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Charter of the City of Plymouth

PREAMBLE

In order to establish a more perfect municipal government and to better provide for, promote and maintain the essential interests of all our people, the citizens of this City, under the Constitution and Laws of the State of Michigan do ordain and establish this charter for the City of Plymouth.

CHAPTER 1.

(1) Section 1. The City of Plymouth shall be and continue a body politic and corporate under the Constitution and Laws of the State of Michigan.

(2) Section 2. The City is constituted of the people residing within the territorial boundaries herein specified, and the lands and other real property embraced therein and all other property having a situs actual in contemplation of law within the same.

(3) Section 3. The City of Plymouth shall constitute one ward.

BOUNDARIES.

(4) Section 4. The City of Plymouth shall include the territory described as follows, to wit: The east half of section twenty-seven (E. $\frac{1}{2}$ Sec. 27); the northeast quarter of section thirty-four (N. E. $\frac{1}{4}$ Sec. 34); the west half of section twenty-six (W. $\frac{1}{2}$ Sec. 26); the northwest quarter of section thirty-five (N. W. $\frac{1}{4}$ Sec. 35); the northwest quarter of the northwest quarter of section thirty-five (N. W. $\frac{1}{4}$ of N. W. $\frac{1}{4}$ of N. E. $\frac{1}{4}$ Sec. 35); the west half of the northeast quarter of section twenty-six (W. $\frac{1}{2}$ of N. E. $\frac{1}{4}$ Sec. 26); the southeast quarter of the southwest quarter of section twenty-three (S. E. $\frac{1}{4}$ of S. W. $\frac{1}{4}$ Sec. 23); the southwest quarter of the southeast quarter of section twenty-three (S. W. $\frac{1}{4}$ of S. E. $\frac{1}{4}$ Sec. 23); and an area described as follows: Beginning at the south quarter post of section twenty-two (22); running thence north along the west line of the southeast quarter of section twenty-two (22) to the south property line of the Pere Marquette Railroad; thence east-southeasterly along the south property line of the Pere Marquette Railroad to its intersection with the south line of section twenty-three (23) at a point seven hundred fifty-four (754.0) feet east of the southwest corner of section twenty-three (23); thence west along the south lines of sections twenty-three (23) and twenty-two (22) to the point of beginning, all of which is situated in Town One South, Range Eight East (T. 1 S., R. 8 E.) Wayne County, Michigan.

GENERAL POWERS.

(5) Section 5. The City shall have power to exercise any and all of the powers which cities are and—may hereafter be permitted to exercise under the constitution and laws of the State of Michigan, as fully and completely as though the powers were specifically enumerated herein, and no enumeration of particular powers of the city in this charter shall be held to be exclusive.

CHAPTER 2.

REGISTRATIONS, NOMINATIONS AND ELECTIONS.

ELECTION PRECINCTS.

(6) Section 1. There shall be two election precincts within the boundaries of the City, such precincts to be determined by the City Commission. Whenever the number of votes cast at any regular City election shall exceed six hundred (600) in any one precinct, the City Commission may, from time to time, divide and re-arrange the City into such election precincts as may be convenient or as may be prescribed by state law.

REGISTRATION.

BOARD OF REGISTRATION.

(7) Section 2. The Commission shall, at least twenty-one (21) days prior to each regular or special election, appoint two qualified electors of the City, who shall, together with the City Clerk, be the Board of Registration. On the second Saturday prior to the day of holding any regular, special or primary election, and on any other day that the Commission may appoint, such board shall be in session at the office of the City Clerk from 9 o'clock in the forenoon until 8:30 in the afternoon, central standard time, for the purpose of completing the registration of the electors of the City; and in case of the absence of either of the electors so appointed, those who shall be in attendance are authorized to appoint some competent person, who shall be a qualified elector of the City, to fill the vacancy occasioned by such absence. Notice of the time and the place of holding such registration shall be given with the notice of said election. Members of the Board of Registration shall receive such compensation as may be approved by the City Commission, such compensation not to exceed five dollars (\$5.00) per day.

PROCEDURE OF REGISTRATION.

(8) Section 3. The procedure of registration of qualified electors of the City shall be in conformity with the provisions of the general laws of the State.

NOMINATION.

(9) Section 4. The mode of nomination of all elective officers provided for by this charter shall be by petition. The name of any elector of the City shall be printed upon the ballot, whenever a petition as hereinafter prescribed shall have been filed in his behalf with the election authorities. Such petition shall be signed by at least twenty-five (25) electors, and filed on or before the first day of February.

No elector shall sign petitions for more candidates than the number of places of that particular designation to be filled at the election and should he do so his signature shall be void as to the petition or petitions last filed.

(10) Section 5. The signatures to the nomination petition need not all be appended to one paper, but to each separate paper there shall be attached an affidavit of the circulator thereof, stating the number of signers of such paper and that each signature appended thereto was made in his presence and is the genuine signature of the person whose name it purports to be. With each signature shall be stated the place of residence of the signer, giving the street and number or other description sufficient to identify the same. The form of the nomination petition shall be substantially as follows:

We, the undersigned, electors of the City of Plymouth hereby Nominate _____ whose residence is _____ for the office of _____ to be voted for at the election to be held in the City of Plymouth on the _____ day of _____ 19____ and we individually certify that we are qualified to vote for a

candidate for the above office and that we have not signed more nomination petitions of candidates for this office than there are persons to be elected thereto.

Name _____
Street and Number _____
(Space for Signature)

being duly sworn, deposes and says that he is the circulator of the foregoing petition paper containing _____ signatures, and that the signatures appended thereto were made in his presence and are the signatures of the persons whose names they purport to be.

(Signed) _____
Subscribed and sworn to before me this _____ day _____
Justice of the Peace (or Notary Public).

This petition, if found insufficient by the election authorities, shall be returned to _____ at No. _____ Street

The City Clerk shall prepare and keep on hand blank forms of the nomination petitions above prescribed, for the use of the voters and candidates in said City.

All such nomination petitions shall be open to public inspection after being filed in the office of the City Clerk, in accordance with such reasonable rules and regulations as shall be prescribed by him.

NOTICES OF PRIMARY ELECTION.

(11) Section 6. Immediately upon the expiration of the time for filing the statements and petitions for candidacies, if there shall be more than two times as many candidates for any office as there are persons to be elected to such office, the City Clerk shall cause a notice calling a primary election for the fourth Monday preceding such election for selecting candidates for each office for which there may be more than two times as many candidates as there are persons to be elected, such notice to be given in all respects the same as prescribed by Section 20 of this chapter, and the said City Clerk shall thereupon cause primary ballots to be printed.

PRIMARY ELECTION BALLOT. Form and Printing of.

(12) Section 7. The ballot at such primary election shall be in the same general form as the ballot for regular municipal elections, so far as applicable.

HOURS AND OFFICERS.

(13) Section 8. The primary election shall be held at the same place as far as possible, and the polls shall be opened and closed at the hours, as prescribed for the regular election, with such Board as may be appointed by the Election Commission.

RESULTS OF PRIMARY.

(14) Section 9. The results of such primary elections shall be determined by the Commission as in Section 21 of this chapter provided.

The candidates at the regular election whose names shall be printed on the official ballot, shall be the persons (in number two times the number of persons to be elected to such office) who received the highest number of votes for such office at such primary election.

In case of a tie vote or if a recount of the vote cast at the primary election is desired, the same proceeding shall be had as provided for in such case in Sections 22 and 23 of this chapter, relative to elections.

The persons who are qualified to vote at the regular municipal election shall be qualified to vote at such primary elections, and the law applicable to challenges made at a regular municipal election shall be applicable to challenges made at such primary election. The Board of Election Inspectors shall, immediately upon the closing of the polls, publicly count the ballots and ascertain the number of votes cast for each of the candidates, and make return thereof forthwith to the City Clerk, upon proper blanks to be furnished by said City Clerk.

BALLOTS.

(15) Section 10. Upon the official ballot the names of the candidates for the several offices shall be so printed and the ballots so numbered that upon successive ballots the name of the several candidates will alternately or successively appear in the several positions in the list of names, as provided by law.

PRINTING OF BALLOTS.

(16) Section 11. The Clerk shall prepare ballots for printing and copies of ballot shall be on file in the office of the Clerk at least twelve days before election. The ballot shall be printed on plain substantial white paper, and shall be numbered and perforated in accordance with the requirements of the general laws of the State governing the numbering of the election ballots, but they shall have no party mark, vignette or designation mark whatever.

FORM OF BALLOT

(17) Section 12. The ballot shall be substantially the same as provided by law.

PROCEDURE AT ELECTIONS.

(18) Section 13. Having caused said ballots to be printed, the said City Clerk shall cause to be delivered to the Inspector of Elections, at each polling place a number of such ballots equal to not less than 25% more than number of votes cast at the last municipal election.

The Election Commission shall also provide and cause to be kept by the Clerk, for use at all elections, suitable ballot boxes of the kind required by law to be kept and used in townships.

NOMINATIONS TO FILL VACANCY IN ELECTIVE OFFICES.

(19) Section 14. Whenever it shall be necessary at any municipal election to elect an officer to fill a vacancy, candidates for the nomination to such office shall designate such fact in their statement of candidacy and in the petition filed in support of the same and both the primary and election ballot shall distinguish thereon the candidates for the unexpired term from the candidates for the regular full term. Immediately preceding the names of the candidates for the unexpired term on the ballot shall appear the words, "Vote for one." The two candidates receiving the highest number of votes at the primary election for the unexpired term of any elective officer and no others shall be placed upon the election ballot at the municipal election as candidates for such office for such term, and the candidates receiving the greatest number of votes for such office at the municipal election shall be declared elected thereto.

ELECTIONS.

REGULAR ELECTIONS.

(20) Section 15. An election shall be held on the first Monday

of April of each year beginning in 1933, at such place in the City as shall be designated by the Commission.

ELECTION COMMISSION.

(21) Section 16. An election commission composed of the Mayor, City Attorney and the City Clerk shall before each election appoint for each election precinct a board of inspectors of election consisting of not less than three qualified electors of the city, and shall perform such other duties as required of city election commissions by the general laws of the state.

SPECIAL ELECTIONS. HOW APPOINTED.

(22) Section 17. Special elections may be appointed by resolution of the Commission, adopted at least twenty-one days in advance thereof, which shall set forth the purpose and object thereof and the time when the same is to be held; provided, there shall be no more than two special elections held in one year, unless a greater number shall hereafter be permitted by state law.

QUALIFIED ELECTORS: Who Are.

(23) Section 18. The inhabitants of the city having the qualifications of electors under the Constitution and Laws of the State, and no others, shall be electors therein.

ELECTION INSPECTORS—APPOINTMENT, DUTIES, COMPENSATION.

(24) Section 19. It shall be the duty of the Election Commission, as provided by State law, to appoint a Board of Election Inspectors for each voting precinct in the city, consisting of three members for each district, each of whom shall be a duly qualified elector; and if at the opening of the polls at any election any of the inspectors so appointed shall not be present, the vacancies shall be filled as provided by state law. Each inspector of the election shall receive Five Dollars per day as compensation. One gate-keeper shall be chosen, viva voce, at each voting place to serve during such election. The Gate-keeper shall receive Three Dollars as full compensation.

NOTICE OF ELECTION, ETC.

(25) Section 20. Notices of elections, opening and closing of polls, the conduct of elections, the canvassing of the votes and all other details of elections shall be conducted as provided by state law.

COMMISSION TO DETERMINE RESULTS OF ELECTIONS AND PRIMARIES.

(26) Section 21. The City Commission shall convene on or before eight o'clock of the afternoon on the next secular day succeeding each election, regular, special or primary, at their usual place of meeting, and determine the result of the election upon each question and proposition voted upon, and what persons were duly elected or nominated at the said election to the several offices respectively; and thereupon the clerk shall make a certificate of such determination, showing the result of the election upon any question or proposition voted upon, and what persons are declared elected to the several offices respectively, which shall be filed in the office of the City Clerk; a duplicate of such certificate other than as to nominations at a primary shall be made and filed in the office of the County Clerk of the County of Wayne.

THE VOTE—HOW DECIDED.

(27) Section 22. If there shall be no choice for any office by reason of two or more candidates having received an equal number of votes, the City Commission shall at the meeting mentioned in the preceding section, determine by lot between such persons, which shall be considered elected to such office; provided that such determination shall not be made until a recount of the votes cast for such candidates shall have been made by the City Commission.

RECOUNT

(28) Section 23. Any candidate for office failing in the election as shown by the returns of the Board of Election Inspectors to the City Clerk, may have a recount of the votes cast for the candidates of such office at any election, provided he shall file with the City Clerk before eight o'clock of the afternoon of the next secular day following said election, a petition therefor addressed to the City Commission, together with a deposit of \$25.00. Upon receiving such petition for recount, and the deposit, the Commission shall on the same day, or as soon thereafter as may be, recount all votes cast for the candidates for the office on which a recount is petitioned for, and shall enter the result of such recount in the journal of its proceedings and shall determine what person or persons are elected. The sum deposited with the petition shall be refunded if the candidate filing the petition for the recount is declared elected.

NOTIFICATION OF ELECTION AND OF APPOINTMENT OF OFFICERS.

(29) Section 24. It shall be the duty of the Clerk, within one week after the meeting and determination of the Commission, as provided in this chapter to notify each person elected, in writing, of his election; and he shall also, within one week after the appointment of any person to any office, in like manner so notify such person of the appointment.

CLERK TO REPORT FAILURE TO FILE BOND OR OATH

(30) Section 25. Within one week after the expiration of the time in which any official bond or oath of office is required to be filed, the Clerk shall report in writing to the Commission the names of all persons elected or appointed to any office, who shall have neglected to file such oath or bond.

SERVICES FOR CANDIDATE FOR REWARD.

PUNISHMENT FOR.

(31) Section 26. It shall be unlawful for any candidate for any elective office in this city to employ anyone to act in behalf of his candidacy for any money or valuable consideration, nor shall any candidate give or offer to give any voter any gift or compensation in consideration of votes or as a treat to make the candidate appear well before one or more voters, nor shall any candidate give or offer to give any person, or persons any valuable consideration in compensation for services rendered in behalf of the candidacy of any candidate, nor shall any candidate or anyone in his behalf, for a valuable consideration, provide means of transporting voters to polls. Any violation of this section shall be a misdemeanor and shall be punished by a fine, not exceeding \$100.00, or by imprisonment in the county jail, not exceeding 30 days, or both, in the discretion of the court.

SOLICITING VOTES—UNLAWFUL—PUNISHMENT.

(32) Section 27. It shall be unlawful for any person to hand out any political cards, letters, bills or posters within 500 feet of the voting place on the day of any municipal election. Any violation of this section shall be a misdemeanor and shall be punishable as prescribed in the preceding section.

QUALIFICATIONS OF ELECTIVE OFFICERS.

(33) Section 28. No person shall hold any elective office under this charter unless he shall be at least twenty-five (25) years of age, a citizen of the United States, a freeholder of the City and resident thereof for at least two years prior to his election, except as herein otherwise provided.

WHO DISQUALIFIED—DEFAULTER.

(34) Section 29. No person shall be elected or appointed to any office in the City who has been or is a defaulter to the City or to any board of officers thereof, or to any school dis-

trict, county or other municipal corporation of the State. All votes for any appointment of any such defaulter shall be void. OATH OF OFFICE TO BE TAKEN BEFORE ENTERING UPON DUTIES.

(35) Section 30. Every officer elected or appointed in the City, before entering upon the duties of office shall take and subscribe an oath of office, which shall be filed and kept in the office of the City Clerk, to support the Constitution of the United States, and the Constitution of the State of Michigan; to endeavor to secure and maintain an honest and efficient administration of the affairs of the City of Plymouth free from partisan distinction or control, and to perform the duties of his office to the best of his ability. In case of his failure to do so, within seven days after receiving notice of his election or appointment, he shall be deemed to have declined the office.

BOND OF OFFICIALS

(36) Section 31. Every officer elected or appointed in the City before entering upon the duties of his office and within the time prescribed for filing his official oath shall file with the City Clerk such bond or security as may be required by law or by any ordinance or resolution of the Commission, and with such sureties as shall be provided by the Commission, conditioned for the due performance of the duties of his office, except that the bond or security given by the Clerk shall be deposited with the City Treasurer, the cost of such bonds to be paid by the city.

CHAPTER 3.

RECALL AND REMOVAL

WHO MAY BE RECALLED.

(37) Section 1. Any holder of an elective office may be recalled and removed therefrom by the qualified electors of the City of Plymouth in the manner now or which at any time hereafter may be provided by general law.

OFFICER REMOVED INELIGIBLE FOR TWO YEARS.

(38) Section 2. No person who has been removed from an office by recall or who has resigned from such office after a petition for his recall and removal has been filed, shall be elected or appointed to any office within two years after such removal or resignation.

(39) Section 3. Any officer holding office by election by the electors may, if written charges shall be preferred against him, for any of the causes enumerated in Section 4 of this chapter, be suspended from office by a majority vote of the Commission until such charges shall be heard and determined; and any officer elected or appointed by the Commission may be in like manner suspended from his office, and in the event of such suspension it shall be the duty of the Commission to proceed to a hearing of such charges at the next regular meeting, and if such charges are sustained by the vote of a majority of said Commission, the said officer may be removed from office; but if such officer shall not be removed, he shall be entitled to resume his office and receive pay during the period of such suspension.

REMOVAL BY COMMISSION.

(40) Section 4. The commission may remove from office any of the members, including the Mayor, and may remove any other officers of the City, either elective or appointive for any of the following causes, to wit:

(a) Conviction by a court of competent jurisdiction of any offense under the charter or ordinances of the City, or any law of this State or of the United States.

(b) Wilful violation of any provision of the charter or ordinances of the City.

(c) Intoxication or habitual drunkenness.

(d) Incompetency to perform the duties of his office.

(e) Wilful neglect of duty.

(f) Corrupt or wilful malfeasance or misfeasance in office.

(g) Wilful misconduct to the injury of the public service.

Said proceedings may be initiated by any member of said Commission or by any twenty-five electors as hereinafter provided. Upon the filing with said Commission of a complaint in writing, specifying any matter or thing made cause for removal under this charter, which complaint shall be made under oath by a member of the Commission or shall be signed by not less than twenty-five electors of said City and verified by the oath of at least one of said signers, the said Commission shall proceed to hear and determine said matter as herein provided.

If said officer is found guilty by a majority of the Commission he shall be removed from such office and the reason for such removal shall be entered upon the records of the Commission with the names and votes of the members voting on the question—no officer shall be removed unless first furnished with a copy of the charges in writing and allowed to be heard in his defense with the aid of counsel; and for such purposes the Commission shall have power to compel the attendance of witnesses and the production of papers by subpoena or written order. The Commission shall hear and determine said charges within ten days after service of a copy thereof, unless said proceedings shall be adjourned for cause to a time not exceeding thirty days in all; and then at such adjourned meeting to appear and answer such charges, his default shall be deemed good cause for his removal. Any person refusing or neglecting to comply with the requirements of any subpoena or written order issued and served under this section shall be liable to a fine not to exceed Fifty Dollars, or confinement in the county jail not to exceed sixty days, or conviction of such refusal or neglect before the Justice of the Peace or Municipal Judge of said City.

The violation of any sub-section (a), (b), (c), (e), (f), (g), of this section shall be deemed a misdemeanor punishable as provided in this charter and in case no punishment is otherwise provided, the person so offending shall, upon conviction thereof by any court of competent jurisdiction, be punished by a fine not exceeding One Hundred Dollars or by imprisonment in the county jail for a period of not exceeding ninety days, or by both such fine and imprisonment in the discretion of the Court; and in every case of such conviction the person so offending shall be liable to the procedure provided for in the following section.

CONVICTION OF OFFICER BY COURT OR COMMISSION. VACATES OFFICE.

(41) Section 5. If any incumbent of any office, whether elected or appointed, shall be by any court of competent jurisdiction or by the Commission, as the case may be, convicted or found guilty of any matter or thing which is made cause for removal under this charter, his said office shall immediately by virtue thereof become vacant without further proceeding and said vacancy shall thereupon be filled according to law.

CHAPTER 4.

ELECTIVE OFFICERS.

ELECTIVE OFFICERS—WHO ARE.

(42) Section 1. The elective officers of the City of Plymouth shall consist of five City Commissioners, one Justice of the

Peace, to be designated Municipal Judge, and one Constable.

CORPORATE POWERS.
(43) Section 2. All the corporate powers of the City of Plymouth, except as otherwise provided by this charter, are hereby vested in a City Commission designated as the Commission, consisting of five Commissioners elected as herein-after provided.

(44) Section 3. The Commission shall elect one of its members as Chairman, who shall be entitled Mayor, and another of its members Mayor pro tem, both of whom shall hold such office for a term of one year. The Commission shall also elect a City Manager as hereinafter provided, who shall be Clerk of the City.

TERM OF OFFICE OF COMMISSIONERS.

