

CITY CHARTER

CADILLAC, MICHIGAN

Adopted Dec. 9th, 1913



Providing for Commission Government
and City Manager Plan.

PREAMBLE.

In order to establish a more perfect city government, and to better provide for, promote and maintain the essential interests and welfare of all our people, we, the citizens of this city, under the constitution and laws of the state of Michigan, do ordain and establish this charter for the city of Cadillac.

CHAPTER I.

Names and Boundaries.

Section 1. The municipal corporation now existing and known as the "City of Cadillac" shall remain and continue to be a body politic and corporate under the same name, and include the territory hereinafter described, with power and authority to change its boundaries in manner authorized by law.

Section 2. The City of Cadillac shall include all the territory described as follows, to-wit: Sections three, four and five, Government lots one, two, three and four in section six, Government lots one, two, four and five in section seven, government lots one, two, three and four in section eight, and the North half of the North half of section nine, all in town twenty-one, north of range nine west; and the East half and southwest one-fourth of section thirty-two, all of section thirty-three and the South half of section thirty-four, all in town twenty-two, North of range nine West, in the county of Wexford and state of Michigan, according to the original government survey.

CHAPTER II.

General Powers, Rights and Liabilities.

Section 1. The said corporation shall succeed to, own, possess and control all the books, records, documents and all the property, real, personal or mixed, and all the rights, privileges and franchises, powers and immunities now belonging to and possessed or enjoyed by the municipal corporation known as the City of Cadillac; shall be subject to and liable for all the legal debts, liabilities, judgments, bonds, notes and other legal obligations for which the present corporation is now or may hereafter become legally bound; may sue and be sued, plead and be impleaded in all courts of law and

equity, and in all actions whatsoever; contract and be contracted with, acquire and hold real and personal property for the purpose for which it is incorporated, subject to the constitution and general laws of the state.

Section 2. All legislative powers conferred on the City by law shall vest in and be exercised by a mayor and four commissioners, who shall together be known and designated as "The Commission."

Section 3. The financial affairs of the city and all questions relating to taxation, shall be under the control of the Commission, unless herein otherwise provided.

Section 4. Whenever in this charter it is asserted that the "Commission" shall have the power to do or prevent the doing of any particular thing, such provision shall be construed as applying only to the legislative branch of the subject, and not to the executive or administrative side thereof; all the legislative power of the city being placed in the Commission.

CHAPTER III.

Registration.

Section 1. The City Clerk and City Treasurer shall constitute a Board of Registration for the entire City, and for that purpose shall be in session at the office of the City Clerk at all times, when by the provisions of this charter, or by the general laws of this state, Boards of Registration are required to sit.

Section 2. The City Clerk shall provide a suitable register for each polling precinct in the City, and in such register shall be kept an accurate registration of all the qualified electors in such precinct in the same manner as that prescribed for the registration in cities of the fourth class.

Section 3. At all times when not in use at the various polling places in the city the books of registration required by law shall be kept in the office of the City Clerk.

Section 4. Whenever the Board of Registration as provided in this chapter shall be in session, each elector in the City of Cadillac shall be entitled to have his name placed in the register for the precinct in which he resides by application to such Board in the same manner as that provided by law for registration of voters in cities and townships.

Section 5. In all other matters not herein specifically provided for, the general laws of the State of Michigan applicable to registration of electors shall apply and be in force in this city when not inconsistent with the provisions of this charter.

CHAPTER IV.

Elections.

Section 1. In the city of Cadillac after the adoption of this charter there shall be elected by the qualified voters of the whole city the following officers, viz: One Mayor for the term of two years, four Commissioners each for the term of four years, four members of the Board of Education, each for the term of four years. One Recorder for the term of four years, one Justice of the Peace for the term of four years and one Constable for the term of two years. The Mayor, Commissioners, and members of all the Boards in the city shall serve without salaries. The compensation of all other regular city officers shall be fixed by the Commission.

Section 2. The regular municipal elections to be held under the provisions of this Charter shall be upon the first Tuesday after the first Monday in November in the year 1915, and on the first Tuesday after the first Monday in November every second year thereafter. All the above named officers, except those elected to fill vacancy, shall take office on the first day of January following their election, and shall respectively serve for the terms prescribed for each, and until a successor shall be duly qualified to relieve them of their responsibility.

Section 3. The City is hereby divided into four voting precincts, corresponding in boundry lines with the present wards of the city, and for the purpose of reference they shall respectively bear the same numbers as the wards of the city now have.

