

**CODE OF ORDINANCES
CITY OF
HUDSON, MICHIGAN**

Adopted: April 28, 1992

Effective: May 12, 1992

Published by Order of the City Council



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OFFICIALS

of the

CITY OF

HUDSON, MICHIGAN

AT THE TIME OF THIS CODIFICATION

Robert D. Hall

Mayor

Gerald Blackburn

Carl Jean Weaver

Thomas Janik

Dale Valas
Lee Daugherty
Jack McCabe
City Council

Frank Crosby
City Manager

Denis Jodis
City Attorney

Freda Rodehaver
City Clerk

PREFACE

This Code constitutes a complete codification of the general and permanent ordinances of the City of Hudson, Michigan.

Source materials used in the preparation of the Code were the Recompilation of the Hudson City Code, as supplemented through 1976, and ordinances subsequently adopted by the city council. The source of each section is included in the history note appearing in parentheses at the end thereof. The absence of such a note indicates that the section is new and was adopted for the first time with the adoption of the Code. By use of the comparative tables appearing in the back of this Code, the reader can locate any section of the Recompilation of the Hudson City Code, as supplemented, and any subsequent ordinance included herein.

The chapters of the Code have been conveniently arranged in alphabetical order, and the various sections within each chapter have been catchlined to facilitate usage. Notes which tie related sections of the Code together and which refer to relevant state law have been included. A table listing the state law citations and setting forth their location within the Code is included at the back of this Code.

Numbering System

The numbering system used in this Code is the same system used in many state and local government codes. Each section number consists of two parts separated by a dash. The figure before the dash refers to the chapter number, and the figure after the dash refers to the position of the section within the chapter. Thus, the second section of Chapter 1 is numbered 1-2, and the first section of Chapter 4 is 4-1. Under this system, each section is identified with its chapter, and at the same time new sections or even whole chapters can be inserted in their proper place by using the decimal system for amendments. For example, if new material consisting of one section that would logically come between sections 3-1 and 3-2 is desired to be added, such new section would be numbered 3-1.5. New chapters may be included in the same manner. If the new material is to be included between Chapters 12 and 13, it will be designated as Chapter 12.5. Care should be taken that the alphabetical arrangement of chapters is maintained when including new chapters. New articles and new divisions may be included in the same way or, in the case of articles, may be placed at the end of the chapter embracing the subject, and, in the case of divisions, may be placed at the end of the article embracing the subject. The next successive number shall be assigned to the new article or division.

Hudson, Michigan, Code of Ordinances Created: 2021-12-10 13:37:16 [EST] (Supp. No. 22)

Page 2 of 344
Hudson, Michigan, Code of Ordinances
CODE OF ORDINANCES CITY OF HUDSON, MICHIGAN

Indexes

The indexes have been prepared with the greatest of care. Each particular item has been placed under several

headings, some of which are couched in lay phraseology, others in legal terminology, and still others in language generally used by local government officials and employees. There are numerous cross references within the indexes themselves which stand as guideposts to direct the user to the particular item in which the user is interested.

Looseleaf Supplements

A special feature of this publication is the looseleaf system of binding and supplemental servicing of the publication. With this system, the publication will be kept up-to-date. Subsequent amendatory legislation will be properly edited, and the appropriate page or pages affected will be reprinted. These new pages will be distributed to holders of copies of the publication, with instructions for the manner of inserting the new pages and deleting the obsolete pages.

Keeping this publication up-to-date at all times will depend largely upon the holder of the publication. As revised sheets are received, it will then become the responsibility of the holder to have the amendments inserted according to the attached instructions. It is strongly recommended by the publisher that all such amendments be inserted immediately upon receipt to avoid misplacing them and, in addition, that all deleted pages be saved and filed for historical reference purposes.

Acknowledgments

This publication was under the direct supervision of Allen Z. Paul, Supervising Editor, and Ron McLaughlin, Editor, of the Municipal Code Corporation, Tallahassee, Florida. Credit is gratefully given to the other members of the publisher's staff for their sincere interest and able assistance throughout the project.

The publisher is most grateful to Freda Rodehaver, City Clerk, and Frank Crosby, City Manager, for their cooperation and assistance during the progress of the work on this publication. It is hoped that their efforts and those of the publisher have resulted in a Code of Ordinances which will make the active law of the city readily accessible to all citizens and which will be a valuable tool in the day-to-day administration of the city's affairs.

	MUNICIPAL CODE CORPORATION Tallahassee, Florida
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ADOPTING ORDINANCE

ORDINANCE NO. 300

An Ordinance Adopting and Enacting a New Code for the City of Hudson, Michigan; Providing for the Repeal of Certain Ordinances Not Included Therein; Providing a Penalty for the Violation Thereof; Providing for the Manner of Amending Such Code; and Providing When Such Code and This Ordinance Shall Become Effective.

Be it Ordained by the City Council of the City of Hudson, Michigan:

Section 1. The Code entitled "Code of Ordinances, City of Hudson," published by Municipal Code Corporation, consisting of Chapters 1 through 19, each inclusive, is adopted.

Section 2. All ordinances of a general and permanent nature enacted on or before October 15, 1991, and not included in the Code or recognized and continued in force by reference therein are repealed.

Section 3. The repeal provided for in Section 2 hereof shall not be construed to revive any ordinance or part thereof that has been repealed by a subsequent ordinance that is repealed by this ordinance.

Hudson, Michigan, Code of Ordinances Created: 2021-12-10 13:37:16 [EST] (Supp. No. 22)

Section 4. Unless another penalty is expressly provided, every person convicted of a violation of any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof, shall be punished by a fine not to exceed five hundred dollars (\$500.00) or by imprisonment not to exceed ninety (90) days, or both fine and imprisonment. Each act of violation and each day upon which any such violation shall occur shall constitute a separate

offense. The penalty provided by this section, unless another penalty is expressly provided, shall apply to the amendment of any Code section whether or not such penalty is reenacted in the amendatory ordinance. In addition to the penalty prescribed above, the City may pursue other remedies such as abatement of nuisances, injunctive relief and revocation of license[s] or permits.

Section 5. Additions or amendments to the Code, when passed in the form as to indicate the intention of the City Council to make the same a part of the Code, shall be deemed to be incorporated in the Code, so that reference to the Code include[s] the additions and amendments.

Section 6. Ordinances adopted after October 15, 1991, that amend or refer to ordinances that have been codified in the Code, shall be construed as if they amend or refer to like provisions of the Code.

Section 7. This ordinance shall take effect May 12, 1992.

Introduced: March 31, 1992

Summary of Minutes Published: April 9, 1992

Enacted: April 28, 1992

Vote: _____ Yes: 7 No: 0

Ordinance Published: May 7, 1992

Effective Date: May 12, 1992

Approved:

Robert D. Hall, Mayor

Attested:

Freda L. Rodehaver, City Clerk

SUPPLEMENT HISTORY TABLE

The table below allows users of this Code to quickly and accurately determine what ordinances have been considered for codification in each supplement. Ordinances that are of a general and permanent nature are codified in the Code and are considered "Includes." Ordinances that are not of a general and permanent nature are not codified in the Code and are considered "Omits."

In addition, by adding to this table with each supplement, users of this Municipal Code will be able to gain a more complete picture of the Code's historical evolution.

Ord. No.	Date Adopted	Include/Omit	Supp. No.
Res. of	6- 1-10	Include	16
389	10-19-10	Include	16

Hudson, Michigan, Code of Ordinances Created: 2021-12-10 13:37:16 [EST] (Supp. No. 22)

Page 4 of 344
Hudson, Michigan, Code of Ordinances
SUPPLEMENT HISTORY TABLE

390	5- 1-12	Include	16
Res. of	9-14-10	Include	17
391	10-16-12	Include	17

392	12-17-13	Include	17
Res. of	8-21-07	Include	17, Addition
Res. of	6- 8-08	Include	17, Addition
393.14	1- 6-15	Include	18
Res. of	6-15-15	Include	19
394.16	6- 7-16	Include	20
395.17	9-19-17	Include	20
396.17	11-13-17	Include	20, Addition
397.18	11-12-18	Include	21
397.19	8- 6-19	Include	22
Res. of	7-20-21(1)	Include	22
398.21	8-17-21	Include	22

PART I

CHARTER OF THE CITY OF HUDSON, MICHIGAN¹

PREAMBLE

We, the people of the City of Hudson, County of Lenawee, State of Michigan pursuant to the authority granted by the Constitution, and the Statutes of the State of Michigan, in order to establish a City Government, and to provide for and maintain the essential interest and welfare of all our people, do hereby ordain and establish this Charter of the City of Hudson, Michigan.

CHAPTER 1. NAME AND BOUNDARIES²

¹Editor's note(s)—Printed herein is the Home Rule Charter of the City of Hudson, Michigan, adopted by the electors on December 8, 1969. Obvious misspellings have been corrected without notation. Additions made for clarity are indicated by brackets []. Numbers have been printed in a consistent style.

State law reference(s)—Home rule cities generally, MCL 117.1 et seq., MSA 5.2071 et seq.; power to adopt and amend Charter, Mich. Const. 1963, Art. VII, § 22.

²State law reference(s)—Transportation, consolidation of territory and alteration of boundaries of home rule cities, MCL 117.61 et seq., MSA 5.2085 et seq.

Section 1.1. Name.

The municipal corporation now existing and known as the "City of Hudson" shall continue to be a body politic and corporate under the name "City of Hudson," and shall include the territory hereinafter described with power and authority to change its boundaries in the manner authorized by law.

Section 1.2. Boundaries.

The City of Hudson shall include all the territory described as follows, to wit:

All that part of Sections 18 and 19, T7S-R1E, described as commencing at the West $\frac{1}{4}$ post of Section 19, aforesaid, and running thence North along the Principle Meridian of Michigan to a point located 776.53 feet North from the West $\frac{1}{4}$ post of Section 18, T7S-R1E; thence N 89 50' E 250.0 feet; thence South parallel with the West line of Section 18, 415.0 feet; thence N 89 50' E 701.96 feet; thence S 1 34' E 361.61 feet to the East and West $\frac{1}{4}$ line of said Section 18; thence Easterly along said line to the centerline of Bean Creek or (Tiffin River); thence Northerly along the centerline of Bean Creek to the North line of Section 18; thence East along said North line of Section 18 to a point 670.34 feet East from the North $\frac{1}{4}$ post of said Section 18; thence S 1 01' 30" E 500.5 feet; thence S 89 19' 30" E 348.46 feet; thence S 0 52' E 811.42 feet; thence N 89 33' W to the Northerly extension of the centerline of McClellan Street; thence South along said centerline to the East and West $\frac{1}{4}$ line of Section 18; thence East along the East $\frac{1}{4}$ post of Section 18; thence East along the East and West $\frac{1}{4}$ line of Section 18 to the East $\frac{1}{4}$ post of Section 18; thence South along the East line of Sections 18 and 19 to the East $\frac{1}{4}$ post of Section 19, T7S-R1E; thence West along the East West $\frac{1}{4}$ line of Section 19 to the place of beginning. ALSO: The West Half (W $\frac{1}{2}$) of the Southwest Quarter (SW $\frac{1}{4}$) of the Southwest Quarter (SW $\frac{1}{4}$) of Section 17, Town 7 South, Range 1 East, EXCEPTING THEREFROM, a strip of land 5 rods wide, East and West, from off the East side of said described tract.

State law reference(s)—Incorporation, consolidation of territory and alteration of boundaries of home rule cities, MCL 117.61 et seq., MSA 5.2085 et seq.

CHAPTER 2. MUNICIPAL POWERS

Section 2.1. Continuation of powers of former Charter.

All powers, privileges, and immunities, not inconsistent with the provisions of this Charter, possessed by the City of Hudson by virtue of its incorporation as such and enumerated in Act 215 of the Public Acts of 1895, as retained by the former Charter of the City adopted January 17, 1956, which is hereby superseded, are hereby expressly retained by the city and shall constitute a part of the powers of the city even though not expressly enumerated herein.

Section 2.2. General powers.

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

The city and its officers shall have power to exercise all municipal powers in the management and control of municipal property and in the administration of the municipal government, whether such powers be expressly enumerated herein or not; to do any act to advance the interests of the city, the good government and prosperity of the

municipality and its inhabitants, and through its regularly constituted authority, to pass and enforce all laws, ordinances and resolutions relating to its municipal concerns, subject to the Constitution and statute and the provisions of this Charter.

State law reference(s)—Permissible that Charter provide that the city may exercise all municipal powers in the management and control of municipal property and in the administration of the municipal government, MCL 117.4j(3), MSA 5.2083(3).

Section 2.3. Further definition of powers.

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

- (a) The acquisition by purchase, gift, condemnation, lease, construction or in any manner permitted by statute, of private property of every type and nature for public use, which property may be located within or without the County of Lenawee and which may be required for or incidental to the present or future exercise of the purposes, powers and duties of the city, either proprietary or otherwise;
- (b) The maintenance, development, operation, leasing and disposal of city property subject to any restrictions placed thereon by statute or this Charter;
- (c) The refunding of money advanced or paid on special assessments for water main extensions;
- (d) The installation and connection of conduits for the service of municipally owned and operated electric lighting plants;
- (e) The purchase or condemnation of the franchises and of the property used in the operation of companies or individuals engaged in the cemetery, hospital, almshouse, electric light, gas, heat, water and power business;
- (f) The establishment and vacation of streets, alleys, public ways and other public places, and the use, regulation, improvement and control of the surface of such streets, alleys, public ways and other public places and of the space above and beneath them;
- (g) The use, by others than the owner, of property located in streets, alleys and public places, in the operation of a public utility, upon the payment of a reasonable compensation to the owners thereof;
- (h) A plan of streets and alleys within and for a distance of not more than three miles beyond the municipal limits;
- (i) The use, control and regulation of streams, waters and water courses within its boundaries, subject to any limitations imposed by statute;
- (j) The securing by condemnation, by agreement or purchase, or by any other means, of an easement in property abutting or adjacent to any navigable body of water for the purpose of securing the privilege and right to construct, own and maintain along or adjacent to any navigable body of water an elevated structure of one or more levels for use as a vehicular or pedestrian passageway, or for any other municipal purpose;
- (k) The acquiring, establishment, operation, extension and maintenance of facilities for the storage and parking of vehicles within its corporate limits, including the fixing and collection of charges for services

Created: 2021-12-10 13:37:16 [EST]

(Supp. No. 22)

Page 7 of 344

and use thereof on a public utility basis, and for such purpose to acquire by gift, purchase, condemnation or otherwise, the land necessary therefor;

- (l) Regulating, restricting and limiting the number and locations of oil and gasoline stations;
- (m) The establishing of districts or zones, within which the use of land and structures, the height, the area, the size and location of buildings and required open spaces for light and ventilation of such buildings, and the density of population may be regulated by ordinance in accordance with statutory provisions governing

zoning;

- (n) The regulating of trades, occupations and amusements within the city, not inconsistent with state and federal laws, and for the prohibiting of such trades, occupations, and amusements as are detrimental to the health, morals or welfare of its inhabitants;
- (o) Licensing, regulating, restricting and limiting the number and locations of advertising signs or displays and billboards within the city;
- (p) The preventing of injury or annoyance to the inhabitants of the city from anything which is dangerous, offensive or unhealthful, and for preventing and abating nuisances and punishing those occasioning them or neglecting or refusing to abate, discontinue or remove the same;
- (q) The prescribing of the terms and conditions upon which licenses may be granted, suspended or revoked; requiring payment of reasonable sums for licenses; and requiring the furnishing of a bond to the city for the faithful observance of the conditions under which licenses are granted, and otherwise conditioning such licenses as the Council may prescribe;
- (r) The regulating of all airports located within its boundaries, and for the purpose of promoting and preserving the public peace, safety and welfare, controlling and regulating the use of the air above the city by aircraft of all types;
- (s) The prohibiting or regulating of the use, occupancy, sanitation and parking of house trailers within the city, and the right of the city to so regulate any house trailer shall not be abrogated because of any detachment thereof from its wheels or because of placing it on, or attaching it to, the ground by means of any temporary or permanent foundation, or in any manner whatsoever;
- (t) The requiring of an owner of real property within the city to construct and maintain sidewalks abutting upon such property, and if the owner fails to comply with such requirements or if the owner is unknown, to construct and maintain such sidewalks and assess the cost thereof against the abutting property in accordance with Section 11.9;
- (u) The requiring of an owner of real property within the city to abate public hazards and nuisances which are dangerous to the health or safety of inhabitants of the city within a reasonable time after the Council notifies him that such hazard or nuisance exists, and if the owner fails to comply with such requirements, or if the owner is unknown to abate such hazard or nuisance and assess the cost thereof against such property in accordance with Section 11.9;
- (v) The compelling of owners of real property within the city to keep sidewalks abutting upon their property clear from snow, ice or other obstructions, and if the owner fails to comply with such requirements, to remove such snow, ice or other obstructions and assess the cost thereof against the abutting property in accordance with Section 11.9;
- (w) The control over all trees, shrubs and plants in the public streets, highways, parks or other public places in the city, all dead and diseased trees on private property and trees on private property overhanging the street, sidewalk, or public places including the removal thereof and assessing the cost thereof against the abutting property according to Section 11.9;

Created: 2021-12-10 13:37:16 [EST]

(Supp. No. 22)

Page 8 of 344

- (x) The requiring, as a condition of approving plats of lands or premises hereafter laid out, divided or platted into streets and alleys within the city, that all streets shown on said plat be graded and graveled or otherwise improved, that all ditches, drains and culverts necessary to make such streets usable be constructed, that cement sidewalks be constructed in the proper places, all in accordance with city specifications.

The Council may accept a bond conditioned upon the installation of such of the foregoing improvements as it requires within such time as it determines.

State law reference(s)—Permissible that Charter provide for acquisition of public buildings and grounds, MCL 117.4e(2), MSA 5.2078(2); permissible that Charter provide for condemnation, MCL 117.4e(2), MSA 5.2078(2); permissible

that Charter provide for maintenance and disposition of city property, MCL 117.4e(1), MSA 5.2078(1); permissible that Charter provide for zoning, MCL 117.4i(3), MSA 5.2083(3); permissible that Charter provide for police powers, MCL 117.4i(9), MSA 5.2082(9); permissible that Charter provide for regulation of trades and occupations, MCL 117.4i(4), MSA 5.2082(4); permissible that Charter provide for regulation of trades and occupations, MCL 117.4i(4), MSA 5.2082(4); permissible that Charter provide for regulation of public ways, MCL 117.4h(1), MSA 5.2081(1); permissible that Charter provide for plan of streets and alleys, MCL 117.4h(3), MSA 5.2081(3); permissible that Charter provide for vehicle parking facilities, MCL 117.4h(6), MSA 5.2081(6); permissible that Charter provide for police powers.

Section 2.4. Exercise of power.

Where no procedure is set forth in this Charter for the exercise of any power granted to or possessed by the city or its officers, the procedure set forth for the exercise of such power in any statute of the State of Michigan, including statutes passed for the government of any public body, shall govern. If alternative procedures are to be found in different statutes, the Council shall select that procedure which it deems to be most expedient and to the best advantage of the city and its inhabitants. Where no procedure for the exercise of any power of the city or its officers is set forth, either in this Charter or in any statute of the State of Michigan, the Council shall prescribe a reasonable procedure for the exercise thereof by ordinance.

Section 2.5. Inter-governmental contracts.

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

CHAPTER 3. ELECTIONS³

Section 3.1. Qualifications of electors.

The residents of the city having the qualifications of electors in the State of Michigan shall be electors of the city.

³State law reference(s)—State election laws, MCL 168.1 et seq., MSA 6.1001 et seq.; mandatory that Charter provide for the time, manner and means of holding elections, MCL 117.3(c), MSA 5.2073(c).

Created: 2021-12-10 13:37:16 [EST]

(Supp. No. 22)

Page 9 of 344

State law reference(s)—Qualifications for registration as elector, MCL 168.492, MSA 6.1492; mandatory that Charter provide for registration of electors, MCL 117.3(c), MSA 5.2073(c); registration of electors generally, MCL 168.491 et seq., MSA 6.1491 et seq.

Section 3.2. Election procedure.

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

The Clerk shall give public notice of the time and place of holding each city election and of the officers to be elected and the questions to be voted upon in the same manner as is required by statute for the giving of public notice of general elections in the state.

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

State law reference(s)—State election laws, MCL 168.1 et seq., MSA 6.1001 et seq.; notice of elections, MCL 168.653, MSA 6.1653; opening and closing of polls, MCL 168.720, MSA 6.1720.

Section 3.3. Wards and precincts.

The City of Hudson shall consist of one ward. The precincts into which the city is divided shall be determined by the Election Commission.

State law reference(s)—Mandatory that Charter provide for one or more wards, MCL 117.3(e), MSA 5.2073(e); election precincts, MCL 168.654 et seq., MSA 6.1654 et seq.

Section 3.4. Regular city elections.

A regular city election shall be held on the first Monday in April of 1970 and every year thereafter.

Editor's note(s)—Regular elections are now held on the Tuesday succeeding the first Monday in November of each odd-numbered year pursuant to MCL 168.644a, MSA 6.1644(1).

Section 3.5. Special elections.

Special city elections shall be held when called by resolution of the Council at least 45 days in advance of such election, or when required by this Charter or by statute. Any resolution

calling a special election shall set forth the purpose of such election. No more special elections shall be called in any one year than permitted by statute.