(45) Section 4. The members of the City Commission shall hold their respective offices for the term of two years from the third Monday in April following their election and until their respective successors are elected, and qualified and enter upon the duties of their offices, except that at the election at which this charter is adopted, five Commissioners shall be elected, two to serve until the third Monday in April, 1934, and three to serve until the third Monday in April, 1933, after which three Commissioners shall be elected in each odd year for a period of two years and two Commissioners shall be elected in each even year for a period of two years. Provided that any officer elected to fill an unexpired term shall continue his office until the expiration of the term which he was elected to complete and until his successor is elected and qualified.

ELECTION OF JUSTICE OF PEACE AND CONSTABLE.

(46) Section 5. At the election at which this charter is adopted, there shall be elected one Justice of the Peace and one Constable who shall hold office until the regular municipal election in 1933. At the regular municipal election in 1933 and every four years thereafter, there shall be elected a Justice of the Peace and one Constable whose terms shall begin on the first day of July following the election and who shall hold office for a period of four years, or until their successors are elected and qualified.

FILLING VACANCIES IN ELECTIVE OFFICES BY APPOINTMENT.

(47) Section 6. If any vacancy occur in any elective office, except by recall as provided in the general law pertaining thereto, the Commission shall appoint an eligible person to fill such vacancy until the next regular municipal election. Any vacancy shall then be filled by election for the unexpired term.

VACANCY IN OFFICES.

(48) Section 7. Resignation of officers shall be made to the Commission. If any person elected or appointed to office shall fail to take and file the oath of office or shall fail to give bond or security required for the due performance of the duties of his office within seven days after receiving his certificate of election, dies, resigns, is removed from office, removes from the City, absents himself continuously therefrom for more than ninety days, or is convicted of felony, the Commission, may, at their next regular meeting thereafter, declare the office vacant, unless in the case of a failure to take and file such oath or give such bond or security previously thereto he shall file the oath and give the requisite bond or security.

COMPENSATION

COMPENSATION OF ELECTIVE OFFICERS.

(49) Section 8. The Commission shall receive as compensation for their services, a sum of three dollars for each meeting of the Commission by them respectively attended during their term of office, but not to exceed Ninety Dollars in any one year, such payment to be made out of the general fund in the City Treasury.

Said officers shall receive no other compensation for services performed for and on behalf of said City during their term of office, provided that in no case shall such Commissioners receive compensation for any meeting not actually attended.

COMPENSATION OF JUSTICE OF THE PEACE.

(50) Section 9. The Justice of the Peace shall receive as full compensation, the fees allowed by State law for his services in all civil cases, together with such salary, not less than Four Hundred Dollars (\$400.00) per annum, as may be provided by ordinance of the City Commission, adopted prior to the election of a Justice of the Peace, for his services in all criminal cases, provided, however that the Justice of the Peace elected at the election at which this charter is adopted shall receive a salary of \$600.00 per annum payable monthly for the handling of criminal cases, together with the statutory fees allowed for civil cases. The fees to which the Justice would be entitled to under all criminal cases shall be turned over to the Treasurer of the City of Plymouth and placed in the general fund.

COMPENSATION OF CONSTABLE.

(51) Section 10. The Constable of the City of Plymouth shall receive as full compensation for his services such fees as are provided by State law for township Constables, said fees to be reported and paid to the City Treasurer as received by the Constable or Justice of the Peace.

COMPENSATION OF OTHER OFFICERS.

(52) Section 11. Every other officer or employee of the City, except day laborers, or day employees, shall receive such salary or compensation as the Commission shall by ordinance provide, payable in monthly or semi-monthly periods as shall be fixed by such ordinance.

COMMISSION TO BE JUDGE OF ELECTIONS AND QUALIFICATIONS OF MEMBERS.

(53) Section 12. The Commission shall be the judge of the election and qualification of its own members, subject to review by the courts in cases of contest.

RULES OF PROCEDURE OF COMMISSION.

(54) Section 13. The Commission shall determine its own rules of procedure and may punish its members for disorderly conduct. A majority of the Commissioners shall constitute a quorum for the transaction of business; a less number may adjourn from time to time, and may compel the attendance of absent members in such manner as shall be prescribed by ordinance or rules of the Commission; and all pending business and business noticed or set down for hearing at such meeting shall be taken up and heard at such adjourned meeting, or at the next regular meeting, without further notice. No office shall be created or abolished, street, alley or public ground be vacated, real estate or interest therein purchased, leased, sold or disposed of or private property be taken for public use, unless by a concurrent vote of four-fifths of all the members of the commission, which vote shall be taken by yeas and nays, nor shall any vote of the Commission be reconsidered or rescinded at a special meeting, unless there be present as many members of the Commission as were present when such vote was taken. No standing committees shall be constituted of more than one person. No ordinance shall be offered or introduced at other than a regular meeting, nor shall any ordinance be adopted within fourteen days after it shall have been introduced.

APPROPRIATION OF MONEY.

(55) Section 14. No money shall be appropriated except by ordinance or resolution, either of which shall be adopted by four-fifths yeas and nay vote of all members of the Commission, nor shall any resolution be passed or adopted except by the vote of a majority of all the members of the Commission elected to office, except as herein otherwise provided.

MEETING OF COMMISSION.

(56) Section 15. The Commission shall hold regular meet-

ings at the Commission Chambers on the first and third Monday of each month, and on such other days as may by ordinance, resolution or rule, be fixed and determined at such hour as it shall determine for the transaction of business; provided that when any such day shall be a legal holiday, the regular meeting of the Commission shall be held at the same place and hour on the next succeeding secular day.

The Mayor or any two members of the Commission may appoint special meetings thereof, notice of which, in writing, shall be given each Commissioner, or be left at his place of residence at least six hours before the meeting, provided, that if all the members of the Commission shall be present at any special meeting without proper notice, such notice shall be deemed to have been waived.

ORDINANCES, ETC., TO BE CERTIFIED BY MAYOR AND CLERK.

(57) Section 16. The City Clerk shall be the clerk of the Commission and shall, with the Mayor, sign and attest all ordinances, and the journal of record of the Commission proceedings shall be signed by the City Clerk and approved in writing by the Mayor.

CONTRACTS—OFFICERS SHALL NOT BE INTERESTED IN.

(58) Section 17. No member of the Commission, nor any elective or appointive officer of the City shall be co-partner, director, officer, or agent of, or be directly or indirectly in the employ of any person, firm, company or corporation holding or seeking to hold any franchise from or contract with the City of Plymouth; nor shall any member of the Commission or any other officer or employee of the City be directly or indirectly interested in any work, business or contract, the expense, price, or consideration of which exceeds \$1000.00 in any one year and which is paid from municipal moneys or by any assessment levied by ordinance or resolution of the Commission.

Contract made in violation of this provision shall be void and any violation of the provisions of this section shall be a misdemeanor and shall work forfeiture of the office, and on proof thereof the Commission shall declare the office of such offender vacant.

BOND AND OATH OF OFFICE—FAILURE TO GIVE—PENALTY.

(59) Section 18. If any person elected or appointed to office shall fail to take and file the oath of office, or shall fail to give the bond or security required for the due performance of the duties of his office, within the time herein limited therefor the Commission may declare the office vacant, unless previously thereto he shall file the oath and give the requisite bond or security.

APPOINTEE OFFICERS—QUALIFICATIONS.

(60) Section 19. All officers and employees shall be appointed with reference to their qualifications and fitness, and for the good of the public service, and without reference to their political faith or party affiliations.

ELECTION AND CAMPAIGN EXPENSES.

(61) Section 20. Every elective officer, shall, within thirty days after qualifying, file with the City Clerk his sworn, detailed statement of all his election and campaign expenses, and by whom such funds were contributed.

MISDEMEANOR—VIOLATION OF THIS CHAPTER.

(62) Section 21. Any violation of the provisions of this chapter shall be a misdemeanor and be a ground for removal from office.

SALARY—INCREASING AND DIMINISHING PROHIBITED DURING TERM.

(63) Section 22. The salary or rate of compensation of any elective or appointive officer of the City, who shall have been elected or appointed for a definite term, shall not be increased or diminished after his election or appointment, nor during his term of office; and no person who shall have resigned or vacated any office shall be eligible to the same office during the term for which he was elected or appointed, when during the same time the salary or rate of compensation has been increased.

APPOINTED TO OFFICE—WHO SHALL NOT BE.

(64) Section 23. No elective officer, shall, after his election and during the time for which he was elected, or within one year thereafter, be appointed to any office or employment which shall have been created or the emoluments of which shall have been increased during such time.

BONDS—NEW OR ADDITIONAL MAY BE REQUIRED.

(65) Section 24. The Commission may, at any time, require any officer to execute and file with Clerk additional or new official bonds, with such new or further sureties as said Commission shall deem requisite. Failure to comply with such requirements within fourteen days shall subject the officer to immediate removal from office by the Commission.

BONDS—EFFECT OF RESIGNATION OR REMOVAL UPON.

(66) Section 25. The resignation or removal of any officer shall not, nor shall the appointment or election of another to the office, exonerate such officer or his sureties from any liability incurred by him or them.

EFFECTS OF OFFICERS—DELIVERY OF.

(67) Section 26. Whenever any officer shall resign or be removed from office, or the term for which he shall have been elected or appointed shall have expired, he shall deliver over to his successor in office, all the books, papers, moneys, and effects in his custody as such officer, and in any way appertaining to his office; and every person wilfully violating this provision shall be deemed guilty of a misdemeanor, and may be proceeded against in the same manner as public officers generally for the like offense under the general laws of this State, now or hereafter in force and applicable thereto; and every officer appointed or elected shall be deemed an officer within the meaning and provisions of such general laws of the State.

SURETY OF BONDS—CITY OFFICERS SHALL NOT BECOME.

(68) Section 27. No officer, agent, or employee of the City shall become surety on the official bond of another officer, agent or employee of the City nor upon any bond or contract executed or made to the City.

CHAPTER 5.

DEPARTMENTS OF GOVERNMENT.

(69) Section 1. The Executive and Administrative powers and authority of the City not herein otherwise provided for, shall be distributed among the departments as follows:

1. Department of Finance and Auditing.
2. Department of Public Safety.
3. Department of Public Works.
4. Department of Public Health.
5. Department of Public Welfare.

(70) Section 2. The Commission shall by Ordinance determine and prescribe the functions and duties of each department and division thereof, subject to the express provisions contained in this Charter, and may by Ordinance passed by a vote of four-fifths of its members, create new departments or divisions, combine or adjust existing departments, and establish temporary departments for special work.

CHAPTER 6.

APPOINTED OFFICERS

OFFICERS APPOINTED—WHO ARE.

(71) Section 1. The Mayor shall, by and with the consent and approval of the Commission appoint one Treasurer, one Assessor, two members of Board of Review, one City Attorney, and such number of members of the Board of Supervisors of Wayne County as the City may be entitled to under the

general laws of the State, and such other appointive officers as shall be provided for by Ordinance or Resolution by the Commission, whose election or appointment is not herein specially provided for and whenever they shall deem such appointments necessary and advisable for the execution of the powers granted by this Charter; powers and duties of such appointive officers shall be prescribed by the Commission subject to the provisions of this Charter.

(72) Section 2. The Commission shall appoint three Trustees who shall be freeholders and electors of the City, and who shall constitute a Board of Cemetery Trustees. The three trustees so appointed shall hold their office for the term of three years except that at the first appointment one shall be appointed for one year, one for two years, and one for the term of three years from the third Monday in April of the year when appointed, and annually thereafter one trustee shall be appointed.

(72) Section 3. Any appointive office established by this Charter or by any ordinance, except City Manager, may be conferred upon any member of the Commission who shall be otherwise eligible thereto. Any two or more or all such appointive offices, or any part of the powers and duties of any of them may be combined in any one person except that the office of Treasurer may be combined with that of Assessor, but with no other office.

(74) Section 4. Appointments to office, excepting appointments to fill vacancies, and appointments made by the City Manager, shall be made on the third Monday in April of each year, unless a different time shall be prescribed in this Charter or in the ordinance or resolution creating the office; but appointments which, for any cause, shall not be made on that day, or on the day provided in the ordinance or resolution creating the office, may be made at any subsequent regular or special meeting of the Commission. All appointments made by the City Manager shall be made for an indefinite period.

TENURE OF OFFICE.

(75) Section 5. The term of office of all appointive officers, except appointments made by the City Manager, shall continue until the third Monday of April next after such appointment, and until their successors are appointed, qualified and enter upon the duties of their offices, unless a different term of office shall be prescribed in this Charter or in the ordinance or resolution creating the office, but they shall hold their respective offices wholly at the pleasure of the Commission.

Officers appointed to fill vacancies in elective offices shall hold their office until the next regular municipal election, and until their successors are elected or appointed and qualified. All persons elected or appointed to office shall enter upon the duties thereof, upon taking the oath of office and filing the requisite security, if any is required of them.

COMPENSATION OF APPOINTEE OFFICERS.

(76) Section 6. The Compensation of all salaried officers and employees of the City shall be fixed by ordinance, except as otherwise provided herein.

CHAPTER 7.

POWERS AND DUTIES OF OFFICERS

DUTIES OF MAYOR.

(77) Section 1. The Mayor shall preside at the meetings of the Commission and perform such other duties consistent with his office as may be imposed by the Commission. He shall be recognized as the official head of the City by the Courts for the purpose of serving civil processes, by the Governor for military purposes and for all ceremonial purposes.

(78) Section 2. At the time of public danger or emergency he may, with the consent of the Commission, exercise within the City the powers conferred upon sheriffs to suppress disorder, and have authority to command the assistance of all able bodied citizens to aid in the enforcement of the ordinances of the Commission and to suppress riots and disorderly conduct.

(79) Section 3. In the absence or disability of the Mayor his duties shall be performed by the Mayor pro tem.

CITY MANAGER.

(80) Section 4. The City Manager shall be the general executive officer and Clerk of the City. He shall be elected by the Commission solely on the basis of his educational and executive and administrative qualifications. The choice shall not be limited to inhabitants of the City or State.

(81) Section 5. The City Manager shall receive such compensation as shall be fixed by the Commission. He shall be elected for an indefinite period. He shall be removable by the Commission. If removed at any time after six months he may demand written charges and a public hearing on the same before the Commission prior to the day on which his final removal shall take effect but during such hearing the Commission may suspend him from office. During the absence or disability of the City Manager the Commission shall designate some properly qualified person to perform the duties of the office.

THE DUTIES OF CITY MANAGER AS CLERK

GENERAL DUTIES OF CLERK

(82) Section 6. The Clerk shall keep the corporate seal and all the documents, official bonds, papers, files and records of the City, not by this charter or the ordinances of the City, entrusted in some other officer. He shall be Clerk of the Commission, and shall attend its meetings. In case of the absence of the Clerk, or if from any cause he shall be unable to discharge, or be disqualified from performing the duties required of him, then the Commission may appoint one of their number, or some other person, to perform the duties of Clerk for the time being. The Clerk shall record, or cause to be recorded, all the ordinances of the City. He shall countersign and register all licenses granted; he shall, when required, make and certify under the seal of the City, copies of the papers and records filed and kept in his office; and such copies shall be evidence in all places of the matters therein contained, to the same extent as the original would be. He shall possess and exercise the powers of the Township Clerk so far as the same are required to be performed within the City, and he shall have authority to administer oaths and affirmations in matters pertaining to the affairs of the City and shall make no charge therefor.

GENERAL ACCOUNTANT OF CITY.

(83) Section 7. The Clerk shall be the general accountant of the City; and all claims against the corporation shall be filed with him for adjustment. After examination thereof, he shall report the same, with all accompanying vouchers and counterclaims of the City, and the true balance as found by him, to the Commission for allowance, and when allowed shall draw his warrant upon the Treasurer for the payment thereof, designating thereon the fund from which payment is to be made, and to take proper receipts therefor; but no warrant shall be drawn upon any fund after the same has been exhausted. When any tax or money shall be levied, raised or appropriated, the Clerk shall report the amount thereof to the City Treasurer, stating the objects and funds for which it is levied, raised or appropriated and the amounts thereof to be credited to each fund.

KEEP BOOKS RELATIVE TO PROPERTY AND DEBTS.

(84) Section 8. The Clerk shall have charge of all the books, vouchers and documents relating to the accounts, contracts, debts, and revenues of the corporation; he shall countersign and register all bonds issued, provide and keep in his office an indexed book of records of each bond given by the City, showing date of issue, rate of interest, amount of principal and interest having been paid, amount unpaid, when due, to whom issued, where payable, for what purpose issued; shall

keep a list of all property and effects belonging to the City, and of all its debts and liabilities; he shall keep a complete set of books, exhibiting the financial condition of the corporation in all its departments, funds, resources and liabilities, with a proper classification thereof and showing the purpose for which each fund was raised; he shall also keep an account with the Treasurer, in which he shall charge him with all the moneys received for each of the several funds of the City, and credit him with all warrants drawn thereon, keeping an account with each fund.

REPORTS TO COMMISSION.

(85) Section 9. The Clerk shall report to the Commission, whenever required, a detailed statement of the receipts, expenditures and financial condition of the City, of the debts to be paid, and moneys necessary to meet the estimated expenses of the corporation, and shall perform such other duties pertaining to his office as the Commission may require.

MONEYS COLLECTED BY CLERK—DISPOSITION OF.

(86) Section 10. The Clerk shall pay over to the City Treasurer at once all moneys received by him belonging to the City.

THE DUTIES OF CITY MANAGER.

(87) Section 11. The powers and duties of the City Manager shall be as follows:

(a) To take active control of the Departments of Government, as outlined in Chapter 5 of this Charter, and shall appoint their respective officers subject to the approval of the Commission;

(b) To see that within the City, the laws of the State and the ordinances, resolutions and by-laws of the Commission are enforced and faithfully executed;

(c) To supervise, under the direction of the Commission, the administration of the affairs of the City, and to perform such duties in relation to the assessment of water rates as shall be provided for by ordinance or resolution;

(d) To attend all meetings of the Commission and to recommend to that body from time to time such measures as he shall deem necessary or expedient for it to adopt;

(e) To draw up resolutions and ordinances for adoption by the Commission and furnish them with any necessary information respecting any of the departments under his control;

(f) To keep the Commission advised of the financial condition and further needs of the City;

(g) To prepare and submit to the Commission such reports as may be required by that body and to draw up an annual report, which shall consolidate the special reports of the several departments;

(h) To revoke licenses pending the action of the Commission;

(i) To make and sign complaints for warrants of arrest for infractions within the City of the laws of the State and the ordinances and other regulations of the City.

(j) To appoint and remove all officers, agents and employees of the City other than those particularly mentioned in Section 1 of Chapter 6, and such others as the Commission may reserve the appointment and removal of to itself;

(k) To sign such contracts, deeds and other public documents on behalf of the City as the Commission may authorize and require;

(l) To exercise and perform all powers and duties of the said offices so combined in him as herein more particularly set forth, and all such other executive and administrative functions, powers and duties as the Commission may confer or impose upon him;

(m) To manage and control all charitable, correctional and reformatory institutions and agencies belonging to the City; to enforce all laws, ordinances and regulations relative to the preservation and promotion of the public health, the prevention and restriction of disease, the prevention, abatement and suppression of nuisances and the sanitary inspection and supervision of the production, transportation, storage, and sale of food and foodstuffs and the supervision of weights and measures and in time of epidemic to enforce such quarantine and isolation regulations as may be appropriate to the emergency.

(88) Section 12. The City Manager shall have the right to suspend any of the officers in the respective departments who may be under his management and control, for incompetency, gross neglect of duties, or for any other just and reasonable cause. If any officer be suspended as herein provided, the City Manager shall forthwith in writing, certify the fact to the Commission, together with the cause for the suspension, and the Commission shall render judgment thereon, which judgment, if the charges be sustained, may be suspension, reduction in rank, or dismissal and such judgment in the matter shall be final, except as herein otherwise provided. The City Manager in such investigation shall have the same power to administer oaths and secure the attendance of witnesses and the production of books and papers as is vested in the Commission.

(89) Section 13. The City Manager shall be entitled to a seat in the Commission and shall have the right to introduce ordinances and resolutions, and to take part in the discussion of all matters coming before the Commission, but he shall have no vote thereon. He shall hold no public office other than such as may be conferred upon him by the Commission, with the exception of that of Notary Public.

(90) Section 14. The City Manager shall act as Purchasing Agent for the City and as such he shall purchase all the supplies for the City. He shall also sell personal property not needed, or unsuitable for public use, or that may have been condemned as useless by the Commission. He shall maintain a store room or store house in which shall be stored all supplies and materials purchased by the City and not delivered directly to the various departments; he shall inspect all supplies delivered to determine quality and quantity and conformance with specifications; and no bills shall be honored by the City unless the accompanying invoice shall be endorsed as approved by the City Purchasing Agent.

