taxation shall be allowed except as expressly required or permitted by statute.

State law reference(s)—Property exempt from taxation, MCL 211.7 et seq.

### **Section 9.4. 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.

State law reference(s)—Designation of levy date, MCL 211.2; time, place and method of assessment, MCL 211.10 et seq.

### **Section 9.5. 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 city subject to taxation. Such roll shall be prepared in accordance with statute and this charter. Values shall be estimated according to recognized methods of systematic assessment. The roll shall show separate figures for the value of the land and of the building improvements. On or before the first Monday in March the Assessor shall give by first class mail a notice of any increase in the assessed value of any property or of the addition of any property to the roll to the owner as shown by such assessment roll. The failure to give any such notice or of the owner to receive it shall not invalidate any assessment roll or assessment thereon.

State law reference(s)—Mandatory that Charter provide for preparation of assessment roll, MCL 117.3(i); assessment roll, MCL 211.24 et seq.

### **Section 9.6. Board of Review.**

Effective January 1, 1962, the Board of Review shall be composed of five (5) freeholders who are qualified and registered electors of the City of Grosse Pointe Woods, who, during their term of office, shall not be city officers or employees or be nominees or candidates for any elective city office. The filing by a member of the Board of Review of his nomination petition for an elective city office or the filing of a consent thereto, or upon accepting appointment to an elective office, or upon becoming an employee of the city, the same shall constitute a resignation from the Board of Review.

The terms of office of the members of the Board of Review, effective January 1, 1962, shall be as follows:

The incumbent member of the Board of Review, whose term expires in January, 1963, shall continue as a member of the Board of Review until January 1st, 1964.

The incumbent member of the Board of Review, whose term expires in January, 1964, shall continue as a member of the Board of Review until January 1st, 1964.

The three (3) vacancies on the Board of Review existing as of January 1st, 1962, shall be filled by appointment of members to said Board of Review with terms expiring as follows:

One member whose term shall expire January 1st, 1963;

One member whose term shall expire January 1st, 1964;

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One member whose term shall expire January 1st, 1965.

Appointments to the Board of Review to succeed the members thereof, upon the expiration of their respective terms as above provided, shall be made for terms of three (3) years. The Council shall make all appointments to the Board of Review and shall annually fix the compensation of the members of such Board. The Board of Review shall annually select from among its own members a Chairman for the ensuing year. The City Assessor shall act as the Clerk of the Board and shall be entitled to be heard at its sessions, but he shall have no vote upon any action taken by the Board. A majority of the members of the Board of Review shall constitute a quorum.

(Adopted by electors 9-12-1961)

Editor's note(s)—The composition of the board has been changed pursuant to MCL 211.28. See Code Of Ordinances § 2-316 et seq.

State law reference(s)—Mandatory that Charter provide for a board of review, MCL 117.3(a); board of review, MCL 211.28 et seq.

### **Section 9.7. Meeting of Board of Review.**

The Board of Review shall convene in its first session on the Tuesday following 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 one day for the purpose of considering and correcting the roll. In each case in which the assessed value of any property is increased or any property is added to the roll by the Board, or the Board has resolved to consider at its second session the increasing of an assessment or the adding of any property to the 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.

The Board of Review shall convene in its second session on the Tuesday following 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 six 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.

State law reference(s)—Mandatory that Charter provide for meetings of the board of review, MCL 117.3(i); completion of review, MCL 211.30a.

### **Section 9.8. Notice of Meetings.**

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.

State law reference(s)—Open meetings act, MCL 15.261 et seq.

### **Section 9.9. Duties and Functions of Board of Review.**

For the purpose of revising and correcting assessments, the Board of Review shall have the same powers and perform like duties in all respects as are by the general tax laws 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

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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 9.10. 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 city for the year in which it has been prepared. The omission of such endorsement shall not affect the validity of such roll.

State law reference(s)—Completion of review of assessments prior to first Monday in April required, MCL 211.30a.

### **Section 9.11. 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 ad valorem tax. He shall also certify all amounts of current or delinquent special assessments and all other amounts which the Council requires to be assessed, reassessed or charged upon any property or against any person.

### **Section 9.12. City 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 "City Tax Roll," and upon receiving the certification of the several amounts to be raised, as provided in Section 9.11, the Assessor shall spread upon said tax roll the several amounts determined by the Council to be charged, assessed or reassessed against persons or property. He shall also spread the amounts of the general ad valorem city 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 city.

State law reference(s)—Avoidance of fractions, MCL 211.39.

### **Section 9.13. Tax Roll Certified for Collection.**

After spreading the taxes the Assessor shall certify the tax roll, and the Mayor shall annex his warrant thereto directing and requiring the Treasurer to collect prior to March 1 of the following year from the several persons named in said roll the several sums mentioned therein opposite their respective names as a tax or assessment and granting to 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 15 the roll shall be delivered to the Treasurer for collection.

State law reference(s)—Collection of taxes, MCL 211.44 et seq.

### **Section 9.14. Tax Lien on Property.**

On July first, the taxes thus assessed shall become a debt due to the city from the persons to whom they are assessed and the amounts assessed on any interest in real property shall 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,

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encumbrances and liens to the extent provided by statute and shall continue until such taxes, interest and charges are paid.

### **Section 9.15. Taxes Due; Notification Thereof.**

City taxes shall be due on the first day of July. The Treasurer shall not be required to call upon persons named in the city tax roll, nor to make personal demand for the payment of taxes, but he shall publish, between June 15 and July 1, 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 penalty and fees provided in this chapter in case of non-payment or late payment of the same.

### **Section 9.16. Collection Fees.**

All taxes paid on or before August 31 of each year shall be collected by the Treasurer without collection fee. On September 1 he shall add to all taxes paid thereafter a collection fee of four per cent and on October 1 and each month thereafter an additional 1/2 of 1 per cent per month on the amount of said taxes. Such collection fee shall belong to the City 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 Section 9.13, is delayed for any reason by more than thirty days after June fifteenth, the application of the collection fee 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.