Section 4. The four Commissioners provided for in Section one of this charter shall be chosen as follows: one from each of the four voting precincts of the city, but they shall nevertheless be elected by the voters of the whole city in the manner hereinafter prescribed.

Section 5. The inhabitants of the city having the qualifications of electors under the constitution and laws of the State shall be electors therein, and every elector shall vote in the election precinct where he shall have resided during the twenty days next preceding the day of election. The residence of any elector, not being a householder, shall be deemed to be in the election district in which is located his regular place of lodging.

CHAPTER V.

Nominations.

Section 1. The manner of nominating all candidates for elective offices provided by this charter shall be by petition, and not otherwise. The name of any elector of the city shall be printed upon the

ballot when a petition in the form hereinafter prescribed shall have been filed in his behalf with the proper election authorities. Such petition shall be signed by a number of registered and qualified voters residing in the city equal to not less than 10% of the total votes cast for Mayor at the last election, if the same is for the nomination of a candidate for an office to be filled by a nomination and election by the city at large; and by a number of registered and qualified voters residing in the ward equal to not less than 10% of the total votes cast for such office in said ward at the last previous city election, if the nomination of a candidate for office to be filled by nomination from a ward and elected at large.

Section 2. The signatures to a nominating petition need not all be appended to one paper, but to each separate paper there shall be attached an affidavit of the circulator thereof stating the number of signers to such paper, and that each signature appended thereto was made in his presence and is the genuine signature of the person whose name it purports to be. Each signer of a petition shall sign his name in ink or indelible pencil, and shall place on the petition after his name his place of residence by street and number.

Section 3. The form of the petition papers shall be substantially as follows:

Form of Petition Paper.

We, the undersigned, hereby present
 whose residence is No. _____ street, Cadillac,
 for the office of _____ to be voted for at
 the election to be held in the city, on the _____ day of
 _____ 19_____, and we individually certify that we
 are qualified to vote for candidates for the above office and that we
 have not signed any other petition presenting any other candidate
 for the said office.
 Name _____ Street and Number _____
 (Space for Signatures.)

STATE OF MICHIGAN,
 County of Wexford, ss.

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

Signed _____
 Subscribed and sworn to before me this _____ day of
 _____ 19_____

Notary Public

The petition, if found insufficient, shall be returned to _____
 at No. _____ Street,
 Cadillac, Michigan.

Section 4. All nominating papers comprising a petition shall be attached and filed with the city clerk as one instrument, at least seven days prior to the date of holding the election with respect to which such petition is filed.

Section 5. Any person whose name has been submitted for nomination by any such petition shall file his acceptance of such nomination with the city clerk not later than fifteen days before the date of election; and in the absence of such acceptance the name of such candidate shall not appear on the ballot.

Section 6. All ballots used in the elections held under this charter shall be without party mark or designation. Ballots used for the election of such candidates shall contain a complete list of the offices to be filled, the number of candidates required to be elected to such offices, and the names of the candidates seeking election.

Section 7. The ballot to be used at all elections for city offices shall be substantially in the following form:

FORM OF BALLOT

REGULAR (or Special) MUNICIPAL ELECTION, CITY OF CADILLAC
 (Date)

INSTRUCTIONS—To vote for any person, mark an (X) in the square to the right of the name of such person.

After voting, fold the ballot so that the initials of the inspector will appear on the outside of the ballot. Make an (X) in the square to the right of not more than the number of names for each office as may be indicated under the title of the office.

<p>MAYOR Vote for not more than one.</p> <p>John Doe <input type="checkbox"/></p> <p>Richard Roe <input type="checkbox"/></p> <hr/> <p>COMMISSION (First Ward) Vote for not more than one.</p> <p>Wm. Smith <input type="checkbox"/></p> <p>Fred Jones <input type="checkbox"/></p>	<p>COMMISSION (Third Ward) Vote for not more than one.</p> <p>George Watu <input type="checkbox"/></p> <p>Fred Moss <input type="checkbox"/></p>
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(Charter amendments, ordinances or other matters to be voted upon to appear here.)

Section 8. The names of candidates on all such ballots shall be printed in rotation as follows: The ballots shall be printed in as many series as there are candidates for the office for which there is the greatest number of candidates. The whole number of ballots to be printed shall be divided by the number of series and the quotient so obtained shall be the number of ballots in each series. In printing the first series of ballots the names of candidates for each office shall be arranged in alphabetical order under the title thereof. After printing the first series the first name in each list of candi-

dates for the various offices shall be placed last in such list and the next series printed, and the process shall be so repeated until the name of the largest list of candidates shall have been printed first an equal number of times. The ballots so printed shall then be combined in tablets, so as to have the fewest possible ballots having the same order of names printed thereon together in the same tablet.