(91) Section 15. The City Purchasing Agent may require from the proper officials, at such times as contracts for supplies are to be let, memoranda of the quantity and kind of supplies to be paid for from appropriations of any department. Upon the certification that the funds are available in the proper appropriations such goods shall be purchased and shall be paid for from the funds in the proper department for that purpose. However, this procedure shall not prejudice the City Purchasing Agent from purchasing goods for cash, to the credit of the store account, to be furnished the several departments on requisition, goods so furnished to be paid for by the department furnished therewith by warrant made payable to the credit of the store account. The Purchasing Agent shall not furnish any supplies to, or purchase any supplies for, any department unless there be to the credit of such department available appropriation balance, in excess of all unpaid obligations, sufficient to pay for such supplies. Before making any purchase or sale to an amount in excess of three hundred dollars (\$300.00), the Purchasing Agent shall give opportunity for competition, all proposals to be upon similar specifications, and upon such rules and regulations as the Commission shall establish.

(92) Section 16. In case of emergency, purchases may be made without competition if a sufficient appropriation has heretofore been made against which such purchases may lawfully be charged. In such cases a copy of the order issued shall be kept on file with the City Clerk, together with a certificate of the Commission or City Manager stating the facts of the

emergency. A copy of this certificate shall also be attached to and filed with the voucher covering payment for the supplies.

(93) Section 17. No contract, agreement or other obligation involving the expenditure of money shall be entered into, nor shall any ordinance, resolution or order for the expenditures of money be passed by the Commission, or be authorized by any officer of the City unless the City Clerk shall first certify to the Commission or to the proper officer, as the case may be, that the money required for such contract, agreement, obligation or expenditure is in the treasury to the credit of the fund from which it is to be drawn and not appropriated for any other purpose; which certificate shall be filed and immediately recorded. The sum so certified shall not thereafter be considered appropriated until the City is discharged from the contract, agreement, or obligation.

(94) Section 18. All moneys actually in the treasury to the credit of the funds from which they are to be drawn, and all moneys applicable to the payment of the obligation or appropriation involved, that are anticipated to come into the treasury before the maturity of such contract, agreement, or obligation, from taxes or assessments, or from sales or services, products or by-products, or from any City undertaking, fees, charges, accounts and bills receivable or other credits in the process of collection, and all moneys applicable to the payment of such obligation or appropriation, which are to be paid into the treasury, prior to the maturity thereof, arising from lawfully authorized bonds sold and in process of delivery shall for the purpose of such certificate, be deemed in the treasury to the credit of the appropriate fund and subject to such certification.

(95) Section 19. No contract involving and expenditure in excess of three hundred dollars (\$300.00) shall be awarded except upon the approval of the City Manager and the Commission.

(96) Section 20. In no instance shall contracts be let, as a whole nor shall bids for parts of the work be taken when such bids taken shall exceed the estimate for the improvement contemplated.

CITY ATTORNEY.

(97) Section 21. The Attorney, in addition to the other duties prescribed in this charter, shall be the legal advisor of the City Commission, and all officers and boards of the City, and shall act as the attorney for the City in all legal proceedings in which the City is interested, and shall prosecute all offenses against the ordinances of the City.

He shall perform such other duties in relation to the legal matters of the City as shall be required of him by the Commission, provided however, that the provisions of this section shall not prevent the Commission from employing additional attorneys when in their opinion it shall be deemed necessary.

CITY TREASURER

RECEIVE AND DISBURSE FUNDS.

(98) Section 22. The Treasurer shall have the custody of all moneys bonds other than official mortgages, notes, leases, and evidences of value belonging to the City; he shall receive all moneys belonging to and receivable by the corporation, and keep an account of all receipts and expenditures thereof; he shall pay no money out of the treasury except in pursuance of and by authority of law and upon warrants signed by the Mayor and City Clerk, which shall specify the purpose for which the amounts thereof are to be paid; he shall collect and keep an account of and be charged with all taxes and moneys appropriated, raised, or received for each fund of the corporation, and shall keep a separate account of each fund and shall credit thereto all moneys raised paid in, or appropriated therefor and shall pay every warrant out of the particular fund raised for the purpose for which the warrant was issued.

FINANCIAL REPORTS.

(99) Section 23. The Treasurer shall render to the Commission at the first meeting of each month, if required, a report of the amounts received and credited by him to each fund, and on what account received, and the amount paid out by him from each fund during the preceding month and the amount of money remaining in each fund on the last day of said preceding month. He shall also exhibit to the Commission annually at the beginning of each fiscal year a full detailed report for the preceding fiscal year and as often and for such period as the Commission shall require a full and detailed account of the receipts and disbursements of the treasury for the preceding fiscal year classifying them therein by the funds to which such receipts are credited and out of which such disbursements are made and the balance remaining in each fund; which account shall be filed in the office of the Clerk, and such account shall also contain a statement of all outstanding bonds including the date of issue rate of interest, amount of principal and interest having been paid; amount unpaid, when due and for what purpose issued.

VOUCHERS—WHEN REQUIRED.

(100) Section 24. Said Treasurer shall take vouchers for all money paid from the Treasury, showing the amount and fund from which payment was made which vouchers upon settlement with the proper officers of the City shall be surrendered and filed with the Clerk. The Commission may also provide for a petty cash fund, not to exceed \$100.00, for the City Treasurer to be disbursed as prescribed by the Commission.

CITY MONEY—NOT TO USE.

(101) Section 25. The Treasurer shall keep all moneys in his hands belonging to the City separate and distinct from his own moneys, and he is hereby prohibited from using either directly or indirectly, the corporation moneys, warrants or evidences of debt in his custody or keeping for his own use or benefit or that of any other person.

QUALIFICATIONS OF TREASURER.

(102) Section 26. The Treasurer shall be a qualified and competent bookkeeper, and shall perform all duties of the Treasurer as prescribed by the Commission, and required by the laws of the State. He shall give a bond in such amount and with such sureties as shall be satisfactory to the Commission.

ASSESSOR

GENERAL DUTIES AND QUALIFICATIONS OF ASSESSOR.

(103) Section 27. The Assessor shall be a freeholder of the City of Plymouth and shall perform such duties in relation to assessing property and levying taxes in the City as are prescribed by this Charter, and required by the laws of the State.

BOARD OF ASSESSMENT AND REVIEW.

(104) Section 28. The Assessor and two other qualified freeholders and electors of the City, to be annually appointed by the Mayor by and with the consent and approval of the Commission, shall constitute a Board of Assessment and Review. If a member of the Board shall be interested in any special assessment directed by the Commission, there shall be appointed some other person to act in his stead in making the assessment, who for the purpose of that assessment shall be a member of the Board.

DEPARTMENT OF PUBLIC SAFETY

(a) POLICE DEPARTMENT

POWERS AND DUTIES OF.

(105) Section 29. The Chief of Police shall be subject to the City Manager and Commission, and shall have the direction of the police of the City. For the preservation of the peace, the police and watchmen shall have all the powers given by law

to constables. It shall be their duty to suppress all riots, disturbances and breaches of peace; to arrest all persons fleeing from justice, to apprehend upon view any person found in the act of committing any offense against the laws of the State, or violating the ordinances of the City in any manner involving a breach of the peace, and to take the offender before the proper magistrate or officer, to be punished; to make complaints before the proper magistrate of any person known or believed by them to be guilty of crime or any violation of the ordinances of the City; and to serve all processes that may be delivered to them for that purpose; and generally to perform all such duties as may be required by the Commission for the good government of the City.

It shall be their duty to see that all the ordinances and regulations of the Commission, made for the preservation of quiet, good order and for the safety and protection of the inhabitants of the City, are promptly enforced. As peace officers the police shall, within City, be vested with all the powers conferred upon sheriffs, for the preservation of quiet and good order. When any person has committed, or is suspected of having committed any crime or misdemeanor within the City, or has escaped from any prison of the City, the police officers of the City shall have the same right to pursue, arrest and detain such person without the City limits as the sheriff of the county. They shall have the power to serve and execute all processes directed or delivered to them, in all proceedings for violations of the ordinances of the City. Such processes may be served anywhere within Wayne County.

REPORT TO COMMISSION.

(106) Section 30. The Chief of Police shall keep a record of all arrests and the cause thereof, and shall enter therein, within twenty-four hours after any person shall be arrested, the name of the person so arrested, the cause of arrest, the age and nationality of the person arrested, and if discharged without being taken before a court, the reason for such discharge, which record shall be the property of the City.

REPORT TO COMMISSION.

(107) Section 31. The Chief of Police shall report in writing and on oath to the Commission at the first meeting each month all arrests made by him and the cause thereof, and all persons discharged from arrest during the month; also the number remaining in confinement for breaches of the ordinances of the City; the amount of all fines and fees collected by him. All moneys collected or received by the Chief of Police as such, unless otherwise directed by this charter, shall be paid into the City Treasury promptly when received, and the Treasurer's report therefor shall be filed with Clerk.

POLICE FORCE—ESTABLISHMENT OF.

(108) Section 32. The Commission of said City shall provide for and establish a police force, and may authorize the City Manager or Chief of Police to appoint with or without the consent of the Commission, from time to time, such number of policemen and night watchmen as they shall deem expedient for good government of the City, and for the protection of the persons and property of the inhabitants, and they may authorize the City Manager in cases of emergency and danger to appoint temporarily, such number of policemen as in his judgment the occasion may require.

RULES OF POLICE DEPARTMENT.

(109) Section 33. The Commission shall make all necessary rules for the government of the police, and prescribe the powers and duties of policemen and watchmen, and they may invest them with such authority as may be necessary for the preservation of quiet and good order in the City.

(b) FIRE DEPARTMENT

ESTABLISHMENT AND MAINTENANCE OF.

(110) Section 34. The Commission shall have power to enact such ordinances and establish and enforce such regulations as they shall deem necessary to guard against the occurrences of fires, and to protect the property and persons of the citizens against damage and accident resulting therefrom; and for this purpose to establish and maintain a fire department; to organize and maintain fire companies; to employ and appoint firemen; to make and establish rules and regulations for the government of the department, the employees, firemen and officers thereof; and for the care and management of the engines, apparatus, property, and buildings pertaining to the department.

APPLIANCES—COMMISSION MAY PROVIDE.

(111) Section 35. The Commission may purchase and provide suitable fire engines and apparatus for the extinguishment of fires; and make all necessary provisions for a convenient supply of water for the use of the department.

BUILDINGS FOR.

(112) Section 36. The Commission may also provide or erect all necessary buildings for keeping the engines, fire trucks, and fire apparatus of the department.

CHIEF.

(113) Section 37. The Chief of the Fire Department shall be subject to the direction of the City Manager and the regulations of the Commission; shall have the supervision and direction of the department and the care and management of fire engines, apparatus and property.

POWERS OF CHIEF TO COMMAND AID.

(114) Section 38. The Chief of the Fire Department or other officer acting as such, may command any person present at a fire to aid in the extinguishment thereof, and to assist in the protection of property thereat. If any person shall willfully disobey any such lawful requirement or other lawful order of any such officer, he shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by imprisonment in the county jail for a period not exceeding ninety days, or by fine not exceeding One Hundred Dollars (\$100.00), or by both such fine and imprisonment in the discretion of the court.

APPOINTMENTS TO AND REGULATIONS FOR.

(115) Section 39. The Commission may provide by ordinance for the appointment of such number of firemen as may be deemed necessary; and for the examinations by them from time to time, of the stoves, furnaces and heating apparatus and devices in all dwellings, buildings, and structures within the City, and in all places where combustible or explosive substances are kept, and to cause all such as are unsafe with respect to fire, to be put in a safe condition.

FIRE LIMITS—PROVISIONS FOR

ESTABLISHING.

(116) Section 40. The Commission may prescribe by ordinance from time to time, limits or districts within which wooden buildings and structures shall not be erected, placed, or enlarged, and to direct the manner of constructing buildings within such district, with respect to protecting against fire, and the material of which the outer walls and roofs shall be constructed.

PREVENTION OF FIRE—REGULATIONS FOR.

(117) Section 41. The Commission may also prohibit within such places or districts as they shall deem expedient, the location of shops, the prosecution of any trade or business, the keeping of lumber yards, and the storing of lumber, wood, or other easily inflammable material in open places, when, in the opinion of the Commission, the danger from fire is thereby increased. They may regulate the storing of gunpowder, oils, and other combustible and explosive substances, and the use of lights in buildings, and, generally may pass and enforce such ordinances and regulations as they may deem necessary for the prevention and suppression of fires.

REMOVAL OF BUILDINGS—AS NUISANCES.

(118) Section 42. Every building or structure which may be erected, placed, enlarged, or kept, in violation of any ordi-

nance or regulation lawfully made for the prevention of fires, is hereby declared to be a nuisance and may be abated or removed by the direction of the Commission.

COMPENSATION OF FIREMEN.

(119) Section 43. The officers, firemen and employees of the department shall receive such compensation as the Commission may prescribe.

DEPARTMENT OF PUBLIC WORKS

SUPERINTENDENT OF PUBLIC WORKS.

(120) Section 44. The Superintendent of Public Works shall have general supervision of the inspection of all buildings and works of the City, and all employees and appointees of the City performing such duties shall receive orders from and report to him.

POWERS AND DUTIES OF SUPERINTENDENT.

(121) Section 45. The Superintendent of Public Works shall be subject to the direction of the City Manager, and resolutions of the Commission.

SUPERINTENDENT UNDER DIRECTIONS OF COMMISSION AND CITY MANAGER.

(122) Section 46. It shall be the duty of the Superintendent of Public Works to perform, or cause to be performed, all such labor, repairs, and improvements upon the highways, streets, side-walks, alleys, bridges, reservoirs, drains, culverts, sewers, public grounds and parks within the City, as the Commission shall direct to be done by or under his supervision; and to oversee and do whatever may be required of him in relation thereto by the Commission and City Manager.

REPORT TO COMMISSION.

(123) Section 47. He shall make, if required, a report to the Commission in writing and on oath, once in each month, giving an exact statement of all labor performed under his supervision and the charges therefor; the amount of material used and the expense thereof, and the street and place where such material was used or labor performed, and further showing the items and purposes of all expenses incurred since his last preceding report.

SUPERVISION OF BUILDINGS AND INSPECTION.

(124) Section 48. The Superintendent of Public Works shall also have general supervision of buildings, inspection of plumbing, sewers and electric wiring.

DEPARTMENT OF PUBLIC HEALTH

HEALTH OFFICER.

(125) Section 49. The Department of Health shall be under the immediate charge of the Health Officer, who shall be a legally licensed physician, or some person of recognized qualifications in the matters of Public Health and Sanitation. He shall have such powers and perform such duties as are prescribed by law and by this Charter and by ordinance or resolution of the Commission. Furthermore, there may be appointed to the Health Department a community nurse whose salary shall be determined by the City Commission. The employment of the community nurse may be done by the City, separately, or in conjunction with some other community agency.

DEPARTMENT OF PUBLIC WELFARE

(126) Section 50. The Department of Public Welfare shall be under the supervision of the City Manager, subject to such ordinances, rules and regulations as may be adopted by the Commission. The supervision and management of all charitable, correctional and reformatory institutions and agencies belonging to the City; the establishment and supervision of the use of recreation facilities of the City, including parks and playgrounds; the supervision of public entertainment; the support, care and relief of poor persons residing within the City; and other welfare and social problems in the community, shall be under the jurisdiction of the department of Public Welfare.

(127) Section 51. The Commission may, when deemed advisable, take any obligations and security to the City of Plymouth in consideration of funds advanced or to be advanced to any needy person or persons and all sums received as payment on such obligations shall be credited to the Welfare Fund. The Commission shall have the power to annually raise by taxation for the Welfare Fund, such sums as it shall deem necessary for operation of the Department, and it shall have such other powers as are necessary for the proper functioning of the Department.

CHAPTER 8.

COMMISSION POWERS AND DUTIES

LEGISLATIVE AUTHORITY.

(128) Section 1. The legislative authority of the City shall be vested in a Commission, and it shall at all times be constituted as consisting of five members, the Mayor and four Commissioners.

PRESIDENT—PRESIDING OFFICER.

(129) Section 2. The Mayor shall be chairman of the Commission and preside at the meetings thereof. He shall have the same vote upon any and all questions as a Commissioner. ACCOUNTS TO BE AUDITED.

(130) Section 3. The Commission shall audit and allow all accounts chargeable against the City; but no account or claim or contract shall be received for audit or allowance, unless it shall be accompanied with a certificate of an officer of the corporation or an affidavit of the person rendering it to the effect that he verily believes that the services therein charged have been actually performed, or the property delivered for the City, that the sums charged therefor are reasonable, and just, and that to the best of his knowledge and belief, no set-off exists, nor payment has been made on account thereof, except such as are endorsed or referred to in such account or claim. Every such account shall exhibit in detail all the items making up the amount claimed and the true date of each. It shall be a sufficient defense in any court to any action or proceeding for the collection of any demand or claim against the City for personal injuries or otherwise that it has never been presented, certified to or verified as aforesaid, to the Commission for allowance; or if such claim is founded on contract, that the same was presented without the certificate or affidavit aforesaid and rejected for that reason; or, that the action or proceeding was brought before the Commission had a reasonable time to investigate and pass upon it.

ORDINANCES

ENACTING CLAUSE—FORM OF—EFFECTIVE HOW AND WHEN.

(131) Section 4. The enacting clause of all ordinances shall read "The City of Plymouth Ordains," but such caption may be omitted when said ordinances are published in a book form or are revised and digested by authority of the Commission.

All ordinances, except as herein otherwise provided shall require for their passage the concurrence of a majority of the Commission. No ordinances passed by the Commission (except when otherwise required by the general laws of the State or by the provisions of this charter) shall take effect before twenty-one days after the day of its final passage.

PENALTIES—WHEN MAY BE PRESCRIBED.

(132) Section 5. When by the provisions of this charter the Commission has authority to pass ordinances for any purpose, they may prescribe fines, penalties and forfeitures not exceeding Five Hundred Dollars (\$500.00), or imprisonment not exceeding ninety days, or both, in the discretion of the court, together with the costs of the prosecution, for each violation of any of said ordinances, and may provide that the offender on failing to pay such fine, penalty or forfeiture and the costs

of prosecution may be imprisoned for any time not exceeding ninety days, unless payment thereof be sooner made, and also that the offender be kept at labor during such imprisonment. Such fine, penalty or forfeiture and imprisonment for the violation of any ordinance, shall be prescribed in the ordinance, and if imprisonment be adjudged in any case, it may be in the City prison, or in the County jail of Wayne County, or in other places of confinement provided by the City, or general law of the State of Michigan, for such purposes, in the discretion of the court.

CLERK TO RECORD ORDINANCES.

(133) Section 6. All ordinances, when regularly enacted, shall be recorded by the Clerk of the Commission in a book to be called "The Record of Ordinances", and it shall be the duty of the Mayor and Clerk to authenticate the same by their official signatures upon such record.

PUBLICATION

(134) Section 7. Within seven days after the passage of any ordinance, the same shall be published by posting in three public places in the City or publishing in a newspaper of general circulation in the City; and the Clerk shall, immediately after such publication, enter in the record of ordinances, in a blank space to be left for such purpose under the record of the ordinances, a certificate under his hand, stating the time and places of such publications. Such certificate shall be prima facie evidence of the due publication of the ordinance.

(135) Section 8. Prosecutions and proceedings for violations of the ordinances of the City may be instituted and conducted, security for costs required, proofs made, appeals taken, and convicted offenders imprisoned as provided in the general laws of the State.

CITY PRISON MAY BE MAINTAINED.

(136) Section 9. The Commission shall have power to provide and maintain a City prison, and such watch or station houses as may be necessary and may provide for the confinement therein of all persons liable to imprisonment or detention under the ordinances of the City, and for the employment of those imprisoned therein. All persons sentenced to confinement in such prison, and all persons imprisoned therein on execution for nonpayment of fines for violation of the ordinances of the City, may be kept at labor during the term of their imprisonment, either within or without the prison, under such regulations as the Commission may prescribe.

PAYMENT OF FINES.

(137) Section 10. All fines imposed for violations of the ordinances of the City, if paid before the accused is committed, shall be received by the court or magistrate, before whom the conviction was had. If any fine shall be collected upon conviction, the officer or person receiving the same shall immediately pay over the money collected to said court or magistrate. If the accused be committed, payment of the fine and costs imposed shall be made to the sheriff, or other keeper of the jail or prison, who shall within thirty days thereafter, pay the same to said court or magistrate, and the court or magistrate receiving any such fine or penalty, or any part thereof, shall pay the same into the City Treasury, except such fines as by the Constitution are appropriated for library purposes, or on or before the first Monday of the month next after the receipt of same, and take the Treasurer's receipt therefor and file same with the Clerk.

FAILURE TO TURN FINES OVER TO THE CITY.

(138) Section 11. If any person who shall have received such fine or any part thereof shall neglect to pay over the same pursuant to the foregoing provisions, it shall be the duty of the Commission to cause suit to be commenced immediately therefor, in the name of the City, and to prosecute the same to effect. Any person receiving any such fine, who shall willfully neglect or refuse to pay over the same as required by the foregoing provisions shall be deemed guilty of a misdemeanor and shall be punished accordingly.

WHAT ORDINANCES MAY BE PASSED.