(Adopted by electors 11-7-1978)

### **Section 9.17. Failure or Refusal to Pay Tax.**

If any person, firm or corporation shall neglect or refuse to pay any tax assessed to him or them [it], the Treasurer shall collect the same by seizing the personal property of such person, firm or corporation to an amount sufficient to pay such tax, fees and charges for subsequent sale, wherever the same may be found in the state, and from which seizure no property shall be exempt. He may sell the property seized to an amount sufficient to pay the taxes and all charges in accordance with statutory provisions. The Treasurer may, if otherwise unable to collect a tax on personal property, sue the person, firm or corporation to whom it is assessed in accordance with statute.

State law reference(s)—Failure or refusal to pay tax, MCL 211.47.

### **Section 9.18. Delinquent Tax Roll to County Treasurer.**

All city taxes on real and personal property 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 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. If by change in statute or otherwise, the Treasurer of the County of Wayne is no longer charged with the collection of either delinquent real or delinquent personal property taxes, such delinquent taxes shall be collected in the manner then provided by statute for the collection of delinquent township, school and county taxes.

State law reference(s)—Return of delinquent taxes, MCL 211.55 et seq.

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## **Section 9.19. State, County and School Taxes.**

For the purpose of assessing and collecting taxes for state, county and school purposes, the city shall be considered the same as a township, and all provisions of statute relative to the collection of and accounting for such taxes shall apply. For these purposes the Treasurer shall perform the same duties and have the same powers as township treasurers under statute.

State law reference(s)—Mandatory that Charter provide for levy, collection and return of state, county and school taxes, MCL 117.3(i).

## **CHAPTER 10. BORROWING POWER<sup>6</sup>**

### **Section 10.1. Grant of Authority to Borrow.**

Subject to the applicable provisions of law and this charter, the Council may by ordinance or resolution authorize the borrowing of money for any purpose within the scope of powers vested in the city and permitted by law and may authorize the issuance of bonds or other evidences of indebtedness therefor. Such bonds or other evidences 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 city for the payment of such obligations including bonds for the city'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 Section 8.5;
- (c) In case of fire, flood or other calamity, emergency loans due in not more than five years for the relief of the inhabitants of the city and for the preservation of municipal property;
- (d) Special assessment bonds issued in anticipation of the payment of special assessments made for the purpose of defraying the cost of any public improvement, or in anticipation of the payment of any combination of such special assessments. Such special assessment bonds may be an obligation of the special assessment district or districts alone or may be both an obligation of the special assessment district or districts and a general obligation of the city;
- (e) Mortgage bonds for the acquiring, owning, purchasing, constructing, improving, or operating of any public utility which the city is authorized by this charter to acquire or operate; provided such bonds shall not impose any liability upon such city 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 bonds shall be authorized by a three-fifths vote of the electors voting thereon at any general or special election. 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 the payment of the mortgage bonds at maturity;
- (f) Bonds issued in an amount not to exceed two hundred and fifty thousand dollars and at a rate of interest not to exceed six per cent per annum to refund money advanced or paid on special assessments imposed for water main extensions;

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<sup>6</sup>State law reference(s)—Municipal power to borrow money and contract debts, Mich. Const. 1963, art. VII, § 21; Charter may provide for borrowing, MCL 117.4a.

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- (g) Bonds for the refunding of the funded indebtedness of the City;
  - (h) Revenue bonds as authorized by Act No. 94 of the Public Acts of Michigan of 1933 (MCL 141.101 et seq.), as amended, which are secured only by the revenues from a public improvement and do not constitute a general obligation of the city.

State law reference(s)—City authority to borrow money on the credit of the city and issue bonds therefor, MCL 117.4a(1).

## **Section 10.2. Limits of Borrowing Powers.**

The net bonded indebtedness incurred for all public purposes shall not at any time exceed ten per cent of the assessed value of all the real and personal property in the city, provided that in computing such net bonded indebtedness there shall be excluded money borrowed under the following sections of this charter: 10.1(b) (tax anticipation notes), 10.1(d) (special assessment bonds even though they are also a general obligation of the city), 10.1(e) (mortgage bonds), 10.1(f) (bonds issued to refund moneys advanced or paid on special assessments imposed for water main extensions), 10.1(h) (revenue bonds) and other bonds issued under the authority of statutes which provide that such bonds shall not be subject to the limitations on the amount of bonded indebtedness contained in city charters. The resources of the sinking fund pledged for the retirement of any outstanding bonds shall also be deducted from the amount of the bonded indebtedness.

The amount of emergency loans which the Council may make under the provisions of Section 10.1(c) of this charter may not exceed three-eighths of one per cent of the assessed value of all the real and personal property in the city.

The total amount of such special assessment bonds issued under Section 10.1(d) which are a general obligation of the city shall at no time exceed five percent of the assessed value of all real and personal property in the city, nor shall such bonds be issued in any calendar year in excess of one per cent of such assessed value unless authorized by a majority vote of the electors voting thereon at any general or special election.

State law reference(s)—Limitation of net bonded indebtedness incurred for all public purposes, MCL 117.4a(1).

## **Section 10.3. Applicability of Other Statutory Restrictions.**

The issuance of any bonds not otherwise requiring the approval of the electors shall be subject to applicable requirements of statute with reference to public notice in advance of the authorization of such issues, filing of petitions for a referendum on such issuance, holding of such referendum and other applicable procedural requirements.

## **Section 10.4. Preparation and Record of Bonds.**

Each bond or other evidence of indebtedness shall contain on its face a statement specifying the purpose for which the same is issued and it shall be unlawful for any officer of the city to use the proceeds thereof for any other purpose, and any officer who shall violate this provision shall be deemed guilty of misconduct in office, except that whenever the proceeds of any bond issue or part thereof shall remain unexpended and unencumbered for the purpose for which said bond issue was made, the Council may authorize the use of said funds for the retirement of bonds of such issue. All bonds and other evidences of indebtedness issued by the city shall be signed by the Mayor and countersigned by the Clerk, under the seal of the city. Interest coupons may be executed with the facsimile signature of the Mayor and Clerk. A complete and detailed record of all bonds and other evidences of indebtedness issued by the city shall be kept by the City Manager. Upon the payment of any bond or other evidence of indebtedness, the same shall be canceled.