State law reference(s)—Special election approval, MCL 168.631, 168.639, MSA 6.1631, 6.1639.

Section 3.6. Elective officers and terms of office.

The elective officers of the city shall be seven Councilmen all of whom shall be nominated and elected from the city at large.

At the regular city election in 1970, there shall be elected seven Councilmen. The three candidates for the Council who receive the three highest number of votes shall be declared elected for a term of office of three years; and the two candidates for the Council who receive the next highest number of votes shall be declared elected for

Created: 2021-12-10 13:37:16 [EST]

(Supp. No. 22)

Page 10 of 344

a term of office of two years; and the two candidates for the Council who receive the next highest number of votes shall be declared elected for one-year terms. Thereafter, it will be a three-year term for each Council member.

At each subsequent regular city election, such additional number of Councilmen as may be required to fill vacancies pursuant to the provisions of Section 5.6 [shall be elected]. The terms of councilman (persons) shall commence at 7:00 p.m. at the then prevailing time on the Monday following the regular city election at which they were elected if the Lenawee County Board of Canvassers has certified their election no later than the Thursday following the regular city election, and if the Lenawee County Board of Canvassers has not certified the election results by said day, the term of office shall commence at 7:00 p.m. at the then prevailing time on the first Monday following the Thursday after the election results have been certified.

The Mayor will be elected annually by the Council from its seven members at the organizational meeting on the seventh day after the election. A secret ballot will be cast with simple majority of Council's seven members ruling. The Mayor shall hold office until his successor shall be elected and qualifies.

(Res. of 9-14-10)

State law reference(s)—Mandatory that Charter provide for election of certain officers, MCL 117.3(a), MSA 5.2073(a).

Section 3.7. Nominations.

The method of nomination of all candidates for the city elections shall be by petition. Such petitions for each candidate shall be signed by not less than 50 nor more than 100 registered electors of the city. No person shall sign his name to a greater number of petitions for any one office than there are persons to be elected to said office at the following regular city election. Where the signature of any individual appears on more petitions than he is so permitted to sign, such signatures shall be counted only to the extent he is permitted to sign in the order of the respective dates and hour of filing the petitions containing such signatures.

Nomination petitions shall be filed with the Clerk between the 35th day preceding such election and 5:00 p.m. on the 30th day preceding the regular city primary election or any special election for the filling of vacancies in office.

The Clerk shall, prior to every city election, publish notice of the last day permitted for filing nomination petitions and of the number of persons to be nominated or elected to each office at least one week and not more than three weeks before such day.

State law reference(s)—Mandatory that Charter provide for nominations of elective officers, MCL 117.3(b), MSA 5.2073(b).

Section 3.8. Form of petition.

The form of petition shall be substantially as that designated by the Secretary of State for the nomination of nonpartisan judicial officers. A supply of official petition forms shall be provided and maintained by the Clerk.

State law reference(s)—Nonpartisan nominating petitions, MCL 168.544a, MSA 6.1544(1).

Section 3.9. Approval of petition.

The Clerk shall accept only nomination petitions which conform with the forms provided and maintained by him, and which contain the required number of valid signatures for candidates having the qualifications required for elective city offices by this Charter. All petitions shall be accompanied by the affidavit of qualifications provided for in Section 5.1. When a petition is filed by persons other than the person whose name appears thereon as a candidate, it may be accepted only when accompanied by the written consent of the candidate.

Created: 2021-12-10 13:37:16 [EST]

(Supp. No. 22)

Page 11 of 344

The Clerk shall, forthwith after the filing of a petition, notify in writing any candidate whose petition is then known not to meet the requirements of this section, but the failure to so notify any candidate shall not prevent a final determination that the petition does not meet such requirements. Within three days after the last date for filing petitions, the Clerk shall make his final determination as to the validity and sufficiency of each nomination petition and write his determination thereof on the face of the petition. No petition shall be determined to be valid unless the affidavit of qualifications provided for in Section 5.1 shall be filed with such petition.

The Clerk shall immediately notify in writing the candidate whose name appears thereon of his determinations. Such notice to any candidate whose petition is found invalid or insufficient shall be delivered by personal messenger if possible. Any candidate whose petition is so found invalid or insufficient shall be allowed to file supplementary or replacement petitions before 5:00 p.m. at the then prevailing local time on the fifth day after the last date for filing original petitions; thereafter no further petitions may be filed.

Section 3.10. Public inspection of petitions.

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

Section 3.11. Election commission.

An Election Commission is hereby created, consisting of the Clerk and two qualified and registered electors of the city who during their term of office shall not be city officers or employees or candidates for elective city office. These two members shall be appointed by the Clerk in July for a term of three years. The Clerk shall be chairman and two members of such commission shall be a quorum. The Election Commission shall appoint the Board of Election Inspectors for each precinct and have charge of all activities and duties required by statute and this Charter relating to the conduct of elections in the city. The compensation of election personnel shall be determined in advance by the City Manager. In any case where election procedure is in doubt, the General Election Law shall prescribe the procedure to be followed.

Section 3.12. Balance of election procedure.

Form of ballot, canvass of votes, tie votes, and recount to be governed by State Statute. All procedures not covered by this Charter shall be governed by State Statutes.

Section 3.13. Recall.

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

State law reference(s)—Permissible that Charter provide for recall of its officers, MCL 117.4i(6), MSA 5.2082(6); recall generally, MCL 168.951 et seq., MSA 6.1951 et seq. See also Mich. Const. 1963, Art. II, § 8.

CHAPTER 4. PLAN OF GOVERNMENT

Section 4.1. Council-manager government.

The intent of this Charter is to provide for the council-manager form of government.

Created: 2021-12-10 13:37:16 [EST]

(Supp. No. 22)

Page 12 of 344

Section 4.2. The city council.

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

Section 4.3. Qualifications of mayor and councilmen.

The Mayor and Councilmen shall meet the eligibility requirements contained in Section 5.1 of this Charter. The Council shall be the sole judge of the election and qualification of its own members, subject only to review by the courts.

Section 4.4. Compensation of mayor and councilmen.

The Mayor and Councilmen shall receive as compensation the sum of \$35.00 per meeting for each regular or special meeting which they attend, but not to exceed \$1,000.00 in any one fiscal year.

Such compensation shall be paid quarterly and, except as otherwise provided in this Charter, shall constitute the only compensation which may be paid the Mayor or Councilmen for the discharge of any official duty for or on behalf of the

city during their tenure of office. However, the Mayor and Councilmen may, upon order of the Council, be paid any necessary bona fide expenses incurred in service of the city as are authorized and itemized.

(Council Min. of 4-19-16)

Section 4.5. Election of mayor pro tem.

The Council shall, at its first meeting following each regular city election, and after the newly elected members take office, elect one of its members to serve as Mayor Pro Tem, for a term expiring at the first Council meeting following each regular city election. Such election shall be by written ballot and by majority vote of the members of the Council in office at the time.

In the event of absence or disability of both the Mayor and Mayor Pro Tem, the Council may designate another of its members to serve as Acting Mayor during such absence or disability.

Section 4.6. Duties of mayor.

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

Created: 2021-12-10 13:37:16 [EST]

(Supp. No. 22)

Page 13 of 344

- (d) Except as may be required by statute, the Mayor shall exercise only such power as this Charter or the Council shall specifically confer upon him.
- (e) In the absence or disability of the Mayor, the Mayor Pro Tem shall perform the duties of Mayor. In the absence or disability of both, the designated Acting Mayor shall perform such duties.

Section 4.7. Administration service.

The administrative officers of the city shall be the City Manager, Attorney, Clerk, Treasurer, Assessor, and such additional administrative officers as may be created by ordinance. The Council may by ordinance create additional administrative offices and may by ordinance combine any administrative offices in any manner it deems necessary or advisable for the proper and efficient operation of the city except that the offices of Clerk, Treasurer and Assessor shall not be combined but shall be maintained as required by statute. The City Manager and Attorney shall be appointed by the Council for an indefinite period, shall be responsible to and serve at the pleasure of the Council and shall have their compensation fixed by ordinance.

All administrative officers of the City, except the City Manager and Attorney, shall be appointed by the City Council upon recommendation of the City Manager for an indefinite period. Such officers shall be responsible to the City Manager and shall have their compensation fixed by him in accordance with budget appropriations made in accordance with a pay plan established by ordinance. Such officers may be discharged by the City Manager at his pleasure subject to confirmation by the Council.

Except as may be otherwise required by statute or this Charter, the Council shall establish by ordinance such departments of the city as it deems necessary or advisable and shall prescribe therein the functions of each department and the duties, authorities and responsibilities of the officers of each department. The City Manager may prescribe such duties and responsibilities of the officers of those departments responsible to him which are not inconsistent with this Charter or with any ordinance or resolution.

All personnel employed by the city who are not elected officers of the city or administrative officers by, or under

the authority of, this Charter shall be deemed to be employees of the city. The head of each department shall have the power to hire, suspend or discharge the employees of his department with confirmation by the City Manager.

Any administrative officer or employee who has been discharged may within ten days thereafter petition the Council to hear the facts regarding such discharge, and in such case the Council may, in its sole discretion, hold a hearing and inquire into such facts and may make such decision in the matter as it considers proper, and may confirm said discharge or order the reinstatement of such officer or employee with or without such other disciplinary action as it may deem appropriate in the circumstances.

The Council may require any administrative officer or employee, if he is not resident at the time of his appointment or employment, to become a resident of the city within the time set by the Council and so remain throughout his tenure of office or employment.

Section 4.8. Relationship of council to administrative service.

No member of the Council nor any committee of the Council shall dictate the appointment of any person to office by the City Manager or in any way interfere with the City Manager or other city officer to prevent him from exercising his judgement in the appointment or employment of officers and employees in the administrative service. Individual members of the Council shall deal with the administrative service solely through the City Manager and no member thereof shall give orders to any of the subordinates of the City Manager.

Created: 2021-12-10 13:37:16 [EST]

(Supp. No. 22)

Page 14 of 344

Section 4.9. City manager: Appointments and qualifications.

The Council shall appoint a City Manager within 90 days after any vacancy exists in such position. The City Manager shall hold office at the pleasure of a majority of the Council, but he shall not be removed from office during a period of 60 days following any regular city election except by the affirmative vote of five members of the Council. He shall be selected on the basis of his executive and administrative qualifications with special reference to his training and experience in municipal administration.

Section 4.10. Acting city manager.

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

Section 4.11. City manager; functions and duties.

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

- (a) To be responsible to the Council for the efficient administration of all administrative departments of the city government except the department under the direction of the Attorney;
- (b) To appoint, with the consent of the Council, the heads of the several city operating departments whose appointment is not otherwise specified in this Charter, and to direct and supervise such department heads;
- (c) To give to the proper personnel ample notice of the expiration or termination of any franchises, contracts or agreements;
- (d) To exercise and perform all administrative functions of the city that are not imposed by this Charter or ordinance upon some other official;
- (e) To recommend an annual budget to the Council and to administer the budget as finally adopted under policies formulated by the Council, and to keep the Council fully advised as to the financial condition and

needs of the city;

- (f) To be responsible for the maintenance of a system of accounts of the city which shall conform to any uniform system required by law and by the Council and to generally accepted principles and procedure of governmental accounting. He shall submit financial statements to the Council quarterly, or more often as the Council directs;
- (g) To act as Purchasing Agent for the city and in such capacity shall purchase all supplies and equipment and dispose of the same in accordance with procedures established by the Council;
- (h) To recommend to the Council for adoption such measures as he may deem necessary or expedient; and to attend Council meetings with the right to take part in discussions but not to vote;
- (i) To see that all terms and conditions imposed in favor of the city or its inhabitants in any public utility franchise, or in any contract, are faithfully kept and performed;
- (j) To see that all laws and ordinances are enforced;
- (k) To perform such other duties as may be prescribed by this Charter or required of him by ordinance or by direction of the Council;

Created: 2021-12-10 13:37:16 [EST]

(Supp. No. 22)

Page 15 of 344

- (l) The City Manager shall be an ex-officio member of all City boards and commissions, and may make recommendations to boards and commission, but may not vote.

Section 4.12. Clerk; functions and duties.

- (a) The Clerk shall be the Clerk of the Council and shall attend all meetings of the Council and shall keep a permanent journal of its proceedings in the English language.
- (b) The Clerk shall be custodian of the city seal, and shall affix it to all documents and instruments requiring the seal, and shall attest the same. He shall also be custodian of all papers, documents, bonds, and records pertaining to the city the custody of which is not otherwise provided for.
- (c) The Clerk shall certify by his signature all ordinances and resolutions enacted or passed by the Council.
- (d) The Clerk shall provide and maintain in his office a supply of forms for all petitions required to be filed for any purpose by the provisions of this Charter.
- (e) The Clerk shall have power to administer oaths of office.
- (f) The Clerk shall perform such other duties as may be prescribed for him by this Charter, by the Council or by the City Manager.

Section 4.13. Treasurer; functions and duties.

- (a) The Treasurer shall have the custody of all moneys of the city, any bond pertaining solely to the Clerk unless provided otherwise by ordinance, and all evidences of indebtedness belonging to the city or held in trust by the city.
- (b) The Treasurer shall collect all moneys of the city the collection of which is not provided for elsewhere by Charter or ordinance. He shall receive from other officers and employees of the city all money belonging to and receivable by the city that may be collected by such officers and employees, including fines, license fees, taxes, assessments and all other charges. All money shall be turned over to the Treasurer after collection or receipt, and he shall in all cases give a receipt therefor.
- (c) The Treasurer shall keep and deposit all moneys or funds in such manner and only in such places as the Council may determine and shall report the same in detail to the City Manager.
- (d) The Treasurer shall disburse all city funds in accordance with the provisions of statute, this Charter and procedures to be established by the Council.

- (e) The Treasurer shall have such powers, duties and prerogatives in regard to the collection and custody of state, county, school district and city taxes as are conferred by statute upon township treasurers in connection with state, county, township and school district taxes upon real and personal property.
- (f) The Treasurer shall perform such other duties as may be prescribed for him by this Charter, by the Council or by the City Manager.

Section 4.14. Assessor; functions and duties.

The Assessor shall possess all the powers vested in, and shall be charged with all the duties imposed upon, assessing officers by statute. He shall prepare all regular and special assessment rolls in the manner prescribed by this Charter, by ordinance and by statute. He shall perform such other duties as may be prescribed for him in this Charter, by the Council or by the City Manager.

Created: 2021-12-10 13:37:16 [EST]

(Supp. No. 22)

Section 4.15. Attorney; functions and duties.

- (a) The Attorney shall act as legal advisor to, and be attorney and counsel for, the Council and shall be responsible solely to the Council. He shall advise any officer or department head of the city in matters relating to his official duties when so requested and shall file with the Clerk a copy of all written opinions given by him.
- (b) The Attorney shall prosecute such ordinance violations and he shall conduct for the city such cases in court and before other legally constituted tribunals as the Council may request. He shall file with the Clerk copies of such records and files relating thereto as the Council may direct.
- (c) The Attorney shall prepare or review all ordinances, contracts, bonds, journal of Council proceedings and any other written instruments which are submitted to him by the Council and shall promptly give his opinion as to the legality thereof.
- (d) The Attorney shall call to the attention of the Council all matters of law, and changes or developments therein, affecting the city.
- (e) The Attorney shall perform such other duties as may be prescribed for him by this Charter or by the Council.
- (f) Upon the recommendation of the Attorney, or upon its own initiative, the Council may retain special legal counsel to handle any matter in which the city has an interest, or to assist and counsel with the Attorney therein.

Section 4.16. Compensation of attorney and special counsel.

The compensation of the Attorney shall be set by the Council. No compensation to special legal counsel shall be paid except in accordance with an agreement between the Council and the Attorney or Special Counsel made before the service for which such compensation is to be paid has been rendered.

Section 4.17. Deputy administrative officers.

The City Council may, by ordinance, appoint deputies to the Clerk, Treasurer and Assessor. Such deputies shall, in each case, possess all the powers and authorities of their superior officers except as the same may be from time to time limited by the City Council.

Section 4.18. Planning and zoning.

The Council shall establish and maintain a city planning commission. The City Planning Commission may be created by ordinance or in accordance with Act 285 of the Public Acts of 1931 [MCL 125.31 et seq., MSA 5.2991 et seq.], as amended.

The Council shall maintain a zoning ordinance in accordance with the provisions of statute relating to such

ordinances. Insofar as may be, such ordinance shall provide that zoning be coordinated with the work of the City Planning Commission.

Section 4.19. Independent boards and commissions.

The Council may not create any board or commission, other than those provided for in this Charter, to administer any activity, department or agency of the city government except (a) a municipal hospital, (b) recreation, or (c) any activity which by statute is required to be so administered. The Council may, however, establish (a) quasi-judicial appeal boards and (b) boards or commissions to serve solely in an advisory capacity.

Created: 2021-12-10 13:37:16 [EST]

(Supp. No. 22)

Page 17 of 344

PART I - CHARTER OF THE CITY OF HUDSON, MICHIGAN
CHAPTER 5. GENERAL PROVISIONS REGARDING OFFICERS AND PERSONNEL OF THE CITY

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

Section 5.1. Eligibility for office and employment in city.

No person shall hold any elective office of the city unless he has been a resident of the city for at least one year immediately prior to the last day for filing original petitions for such office or prior to the time of his appointment to fill a vacancy. No person shall hold any elective office unless he is a qualified and registered elector of the city on such last day for filing or at such time of appointment and throughout his tenure of office.

Each member of a city board or commission shall have been a resident of the city for at least one year prior to the date of his appointment and shall be a qualified and registered elector of the city on such day and throughout his tenure of office.

No person shall be eligible for any elective or appointive city office who is in default to the city. The holding of office by any person who is in such default shall create a vacancy unless such default shall be eliminated within 30 days after written notice thereof by the Council or unless such person shall in good faith be contesting the liability for such default.

State law reference(s)—Mandatory that Charter provide for qualifications of officers, MCL 117.3(d), MSA 5.2073(d).

Section 5.2. Vacancies in elective offices.

Any elective city office shall be declared vacant by the Council before the expiration of the term of such office:

- (a) For any reason specified by statute or by this Charter as creating a vacancy in office; (b) If no person is elected to, or qualifies for, the office at the election at which such office is to be filled;
- (c) If the officer shall be found guilty by a competent court of any act constituting misconduct in office under the provisions of this Charter;
- (d) In the case of any member of the Council, if such officer shall miss three consecutive regular meetings of the Council or 25 percent of such meetings in any fiscal year of the city, unless such absence shall be excused by the Council and the reason therefor entered in its proceedings at the time of each absence;
- (e) If the officer is removed from office by the Council in accordance with the provisions of Section 5.4.

Section 5.3. Vacancies in boards and commissions.

The office of any member of any board or commission created by, or pursuant to, this Charter shall be declared vacant by the Council before the expiration of the term of such office:

- (a) For any reason specified by statute or by this Charter as creating a vacancy in office;
- (b) If the officer shall be found guilty by a competent court of any act constituting misconduct in office under the provisions of this Charter;

Hudson, Michigan, Code of Ordinances Created: 2021-12-10 13:37:17 [EST] (Supp. No. 22)

Page 18 of 344

- (c) If such officer shall miss three consecutive regular meetings of such board or commission or 25 percent of such meetings in any fiscal year of the city, unless such absence shall be excused by such board or commission and the reason therefor entered in the proceedings at the time of each absence;
- (d) If the officer is removed from office by the Council in accordance with the provisions of Section 5.4.

Section 5.4. Removals from office.

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

Section 5.5. Resignations.

Resignations of elective officers shall be made in writing and filed with the Clerk and shall be acted upon by the Council at its next regular meeting following receipt thereof by the Clerk. Resignations of officers appointed by the Council shall be made in writing to the Council. All resignations shall be immediately acted upon.

Section 5.6. Filling vacancies in elective offices.

- (a) Any vacancy which occurs in the Council more than 60 days before the next regular city election shall be filled within 30 days by a majority vote of the remaining members of the Council, said appointee to hold office until the Monday following such election, at which election such vacancy shall be filled as provided in Section 3.6 for any balance of the unexpired original term.

Any vacancy which occurs in the Council 60 days or less before the next regular city election shall not be filled.

- (b) If any vacancy in the office of Councilman which the Council is authorized to fill is not so filled within 30 days after such vacancy occurs, or if four or more vacancies exist simultaneously in the office of Councilman such vacancies shall be filled for the respective unexpired terms at a special election. In connection with any special election to fill a vacancy or vacancies in any elective office candidates shall be nominated by petitions in a manner identical to that provided in Sections 3.7 to 3.12 inclusive; the names of all qualified candidates who file sufficient valid nomination petitions 30 days before such special election shall be certified to the Election Commission and placed on the ballot; and all other provisions of this Charter, not inconsistent with this Section 5.6 shall govern.
- (c) The provisions of this Section 5.6 shall not apply to the filling of vacancies resulting from recall.

Section 5.7. Filling vacancies in appointive offices.

Vacancies in appointive offices shall be filled in the manner provided for making the original appointment.

Created: 2021-12-10 13:37:17 [EST]

(Supp. No. 22)

Page 19 of 344

Section 5.8. Change in term of office or compensation.