(139) Section 12. The Commission shall have authority to enact all ordinances and to make all such regulations, consistent with this charter and the laws and Constitution of the State, as they may deem necessary for the safety, order and good government of the City, and the general welfare of the inhabitants thereof; but no exclusive rights, privileges or permits shall be granted by the Commission to any person or persons, or any corporation for any purpose whatever.

PLATS—HOW MADE.

(140) Section 13. No lands or premises shall hereafter be laid out, divided and platted into lots, streets, and alleys, within said City, except by permission and approval of the Commission by resolution passed for that purpose; nor until the proprietor shall file with the City Clerk a correct survey, plan and map of such grounds and sub-divisions thereof, platted and sub-divided as approved by the Commission, and made to their satisfaction; showing also the relative position and location of such lots, streets and alleys with respect to the adjacent lots and streets of the City; nor shall said City by reason of the approval of any such plat be responsible for the improvement, care and repairs of such streets and alleys excepting such as the Commission shall accept and conform by ordinance or resolution.

LICENSES, GRANTING AND REVOCATION OF.

(141) Section 14. The Commission may prescribe the terms and conditions upon which licenses may be granted, and may exact and require payment of such sums, for any license as shall be reasonable and proper, the City Commission being the judge of the reasonableness and propriety thereof. The person receiving the license shall if required, by the Commission or ordinance of the City, before the issuing thereof, execute a bond to the corporation in such sum as the Commission may prescribe, with one or more sufficient sureties, conditioned for a faithful performance of the laws relating to the corporation and the ordinances of the Commission, and otherwise conditioned as the Commission may prescribe. Every license shall be revocable by the Commission at pleasure, and when license shall be revoked for non-compliance with the terms and conditions upon which it was granted, or on account of any violation of any ordinance or regulation passed or authorized by the Commission, the person holding such license shall, in addition to all other penalties imposed, forfeit all payments made for such license. And the Commission may provide for punishment, by fine or imprisonment, or both, if any person, who, without license, shall exercise any occupation or trade or do anything for or in respect to which any license shall be required, by any ordinance or regulation of the Commission.

POUNDS—ESTABLISHMENT, MAINTENANCE AND OPERATION.

(142) Section 15. The Commission may provide and maintain one or more pounds within the City and may authorize the impounding of all beasts and fowls found in the streets or otherwise at large, contrary to any ordinance of the City. The Chief of Police shall be poundmaster, ex officio without additional compensation or fees. The Commission may prescribe his powers and duties as such officer and may provide for the impounding of such beasts and fowls by such officer or under his direction in some suitable place under his immediate care and inspection. The Commission may also prescribe the fees for impounding, and the amount or rate of expense for keeping, and the charges to be paid by the owner or keeper of the beasts or fowls impounded; and may authorize the sale of the beasts or fowls for the payment of such fees, expenses and charges, and for penalties incurred, and may impose penalties for rescuing any beast or fowl impounded.

REAL ESTATE—ACQUIRING AND SALE OF.

(143) Section 16. The City may acquire, purchase and erect

such public buildings, as may be required for the use of the corporation, and may purchase, appropriate, and own such real estate as may be necessary for public grounds, parks, boulevards, markets, public buildings and other purposes necessary for convenience for the public good, and for the execution of powers conferred in this charter or by the statutes of this state; and such buildings and grounds, or any part thereof, may be sold at public sale, or leased as occasion may require; provided, however, no property of the value in excess of ten cents per capita according to the last preceding United States census, nor any park, nor any real estate used in carrying on a public utility, or any part thereof, shall be sold, unless such sale be first approved by three-fifths of the electors voting thereon at any general or special election.

REAL ESTATE BEYOND CORPORATE LIMITS.

(144) Section 17. When the Commission shall deem it for the public interest, grounds and buildings, for the City prison, hospital, pest house, and for disposal of sewage, rubbish and garbage, and for obtaining or protecting a water supply for the City, may be purchased, erected, furnished or maintained beyond the corporate limits of the City; and in such cases the Commission shall have authority to enforce beyond the corporate limits of the City, and over such lands, buildings and property, in the same manner and to the same extent as if they were within the City, all such ordinances and police regulations as may be necessary for the care and protection thereof, and for the management and control of the persons kept or confined in such prison, pest house or hospital.

PUBLIC PARKS.

(145) Section 18. The Commission shall have authority to lay out, establish, or vacate and discontinue public parks and grounds within the City, and to improve, light and ornament same, and to regulate the use thereof, and to protect the same and the appurtenances thereof from obstruction, encroachment and injury; provided, however, that such park or grounds shall not be vacated or discontinued except on a three-fifths vote of the electors voting thereon at any general or special election.

DAMAGES FOR INJURIES RECEIVED ON PUBLIC PROPERTY.

(146) Section 19. The Commission shall have supervision and control of all public highways, bridges, streets, avenues, alleys, sidewalks and public grounds within the City, and shall have the like authority over the same as is given by the general laws of the State. The City shall not be liable in damages sustained by any person in the City, either to his person or property, by reason of any defective street, sidewalk, crosswalk, or public highway, or by reason of any obstruction, ice, snow or other incumbrance upon such street, sidewalk, crosswalk, or public highway, situated in the City unless such person shall serve or cause to be served within sixty days after such injury shall have occurred a notice in writing upon the Clerk or Deputy Clerk of the City, which notice shall set forth substantially the time when and place where such injury took place, the manner in which it occurred, and the extent of such injury as far as the same has become known and that the person receiving such injury intends to hold the City liable for such damages as may have been sustained by him.

SIDEWALKS.

(147) Section 20. The Commission shall have control of all sidewalks in the public streets and alleys of the City, and may prescribe the grade thereof, and change the same when deemed necessary. They shall have power to build, maintain and keep in repair sidewalks and crosswalks in the public streets and alleys, and to charge the expense of constructing and maintaining such sidewalks upon the lots and premises adjacent to and abutting upon such sidewalks. The Commission shall also have authority to require the owners and occupants of lots and premises to build, rebuild, and maintain sidewalks in the public streets adjacent to and abutting upon such lots and premises and to keep them in repair at all times, and to construct and lay the same upon such lines and grades, and of such width, materials and manner of construction, and within such time as the Commission shall, by ordinance or resolution prescribe, the expense thereof to be paid by such owner or occupant; or the Commission may by a four-fifths vote of all the Commissioners elect to pay such part of the expense of building or rebuilding, maintaining and keeping in repair such walk as they may deem proper from the highway fund.

SNOW AND OBSTRUCTION ON WALKS.

(148) Section 21. The Commission shall also have power either by ordinance or resolution to cause and require the owners and occupants of any lot or premises to remove all snow and ice from the sidewalks in front of or adjacent to such lot and premises, and to keep same free from obstructions, encroachments, incumbrances, filth, and other nuisances; provided, that the Commission may by a three-fifths vote of all the Commissioners elect, provide by ordinance for the removing of all ice and snow therefrom, and for keeping the same free from incumbrances and pay the expenses thereof from the highway fund.

CITY MAY CONSTRUCT SIDEWALKS.

(149) Section 22. If the owner or occupant of any lot or premises shall fail to construct or maintain any particular sidewalk, as mentioned and prescribed in Section 20 above, or shall fail to keep the same in repair, or to remove the snow, ice and filth therefrom, or to remove and keep the same free from obstructions, encroachments, incumbrances, or other nuisances, or shall fail to perform any other duty required by the Commission in respect to such sidewalks, within such time and such manner as the Commission shall require, the Commission may cause the same to be done and such sidewalks to be constructed or repaired, at the expenses of such owner or occupant, and the Commission may cause the amount of all expenses incurred thereby, together with a penalty of ten per cent in addition thereto, to be reported to the Assessor, to be levied by him as a special tax or assessment upon the lot or premises adjacent to and abutting upon such sidewalks, which special assessment shall be subject to review after proper notice has been given as in all other cases of special assessments provided for by this charter; and such tax when confirmed shall be a lien upon such lot or premises the same as other special assessments, and the Commission shall order the assessor of the City to spread said amount, together with such penalty, upon his roll as a special assessment upon such lot or premises, and the same shall be collected in the same manner as other City taxes or the City may collect such amount, together with the penalty aforesaid, from the owner or occupant of such premises in an action of assumpsit, together with costs of suit.

REGULATIONS OF SIGNS AND AWNINGS OVER WALKS.

(150) Section 23. The Commission shall have power to regulate and prohibit the placing of signs, awning posts and other things upon or over sidewalks, and to regulate, license or prohibit the construction and use of openings in the sidewalks, and of all vaults, structures and excavations under the same.

CREATION OR CHANGE OF STREETS.

(151) Section 24. The Commission shall have power to lay out, establish, open, make, widen, extend, straighten, alter, close, vacate or abolish any highway, street, lane, alley, pavement, sidewalk, sewer, drain, water course, bridge or culvert in the City whenever they shall deem the same a public improvement or necessary for the public convenience; and if in so doing it shall be necessary to take or use private property, the same may be taken in the manner provided by law. The

expense of such improvement may be paid by special assessments upon the property adjacent to or benefited by such improvement in the manner in this charter provided for levying and collecting special assessments or in the discretion of the Commission, a portion of such costs and expenses may be paid by special assessments as aforesaid and the balance from the general highway fund.

VACATION OF STREETS.

(152) Section 25. When the Commission shall deem it advisable to vacate, discontinue, or abolish any highway, street, lane, alley or public ground or any part thereof, they shall by resolution so declare, and in the same resolution shall appoint a time not less than four weeks thereafter when they will meet and hear objections thereto; notice of such meeting, with a copy of said resolution, shall be given in such manner as shall be prescribed by ordinance or resolution. Objections to such proposed action of the Commission may be filed with the Clerk in writing and if any such shall be filed, the street, alley or public ground or any part thereof, shall not be vacated or discontinued, except by a vote of four-fifths of the members-elect of the Commission.

SURVEY OF PUBLIC STREETS.

(153) Section 26. The Commission may cause all public streets, alleys and public grounds to be surveyed and may determine and establish the boundaries thereof, and cause the surveys and descriptions thereof to be recorded in the office of the City Manager in the book of street records, and they shall cause surveys and descriptions of all streets, alleys and public grounds opened, laid out, altered, extended or accepted and confirmed by them to be recorded in like manner, and such record shall be prima facie evidence of the existence of such street, alley or public grounds, as in the records described. Every resolution or ordinance discontinuing or vacating any street, alley or public ground shall also be recorded in said book of street records and the record shall be prima facie evidence of all matters therein set forth.

GRADE OF STREETS.

(154) Section 27. The Commission shall have authority to determine and establish the grade of all streets, avenues, alleys and public grounds within the City, and to require improvements and buildings adjacent to, or abutting upon such streets, alleys or grounds, to be made and constructed in conformity with such grade; and the Commission may change or alter the grade of any street, alley or public ground, or of any part thereof whenever in their opinion the public convenience will be promoted thereby. Whenever a grade shall be established or altered a record and diagram thereof shall be made in the book of street records in the office of the City Manager.

COMPENSATION FOR CHANGING GRADE.

(155) Section 28. Whenever the grade of any street or sidewalk shall have been heretofore or shall hereafter be established, and improvements shall thereafter be made by the owner or occupant of the adjacent property in conformity to such grade, such grade shall not be changed without compensation to the owner for all damages to such property resulting therefrom, to be ascertained as in case of the appropriation of property, or said damages may be ascertained and agreed upon by and between the City and the owner or occupant of such premises. Whenever such damage shall be ascertained or agreed upon, as heretofore provided, such damages or such part thereof as the Commission shall deem equitable and just shall be paid by the City, or the Commission may cause such damages, or such part thereof as may be just and proper, subject to the limitations as to amount contained in Section 1 of Chapter 9 of this charter, to be assessed upon such real estate as may be benefited by reason of the change of such grade, and whenever the Commission shall determine to assess such damages, or any part thereof, upon the property benefited, it shall determine and define a district in the City which in its judgment is benefited by the improvement out of which said damages arise, and shall cause the same to be assessed upon such district, which said assessment shall be upon the owners or occupants of the taxable real estate in said district, in proportion as nearly as may be to the advantage or benefit of each lot, parcel or subdivision is deemed to acquire by the improvement out of which such damages arise; but the property on account of which such damages were awarded shall not be included in said district. The assessment shall be made and the amount levied and collected in the same manner as other assessments on a district deemed to be benefited, in the grading and improvement of streets as provided for in this charter; and all of the provisions of Chapter 9 of this Charter relative to special assessments and the collection thereof, shall apply thereto. Such damages, when collected as aforesaid, or when determined upon by the City, shall be paid to the person entitled thereto.

IMPROVING AND REPAIRING STREETS.

(156) Section 29. The Commission shall have authority to construct and maintain bridges and culverts where needed; and to grade, pave, curb, gravel, plank and otherwise improve and repair the highways, streets, lanes, avenues, and alleys of the City. Any such work may be done by contract, let after competitive bidding or may be done by employees of the City by and under the supervision and direction of the superintendent of public works.

EXPENSES OF BRIDGES, PAVEMENTS AND STREET IMPROVEMENTS.

(157) Section 30. The expense of constructing and maintaining bridges and the whole, or such parts as the Commission shall determine, of the expense of improving and working, including grading and gravelling upon the streets and highways, may be paid from the general highway fund, to be raised by tax upon all the property in the City, subject to the limitations and provisions of Section 32 of this chapter. The expense of grading, paving and gravelling or otherwise improving any street, may, subject to the limitations as to amount prescribed in Section 1 of Chapter 9 of this charter be defrayed by a special assessment upon the lots and premises abutting upon such improvement, in proportion to their number of feet front upon the street, or a part of such expense may be so paid and the remainder may be paid from the general highway fund, as the Commission may decide. The lots and premises to be assessed according to their frontage upon a street improvement as aforesaid, shall constitute a special assessment district. The term paving shall include curbing and the installation of all necessary service lines and drainage structures, the cost of which shall be assessed, according to benefits with the paving.

PORTIONS PAID FROM GENERAL HIGHWAY FUND.

(158) Section 31. When expenses for any such improvement shall be assessed in a special assessment district, and there shall be lands belonging to the City, school buildings, or other public buildings or public grounds not taxable, fronting upon such improvement, such part of the expense of such improvement as in the opinion of the Commission or Board of Assessment and Review making the special assessment would be justly apportionable to such public grounds, buildings, and City property, and to any interior squares or spaces formed by the intersection of streets, were they taxable, shall be paid from the general highway fund, and the balance of such expense shall be assessed upon the taxable lots and premises included in the special assessment district in proportion to their number of feet frontage upon such improvement. When such assessment is to be made upon lots in proportion to their frontage upon the improvement, if from the shape or size of any lot an assessment thereon in proportion to the frontage would be unjust and disproportionate to the assessment upon other lots, the Commission or Board of Assessment

or Review making the assessment may assess such lots for the number of feet frontage as in their opinion will be just.

REPAVING AND REPAIRING STREETS.

(159) Section 32. No special assessment shall be made to defray the cost or any portion of the cost, of repaving or repairing any street, lane or alley.

STREET REGULATIONS

POWER OF COMMISSION OVER STREETS.

(160) Section 33. The Commission shall have power to establish and maintain the public highways, streets and alleys of the City, and may prohibit and prevent any obstructions, encroachments or misuse of said public highways, streets and alleys.

REGULATION OF TREES, SHRUBS.

(161) Section 34. The Commission may provide for and regulate the planting, trimming and protection of trees and shrubbery along the public highways, streets, avenues, and parks of the City, and such other powers as may be prescribed by law.

REGULATION OF EXCAVATIONS.

(162) Section 35. The Commission may regulate the making of all openings in and removals of earth from public streets, for the laying or repair of sewers, drains, tunnels, gas pipes, water pipes or any other purpose; and may prohibit and prevent all such openings and removals of earth except by permission of the Commission, and at such times and upon such terms and regulations as they may prescribe.

REGULATION OF TRAFFIC.

(163) Section 36. The Commission may regulate the use of public highways, streets, avenues and alleys of the City, and prescribe for the means, method and type of travel thereon, and such other powers as are prescribed by law.

SEWERS, DRAINS AND WATER COURSES IN.

(164) Section 37. The Commission may establish, construct and maintain sewers, drains and water courses whenever and wherever necessary, and of such dimensions and materials, and under such regulations as they deem proper so as to protect and promote the health and well being of the citizens of this City; and private property, or the use thereof, may be taken therefor, in the manner as provided by law for the taking of private property for public use.

EXPENSE OF CONSTRUCTING SEWERS, ETC., IN.

(165) Section 38. The expense of constructing sewers, drains and water courses may be paid from general tax assessed against all the taxable property in the City; or such expenses may be defrayed by special assessment, as prescribed by this charter, upon the lands and premises benefited by the improvement in proportion to the benefits resulting to each lot or parcel of land respectively; or such part of the expense as the Commission shall determine as proper may be defrayed by special assessment, and the remainder may be paid by general tax, except as hereinafter provided or prescribed by law.

PRIVATE DRAINS MAY BE REQUIRED.

(166) Section 39. Whenever the Commission shall deem it necessary for the public health, they may require the owners and occupants of lots and premises to construct private drains therefrom to connect with some public sewer or drain, and thereby to drain such lots and premises; and to keep such private drains in repair and free from obstruction and nuisances; and if such private drains are not constructed and maintained according to such requirements, the Commission may cause the work to be done at the expense of such owner or occupant, and the amount of such expense shall be a lien upon the premises drained, and may be collected by special assessment to be levied thereon.

CONNECTIONS WITH PUBLIC SEWERS.

(167) Section 40. The owners and occupants of lots and premises shall have the right to connect the same, at their own expense by means of private drains, with the public sewers and drains under such rules and regulations as the Commission shall prescribe.

EXPENSE OF SEWERS, DITCHES, ETC.

(168) Section 41. The expenses of establishing, improving or repairing public sewers, ditches and water courses may be paid from general tax, or the Commission may determine such portion thereof, or may be defrayed in whole or part by special assessment upon the land and premises benefited thereby in proportion to such benefits as may be determined by the Commission.

PUBLIC MARKETS.

(169) Section 42. The Commission shall have the power to establish regulate and supervise a public market or market places for the sale of meats, fish, vegetables and other provisions and articles necessary for the sustenance and convenience of the people of this City.

PUBLIC HEALTH—CONSERVATION OF.

(170) Section 43. The Commission of said City may enact all such ordinances as may be deemed necessary for the preservation and protection of the health of the inhabitants thereof, and to prevent the introduction of malignant, infectious or contagious diseases within the City or within one mile thereof; and for the removal of persons having such diseases, or who, from exposure thereto, or otherwise, may be suspected or believed to be liable to communicate the same, either beyond the corporate limits or to such hospital or place of treatment within the City as the Commission may prescribe and the public safety may require.

NUISANCES—ABATEMENT OF.

(171) Section 44. The Commission or Board of Health shall have power to prevent or remove or abate all nuisances dangerous to life or health within the City; and may require any person, corporation or company causing such nuisance, and the owner or occupant of any lot or premises upon or in which any such nuisance or cause of disease may be found, to remove or abate the same upon such notice, and within such time and such manner as the Commission may by ordinance or resolution direct.

DRAINAGE TO CELLARS, VAULTS, ETC.

(172) Section 45. If any cellar, vault, lot, sewer, drain, place or premises within the City, shall be damp, unwholesome, offensive or filthy, or be covered during any portion of the year with stagnant or impure water, or shall be in such condition as to produce offensive exhalations, the Commission or Board of Health may require the same to be drained, filled up, cleansed or purified by the owner or occupant, or person in charge of such lot, premises or place, and may require the owner or occupant of any building, fence or structure which may be ruinous, or liable to fall and injure persons or property, to pull down or remove same, or the Commission may cause any of the foregoing things to be done by any officer of the City.

EXPENSE OF ABATEMENT OF NUISANCES.

(173) Section 46. If the owner or occupant of any lot or premises when required by the Commission or Board of Health to remove any unsafe building or structure, or to cleanse, purify or drain such lot or premises or to abate or remove any nuisances therefrom, shall neglect so to do, the Commission may cause the same to be done under the direction of any officer of the City, and if the Commission shall incur any expense in causing the same to be done, such expense may be charged upon such lot or premises, and collected as a special assessment thereon; or such expense may be recovered by the City in an action of debt or assumpsit against the owner or occupant of any such lot or premises.

TRADES OFFENSIVE OR DANGEROUS TO PUBLIC HEALTH.

(174) Section 47. The Commission, when it shall deem it necessary, may from time to time, assign by ordinance, cer-

tain places for the exercise of any trade or employment of the inhabitants, or dangerous to the public health, and may forbid the exercise thereof in places not so assigned; and may change or revoke such assignments at pleasure; and whenever a business carried on in any place so assigned or in any other place in the City, shall become hurtful and dangerous to the health of the neighborhood, the Commission may prohibit the further exercise of such business or employment at such place or in the City.

HOSPITALS—ESTABLISHING AND MAINTENANCE OF.