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## **Section 10.5. Unissued Bonds.**

No bonds of the city shall be issued or sold to secure funds for any purpose other than that for which they were specifically authorized, and if any such bonds are not sold within three years after authorization by the electors, such authorization shall, as to such bonds, be null and void and such bonds shall be canceled.

## **Section 10.6. Deferred 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 period greater than five years nor shall the principal amounts payable under all such general fund contracts exceed the sum of one hundred thousand dollars (\$100,000.00) in any fiscal year of the city.

All such deferred payments shall be included in the general fund budget for the year in which the installment is payable.

(Adopted by electors 11-7-1989)

# **CHAPTER 11. SPECIAL ASSESSMENTS<sup>7</sup>**

## **Section 11.1. 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 benefitted in proportion to the benefits derived or to be derived.

State law reference(s)—Power re assessments, MCL 117.4a, 117.4b, 117.4d, 117.5.

## **Section 11.2. Detailed Procedure to Be Fixed By Ordinance.**

The Council shall prescribe by ordinance the complete special assessment procedure governing the initiation of projects, preparation of plans and cost estimates, creation of districts, making and confirming of assessment rolls, correction of errors in the rolls, collection of assessments and any other matters concerning the making of improvements by the special assessment method.

Such ordinance shall provide for the enforcement of the following restrictions:

- (1) No resolution finally determining to proceed with establishing any special assessment district for the making of any public improvement shall be made until cost estimates have been prepared and a public hearing has been held on the advisability of so proceeding, which hearing shall be held not less than ten days after notice thereof has been sent by first class mail to all property owners in the proposed district as shown by the current assessment roll of the city.
- (2) No special assessment district or districts shall be created by the Council for any one public improvement which includes property having an area in excess of twenty-five per cent of the total area

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<sup>7</sup>State law reference(s)—Public improvement or public building, MCL 141.261 et seq.; notices and hearings, MCL 211.741 et seq.; deferment of special assessment for homesteads, MCL 211.761 et seq.

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of the city. No public improvement project shall be divided geographically for the purpose of circumventing this provision.

- (3) No special assessment roll shall be finally confirmed until after a meeting of the Council has been held for the purpose of reviewing such roll, which meeting shall be held not less than ten days after notice thereof has been sent by first class mail to all property owners in the proposed district as shown by the current assessment roll of the city.
- (4) No public improvement to be financed in whole or [in] part by special assessment shall be made before the confirmation of the special assessment roll for such improvement.

### **Section 11.3. Special Assessment Powers.**

The Council shall, in the exercise of its powers of special assessment, have power to provide for the following, but this list shall not be exclusive:

- (a) For the construction of public parking facilities as a public improvement financed in whole or [in] part by the special assessment method.
- (b) For installing a boulevard lighting system on any street as a public improvement to be financed in whole or [in] part by special assessment upon the lands abutting thereupon, provided that the property owners of a majority of a frontage on such street or part thereof to be so improved shall petition therefor.
- (c) For the payment of special assessments in annual installments not to exceed fifteen in number, the first such installment to be due either upon confirmation of the special assessment roll or on the following July first and subsequent installments to be due on July first of succeeding years and to be placed upon the annual city tax roll, and for an interest charge only until the due date of each such deferred installment not to exceed six per cent per year, subject to the right of advance payment of any such installment with interest only to the date of payment.
- (d) For making additional pro rata assessments 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 per cent of the assessment as originally confirmed unless a meeting of the Council be held to review such additional assessment, for which meeting notices shall be mailed as provided in the case of review of the original special assessment roll.

### **Section 11.4. 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 city if such excess is five per cent or less of the assessment, but should the assessment prove larger than necessary by more than five per cent the entire excess shall be refunded on a pro rata basis to the owners of the property assessed. Such refund shall be made by credit against future unpaid installments to the extent such installments then exist and the balance of such refund shall be in cash. No refunds may be made which contravene the provisions of any outstanding evidence of indebtedness secured in whole or [in] part by such special assessment.

### **Section 11.5. Correction of Invalid Special Assessments.**

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 assessments have been paid or not, have power to cause a new assessment to be made for the same purpose for which the former



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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 city upon the premises assessed for such amount of the assessment as may be equitably charged against the same or as by regular mode of proceeding might have been lawfully assessed thereupon.

### **Section 11.6. 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 (1) 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 (2) unless such suit or action shall be commenced within sixty days after confirmation of the roll.

State law reference(s)—Statement of right to file written appeal, MCL 211.746.

### **Section 11.7. Collection of Special Assessments.**

Upon the confirmation of each special assessment roll the special assessments shall become a debt to the city from the persons to whom they are assessed and shall until paid be a lien upon the property assessed for the amount of such assessment and all interest and charges thereon. Such lien shall be of the same character and effect as created by this charter for city taxes. Such assessments shall become due upon confirmation of the special assessment roll except as may be provided by the Council pursuant to Section 11.3(c).

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 due date of such assessment or instrument. On the first day of the third month following such due date the Treasurer shall add to any assessment or initial installment paid thereafter a collection fee of four per cent of the amount of the assessment.

All collection fees shall belong to the city and be collectible in the same manner as the collection fee on city taxes.

Special assessments, or installments thereof, which become due on July first of any year shall be collected in all respects as are city taxes due on such date, and if uncollected on the following first day of March, shall be returned to the County Treasurer with unpaid taxes as provided in Section 9.18.

Special assessments or initial installments which become due other than on July first shall, if unpaid for ninety days or more on May first of any year, be certified as delinquent to the Council by the Treasurer and the Council shall place such delinquent assessments on the tax roll for that year together with accrued collection fees to July first of such year. The total amount of such assessment and fees shall thereafter be collected in all respects as are city taxes due on July first of that year, shall be subject to the same fees and penalties as are city taxes due on that date and if uncollected on the following March first shall be returned to the County Treasurer with unpaid taxes as provided in Section 9.18.

### **Section 11.8. 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

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improvement for which the assessment was levied and expenses incidental thereto or to repay any money borrowed therefor.

### **Section 11.9. Assessments for Removal of Hazards, Etc.**

The assessment for the cost of the construction or maintenance of any sidewalk or the abatement of any hazard or nuisance, to be made pursuant to Section 2.2(u) or Section 2.2(v) shall be made by resolution of the Council. Notice of the time at which the Council will act thereon shall be given by first class mail to the owner of the property to be assessed as shown by the current tax roll of the city.