Section 9. In counting the ballots cast in any election of officers held under the authority of this charter, the election officers shall enter the total number of ballots on a tally sheet provided therefor. They shall also carefully enter on such tally sheet the number of votes received by each candidate appearing on said ballot, and shall keep an accurate record thereof.

Section 10. The candidate for any office receiving the largest number of votes cast for candidates for that office shall be declared elected. In the event that two or more candidates for the same office shall receive an equal number of votes, the result shall be determined by lot, in accordance with the general election law of the State of Michigan.

Section 11. In all elections in the city of Cadillac, the election precincts, voting places, methods of conducting the election, canvassing the votes, and announcing the results, shall be the same as provided by the general election law of this state, so far as the same is applicable and not inconsistent with the provisions of this charter.

Section 12. It shall be the duty of the Commission at least ten days before any election held, to provide polling places for each precinct and to appoint a Board of Election Inspectors, who shall be electors, for each voting district in the city, consisting of not less than five and not more than seven members for each precinct, and to designate one of such inspectors to act as chairman; and if, at the opening of the polls at any election, any of the inspectors so appointed shall not be present, or shall refuse to perform his duties as such inspector, the electors present at such election precinct may choose viva voce, such number of electors as, with the inspector or inspectors present shall constitute a Board equal to the number fixed by the commission, and such electors so chosen shall be inspectors at the election during the continuance thereof. Each inspector of election shall receive \$3.00 per day as compensation.

Section 13. The inspectors of election in each voting district shall designate one of their number to act as clerk of election, and shall assign proper and appropriate duties to the other members in accordance with the general election laws, and such electors chosen or appointed as inspectors of election shall take the constitutional oath of office, which oath may be administered by an inspector.

Section 14. When state and county elections are held on the same day as municipal election, the inspectors of election as specified herein shall also be inspectors of state, county and district elections in the respective wards or voting districts.

Section 15. All elections held under the provisions of this Charter shall be conducted, as nearly as may be, in the manner provided by law for holding general elections in this state, except as herein otherwise provided. The inspectors of such elections shall have the same power and authority for the preservation of order and for enforcing obedience to their lawful commands during the time of holding the election and the canvass of the votes, as are conferred by law, upon inspectors of general elections held in this state.

Section 16. The Commission shall convene on Thursday, next succeeding each charter election, at their usual place of meeting, and canvass the results of the election upon each question and proposition voted upon, and shall determine what persons have been duly elected at such election to the several offices respectively; and thereupon, the said City Clerk shall make duplicate certificates, under the corporate seal of the city, of such determination, showing the result of the election upon any question or proposition voted upon, and what persons are declared elected to the several offices respectively; one of which certificates he shall file in the office of the County Clerk, and the other shall be filed in the office of the City Clerk. A certificate of election shall also be issued to each candidate elected to office, and each person elected to office in the city of Cadillac under the provisions of this charter shall, within five days after receiving the certificate of his election, take and subscribe to the official oath required by law and file the same with the City Clerk.

CHAPTER VI.

Recall.

Section 1. Any or all of the Commissioners, or any other elected officer provided for in this charter may be removed from office by the electors. The procedure to effect such removal shall be as follows: A petition demanding that the question of removing such officer or officers be submitted to the electors shall be filed with the City Clerk. Such petition for the recall of any or all of the Commissioners, or any other elected officer, shall be signed by at least thirty-five per cent of the total number of votes cast for Mayor at the last election. All the signatures to such petitions need not be appended to any one paper.

Section 2. Petition papers shall be procured only from the City Clerk, who shall keep a sufficient number of such blank petitions on file for distribution as herein provided. Prior to the issuance of such petition papers an affidavit shall be made by one or more qualified electors, and filed with the city clerk, stating the name and office of the officer or officers sought to be removed. The City Clerk, upon issuing any such petition papers to an elector, shall enter in a record, to be kept in his office, the name of the elector to whom issued, the date of such issuance, and the number of papers issued, and shall certify on such papers the name of the elector to whom issued.

and the date issued. No petition paper so issued shall be accepted as part of the petition unless it bears such certificate of the City Clerk, and unless it be filed as provided herein.