Except by procedures provided in this Charter, the terms of office of the elective officers and of members of boards and commissions appointed for a definite term shall not be shortened. The terms of elective officers shall not be extended beyond the period for which any such officer was elected except that an elective officer shall, after his term has expired, continue to hold office until his successor is elected or appointed and has qualified.

The Council shall not grant or authorize extra compensation to any officer or employee after his service has been rendered. The salary of any elective officer shall not be increased or decreased from the day he is elected until the end of the term of office for which he was elected.

State law reference(s)—Mandatory that Charter provide for compensation of officers, MCL 117.3(d), MSA 5.2073(d).

Section 5.9. Oath of office and bond.

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

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

Section 5.10. Surety bonds.

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

All official bonds shall be corporate surety bonds and the premiums thereon shall be paid by the city. The Clerk shall be custodian of all the bonds of all officers or employees, except that the Treasurer shall be custodian of any bonds pertaining solely to the Clerk unless provided otherwise by ordinance.

Section 5.11. Delivery of office.

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

against in the same manner as public officers generally for a like offense under statute. Any employee

Created: 2021-12-10 13:37:17 [EST]

(Supp. No. 22)

Page 20 of 344

found guilty of violating this provision by a competent tribunal may be punished by a fine of not to exceed \$500.00 or imprisonment for not to exceed 90 days, or both, in the discretion of the court.

Section 5.12. Pecuniary interest prohibited.

- (a) Except as permitted by this section no contract or purchasing involving an amount in excess of \$250.00 shall be made by the city in which any elective or appointive officer or any member of his family has any pecuniary interest, direct or indirect. A "contract" shall for the purposes of this section include any arrangement or agreement pursuant to which any material, service or other thing of value is to be furnished to the city for a valuable consideration to be paid by the city or sold or transferred by the city, except the furnishing of personal services as an officer or employee of the city; and the term "member of his family" shall include spouse, children, and the spouse of any of them.
- (b) A contract in which an officer or member of his family has a pecuniary interest may be made by the city if the members of the Council in office at the time having no such interest shall by unanimous vote determine that the best interests of the city will be served by the making of such contract and if such contract is made after comparative prices are obtained.
- (c) Any officer who knowingly permits the city to enter into any contract in which he has a pecuniary interest without disclosing such interest to the Council prior to the action of the Council in authorizing such contract, shall be guilty of misconduct in office. Except in the instances specified in paragraph (b) of this section, the unanimous determination (by vote or written instrument filed with the Clerk) of the Council that in a particular case an officer or member of his family will not have a pecuniary interest in any contract or purchase to be entered into by the city shall be final and conclusive in the absence of fraud or misrepresentation.
- (d) No officer shall stand as surety on any bond to the city or give any bail for any other person which may be required by the Charter or any ordinance of the city. Any officer of the city who violates the provisions of this paragraph shall be guilty of misconduct in office.

State law reference(s)—Conflicts of interest as to contracts, MCL 15.321 et seq., MSA 4.1700(51) et seq.; standards of conduct and ethics, MCL 15.341 et seq., MSA 4.1700(71) et seq.

Section 5.13. Anti-nepotism.

Unless the Council shall by unanimous vote, which vote shall be recorded as part of its official proceedings, determine that the best interests of the city shall be served, the following relatives of any elective or appointive officer are disqualified from holding any appointive office or employment during the term for which said elective or appointive officer was elected or appointed: spouse, child, parent, grandchild, grandparent, brother, sister, half brother, half-sister or the spouses of any of them. All relationships shall include those arising from adoption. This section shall in no way disqualify such relatives or their spouses who are bona fide appointive officers or employees for the city at the time of the election or appointment of said official.

Section 5.14. Compensation of employees and officers.

- (a) The compensation of all employees and officers of the city whose compensation is not provided for herein shall be fixed by the appointing officer or body within the limits of budget appropriations and in accordance with any plan adopted by the Council.
- (b) The respective salaries and compensation of officers and employees as fixed by, or pursuant to, this Charter shall be in full for all official services of such officers or employees and shall be in lieu of all fees, commissions and other compensation receivable by such officers or employees for their services.

Created: 2021-12-10 13:37:17 [EST]

Such fees, commissions and compensations shall belong to the city and shall be collected and accounted for by such officers or employees, and be paid into the city treasury and a statement thereof filed periodically with the City Manager.

(c) Nothing contained in this section shall prohibit the payment of necessary bona fide expenses incurred in service in behalf of the city.

Section 5.15. Employee welfare benefits.

The Council shall have the power to make available to the administrative officers and employees of the city and its department and boards any recognized standard plan of group life, hospital, health, or accident insurance either independently of, or as a supplement to, any retirement plan provided for said officers and employees.

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

Section 6.1. Regular meetings.

The Council shall provide by resolution for the time and place of its regular meetings and shall hold at least one regular meeting each month. A regular meeting shall be held at 8:00 p.m. on the Monday next following each regular city election.

State law reference(s)—Open meetings act, MCL 15.261 et seq., MSA 4.1800(11) et seq.

Section 6.2. Special meetings.

Special meetings shall be called by the Clerk on the written request of the Mayor or any two members of the Council on at least 24 hours written notice to each member of the Council, served personally or left at his usual place of residence; but a special meeting may be held on shorter notice if all members of the Council are present or have waived notice thereof in writing.

State law reference(s)—Open meetings act, MCL 15.261 et seq., MSA 4.1800(11) et seq.

Section 6.3. Business at special meetings.

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

Section 6.4. Meetings to be public.

All regular and special meetings of the Council shall be open to the public and citizens shall have a reasonable opportunity to be heard under such rules and regulations as the Council may prescribe.

State law reference(s)—Open meetings act, MCL 15.261 et seq., MSA 4.1800(11) et seq.

Section 6.5. Quorum; adjournment of meeting.

A majority of the members of the Council in office at the time shall be a quorum for the transaction of business at all Council meetings but in the absence of a quorum a lesser number may adjourn any meeting to a later time or date, and in the absence of all members the Clerk may adjourn any meeting for not longer than one week.

Section 6.6. Compulsory attendance and conduct at meetings.

Any two or more members of the Council may by vote either request or compel the attendance of its members and other officers of the city at any meeting. Any member of the Council or other officer who when notified of such request for his attendance fails to attend such meeting for reason other than those approved by the Council shall be deemed guilty of misconduct in office unless excused by the Council. The presiding officer shall enforce orderly conduct at meetings and any member of the Council or other officer who shall fail to conduct himself in an orderly manner at any meeting shall be deemed guilty of misconduct in office.

Section 6.7. Organization and rules of the council.

The Council shall determine its own organization, rules and order of business subject to the following provisions:

- (a) A journal of the proceedings of each meeting shall be kept in the English language by the Clerk and shall be signed by the presiding officer and clerk of the meeting.
- (b) A vote upon all ordinances and resolutions shall be taken by a roll call vote and entered upon the records, except that where the vote is unanimous it shall only be necessary to so state.
- (c) No member of the Council shall vote on any question in which he has a financial interest, or on any question concerning his own conduct, but on all other questions each member who is present shall vote when his name is called unless excused by the unanimous consent of the remaining members present. Any member refusing to vote except when not so required by this paragraph shall be guilty of misconduct in office.
- (d) The proceedings of the Council, or a brief summary thereof, shall be published within 15 days following each meeting. Any such summary shall be prepared by the Clerk and approved by the Mayor and shall show the substance of each separate proceeding of the Council.
- (e) There shall be no standing committees of the Council.

State law reference(s)—Mandatory that Charter provide for keeping of a journal, MCL 117.3(m), MSA 5.2073(m).

Section 6.8. Investigations.

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

Failure on the part of any officer to obey such summons or to produce books, papers and other evidence as ordered under the provisions of this section shall constitute misconduct in office. Failure on the part of any employee or other person to obey such summons or to produce books, papers or other evidence as ordered under the provisions of this section shall constitute a violation of this Charter and such person when found guilty of such

violation by a competent tribunal may be punished by a fine of not to exceed \$500.00 or imprisonment not to exceed 90 days or both, in the discretion of the court.

It is provided further, that, in case of failure on the part of any person to obey such summons or to produce such

books, papers and other evidence as so ordered, the Council may invoke the aid of the proper judicial tribunal in requiring obedience of such summons or production of such books, papers and other evidence.

Section 6.9. Providing for public health and safety.

The Council shall see that provision is made for the public peace and health, and for the safety of persons and property. Unless and until a board of health is established for the city by ordinance, the Council shall constitute the board of health of the city, and it and its officers shall possess all powers, privileges and immunities granted to boards of health by statute.

CHAPTER 7. LEGISLATION

Section 7.1. Prior city legislation.

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

Those provisions of any effective valid bylaw, ordinance, resolution, rule or regulation which are inconsistent with this Charter, are hereby repealed.

Section 7.2. Form of ordinances.

All legislation of the City of Hudson shall be by ordinance or by resolution. The word "resolution" as used in this Charter shall be the official action of the Council in the form of a motion, and such action shall be limited to matters required or permitted to be done by resolution by this Charter or by state or federal law and to matters pertaining to the internal affairs or concerns of the city government. All other acts of the Council, and all acts carrying a penalty for the violation thereof, shall be by ordinance. Each ordinance shall be identified by a number and a short title, or by a code section number if and when codification of ordinances is completed. Each proposed ordinance shall be introduced in written or printed form. The style of all ordinances passed by the Council shall be, "The City of Hudson ordains:"

Section 7.3. Enactment amendment, repeal and effective date of ordinances.

Subject to the statutes and to the exceptions which follow hereafter, (a) ordinances may be enacted by the affirmative vote of not less than a majority of the members elect of the Council; (b) no ordinance shall be amended or repealed except by an ordinance adopted as aforesaid; (c) no ordinance shall be enacted at the meeting at which it is introduced nor until after publication of the proceedings or summary thereof of such meeting (which proceedings or summary shall include a statement of its title and purpose); and (d) the effective date of all ordinances shall be prescribed therein but the effective date shall not be earlier than 15 days after enactment nor before publication thereof.

It is provided, however, that an ordinance which is declared therein to be an emergency ordinance which is immediately necessary for the preservation of the public peace, health or safety may be enacted at the meeting at which it is introduced or before publication of the proceedings of the meeting at which it is introduced, or may be

Created: 2021-12-10 13:37:17 [EST]

(Supp. No. 22)

Page 24 of 344

given earlier effect than 15 days after its enactment, or all three, by five affirmative votes if five or more members of the Council are present at the meeting at which it is enacted or by four affirmative votes if four members of the Council are present at the meeting at which it is enacted.

No ordinance granting any public utility franchise shall be enacted except in accordance with the provisions of Section 14.2.

No ordinance shall be amended by reference to its title only, but the revised sections of the ordinance, as

amended, shall be re-enacted and published in full. However, an ordinance or section thereof may be repealed by reference to its title and ordinance or code number only.

Section 7.4. Publication and recording of ordinances.

Each ordinance, except emergency ordinances as above provided, shall, before becoming effective, be published in a newspaper as defined in Section 15.11. Emergency ordinances shall be published in the same manner promptly after adoption.

All ordinances shall be recorded by the Clerk in a book to be called "The Ordinance Book," and it shall be the duty of the Mayor and Clerk to authenticate such records by their official signatures thereon but the failure to so record and authenticate any such ordinance shall not invalidate it or suspend its operation.

Section 7.5. Penalties for violations of ordinances.

The Council may provide in any ordinance for the punishment of those who violate its provisions. The punishment for the violation of any city ordinance shall not exceed a fine of \$500.00 or imprisonment for 90 days, or both, in the discretion of the court.

Section 7.6. Special requirements for certain council actions.

- (a) Action to vacate, discontinue or abolish any highway, street, lane, alley or other public place, or part thereof, shall be subject to the provisions of statute and shall be by resolution. After the introduction of such resolution and before its final adoption, the Council shall hold a public hearing thereon and shall post or publish notices of such hearing at least one week prior thereto.
- (b) The following actions shall require the affirmative vote of five members of the Council for the effectiveness thereof:
 - (1) Vacating, discontinuing or abolishing any highway, street, lane, alley or other public place or part thereof;
 - (2) Purchasing, selling or leasing of any real estate of interest therein;
 - (3) Authorizing the condemning of private property for public use;
 - (4) Creating or abolishing any office;
 - (5) Appropriating any money;
 - (6) Imposing any tax or assessment;
 - (7) Reconsidering or rescinding any vote of the Council.
- (c) The Council shall not have power to engage in any business enterprise requiring an investment of money in excess of the amount permitted to be so invested by statute unless approved by a three-fifths vote of the electors voting thereon at any general or special election.

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(Supp. No. 22)

Section 7.7. Enactment of technical codes by reference.

To the extent authorized by law the Council may adopt in whole or in part any provision of state law or any detailed technical regulations as a city ordinance or code by citation of such provision of state law or by reference to any recognized standard code, official or unofficial, provided that any such standard code shall be clearly identified in the ordinance adopting the same as an ordinance of the city. Where any code, or amendment thereto, is so adopted, all requirements for its publication may be met, other provisions of this Charter notwithstanding, by (1) publishing the ordinance citing such code in the manner provided for the publication of other ordinances and (2) by making available to the public copies of the code cited therein in book or booklet form at a reasonable charge.

State law reference(s)—Authority to adopt technical codes by reference, MCL 117.3(k), MSA 5.2073(k).

Section 7.8. Severability of ordinances.

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

Section 7.9. Compilation or codification of ordinances.

Within five years after the effective date of this charter, the Council shall direct the compilation or codification and printing in looseleaf or pamphlet form of all ordinances of the city then in force. Such compilation or codification shall be completed within one year thereafter. If a codification is completed it shall be maintained thereafter in current form; if a compilation is completed, a recompilation shall be completed at least once in every ten years thereafter. Any codification may include provisions not previously contained in ordinances of the city.

All requirements for publication of such compilation or codification, and of the ordinances contained therein, other provisions of this Charter notwithstanding, may be met by making copies thereof available for inspection by, and distribution to, the public at a reasonable charge and by publishing notice of the printing and availability thereof before the effective date thereof.

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

State law reference(s)—Authority to codify, MCL 117.5b, MSA 5.2084(2).

Section 7.10. Initiative and referendum.

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

Section 7.11. Initiatory and referendary petitions.

An initiatory or a referendary petition shall be signed by not less than ten percent of the registered electors of the city, as of the date of the last regular city election, and all signatures on said petition shall be obtained within 21 days before the date of filing the petition with the Clerk. Any such petition shall be addressed to the Council, and may be the aggregate of two or more petition papers identical as to contents. An initiatory petition

Created: 2021-12-10 13:37:17 [EST]

(Supp. No. 22)

Page 26 of 344

shall set forth in full the ordinance it proposes to initiate, and no petition shall propose to initiate more than one ordinance. A referendary petition shall identify the ordinance or code sections it proposes to have repealed.

Each signer of a petition shall sign his name, and shall place thereon, after his name, the date and his place of residence by street and number, or by other customary designation. To each petition paper there shall be attached a sworn affidavit by the circulator thereof, stating the number of signers thereof and that each signature thereon is the genuine signature of the person whose name it purports to be, and that it was made in the presence of the affiant. Such petition shall be filed with the Clerk who shall, within 15 days, canvass the signatures thereon. If the petition does not contain a sufficient number of signatures of registered electors of the city, the Clerk shall notify forthwith the person filing such petition and 15 days from such notification shall be allowed for the filing of supplemental petition papers. When a petition with sufficient signatures is filed within the time allowed by this section, the Clerk shall present the petition to the Council at its next regular meeting.

State law reference(s)—Permissible that Charter provide for initiative and referendum, MCL 117.4i(6), MSA 5.2082(6).

Section 7.12. Council procedure on initiatory and referendary petitions. Upon

- receiving an initiatory or referendary petition from the Clerk, the Council shall either: (a) Adopt the ordinance as submitted by an initiatory petition;
- (b) Repeal the ordinance referred to by a referendary petition; or
- (c) Determine to submit the proposal provided for in the petition to the electors.

Section 7.13. Submission of initiatory and referendary ordinances to electors.

Should the Council decide to submit the proposal to the electors, it shall be submitted at the next election held in the city for any other purpose, or, in the discretion of the Council, at a special election called for that specific purpose. In the case of an initiatory petition, if no election is to be held in the city for any other purpose within 150 days from the time the petition is presented to the Council and the Council does not adopt the ordinance, then the Council shall call a special election within 60 days from such time for the submission of the initiative proposal. The result shall be determined by a majority vote of the electors voting thereon, except in cases where otherwise required by statute or the Constitution.

Section 7.14. Ordinance suspended; miscellaneous provisions on initiatory and referendary ordinance.

The presentation to the Council by the Clerk of a valid and sufficient referendary petition containing a number of signatures equal to 25 percent of the registered electors of the city as of the date of the last regular city election shall automatically suspend the operation of the ordinance in question pending repeal by the Council or final determination by the electors.

An ordinance adopted by the electorate through initiatory proceedings may not be amended or repealed for a period of one year after the date of the election at which it was adopted, and an ordinance repealed by the electorate may not be re-enacted for a period of one year after the date of the election at which it was repealed. It is provided, however, that any ordinance may be adopted, amended or repealed at any time by appropriate referendum or initiatory procedure in accordance with the provisions of this chapter or if submitted to the electorate by the Council on its own motion.

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

Created: 2021-12-10 13:37:17 [EST]

(Supp. No. 22)

CHAPTER 8. GENERAL FINANCE—BUDGET, AUDIT⁴

Section 8.1. Fiscal year.

The fiscal year of the city and of all its agencies shall begin on July 1 of each year and end on June 30 of the following year.

Section 8.2. Budget procedure.

The City Manager shall prepare and submit to the Council by April 15 of each year a recommended budget covering the next fiscal year, and shall include therein at least the following information:

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

Section 8.3. Budget hearing.

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

Section 8.4. Adoption of budget.

Not later than May 31 in each year, the Council shall by resolution adopt a budget for the next fiscal year, shall appropriate the money needed for municipal purposes during the next fiscal year of the city and shall provide

⁴State law reference(s)—Uniform budgeting and accounting act, MCL 141.421 et seq., MSA 5.3228(21) et seq.

Hudson, Michigan, Code of Ordinances Created: 2021-12-10 13:37:17 [EST] (Supp. No. 22)

for a levy of the amount necessary to be raised by taxes upon real and personal property for municipal purposes subject to the limitations contained in Section 9.1.

State law reference(s)—Mandatory that Charter provide for an annual appropriation, MCL 117.3(h), MSA 5.2073(h).

Section 8.5. Budget control.

Except for purposes which are to be financed by the issuance of bonds or by special assessment, or for other purposes not chargeable to a budget appropriation, no money shall be drawn from the treasury of the city except in accordance with an appropriation thereof for such specific purpose, nor shall any obligation for the expenditure of money be incurred without an appropriation covering all payments which will be due under such obligation in the current fiscal year. The Council by resolution may transfer any unencumbered appropriation balance, or any portion thereof from one account, department, fund or agency to another.

The Council may make additional appropriations during the fiscal year for unanticipated expenditures required of the city, but such additional appropriations shall not exceed the amount by which actual and anticipated revenues of the year are exceeding the revenues as estimated in the budget unless the appropriations are necessary to relieve an emergency endangering the public health, peace or safety.

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

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

The balance in any budget appropriation which has not been encumbered at the end of the fiscal year shall, subject to statutory restrictions, revert to the general fund. The City through the City Manager shall maintain a system of accounts which shall conform to such uniform system as may be required by state law.

State law reference(s)—Uniform budgeting and accounting act, MCL 141.421 et seq., MSA 5.3228(21) et seq.

Section 8.6. Depository.

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

State law reference(s)—Designation of depositories, MCL 129.12, MSA 3.752; deposits of public moneys, MCL 211.436, MSA 7.86.

Section 8.7. Independent audit; annual report.

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

Created: 2021-12-10 13:37:17 [EST]

(Supp. No. 22)

Page 29 of 344

The City Manager shall prepare an annual report of the affairs of the city including a financial report. Copies of such audit and annual report shall be made available for public inspection at the office of the City Manager within 30 days after receipt of the audit.

CHAPTER 9. TAXATION⁵

Section 9.1. Power to tax; tax limit.

The city shall have the power to assess taxes and levy and collect rents, tolls and excises. Exclusive of any levies authorized by statute to be made beyond Charter tax rate limitations, the annual ad valorem tax levy shall not exceed 1½ percent of the assessed value of all real and personal property subject to taxation in the city.

State law reference(s)—Mandatory that Charter provide for annually levying and collecting taxes, MCL 117.3(g), MSA 5.2073(g).

Section 9.2. Subjects of taxation.

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

State law reference(s)—Mandatory that Charter provide that subjects of taxation for municipal purposes shall be the same as for state, county and school purposes under general law, MCL 117.3(f), MSA 5.2073(f); property subject to taxation, MCL 211.1 et seq., MSA 7.1 et seq.

Section 9.3. Exemptions.

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

State law reference(s)—Property exempt from taxation, MCL 211.7 et seq., MSA 7.7 et seq.

Section 9.4. Tax day.

Subject to the exceptions provided or permitted by statute the taxable status of persons and property shall be determined as of December 31.

State law reference(s)—Designation of tax day, MCL 211.2, MSA 7.2; time, place and method of assessment, MCL 211.10 et seq., MSA 7.10 et seq.