For the purposes of collection of such assessment, the adoption of such resolution shall be equivalent to the confirmation of a special assessment roll. The amount of any such assessment shall become a debt due to the city upon adoption of such resolution, be payable and subject to the collection fees and shall become a lien, all as provided in Section 11.7. Every such assessment shall also be subject to Sections 11.4, 11.5 and 11.6.

### **Section 11.10. Failure to Receive Notice.**

Failure of any owner to receive any notice required to be sent by this chapter shall not invalidate any special assessment or special assessment roll.

Editor's note(s)—The failure to give notice does invalidate the assessment on the property lacking notice in some circumstances. See MCL 211.744.

## **CHAPTER 12. MUNICIPALLY OWNED UTILITIES<sup>8</sup>**

### **Section 12.1. General Powers Respecting Utilities.**

The city shall possess and hereby reserves to itself all the powers granted to cities by law to acquire, construct, own, operate, improve, enlarge, extend[,] 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 law.

### **Section 12.2. Management of Municipally Owned Utilities.**

All municipally owned utilities shall be administered as a regular department of the city government under the management and supervision of the City Manager.

### **Section 12.3. Rates.**

The Council shall have the power to fix from time to time such just and reasonable rates as may be deemed advisable for supplying the inhabitants of the city and others with such public utility services as the city may provide.

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<sup>8</sup>State law reference(s)—Restrictions on municipal utilities, Mich. Const. 1963, art. VII, §§ 24, 25.

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#### **Section 12.4. Utility Rates and Charges: Collection.**

The Council shall provide by ordinance for the collection of all public utility rates and charges of the city. Such ordinance shall provide:

- (a) That the city shall have as security for the collection of such utility rates and charges a lien upon the real property supplied by such utility, which lien shall become effective immediately upon the supplying of such utility service and shall be enforced in the manner provided in such ordinance;
- (b) The terms and conditions under which utility services may be discontinued in case of delinquency in paying such rates or charges;
- (c) That suit may be instituted by the city in any court of competent jurisdiction for the collection of such rates or charges.

With respect to the collection of rates charged for water the city shall have all the powers granted to cities by Act No. 178 of the Public Acts of Michigan of 1939 (MCL 123.161 et seq.), as amended.

#### **Section 12.5. Disposal of Utility Plants and Property.**

Unless approved by a three-fifths majority vote of the electors voting thereon at a regular or special election, the city 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. All contracts, negotiations, license, grants, leases or other forms of transfer in violation of this section shall be void and of no effect as against the city. The restrictions of this section shall not apply to the sale or exchange of any articles of machinery or equipment of any city owned public utility which are worn out or useless or which have been, or could with advantage to the service, be replaced by new and improved machinery or equipment.

#### **Section 12.6. Utility Accounts.**

Transactions pertaining to the ownership and operation by the city 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 city 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 City Manager.

### **CHAPTER 13. FRANCHISES—CONTRACTS—LEASES**

#### **Section 13.1. Franchises, Contracts and Leases Remain in Effect.**

All franchises, contracts and leases to which the Village or city is a party when this charter becomes effective shall remain in full force and effect in accordance with their respective terms and conditions.

#### **Section 13.2. Granting of Public Utility Franchise.**

Public utility franchises and all renewals and 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.

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No franchise ordinance which is not subject to revocation at the will of the Council shall be enacted nor become operative until the same shall have first been referred to the people at a regular or special election and received the affirmative vote of three-fifths of the electors voting thereon. No such franchise ordinance shall be approved by the Council for referral to the electorate before thirty days after application therefor has been filed with the Council, nor until a public hearing has been held thereon, nor until the grantee named therein has filed with the Clerk his unconditional acceptance of all terms of such franchise. No special election for such purpose shall be ordered by the 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 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 complete 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.

State law reference(s)—Submittal to electors required if franchise irrevocable, Mich. Const. 1963, art. VII, § 25; expense of special election to be paid by grantee, MCL 117.5(i); franchise limited to 30 years, Mich. Const. 1963, art. VII, § 30.

### **Section 13.3. 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 city, 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 city 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 impose such other regulations as may be determined by the Council to be conducive to the safety, welfare and accommodation of the public;
- (f) To use, control and regulate the use of its streets, alleys, bridges and public places and the space above and beneath them.

### **Section 13.4. 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 13.5. 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 city harmless from all damages arising from said use. Every such public utility may be required by the city

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to permit joint use of its property and appurtenances located in the streets, alleys and other public places of the city by the city and by other utilities insofar as such 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.

### **Section 13.6. Contracts.**

The authority to contract on behalf of the City is vested in the Council and shall be exercised in accordance with the provisions of the statutes and of this Charter, except that purchases and sales may be made by the City Manager subject to the provisions of Section 8.8. The City Council shall provide detailed procedures for the purchase and sale of property by ordinance, which ordinance may include provisions for legal review of such contracts and require that funds be available for such purchases. No contract shall be amended after same has been made except upon the authority of the Council. No compensation shall be paid to any contractor except in accordance with the terms of the contract. No contract shall be made with any person, firm or corporation who is in default to the City.

(Adopted by electors 11-6-1986)

### **Section 13.7. Leases.**

No lease of public property to any person, firm or corporation which is not subject to revocation by the Council upon thirty days notice to the lessee shall be made 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 lease shall be approved by the Council for referral to the electorate before thirty days after application therefor has been filed with the Council, nor until a public hearing has been held thereon, nor until the lessee named therein has filed with the Clerk his unconditional acceptance of all terms of such lease.

## **CHAPTER 14. SUPERVISORS<sup>9</sup>**

## **CHAPTER 15. COURT<sup>10</sup>**

### **Section 15.1. Establishment of Courts.**

There is hereby established a Court in the city. The presiding officer of such Court shall be a justice of the peace elected in accordance with the provisions of this charter. This Court is created under the authority of Section 28 of Act No. 279 of the Public Acts of Michigan of 1909 (MCL 117.1 et seq.), as amended.

### **Section 15.2. Title of Court.**

(a) The Court shall be entitled "Municipal Court."