Section 3. Each signer of a recall petition shall sign his name in ink or indelible pencil, and shall place thereon after his name his place of residence by street and number. To each such petition paper there shall be attached an affidavit of the circulator thereof, stating the number of signers to such part of the petition, and that each signature appended to the paper was made in his presence and is the genuine signature of the person whose name it purports to be.

Section 4. All papers comprising a recall petition shall be assembled and filed with the City Clerk as one instrument within thirty days after the filing with the City Clerk of the affidavit, stating the name and office of the officer sought to be removed.

Section 5. The City Clerk shall at once submit the recall petition to the Commissioners and shall notify the officer sought to be recalled of such action. If the official whose removal is sought does not resign within five days after such notice, the Commission shall thereupon, if the petition conforms to the above requirements, order and fix a day for holding a recall election. Any such election shall be held not less than thirty, nor more than sixty days after the petition has been presented to the Commission. If a general election shall occur within sixty days after the filing of such petition, the recall election shall be held at the same time as such general or special election, but if no such election be held within that period, the Commission shall call a special recall election to be held within the time aforesaid.

Section 6. The ballots at such recall elections shall conform to the following requirements: With respect to each person whose removal is sought the question shall be submitted: "Shall (Name of person) be removed from the office of (Name of office) by recall?" Immediately following each such question there shall be printed on the ballots the two propositions, in the order set forth:

For the recall of (Name of person).

Against the recall of (Name of person).

Immediately to the left of each proposition shall be placed a square in which the electors by making a cross mark (X), may vote for either of such propositions. Under said questions shall be placed the names of candidates to fill the vacancy or vacancies which may be created by such recall election. The name of the officer or officers whose removal is sought shall not appear on the ballot as a candidate or candidates to succeed himself or themselves.

Section 7. Before any such recall election for the removal of any officer shall be had, there shall be nominated candidates to fill the possible vacancy or vacancies; the nominations therefor to be made in the same manner as prescribed for the nomination of officers to be elected at a general charter election. The ballots for the

election of all candidates to fill such vacancy or vacancies shall be prepared, voted and canvassed in the same manner as ballots for the election of city officers at any regular charter election.

Section 8. Should a majority of the votes cast at a recall election be against the recall of the officer named on the ballot, such officer shall continue in office for the remainder of his unexpired term, subject to recall as before. If a majority of the votes cast at a recall election shall be for the recall of the officer named on the ballot, he shall, regardless of any technical defects in the recall petition, be deemed removed from office.

Section 9. No recall petition shall be filed against any officer within six months after he takes his office, nor in case of an officer re-elected in a recall election until six months after that election.

CHAPTER VII.

Initiative.

Section 1. Any proposed ordinance may be submitted to the Commission by petition signed by at least fifteen per cent of the total number of votes cast for Mayor at the last charter election. All petition papers, circulated with respect to any proposed ordinance, shall be uniform in character and shall contain the proposed ordinance in full, and shall have printed or written thereon the names and addresses of at least five electors who shall be officially regarded as filing the petition, and who shall constitute a committee of the petitioners for the purpose hereinafter named.

Section 2. Each signer of a petition shall sign his name in ink or indelible pencil, and shall place on the petition paper after his name his place of residence by street and number. The signatures to any such petition need not all be appended to one paper, but to each such paper there shall be attached an affidavit by the circulator thereof, stating the number of signers to such part of the petition, and that each signature appended to the paper is the genuine signature of the person whose name it purports to be, and was made in the presence of the affiant.

Section 3. All papers comprising a petition shall be assembled and filed with the City Clerk as one instrument, and when so filed, the City Clerk shall submit the proposed ordinance to the Commission at its next regular meeting. Provision shall then be made by the Commission for public hearings upon the proposed ordinance.

Section 4. The Commission shall at once proceed to consider it, and shall take final action thereon within thirty days from the date of submission. If the Commission rejects the proposed ordinance, or passes it in a form different from that set forth in the petition, the committee of the petitioners may require that it be submitted to a vote of the electors in its original form.

Section 5. When an ordinance proposed by petition is to be submitted to a vote of the electors, the committee of the petitioners shall certify that fact and the proposed ordinance to the City Clerk within twenty days after the final action on such proposed ordinance by the Commission.

Section 6. Upon receipt of the certificate and certified copy of the proposed ordinance, the Clerk shall certify the fact to the Commission at its next regular meeting. If an election is to be held not more than three months nor less than thirty days after the receipt of the Clerk's certificate by the Commission, such proposed ordinance shall be submitted to a vote of the electors at such election. If no such election is to be held within the time aforesaid, the Commission shall provide for submitting the proposed ordinance to the electors at a special election.