(175) Section 48. The Commission may provide for the establishing of a City Hospital and for the appointment of the necessary officers and employees for the management of the City Hospital and for the care and treatment therein of such sick and diseased persons as to the Commission or Board of Health of the City shall seem proper; with or without charge; and by direction of Commission or Board of Health, persons having malignant, infectious or contagious diseases, may be removed to such hospital, and there detained and treated, when the public safety may so require; and the Commission may provide such restraints and punishments as may be necessary to prevent any such person from departing from such hospital until duly discharged.

EXERCISE POWERS OF BOARDS OF HEALTH.

(176) Section 49. The Commission shall have and exercise all the powers and authority conferred upon boards of health by the general laws of the State, so far as the same are applicable; and they may enact such ordinances as may be necessary for regulating the proceedings and mode of exercising such powers.

BOARD OF HEALTH—ESTABLISHMENT OF.

(177) Section 50. When the Commission shall deem it necessary, it may subject to the provisions of this charter, establish a Board of Health for the City, and appoint officers therefor, and make rules for its government and invest it with such powers and authority as may be necessary for the protection and preservation of the health of the inhabitants.

CHAPTER 9.

IMPROVEMENTS AND ASSESSMENTS

COST AND EXPENSE OF IMPROVEMENTS.

(178) Section 1. The cost and expense of the following improvements, including the necessary lands therefor, viz: for public buildings and offices for the use of the City officers, engine houses and structures for the fire department, for waterworks, for lighting purposes, parks, City prisons and hospitals, shall be paid from the proper general funds of the City. When, by the provisions of this charter, the cost and expenses of any local or public improvements may be defrayed in whole or in part by special assessment upon the lands abutting upon and adjacent or otherwise benefited by the improvement, such assessment shall be made as in this chapter provided. The aggregate amount of all special assessments which may be levied against any one parcel of land and be at any one time out-standing, and not delinquent, shall not exceed twenty-five per cent of the value of such parcel of land, as shown by the City assessment roll last confirmed preceding the time of the making of the last of such special assessments.

RESOLUTIONS—WHAT TO CONTAIN.

(179) Section 2. When the Commission shall determine to make any public improvement and defray the whole or any part of the costs and expenses thereof by special assessment, they shall cause estimates of the expense thereof to be made, and also a map and diagrams, when practicable, of the work and of the locality to be improved, which shall show the boundaries and divisions of all the lots and premises in the district which in their opinion will be benefited by the improvements and which they intend to assess for the cost of same, and in the case of a sewer or drain the proposed route and location, depth, grade and dimensions of the work, and shall state what part of the expense if any, is to be paid by general tax, and what part by special assessment, and whether according to the benefits or to frontage, and they shall give notice thereof and of the proposed improvement or work, and of the district to be assessed, and of the time when the Commission will meet and consider any objections thereto, by publication once each week for two weeks at least in a newspaper of general circulation in the City to be designated by the Commission or by posting notices for the same length of time in three public places in the City. At such meetings or any adjournment thereof the Commission may make any change in the proposed work or improvement, the special assessment or the special assessment district, which shall seem reasonable or proper in view of any objection which may be made.

COSTS—WHAT INCLUDED IN.

(180) Section 3. The costs and expenses of any improvement which may be defrayed by special assessment shall include the costs of surveys, plans, assessments, and costs of construction.

PROPOSALS FOR IMPROVEMENTS.

(181) Section 4. Before any special assessment shall be directed to be made, to defray the cost, or any portion thereof, of any improvement to be made by contract and not by City work, the Commission shall advertise in such manner as it may determine, for proposals for making said improvements, and receive and open the same.

SPECIAL ASSESSMENT—WHEN LEVIED.

(182) Section 5. Special assessments, to defray the estimated cost of any improvement may be levied before the making of the improvement. When the work is done by the City the spreading of the assessment may be deferred until the completion of the work.

SPECIAL ASSESSMENT—PROPORTION OF.

(183) Section 6. When any special assessment is to be made pro rata upon the lots and premises in any special assessment district, according to the frontage or benefits, the Commission shall by resolution, direct the same to be made by the assessor, and shall state therein the amount to be assessed, and whether according to frontage or benefits, and describe or designate the lots and premises, or locality constituting the district to be assessed. Upon receiving such order and directions, the assessor shall make out an assessment roll, entering and describing therein all the lots, premises and parcels of land to be assessed, and the valuation thereof, and shall levy thereon and against such persons the amount to be assessed, in the manner directed by the Commission and the provisions of this charter, applicable to the assessment, and when such assessment is completed shall report the same to the Commission. If the assessment is required to be according to the frontage, there shall be assessed to each lot or parcel of land such relative portion of the whole amount to be levied as the length and front of such premises abutting upon the improvement bears to the whole frontage, of all the lots to be assessed, unless on account of the shape or size of any lot, an assessment for a different number of feet would be more equitable. If the assessment is directed to be according to the benefits, there shall be assessed upon each lot such relative portion of the whole sum to be levied as shall be proportionate to the estimated benefit resulting to each lot from the improvement.

ROLL TO BE NUMBERED.

(184) Section 7. When any special assessment shall be reported by the assessor to the Commission, as in this charter directed, the same shall be filed in the office of the Clerk, and numbered consecutively.

REVIEW OF SPECIAL ASSESSMENT.

(185) Section 8. Special assessment rolls shall be reviewed

and confirmed in all respects and particulars as provided in Sections 19 to 22, both inclusive, of Chapter 10 of this charter except that such review need be held on one day only unless otherwise directed by the Commission.

SPECIAL ASSESSMENT A LIEN—FROM WHAT DATE.

(186) Section 9. All special assessments shall, from the date of confirmation thereof, constitute a lien upon the respective lots or parcels of land assessed, and shall be a charge against the respective owners of the several parcels so assessed until paid.

HOW PAYABLE.

(187) Section 10. Upon the confirmation of any special assessment, the amount thereof may be divided into not more than ten installments, one of which shall be collected each year, at such times as the Commission shall determine, with annual interest at the same rate as paid on the bonds, and not to exceed six per cent per annum, but the whole assessment after confirmation may be paid to the City Treasurer at any time in full, with the proportionate interest thereon. The number of installments shall be such that no installment against any parcel of land shall exceed five percent of the value of such parcel as shown by the City Assessment roll confirmed next preceding the levying of such assessment.

WHEN DUE.

(188) Section 11. All special assessments, except such installments thereof as the Commission shall make payable at a future time, as provided in the preceding section, shall be due and payable upon confirmation.

ROLL FOR EACH INSTALLMENT.

(189) Section 12. If any special assessment shall be divided into installments, the special assessment roll may contain as many separate sets of appropriate columns as there are installments, or a special assessment roll may be made for each installment as the same shall become due, with the accrued interest upon all unpaid installments included and assessed therein. Such special rolls for installments may be made and confirmed without notice to the person assessed.

UNCOLLECTED AMOUNTS—WHEN APPORTIONED.

(190) Section 13. Should any lots of lands be divided after a special assessment thereon has been confirmed and divided into installments, and before the collection of all the installments, the Commission may require the Assessor to apportion the uncollected amounts upon the several parts of lots and lands so divided. The report of such apportionment, when confirmed, shall be conclusive upon all the parties and all assessments thereafter made upon such lots or lands shall be according to such division.

EXCESS OR DEFICIENCY.

(191) Section 14. Should any special assessment prove insufficient to pay for the improvement or work for which it was levied, and the expenses incident thereto, the Commission may make an additional pro rata assessment to supply the deficiency, and in case a larger amount shall have been collected than was necessary, the excess shall be refunded ratably to those by whom it was paid.

REASSESSMENT—WHEN.

(192) Section 15. Whenever any special assessment shall, in the opinion of the Commission, be invalid by reason of the irregularity or informality in the proceedings, or if any court of competent jurisdiction shall adjudge such assessment to be illegal, the Commission shall, 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 assessment was made. All proceedings on such re-assessment and for the collection thereof shall be conducted in the same manner as provided for the original assessment, and whenever any sum or any part thereof levied upon any premises in the assessment so set aside has been paid and not refunded, the payment so made shall be applied upon the re-assessment of said premises, and the re-assessment shall to that extent be deemed satisfied.

LIEN NOT DESTROYED BY JUDGMENT OR DECREE.

(193) Section 16. No judgment or decree, nor any act of the Commission 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 a regular mode of proceeding might have been lawfully assessed thereon.

TREASURER'S WARRANT.

(194) Section 17. When any special assessment shall be confirmed and be payable as herein before provided, the Commission may direct the assessment so made in the special assessment roll to be collected; and thereupon the City Clerk shall attach his warrant to a certified copy of said special assessment roll, therein commanding the City Treasurer to collect from each of the persons assessed in said roll the amount of money assessed to and set opposite his name therein, and in case any person named in said roll shall neglect or refuse to pay his assessment upon demand, then to levy and collect the same by distress and sale of the goods and chattels of such person and return said roll and warrant, together with his doings thereon, within sixty days from the date of such warrant.

TREASURER TO COLLECT.

(195) Section 18. Upon receiving said assessment roll and warrant, the treasurer shall proceed to collect the amounts assessed therein. If any person shall neglect or refuse to pay his assessment upon demand, the treasurer shall seize and levy upon any personal property found within the City or elsewhere within the county, or within any adjoining county, belonging to such person, and sell the same at public auction, first giving seven days' notice of the time and place of such sale, by posting such notices in three of the most public places in the City or township where such property may be found. The proceeds of such sale, or so much thereof as may be necessary for that purpose, shall be applied to the payment of the assessment, and a percentage of five per centum upon the amount of the assessment for the costs and expenses of said seizure and sale, and the surplus, if any, shall be paid to the person entitled thereto.

TREASURER MAKES RETURN TO CLERK.

(196) Section 19. The Treasurer shall make return of said assessment roll and warrants to the Clerk according to the requirement of the warrant, and if any of the assessments in said roll shall be returned unpaid, the Treasurer shall attach to his return a statement, verified by affidavit, containing a list of persons delinquent, and a description of the lots and premises upon which the assessments remain unpaid, and the amount unpaid on each.

RENEWAL OF TREASURER'S WARRANT.

(197) Section 20. Said warrant may be renewed from time to time by the Clerk, if the Commission shall so direct, and for such time as they shall determine, and during the time of such renewal the warrant shall have the same force, and the Treasurer shall perform the same duties and make the like returns as above provided. In case any assessment shall be finally returned by the Treasurer unpaid, as aforesaid, the same may be transferred and reassessed in the next annual City tax roll, in a column headed, "Special Assessment," with interest included at the rate of ten per cent per annum from the date of confirmation of the assessment, and be collected and paid in all respects as provided for the collection of City taxes.

COLLECTION BY SUIT.

(198) Section 21. At any time after a special assessment has become payable, the same may be collected by suit, in the name of the City, against the person assessed, in action of assumpsit, in any court having jurisdiction of the amount

in every such action a declaration upon the common count for money paid shall be sufficient. The special assessment roll and a certified copy of the order or resolution confirming the same shall be prima facie evidence of the regularity of all the proceedings in making the assessment, and of the right of the City to recover judgment therefor.

ASSESSMENTS NOT REQUIRED TO BE PRO RATA.

(199) Section 22. When any expense shall be incurred by the City upon or in respect to any separate or single lot, parcel of land, or premises, which, by the provisions of this charter, the Commission is authorized to charge and collect as a special assessment against the same, and not being of that class of special assessments required to be made pro rata upon several lots or parcels of land in an assessment district, an account of the labor or services for which expense was incurred, verified by the officer or person performing the labor or services with a description of the lot or premises upon which the expense was incurred, and the name of the owner or persons chargeable therewith, shall be reported to the Commission in such manner as the Commission shall prescribe.

SPECIAL ASSESSMENT.

(200) Section 23. The Commission shall determine what amount or part of every such expense shall be charged, and the person, if known, against whom and the premises upon which same shall be levied, as a special assessment; and as often as the Commission shall deem it expedient they shall require all of the several amounts so reported and determined and the several lots or premises and the persons chargeable therewith respectively to be reported by the Clerk to the assessor for assessment.

ROLL PREPARED BY ASSESSOR.

(201) Section 24. Upon receiving the report mentioned in the preceding section, the Assessor shall make a special assessment roll, and levy as a special assessment therein upon each lot or parcel of land so reported to him and against the persons chargeable therewith, if known, the whole amount or amounts of all the charges so directed to be levied upon each of such lots or premises respectively, and when completed they shall report the assessment to the Commission, and thereupon the same proceedings shall be had, and with like effect as is provided in this chapter in other cases of special assessments; except, that notice of the meeting to review and hear objections to the special assessments provided for in this and the two preceding sections shall be given by publication only, and in the manner provided in Section 8 of this chapter.

NOTICE OF INTENTION TO CONTEST SPECIAL ASSESSMENT.

(202) Section 25. Unless within sixty days from the date of which any special assessment is confirmed by the Commission, notice is given in writing to the Commission of the intention of contesting or enjoining the collection of any such special assessment for the construction of any pavement, or the construction or repairing of any sidewalks, sewer or other public improvement, which notice shall state the grounds on which the proceedings are to be contested, no suit or action of any kind shall be instituted or maintained for the purpose of contesting or enjoining the collection of such special assessment.

CHAPTER 10.

FINANCE AND TAXATION

GENERAL TAXES.

(203) Section 1. The Commission shall have authority, within the limitations herein prescribed, to raise annually by general tax upon the real and personal property liable to taxation in said City, such sums of money as they shall deem necessary to defray the expenses and pay the liabilities of said City and to carry into effect the powers in this charter granted.

PROPERTY SUBJECT TO TAXATION.

(204) Section 2. The real and personal property subject to taxation for the municipal purposes of this City shall be the same as for State, county and school purposes under the general law of the State.

GENERAL FUNDS.

(205) Section 3. All revenues raised by general tax upon all the property in the City, or by loan to be repaid by such tax, shall be divided into so many of the following general funds as are necessary.

First.—General Fund.—To defray the general expenses and liabilities of the corporation and to carry into effect the powers in this charter granted, except as in this section set forth.

Second.—Highway Fund.—To defray the expenses of opening, widening, extending, altering, and vacating streets, alleys and public grounds and for grading, paving, curbing, graveling and otherwise improving, repairing and clearing streets, alleys and public grounds of the City, and for the construction and repair of sidewalks and crosswalks and for the care thereof, and for the construction and repair of bridges thereon.

Third.—Interest and sinking Fund.—To pay the bonded debt of the City, if any, and the interest thereon.

Fourth.—Such other funds as the Commission may from time to time constitute.

AMOUNT OF GENERAL TAX COMMISSION MAY RAISE.

(206) Section 4. The aggregate amount which the Commission may raise by general tax upon the taxable, real and personal property in the City, shall not, except as herein otherwise provided, exceed in any one year, one and one-half per cent of the assessed value of such property in addition to any tax levied for interest and sinking fund or the making of any payments on or in pursuance of any contract or arrangement, the making of which shall have been approved by the vote of the electors.

Should any greater amount be required in any year than can be raised by the Commission under the foregoing provisions of this section, such amount may be raised by tax, if authorized by a three-fifths vote of the electors voting by ballot, upon the question at an annual or special City election; provided that the total amount that may be raised by general tax in any year under all the provisions of this charter, shall not exceed two percent of the assessed valuation of the property in the City, as shown by the tax roll of the last preceding year made therein.

PURPOSE OF SPECIAL ASSESSMENTS.

(207) Section 5. Moneys raised by special assessments to pay the cost of any such local improvement shall be held as a special fund to pay such cost and expenses, or to repay moneys borrowed therefor.

BUDGET.

(208) Section 6. On or before the first Monday in April of each year, the Mayor and City Manager (and for this purpose they shall be known as the Board of estimates) shall furnish to the Commission estimates in writing of the probable expense and liabilities to be incurred for the ensuing fiscal year, specifying in detail such probable expenditures, including a statement of the salaries of all City officers, the amounts necessary for the payment of all debts and interest to fall due, or lands to be acquired, or buildings to be erected or repaired, or bridges to be built, for paving or other improvements of the streets for constructing sewers, for the support of the various departments, and for every other purpose for which in their opinion any money will be required to be paid from any of the several funds of the City during the year; and also the estimated amount of revenue from all sources other than tax levy. The estimate thus made shall be styled, "The Annual City Budget."

(209) Section 7. The annual City budget provided for in the last section shall also contain a statement of the amount

expended in each fund during the current year, together with the amount then on hand in each. It shall also contain a fairly concise statement showing the use to which all money is intended to be put, together with such recommendations as to them may seem best. The budget when completed shall be signed by the Board of Estimates and filed with City Clerk.

(210) Section 8. The Commission shall immediately on receipt of the same proceed to hold a public hearing on the budget; notice of which public hearing shall be given by two publications in some newspaper of general circulation in the City, the first of which notices shall be published at least fourteen days previous to said meeting or by posting such notices in three public places in the City for the same length of time, and ample opportunity shall be given for all citizens to be present and to participate in such hearing.

(211) Section 9. The Commission shall, at its first regular meeting after such hearing, take up and consider the annual City budget thus filed with the City Clerk and shall adopt same by resolution. They shall take up the matter thus recommended by the Board of Estimates, and pass upon each item separately. They may increase the amount asked for in such budget, or they may reduce the same when in their opinion the best interests of the City demand it.

(212) Section 10. The annual budget mentioned in the last section shall make provision for and shall appropriate the several amounts required to defray the expenditures and liabilities of the corporation for the next fiscal year, payable from the several general funds as estimated and determined upon and order the same, or so much of such amounts as may be necessary, to be raised by tax with the next general tax levy and to be paid into the several general funds of the City.

(213) Section 11. All sums ordered in the annual budget in any year to be raised for the several general funds, library, and other purposes and all sums ordered in each bill to be levied, shall forthwith be verified by the City Clerk to the Assessor and shall be levied and collected upon the assessed valuation of all taxable property within the City.

(214) Section 12. No improvement, work, repairs, or expense, to be paid out of any general fund (excepting as herein otherwise provided) shall be ordered, commenced or contracted for, or incurred in any fiscal year, unless in pursuance of an appropriation specially made therefor in the last preceding annual Budget, nor shall any expenditure be made or any liability be incurred in any year, for any such work, improvement, repairs or for any purpose exceeding the appropriation for that purpose in said budget.

(215) Section 13. All moneys and taxes raised, loaned or appropriated for the purpose of any particular funds shall be paid into and credited to such fund, and shall be applied to the purpose for which such moneys were raised and received, and to none other. Moneys not received or appropriated for any particular fund shall be credited to the general fund, and moneys belonging to one fund shall not be transferred into any other fund.

(216) Section 14. Neither the Commission nor any officer or employee of the City shall have authority to make any contract involving the expenditure of public money, or impose upon the City any liability to pay money, until a definite amount of money shall have been appropriated for the payment of all pecuniary liability of the City under such contract, or in consequence thereof to mature during the period covered by the contract and such contract, if made, shall be from the beginning null and void as to the City; provided, first, that nothing herein contained shall prevent the Commission from providing for the payment of any expenses, the necessity of which is caused by any casualty, accident or public calamity arising after the passage of the annual appropriation resolution; and second, that the provisions of this section shall not apply to or limit the authority conferred in relation to the bonded indebtedness.

(217) Section 15. If during any fiscal year, there shall arise some unforeseen emergency by which any bridge, street, sewer or public highway shall become dangerous to the public health, convenience or welfare, or by which it shall become a public necessity to expend money on the repair of any public building to an amount exceeding the sum then on hand available for that purpose, the Commission shall so declare by resolution, stating the circumstances which cause such conditions, which resolution shall thereupon declare an expenditure necessary for the public health, convenience or welfare, and shall spread such resolution at large upon its minutes. Upon the passage of the above resolution but not otherwise the Commission may borrow such sum not exceeding one-half mill on the assessed valuation, as shown by the last assessment roll, as may be necessary to repair such damage or provide for such public health, convenience or welfare, which loan shall be included in the next annual budget, and, when collected, applied to the extinguishment of said debt; provided, however, that no new construction work shall be provided for in this manner. And in case a greater sum shall be needed because of such emergency, then and in that case such further sum as may be needed may in like manner be borrowed for such purpose, provided such action shall be approved by the electors of the City when submitted to them at a general or special election called for that purpose.

(218) Section 16. It shall be the duty of said Commission each and every year, so long as the City shall remain in debt, to include in the taxes levied a sum not less than the amount of the bonds and interest coming due in said year.

(219) Section 17. The Commission shall cause a continuous audit to be made of the books of accounts, records and transaction of the administrative departments of the City. Such audit, at least once during each fiscal year, shall be made by a public accountant. The duties of the auditor so appointed shall include the certifications of all statements required under Section 5 of Chapter 8 of this charter. Such statements shall include a general balance sheet exhibiting the assets and liabilities of the City, supported by the departmental schedules and schedules for each utility publicly owned or operated, summaries of income and expenditures supported by detailed schedules, and also comparisons in proper classifications with the last previous year.

ANNUAL FINANCIAL STATEMENT.