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<sup>9</sup>Editor's note(s)—This chapter was repealed by Charter amendment. Adopted by electors 11-6-86.

<sup>10</sup>State law reference(s)—Retention of municipal courts in certain cities, MCL 600.9928.

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- (b) The justice of the peace shall be entitled "Municipal Judge" and shall be so designated in nominating petitions, on election ballots and in all other election procedures.
  - (c) The Court shall be referred to in all process, pleadings and proceedings therein as the Municipal Court of the City of Grosse Pointe Woods, and the justice of the peace thereof shall be referred to in such process, pleadings and proceedings as the Municipal Judge of the City of Grosse Pointe Woods.

### **Section 15.3. Qualifications of Presiding Officer of Court.**

The Municipal Judge of the Court shall meet the eligibility requirements contained in Section 5.1 and shall be an attorney admitted to practice law in the Supreme Court of this State immediately preceding the date of his appointment or election. Neither he nor his business partners or employees shall have any part in any case before this Court.

(Adopted by electors 11-5-1996)

### **Section 15.4. Compensation of Municipal Judge.**

The Municipal Judge of the Court shall receive annual compensation of nine thousand dollars.

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

(Adopted by electors 11-5-1996)

Editor's note(s)—The compensation of the municipal judge is now established by the local officers compensation commission under Code § 2-251 et seq. See also Code § 26-31.

### **Section 15.5. Bond.**

The presiding officer of the Court shall, before entering upon the duties of his office, give a bond to the City of Grosse Pointe Woods and to the Treasurer of the County of Wayne, each in such sum as shall be set by ordinance or statute and which shall in no case be less than two thousand dollars each. Such bonds shall be subject to the provisions of Section 5.7.

### **Section 15.6. Jurisdiction of Court.**

- (1) *General Jurisdiction.* The Court shall have and exercise within the City of Grosse Pointe Woods and County of Wayne the same jurisdiction, powers and duties as are or may be conferred upon or required of Judges in cities and townships by statute and shall be subject to such statutes with respect to such Judges except as otherwise provided in this charter. The Court shall have concurrent jurisdiction with other Judges in Wayne County as to all crimes, offenses and misdemeanors alleged to have been committed within Wayne County, whether within or without the city.
- (2) *Charter and Ordinance Cases.* The Court shall have authority to hear, try and determine all suits and prosecutions for the recovery and enforcing of fines, penalties and forfeitures imposed by this charter and the ordinances of the city, and to punish offenders for the violation of such charter and ordinances as in the charter or ordinances prescribed and directed.
- (3) *Extended Jurisdiction.* The Court shall also have jurisdiction to the amount of fifteen hundred dollars in all civil matters ex contractu and ex delicto with such exceptions and restrictions as are provided by law.

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- (4) *Additional Authority.* The Court shall have additional jurisdiction, powers and duties as may now or hereafter be conferred upon such courts by statute.

(Adopted by electors 11-5-1996)

### **Section 15.7. Fees and Costs.**

The Council shall by ordinance establish and fix the fees and costs which may be taxed by the Court in all civil matters and in all cases for the violations of the charter or city ordinances and in such criminal cases which will not be inconsistent with the general laws of the state. Such ordinances shall be originally enacted within ninety days after the effective date of this charter.

### **Section 15.8. Disposition of Fees, Cost and Fines; Fees in State Criminal Cases.**

- (a) *Civil Cases.* All fees in civil cases shall be collected by the Court and turned over to the City Treasurer on or before the first day of the next month after collection or receipt thereof and shall be credited to the general fund of the city.
- (b) *State Criminal Cases.*
- (1) All fees and costs in state criminal cases shall be charged and presented to and audited by the Board of Supervisors of Wayne County, in the same manner and amounts as provided by law in the cases of justices of the peace in townships, and upon allowance by said Board, shall be paid monthly by said county to the City Treasurer for the use and benefit of the city and shall be credited to the general fund of the city. The expenses of prosecution before the Court for violations of criminal laws of the state and in punishing the offenders shall be paid by the County of Wayne.
  - (2) All fees, costs, penalties and forfeitures imposed by the Court in state criminal cases shall be paid over by the Court to the County Treasurer within thirty days after the receipt thereof.
- (c) *Charter and Ordinance Violations.* All fines, costs, penalties, forfeitures and moneys collected or received by the Court on account of violations of any provisions of the charter or ordinances of the city shall be paid over by the Court to the City Treasurer on or before the first day of the next month after collection or receipt thereof and shall be credited to the general fund of the city.
- (d) *Failure to Comply.* Failure of the presiding officer of the Court to comply with the provisions of this section shall constitute misconduct in office.

### **Section 15.9. Place and Conduct of Court.**

The Council shall furnish necessary supplies and a suitable place for conducting Court. It may regulate the hours of Court and may make other necessary and proper rules and regulations for the conduct of the business of the Court which are not inconsistent with this charter or statute.

The presiding officer of the Court shall file with the Council promptly after the end of the fiscal year an annual report of the Court in such detail as the Council shall prescribe.

### **Section 15.10. Docket.**

There shall be kept at the place of holding court a docket in the manner required by statute. Failure of the presiding officer of the court to make provision for the maintenance of such a docket shall constitute misconduct in office.

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### **Section 15.11. Transfer of Cases.**

In case of the absence, disability or disqualification of the presiding officer of the Court, any other justice of the peace or Municipal Judge in the County of Wayne shall be qualified to act in his place and for him in the performance of any of the duties imposed upon him by statute or this charter; and shall so act when called upon in the manner and under the conditions herein set forth. The Council shall by ordinance fix the compensation to be paid Justices or Judges for such services and the procedure to be followed in calling upon them so to act. Unless the Council shall so provide by ordinance, no such Justice or Judge shall so act or be entitled to compensation therefor.

### **Section 15.12. Court Clerk.**

The Council may by ordinance provide for a court clerk and one or more deputy clerks to perform such duties as shall be therein prescribed. Such clerk and deputy clerks shall also, by virtue of their office, have the statutory powers to administer oaths to persons making affidavits for writs in civil causes and to issue all process and test the same in the name of the presiding officer of the Court and shall be required to collect all fees, costs, fines and other moneys paid into court and to keep a record book of the same and to pay over all such moneys to the authorities of the city or county or other persons entitled to the same as directed by this charter, the proper authorities or by law, and the Council shall cause such book to audited annually.