Section 7. The ballots used when voting upon any such proposed ordinance shall state the title of the ordinance to be voted on, and below it the two propositions, "For the Ordinance," and "Against the Ordinance." Immediately at the left of each proposition there shall be a square in which by making a cross (X) the voter may vote for or against the proposed ordinance. If a majority of the electors voting on any such proposed ordinance shall vote in favor thereof, it shall thereupon become an ordinance of the city.

Section 8. Proposed ordinances for repealing any existing ordinance or ordinances, in whole or in part, may be submitted to the Commission as provided in the preceding sections for initiating ordinances. Initiated ordinances adopted by the electors shall be published, and may be amended or repealed by the Commission as in the case of other ordinances, but not within twelve months after the adoption.

CHAPTER VIII.

Referendum.

Section 1. No ordinance except emergency measures and the annual appropriation bill, shall go into effect until twenty days after its passage, nor shall any resolution for a bond issue, franchise, or general public improvement calling for the expenditure of money from the general funds of the city, go into effect for a like period of twenty days after being passed by the Commission. If, at any time within said twenty days a petition signed by twenty-five per cent of the total number of votes cast for Mayor at the last charter election be filed with the City Clerk requesting that any such ordinance be repealed, amended or submitted to a vote of the electors, it shall not become operative until the steps indicated herein shall have been taken, and said petition shall have printed or written thereon the names and addresses of at least five electors who shall be officially regarded as filing such petition.

Section 2. The City Clerk shall deliver the petition to the Commission, which shall proceed to reconsider the ordinance. If, upon such reconsideration, the ordinance be not entirely repealed or amended in the manner asked for in said petition, satisfactorily to the committee named in said petition, the Commission shall provide for submitting it to a vote of the electors, and in so doing the Commission shall be governed by the provisions of Sections 6 and 7, Chapter VII of the charter, respecting the time of submission and of manner of voting on ordinances proposed to the Commission by petition. If, when submitted to a vote of the electors, any such ordinance be not approved by a majority of those voting thereon, it shall be deemed repealed.

Section 3. Referendum petitions need not contain the text of the ordinances, the repeal of which is sought, unless some special amendment is asked for, but shall be subject in all other respects to the requirements for petitions submitting proposed ordinances to the Commission. Ballots used in referendum elections shall conform in all respects to those provided for in Section 7, Chapter VII of this charter.

CHAPTER IX.

Ordinances.

Section 1. The enacting clause of all ordinances shall read, "The City of Cadillac Ordains," but such caption may be omitted when said ordinances are published in book form, or are revised and digested by authority of the Commission.

Section 2. In all judicial proceedings it shall be sufficient to plead any ordinance by number or title, or by the number of section or sections, and it shall not be necessary to plead the entire ordinance or section.

Section 3. Judicial notice shall be taken of the enactment, existence, provisions and continuing force of all ordinances of the city.

Section 4. Whenever it shall be necessary to prove any ordinance or resolution of the Commission, in any judicial proceedings, the same may be proved from the record thereof kept by the City Clerk; by a copy thereof duly certified by the City Clerk under the seal of the city or from any volume thereof purporting to have been published, printed and compiled by authority of the city.

Section 5. The adoption of an ordinance by the Commission shall require for its passage the concurrence of a majority of the members of the Commission.

Section 6. The time when any ordinance shall take effect shall be prescribed therein, which time shall not be less than twenty days from the date of its passage, except as provided in section 1 of Chapter VIII of this charter.

Section 7. All ordinances shall be published once within one week after their passage, in a newspaper printed and circulated within the city, and the City Clerk shall certify on the record of ordinances the date of publication and the name of the newspaper in which any ordinance was so published; and such certificate shall be prima facie evidence that legal publication of such ordinance has been made.

Section 8. No ordinance shall be finally passed on the day it is introduced, except in case of public emergency, and then only on request of the Mayor in writing.

Section 9. All ordinances shall be recorded in an indexed book marked "Ordinance Record," and the record of each ordinance shall be authenticated by the signature of the Mayor and City Clerk. Such record and authentication shall be made within one week after the final passage of any ordinance, but failure to so record and authenticate any ordinance shall not invalidate it or suspend its operation.

Section 10. Immediately upon the final passage of any ordinance the Mayor and City Clerk shall sign the same under a certificate of the day and date of its passage.

Section 11. Ordinances submitted to the Commission by initiative petition, and passed by the Commission without change, or passed in an amended form and not required to be submitted to a vote of the electors by the committee of the petitioners, shall be subject to the referendum in the same manner as other ordinances.