Section 9.5. Preparation of the assessment roll.

On or before the first Monday in March in each year the Assessor shall prepare and certify an assessment roll of all property in the city subject to taxation. Such roll shall be prepared in accordance with statute and this Charter. Values shall be estimated according to recognized methods of systematic assessment. The records of the Assessor shall show separate figures for the value of the land, of the building improvements and of personal property, and the method of estimating all such values shall be as nearly uniform as possible.

⁵State law reference(s)—General property tax act, MCL 211.1 et seq., MSA 7.1 et seq.

Created: 2021-12-10 13:37:17 [EST]

(Supp. No. 22)

Page 30 of 344

On or before the first Monday in March the Assessor shall give by first class mail a notice of any increase over the previous year in the assessed value of any property or of the addition of any property to the roll to the owner as shown by such assessment roll. The failure of the owner to receive such notice shall not invalidate any assessment roll or assessment thereon.

State law reference(s)—Mandatory that Charter provide for preparation of assessment roll, MCL 117.3(i), MSA 5.2073(i); assessment roll, MCL 211.24 et seq., MSA 7.24 et seq.

Section 9.6. Board of review.

The Board of Review shall be composed of three freeholders of the city who shall meet the eligibility requirements for elective officers contained in Section 5.1 and who during their term of office shall not be city officers or employees or be nominees or candidates for elective city office. The filing by a member of the Board of Review of his nomination petition for an elective city office or the filing of a consent thereto shall constitute a resignation from the Board of Review.

The appointment of members of such Board shall be based primarily on their knowledge and experience in property valuation. One member of the Board shall be appointed by the Council in January, of each year for a term of three years, to replace the member whose term expires that year. The Council shall fix the compensation of the members of the Board. The Board of Review shall annually in February select its own chairman for the ensuing year, and the Assessor shall be clerk of the Board and shall be entitled to be heard at its sessions, but shall have no vote.

State law reference(s)—Mandatory that Charter provide for a board of review, MCL 117.3(a), MSA 5.2073(a).

Section 9.7. Meetings of the board of review.

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

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

State law reference(s)—Mandatory that Charter provide for meeting of board of review, MCL 117.3(i), MSA 5.2073(i); completion of review of assessments, MCL 211.30a, MSA 7.30(1).

Section 9.8. Notice of meetings.

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

State law reference(s)—Open meetings act, MCL 15.261 et seq., MSA 4.1800(11) et seq.

Created: 2021-12-10 13:37:17 [EST]

(Supp. No. 22)

Page 31 of 344

Section 9.9. Duties and functions of board of review.

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

Section 9.10. Endorsement of roll.

After the Board of Review has completed its review of the assessment roll, and not later than March 31, the majority of its members shall endorse thereon and sign a statement to the effect that the same is the assessment roll of the city for the year in which it has been prepared. The omission of such endorsement shall not affect the validity of such roll.

Section 9.11. Clerk to certify tax levy.

Within three days after the Council has adopted the budget for the ensuing year, the Clerk shall certify to the Assessor the total amount which the Council determines shall be raised by general ad valorem tax. He shall also certify all amounts of current or delinquent special assessments and all other amounts which the Council requires to be assessed, reassessed or charged upon any property or against any person.

Section 9.12. City tax roll.

After the Board of Review has completed its review of the assessment roll, the Assessor shall prepare a copy of the assessment roll to be known as the "City Tax Roll," and upon receiving the certification of the several amounts to be raised, as provided in Section 9.11, the Assessor shall spread upon said tax roll the several amounts determined by the Council to be charged, assessed or reassessed against persons or property. He shall also spread the amounts of the general ad valorem city tax, county tax and school tax according to and in proportion to the several valuations set forth in said assessment roll. To avoid fractions in computation on any tax roll, the Assessor may add to the amount of the several taxes to be raised not more than the amount prescribed by statute. Any excess created thereby on any tax roll shall belong to the city.

State law reference(s)—Avoidance of fractions, MCL 211.39, MSA 7.80.

Section 9.13. Tax roll certified for collection.

After spreading the taxes the Assessor shall certify the tax roll, and the Mayor shall annex his warrant thereto directing and requiring the Treasurer to collect, prior to March 1 of the following year, from the several persons named in said roll the several sums mentioned therein opposite their respective names as a tax or assessment and granting to him, for the purpose of collecting the taxes, assessments and charges on such roll, all the statutory powers and immunities possessed by township treasurers for the collection of taxes. On or before June 10 the roll shall be delivered to the Treasurer for collection.

State law reference(s)—Collection of taxes, MCL 211.44 et seq., MSA 7.87 et seq.

Created: 2021-12-10 13:37:17 [EST]

(Supp. No. 22)

Page 32 of 344

Section 9.14. Tax lien on property.

On July 1 the taxes thus assessed shall become a debt due to the city from the persons to whom they are assessed, and the amounts assessed on any interest in real property shall become a lien upon such real property, for such amounts and for all interest and charges thereon, and all personal taxes shall become a first lien on all personal property of such persons so assessed. Such lien shall take precedence over all other claims, encumbrances and liens to the extent provided by statute and shall continue until such taxes, interest and charges are paid.

Section 9.15. Taxes due; notification thereof.

City taxes shall be due on July 1 of each year. The Treasurer shall not be required to call upon the persons named in the city tax roll, nor to make personal demand for the payment of taxes, but he shall (a) publish, between June 15 and July 1, notice of the time when said taxes will be due for collection and the penalties and fees for late payment of same, and (b) mail a bill to each person named in said roll, but in cases of multiple ownership of property only one bill need be mailed.

Failure on the part of the Treasurer to publish said notice or mail such bills shall not invalidate the taxes on said tax roll nor release the person or property assessed from the penalties and fees provided in this chapter in case of late payment or nonpayment of the same.

Section 9.16. Interest on late payment of taxes.

All taxes paid on or before August 31 shall be collected by the Treasurer without interest. On September 1 the Treasurer shall add to all taxes paid thereafter six percent of the amount of said taxes and on October 1 and of each succeeding month he shall add an additional one-half of one percent of said taxes that remain unpaid. Such interest shall not exceed eight percent and shall belong to the city and shall constitute a charge and be a lien against the property to which the taxes apply, collectible in the same manner as the taxes to which they are added. It is provided, however, that if delivery of the tax roll to the Treasurer, as provided in Section 9.13, is delayed for any reason by more than 30 days after June 10, the application of the interest charge provided herein shall be postponed 30 days for the first 30 days of such delay and shall be postponed an additional 30 days for each additional 30 days, or major fraction thereof, of such delay.

Section 9.17. Failure or refusal to pay personal property tax.

If any person, firm or corporation shall neglect or refuse to pay any personal property tax assessed to him or them by October 1, the Treasurer shall collect the same by seizing the personal property of such person, firm or corporation to an amount sufficient to pay such tax, fees and charges for subsequent sale, wherever the same may be found in the state, and from which seizure no property shall be exempt. He may sell the property seized to an amount sufficient to pay the taxes and all charges in accordance with statutory provisions. The Treasurer may, if otherwise unable to collect a tax on personal property, sue, in accordance with statute, the person, firm or corporation to whom it is assessed.

State law reference(s)—Failure or refusal to pay tax, MCL 211.47, MSA 7.91.

Section 9.18. Delinquent tax roll to county treasurer.

All city taxes on real property remaining uncollected by the Treasurer on March 1 following the date when said roll was received by him shall be returned to the County Treasurer in the manner and with like effect as provided by statute for returns by township treasurers of townships, school and county taxes. Such returns shall include all the additional assessments, charges and fees hereinbefore provided, which shall be added to the

Created: 2021-12-10 13:37:18 [EST]

(Supp. No. 22)

Page 33 of 344

amount assessed in said tax roll against each property or person. The taxes thus returned shall be collected in the same manner as other taxes returned to the County Treasurer are collected, in accordance with statute, and shall be and remain a lien upon the property against which they are assessed until paid. If by change in statute or otherwise, the Treasurer of the County of Lenawee is no longer charged with the collection of delinquent real property taxes, such delinquent taxes shall be collected in the manner then provided by statute for the collection of delinquent township, school and county taxes.

State law reference(s)—Return of delinquent taxes, MCL 211.55 et seq., MSA 7.99 et seq.

Section 9.19. State, county and school taxes.

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

State law reference(s)—Mandatory that Charter provide for levy, collection and return of state, county and school taxes, MCL 117.3(i), MSA 5.2073(i).

CHAPTER 10. BORROWING POWER⁶

Section 10.1. Grant of authority to borrow.

Subject to the applicable provisions of statute and this Charter, the Council may by ordinance or resolution authorize the borrowing of money for any purpose within the scope of powers vested in the city and permitted by statute and may authorize the issuance of bonds or other evidences of indebtedness therefor. Such bonds or other evidences of indebtedness shall include but not be limited to the following types:

- (a) General obligations which pledge the full faith, credit and resources of the city for the payment of such obligations including bonds for the city's portion of public improvements.
- (b) Notes issued in anticipation of the collection of taxes, but the proceeds of such notes may be spent only in accordance with appropriations as provided by Section 8.5.
- (c) In case of fire, flood or other calamity, emergency loans due in not more than five years for the relief of the inhabitants of the city and for the preservation of municipal property.
- (d) Special assessment bonds issued in anticipation of the payment of special assessments made for the purpose of defraying the cost of any public improvement, or in anticipation of the payment of any combination of such special assessments. Such special assessment bonds may be an obligation of the special assessment district or districts or may be both an obligation of the special assessment district or districts and a general

obligation of the city.

(e) Mortgage bonds for the acquiring, owning, purchasing, constructing, improving or operating of any public utility which the city is authorized by this Charter to acquire or operate; provided such bonds shall not impose any liability upon such city but shall be secured only upon the property and revenues of such public utility, including a franchise, stating the terms upon which, in case of foreclosure, the purchaser may operate the same, which franchise shall in no case extend for a longer period than 20 years from the date of the sale of such utility and franchise or foreclosure. A sinking fund shall be created in the event of the issuance of such bonds, by setting aside such percentage of the gross or net

⁶State law reference(s)—Municipal finance act, MCL 131.1 et seq., MSA 5.3188(1) et seq.

Created: 2021-12-10 13:37:18 [EST]

(Supp. No. 22)

Page 34 of 344

earnings of the public utility as may be deemed sufficient for the payment of the mortgage bonds at maturity, unless serial bonds are issued of such a nature that no sinking fund is required.

- (f) Bonds issued at a rate of interest not to exceed six percent per annum to refund money advanced or paid on special assessments imposed for water main extensions.
- (g) Bonds for the refunding of the funded indebtedness of the city.
- (h) Revenue bonds as authorized by statute which are secured only by the revenues from a public improvement and do not constitute a general obligation of the city.

State law reference(s)—City authority to borrow money on the credit of the city and issue bonds therefor, MCL 117.4a(1), MSA 5.2074(1); city authority to borrow money and issue bonds therefor in anticipation of the payment of special assessments, MCL 117.4a(2), MSA 5.2074(2).

Section 10.2. Authorization of electors required.

- (a) Except as provided in Section 10.2(b), no bonds pledging the full faith and credit of the city shall be issued without the approval of three-fifths of the electors voting thereon at any general or special election.
- (b) The restriction of Section 10.2(a) shall not apply to general obligation bonds issued to pay for the city's portion of public improvements the remainder of which are to be financed by special assessments, tax anticipation notes issued under Section 10.1(b), emergency bonds issued under Section 10.1(c), special assessment bonds issued under Section 10.1(d), refunding bonds issued under Section 10.1(g) or to bonds the issuance of which cannot, by statute, be so restricted by this Charter.
- (c) Only those persons who have property assessed for ad valorem taxes in the city and their husbands and wives shall be entitled to vote on the approval of any issue of bonds which constitute a general obligation of the city, but no person may so vote unless he is a registered elector.

Section 10.3. Applicability of other statutory restrictions.

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

Section 10.4. Limits of borrowing powers.

The net bonded indebtedness incurred for all public purposes shall not at any time exceed ten percent of the assessed value of all the real and personal property in the city, provided that in computing such net bonded indebtedness there shall be excluded money borrowed under the following sections of this chapter: 10.1(b) (tax anticipation notes), 10.1(c) (emergency loans), 10.1(d) (special assessment bonds even though they are also a general obligation of the city), 10.1(e) (mortgage bonds), 10.1(f) (special assessment refunding bonds), 10.1(h) (revenue bonds), and other bonds which do not constitute a general obligation of the city.

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

The total amount of special assessment bonds pledging the full faith and credit of the city shall at no time exceed five percent of the assessed value of all the real and personal property in the city, nor shall such bonds be issued in any consecutive period of 12 months in excess of one percent of such assessed value unless authorized by a three-fifths vote of the electors voting thereon at any general or special election.

Created: 2021-12-10 13:37:18 [EST]

(Supp. No. 22)

Page 35 of 344

State law reference(s)—Limitation of net bonded indebtedness incurred for all public purposes, MCL 117.4a(1), MSA 5.2074(1).

Section 10.5. Preparation and record of bonds.

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

State law reference(s)—Cremation or disintegration of public obligations, MCL 129.121 et seq., MSA 3.996(1) et seq.

Section 10.6. Unissued bonds.

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

Section 10.7. Deferred payment contracts.

The city may enter into installment contracts for the purchase of property or capital equipment. Each of such contracts shall not extend over a period greater than five years nor shall the total amounts of principal payable under all such contracts exceed a sum of one-half of one percent of the total assessed valuation of the city in any one fiscal year.

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

CHAPTER 11. SPECIAL ASSESSMENTS⁷

Section 11.1. General power relative to special assessments.

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

State law reference(s)—Permissible that Charter provide for assessing costs of public improvements, MCL 117.4d, MSA 5.2077.

Section 11.2. Detailed procedure to be fixed by ordinance.

The Council shall prescribe by ordinance the complete special assessment procedure governing the initiation of projects, preparation of plans and cost estimates, creation of districts, making and confirming of assessment

(Supp. No. 22)

Page 36 of 344

rolls, correction of errors in the rolls, collection of assessments and any other matters concerning the making of improvements by the special assessment method.

Such ordinance shall be subject to the following provisions:

- (a) No resolution finally determining to proceed with establishing any special assessment district for the making of any public improvement shall be enacted until cost estimates have been prepared and a public hearing has been held on the advisability of so proceeding, which hearing shall be held not less than ten days after notice thereof has been published and sent by first class mail to all property owners in the proposed district as shown by the current assessment roll of the city.
- (b) No special assessment roll shall be finally confirmed until after a meeting of the Council has been held for the purpose of reviewing such roll, which meeting shall be held not less than ten days after notice thereof has been published and sent by first class mail to all property owners in the proposed district as shown by the current assessment roll of the city.
- (c) No original special assessment roll shall be confirmed except by the affirmative vote of five members of the Council if, prior to such confirmation, written objections to the proposed improvement have been filed by the owners of property in the district which will be required to bear more than 50 percent of the amount of such special assessment.
- (d) No public improvement to be financed in whole or part by special assessment shall be made before the confirmation of the special assessment roll for such improvement.
- (e) No special assessment district or districts shall be created by the Council for any one public improvement which includes property having an area in excess of 25 percent of the total area of the city. No public improvement project shall be divided geographically for the purpose of circumventing this provision.

Section 11.3. Special assessment powers.

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

- (a) For the construction of public parking facilities as a public improvement financed in whole or part by the special assessment method.
- (b) For installing a boulevard lighting system on any street as a public improvement to be financed in whole or part by special assessment upon the lands abutting thereupon, provided that the property owners of a majority of the frontage on such street or part thereof to be so improved shall petition therefor.
- (c) For the payment of special assessments in annual installments not to exceed ten in number. The first such installment to be due upon confirmation of the special assessment roll, and subsequent installments to be due on July first of succeeding years and to be placed upon the annual city tax roll, if delinquent, and for an interest charge only until the due date of each such deferred installment not to exceed seven percent each year subject to the right of advance payment of any such installment with interest only to the date of payment.

State law reference(s)—Permissible that Charter provide for assessing costs of public improvements, MCL 117.4d, MSA 5.2077.

(Supp. No. 22)

Section 11.4. Disposition of excessive special assessments.

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

Section 11.5. Additional assessments; correction of invalid special assessments.

Additional pro rata assessments may be made when any special assessment roll proves insufficient to pay for the improvement for which it was levied and the expenses incident thereto, or to pay the principal and interest on bonds or other evidences of obligation issued therefor; provided that the additional pro rata assessment shall not exceed 25 percent of the assessment as originally confirmed unless a meeting of the Council be held to review such additional assessment, for which meeting notices shall be published and mailed as provided in the case of review of the original special assessment roll.

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

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

Section 11.6. Contested assessments.

No suit or action of any kind shall be instituted or maintained for the purpose of contesting or enjoining the collection of any special assessment (a) unless within 30 days after the confirmation of the special assessment roll written notice is given to the Council of intention to file such suit or action stating the grounds on which it is claimed such assessment is illegal and (b) unless such suit or action shall be commenced within 60 days after confirmation of the roll.

Section 11.7. Collection of special assessments.

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

Special assessments, or installments thereof, which become due on July 1 of any year shall be collected in all respects as are city taxes due on July 1 of the same year, and if uncollected on the following March 1, shall be returned to the County Treasurer with unpaid taxes as provided in Section 9.18.

The initial special assessment installments which become due other than on July 1 shall, if unpaid for 90 days or more on May 1 of any year, be certified as delinquent to the Council by the Treasurer and the Council shall place such delinquent assessments on the tax roll for that year together with accrued interest to July 1 of such year. The total

amount of such assessment and interest shall thereafter be collected in all respects as are city taxes due on July 1 of that year, shall be subject to the same fees and penalties as are city taxes due on that date and if uncollected on the following March 1 shall be returned to the County Treasurer with unpaid taxes as provided in Section 9.18.

Section 11.8. Special assessment accounts.

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

Section 11.9. Assessments for removal of hazards, etc.

The assessment for the cost of the construction of any sidewalk or the abatement of any hazard or nuisance to be made pursuant to Section 2.3(t) or Section 2.3(u), or for the cost of removing snow, ice or other obstructions from sidewalks or trimming and removal of hazardous trees to be made pursuant to Section 2.3(v) or Section 2.3(w), shall be made by resolution of the Council. Notice of the time at which the Council will act thereon shall be given by first class mail to the owner of the property to be assessed as shown by the current tax roll of the city, except that no notice shall be required in the case of assessments for the removal of weeds, snow or ice. For the purposes of collection of such assessment, the adoption of such resolution shall be equivalent to the confirmation of a special assessment roll. The amount of any such assessment shall become a debt to the city upon adoption of such resolution, be due at such time as the Council shall prescribe, and shall be subject to the collection fees and become a lien as provided in Section 11.7. Every such assessment shall also be subject to Sections 11.4, 11.5 and 11.6.

Section 11.10. Failure to receive notice.

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

Section 11.11. Deferred payment of special assessments.

The Council may provide for the deferred payment of special assessments from persons who, in the opinion of the Council and Assessor, by reason of poverty are unable to contribute toward the cost thereof. In all such cases, as a condition to the granting of such deferred payments, the city shall require mortgage security on the real property of the beneficiary payable upon his death.

CHAPTER 12. PURCHASES, CONTRACTS, LEASES

Section 12.1. Purchase and sale of property.

Subject to the restrictions of statute and this Charter, the City Manager shall be responsible for the purchase and sale of all city property.

The Council shall establish by ordinance detailed purchasing, sale and contract procedures, which ordinance shall provide for at least the following:

Created: 2021-12-10 13:37:18 [EST]

(Supp. No. 22)

Page 39 of 344

- (a) The dollar value limitation above which sealed bids shall be obtained by the Council in the purchase of materials, supplies and services, and the dollar value limitation below which the City Manager may make purchases for the city without formal approval by the Council.
- (b) Purchases shall be made from the lowest competent bidder meeting specifications unless the Council shall determine that the public interest will be better served by accepting a higher bid. Sales shall be made to the bidder whose bid is most advantageous to the city.
- (c) All purchases and sales shall be evidenced by written contract or purchase order.

- (d) The city may not sell any park, cemetery or any part thereof except in accordance with restrictions placed thereon by statute.
- (e) The city may not purchase, sell or lease any real estate or any interest therein except by the affirmative vote of four or more members of the Council.
- (f) The purchase and sale of all city property shall be subject to the provisions of Section 5.12.

Section 12.2. Contracts.

The authority to contract on behalf of the city is vested in the Council and shall be exercised in accordance with the provisions of statute and of this Charter, provided that purchases and sales may be made by the City Manager subject to the provisions of Section 12.1.

Any contract or agreement, in such amount as shall be determined by the Council by ordinance, made under any form or terms other than the standard city purchase order form shall before execution be submitted to the Attorney and his opinion obtained with respect to its form and legality. A copy of all contracts or agreements requiring such opinion shall be filed in the office of the Clerk together with a copy of the opinion.

Before the execution of any contract, agreement or purchase order obligating the city to pay in excess of the amount established by ordinance, the City Manager shall first have certified that an appropriation has been made for the payment thereof, or that sufficient funds will be available if it be for a purpose being financed by the issuance of bonds or by special assessments or for some other purpose not chargeable to a budget appropriation. In the case of a contract or agreement obligating the city for periodic payments in future fiscal years for the furnishing of a continuing service or the leasing of property, such certification need not cover those payments which will be due in future fiscal years, but this exception shall not apply to a contract for the purchase or construction of a public improvement unless such purchase or construction is being financed by an installment contract under authority of Section 10.7. Certification by the City Manager of the city shall be endorsed on each contract, agreement or purchase order requiring same or shall be filed as an attachment thereto.