(220) Section 18. After the end of each fiscal year the Commission shall audit and settle the accounts of the Treasurer and other officers of the City, and so far as practicable, of all persons having claims against the City, and shall make out a statement in detail of the receipts and expenditures of the corporation during the preceding fiscal year, which statement shall distinctly show the amount of all taxes raised during the year for all purposes, and the amount raised for each fund; and the amount levied by special assessment; and the amount collected on each, also the items and amounts received from all other sources during the year; also the several items of all expenditures made during the year, and the objects thereof classifying the same for each purpose separately, and containing such other information as shall be necessary to a full understanding of the financial concerns of the City. The report of such audit for each previous year shall be printed and a copy thereof furnished to each member of the Commission and to each citizen who may apply therefor, and a condensed summary thereof shall be published in the manner provided by the Commission.

ASSESSMENT ROLL.

(221) Section 19. The Assessor of said City shall, on or before the first Monday in May in each year, make an assessment roll containing a description of all the real property and the aggregate amount of all the personal property liable under the laws of the State to taxation in the City, and the name of the owner, agent or person liable to pay taxes thereon, if

known, and shall set down in such roll the valuation of such property, as its true cash value, placing the value of the real and personal property in separate columns; and in so doing he shall conform to and be governed by the provisions of law governing supervisors of townships performing like services, unless otherwise in this charter provided.

NOTICE OF REVIEW OF ASSESSMENT ROLL.

(222) Section 20. Immediately after the completion of such assessment roll, the Assessor shall give notice thereof, and of the time and place in said City, when and where the assessment will be reviewed, and that any persons deeming themselves aggrieved by the assessment may then be heard. Such notice shall be given by posting copies thereof in three public places in the City, not less than seven days before the day of review, or by publishing the same once in a newspaper of general circulation in the city designated by the Commission not less than seven days before the day of review.

BOARD OF ASSESSMENT AND REVIEW—POWERS AND DUTIES OF.

(223) Section 21. At the time appointed for the review, and not later than the last Monday in May, the Board of Assessment and Review as hereinbefore constituted, shall meet at the place designated in the notice and continue in session two days or such longer time as the Commission may direct, for the purpose of reviewing and correcting such assessments; and for such purpose the Board shall have the same powers and perform like duties in all respects, as are by general law conferred upon and required of boards of review in townships, in reviewing assessments in townships. They shall hear the complaints of all persons considering themselves aggrieved by such assessment, and if it shall appear that any person has been wrongfully assessed, or omitted from the roll, the Board shall correct the roll in such manner as they shall deem just. Any person aggrieved by the action of the Board may appeal therefrom to the Commission by filing with the City Clerk a statement in writing of his reasons therefor on or before the next regular meeting of the Commission, after the completion of such review by the Board.

ROLL TO BE CERTIFIED TO COMMISSION.

(224) Section 22. Said board shall make a record of all changes made in the roll which record shall be signed by them and deposited with Clerk. Immediately after the review of the assessment roll as aforesaid, the Board shall certify the roll under their hands and the same shall by the Assessor be reported to the Commission.

CONFIRMATION OF ROLL.

(225) Section 23. At the next regular meeting of the Commission or at any other time appointed for that purpose, the Commission and Assessor shall meet, and there, or at some adjourned meeting, the Commission may in its discretion review the assessment generally, but whether so reviewing the same or not shall hear any objections to any assessment which may be made by any person deeming himself aggrieved by the action of the Board who shall have duly appealed therefrom; and the Commission may correct the same if necessary, and shall confirm it as reported or as corrected; or they may refer the assessment back to the Assessor for revision, or annul it and direct a new assessment, in which case the same proceedings shall be had as in respect to the previous assessment. When an assessment roll shall be confirmed, the Clerk shall endorse a certificate thereof upon the roll, showing the date of confirmation. When any assessment roll, including that for a special assessment, is confirmed, the same shall be final and conclusive.

COMMISSION TO DETERMINE AMOUNT TO BE RAISED BY GENERAL TAX.

(226) Section 24. The Commission, after an examination of the assessment roll, shall determine the several amounts which they require to be raised by general tax for the several general funds of the City, and the aggregate thereof in accordance with the requirements as set up in the Annual City Budget, and shall certify the same to the City Treasurer. When such general taxes shall be received by the Treasurer they shall be apportioned to the several general funds of the City pro rata according to the several amounts of said funds so certified.

ROLL TO BE CERTIFIED TO ASSESSOR.

(227) Section 25. The Commission, after such examination of the assessment roll, shall certify the same to the Assessor, together with the total amounts which are required to be raised by general tax; and all amounts of special assessments which are required to be reassessed upon any lands, premises, or against any person, with a particular description of the lands and property to be reassessed, and the amounts to be reassessed upon each parcel of land, and the name or names, so far as known, of the persons chargeable with such tax, which certificate, endorsed upon or annexed to the roll, shall be signed by the Mayor and Clerk.

ASSESSOR SHALL APPORTION AMOUNTS ON ROLL.

(228) Section 26. Upon receiving the assessment roll, with the certificate of the several amounts to be raised thereon, as provided in the preceding section, the Assessor shall proceed to estimate, apportion and set down in columns opposite to the several valuations of real and personal property on the roll, in proportion to the individual and particular estimates and valuations the respective sums in dollars and cents apportionable to each, placing the general taxes in one column, all special assessment taxes in a second column, and the total of all taxes assessed to each valuation shall be carried into the last column of the roll.

TREASURER'S WARRANTS.

(229) Section 27. After extending the taxes as aforesaid, and not later than the first Monday of June in each year, the Assessor shall cause said assessment roll, certified under his hand, to be delivered to the Treasurer, with the warrant of the Mayor of the City annexed thereto, directing and requiring him to collect from the several persons named in said roll the several sums mentioned therein opposite to their respective names, as a tax or assessment, and authorizing him, in case any person named therein shall neglect or refuse to pay such sums, to levy the same by distress and sale of his, her or their goods and chattels, together with the costs and charges of such distress and sale, and directing him to collect all taxes by a certain day therein, to be named not less than thirty nor more than ninety days from the date of said warrant. The Mayor may renew said warrant from time to time, by order of the Commission, and for such time as the Commission shall direct.

COLLECTION OF TAXES.

(230) Section 28. Immediately upon receiving the tax roll, with the warrant thereto annexed, as provided in the preceding section, the Treasurer shall proceed to collect the taxes levied therein according to the direction of said warrant. A collection fee of 2% shall be charged on all taxes collected after August 10th. On and after the 10th day of September an additional penalty of 1% per month shall be collected on all municipal taxes which shall be delinquent until the tax roll is returned to the County Treasurer, as provided by State law. All collection fees and penalties collected by the City Treasurer shall be placed in the General Fund of the City.

SALE OF PERSONAL PROPERTY TO SATISFY TAXES.

(231) Section 29. In case any person shall neglect or refuse to pay any tax imposed upon any real or personal property belonging to him, as aforesaid, the Treasurer shall levy the same by distress and sale of the goods and chattels of the said person liable to pay the same, wherever such goods and chattels may be found, either in said City or elsewhere in the

County of Wayne, or in any adjoining county, first giving public notice of such sale in the manner and for the time required by law in case of such sales made by township treasurers, and for such purpose and for the collection of the taxes aforesaid, the Treasurer may bring suit therefor, and shall have all the powers and perform the like duties, so far as applicable, as are conferred upon or required of township treasurers, in the collection of taxes levied in the township.

TREASURER'S RETURN TO COUNTY TREASURER.

(232) Section 30. Within four weeks after the expiration of the time limited in the warrant for the collection of the taxes levied in said roll or, within four weeks after the time to which said warrant may have been renewed or extended, if the Treasurer has been unable to collect any of the taxes on his roll on real property, it shall be his duty to return all such unpaid taxes on real property to the county treasurer in the same manner and with like effect as returns by township treasurers. The taxes thus returned together with the penalty shall be collected in the same manner as other taxes returned to such county treasurer are collected under the provisions of the general tax laws of the State, and the same rate of interest and all amount of charges shall be collected thereon, and all taxes upon lands so returned upon lands as delinquent shall be and remain a lien thereon until paid.

SALE AND REDEMPTION OF LANDS.

(233) Section 31. Moneys received from such sale shall be paid over to the City Treasurer. All the provisions of the general tax law relative to the sale and redemption of lands returned for delinquent taxes shall apply to the sale and redemption of lands returned for delinquent taxes, assessed under the provisions of this charter.

TREASURER MAY BRING SUIT.

(234) Section 32. Whenever the Treasurer shall be unable to collect any tax assessed upon personal property in the City it shall be lawful for him to bring suit, in the name of the City, for the recovery thereof, against the person or persons against whom the tax was assessed, before any court of competent jurisdiction, and to take and use all lawful means for the collection of debts to enforce the payment of such tax; and in such cases all the provisions of law applicable to suits and the evidence therein, by township treasurers in the name of their township for such purposes, shall apply.

COMMISSION MAY BORROW IN ANTICIPATION OF TAXES.

(235) Section 33. The Commission may borrow, in any year, in anticipation of the collection of taxes for the same year, such sum as may be necessary to defray current expenses, subject to such limitations as are prescribed by State law.

(236) Section 34. The Commission is authorized to issue bonds to the amount of any special assessment, or to the amount of the aggregate of all the installments of a special assessment in anticipation of the collection thereof. Such bonds shall draw interest not exceeding six per cent per annum as the Commission may determine, and shall be payable out of the special assessment district fund when the assessment is collected. In case the amount collected on such special assessment shall be insufficient to pay principal and interest of such bonds as they fall due, the City shall advance the necessary amount from the General Fund, reimbursing itself out of the special assessment when collected. Such bonds shall be payable in two years, or less, as the Commission shall determine, from the time limited for the collection of special assessment by the City Treasurer. If the assessment is divided into installments, the bonds shall be apportioned against the amounts of the several installments as the Commission may determine, and shall severally be payable in two years or less from the time for the collection of the several installments by the City Treasurer. The assessment when collected shall be set apart into a separate fund for the payment of such bonds. Contractors for the construction of street pavements and sewers may be required to take their pay in said bonds. Said bonds in no event shall be sold, or otherwise disposed of, at less than their par value.

THREE-FIFTHS VOTE REQUIRED TO BORROW.

(237) Section 35. Whenever any sum of money shall be required for any corporate purpose, such amount or a part thereof, within the limitations provided by this charter, and by State law, may be raised by loan if authorized by a three-fifths vote of the electors voting by ballot, upon the question at a regular or special City election. Before any resolution submitting the question of borrowing money shall be adopted by the Commission they shall cause to be made an estimate of the cost and expense of the work or improvement for which it is proposed to borrow the money.

NOTICE OF SUBMISSION TO VOTE.

(238) Section 36. The proposition to raise the additional amount by tax, as provided in Section 4 of this charter, or the proposition to raise by loan money for any corporate purpose, as provided in the preceding section, shall be submitted to a vote of the qualified electors at the regular City election or at a special election to be called for that purpose. Such submission shall be by resolution of the Commission, which shall distinctly state the purpose of the expenditure for which such money is required, the amount proposed to be raised therefor and whether by tax or loan, shall appoint the time when the vote shall be taken, and shall prescribe the contents of the ballots by which the same shall be voted upon. Notice of such proposition to be voted upon shall be given in the manner prescribed in Section 20 of Chapter 2 of this charter.

MONEY—HOW DRAWN FROM TREASURY.

(239) Section 37. No money shall be drawn from the treasury except in pursuance of the authority and appropriation of the Commission, and upon the warrant of the Clerk, countersigned by the Mayor and City Treasurer. Such warrant shall specify the fund from which it is payable, and shall be paid from no other fund. No warrant shall be drawn upon the treasury after the fund from which it should be paid has been exhausted. Any such warrant shall be void as against the City.

REQUIREMENTS AS TO BOND ISSUES.

(240) Section 38. No loans shall be made by the Commission, or by its authority, exceeding the amounts prescribed in this charter. For any loans lawfully made, the bonds of the City may be issued by the Commission. The commission shall have the power to fix the time and place of the payment of the principal and interest of the bonds of the City, but the rate of such interest shall not exceed six per cent per annum. Such bonds shall not be sold for less than their par value. A record showing the dates, numbers and amounts of all bonds issued, and when due, shall be kept by the Clerk. When deemed necessary by the Commission, to extend the time of payment, new bonds may be issued in place of former bonds falling due, in such manner as merely to change, but not increase the indebtedness of the City.

FORM OF BOND.

(241) Section 39. Every bond issued by the City shall contain on its face a statement specifying the object for which the same is issued and if issued for the purpose of raising money for any public improvement, the particular public improvement shall also be specified on the face of such bond, and it shall be unlawful for any officer of such City to sign or issue any such bond without such matters are set forth on the face of the same as aforesaid, or to use such bonds or the proceeds from the sale thereof, for any other object than that mentioned on the face of such bond, and any such officer who shall violate any of the provisions of this section shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be punished by a fine not exceeding One Hundred Dollars (\$100.00), or by imprisonment in the county jail for a period not exceeding one year, or by both such fine and imprisonment in the discretion of the court.

BORROWING LIMIT.

(242) Section 40. No indebtedness shall be incurred by the issue of bonds or otherwise in any sum which, including existing indebtedness, shall exceed ten per centum of the assessed valuation of the real and personal property within the City subject to taxation as shown by the last preceding assessment roll of the City. Moneys on hand in a sinking fund limited to the payment of indebtedness may be treated as a reduction of such indebtedness to that extent; provided that in the case of fire, flood or other calamity requiring an emergency fund for the relief of the inhabitants of the City or for the repairing or rebuilding of any of its municipal buildings, works, bridges or streets, the Commission may borrow money due in not more than three years and in an amount not exceeding one-fourth of one per centum of the assessed valuation of the City, notwithstanding such loan may increase the indebtedness of such City beyond the limitations fixed by this charter.

COLLECTION OF STATE, COUNTY AND SCHOOL TAXES.

(243) Section 41. On or before the first day of October in each year, the City Clerk shall make and deliver to the Assessor a certified copy of the amount of State and County taxes apportioned to the City, and a statement of the school taxes as prepared by the Board of Education of the public schools of District No. 1, Fractional, of the City of Plymouth, Wayne County, Michigan. The Assessor in assessing the taxes shall place the various taxes in the several columns as provided by law.

COLLECTION FEES AND PROCEDURE.

(244) Section 42. The procedure in collection of State, County and School taxes by the City Treasurer and the collection fees and penalties shall be identical with the procedure, fees and penalties prescribed by State law for Township Treasurers, except that all fees and penalties collected with such taxes shall be paid into the General Fund of the City.

CHAPTER 11.

MUNICIPALLY OWNED UTILITIES

MAY BE CONSTRUCTED BY CITY.

(245) Section 1. The City shall have authority to acquire by purchase, condemnation, appropriation or construction and to maintain, operate and extend water works for the introduction of water into the City and supplying the City and the inhabitants thereof with pure and wholesome water; for the extinguishment of fires, the ordinary and extraordinary uses of the inhabitants thereof, and for such other purposes as the Commission may prescribe, and either independently or in connection with the water works and either within or without the City, works for the purpose of supplying such City, and the inhabitants thereof, or either, with gas, electric or other lights, or heat or power.

MAY ACQUIRE GROUNDS, ETC.

(246) Section 2. Said City may so acquire and maintain and operate such reservoirs, aqueducts, buildings, engines, water wheels, pumps, hydraulic machines, distributing pipes, poles, lines, wires, and conduits and other apparatus, appurtenances, equipment, appliances and machinery, and may so acquire and own such grounds, real estate, rights and privileges as may be necessary, convenient or proper for the securing, construction, extension, maintenance or due operation of such water works.

DECLARE EXPEDIENCY OF PURCHASE, ETC., BY RESOLUTION.

(247) Section 3. Whenever the Commission of the City shall by resolution, declare that it is expedient for said City to acquire in any manner, as the case may be, works for the purpose of supplying said City and the inhabitants thereof, or either, with water, gas, electric or other lights, with heat or with power, then the Commission shall have power to take action as shall be deemed expedient to accomplish such purpose.

SUBMISSION OF QUESTION TO ELECTION.

(248) Section 4. In case the Commission shall declare that it is expedient for said City to acquire by purchase or to construct or extend, as the case may be, works for the purpose of supplying said City, and the inhabitants thereof, or either, with any of the utilities aforesaid, then the Commission shall cause to be made and recorded in their proceedings an estimate of the expense thereof, and the question of acquiring, constructing or extending such utility shall be submitted to the electors of the City at its regular election, or at a special election called for that purpose by the Commission as provided in this charter, and if such question shall receive the affirmative vote of three-fifths of the electors voting at such election by ballot the Commission may proceed in any manner authorized by this charter or in accordance with the general laws of the State. The question of raising the money required for such purpose by borrowing and issuing the bonds of the City may be submitted at the same time either as an independent question or as part of the same question.

CONNECTING PIPES.

(249) Section 5. The connecting or supplying pipes, cables, wires, lines, or conduits leading from buildings or yards to the distributing pipes, cables, wires, lines, or conduits shall be constructed and kept in repair at the expense of the owner or occupant of the building or yard, and shall not be inserted or connected with main pipe, cable, wire, line or conduit until a permit therefor shall be obtained from the officer directed by the Commission. All such connecting or supply pipes shall be constructed and connected in the manner prescribed by ordinance.

RATES—MUNICIPALLY OWNED UTILITIES.

(250) Section 6. The Commission by ordinance shall establish a scale of rates to be charged and paid for water supply both within and without the corporate limits, known as water rates, which shall be appropriate to the different classes of users, or service rendered, as near as may be practicable, and from time to time by ordinance may amend, modify, increase, or diminish such rates and may provide the method of payment and enforcement of payment of charges for water supply, and for shutting off of water in case of non-payment of the charges made therefor.

The Commission may in like manner provide for the sale and delivery of heat, power, and light to inhabitants both within and without the corporate limits, and for the enforcement of charges therefor, provided however, that the amount of such water, heat, power, and light furnished without the corporate limits shall not exceed twenty-five per cent of that furnished by the City within the corporate limits.

CARE AND CONTROL OF UTILITY.

(251) Section 7. The Commission may enact such ordinances, and adopt such resolutions, as may be necessary for the care, protection, preservation, and control of any such utility, and all the fixtures, appurtenances, apparatus, buildings, and machinery connected therewith or belonging thereto, and to carry into effect the provisions of this chapter, and the powers herein conferred in respect to any such utility.

USE OF UTILITY.

(252) Section 8. The Commission may enact such ordinances, and adopt such resolutions as may be necessary to regulate and control the taking and use of water, heat, light or power from such utility.

UTILITY—WHERE LOCATED

(253) Section 9. When the Commission shall deem it for the public interest, any such utility may be beyond the corporate limits of the City; and in such case the Commission shall have authority to enforce, beyond the corporate limits of the City, and over the buildings, machinery, and other property belonging to and connected with such utility, in the same

manner and to the same extent as if they, or it, were within the City, all such ordinances and police regulations as may be necessary for the care, protection, preservation, management and control thereof.

MAY USE STREETS AND ROADS IN COUNTY.

(254) Section 10. For the purpose of operating or constructing and maintaining such water works, the City shall have the right to use the ground or soil under any street, highway or road within the County, for the purpose of introducing water into and through any and all portions of the City, on condition that it shall cause the surface of such street, highway or road to be relaid and restored to its usual state without unnecessary delay, and any damage done thereto to be repaired, and such right shall be continuous for the purpose of repairing or relaying water pipes upon like conditions, in accordance with State law.

COMMISSION MAY CONTRACT.

(255) Section 11. The Commission may contract from year to year with any person or persons, or within any duly authorized corporation, for the supplying of the City and the inhabitants thereof with water, light, heat or power, upon such terms and conditions as may be agreed; and may grant to such person, persons, or corporation the right to the use of the streets, alleys, and public grounds of such City as shall be necessary to enable such person, persons or corporation to construct and operate proper works for the supply of water, light, heat or power, for the use of the City and the inhabitants thereof, upon such terms and conditions as shall be specified in such contracts. A contract for a period of time not exceeding ten years may be made if submitted and approved in accordance with the general laws of the State.

CHAPTER 12.

APPROPRIATION OF PRIVATE PROPERTY

PROCEDURE.

(256) Section 1. Private property may be taken and appropriated for public use, as provided by the general laws of the State.

ACQUISITION BY NEGOTIATION AND PURCHASE.

(257) Section 2. The City may also obtain private property for any public use, by negotiation and purchase.

CHAPTER 13.

INITIATIVE AND REFERENDUM

ORDINANCES—PROPOSAL AND PROTEST.

(258) Section 1. An ordinance may be proposed to the Commission or an ordinance adopted by the Commission protested against by petition filed with the City Clerk signed by qualified electors of the City, equal in number to the percentage hereinafter required. To each signature shall be attached the place of residence giving street of the elector signing. Such signatures need not all be on one paper. An affidavit thereto shall be made by one or more qualified registered electors of the City, that each signature appended to the paper is the signature of the person whose name it purports to be. All such petitions for or against (as the case may be) any one ordinance shall be fastened together and filed as one instrument, with personal endorsements thereon of the names and addresses of three qualified electors designated as filing the same. A petition protesting against an ordinance must be filed before such ordinance comes into effect and when filed shall suspend the operation of such ordinance until action shall be had on such petition or the same shall be abandoned, all as provided in this chapter.