Section 12. If the provisions of two or more ordinances adopted or approved at the same election conflict, the ordinance receiving the highest affirmative vote shall prevail.

Section 13. Ordinances passed as emergency measures shall be subject to referendum in like manner as other ordinances except that they shall go into effect at the time indicated in such ordinances. If, when submitted to a vote of the electors, an emergency measure be not approved by a majority of those voting thereon, it shall be considered repealed as regards any further action thereunder; but such measure so repealed shall be deemed sufficient authority for payment, in accordance with the ordinance, of any expense incurred previous to the referendum vote thereon.

Section 14. In case a petition be filed requiring that a measure passed by the Commission providing for a franchise, an expenditure of money, a bond issue, or a public improvement, be submitted to a vote of the electors, all steps preliminary to the actual granting of such franchise, to such actual expenditure, actual issuance of bonds, or actual execution of a contract for which improvement, may be taken prior to the election, but nothing shall be done which will bind the city by the action of the Commission.

Section 15. Any franchise ordinance, resolution, proposed public improvement, or contemplated public measure, affecting the general health or welfare of the city, passed by the Commission may be re-

ferred by the Commission to the qualified electors of the city; and no measure so referred shall become operative unless approved by a majority of the electors voting thereon.

CHAPTER X.

Appointments.

Section 1. The following regular city officers shall be appointed by the Commission as soon after they shall take office as practicable, to-wit: a General Manager, a City Clerk, a City Treasurer, and a City Assessor. All officers appointed shall respectively hold office until their successors shall be appointed and shall qualify, and thereafter, whenever a vacancy shall occur in any office, the same shall be filled by appointment by the Commission; provided, however, if the office thus filled be an elective one, the person appointed shall serve only until the next regular municipal election, at which time his successor shall be elected.

Section 2. The Commission shall also appoint the members of all Boards authorized by this charter, except the Board of Education, and all officers thus appointed shall enter upon their official duties on the first Monday following their appointment and shall serve until their successors are chosen; provided, however, that the Commission shall have the right to discontinue any office created by it, or to appoint a successor to any appointed officer of the city, when in its judgment the best interests of the city will be enhanced thereby. The Commission may also increase or decrease the salaries of all appointed officers during their continuance, in office, and specify the manner in which their salaries shall be paid, and shall also appoint such other officers as may be required by law.

CHAPTER XI.

The General Manager

Section 1. The General Manager shall be the administrative head of the municipal government under the direction and supervision of the Commission. He shall not hold any other public office or employment, except that of Notary Public, and shall not be interested in the profits or emoluments of any contract, job, work, or service for the city.

Section 2. Before entering upon the duties of his office he shall take the official oath and shall execute a bond in favor of the city for the faithful performance of his duties in such sum as shall be fixed by the Commission.

Section 3. The General Manager shall have power to appoint and remove officers and members of all boards and commissions not

included within regular department officers; all officers appointed by the general manager shall serve until removed by him or until their successors have been appointed and have qualified.

Section 4. It shall be the duty of the General Manager, except as otherwise specifically provided in this Charter:

(a) To take active control of the Fire, Police and Engineering departments of the city, and to engage such assistants therein as shall be herein provided.

(b) To see that, within the city, the laws of the state and the ordinances, resolutions and by-laws of the Commission are enforced and faithfully executed.

(c) To supervise, under the direction of the Commission, the administration of the affairs of the city.

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

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

(f) To keep the Commission advised of the financial condition and future needs of the city.

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

(h) To revoke licenses, pending the action of the Commission.

(i) To sign warrants of arrest, and to cause arrests for infraction within the city of the laws of the state, and the ordinances and other regulations of the city.

(j) To administer oaths and take affidavits.

(k) To appoint persons to fill all places for which no other mode of appointment is provided.

(l) To sign such contracts, deeds and other public documents, in behalf of the city, as the Commission may authorize and require.

(m) To exercise and perform all other executive and administrative functions and duties, unless other designation shall be made by this Charter or by the act of the Commission.

(n) To manage and control all charitable, correctional and reformatory institutions and agencies belonging to the city; to enforce all laws, ordinances and regulations relative to the preservation and promotion of the public health, the prevention and restriction of disease, the prevention, abatement and suppression of nuisances, and the sanitary inspection and supervision of the production, transpor-

tation, storage and sale of food and foodstuffs, and the supervision of weights and measures; to cause a complete and accurate system of vital statistics to be kept; and, in time of epidemic, to enforce such quarantine and isolation regulations as may be appropriate to the emergency.