No contract or purchase order shall be subdivided for the purpose of circumventing the dollar value limitations determined by the Council by ordinance as provided in Section 12.1(a).

No contract shall be amended after the same has been made except upon the authority of the Council, provided that the City Manager may amend or rescind contracts for those purchases and sales made by him under the authority of Section 12.1.

No compensation shall be paid to any contractor except in accordance with the terms of the contract. No contract shall be made with any person, firm or corporation in default to the city.

An individual agreement of employment shall not be deemed a contract requiring opinion by the Attorney or certification by the City Manager.

State law reference(s)—Restriction on making contracts with persons in default to city, MCL 117.5(f), MSA 5.2084(f).

Created: 2021-12-10 13:37:18 [EST]

(Supp. No. 22)

Page 40 of 344

Section 12.3. Restriction on powers to lease property.

The Council may not rent or let public property for a period longer than three years unless such rental or lease agreement shall have been referred to the people at a regular or special election and shall have received the approval of a majority of the electors voting thereon at such election. No such lease shall be approved by the Council for presentation to the electorate before 30 days after application therefor has been filed with the Council nor until a public hearing has been held thereon. No such lease shall be submitted to the electors unless the party leasing or renting the property has filed with the Clerk his unconditional acceptance of all terms of such lease or rental agreement.

CHAPTER 13. MUNICIPALLY OWNED UTILITIES⁸

Section 13.1. General powers respecting utilities.

Subject to the provisions of the Constitution and statute, the city shall have the power to acquire own, establish, construct, operate, improve, enlarge, extend, repair and maintain, either within or without its corporate limits, a public utility for supplying water to the municipality and its inhabitants for domestic, commercial and municipal purposes, and may sell and deliver water without its corporate limits in an amount not to exceed the limitations set by the Constitution and statutes. Subject to statutory provisions, the city shall also have the power to acquire, own, establish, construct, operate, improve, enlarge, extend, repair and maintain, either within or without its corporate limits, including, but not by way of limitation, public utilities for supplying light, heat, power, gas, sewage treatment and garbage disposal facilities, and facilities for the storage and parking of vehicles within its corporate limits.

Section 13.2. Management of municipal utilities.

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

Section 13.3. Rates.

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

Section 13.4. Utility rates and charges; collection.

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

- (a) That the city shall have as security for the collection of such utility rates and charges a lien upon the real property supplied by such utility, which lien shall become effective immediately upon the supplying of such utility service and shall be enforced in the manner provided in such ordinance.

⁸State law reference(s)—Mandates relative to public utilities, Mich. Const. 1963, Art. VII, §§ 24, 25; permissible that Charter provide for operation of utilities, MCL 117.4c, 117.4f, MSA 5.2076, 5.2079.

Created: 2021-12-10 13:37:18 [EST]

(Supp. No. 22)

Page 41 of 344

- (b) The terms and conditions under which utility services may be discontinued in case of delinquency in paying such rates or charges.
- (c) That suit may be instituted by the city before a competent tribunal for the collection of such rates or charges.

With respect to the collection of rates charged for water the city shall have all the powers granted to cities by Act 178 of the Public Acts of 1939 [MCL 123.161 et seq., MSA 5.2531(1) et seq.], as amended.

Section 13.5. Disposal of utility plants and property.

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

property not necessary for the operation of the utility, or to the exchange of property or easements for other needed property or easements. It is provided, however, that the provisions of this section shall not extend to vacation or abandonment of streets, as provided by statute.

Section 13.6. Utility finances.

The rates and charges for any municipal public utility for the furnishing of water, light, heat, power, gas or sewage treatment and garbage disposal shall be so fixed as to at least meet all the costs of such utility including depreciation.

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

CHAPTER 14. PUBLIC UTILITY FRANCHISES

Section 14.1. Franchises remain in effect.

All franchises to which the City of Hudson is a party when this Charter becomes effective shall remain in full force and effect in accordance with their respective terms and conditions.

Section 14.2. Granting of public utility franchises.

Public utility franchises and all renewals and extensions thereof and amendments thereto shall be granted by ordinance only. No exclusive franchise shall ever be granted. No franchise shall be granted for a longer period than 30 years.

No franchise ordinance which is not subject to revocation at the will of the Council shall be enacted nor become operative until the same shall have first been referred to the people at a regular or special election and received the affirmative vote of three-fifths of the electors voting thereon. No such franchise ordinance shall be

Created: 2021-12-10 13:37:18 [EST]

(Supp. No. 22)

Page 42 of 344

approved by the Council for referral to the electorate before 30 days after application therefor has been filed with the Council nor until a public hearing has been held thereon, nor until the grantee named therein has filed with the Clerk his unconditional acceptance of all terms of such franchise. No special election for such purpose shall be ordered unless the expense of holding such election, as determined by the Council shall have first been paid to the Treasurer by the grantee.

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

State law reference(s)—Submittal to electors required if irrevocable, Mich. Const. 1963, Art. VII, § 25; expenses of special elections to be paid by grantee, MCL 117.5(i), MSA 5.2084(i); franchises limited to 30 years, Mich. Const. 1963, Art. VII, § 30.

Section 14.3. Conditions of public utility franchises.

All public utility franchises granted after the adoption of this Charter, whether it be so provided in the granting ordinance or not, shall be subject to the following rights of the city, but this enumeration shall not be exclusive or impair the right of the Council to insert in such franchise any provision within the power of the city to impose or require:

- (a) To repeal the same for misuse, nonuse or failure to comply with the provisions thereof;

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

Section 14.4. Regulation of rates.

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

Section 14.5. Use of public places by utilities.

Every public utility whether it has a franchise or not shall pay such part of the cost of improvement or maintenance of streets, alleys, bridges and other public places as shall arise from its use thereof and shall protect and save the city harmless from all damages arising from said use. Every such public utility may be required by the city to permit joint use of its property and appurtenances located in the streets, alleys and other public places of the city by the city and by other utilities insofar as such joint use may be reasonably practicable and upon payment

Created: 2021-12-10 13:37:18 [EST]

(Supp. No. 22)

Page 43 of 344

of reasonable rental therefor. In the absence of agreement and upon application by any public utility, the Council shall provide for arbitration of the terms and conditions of such joint use and the compensation to be paid therefor, and the arbitration award shall be final.

CHAPTER 15. MISCELLANEOUS

Section 15.1. Violations bureau.

The Council shall have power and authority to establish, by ordinance, a Traffic Violations Bureau within the Court for the handling only of violations of ordinances and regulations of the city restricting the parking of vehicles. The creation of such a bureau by the Council shall not operate so as to deprive any person of a full and impartial hearing in court should such person so choose.

Section 15.2. Constables.

The City Manager shall appoint one or more police officers of the city as constables. Such constables shall have like powers and authorities in matters of civil and criminal nature, and in relation to the service of process, civil and criminal, as are conferred by law on constables in townships. They shall have power also to serve all process issued for breaches of ordinances of the city. The bond of the constables shall be that required of constables in townships. The statutory fees received by such constables shall be paid into the city treasury in accordance with Section 5.14.

Section 15.3. City liability.

The city shall not be liable for damages sustained by any person either to his person or property by reason of negligence of the city, its officers or employees, nor by reason of any defective highway, street, bridge, sidewalk,

crosswalk or culvert, or by reason of any obstruction, ice, snow or other encumbrance upon such highway, street, bridge, sidewalk, crosswalk or culvert, situated in the city, unless such person shall serve or cause to be served upon the Clerk within 60 days after such damages shall have occurred a notice in writing and a statement that the person sustaining such damages intends to hold the city liable for such damages as may have been sustained by him. Such notice shall set forth substantially the time and place of the damages the manner in which they occurred, the extent of such damages as far as the same has become known, and the names and addresses of the witnesses known at the time by the claimant. No person shall bring any action against the city for any damages to person or property arising out of any of the reasons or circumstances aforesaid unless he shall have first presented to the Clerk his claim in writing and under oath setting forth particularly the nature and extent of such injury and the amount of damages claimed by reason thereof, which claim shall be presented to the Council by the Clerk and the Council given opportunity to act thereon either by allowing or refusing to allow such claim.

It shall be a sufficient bar and answer in any court to any action or proceeding for the collection or any demand or claim against the city under this section that the notice of damages and the verified proof of the claim as in this section required were not presented and file within the time and in the manner as herein provided.

State law reference(s)—City liability for injuries, MCL 691.1401 et seq., MSA 3.996(101) et seq.

Section 15.4. No estoppel.

No estoppel may be created against the city.

Created: 2021-12-10 13:37:18 [EST]

(Supp. No. 22)

Page 44 of 344

Section 15.5. Process against city.

All process against the city shall run against the city in the corporate name thereof and may be served by leaving a true copy with the Mayor, Clerk or Attorney.

Section 15.6. Vested rights continued.

After the effective date of this Charter, the city shall be vested with all the property, moneys, contracts, rights, credits, effects and the records, files, books and papers belonging to the city under its previous Charter.

No right or liability, either in favor of or against the city, existing at the time this Charter becomes effective and no suit or prosecution of any character shall in any manner be affected by any change, resulting from the adoption of this Charter, but the same shall stand or proceed as if no change had been made. All debts and liabilities of the city shall be the debts and liabilities of the city and all fines and penalties imposed at the time of such change shall be collected.

Section 15.7. Trusts.

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

Section 15.8. Vacancies in appointive boards and commissions.

Except as otherwise provided in this Charter, if a vacancy occurs in the membership of any appointive board or commission, the authority responsible for the appointment of the person whose position has become vacant shall fill such vacancy by appointment of a qualified person for the unexpired term of such person.

Section 15.9. Quorum.

Except as provided otherwise in this Charter, a quorum of any board or commission created by or pursuant to this Charter shall be a majority of the members of such board or commission in office at the time, but not less than two members.

Section 15.10. Records to be public.

All records of the city shall be public, shall be kept in city offices except when required for official reasons or for purposes of safe keeping to be elsewhere and shall be available for inspection at all reasonable times.

State law reference(s)—Mandatory that Charter provide that all records of the municipality shall be public, MCL 117.3(l), MSA 5.2073(l); freedom of information act, MCL 15.231 et seq., MSA 4.1801 et seq.

Section 15.11. Definition of publication, mailing of notices.

The requirement contained in this Charter for the publishing or publication of notices, ordinances or proceedings shall be met by publishing an appropriate insertion in a newspaper published in the English language for the dissemination of news of a general character which newspaper shall have had a general circulation at regular intervals in the city for at least two years immediately preceding the time that it is used for such publication purposes. The affidavit of the printer or publisher of such newspaper, or of his foreman or principal

Created: 2021-12-10 13:37:18 [EST]

(Supp. No. 22)

Page 45 of 344

clerk, annexed to a printed copy of such notice, ordinance or proceeding taken from the paper in which it was published and specifying the times of publication shall be prima facie evidence of such publication.

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

Section 15.12. Sundays and holidays.

Whenever the date fixed by this Charter for the doing or completion of any act falls on a Sunday or legal holiday, such act shall be done or completed on the next succeeding day which is not a Sunday or legal holiday.

Section 15.13. Chapter and section headings.

The chapter, section and subsection headings used in this Charter are for convenience only and shall not be considered as part of the Charter.

Section 15.14. Interpretations.

Except as otherwise specifically provided or indicated by the context:

- (a) All words used in this Charter indicating the present tense shall not be limited to the time of the adoption of this Charter but shall extend to and include the time of the happening of any event or requirement for which provision is made herein.
- (b) The singular number shall include the plural, the plural number shall include the singular and the masculine gender shall extend to and include the feminine gender and the neuter.
- (c) The word "person" may extend and be applied to bodies politic and corporate and to partnerships as well as to individuals.
- (d) The words "printed" and "printing" shall include reproductions by printing, engraving, stencil duplicating, lithographing or any similar method.
- (e) Except in reference to signatures, the words "written" and "in writing" shall include printing and typewriting.
- (f) The word "officer" shall include the Mayor and other members of the Council, the administrative

officers, members of city boards and commissions created by or pursuant to this Charter.

- (g) The word "default" shall be defined to include being delinquent in taxes among its meanings.
- (h) The word "statute" shall denote the Public Acts of the State of Michigan in effect at the time the provision of the Charter containing the word "statute" is to be applied.
- (i) All references to specific Public Acts of the State of Michigan shall be to such acts as are in effect at the time the reference to such act is to be applied.
- (j) The words "law" or "general laws of the state" shall denote the Constitution and the Public Acts of the State of Michigan in effect at the time the provision of the Charter containing the words "law" or "general laws of the state" is to be applied, and applicable common law.
- (k) All references to section numbers shall refer to section numbers of this Charter.

Created: 2021-12-10 13:37:18 [EST]

(Supp. No. 22)

Page 46 of 344

Section 15.15. Penalties for violations of charter.

Any officer of the city found guilty by a court of competent jurisdiction of any act declared by this Charter to constitute misconduct in office may be punished by a fine of not to exceed \$500.00 or imprisonment for not to exceed 90 days or both in the discretion of the court. The punishment provided in this section shall be in addition to that of having the office declared vacant as provided in Sections 5.2 and 5.3.

Section 15.16. Amendments.

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

Section 15.17. Severability of charter provisions.

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

CHAPTER 16. SCHEDULE

Section 16.1. Status of schedule chapter.

The purpose of this schedule chapter is to inaugurate the government of the City of Hudson under this Charter and it shall constitute a part of said Charter only to the extent and for the time required to accomplish that end.

Section 16.2. Election to adopt this charter.

This Charter shall be submitted to a vote of the qualified electors of the City of Hudson at a special election to be held on December 8, 1969. This election shall be conducted by the officers under the existing Charter charged with the conduct and supervision of elections, and shall follow the election procedure and be canvassed in the manner provided in the existing city Charter.

Section 16.3. Form of ballot.

The form of the ballot for the submission of this Charter shall be as follows:

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

Shall the proposed Charter for the City of Hudson drafted by the Charter Commission elected on November 5, 1968, be adopted?

() Yes

() No

Created: 2021-12-10 13:37:18 [EST]

(Supp. No. 22)

Page 47 of 344

Section 16.4. Effective date of this charter.

For all purposes not otherwise provided for herein this Charter shall take effect on January 1, 1970, at 8:00 p.m., Eastern Standard Time.

Section 16.5. First officers under charter.

- (a) The Mayor and each member of the Council who held office at the time that this Charter became law as the Charter of the City of Hudson, shall continue in the office so held by him until their successors shall be elected and shall qualify for the office to which they have been elected or appointed in accordance with the provisions of this Charter.
- (b) The Mayor and the Councilmen of the City of Hudson who held such offices at the time this Charter became law as the Charter of the City, shall constitute the Council of the City of Hudson, subject to the provisions of this Charter, until such time as their successors in office have been elected or appointed and have assumed the duties of such office as provided in this Charter.

Section 16.6. Continuation of appointed officers and employees.

Except as otherwise provided herein, after the effective date of this Charter all appointive officers and all employees of the city shall continue in that city office or employment which corresponds to the city office or employment which they held prior to the effective date of the Charter as though they had been appointed or employed in the manner provided in this Charter, and they shall in all respects be subject to the provisions of this Charter.

Section 16.7. Interim financial provisions.

The Council shall, at its first meeting on January 6, 1970, by resolution continue as city appropriations the unencumbered balances of the appropriations made pursuant to the previous Charter until June 30, 1970, and these appropriations shall then be deemed to be city appropriations and the fiscal year under the previous Charter shall be completed by the city as though no governmental change had been made.

RESOLUTION OF ADOPTION

At a regular meeting of the Charter Commission of the City of Hudson held on September 4, 1969, the following resolution was offered by Commissioner Ferman:

RESOLVED, that the Charter Commission of the City of Hudson does hereby adopt the foregoing proposed Charter for the City of Hudson and the Clerk of this Commission is directed (1) to transmit copies of this Charter to the Governor of the State of Michigan for his approval in accordance with statute, (2) to file with the City Clerk a copy of this Charter on or before September 5, 1969, and (3) to cause this proposed Charter to be published in the

Hudson Post Gazette on November 20th, 1969.

The resolution was seconded by Commissioner Findlay, and adopted by the following vote:

YEAS: Nine

NAYS: None

ABSENT: None

Created: 2021-12-10 13:37:19 [EST]

(Supp. No. 22)

Page 48 of 344

PART I - CHARTER OF THE CITY OF HUDSON, MICHIGAN
RESOLUTION OF ADOPTION

Chairman Onweller declared the foregoing resolution carried and requested the members of the Charter Commission to authenticate said resolution and also the copies of the Charter to be presented to the Governor and filed with the City Clerk by attesting their names thereto in the following manner:

John J. Brennan, Charles E. Gibbons, James D. Findlay, Henry J. Klee, Robert E. Onweller, Gordon O. Chilcote, Douglas J. Ferman, O'Gilvie A. Gerry, Rev. T. R. Dolson.

All of the Commissioners having attested as to said resolution, and also having attested the copy to be signed by the Governor, the meeting adjourned subject to the call of the Chairman.

STATE OF MICHIGAN	
	SS
COUNTY OF LENAWEЕ	

Clerk of the Charter Commission of the City of Hudson being duly sworn says that at an election duly called and held in the city of Hudson on November 5, 1968, the following named persons were duly elected as the Charter Commission to frame a revised Charter for the city, namely:

John J. Brennan
Charles E. Gibbons
James D. Findlay
Henry J. Klee
Robert E. Onweller
Gordon O. Chilcote
Douglas J. Ferman
O'Gilvie A. Gerry
Rev. T. R. Dolson

and that the annexed and foregoing Charter was duly adopted by said Charter Commission by the foregoing resolution which is a true and correct copy thereof, and that the said Charter Commission directed that said Charter be presented to the electors of the City of Hudson in accordance with the requirements of this Charter and the laws of the State of Michigan.

Further deponent sayeth not.

	Pauline A. Elliott
	Clerk of the Charter Commission of the City of Hudson

Dated: September 5, 1969

Subscribed and sworn to before me this 5th day of September, 1969

	Wayna L. Hutchings
	Notary Public, Lenawee County, Michigan
	My commission expires July 24, 1973

I do hereby approve the above and foregoing Charter of the City of Hudson.

Approved:	William G. Milliken
	Governor of the State of Michigan

Hudson, Michigan, Code of Ordinances Created: 2021-12-10 13:37:19 [EST] (Supp. No. 22)

Page 49 of 344

PART I - CHARTER OF THE CITY OF HUDSON, MICHIGAN
RESOLUTION OF ADOPTION

Dated: December 8, 1969

I hereby certify that at a special election held on December 8, 1969, the foregoing Charter was adopted by the qualified electors of the City of Hudson by a vote of 154 in approval of its adoption and 119 against its adoption.

	Pauline A. Elliott
	City Clerk

Dated: December 9, 1969

CHARTER COMPARATIVE TABLE

This table shows the location of the sections of the Home Rule Charter and any amendments thereto.

Date	Section	Section this Charter
12- 8-89	1.1—16.7	1.1—16.7
9-14-10		3.6
4-19-16		4.4

PART I

CODE OF ORDINANCES

Chapter 1 GENERAL PROVISIONS

Sec. 1-1. Code designated and cited.

This codification of ordinances shall be known and cited as the "Code of Ordinances, City of Hudson, Michigan."

State law reference(s)—Codification authority, MCL 117.5b, MSA 5.2084(2).

Sec. 1-2. Definitions and rules of construction.

In the construction of this Code and of all ordinances of the city, the following definitions and rules of construction shall be observed, unless they are inconsistent with the intent of the council or the context clearly requires otherwise:

Hudson, Michigan, Code of Ordinances Created: 2021-12-10 13:37:19 [EST] (Supp. No. 22)

Page 50 of 344

Charter. The word "Charter" shall mean the Charter of the City of Hudson, Michigan, adopted December 8, 1969, and shall include any amendment to such Charter.

City. The word "city" shall denote the municipality of Hudson, Michigan.

City council. The words "city council" or "council" shall mean the council of the City of Hudson.

Code. The expressions "Code" or "this Code" shall mean the Code of Ordinances, City of Hudson, Michigan, as designated in section 1-1, and as hereinafter modified by amendment, revision and by adoption of new chapters, articles, divisions, or sections.

Computation of time. The time within which an act is to be done, as provided in this Code or in any order issued pursuant to this Code, when expressed in days, shall be computed by excluding the first day including the last, except that if the last day be Sunday or a legal holiday it shall be excluded; and when the time is expressed in hours, the whole of Sunday or a legal holiday, from midnight to midnight, shall be excluded.

County. The term "the county" or "this county" shall mean the County of Lenawee in the State of Michigan.

Gender. Words denoting the masculine gender shall be deemed to include the feminine and neuter genders.

General terms. A general term following specific enumeration of terms is not to be limited to the class enumerated unless expressly so limited.

Joint authority. All words purporting to give joint authority to three or more public officers or other persons shall be construed as giving such authority to a majority of such officers or other persons, unless it is otherwise expressly declared in the ordinance granting the authority.