### **Section 15.13. Court Officers.**

The City Manager upon request of the presiding officer of the Court, may assign a police officer of the city to the Court who shall have all the duties and powers of court officers of the Circuit Courts of the state and shall serve in such capacity during the pleasure of the City Manager. Such officer shall receive no compensation except such as he may be entitled to as a police officer. All fees and mileage allowances received by such officer in the performance of the duties imposed upon him shall be paid into the City Treasury in accordance with Section 5.10.

### **Section 15.14. Constables.**

The City Manager shall appoint one or more police officers of the city as Constables. Such Constables shall have like powers and authority in matters of civil and criminal nature, and in relation to the service of process, civil and criminal, as are conferred by law on Constables in townships. They shall have power also to serve all process issued for breaches of ordinances of the city. The bond of Constables shall be that required of Constables in townships and shall otherwise be subject to the provisions of Section 5.7. The Statutory fees received by such Constables shall be paid into the city treasury in accordance with Section 5.10.

Editor's note(s)—Constables were abolished pursuant to MCL 117.32.

### **Section 15.15. Violations Bureau.**

The Council shall have power and authority to establish by ordinance a Violations Bureau within the Court for the handling of such violations of ordinances and regulations of the city, or parts thereof, as prescribed in the ordinance establishing such Bureau. Any person who has received any notice to appear in answer to a charge of violating any of such ordinances may within the time specified in the notice of such charge answer at the Violations Bureau to the charges set forth in such notice by paying a fine prescribed by ordinance which cannot be waived by the Bureau, and in writing pleading guilty to the charge, waiving a hearing in court and giving power of attorney to make such a plea and pay such fine in court. Acceptance of the prescribed fine and the power of attorney by the Bureau shall be deemed to be complete satisfaction for the violation, and the violator shall be given a receipt



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which so states. The creation of such a Bureau shall not operate so as to deprive any person of a full and impartial hearing in Court should such person so choose.

## **CHAPTER 16. RETIREMENT SYSTEM<sup>11</sup>**

## **CHAPTER 17. MISCELLANEOUS**

### **Section 17.1. City Liability.**

The city shall not be liable for damages sustained by any person either to his person or property by reason of the negligence of the city [or] its officers or employees, nor by reason of any defective condition of or obstruction in any public place unless such person shall serve or cause to be served upon the Clerk within sixty days after the injury resulting in such damages shall have occurred a notice in writing, which notice shall set forth substantially the time and place of such injury, the manner in which it occurred, the extent of such damages as far as the same has become known, the names and addresses of the witnesses known at the time by the claimant and a statement that the person sustaining such damages intends to hold the city liable for such damages as may have been sustained by him.

The city shall not be liable for any damages to person or property arising out of any such injury unless there shall have been first presented to the Clerk a claim in writing and under oath setting forth particularly the time, place, nature and extent of such injury and the amount of damages claimed by reason thereof. No person shall bring any action against the city for any damages until such claim shall have been filed with the Clerk and until the Council shall have been given opportunity to act thereon either by allowing or refusing to allow the claim.

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

Editor's note(s)—Liability for negligence of city in governmental functions is governed by MCL 691.1401 et seq.

### **Section 17.2. No Estoppel.**

No estoppel may be created against the city.

### **Section 17.3. Vested Rights Continued.**

After the effective date of this charter, the city shall be vested with all the property, moneys, contracts, rights, credits, effects and the records, files, books and papers belonging to the Village. No right or liability, either in favor of or against the Village, existing at the time this charter becomes effective and no suit or prosecution of any character shall in any manner be affected by any change, resulting from the adoption of this charter, but the same shall stand or proceed as if no change has been made. All debts and liabilities of the Village shall be the debts and liabilities of the city and all fines and penalties imposed at the time of such change shall be collected.

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<sup>11</sup>Editor's note(s)—This chapter was repealed on March 31, 1987.

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#### **Section 17.4. 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 17.5. Vacancies in Appointive Boards and Commissions.**

Except as otherwise provided in this charter, if a vacancy occurs in the membership of any appointive board or commission, the authority responsible for the appointment of the person whose position has become vacant shall fill such vacancy by appointment of a qualified person for the unexpired term of such person.

#### **Section 17.6. Records to Be Public.**

All records of the city shall be public, shall be kept in city offices except when required for official reasons or for purposes of safe keeping to be elsewhere and shall be available for inspection at all reasonable times.

State law reference(s)—Freedom of information act, MCL 15.231 et seq.

#### **Section 17.7. 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 publishing an appropriate insertion in a newspaper published in the English language for the dissemination of news of a general character which newspaper shall have had a general circulation at regular intervals in the city or Village for at least two years immediately preceding the time that it is used for such publication purposes. The affidavit of the printer or publisher of such newspaper, or of his foreman or principal clerk, annexed to a printed copy of such notice, ordinance or proceeding taken from the paper in which it was published and specifying the times of publication shall be prima facie evidence of such publication.

In any case in which this charter requires 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 17.8. Sundays and Holidays.**

Whenever the date fixed by this charter for the doing or completion of any 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 17.9. Chapter and Section Headings.**

The chapter, section and subsection headings used in this charter are for convenience only and shall not be considered as part of the charter.

#### **Section 17.10. Interpretations.**

Except as otherwise specifically provided or indicated by the context:

- (1) 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.

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- (2) 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.
  - (3) The word "person" may extend and be applied to bodies politic and corporate and to partnerships as well as to individuals.
  - (4) The words "printed" and "printing" shall include reductions by printing, engraving, stencil duplicating, lithographing or any similar method.
  - (5) Except in reference to signatures, the words "written" and "in writing" shall include printing and typewriting.
  - (6) The word "Village" shall mean the municipal corporation of Grosse Pointe Woods as it existed prior to the effective date of this charter including the period from and after its incorporation as a city and until such effective date.
  - (7) The word "officer" shall include the Mayor and other members of the Council, the administrative officers, members of city boards and commissions created by or pursuant to this charter, the Municipal Judge (justice of the peace) and a Court Clerk if one shall be appointed.
  - (8) The word "statute" shall denote the Public Acts of the State of Michigan in effect at the time the provision of the charter containing the word "statute" is to be applied.
  - (9) All references to specific Public Acts of the State of Michigan shall be to such acts as are in effect at the time the reference to such act is to be applied.
  - (10) The words "law" or "general laws of the state" shall denote the Constitution and the Public Acts of the State of Michigan in effect at the time the provision of the charter containing the words "law" or "general laws of the state" is to be applied, and applicable common law.
  - (11) All references to section numbers shall refer to section numbers of this charter.