Section 5. The General Manager shall have exclusive control of the stationing and transfer of all patrolmen and other officers and employes constituting the police force, under such rules and regulations as the Commission may prescribe. He shall have the exclusive management and control of such other officers and employes as shall be employed in the administration of the affairs of the department. The police force shall be composed of such officers, patrolmen, and other employes as may be provided by ordinance of the Commission. In case of riot or other emergency, the Manager may appoint additional patrolmen and officers for temporary service, who need not be in the classified list of such division.

Section 6. No person shall act as special policeman, special detective, or other special officer for any purpose whatsoever, except upon written authority from the General Manager. Such authority shall be exercised only for a specified time, not to exceed three months.

Section 7. The General Manager shall have exclusive control of the stationing and transfer of all firemen and other officers and employes constituting the fire department, under such rules and regulations as the Commission shall prescribe, and shall have the exclusive management and control of such other officers and employes as may be employed in the administration of the affairs of the department. The fire department shall be composed of such other officers, firemen and employes as may be provided for by ordinance of the Commission. In cases of riot, conflagration, or like emergency, the Manager may appoint additional firemen and officers for temporary service, who need not be in the classified service.

Section 8. The General Manager shall have the exclusive right to suspend any of the officers or employes in the respective departments who may be under his management and control for incompetence, gross neglect of duty, gross immorality, drunkenness, failure to obey orders given by the proper authority, or for any other just and reasonable cause. If any officer or employee be suspended, as herein provided, the General Manager shall forthwith in writing certify the fact to the Commission, together with the cause for the suspension, and the Commission shall render judgment thereon, which judgment, if the charge be sustained, may be suspension, reduction in rank or dismissal; and such judgment in the matter shall be final, except as otherwise hereinafter provided. The General Manager, in such investigation, shall have the same power to administer oaths and secure the attendance of witnesses and the production of books and papers, as is conferred on the Commission.

Section 9. The General Manager shall manage and supervise all

public improvements, works and undertakings of the city except as otherwise provided in this Charter. He shall have charge of the construction, improvements, repair, and maintenance of streets, sidewalks, alleys, lanes, squares, bridges, viaducts, aqueducts, public highways, sewers, drains, ditches, culverts, streams and water courses and of all public buildings. He shall manage and control market houses, crematories, sewerage disposal plants and farms and shall enforce all the obligations of privately owned or operated public utilities enforceable by the city. He shall have the charge of the making and preservation of all surveys, maps, plans, drawings and estimates of such public work; the cleaning, sprinkling and lighting of streets and public places; the collection and disposal of waste; the preservation of tools and appliances belonging to the city and pertaining to the functions of the departments. He shall manage all municipal water, lighting, heating, power and transportation enterprises. He shall manage and control the use, construction, improvement, repair and maintenance of all recreational facilities of the city, including parks, playgrounds, public gymnasiums, public bath houses, and social centers. He shall have charge of the Engineer of the city, who shall be the Deputy General Manager of Public Service.

Section 10. The General Manager may, without notice, cause the affairs of any department, or the conduct of any officer or employee to be examined. Any person or persons appointed by the General Manager to examine the affairs of any department or the conduct of any officer or employee shall have the same power to compel the attendance of witnesses, and the production of books and papers and other evidence, and to punish for contempt, as is conferred upon the Commission or a Committee thereof by this Charter.

Section 11. The General Manager shall be entitled to a seat in the Commission, and shall have the right to introduce ordinances and resolutions and to take part in the discussion of all matters coming before the Commission; but he shall have no vote therein.

Section 12. During a vacancy in the office or the disability of the General Manager, the Commission shall designate some properly qualified person to execute the functions of the office.

CHAPTER XII.

City Clerk.

Section 1. The City Clerk shall keep the corporate seal, and all the documents, official bonds, papers, files and records of the city, not by this act or the ordinances of the city entrusted to some other officer; he shall be clerk of the Commission; he shall attend its meetings, record all its proceedings, ordinances, and resolutions; and shall countersign and register all licenses granted; he shall, when required,

make and certify, under the seal of the city, copies of the papers and records filed and kept in his office, and such copies shall be evidence in all places of the matters therein contained, to the same extent as the original would be; and for the making of such copies for any person other than an officer of the city, he shall be entitled to the fees allowed county clerks for like services; he shall possess and exercise the powers of township clerk so far as the same are required to be performed within the city; and he shall have authority to administer oaths and affirmations. All fees received by the City Clerk for any and all services shall be by him turned into the city treasury and credited to the contingent fund.