ORDINANCES—HOW DISPOSED OF.

(259) Section 2. If the petition proposing or protesting against the ordinance purports to be signed by qualified electors equal in number to at least ten per centum of the entire number of ballots cast for candidates for commissioners of the City at the last preceding regular election at which Commissioners were elected, but no such petition shall contain less than 250 such signatures, and contains a request that said ordinance be submitted to a vote of the electors, the City Clerk shall thereupon ascertain by examination thereof and of the registration books and election returns, whether the petition is signed by the requisite number of qualified electors, and shall attach thereto his certificate showing the result of such examination.

(260) Section 3. If such certificate shows the required number of qualified signers, the Commission shall within twenty-one days thereafter, either

(a) if said petition propose an ordinance, pass the same without alterations (subject to the referendum provided by this charter), or if such petition protest against an ordinance, repeal the same entirely or amend the same as may be indicated in such petition; or

(b) call, subject to the limitation in Section 10 of this chapter, a special election, to be held within thirty days, unless a general or special municipal election is to be held within four months thereafter, and at such annual or special municipal election said proposed ordinance shall be submitted without alteration to the vote of the qualified electors of the City.

PROCEDURE WHEN PETITION INSUFFICIENT.

(261) Section 4. If the certificate of the Clerk shows the petition to be insufficient, he shall within seven days cause notice in writing to be served upon one or more of the persons designated on the petition as filing the same; additional signatures properly verified may be filed at any time within seven days from the filing of the said certificate. The City Clerk shall, within seven days after re-filing, make like examination of the additional signatures, and attach thereto his certificate of the result. If still insufficient the petition shall be deemed to have been abandoned. Such abandonment in the case of a petition proposing an ordinance shall be without prejudice to the filing of a new petition for the same purpose, but in the case of a petition protesting against an ordinance, the ordinance shall thereupon come into effect and may not be again protested against.

WHEN TO BE SUBMITTED AT REGULAR ELECTION.

(262) Section 5. If a petition proposing an ordinance (but not a petition protesting against) be signed by qualified electors equal in number to at least ten per centum, but less than twenty-five per centum of the entire number of ballots cast for candidates for Commissioners of the City, at the last preceding regular election at which Commissioners were elected as shown in the manner hereinafter provided, and said proposed ordinance be not passed without alteration by the Commission within twenty-one days, as provided in the preceding section, then such proposed ordinance without alteration, shall be submitted by the Commission to electoral vote at the next municipal election that shall occur at any time after thirty days from the date of the City Clerk's certificate of sufficiency attached to the petition accompanying such ordinance.

COMMISSION MAY SUBMIT PROPOSED ORDINANCES TO ELECTORS.

(263) Section 6. The Commission may of its own motion, submit to electoral vote for adoption or rejection at a general or special municipal election called for some other purpose, any proposed ordinance or measure, or a proposition for the repeal or amendment of any ordinance, in the same manner and with the same force and effect as provided in this article for submission on petition. If the provisions of two or more proposed ordinances or measures, adopted or approved at the same election, are inconsistent, then the ordinance or measure receiving the highest affirmative vote shall prevail.

PUBLISHING NOTICES.

(264) Section 7. Whenever any proposed ordinance is required by this charter to be submitted to the voters of the

City at any election, the Commission shall cause it to be published in a newspaper of general circulation in the City, designated by the Commission, at least once after notice of the election shall have been given as provided in Section 20 of Chapter 2 of this Charter and at least three days before the day of such election, or in their discretion may cause a printed copy to be mailed or delivered to each registered elector within the same time.

BALLOTS—WORDING OF.

(265) Section 8. The ballots used when voting upon any such ordinance shall state the nature of the ordinance in terms sufficient to identify it, and on separate lines, the words, "For the Ordinance", and "Against the Ordinance". If a majority of the qualified electors voting on said ordinance shall vote in favor thereof, the same shall thereupon become an ordinance of the City and shall take effect as provided in this charter.

BALLOT—WHAT TO CONTAIN.

(266) Section 9. Provision shall be made on each ballot for voting upon all proposed ordinances submitted at that election.

SPECIAL ELECTIONS—HOW OFTEN MAY BE HELD.

(267) Section 10. There shall not be held under this charter more than one special election in any period of six months.

AMENDING OR REPEALING REFERENDUM ORDINANCES.

(268) Section 11. No ordinance adopted under this charter by referendum vote shall be repealed or amended except by referendum vote.

REGULATIONS—MAY BE ADOPTED BY COMMISSION.

(269) Section 12. The Commission may by ordinance, make such regulations, not in conflict herewith, as it may deem necessary to carry out the provisions of this chapter.

EXPENSE ON FRANCHISE ELECTION TO BE PAID IN ADVANCE BY GRANTEE.

(270) Section 13. No franchise, grant or license shall be submitted under the provisions of this charter to the electors at a special election, unless the expense of holding the election as determined by the Commission, shall be paid in advance by the grantee in said franchise, grant or license to the City Treasurer.

CHAPTER 14.

FRANCHISE, CONTRACTS, PUBLIC UTILITIES

TERM FOR WHICH MAY BE GRANTED.

(271) Section 1. No franchise or grant shall be granted by the City for a longer period than thirty years. No license shall be granted by the Commission for a longer term than one year.

FRANCHISE AND CONTRACT TO BE SUBMITTED TO ELECTORS.

(272) Section 2. No franchise or grant, which is not revocable at the will of the Commission, shall be granted or become operative, nor contract for a longer term than one year made, until the same shall have been referred to the people at a regular or special election and has received the approval of three-fifths of the electors voting thereon at such elections.

NO EXCLUSIVE FRANCHISE TO BE GRANTED.

(273) Section 3. No person, firm or corporation shall ever be granted any exclusive franchise, license, right or privilege whatever. No franchise or contract shall be renewed before one year prior to its expiration.

LEASING AND ASSIGNING OF FRANCHISES.

(274) Section 4. No franchise granted by the City shall ever be leased, assigned or otherwise alienated except in accordance with the express provisions of said franchise, and all franchises granted by the City shall provide how, and what manner, and under what conditions said franchise may be leased, assigned or alienated, and no dealing with the lessee or assignee on the part of the City which shall recognize the performance of any act or payment of any compensation by the lessee or assignee shall be deemed to have operated as such consent.

CHANGE OR MODIFICATION—HOW MADE.

(275) Section 5. No change or modification of any franchise or grant of rights or powers previously granted to any corporation, firm, person or association of persons, shall be made except in the manner and subject to all the conditions herein provided for, for the making of original grants and franchises.

LICENSE FEES—WHAT MAY BE TAXED.

(276) Section 6. The City shall have the right to license, regulate, and impose a license or fee on all transportation facilities, telephones, gas meters, electric meters, water meters, or any other device used for measuring service, also telephone, telegraph, electric light and power poles and wires. All said license fees shall be exclusive of and in addition to other lawful taxes upon the property of the holder thereof.

RIGHTS RESERVED TO CITY.

(277) Section 7. The grant of every franchise or privilege shall be subject to the right of the City, whether in terms reserved or not, to make all regulations which shall be necessary to secure in the most ample manner the safety, welfare and accommodation of the public, including among other things, the right to pass and enforce ordinances to require proper and adequate extensions of the service of such grant, and to protect the public from danger or inconvenience in the operation of any work or business authorized by the grant of the franchise and the right to make and enforce all such regulations as shall be reasonably necessary to secure adequate, sufficient and proper service, extensions and accommodations for the people, and insure their comfort and convenience.

JOINT USE OF CERTAIN FRANCHISE PROPERTY.

(278) Section 8. The City, by and through its Commission, shall have the power to require any corporation holding a franchise from the City to allow the use of its tracks, poles, conduits, cables and wires by any other corporation to which the City shall grant a franchise, upon the payment of a reasonable rental therefor, and any franchise or right which may hereafter be granted to any person or corporation to operate a street railway within the City or its suburbs shall be subject to the condition that the City shall have the right to grant to any other person or corporation desiring to build or operate a street railway or interurban railway within or into the City, the right to operate its cars over the tracks of said street railway in so far as may be necessary to enter and leave the City and to reach the section thereof used for business purposes, provided that the person or corporation desiring to operate its cars over the lines of said street railway shall pay it reasonable compensation for the use of its tracks and facilities. If the person or corporation desiring to use the same cannot agree with said owner of said street railway as to said compensation, within sixty days from offering in writing so to do, and as to terms and conditions of the use of said tracks and facilities, then the Commission shall by resolution, after a fair hearing to the parties concerned, fix the terms and conditions of such use and compensation to be paid therefor, which award of the Commission when so made shall be binding on and observed by the parties concerned.

CONTROL AND REVOCATION—COMMISSION TO HAVE POWER.

(279) Section 9. The Commission shall maintain general supervision over all public utility companies in so far as they are subject to municipal control. The Commission shall cause to be instituted such actions or proceedings as may be necessary to prosecute public utility companies for violations of law, and may revoke, cancel annual all franchises that may have been granted by the City, which have become in whole or in

part, or which for any reason are, illegal or void and not binding upon the City.

CERTAIN RIGHTS OF COMMISSION NOT TO BE IMPAIRED.

(280) Section 10. The enumeration and specification of particular matters in this charter which must be included in every franchise or grant, shall never be construed as impairing the right of the Commission to insert in such franchise or grant any other and further matters, conditions, covenants, terms, restrictions, limitations, burdens, taxes, assessments, rates, fares, rentals, charges, control, forfeitures or any other provision whatever, as the Commission shall deem proper to protect the interests of the people.

COMMISSION MAY GRANT AND REVOKE CERTAIN PERMITS.

(281) Section 11. The Commission may grant a permit at any time, in or upon any street, alley, or public place, provided such permit shall be revocable by the Commission at its pleasure at any time, whether such right to revoke be expressly reserved in said permit or not.

REVIEW OF RATES.

(282) Section 12. When the franchise, lease or grant fixes the rate of fare or the rate to be charged for the service rendered or commodity furnished by the grantee, such rate of fare or price of service or commodity furnished shall be subject to review and change at least every ten years' period during the life of said franchise in such manner and form as in said franchise shall be provided. No such franchise, lease or grant shall relieve the grantee of any lawful taxation upon its property, or of any license or charges which are not levied on account of such use.

CHARTER TO GOVERN OTHER FRANCHISES FOR USE OF STREETS.

(283) Section 13. All contracts, grants, rights, privileges or franchises for the use of streets and alleys of the city not herein mentioned shall be governed by all the provisions of this charter, and all amendments, extensions or enlargements of any contract, right, privileges or franchise previously granted by this City to any person, firm or corporation for the use of the streets and alleys shall be subject to all the conditions herein provided for in this charter for the making of original grants and franchises, and as provided by the laws of the State.

CONTRACTS GRANTING FRANCHISES TO BE MADE BY ORDINANCES.

(284) Section 14. All contracts granting or giving any original franchise right or privilege or extending or renewing or amending any existing grant, right, privilege or franchise, shall be made by ordinance and not otherwise.

INSPECTION AND REGULATION—PROVIDED FOR BY ORDINANCES.

(285) Section 15. The Commission may by ordinance provide for efficient inspection and regulation of all public utilities operated in the City and to that end shall provide means for the inspection of the quality and pressure of the gas furnished to consumers, the candle power, voltage and insulation of electric wires, heat and power furnished the City and its inhabitants, and the inspection and installation of meters for registering the consumption of any commodity sold by any grantee operating under any franchise, grant or license from the City or the State of Michigan, it being the intention of this section to provide means for securing to the City efficient service from all public utilities operated in the City and the proper observances by such operators of the conditions imposed by their respective franchises, ordinances and the laws of the State.

CHAPTER 15.

MISCELLANEOUS

CITY—CONSTRUCTION OF TERM.

(286) Section 1. The term "City", whenever used in this charter, shall be construed to mean the City of Plymouth, Michigan.

CITY SHALL NOT HOLD STOCK IN INCORPORATED COMPANY.

(287) Section 2. This City shall not become the owner or holder of stock or shares in any incorporated company.

AFFIDAVIT OF PUBLICATION OF NOTICE.

(288) Section 3. When, by the provisions of this charter, notice of any matter or proceedings is required to be published or posted, an affidavit of the publications or posting of the same, made by the printer of the newspaper in which the same was inserted, or by some person in his employ knowing the facts, if such notice was required to be by publication, or by the person posting the same when required to be by posting shall be prima facie evidence of the facts therein contained; provided, the same be filed with the City Clerk within six months from the date of the last publication thereof, or of posting the same.

WHEN MAY ISSUE BONDS TO PAY JUDGMENT OR DECREE.

(289) Section 4. Whenever any judgment or decree of any Court shall be rendered or decreed against the City of Plymouth, and said City shall be unable to meet the payment of such judgment or decree by reason of the limitation of its power of taxation, then and in such case it shall be lawful for the Commission to issue the bonds of the City to an amount not exceeding the sum of such judgment or decree, and the taxed costs arising in the procuring of such judgment or decree, together with the interest thereon.

GOVERNING BODY, ETC., CONSTRUCTION OF TERMS.

(290) Section 5. Whenever in any law of this State, the governing body of a City is described as other than the Commission, it shall be construed to mean the body herein described as the City Commission.

CITY SUCCEEDS TO RIGHTS AND LIABILITIES UNDER OLD CHARTER.

(291) Section 6. The City of Plymouth as incorporated under this Charter, shall succeed to all the rights, powers, duties liabilities and obligations of the former Village of Plymouth as provided by the laws of the State.

FORMER ORDINANCES, ETC., CONTINUE EFFECTIVE.

(292) Section 7. The by-laws and ordinances of said Village, and the rules, regulations and resolutions of the Commission and of any Board of said Village heretofore in force and not inconsistent with this Charter, shall remain in force after the passage of this Charter, and are hereby declared to be reenacted, by virtue of and under the powers conferred by this Charter, until altered, amended, or repealed by the Commission or Board of this City, as the case may be.

AMENDMENTS TO CHARTER.

(293) Section 8. Amendments to this Charter may be submitted to the electors of the City by a four-fifths vote of the Commission, or may be petitioned for by qualified electors equal in number to not less than ten per centum of the number of ballots cast for candidates for Commissioners of the City at the last preceding regular election at which Commissioners were elected, but such petition shall in all cases be signed by not less than 250 qualified electors, which petition shall be verified by the oath of the party or parties securing the same and filed with the City Clerk. Every such amendment shall be submitted to the electors at the next regular or special election. When the amendment originates in the Commission it shall be published and remain on the table for thirty days before action is taken thereon. The form in which any proposed amendment to the Charter shall be submitted on the ballot, unless provided for in the initiatory petition, shall be determined by resolution of the Commission.

VACATION OF INCORPORATION OF CITY.

(294) Section 9. The incorporation of the City of Plymouth may be vacated in the manner provided for the vacation of the incorporation of any City by the general laws of this state.

EFFECT OF ILLEGALITY OF PARTS OF CHARTER.

(295) Section 10. Should any portion of this charter be declared void, illegal or unconstitutional, such finding shall not invalidate the remainder of this charter.

CIVIL SERVICE SYSTEM.

(296) Section 11. In appointment, removal and promotion of officers and employees of the police, fire and other departments of the City, the Mayor and Commission shall as far as possible conform to a uniform civil service system, based on their respective qualifications and performance of duties and without any reference to their political faith or party affiliations.

OFFICERS AND EMPLOYEES OF CITY.

(297) Section 12. No officer or employee elected or appointed in the City shall be interested, directly or indirectly, in any contract or job for work or materials, or the profits thereof, or services, professional or otherwise, to be furnished or performed for any person, firm or corporation operating interurban railway, street railway, gas works, water works, electric light or power plant, heating plant, telegraph line, telephone exchange, or other public utility within the territorial limits of the city. No such officer or employee shall accept or receive directly or indirectly from any person, firm or corporation operating within the territorial limits of said City, any interurban railway, street railway, gas works, water works, electric light or power plant, heating plant, telegraph line or telephone exchange, or other business using or operating under a public franchise, any free tickets or free service, or accept or receive, directly or indirectly, from any such person, firm or corporation any other service upon terms more favorable than are granted to the public generally. Any violations of the provisions of this section shall be a misdemeanor, punishable as hereinafter provided in this section, and every such contract or agreement shall be void.

Any officer or employee of the City, who, by solicitations or otherwise, shall exert his influence directly or indirectly to influence other officers or employees of said City to adopt his political views or to favor any particular person or candidate for officer, or who shall in any manner contribute money, labor, or other valuable things to any person for election purposes, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine not exceeding One Hundred Dollars (\$100.00), or by imprisonment in the county jail not exceeding thirty days.

CONTRACTS IN EXCESS OF \$300.00.

(298) Section 13. No contract shall be entered into by the City, for the making of any public improvement or for the purchase of any materials, tools, apparatus or any other thing or things, the consideration or cost of which shall exceed Three Hundred Dollars (\$300.00), until specifications shall be prepared therefor, and published advertisement made for sealed proposals thereon.

CITY SHALL CARRY INSURANCE.

(299) Section 14. The Commission shall cause all public buildings and their contents, owned by the City, to be insured in the name of the City of Plymouth, against loss by fire, and shall also carry Workmen's Compensation Insurance in the name of the City of Plymouth, protecting the City against loss caused by injury to employees of the City other than officials of the City, and the Commission shall carry in the name of the City of Plymouth, any other form of insurance or protection which it may deem advisable.

The Commission shall also cause to be carried on the books of the City an insurance account.

PUNISHMENT FOR MISDEMEANORS.

(300) Section 15. All offenses herein declared to be misdemeanors shall be punishable, unless herein otherwise provided for, by a fine not exceeding Five Hundred Dollars (\$500.00), or by imprisonment in the County jail, the City jail, or the Detroit House of Correction for a period not to exceed ninety days, or both such fine and imprisonment.

FREEHOLDER—DEFINITION OF TERM.

(301) Section 16. The term "freeholder" is for the purpose of this charter hereby defined to mean any person holding an inheritable interest in lands under a deed, either individually, jointly, in common or by entireties or under land contract by which such person is purchasing land situated in this City, either individually or jointly with another or others or by entirety. Any person possessing the qualifications of a freeholder as herein defined shall be deemed to be an "owner" of property for the purpose of signing a paving petition.

NEWSPAPER OF GENERAL CIRCULATION—DEFINITION.

(302) Section 17. "A newspaper of general circulation", as referred to or mentioned in this charter, shall be construed to mean any daily or weekly newspaper published in this City, or any newspaper having a general circulation in the City. The Commission may designate a newspaper to be the official newspaper of the City.

PERSONS CONVICTED OF VIOLATING ORDINANCES—PUNISHMENT.

(303) Section 18. Any person who shall be convicted by a court of competent jurisdiction of violation of any provision of this charter, or of any City ordinance and who shall be sentenced to imprisonment in the City jail, may on resolution of the Commission, be compelled to work without compensation during such term of imprisonment on any public work of the City under such department thereof as the Commission may determine.

RECORDS OF CITY TO BE KEPT IN ENGLISH LANGUAGE.

(304) Section 19. All records of the proceedings of the Commission and records of the City shall be kept in the English language in the books or journal of the City.

SYSTEM OF ACCOUNTS.

(305) Section 20. The system of accounts of the City shall conform to any uniform system which may be required by law.

RECORDS OF CITY OPEN TO INSPECTION.

(306) Section 21. All the records of this City shall be public and open to inspection at all reasonable times.

FISCAL YEAR.

(307) Section 22. The fiscal year of the City shall end with the 30th day of June of each year.

DUTIES OF CLERK AND APPOINTEE OFFICERS.

(308) Section 23. The Clerk and all appointive officers shall perform such duties other and further than those prescribed in this Charter as shall be prescribed by ordinance or resolution of the Commission.

INSPECTION OF BOOKS AND RECORDS.

(309) Section 24. All books, papers, records and accounts of any officer elected or appointed, pertaining to his office or of any office or department of the City shall be the property of the City, and shall at all times be subject to audit, examination or inspection by any members of the Commission, or by any person employed or designated by the Commission for that purpose.

ACTS OF CITY TAKEN BEFORE ADOPTION OF CHARTER DECLARED LEGAL.

(310) Section 25. All acts and proceedings of every kind and nature had or taken by the Village of Plymouth under and in accordance with the provisions of the statutes governing or ap-

plicable to said village, as incorporated before this Charter shall take effect, are hereby declared legal and binding upon the City of Plymouth and upon all persons interested therein or effected thereby; and all bonds, special assessment, and other proceedings so had and taken are hereby declared to be sufficient, regardless of provisions in this Charter to the contrary, and the said proceedings shall be continued and completed under and in accordance with the provisions contained in this Charter.