MCL, MSA. The abbreviations "MCL" and "MSA" refer to the Michigan Compiled Laws and Michigan Statutes Annotated respectively, as amended.

Month. The word "month" shall mean a calendar month.

Municipal civil infraction. The words "municipal civil infraction" mean an act or omission that is prohibited by this Code or any ordinance of the city, but which is not a crime under this Code or other ordinance, and for which civil sanctions, including, without limitation, fines, damages, expenses and costs, may be ordered, as authorized by Chapter 87 of Act No. 236 of the Public Acts of 1961, as amended. A municipal civil infraction is not a lesser included offense of a violation of this Code that is a criminal offense.

Number. Words in the singular shall include the plural, and the words in the plural shall include the singular.

Officer, department, board, commission or other agency. Whenever any officer, department, board, commission, or other agency is referred to by title only, such reference shall be construed as if followed by the words "of the City of Hudson, Michigan." Whenever, by the provisions of this Code, any officer, department or other city agency of the city is assigned any duty or empowered to perform any act or duty, reference to such officer, department or agency shall mean and include such officer, department or agency or deputy or authorized subordinate.

Person. The word "person" and its derivatives and the word "whoever" shall include a natural person, partnership, association, legal entity or a corporate body or any body of persons corporate or incorporate. Whenever used in any clause prescribing and imposing a penalty, the term "person" or "whoever," as applied to any unincorporated entity, shall mean the partners or members thereof, and as applied to corporations, the officers thereof.

Shall/may. Whenever the word "shall" appears in this Code it shall be considered mandatory and not directory, except as otherwise provided. "May" is permissive.

State. The term "the state" or "this state" shall be construed to mean the State of Michigan. *Tense.*

Words used in the present or past tense include the future as well as the present and past.

Created: 2021-12-10 13:37:19 [EST]

(Supp. No. 22)

Page 51 of 344

(Ord. No. 314, § 1, 4-1-97)

State law reference(s)—Rules of construction, MCL 8.3 et seq., MSA 2.212 et seq.

Sec. 1-3. Interpretation per state acts.

Unless otherwise provided in this Code, or by law or implication required, the same rules of construction, definition and application shall govern the interpretation of this Code as those governing the interpretation of the Public Acts of Michigan.

Sec. 1-4. Application to territorial boundaries only.

All provisions of this Code are limited in application to the territorial boundaries of the municipal corporation although such provisions may not be so limited specifically.

Sec. 1-5. Captions.

Headings and captions used in this Code other than the chapter, article, division, and section numbers, are employed for reference purposes only and shall not be deemed a part of the text of any section.

Sec. 1-6. References and notes.

Charter references, cross references, state law references and editor's notes are by way of explanation only and should not be deemed a part of the text of any section.

Sec. 1-7. Application to future legislation.

All of the provisions of this chapter, not incompatible with future legislation, shall apply to ordinances hereafter adopted amending or supplementing this Code unless otherwise specifically provided.

Sec. 1-8. Rule of separability.

Each chapter, article, division or section or, whenever divisible, subsection of this Code is hereby declared to be separable, and the invalidity of any chapter, article, division, section or divisible subsection, shall not be construed to affect the validity of any other chapter, article, division, section or subsection of this Code.

Sec. 1-9. Reference to other sections.

Whenever in one section reference is made to another section hereof, such reference shall extend and apply to the section referred to as subsequently amended, revised, recodified or renumbered, unless the subject matter be changed or materially altered by the amendment or revision.

Sec. 1-10. References to offices.

Reference to a public office shall be deemed to apply to any office, officer, or employee of the City of Hudson, exercising the powers, duties or functions contemplated in the provision, irrespective of any transfer of functions or change in the official title of the functionary.

Created: 2021-12-10 13:37:19 [EST]

(Supp. No. 22)

Page 52 of 344

Sec. 1-11. Certain provisions saved from repeal.

Nothing in this Code or the ordinance adopting this Code shall affect any of the following when not inconsistent with this Code:

- (1) Any offense committed or penalty incurred or any right established prior to the effective date of the Code.
- (2) Any ordinance levying taxes.
- (3) Any ordinance appropriating money.
- (4) Any ordinance authorizing the issuance of bonds or borrowing of money.
- (5) Any ordinance establishing utility rates.
- (6) Any ordinance establishing franchises or granting special rights to certain persons. (7)
Any ordinance authorizing public improvements.
- (8) Any ordinance authorizing the purchase or sale of real or personal property.
- (9) Any ordinance annexing or detaching territory.
- (10) Any ordinance granting or accepting easements, plats or dedication of land to public use.
- (11) Any ordinance dedicating, naming, establishing, locating, relocating, opening, paving, widening, vacating, etc., any street or public way in the city.
- (12) Any ordinance establishing or prescribing grades in the city.
- (13) Any ordinance prescribing the number, classification or compensation of any city officers or employees.
- (14) Any ordinance prescribing traffic and parking restrictions pertaining to specific streets. (15)
Any ordinance pertaining to zoning.
- (16) Any other ordinance, or part thereof, which is not of a general and permanent nature.

All such ordinances are hereby recognized as continuing in full force and effect to the same extent as if set out at length in this Code. Such ordinances are on file in the city clerk's office.

Sec. 1-12. Supplementation of Code.

- (a) By contract or by city personnel, supplements to this Code shall be prepared and printed whenever authorized or directed by the city commission. A supplement to the Code shall include all substantive permanent and general parts of ordinances adopted during the period covered by the supplement and all changes made thereby in the Code. The pages of a supplement shall be so numbered that they will fit properly into the Code

and will, where necessary, replace pages which have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted, the Code will be current through the date of the adoption of the latest ordinance included in the supplement.

- (b) In preparing a supplement to this Code, all portions of the Code which have been repealed shall be excluded from the Code by the omission thereof from reprinted pages.
- (c) When preparing a supplement to this Code, the codifier (meaning the person, agency or organization authorized to prepare the supplement) may make formal, nonsubstantive changes in ordinances and parts of

Created: 2021-12-10 13:37:19 [EST]

(Supp. No. 22)

Page 53 of 344

ordinances included in the supplement, insofar as it is necessary to do so to embody them into a unified code. For example, the codifier may:

- (1) Organize the ordinance material into appropriate subdivisions;
- (2) Provide appropriate catchlines, headings and titles for sections and other subdivisions of the Code printed in the supplement, and make changes in such catchlines, headings and titles;
- (3) Assign appropriate numbers to sections and other subdivisions to be inserted in the Code and, where necessary to accommodate new material, change existing section or other subdivision numbers;
- (4) Change the words "this ordinance" or words of the same meaning to "this chapter," "this article," "this division," etc., as the case may be, or to "sections _____ to _____" (inserting section numbers to indicate the sections of the Code which embody the substantive sections of the ordinance incorporated into the Code); and
- (5) Make other nonsubstantive changes necessary to preserve the original meaning of ordinance sections inserted into the Code; but in no case shall the codifier make any change in the meaning or effect of ordinance material included in the supplement of already embodied in the Code.

Sec. 1-13. General penalties and sanctions for violations of Code and city ordinances; continuing violations; injunctive relief.

- (a) Unless a violation of this Code or any ordinance of the city is specifically designated in the Code or ordinance as a municipal civil infraction, the violation shall be deemed to be a misdemeanor.
- (b) The penalty for a misdemeanor violation shall be a fine not exceeding \$500.00 (plus costs of prosecution), or imprisonment not exceeding 90 days, or both, unless a specific penalty is otherwise provided for the violation by this Code or any ordinance.
- (c) The sanction for a violation which is a municipal civil infraction shall be a civil fine in the amount as provided by this Code or any ordinance, plus any costs, damages, expenses and other sanctions, as authorized under Chapter 87 of Act No. 236 of the Public Acts of 1961, as amended, and the applicable laws.
 - (1) Unless otherwise specifically provided for a particular municipal civil infraction violation by this Code or any ordinance, the civil fine for a violation shall be not less than \$50.00, plus costs and other sanctions, for each infraction.
 - (2) Increased civil fines may be imposed for repeated violations by a person of any requirement or provision of this Code or any ordinance. As used in this section, "repeat offense" means a second (or any subsequent) municipal civil infraction violation of the same requirement or provision (i) committed by a person within any 12-month period (unless some other period is specifically provided by this Code or any ordinance) and (ii) for which the person admits responsibility or is determined to be responsible. Unless otherwise specifically provided by this Code or any ordinance for a particular municipal civil infraction violation, the increased fine for a repeat offense shall be as follows:
 - a. The fine for any offense which is a first repeat offense shall be no less than \$250.00, plus costs.
 - b. The fine for any offense which is a second repeat offense or any subsequent repeat offense shall be no

less than \$500.00, plus costs.

- (d) A "violation" includes any act which is prohibited or made or declared to be unlawful or an offense by this Code or any ordinance; any omission or failure to act where the act is required by this Code or any ordinance.
- (e) Each day on which any violation of this Code or any ordinance occurs or continues constitutes a separate offense and shall be subject to penalties or sanctions as a separate offense.

Created: 2021-12-10 13:37:19 [EST]

(Supp. No. 22)

Page 54 of 344

- (f) In addition to any remedies available at law, or any penalty provided under this Code, the city may bring an action for an injunction or other process against a person to restrain, prevent or abate any violation of this Code or any city ordinance.
- (g) This section 1-13 shall not apply to the failure of officers and employees of the city to perform municipal duties required by this Code.

(Ord. No. 314, § 2, 4-1-97)

State law reference(s)—Limitation on penalties, MCL 117.4i, MSA 5.2082.

Sec. 1-14. Notice.

- (a) Notice regarding sidewalk repairs, sewer or water connections, dangerous structures, abating nuisances or any other act, the expense of which if performed by the city, may be assessed against the premises under the provisions of this Code, shall be served:
 - (1) By delivering the notice to the owner personally or by leaving such notice at his residence, office or place of business with some person of suitable age and discretion;
 - (2) By mailing such notice by certified or registered mail to such owner at his last known address; or
 - (3) If the owner is unknown, by posting such notice in some conspicuous place on the premises at least five days before the act or action concerning which the notice is given is required or is to occur.
- (b) No person shall interfere with, obstruct, mutilate, conceal, or tear down any official notice or placard posted by any city officer, unless permission is given by the officer to remove the notice.

(Code 1976, § 1.11)

Sec. 1-15. Responsibility for violations.

Whenever any act is prohibited by this Code, by an amendment thereof, or by any rule or regulation adopted thereunder, such prohibition shall extend to and include the causing, securing, aiding, or abetting of another person to do such act.

(Code 1976, § 1.7)

Chapter 2 ADMINISTRATION⁹

ARTICLE I. IN GENERAL

⁹Charter reference(s)—Administrative service, § 4.7; procedure, powers, duties of council, Ch. 6; general provisions regarding officers and personnel, Ch. 5; municipal powers, Ch. 2.

Cross reference(s)—Buildings and building regulations, Ch. 5; licenses, fees and miscellaneous business regulations, Ch. 10; special assessments, Ch. 14; subdivision regulations, Ch. 16; zoning, Ch. 19.

State law reference(s)—Standards of conduct and ethics, MCL 15.341 et seq., MSA 4.1700(71) et seq.; open meetings act, MCL 15.261 et seq., MSA 4.1800(11) et seq.; freedom of information act, MCL 15.231 et seq., MSA 4.1801(1) et seq.

Created: 2021-12-10 13:37:19 [EST]

(Supp. No. 22)

Page 55 of 344

Secs. 2-1—2-25. Reserved.

ARTICLE II. COUNCIL

Sec. 2-26. City may use private providers of services.

The city council may contract with a private provider of any municipal service when it deems it economical to do so.

Secs. 2-27—2-45. Reserved.

ARTICLE III. EMPLOYEES AND DEPARTMENTS

Sec. 2-46. City manager.

The city manager shall see that all laws, ordinances, rules and regulations adopted by the city council and the provisions of this Code are properly enforced. He shall attend all meetings of the city council, regular and special. During the absence or disability of the manager, an acting city manager shall be appointed in accordance with section 4.10 of the charter.

(Code 1976, § 1.31)

Sec. 2-47. Department heads.

All administrative officers are responsible to the city manager for the effective administration of their respective departments and offices, and all activities assigned to them. He shall employ or appoint all officers and employees, except as otherwise provided by the city charter or this Code. The city manager may set aside any action taken by any administrative officer other than the city attorney and may supersede any officer other than the city attorney in the functions of his office.

(Code 1976, § 1.32)

Sec. 2-48. Vacancies.

In case of vacancy in office or during the absence of any administrative officer, the city manager may designate an interim acting head or perform personally the functions of the office, until such vacancy is filled in accordance with the charter.

(Code 1976, § 1.33)

Sec. 2-49. Departments generally.

All departments of the city shall comply with the following:

- (1) All department heads shall keep informed as to the latest practice in their particular fields and shall inaugurate, with the approval of the city manager in the case of departments responsible to him or in

(Supp. No. 22)

Page 56 of 344

the case of other departments, with the approval of the officer or body to whom the department head is responsible, such new practices as appear to be of benefit to the service and to the public.

- (2) Reports of the activities of each department shall be made to the manager as he shall direct.
- (3) Each department head shall be responsible for the preservation of all public records under his jurisdiction and shall provide a system of filing and indexing such public records. No public records, reports, correspondence or other data relative to the business of any department shall be destroyed or removed permanently from the files without the knowledge and approval of the city council and shall be subject to the provisions of this article.

(Code 1976, § 1.34)

Sec. 2-50. Department of public works—Composition, superintendent.

- (a) The department of public works shall consist of a superintendent of public works and such other employees as the superintendent of public works shall deem necessary and appoint, subject to section 4.7 of the charter.
- (b) The superintendent of public works shall be appointed in accordance with section 4.7 of the charter, and he shall be responsible directly to the city manager for the management and operation of the department.
- (c) The superintendent of public works shall be responsible for all matters relating to the management, maintenance and operation of the physical properties of the city which are not assigned by the charter or this Code to other city officers.

(Code 1976, § 1.41)

Sec. 2-51. Same—Organization and functions.

The department of public works shall be divided into the following divisions:

- (1) *Highway division.* The highway division shall have charge of the maintenance of all improved and unimproved streets, removal of snow, and such other problems of maintenance and service as may be required of the division by the director of public service.
- (2) *Water division.* The water division shall have charge of the operation and maintenance of the city water distribution system including supervision of construction of water mains, service connections, installation and repair of meters and meter readings.
- (3) *Sewer division.* The sewer division shall have charge of the operation and maintenance of the city sanitary sewer system, including supervision of construction of sanitary sewers, service connections, pumping stations, and related appurtenances.
- (4) *Cemetery division.* The cemetery division shall have charge of the operation and maintenance of the city cemetery not assigned by the charter.
- (5) *Public buildings and equipment division.* The public buildings and equipment division shall have charge of the maintenance of all public buildings and motorized equipment not assigned by charter or this Code to other city departments.
- (6) *Engineering division.* The engineering division shall perform all engineering services for the department and for such other departments of the city as may from time to time be required.

(Code 1976, § 1.42)

(Supp. No. 22)

Sec. 2-52. Minimum police department standards adopted.

(a) The minimum employment standards for law enforcement officers, as established and adopted by the Michigan Law Enforcement Officers Training Council in accordance with Act No. 203 of the Public Acts of Michigan of 1965 (MCL 28.601 et seq., MSA 4.450(1) et seq.), are hereby adopted as follows:

- (1) Be a citizen of the United States.
- (2) Minimum age of 21 years.
- (3) Graduation from high school or equivalent. Equivalent is defined as having attained a passing score on the General Education Development test indicating high school graduation level.
- (4) Fingerprinting of applicants with a search of local, state and national fingerprint files to disclose any criminal record.
- (5) The applicant shall not have been convicted of a felony offense.
- (6) Good moral character as determined by a favorable report following a comprehensive background investigation covering school and employment records, home environment, personal traits and integrity. Consideration will be given to any and all law violations, including traffic and conservation law convictions as indicating a lack of good character.
- (7) Acceptable physical, emotional and mental fitness as established by a licensed physician following examination to determine the applicant is free from any physical, emotional or mental condition which might adversely affect his performance of duty as a police officer.

(b) The trainee shall possess normal hearing and normal color vision. He shall be free from any impediments of the senses. He must possess normal visual functions and visual acuity in each eye correctable to 20/20. The trainee must be physically sound, well developed physically, with height and weight in relation to each other and to age, as indicated by accepted medical standards, and in possession of his extremities. He shall be free from any physical defects, chronic diseases, organic or functional conditions, or mental instabilities which may tend to impair efficient performance of duty to which might endanger the lives of others or himself if he lacks these qualifications.

(c) A declaration of the applicant's medical history shall become a part of the background investigation. The information shall be available to the examining physician.

(d) An oral review shall be held by the hiring authority or his representative, to determine the applicant's acceptability for a police officer position and to assess appearance, background and ability to communicate.

(e) Recruitment and employment practices and standards shall be in compliance with existing state statutes governing this activity.

(Code 1976, § 1.45)

Sec. 2-53. Deputy clerk and deputy treasurer.

Pursuant to Charter Section 4.17, the council may appoint a deputy clerk and/or a deputy treasurer who shall possess all the powers and authorities of their superior officers except as the same may be limited from time to time by the city council.

(Ord. No. 391, 10-16-12)

Secs. 2-54—2-75. Reserved.

(Supp. No. 22)

Created: 2021-12-10 13:37:19 [EST]

ARTICLE IV. FINANCE¹⁰

DIVISION 1. GENERALLY

Secs. 2-76—2-85. Reserved.

DIVISION 2. PURCHASING, CONTRACTS AND SALES

Subdivision I. In General

Sec. 2-86. Responsibility for purchasing.

The city manager shall be responsible for the purchasing of all supplies, materials, etc., subject to the restrictions below and chapter 12 of the city charter. He shall establish detailed purchasing procedures.

(Code 1976, § 1.161)

Sec. 2-87. No council approval of purchases \$1,000.00, or less.

All items purchased for an amount of \$1,000.00 or less shall not require prior council approval and may be made by the city manager. Nothing in this section shall prohibit the city manager from establishing specifications or from receiving bids or informal quotations on any item to be purchased.

(Code 1976, § 1.162; Ord. No. 310, 2-1-94; Ord. No. 345, § 1, 2-5-02)

Sec. 2-88. Council approval of purchases in excess of \$1,000.00; informal bids

All items purchased for an amount in excess of \$1,000.00, but not exceeding \$5,000.00, shall receive prior council approval, even though such purchase may be provided for in the budget. If practical, such purchases shall be made after obtaining at least three informal bids.

(Code 1976, § 1.163; Ord. No. 310, 2-1-94; Ord. No. 345, § 2, 2-5-02)

¹⁰Charter reference(s)—General finance, budget, audit, Ch. 8; taxation, Ch. 9; borrowing power, Ch. 10; special assessments, Ch. 11; purchases, contracts, leases, Ch. 12.

State law reference(s)—Municipal finance act, MCL 131.1 et seq., MSA 5.3188(1) et seq.; uniform budgeting and accounting act, MCL 141.421 et seq., MSA 5.3228(21) et seq.

Sec. 2-89. Council approval of purchases exceeding \$5,000.00; specifications and formal bids.

All purchases for an amount exceeding \$5,000.00 shall receive prior council approval even though such purchase may be provided for in the budget. All such purchases shall be made only after specifications have been issued and formal sealed bids have been received; provided, however, that the city council may authorize purchases without sealed bids and/or specifications when an emergency situation exists or it is to the city's advantage to do so. Sealed

bids shall be received at city shall and be subject to final approval or rejection by the city council.

(Code 1976, § 1.164; Ord. No. 310, 2-1-94; Ord. No. 345, § 3, 2-5-02)

Sec. 2-90. Rejection of bids.

The city manager or city council may reject all bids for any purchase when the public interest will be served thereby, in which event the city manager shall report such action to the city council at the next meeting. If all bids so rejected are for the same unit price or total amount, or if the public interest will not permit the delay of soliciting or readvertising for bids, the council may authorize the city manager to purchase the required commodities in the open market, provided the price shall not exceed the lowest bid price.

(Code 1976, § 1.165)

Sec. 2-91. Lowest bidder.

Purchases shall be made from the lowest competitive bidder meeting specifications unless the council shall determine that the public interest will be better served by accepting a higher bid.

(Code 1976, § 1.166)

Sec. 2-92. Verification of funds.

All purchases and contracts over \$1,000.00 before being executed shall be certified by the city treasurer that an appropriation has been made or that sufficient funds will be available to meet the obligation.

(Code 1976, § 1.186)

Sec. 2-93. Pecuniary interest.

The sale and purchase of all city property shall be subject to section 5.13 of the city charter, requiring a unanimous vote of the council on all contracts or purchases over \$100.00 where an elective or appointive officer has a pecuniary interest, direct or indirect.

(Code 1976, § 1.187)

Sec. 2-94. Amendment of contract.

No contract shall be amended after such contract has been made except upon authority of the council, provided that the city manager may amend or rescind contracts for purchase of sales made by him under this division.

(Code 1976, § 1.188)

Created: 2021-12-10 13:37:19 [EST]

(Supp. No. 22)

Sec. 2-95. Emergency expenditures.