#### **Section 17.11. Penalties for Violations of Charter.**

Any officer of the city found guilty by a court of competent jurisdiction of any act declared by this charter to constitute misconduct in office may be punished by a fine of not to exceed five hundred dollars or imprisonment for not to exceed ninety days or both in 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 Section 5.2.

#### **Section 17.12. 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 the one receiving the largest affirmative vote shall prevail as to those provisions.

#### **Section 17.13. 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 applications are not determined by the court to be inoperable and to this end this charter is declared to be severable.

### **CHAPTER 18. SCHEDULE**

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## Section 18.1. Election on Adoption of Charter.

- (1) *Date.* This charter shall be submitted to a vote of the registered electors of the City of Grosse Pointe Woods at a special election to be held on Monday, December 11, 1950. At the same special election the elective officers provided for in this charter shall also be elected as hereinafter provided. The charter shall be adopted if a majority of the ballots cast thereon are in favor of adoption.

- (2) *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.

Shall the proposed charter for the City of Grosse Pointe Woods drafted by the Charter Commission elected on June 19, 1950, be adopted?

Yes

No

- (3) *Election Commission.* The Charter Commission of the City of Grosse Pointe Woods shall be the Election Commission for this election. The Chairman of the Charter Commission shall be Chairman of the Election Commission, and the Village Clerk shall act as Secretary of the Commission and shall perform such duties in connection with the work of the Commission as are prescribed by the Commission and this charter.
- (4) *Inspectors of Election.* The inspectors of election for this election shall be those persons designated by the Charter Commission in its meeting on October 30, 1950.
- (5) *Board of Canvassers.* The board of canvassers for this election shall be the Village President, Village Clerk and Village Treasurer of Grosse Pointe Woods. The board shall meet in the municipal building of the Village and city at 8 P.M., Tuesday, December 12, 1950, to canvass the results of such election.
- (6) *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 city. Said board shall be authorized to procure the necessary books or files and forms to conduct such registration. The last day for registration shall be November 21, 1950, the twentieth day preceding the election. The board of registration shall on such last day for registration procure from the Village Clerk the records of the Clerk of the persons who are registered Village electors and shall incorporate such records with their records and shall cause all such persons to be registered as city electors in the same manner as though such persons had then and there applied for registration and all such persons shall be deemed to be registered as city electors. Subsequent to the election, the registration records shall be delivered to the Clerk.
- (7) *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 publishing the same in the Grosse Pointe News and Grosse Pointe Review on November 9 and November 16, 1950, said first publication being not less than ten days prior to the last day for receiving registration.
- (8) *Notice of Election.* The Secretary of the Election Commission shall cause to be published with the publication of this charter, and again in the Grosse Pointe News and the Grosse Pointe Review on November 30 and December 7, 1950, a notice of this election, the location of the polling places, that on the date fixed therefor the question of adopting such proposed charter will be voted on and that the elective officers provided for in the charter will be elected on the same date. He shall also post such notice in at least ten public places within the Village not less than ten days prior to such election.
- (9) *Procedure Governing Election.* In all respects not otherwise provided for in [this] Chapter 18 of this charter, the election procedure shall be in accordance with the provisions of the other chapters of this charter.

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## **Section 18.2. First Election of City Officers.**

- (1) *Election.* The first election of officers provided for in this charter shall be held on Monday, December 11, 1950, in conjunction with the election on the adoption of this charter. At this election the voters shall be entitled to vote for a Mayor, not more than six candidates for Council and not more than one candidate for the Municipal Judge (justice of the peace).
- (2) *Terms.* The three candidates for Council who receive the three highest numbers of votes shall be declared elected for a term beginning on Wednesday, December 13, 1950, and ending on the Monday next following the date of the regular city election in 1953. The three candidates for Council who receive the fourth, fifth and sixth highest numbers of votes shall be declared elected for a term beginning on Wednesday, December 13, 1950, and ending on the Monday next following the date of the regular city election in 1952. The Municipal Judge (justice of the peace) who receives the highest number of votes shall be declared elected for a term beginning on Wednesday, December 13, 1950, and ending on the fourth day of July, 1954. After this election the provisions contained in this charter relative to elections and terms of elective officers shall govern.
- (3) *Nomination.* Candidates shall be nominated by petition in a manner identical to that provided for in Section[s] 3.9 to 3.12, inclusive, except that (1) petitions shall be filed with the Secretary of the Election Commission who shall perform all the duties in connection with such nomination petitions as are required by this charter of [sic] the Clerk, and (2) nomination petitions shall be filed at least fourteen and not more than twenty-one days prior to December 11, 1950. The Secretary of the Election Commission shall on November 16, 1950, make available a supply of official petition forms as required by Section 3.10. Notice of the days permitted for filing nomination petitions and the number of persons to be elected to each office shall be published by the Secretary of the Election Commission in the Grosse Pointe Review and the Grosse Pointe News on November 9, 16 and 23, 1950, other provisions of this charter notwithstanding. The names of those candidates who file valid and sufficient nomination petitions and have the qualifications required for their respective office shall be certified to the Election Commission to be placed on the ballot.
- (4) *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 Section 18.1.

## **Section 18.3. 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 first city officers, this charter shall take effect on November 16, 1950. For all other purposes this charter shall take effect on Wednesday, December 13, 1950, at 8[:00] P.M. Eastern Standard Time. At such time the officers first elected under this charter shall assemble in the municipal Council chambers. The meeting shall be called to order by the Chairman of the Charter Commission. Each elective officer shall take and subscribe to his oath of office as administered by said Chairman, and shall thereupon be qualified for, and shall assume the duties of, his office.