INTOXICATING LIQUORS.

(311) Section 26. No person or corporation shall buy, sell, keep for sale, transport, manufacture for sale or deal in spirituous or intoxicating liquors within the City of Plymouth. Any violation of this section shall be deemed a misdemeanor and shall be punishable by a fine not to exceed Five Hundred Dollars (\$500.00), or imprisonment in the County jail or the Detroit House of Correction for a period of not to exceed ninety days or both such fine and imprisonment in the discretion of the court, provided however, that nothing here contained shall prevent the sale of liquors for medicinal, mechanical, scientific, sacramental and chemical purposes by any druggist under and in compliance with State and Federal laws, and such other requirements as may be imposed by ordinance.

PUBLIC LIBRARY.

(312) Section 27. The Commission may provide for the establishment, operation and maintenance of a Public Library and for the contracting for library service, as may be provided by State law.

ADDITIONAL POWERS.

(313) Section 28. The City of Plymouth, in addition to the powers granted by this Charter, shall have all other powers, as are granted to cities of this type by the laws of the State of Michigan.

CHAPTER 16.

MUNICIPAL COURT

JUDGE—TERM OF OFFICE.

(314) Section 1. The Municipal Court shall be in charge of one Justice of Peace, who shall be designated as Municipal Judge.

The Municipal Judge shall be elected at the regular Municipal Election and shall take office on July 1st following, he shall be elected for a period of four years or until his successor is elected and duly qualified, provided however, that the Judge elected at the Election in 1932 shall hold office until July 1st, 1933, or until his successor is elected and duly qualified.

QUALIFICATIONS.

(315) Section 2. Any person elected Municipal Judge of this City must have completed a high school education, be a freeholder in the City, at least twenty-five years of age when elected, and shall have been a resident of the City of Plymouth or its predecessor the Village of Plymouth, for a period of three successive years preceding the Municipal Election at which he shall be a candidate.

COMPENSATION.

(316) Section 3. The Municipal Judge shall receive as compensation for his service the sums as provided in Section 9 of Chapter 4 of this Charter.

ELECTION OF MUNICIPAL JUDGE.

(317) Section 4. Except as otherwise provided in this charter or by law of the State, the provisions of the general laws of the State applying to the election and qualifications of Justices of the Peace in Townships, shall apply to the election and qualifications of the Municipal Judge of this City.

JURISDICTION.

(318) Section 5. Except as otherwise provided in this Charter or by law of the State, said Municipal Judge shall have and exercise the same jurisdiction and powers in all civil and criminal matters, causes, suits, and proceedings, and shall perform the same duties in all respects, so far as occasion may require, as are or may be conferred upon or required of Justices of the Peace by State law; provided however, that in all civil matters, causes, suits and proceedings, ex contractu, and ex delicto, said Municipal Judge shall have concurrent jurisdiction to the amount of Five Hundred Dollars (\$500.00) with such exceptions and restrictions as are or may be provided by law.

(319) Section 6. The Municipal Judge, before whom any civil cause shall have been tried, shall upon legal cause shown therefor have the same power and authority as the circuit courts of the State possess to set aside the verdict or judgment and grant a new trial therein whenever a motion in writing is made and filed with such Justice within five days after the rendition of the verdict or judgment in said case, which said motions shall briefly and plainly set forth the reasons and grounds upon which it is made, and shall be supported by an affidavit or affidavits setting forth the facts relied upon and filed at the time of filing said motion, and a notice of the hearing of such motion with a copy of the motion and affidavit filed as aforesaid, shall be served upon the adverse party or his attorney at least two days before the hearing thereof. Such motion shall be determined within two days after the same shall have been heard and submitted and such motion shall be submitted and heard within one week after the same shall have been filed. The time for taking an appeal from judgment in case such motion be not granted, shall begin to run from the time when such motion shall be over ruled. In no case shall the pendency of such motion stay the issuing and levy of an execution in such case, but in case of a levy under execution pending such motion, no sale of the property so levied on shall be advertised or made until the final determination of such motion.

(320) Section 7. Said Municipal Judge shall also have authority, and it shall be his duty to hear, try and determine all suits and prosecutions for the recovery and enforcing of fines, penalties and forfeitures imposed by the charter and ordinances of the City of Plymouth, and to punish offenders for the violation of said charter and ordinances as therein prescribed and directed.

(321) Section 8. The proceedings in all suits and actions before the said Municipal Judge and in the exercise of the powers and duties conferred upon and required of him, shall be according to and be governed by the General Laws applicable to Justice Courts and to proceedings before such courts, and in all suits and prosecutions arising under the charter and ordinances of the City of Plymouth the right of appeal or certiorari from said Municipal Court to the Circuit Court for the County of Wayne, or to any other court having jurisdiction, shall be allowed to the parties, or any or either of them, and the same recognizance or bond shall be given as is or may be required by law in case of appeal or certiorari from justice courts in analogous cases.

(322) Section 9. Said Municipal Judge shall enter in a docket the title of all suits and prosecution commenced or prosecuted before him for violations of the charter and ordinances of the City, and all the proceedings and the judgment rendered in any such cause, and shall itemize all costs taxed or allowed therein. He shall also enter the amounts and dates of payment of all fines, penalties, forfeitures, moneys and costs received by him on account of said suits of proceedings. Such docket shall be submitted by the Judge at all reasonable times to the examination of any person desiring to examine the same, and shall be produced by the Judge to the Commission whenever required.

(323) Section 10. All the provisions of the general laws of the State in relation to fees chargeable in the several proceedings in Justice Courts, shall apply to the Municipal Court for this City, except as herein otherwise provided.

(324) Section 11. All fines, penalties, forfeitures and costs collected or received by the Municipal Judge for or on account of violations of the penal laws of the State, shall be paid over by such Judge to County authorities as provided by law. All fines, penalties, forfeitures and costs collected or received by the Municipal Judge for or on account of violations of the Charter and Ordinances of the City shall be paid over to the City Treasurer at least semi-monthly and oftener if the Commission shall require, and an itemized statement of the same shall at the time of such payment, be filed with the City Treasurer and a duplicate with the City Clerk.

The Municipal Judge in addition to any security required by law to be given for the performance of his official duties shall before entering upon the duties of his office, give a bond to the City in a penalty of One Thousand Dollars (\$1000.00), with sufficient sureties to be approved by the Commission conditioned for the faithful performance of the duties of Municipal Judge within and for the City and for the payment to the City of all moneys collected or received by such Judge which, by the provisions of the general laws of the State or of this charter, he shall be required to pay into the Treasury of the City.

(325) Section 12. The Municipal Judge shall devote not less than six hours a week to the work of his office. He shall hold Court at regularly established hours set by him with the approval of the Commission and at such other times as found necessary.

(326) Section 13. The Commission shall furnish a suitable place for a Municipal Court Room and shall provide for all necessary expenses in connection with the establishment and maintenance of the Municipal Court of the City, and may provide such assistants as may be from time to time required.

(327) Section 14. Any cause pending before said Municipal Judge may be transferred as provided by the General Laws of the State.

CHAPTER 17.

SUBMISSION AND ELECTION

DATE OF SUBMISSION.

(328) Section 1. This Charter shall be submitted to the qualified electors of the City of Plymouth for their approval or rejection at a special election which shall be held on Monday, May 16, 1932.

PUBLICATION OF CHARTER—NOTICES.

(329) Section 2. Prior to the submission of this Charter it shall be published once in the Plymouth Mail, a newspaper published in said City, not less than two weeks and not more than four weeks preceding said election, together with a notice of said election, which notice shall state that at said election the question of adopting said proposed Charter will be voted on and the elective officers provided for therein will be elected; and shall also state the location of the polling places for such election and any other matters required by law. Notice of said election shall also be posted in at least ten public places within the City, not less than ten days prior to said election.

NOMINATING PETITIONS.

(330) Section 3. The candidates for the several elective City officers provided for in this Charter shall be nominated by petitions signed by not less than twenty-five qualified electors of the City, and filed in the office of the Village Clerk on or before 5:00 p. m. Eastern Standard Time on the fourth day of May, 1932. The Village Clerk shall turn said petitions over to the Charter Commission, which shall meet to determine the sufficiency of such petitions. Such petitions shall be in substantially the form provided for in the Village Charter, except that they shall designate which candidates for the office of City Commissioner are petitioning for the short terms and which are for the long terms as provided in Section 4 of Chapter 4 of this Charter.

BALLOTS.

(331) Section 4. The Clerk of the Charter Commission shall cause ballots for said election to be prepared and be in his hands not less than ten days prior to said election. The form of ballot on the question of adoption or rejection of this Charter shall be substantially as follows:

"Official Ballot of the Election held in the City of Plymouth, Michigan on May 16, 1932.

(Instructions: A cross (x) in the square after the word "Yes" is in favor of the Charter and a cross (x) in the square after the word "No" is against the Charter.

"Shall the proposed Charter of the City of Plymouth drafted by the Charter Commission elected on the 14th day of March, 1932, be adopted?"

YES ()

"Shall the proposed Charter of the City of Plymouth drafted by the Charter Commission elected on the 14th day of March, 1932, be adopted?"

NO ()

HOURS OF ELECTION.

(332) Section 5. The polls for said election shall be open at 7:00 o'clock in the forenoon, eastern standard time, or as soon thereafter as may be, and shall continue open until 8:00 in the afternoon, eastern standard time, of the same day. Said election shall be conducted by such inspectors and clerks as shall be hereafter designated by resolution of the Charter Commission.

REGISTRATION—CONDUCT OF ELECTION.

(333) Section 6. The registration of electors shall be conducted by the Clerk of the Village of Plymouth in the manner provided by law. The Clerk of this Charter Commission shall cause the ballots for said election to be printed and delivered to the polling places before the opening of the polls on said election day. The reports of the Election Boards as to the results of said election in the several precincts shall be made to the Canvassing Board prescribed by this Charter Commission at the office of the Village Clerk immediately after the counting of the ballots is completed, except as in this Chapter and in the general laws of the State, otherwise provided, and except as may be otherwise provided by this Charter Commission within the scope of its powers. Said election shall be conducted as provided in Chapter 2, of this Charter, so far as provisions of said Chapter are applicable.

CANVASSING OF VOTES.

(334) Section 7. The Canvassing Board, appointed to canvass the votes at said election to be held on the 16th day of May, 1932, shall as soon as practicable after said election, meet and canvass the votes cast at said election and determine results thereof.

FILING COPIES OF CHARTER.

(335) Section 8. If this Charter be approved at said election then two printed copies thereof with the votes for and against same duly certified by the City Clerk, shall, within ten days after the vote is taken, be filed with Secretary of State and the County Clerk of Wayne County, and upon the filing thereof, this Charter shall become effective.

NEW OFFICERS.

(336) Section 9. The officers elected under this Charter shall take office immediately upon the filing of the Charter as provided in Section 8 above, and the Commission shall assemble in the Council Chamber in the City Hall at 7:00 o'clock P. M. Eastern Standard Time, on Monday, May 23; it shall be called to order by the President of the Village of Plymouth and when there shall be chosen a Mayor or temporary chairman the Commission of the Village of Plymouth, previously existing, shall cease to be, and the office of each and every member thereof shall terminate.

APPOINTEE OFFICERS.

(337) Section 10. All appointive officers of the Village, in

office at the time of the adoption of this Charter, shall continue in their respective offices until their successors are appointed and qualified.

April 18, 1932

By Commissioner Hough,
Supported by Commissioner Bennett.

RESOLVED, that the Charter Commission of the City of Plymouth, Michigan does hereby adopt the foregoing proposed Charter, and the Clerk is hereby instructed to transmit the same to the Governor of the State of Michigan for his approval in accordance with the provisions of the Statute.

Yeas: Chairman Burrows, Commissioners Gayde, Safford, Durfee, Hough, Richwine, Vaughn, Smith, Bennett.
Nays: None.

L. P. COOKINGHAM,
Clerk of the Charter Commission.

Countersigned by the following Charter Commissioners:

William J. Burrows, Chairman.
Edward Gayde, Vice Chairman.
Lina Durfee.
Roger J. Vaughn.
Alice M. Safford.
George A. Smith.
Charles H. Bennett.
Perry W. Richwine.
Edward C. Hough.

I do hereby approve the foregoing Charter of the City of Plymouth, Michigan.

Dated in Lansing, Michigan, this twenty-first day of April, A. D. 1932.

WILBER M. BRUCKER,
Governor of the State of Michigan.

NOTICE OF Special Election

Notice is hereby given that a special election will be held in the City of Plymouth, Michigan on Monday, the 16th day of May, 1932, for the following purposes:

1—The submission to the qualified electors of the following proposition:

"Shall the proposed Charter for the City of Plymouth drafted by the Charter Commission elected on the 14th day of March, 1932, be adopted?"

2—The election of the following officers:

Five City Commissioners
One Justice of the Peace
One Constable

Polling Places

NOTICE IS FURTHER GIVEN that the polling places for said election shall be as follows:

Precinct No. 1—Village Hall
Precinct No. 2—Starkweather School

and that the polls will be open from 7:00 a. m. to 8:00 p. m., Eastern Standard Time, of said day

Registration

NOTICE IS ALSO GIVEN that the registration of UNREGISTERED electors will be received at the Village Hall during business hours at any time previous to May 7th, 1932 and from 9:00 a. m. until 8:30 p. m. on Saturday, May 7, 1932. No registrations for the above election will be received after May 7th, 1932.

This notice is given by order of the Charter Commission of the City of Plymouth, Michigan.

L. P. COOKINGHAM,
Clerk of Charter Commission

Leaving No "Stone" Unturned to Provide Homes



THESE sport model apartments, carved from solid stone at Shoshone, Calif., are the last word in noise-proof suites. They consist of from one to three rooms and possess the added advantage of being cool in summer and warm in winter. They are carved (or, rather, blasted) from the rock on both sides of a canyon wash and are occupied by mining men and prospectors. Chimneys, which run up through the cliffs, serve as ventilators. Even the adjoining garage is hewn from the rock. The colony cliff-dwellers' mode of living is highly reminiscent of that of the old Pueblo Indians of former days.

Hopes to Find "Pig-Headed" Indians



ALONE trek through the hostile jungles of northernmost Brazil's pristine "Half World," in search of new light on the savage tribes infesting the dark recesses of that most inaccessible of territories, has been begun by Desmond Holdridge, twenty-four-year-old leader of the Brooklyn Museum's Brazil expedition, according to a cablegram received by Lee Trenchard, the expedition's New York manager.

"Leaving for Catrimany" was the brief text of the message, dispatched from Manaus, an inland metropolis at the confluence of the Negro and the Amazon 1,000 miles from the Atlantic. It tacitly imported the information that Holdridge, accompanied by a native mechanic and Emerson Smith, expedition motion picture cameraman, had set out from Manaus in their 22-foot cabin cruiser Rio-Mar on a 600-mile water journey up the Negro and Branco rivers to the head of navigation of the Rio Catrimany.

At this point, Holdridge has long planned to plunge westward alone into the enveloping silence of the unexplored and deadly "Melo Mondo" or Half World. Somewhere within the fastness he hopes to locate "pig-headed" Indians and to establish definitely that their porcine ceremonial masks rather than actually misshapen craniums have been responsible for reports of their existence.

It will be about four months before Holdridge is to emerge 300 to 400 miles to the west on the Venezuelan side of the Parima mountains and descends the Orinoco watershed to keep a rendezvous with Smith and the Rio-Mar where the

River Turunui, tributary of the Amazon, meets the Cassiguaré canal, an anomaly of nature connecting the headwaters of South America's two mightiest streams. In June, Smith is to start from Manaus for the meeting place, going via the Negro and Slapa rivers.

Sharing with Col. P. H. Fawcett, lost British explorer, the belief that the fastest progress through the jungle can be made with a small party and light equipment, Holdridge is stripping his outfit and personnel to an irreducible minimum for his arduous journey through the Melo Munda. Antivenom, medicines, sidearms, notebooks, a hand movie camera and trinkets to propitiate the natives are the bulk of his impedimenta.

For sustenance, he will depend on the rivers, the forest and friendly Indians. Enlisting two native aides, he intends making his way by dug-out along the waterways whenever feasible or over rough trails hewn from the wilderness by machete when river travel becomes unsafe or impracticable. Among the hidden Indian villages which dot the region days are to be spent taking photographs, assembling data and seeking news of unreported tribes.

On the cruise from Manaus to as far as the Rio-Mar's three-foot draught permits them to ascend the Catrimany, Holdridge and Smith were to make a detailed motion picture record of the extraordinary native and animal life to be found on every bend, seeking especially a scientifically complete camera study of a rare bird popularly known as the "Cock of the Rocks."

PHONE US THE NEWS. Phone 6



Coming Attractions At Penniman-Allen

"GIRL CRAZY"

Pepped up to the cadence of rippling Gershwin melodies, a merry mélange of comedy, appears at the Penniman Allen Theatre Sunday, Monday, May 1 and 2 in the form of RKO-Radio Pictures' all star comedy "Girl Crazy."

The film which marks the rebirth of film comedies made under the new ideal sound reproducing conditions, presents one of the finest all-star comedy casts of the season in a screen rendition of the famous Broadway extravaganza of the same name.

Heading the imposing array of talent are the inimitable Bert Wheeler and Robert Woolsey, who start the film as city slickers and wind up as rough and ready westerners. Eddie Quillan carries the romantic lead of a girl crazy youth who transforms a respectable cattle ranch into a wild-western resort. Mitzl Green, Hollywood's child mimic wonder, plays a pestiferous little sister and the romance and beauty brigade is headed by Dorothy Lee, Arline Judge, Kitty Kelly, and Lila Cheyette. Stanley Fields and Chrispin Martin play the shoot and run villains.

"THIS IS THE NIGHT"

Fun with a romantic "kick" to it is promised for patrons at the Penniman Allen Theatre, Wednesday and Thursday, May 4 and 5 when "This is the Night," ray tale of marital complications, comes there as the main feature.

The main fun-purveyors are Lily Damita, Charlie Ruggles and Roland Young, three former Broadway notables who have captivated the millions in screen productions within the past year or so.

In addition to these laugh-provoking and gaiety-inspiring artists the cast also boasts the romantically charming Cary Grant, "he-man" newcomer to the films, and Thelma Todd, blonde charmer.

"HOTEL CONTINENTAL"

"Hotel Continental," playing at the Penniman Allen Theatre, Friday and Saturday, May 6 and 7, was inspired by the destruction of the famous old Waldorf-Astoria Hotel to make way for a modern office building.

Tiffany Productions have centered their hotel mystery drama about a famous old metropolis hotel on the eve of the day it is to be given over to the wreckers. The plot centers about a wallet that contains \$100,000, and the interest of three different factions in the recovery of the wallet.

Peggy Shannon, in the role of the "confidence" girl, and Theodore von Eltz, as the ex-convict, are excellent. They are ably supported by J. Farrell MacDonald, Henry B. Walthall, Ethel Clayton, Rockliffe Fellowes and Bert Roach.

How One Man Lost 22 Pounds

Mr. Herman Runkles of Detroit writes: "A few lines of thanks from a rheumatism sufferer—my first bottle of Kruschen salts took all the aches and swellings out of my joints—with my first bottle I went on a diet and lost 22 pounds and now I feel like a new man."

To lose fat SAFELY and quickly

take one half teaspoonful of Kruschen Salts in a glass of hot water in the morning before breakfast. For your health's sake ask for and get Kruschen—the cost for a bottle that lasts 4 weeks is but a trifle at any drugstore in the world and if after the first bottle you are not joyfully satisfied with results money back. Mayflower Drug Company and all good druggists will be glad to supply you.

MAN'S HEART STOPPED BY BAD STOMACH GAS

W. L. Adams boasted so with gas after meals that his heart missed beats. Adierika brought out all gas and how he eats anything and feels fine. Boyer Pharmacy.

Who's healthy's wealthy. Walk slow—go far. Silence makes no heads ache. Who promises must give least. Chase two rabbits and catch one. Patch not the old, silver from gold.

Attorneys at Law

Guy W. Moore

Hal P. Wilson

Wayne, Michigan

PHONE WAYNE 46

Succeeding the practice of the late Edw. M. Vining.

DR. E. B. CAVELL

Veterinary Surgeon

Boarding Kennels

Phone Northville 39

208 Griswold Road

NORTHVILLE, MICH.



Remember Mother

And no sweeter remembrance could you give her on this Mothers' Day than a bouquet of our roses. They've been growing in greenhouses especially for this occasion, and now they're just coming into bloom. They're fresh-cut, beautifully colored and perfumed—your Mother will be delighted.

Cut Flowers and Potted Plants

CARL HEIDE

Phone 137-J

A MOTHERS' DAY DUTY



Show your Mother on Mothers' Day that you have learned to save. From the time when you were just big enough to drop pennies in your penny bank, she has been trying to teach you the lesson of success—Saving Money. Show her your savings book, what you have done with your extra money. If you haven't a savings account, open one today—it's better late than never to show your Mother you have learned to save.

Plymouth United Savings Bank