- (a) The city manager is authorized to make an "emergency expenditure" without first obtaining bids or the approval of council.
- (b) An "emergency expenditure" is defined as follows: an expenditure that needs to be made prior to the next scheduled council meeting in order to permit the city to carry out its obligations under the City Charter, City Code, and applicable state or federal law.
- (c) All "emergency" expenditures shall be brought before the city council at the next scheduled meeting following the expenditure.

(d) The city manager shall attempt to notify the members of the city council immediately upon making an "emergency expenditure."

(Ord. No. 376, 8-15-06)

Secs. 2-96—2-105. Reserved.

Subdivision II. Bidding Procedure

Sec. 2-106. Required.

When sealed competitive bids are taken by the city, the following procedure shall be followed:

- (1) The purchasing agent shall solicit bids from a reasonable number of such qualified prospective bidders as are known to him by sending each a copy of the notice requesting bids, and notice thereof shall be posted in the city hall. Bids shall also be solicited by newspaper advertisement when directed by the city council.
- (2) Unless prescribed by the council, the manager shall prescribe the amount of any security to be deposited with any bid, which deposit shall be in the form of cash, certified or cashier's check or bond written by a surety company authorized to do business in the state. The amount of such security shall be expressed in terms of percentage of the bid submitted. Unless fixed by the council, the manager shall fix the amount of the performance bond to be required of the successful bidders.
- (3) When such bids are submitted to the city council, if the city council shall find any of the bids to be satisfactory, it shall accept such bids. Such award may be by resolution or ordinance. The city council shall have the right to reject any or all bids, to waive irregularities in bidding and to accept bids which do not conform in every respect to the bidding requirements.
- (4) At the time the contract is executed by him, the contractor shall file a bond executed by a surety company authorized to do business in the state to the city, conditioned to pay all laborers, mechanics, subcontractors and materialmen, as well as all just debts, dues and demands incurred in the performance of such work and shall file a performance bond when one is required. Such contractor shall also file evidence of public liability insurance in an amount satisfactory to the city manager and agree to save the city harmless from loss or damage caused to any person or property by reason of the contractor's negligence.
- (5) All bids and deposits of certified or cashier's checks may be retained until the contract is awarded and signed. If any successful bidder fails or refuses to enter into the contract awarded to him within five days after the contract has been awarded, or file any bond required within the same time, the deposit

Created: 2021-12-10 13:37:19 [EST]

(Supp. No. 22)

Page 61 of 344

accompanying his bid shall be forfeited to the city, and the city council may, in its discretion, award the contract to the next lower qualified bidder, or such contract may be readvertised.

(Code 1976, § 1.169)

Secs. 2-107—2-115. Reserved.

Subdivision III. Contracts

Sec. 2-116. Contract authority.

The authority to contract on behalf of the city, except as provided in section 2-26, shall be exercised by the city council. All contracts shall be subject to receipt of bids as provided in section 2-88 except where the council determines that it is impractical to do so. The city manager may negotiate or receive bids for any service requiring a contract, but

he must receive council approval of all such contracts.

(Code 1976, § 1.177)

Sec. 2-117. Contract form.

All contracts, other than a city standard purchase order form, shall be approved by the city attorney, and a copy of such approval shall be attached to the contract for filing in the office of the city clerk.

(Code 1976, § 1.178)

Sec. 2-118. Default.

No contract shall be made with any person in default to the city.

(Code 1976, § 1.179)

Secs. 2-119—2-130. Reserved.

Subdivision IV. Sale of Property

Sec. 2-131. Restrictions.

The sale of all city property shall, insofar as possible, be done through competitive bidding. All such sales shall be by at least an affirmative vote of four members of the council.

(Code 1976, § 1.182)

Sec. 2-132. Sale of parks or cemetery.

The city may not sell any park, cemetery, or any part thereof, except in accordance with restrictions placed thereon by council.

(Code 1976, § 1.183)

Created: 2021-12-10 13:37:20 [EST]

(Supp. No. 22)

Page 62 of 344

Secs. 2-133—2-145. Reserved.

DIVISION 3. CITY INCOME TAX¹¹

Sec. 2-146. Personal exemptions.

(a) Effective any taxable year commencing on or after January 1, 1980, an individual taxpayer, in computing his taxable income, is allowed a deduction of \$1,000.00 for each personal and dependency exemption under the rules for determining exemptions and dependents as provided in the Federal Internal Revenue Code. The taxpayer may claim his spouse and dependents as exemptions, but if the taxpayer and the spouse are both subject to the tax imposed by this section, the number of exemptions claimed by each of them when added together shall not exceed the total number of exemptions allowed under this section.

(b) For tax years beginning after 1986, an additional exemption is allowed under subsection (a) of this section for a taxpayer who is 65 years of age or older, or who is blind as defined in section 504 of the Income Tax Act of 1967, Act No. 281 of the Public Acts of Michigan of 1967 (MCL 206.504, MSA 7.557(1504)), or if the taxpayer is both 65 years of age or older and blind, two additional exemptions are allowed under subsection (a) of this section. For tax

years beginning after 1987 an additional exemption is allowed under subsection (a) of this section for a taxpayer who is a paraplegic, quadriplegic, hemiplegic or totally and permanently disabled person as defined in section 216 of title II of the social security act, 42 U.S.C. 416, or a taxpayer who is a deaf person as defined in section 2 of the Deaf Persons' Interpreters Act, Act No. 204 of the Public Acts of Michigan of 1982 (MCL 393.502, MSA 17.55(102)). If the taxpayer qualifies for an additional exemption under more than one of the following, an additional exemption is allowed for each of the following for which the taxpayer qualifies:

- (1) A taxpayer who is a paraplegic, quadriplegic or hemiplegic, or who is a totally or permanently disabled person as defined in section 216 of title II of the social security act, 42 U.S.C. 416.
 - (2) A taxpayer who is blind as defined in section 504 of the Income Tax Act of 1967, Act No. 281 of the Public Acts of Michigan of 1967 (MCL 206.504, MSA 7.557(1504)).
 - (3) A taxpayer who is a deaf person as defined in section 2 of the Deaf Persons' Interpreters Act, Act No. 204 of the Public Acts of Michigan of 1982 (MCL 393.502, MSA 17.55(102)).
 - (4) A taxpayer who is 65 years of age or older.
- (c) For tax years beginning after 1986, a person with respect to whom a deduction under section 151 of the Internal Revenue Code is allowable to another federal taxpayer during the tax year and is therefore not considered to have a federal personal exemption under subsection (a) of this section, shall not be required to file a return or pay a tax if such person's taxable income does not exceed \$1,000.00.
- (Ord. No. 281, 6-7-88)

Secs. 2-147—2-155. Reserved.

¹¹Editor's note(s)—Ordinance No. 190, Uniform City Income Tax Ordinance was adopted July 7, 1970 and effective January 1, 1971. Complete copies of this ordinance are available for public use, distribution and inspection at the office of the city clerk.

Created: 2021-12-10 13:37:20 [EST]

(Supp. No. 22)

Page 63 of 344
PART I - CODE OF ORDINANCES
Chapter 2 - ADMINISTRATION
ARTICLE IV. - FINANCE
DIVISION 4. TAXATION

DIVISION 4. TAXATION

Subdivision I. General

Sec. 2-156. Hudson II Apartments.

- (a) This section shall be known and cited as the "Hudson II Apartments Tax Exemption Ordinance."
- (b) *Preamble.* It is acknowledged that it is a proper public purpose of the State of Michigan and its political subdivisions to provide housing for its citizens of low income and to encourage the development of such housing by providing for a service charge in lieu of property taxes in accordance with the State Housing Development Authority Act of 1966 (1966 PA 346, as amended, MCL 125.1401, et seq.). The city is authorized by this Act to establish or change the service charge to be paid in lieu of taxes by any or all classes of housing exempt from taxation under this Act at any amount it chooses, not to exceed the taxes that would be paid but for this Act. It is further acknowledged that

such housing for persons of low income is a public necessity, and as the city will be benefitted and improved by such housing, the encouragement of the same by providing certain real estate tax exemption for such housing is a valid public purpose; further, that the continuance of the provisions of this section for tax exemption and the service charge in lieu of taxes during the period contemplated in this section are essential to the determination of economic feasibility of housing developments which are constructed and financed in reliance on such tax exemption.

The city acknowledges that Great Lakes Rural Development, LDHA (the "sponsor") has offered, subject to receipt of low income housing tax credits from the Michigan State Housing Development Authority, to own and operate a housing development identified as Hudson II Apartments on certain property located at 765-791 Jefferson, Hudson, MI 49247 in the city to serve persons of low income, and that the sponsor has offered to pay the city on account of this housing development an annual service charge for public services in lieu of all taxes.

(c) *Definitions.*

Authority means the Michigan State Housing Development Authority.

Act means the State Housing Development Authority Act, being Public Act 346 of 1966 of the State of Michigan, as amended.

Annual shelter rent means the total collections during an agreed annual period from all occupants of a housing development representing rent or occupancy charges, exclusive of charges for gas, electricity, heat, or other utilities furnished to the occupants.

Housing development means a development which contains a significant element of housing for persons of low income and such elements of other housing, commercial, recreational, industrial, communal, and educational facilities as the authority determines improve the quality of the development as it relates to housing for persons of low income.

Low income housing tax credits means tax credits provided pursuant to Section 42 of the Internal Revenue Code of the United States.

Sponsor means person(s) or entities which sponsor a housing development which receives low income housing tax credits or other financial assistance from the authority.

Hudson, Michigan, Code of Ordinances Created: 2021-12-10 13:37:20 [EST] (Supp. No. 22)

Page 64 of 344

Utilities mean fuel, water, sanitary sewer service and/or electrical service which are paid by the housing development.

(d) *Class of housing developments.* It is determined that the class of housing development to which the tax exemption shall apply and for which a service charge shall be paid in lieu of such taxes shall be housing for low income families or persons sponsored by a nonprofit organization which has received an allocation of low income housing tax credits, as provided in the Act. It is further determined that Hudson II Apartments is of this class.

(e) *Establishment of annual service charge.* Hudson II Apartments and the property on which it has been constructed shall be exempt from all property taxes from and after December 31, 2011. The city, acknowledging that the sponsor and the authority have established the economic feasibility of the housing development in reliance upon the enactment and continuing effect of this subdivision and the qualification of the housing development for exemption from all property taxes and a payment in lieu of taxes as established in this subdivision, and in consideration of the sponsor's offer, subject to receipt of low income housing tax credits from the authority, to participate in the ownership of a housing development, agrees to accept payment of an annual service charge for public services in lieu of all property taxes. The annual service charge shall be equal to ten percent of the amount of annual shelter rents minus the cost of utilities supplied to the shelter rental units which will result in an amount to which the ten percent annual service charge shall apply.

(f) *Limitation on the payment of annual service charge.* Notwithstanding subsection (e), the service charge to be paid each year in lieu of taxes for the part of the housing development which is tax exempt and which is occupied by other than low income persons or families shall be equal to the full amount of the taxes which would be paid on that portion of the housing development if the housing development were not tax exempt. The term "low income persons or families" as used herein shall be the same meaning as found in Section 15(a)(7) of the Act.

(g) *Contractual effect of ordinance.* Notwithstanding the provisions of Section 15(a)(5) of the Act to the contrary, a contract between the city and the sponsor with the authority as third party beneficiary under the contract, to

provide tax exemption and accept payments in lieu of taxes, as previously described, is effectuated by enactment of this section.

(h) *Payment of service charge.* The annual service charge in lieu of taxes as determined under the ordinance shall be payable in the same manner as general property taxes are payable to the city except that the annual payment shall be paid on or before February 28, except leap year when the payment date shall be on or before February 29 of each year.

(i) *Duration.* This section shall remain in effect and shall not terminate so long as the restriction on rents and incomes under the low income housing tax credit program remains in effect or the authority has any interest in the property.

(Ord. No. 390, 5-1-12)

Secs. 2-157—2-165. Reserved.

Created: 2021-12-10 13:37:20 [EST]

(Supp. No. 22)

Page 65 of 344
PART I - CODE OF ORDINANCES
Chapter 2 - ADMINISTRATION
ARTICLE V. BOARDS, COMMISSIONS AND AUTHORITIES

ARTICLE V. BOARDS, COMMISSIONS AND AUTHORITIES¹²

DIVISION 1. GENERALLY

Secs. 2-166—2-175. Reserved.

DIVISION 2. LOCAL OFFICERS' COMPENSATION COMMISSION¹³

Sec. 2-176. Created, composition.

An elected officials' compensation commission is created which shall determine the salaries of the mayor and members of the city council. The commission shall consist of five members who are registered electors of the city, appointed by the mayor subject to confirmation by a majority of the members elected and serving on the city council. The terms of office of members of the commission shall be five years, except that of the members first appointed, one each shall be appointed for terms of one, two, three, four and five years. Members shall be appointed before October 1 of the year of appointment. Vacancies shall be filled for the remainder of the unexpired term. No member or employee of the legislative, judicial or executive branch of government or members of the immediate family of such member or employee shall be eligible to be a member of the commission.

(Ord. No. 235, § 1, 4-15-80)

State law reference(s)—Similar provisions, MCL 117.5c(a), MSA 5.2084(3)(a).

Sec. 2-177. Determination of salaries.

The compensation commission shall determine the salaries of the mayor and councilmen, which determination shall be the salaries unless the city council, by resolution adopted by two-thirds of the members elected to and serving on the council, reject them. The determinations of the commission shall be effective 30 days following their filing with the city clerk unless rejected by the city council. In case of rejection, the existing salary shall prevail. Any expense allowance or reimbursement paid to elected officials in addition to salary shall be for expenses incurred in the course of city business and accounted for to the city. At the time the commission files its determination with the city clerk, it shall also serve a copy of such determination upon the mayor and councilmen by delivering such determination personally or by ordinary mail to their last known address.

(Ord. No. 235, § 2, 4-15-80)

¹²State law reference(s)—Standards of conduct and ethics, MCL 15.341 et seq., MSA 4.1700(71) et seq.; open meetings act, MCL 15.261 et seq., MSA 4.1800(11) et seq.; freedom of information act, MCL 15.231 et seq., MSA 4.1801(1) et seq.

¹³State law reference(s)—Authority to create a local officers compensation commission, MCL 117.5c, MSA 5.2084(3).

Hudson, Michigan, Code of Ordinances Created: 2021-12-10 13:37:21 [EST] (Supp. No. 22)

Page 66 of 344

State law reference(s)—Similar provisions, MCL 117.5c(b), MSA 5.2084(3)(b).

Sec. 2-178. Procedures.

The compensation commission shall meet for not more than 15 session days every odd-numbered year and shall make its determination within 45 calendar days of its first meeting. A majority of the members of the commission constitute a quorum for conducting business of the commission. The commission shall take no action or make determinations without a concurrence of a majority of the members appointed and serving on the commission. The commission shall elect a chairperson from among its members. Session days means any calendar day on which the commission meets and a quorum is present. The members of the commission shall receive no compensation, but shall be entitled to their actual and necessary expenses incurred in the performance of their duties and shall not have the power to expend public funds.

(Ord. No. 235, § 3, 4-15-80)

State law reference(s)—Similar provisions, MCL 117.5c(c), MSA 5.2084(3)(c).

Sec. 2-179. Conduct of business.

The business which the compensation commission may perform shall be conducted at a public meeting of the commission held in compliance with Act No. 267 of the Public Acts of Michigan of 1976 (MCL 15.261 et seq., MSA 4.1800(11) et seq.), as amended. Public notice of the time, date, and place of the meeting of the commission shall be given in the manner required by such act.

(Ord. No. 235, § 4, 4-15-80)

Sec. 2-180. Filing of writing.

A writing prepared, owned, used, in the possession of or retained by the compensation commission in the performance of an official function shall be made available to the public in compliance with Act No. 442 of the Public Acts of Michigan of 1976 (MCL 15.231 et seq., MSA 4.1801(1) et seq.), as amended.

(Ord. No. 235, § 5, 4-15-80)

Sec. 2-181. Implementation.

The city council shall implement this division by resolution. The procedure for establishing the compensation of elected officials may be changed by charter amendment or revision.

(Ord. No. 235, § 6, 4-15-80)

Secs. 2-182—2-190. Reserved.

DIVISION 3. CITY PLANNING COMMISSION¹⁴

¹⁴State law reference(s)—Municipal planning, MCL 125.31 et seq., MSA 5.2991 et seq.

Created: 2021-12-10 13:37:20 [EST]

(Supp. No. 22)

Page 67 of 344

Sec. 2-191. Commission continued.

The city planning commission heretofore created pursuant to Act No. 285 of the Public Acts of Michigan of 1931 (MCL 125.31 et seq., MSA 5.2991 et seq.), as amended, and section 4.18 of the city charter, is hereby continued.

(Code 1976, § 5.91)

Sec. 2-192. Membership.

The planning commission shall consist of nine members, representing in so far as possible different segments and areas of the city, appointed by the mayor, and approved by the council. Terms of office shall be three years, except that three members of the first commission shall be appointed for a period of one year, three for a term of two years, and three for a term of three years. All members shall hold no other municipal office, and shall serve with compensation in the amount of \$10.00 per meeting for each planning commission meeting which they attend, but such compensation shall not exceed \$240.00 in any one fiscal year. Such compensation shall be paid quarterly and, except as otherwise provided in this division, shall constitute the only compensation which may be paid to members of the planning commission for the discharge of any official duty for or on behalf of the city during their tenure of office. However, the members of the planning commission may, upon order of the council, be paid any necessary bona fide expenses incurred in service of the city as are authorized and itemized.

(Ord. No. 222, 3-6-79)

State law reference(s)—Similar provisions, MCL 125.33, MSA 5.2993.

Sec. 2-193. Removal of member.

Members of the city planning commission may, after a public hearing, be removed by the mayor for inefficiency, neglect of duty or malfeasance in office; provided that such removal be approved by the city council.

(Code 1976, § 5.93)

Sec. 2-194. Chairman, meeting, records.

The city planning commission shall elect a chairman and vice-chairman from amongst its members. The term of

the chairman and vice-chairman shall be one year with eligibility for reelection. The commission shall hold at least one meeting per month, and keep a record of all its transactions.

(Code 1976, § 5.94)

State law reference(s)—Similar provisions, MCL 125.34, MSA 5.2994.

Sec. 2-195. Executive secretary.

The city manager shall serve as executive secretary of the city planning commission. The executive secretary shall keep a record of all transactions, and he may make recommendations to the planning commission but may not vote. He shall attend all meetings of the planning commission and provide staff assistance.

(Code 1976, § 5.95)

Created: 2021-12-10 13:37:20 [EST]

(Supp. No. 22)

Page 68 of 344

Sec. 2-196. Special services.

The city planning commission may employ professional consultants for such services as it deems necessary within the budget appropriation allowed by the council. In so far as practicable, if the city council has employed a professional engineer or a consultant, such engineer shall be used.

(Code 1976, § 5.96)

Sec. 2-197. Funds.

The expenditure of the city planning commission, exclusive of gifts, shall be within the amounts appropriated to the commission by the council.

(Code 1976, § 5.97)

Sec. 2-198. Comprehensive plan.

It shall be the duty of the planning commission to make and recommend to the city council a comprehensive plan for the development of the city, including any areas outside of its boundaries which in the commission's judgment bear relation to the planning of the city. Such plan, with accompanying maps, plats, charts, and descriptive matter, shall show the commission's recommendations for the development of the city, including among other things:

- (1) General location, character and extent of all streets, bridges, boulevards, etc.;
- (2) Location and nature of parks and playgrounds;
- (3) General location of public buildings and other public property;
- (4) Location and extent of all utilities, public or private;
- (5) General location of all parking facilities;
- (6) A zoning plan for the control of land use; and
- (7) The removal, relocation, widening, narrowing and change or alteration of any of the foregoing. (Code

1976, § 5.98)

State law reference(s)—Similar provisions, MCL 125.36, MSA 5.2996.

Sec. 2-199. Platting.

The city planning commission shall recommend to the city council regulations governing the subdivision of land within its boundaries. Such regulations may provide for the proper arrangements of streets in relation to other existing or planned streets and to the comprehensive plan for adequate and convenient open spaces for traffic, utilities, recreation, etc.

(Code 1976, § 5.99)

Created: 2021-12-10 13:37:20 [EST]

(Supp. No. 22)

Page 69 of 344

Sec. 2-200. Capital improvement program.

The city planning commission shall annually recommend a three-year capital improvement program to the city council. Such program shall set forth projects in order of priority. The city council shall review such program and accept it or parts of it as it deems desirable.

(Code 1976, § 5.100)

Sec. 2-201. Approval of public works.

No physical public improvement, including streets, public buildings, major utility expansion, etc., shall be constructed without the approval of the city planning commission; provided, however, that in case of disapproval the city planning commission shall communicate its reasons to the city council within 60 days after the submission of a project to it for consideration. The city council may then overrule such disapproval by a vote of not less than two-thirds of its membership. Failure to act within 60 days after submission to the city planning commission shall be deemed approval.

(Code 1976, § 5.101)

State law reference(s)—Similar provisions, MCL 125.39, MSA 5.2999.

Sec. 2-202. Approval of plats.

Whenever the city planning commission and the city council have adopted a comprehensive plan or that part relating to streets, as provided in sections 2-205 and 2-206, and filed a certified copy of such plan in the office of the county register of deeds, then no plat of a subdivision shall be recorded until such plat has been approved by the city planning commission. All subdivisions shall be approved in accordance with chapter 6 of this Code.