At the time the elective officers of the city assume the duties of their respective offices, the Village Commission shall cease to be and the office of each and every member thereof shall terminate, and all other elective village offices shall thereupon cease to be and terminate. The control of such Village Commission and Village officers and of the officers of the Township of Grosse Pointe over that territory which was formerly the Village shall cease and be superseded by that of the Council and officers of the City of Grosse Pointe Woods.

## **Section 18.4. Continuation of Appointed Officers and Employees.**

After the effective date of this charter all appointive officers and all employees of the Village shall continue in that city office or employment which corresponds to the Village office or employment which they held prior to the

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effective date of the charter as though they had been appointed or employed in the manner provided in this charter, and they shall in all respects be subject to the provisions of this charter; except that the terms of office of all members of the Village Board of Review shall terminate on December 13, 1950, and except that any officer or employee who holds a position which this charter provides be held at the will or pleasure of the appointing officer or body shall hold such position only at such will or pleasure regardless of the term for which originally appointed.

### **Section 18.5. First Board of Review.**

Before February 1, 1951, the Council shall appoint a Board of Review of three freeholders who meet the qualifications for such office as provided in this charter and shall fix their compensation. One such member shall be designated to serve for a term expiring in January 1952, one for a term expiring in January, 1953, and one for a term expiring in January, 1954. Thereafter the provisions of Section 9.6 shall govern.

### **Section 18.6. Interim Financial Provisions.**

The Council shall, at its first meeting on December 13, 1950, by resolution continue as city appropriations the unencumbered balances of the appropriations made by the previous Village Commission of Grosse Pointe Woods until March 31, 1951, and these appropriations shall then be deemed to be city appropriations and the fiscal year of the Village shall be completed by the city as though no governmental change had been made. At the close of business on March 31, 1951 the balances of all appropriations not then encumbered shall revert to the general fund of the city.

The period from April 1, 1951, to June 30, 1951, inclusive, shall constitute a special interim fiscal, budget and tax period to accomplish the transition from the previously existing fiscal year. A budget for such special fiscal period shall be prepared and adopted and administered in accordance with Sections 8.2 to 8.5 inclusive, except that the City Manager shall submit the budget to the Council on or before March 1, 1951, and the budget shall be adopted not later than March 31, 1951. At the time of the adoption of the budget, the Council shall appropriate the money needed for municipal purposes for the three-month interim fiscal period and shall provide a levy of the amount necessary to be raised by taxes upon real and personal property for such purposes. Such levy shall not exceed one-fourth of the annual limit of two per cent of the assessed value of all real and personal property subject to taxation in the city. Such levy shall be spread on the tax roll which becomes due and payable on July 1, 1951 in addition to the regular taxes for the fiscal year beginning July 1, 1951, and the amounts of taxes for these two levies may be combined for the purpose of convenience in spreading of the roll and preparation of the tax bills. Taxes for the interim period shall be collected in all respects as provided in this charter for the collection of city taxes.

There shall be an audit of this interim fiscal period in accordance with the provisions of Section 8.7.

### **Section 18.7. Township Assets and Liabilities.**

As soon as practicable the Council shall take all necessary and proper action to obtain the division between the city and the Township of Grosse Pointe of the assets and liabilities of such township.

### **Section 18.8. Status of Schedule Chapter.**

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

RESOLUTION OF ADOPTION

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At a regular meeting of the Charter Commission of the City of Grosse Pointe Woods held on the thirtieth day of October, 1950, the following resolution was offered by Commissioner Burgess:

RESOLVED, that the Charter Commission of the City of Grosse Pointe Woods does hereby adopt the foregoing proposed charter for the City of Grosse Pointe Woods, and the Secretary of this Commission is directed to transmit a copy of this charter to the Governor of the State of Michigan for his approval in accordance with statute, and to cause this proposed charter to be published in the Grosse Pointe Review on November 16, 1950.

The resolution was seconded by Commissioner Eyre and adopted by the following votes:

YEAS: Commissioners Beauchamp, Beever, Burgess, Diesing, Eyre, Harkness, Love, McKnight and Savage.

NO: None.

ABSENT: None.

The Chairman declared the foregoing resolution carried unanimously and requested the members of the Charter Commission to authenticate said resolution and also the copy of the charter to be presented to the Governor by attesting their names thereto in the following manner:

GEORGE A. BEAUCHAMP	RUSSELL M. HARKNESS
ALBERT BEEVER	HAROLD O. LOVE
GEORGE M. BURGESS	WAID H. McKNIGHT
ARNOLD L. DIESING	HERBERT N. SAVAGE
ALBERT L. EYRE	

All of the Commissioners having attested as to said resolution and also having attested the copy to be signed by the Governor, the meeting adjourned subject to the call of the Chairman.

STATE OF MICHIGAN,

COUNTY OF WAYNE, ss.

Russell M. Harkness, Secretary of the Charter Commission of the City of Grosse Pointe Woods, being duly sworn says that at an election duly called and held in the Village of Grosse Pointe Woods on the 19th day of June, 1950, the following named persons were duly elected as the Charter Commission to frame a revised charter for the city, namely: George A. Beauchamp, Albert Beever, George M. Burgess, Arnold L. Diesing, Albert L. Eyre, Russell M. Harkness, Harold O. Love, Waid H. McKnight and Herbert N. Savage, and that the annexed the foregoing [sic] charter was duly adopted by said Charter Commission by the foregoing resolution which is a true and correct copy thereof, and that the said Charter Commission directed that said charter be presented to the electors of the City of Grosse Pointe Woods in accordance with the requirements of this charter and the laws of the State of Michigan. Further deponent sayeth not.

RUSSELL M. HARKNESS,

Secretary of the Charter Commission of the City of Grosse Pointe Woods.

Dated: October 30, 1950.

Subscribed and sworn to before me this 30th day of October, 1950.

LUCILLE BROWN,

Notary Public, Wayne County, Michigan. My commission expires October 31, 1953.

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I do hereby approve the above and foregoing charter of the City of Grosse Pointe Woods.

Approved G. MENNEN WILLIAMS,

Governor of the State of Michigan. Dated: November 9, 1950