(Code 1976, § 5.102)

Sec. 2-203. Zoning changes.

No change in zoning regulations shall be made until the city planning commission has approved such change; provided, however, that the city council may overrule the city planning commission by a two-thirds vote of its membership. The city planning commission shall make its recommendation to the city council on all zoning matters within 60 days.

(Code 1976, § 5.103)

Sec. 2-204. Publicity, education.

The city planning commission shall have power to promote public interest in an understanding of the plan or of any report and may employ such other means of publicity and education as it may determine.

(Code 1976, § 5.104)

Sec. 2-205. Adoption of comprehensive plan.

The city planning commission shall adopt a comprehensive plan by resolution. Such adoption may be in whole or in parts. Before the adoption of the comprehensive plan, or any part thereof, the commission shall hold a

Created: 2021-12-10 13:37:20 [EST]

(Supp. No. 22)

Page 70 of 344

public hearing thereon, notice of which shall be published in a newspaper of general circulation in the city not less than 15 days prior to such hearing. Further, each utility and railroad company affected shall be notified by registered mail of the hearing.

(Code 1976, § 5.105)

Sec. 2-206. Council adoption.

After adoption by the city planning commission of the comprehensive plan or any part thereof, the city council shall approve or disapprove, or make such changes as are deemed necessary to the city planning commission's recommendation. Any changes made shall be by a two-thirds vote of the city council. The comprehensive plan, or any part thereof, shall not become the official plan of the city until the council acts.

(Code 1976, § 5.106)

Sec. 2-207. Amendments to comprehensive plan.

The comprehensive plan, or any parts thereof officially adopted by the city council, shall not be changed except by the approval of the city planning commission and a two-thirds vote of the city council.

(Code 1976, § 5.107)

Secs. 2-208—2-220. Reserved.

DIVISION 4. COMMUNITY CENTER ADVISORY BOARD

Sec. 2-221. Purpose.

The Hudson Community Center Advisory Board (HCCAB) is created to advise the city council in the administration of activities and programs at the Hudson Community Center. The Hudson Community Center is located at 323 W. Main Street in Hudson, Michigan. The community center is to be operated exclusively for civic purposes including for such purposes the soliciting of funds to be used for the erection, renovation and maintenance of the community center, associated facilities and grounds.

(Ord. No. 266, § 1)

Sec. 2-222. Board members.

The community center advisory board shall consist of seven regular members who are registered electors or residents of the city appointed by the mayor, subject to confirmation by the city council, and one or more ex officio members, one of whom shall be the city manager. The ex officio members shall have no voting powers and are under no obligation to attend the meetings of the board. In filling seats on the board the council shall attempt to keep a board mix that is representative, as nearly as possible, of the entire community served by the community center.

(Ord. No. 266, § 2)

(Supp. No. 22)

Page 71 of 344

Sec. 2-223. Terms of office.

The terms of office of the members of the community center advisory board, except the city manager, shall be three years, except that of the members first appointed, where two each shall be appointed for terms of one year, three each shall be appointed for terms of two years and three each shall be appointed for three years. Thereafter, members shall be appointed before July 1 of the year of appointment. Vacancies shall be filled for the remainder of the unexpired term.

(Ord. No. 266, § 3)

Sec. 2-224. Operation of assets.

- (a) The community center advisory board shall recommend to the city council for adoption such rules and regulations as may be necessary to operate the community center and to control the collection and expenditure of funds in furtherance of the stated purpose of the Hudson Community Center activities and programs. A separate checking account in the name of the city shall be maintained for the income and expenses of the community center. Any two of the following city officials shall be authorized to open, maintain, deposit to, and write checks on the checking account: the city manager, the city treasurer, the city clerk. The board shall annually recommend to the city council a budget for the operation of the community center, and the city council shall approve the budget after making such modifications, if any, it deems necessary.
- (b) The city manager shall be the financial officer of the board and shall have the authority to spend such sums as are contained in the approved budget. Subject to recommendation by the board and approval by the city council, a financial officer shall also have the power to make capital expenditures in excess of those otherwise budgeted.
- (c) Minutes of the board meeting shall be taken by the secretary of the board, and copies thereof shall be provided to the city manager and city clerk.

(Ord. No. 266, § 4)

Sec. 2-225. Board quorum, removal.

A majority of all of the regular voting members appointed to the community center advisory board shall constitute a quorum. Any member shall be removed from office when in violation of section 5.3 of the city charter.

(Ord. No. 266, § 5)

Sec. 2-226. Meetings, officers.

The community center advisory board shall hold at least four meetings a year and at least one meeting in each quarter. It shall be the duty of the board at the first quarterly meeting after July 1 of each year to select from its membership a chairperson, vice-chairperson, and a secretary who shall serve until their successors have been selected.

(Ord. No. 266, § 6)

(Supp. No. 22)

Page 72 of 344

Sec. 2-227. Compensation, expenses.

The members of the community center advisory board shall receive no compensation. However, board

members may be reimbursed for reasonable expenses incurred in the carrying out of specific duties but only as approved by the board.

(Ord. No. 266, § 7)

Secs. 2-228—2-240. Reserved.

DIVISION 5. LOCAL DEVELOPMENT FINANCE AUTHORITY

Sec. 2-241. Purpose.

The city local development finance authority (LDFA) was created by resolution of the city council on December 1, 1987, pursuant to Act No. 281 of the Public Acts of Michigan of 1986 (MCL 125.2151 et seq., MSA 3.540(351) et seq.), as amended. The purpose of creating the LDFA is to help stimulate economic growth, improve employment and to stimulate new private investment in the city and the surrounding area and to broaden the local tax base. The authority shall exercise its powers in the authority district which is the area known as the Hudson Industrial Park and is more fully described as:

The following described premises situated in the City of Hudson, County of Lenawee and State of Michigan, to wit: The Northeast ¼ of Section 20, Town 7 South, Range 1 East, excepting that part deeded to the Michigan State Highway Commission in Liber 733, Page 203, Lenawee County Records.

(Ord. No. 283, § 1, 11-14-88)

Sec. 2-242. Board members.

The local development finance authority shall consist of seven authority members who are registered electors of the city, appointed by the city manager, subject to confirmation by the majority of the members elected and serving on the city council, one authority member appointed by the county board of commissioners and two authority members appointed by the area schools superintendent, subject to confirmation by a majority of the members elected and serving on the area school board.

(Ord. No. 283, § 2, 11-14-88)

Sec. 2-243. Terms of office.

The terms of office of the members of the local development finance authority shall be four years, except that of members first appointed, an equal number, as near as possible, shall have terms designated by the city council of the city of one year, two years, three years and four years. A member shall hold office until the member's successor is appointed. An appointment to fill a vacancy shall be made in the same manner as the original appointment. An appointment to fill an unexpired term shall be for the unexpired portion of the term only. Members of the authority shall serve without compensation but shall be reimbursed for actual and necessary expenses. All first members shall be appointed within 30 days after the creation of the LDFA. Thereafter, members shall be appointed before July 1 of the year of appointment.

(Ord. No. 283, § 3, 11-14-88)

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(Supp. No. 22)

Sec. 2-244. Operation of assets.

(a) The local development finance authority shall adopt such rules and regulations as may be necessary to operate the authority in accordance with the terms of Act No. 281 of the Public Acts of Michigan of 1986 (MCL 125.2151 et seq., MSA 3.540(351) et seq.), including but not limited to the origination or adoption of a development plan or plans and the implementation of such development programs and financing programs as contemplated in the act. Some of the

activities which the authority may undertake are listed below:

- (1) Plan and propose the construction, renovation, repair, remodeling, rehabilitation, restoration, preservation or reconstruction of a public facility.
 - (2) Develop long range plans to promote the growth of the authority district and to take steps necessary to implement the plans to create jobs and promote economic growth.
 - (3) Make and enter into contracts.
 - (4) Improve land, prepare sites for building including the demolition of existing structures and to construct, rehabilitate, etc., a building.
 - (5) Lease a building or property under the boards control.
 - (6) Acquire and construct public facilities.
 - (7) Plan, propose and implement an improvement to a public facility to comply with barrier free design requirements.
- (b) The authority may finance activities from one or more of the following sources: contributions; revenues from properties, buildings, etc.; tax increments received pursuant to a tax increment finance plan; proceeds from tax increment bonds; proceeds of revenue bonds.
- (c) The LDFA may expend tax increments received under the development plan in accordance with the tax increment finance plan. Tax increments in excess of the intention of the development plan must be returned proportionately to the taxing jurisdiction from which they came. If the intention of the development plan is to invest and save excess revenues for other planned phases of the overall plan, this is allowable under the act. However, these funds may only be used for the purpose so specified in the development plan.

(Ord. No. 283, § 4, 11-14-88)

Sec. 2-245. Personnel.

The local development finance authority may employ and fix the compensation of a director, treasurer, secretary, legal council and other personnel considered necessary by the authority, subject to approval of the city council. The director appointed by the authority shall have spending authority, subject to confirmation of the authority board, for all normal, routine expenditures included as part of the adopted annual budget, which shall be included as part of the annual city budget with a fiscal year starting on July 1, for the operation of the authority. The director shall have the authority to make expenditures of \$250.00 or less. Minutes of the authority meetings shall be taken by the secretary of the board and copies thereof shall be kept on file at the city office.

(Ord. No. 283, § 5, 11-14-88)

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(Supp. No. 22)

Sec. 2-246. Board, quorum, removal.

A majority of all members appointed to the local development finance authority shall constitute a quorum. Subject to notice and an opportunity to be heard, a member of the authority may be removed before the expiration of his term for cause by the city council.

(Ord. No. 283, § 6, 11-14-88)

Sec. 2-247. Meetings.

The local development finance authority shall hold at least four meetings a year and at least one meeting in each quarter. It shall be the duty of the authority at the first quarterly meeting after July 1 of each year to select from its membership a chairman and vice-chairman who shall serve until their successors have been selected.

(Ord. No. 283, § 7, 11-14-88)

Sec. 2-248. Dissolution of the LDFA.

When the local development finance authority completes the purposes for which it was organized, it shall be dissolved by resolution of the city council. The property and assets of the authority remaining after the satisfaction of the obligations of the authority shall belong to the city.

(Ord. No. 283, § 8, 11-14-88)

Secs. 2-249—2-260. Reserved.

DIVISION 6. RECREATION ADVISORY BOARD

Sec. 2-261. Purpose.

The recreation advisory board (ARB) is created to provide the city council, city manager, and recreation director with ideas, advice, and suggestions on ways to create, maintain, and improve recreation programs and to create, maintain and improve parks and other city owned or operated recreational facilities.

(Ord. No. 338, § 1, 1-23-01)

Sec. 2-262. Board members.

The recreation advisory board shall consist of seven regular members who are registered electors and residents of the city appointed by the city manager, subject to confirmation by the city council after recommendation by the city manager and the recreation director, if there be one, and one or more ex-officio members, one of whom shall be the city manager. The ex-officio members shall have no voting powers and are under no obligation to attend the meetings of the board.

(Ord. No. 338, § 2, 1-23-01)

Created: 2021-12-10 13:37:21 [EST]

(Supp. No. 22)

Page 75 of 344

Sec. 2-263. Terms of office.

The terms of office of the members of the recreational advisory board, except the city manager, shall be three years, except of that the members first appointed, two each shall be appointed for terms of one year, three each shall be appointed for terms of two years, and three each shall be appointed for three years. Thereafter, members shall be appointed before July 1 of the year of appointment. Vacancies shall be filled for the remainder of the unexpired term.

(Ord. No. 338, § 3, 1-23-01)

Sec. 2-264. Board quorum, removal.

A majority of all of the regular voting members appointed to the recreation advisory board shall constitute a quorum. Any member shall be removed from office when in violation of Section 5.3 of the City Charter.

(Ord. No. 338, § 4, 1-23-01)

Sec. 2-265. Meetings, officers.

The recreational advisory board shall hold at least four meetings a year and at least one meeting in each quarter. It shall be the duty of the board at the first quarterly meeting after July 1 of each year to select from its membership a chairperson, vice-chairperson, and a secretary who shall serve until their successors have been selected. The secretary shall provide the city manager with a schedule of quarterly meetings on or before July 1 of each year.

(Ord. No. 338, § 5, 1-23-01)

Sec. 2-266. Minutes of meetings.

The recreation advisory board shall cause minutes to be kept of each meeting and provide the city manager with a copy of said minutes not less than seven days after a meeting.

(Ord. No. 338, § 6, 1-23-01)

Sec. 2-267. Compensation, expenses.

The members of the recreation advisory board shall receive no compensation. However, board members may be reimbursed for reasonable expenses incurred in the carrying out of specific duties but only as approved by the board.

(Ord. No. 338, § 7, 1-23-01)

Secs. 2-268—2-270. Reserved.

DIVISION 7. DOWNTOWN DEVELOPMENT AUTHORITY

Created: 2021-12-10 13:37:21 [EST]

(Supp. No. 22)

Page 76 of 344

Sec. 2-270.1. Title.

This division shall be known and cited as the downtown development authority ordinance.

(Ord. No. 354, 9-7-04)

Sec. 2-270.2. Definitions.

The terms used in this division shall have the same meaning as given to them in Act 197 of the Public Acts of Michigan, 1975, as amended, or as hereinafter in this section provided unless the context clearly indicates to the contrary. As used in this division:

Authority means the City of Hudson Downtown Development Authority as created by this division.

Act 197 means Act No. 197 of the Public Acts of Michigan, 1975, as amended, as now in effect or hereafter amended being MCLA 125.1651 et seq.

Board or *board of trustees* means the board of trustees of the authority, the governing body of the authority.

Chief executive officer means the mayor of the city.

City means the City of Hudson, Michigan.

Downtown district means the downtown district designated by this division as now existing or hereafter amended.

Council or city council means the City Council of the City of Hudson, Michigan.

(Ord. No. 354, 9-7-04)

Sec. 2-270.3. Determination of necessity.

The City Council of Hudson hereby determines that is necessary, and has so expressed its determination in adopting a resolution of intent to form a downtown development authority, for the best interests of the city to halt property value deterioration and increase property tax valuation where possible in the business district of the city, to eliminate the causes for that economic and physical deterioration and to promote economic growth and development by establishing a downtown development authority pursuant to Public Act 197, as amended.

(Ord. No. 354, 9-7-04)

Sec. 2-270.4. Creation of authority.

There is hereby created pursuant to Act 197, as amended, a downtown development authority for the City of Hudson, Michigan. The authority shall be a public body corporate and shall be known and exercise its powers under title of "Hudson Downtown Development Authority". The authority may adopt a seal, may sue and be sued in any court of law in this state and shall possess all of the powers necessary to carry out the purpose of its incorporation as provided by this division and Act 197, as amended. The enumeration of a power in this division or in Act 197, as amended, shall not be construed as a limitation upon the general powers of the authority.

(Ord. No. 354, 9-7-04)

Created: 2021-12-10 13:37:21 [EST]

(Supp. No. 22)

Page 77 of 344

Sec. 2-270.5. Description of downtown district.

The downtown district in which the authority shall exercise its powers as provided by Act 197, as amended, shall consist of the following described territory in the City of Hudson, Michigan, subject to such changes as may hereinafter be made pursuant to this division and Act 197, as amended: See Exhibit A. [A copy can be found in the city offices.]

(Ord. No. 354, 9-7-04)

Sec. 2-270.6. Board of trustees.

The authority shall be under the supervision and control of a board consisting of the chief executive officer of the municipality and not less than eight or more than 12 members as determined by the governing body of the municipality. Members shall be appointed by the chief executive officer of the municipality subject to approval of the governing body of the municipality. Not less than a majority of the members of the board shall be residents of the City of Hudson. Not less than a majority of members of the board shall be persons having an interest in property located in the downtown district. Of the members first appointed, an equal number of the members as near as is practicable, shall be appointed for one year, two years, three years, and four years. A member shall hold office until the member's successor is appointed. Thereafter, each member shall serve a term of four years. An appointment to fill a vacancy shall be made by the chief executive officer of the municipality for the unexpired term only. The chairperson of the board shall be elected by the board.

(Ord. No. 354, 9-7-04)

Sec. 2-270.7. Powers of authority.

Except as specifically otherwise provided in this division, the authority shall have all powers provided by law subject to the limitations imposed by law and herein. The authority shall have the power to levy ad valorem taxes on the real and tangible personal property not exempt by law and as finally equalized in the downtown district at the rate of not more than two mills each year if the city council annually approves the levy thereof by the authority.

(Ord. No. 354, 9-7-04)

Sec. 2-270.8. Director, bond of director.

If a director is ever employed as authorized by Section 5 of Act 197, as amended, he/she shall post a bond in the penal sum as may be required by the board of trustees at the time of appointment and shall be in conformance with Section 5 of Act 197, as amended.

(Ord. No. 354, 9-7-04)

Sec. 2-270.9. By-laws.

The board of trustees shall adopt rules and regulations governing its procedures and the holding of regular meetings subject to the approval of the governing body of the city.

(Ord. No. 354, 9-7-04)

Created: 2021-12-10 13:37:21 [EST]

(Supp. No. 22)

Page 78 of 344

Sec. 2-270.10. Open Meetings Act.

The board of trustees shall comply with all provisions of the Open Meetings Act as set forth in Act 267 of the Public Acts of 1976, as amended.

(Ord. No. 354, 9-7-04)

Sec. 2-270.11. Freedom of Information Act.

The board of trustees shall comply with all provisions of the Freedom of Information Act as set forth in Act 442 of the Public Acts of 1976, as amended.

(Ord. No. 354, 9-7-04)

Sec. 2-270.12. Fiscal year; adoption of budget.

- (a) The fiscal year of the authority shall begin on July 1st of each year and end on the last day of June of the following year, or such other fiscal year as may hereafter be adopted by the city.
- (b) The board shall annually prepare a budget and shall submit it to the council on the same date that a proposed budget for the city is required by the City Charter to be submitted to the council. The board shall not finally adopt a budget for any fiscal year until the budget has been approved by the city council. The board may, however, temporarily adopt a budget in connection with the operation of any improvements which have been financed by revenue bonds where required to do so by the ordinance authorizing the revenue bonds.
- (c) The authority shall submit financial reports to the city council as requested by the city council. The authority shall be audited annually by the same independent auditors auditing the city and copies of the audit report shall be filed with the council.

DIVISION 7A. DOWNTOWN DEVELOPMENT AUTHORITY PLAN AND TAX INCREMENT FINANCING PLAN

Sec. 2-270.13. Title.

This division shall be known and cited as the downtown development authority plan and tax increment financing plan.

Act 197 of Public Acts of 1975, as amended, of the State of Michigan, is commonly referred to as the Downtown Development Authority Act. It was created in part to:

- Correct and prevent deterioration of business districts.
- Promote economic growth and revitalization.
- Encourage historic preservation.
- Authorize the acquisition and disposal of interests in real and personal property.
- Authorize the creation of downtown development authorities.

Created: 2021-12-10 13:37:21 [EST]

(Supp. No. 22)

Page 79 of 344

- Authorize the levy and collection of taxes and the issuance of bonds.
- Allow the use of tax increment financing.

The Act is designed to aid in the accomplishment of specific downtown development activities identified in locally adopted development plans.

The purpose of the Act is to:

- Attack problems of urban decline.
- Strengthen existing areas.
- Encourage new private developments within the downtown districts of Michigan communities.

It provides communities with the necessary legal, monetary and organizational tools to revitalize downtown districts either through public-initiated projects or in concert with privately funded development projects. The individual projects depend on the problems and opportunities within each particular downtown district and the priorities established by the community in the revitalization of its business area.

Creation of the Hudson Downtown Development Authority

On October 1, 2004, the Hudson City Council adopted Ordinance No. 354.03, creating the Hudson Downtown Development Authority (DDA). The general location of the City of Hudson is located on Map 1. The properties included in the Downtown Development Authority are indicated on Map 2, and a copy of Ordinance 354.03 is included as Exhibit A.

Organizational Development

The DDA was given all the powers and duties prescribed for a downtown development authority pursuant to the Act. The operational structure of the Hudson Downtown Development Authority was approved pursuant to its by-laws.

Basis for the Development Plan

In the City of Hudson, the Downtown Development Authority District referred to in this development plan can generally be described as including commercial properties along both sides of Main Street from N. Maple Grove to the city limits on US 127 and along the east side of US 127 from Railroad Street south to Pleasant Street.

The "downtown district" referred to in the Act is the area in the downtown of a municipality that is zoned and

used primarily for business. The tax increment financing will capitalize on the increased tax base created by economic development within the boundaries of the downtown district, as provided in Act 197 of the Public Acts of 1975, as amended.

The development plan will define projects specific to the downtown development authority district which was created through the ordinance adopted by the Hudson City Council on October 1, 2004. The DDA district comprises the same area as the downtown district, also referred to as the downtown development authority district boundary.

(Ord. No. 385, 3-3-09)

Sec. 2-270.14. General development plan for Hudson.

The development district was established in the belief that the success of Hudson's current efforts to revitalize its commercial area rely on the ability of the public sector to initiate improvements that strengthen the commercial area and to encourage and support the development of new private uses that facilitate the creation of new jobs, the attraction of new business, the maintenance of existing business, and the generation of additional tax revenues.

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(Supp. No. 22)