Section 2. The City Clerk shall act as City Accountant, and as such he shall install and have supervision over the accounts of all departments and offices of the city. As such accountant he may require from all officers and departments of the city from time to time such reports of money receipts and the disposition thereof, together with such financial and operating statements, as shall exhibit each transaction complete and the cost thereof.

Section 3. An accounting procedure shall be devised and maintained for the city, adequate to record in detail all transactions affecting the acquisition, custodianship and disposition of values including cash receipts and disbursements. The recorded facts above provided for shall be presented periodically to officials and to the public in such summaries and analytical schedules in detailed support thereof as shall be necessary to show the full effect of such transactions for each fiscal year upon the finances of the city, and in relation to each department of the city government, including distinct summaries and schedules for each public utility owned and operated.

Section 4. The City Clerk shall act as Purchasing Agent for the City and as such he shall purchase all the supplies for the city, including all school supplies. He shall also sell all personal property not needed, or unsuitable for public use, or that may have been condemned as useless by the Commission or the General Manager. He shall maintain a store room or storehouse in which shall be stored all supplies and materials purchased by the city and not delivered directly to the various departments; he shall inspect all supplies delivered, to determine quality and quantity and conformance with specifications; and no bills shall be honored by the city unless the accompanying invoice shall be endorsed as approved by the city purchasing agent.

Section 5. The City Purchasing agent may require from the General Manager or the Commission, at such times as contract for supplies are to be let, memoranda of the quantity and kind of supplies to be paid for from the appropriations of any department. Upon the certification that funds are available in the proper appropriation, such goods shall be purchased and shall be paid for from the funds in the proper department for that purpose. However, this procedure shall not prejudice the city purchasing agent from purchasing goods for cash, to the credit of store account, to be furnished the

several departments on requisition, goods so furnished to be paid for by the department furnished therewith by warrant made payable to the credit of the store account. The Purchasing Agent shall not furnish any supplies to, or purchase any supplies for, any department unless there be to the credit of such department an available appropriation balance, in excess of all unpaid obligations, sufficient to pay for such supplies. Before making any purchase or sale, the city purchasing agent shall give opportunity for competition, all proposals to be upon similar specifications, and upon such rules and regulations as the Commission shall establish.

Section 6. In case of emergency, purchases may be made without competition if a sufficient appropriation has heretofore been made against which such purchases may lawfully be charged. In such cases a copy of the order issued shall be kept on file with the City Clerk, together with a certificate by the Commission or General Manager stating the facts of the emergency. A copy of this certificate shall also be attached to and filed with the voucher covering payment for the supplies.

Section 7. No contract, agreement or other obligation involving the expenditure of money shall be entered into, nor shall any ordinance, resolution or order for the expenditure of money be passed by the Commission, or be authorized by any officer of the city, unless the City Clerk shall first certify to the Commission or to the proper officer, as the case may be, that the money required for such contract, agreement, obligation or expenditure is in the treasury to the credit of the fund from which it is to be drawn, and not appropriated for any other purpose; which certificate shall be filed and immediately recorded. The sum so certified shall not thereafter be considered unappropriated until the city is discharged from the contract, agreement, or obligation.

Section 8. All moneys actually in the treasury to the credit of the funds from which they are to be drawn, and all moneys applicable to the payment of the obligation or appropriation involved, that are anticipated to come into the treasury before the maturity of such contract, agreement or obligation, from taxes or assessments, or from sales or services, products or by-products, or from any city undertaking, fees, charges, accounts and bills receivable or other credits in the process of collection; and all moneys applicable to the payment of such obligation or appropriation, which are to be paid into the treasury, prior to the maturity thereof, arising from the sale or lease of lands or other property and moneys to be derived from lawfully authorized bonds sold and in process of delivery shall, for the purposes of such certificate, be deemed in the treasury to the credit of the appropriate fund and subject to such certification.

Section 9. No contract involving an expenditure in excess of Five Hundred Dollars shall be awarded except upon the approval of the General Manager and the Commission.

Section 10. In no instance shall contracts be let as a whole, nor

shall bids for parts of the work be taken, when such bids taken shall exceed the estimate for the improvement contemplated.

Section 11. All contracts, agreements or other obligations entered into, and all ordinances passed, or resolutions and orders adopted, contrary to the provisions of the preceding sections shall be void.

CHAPTER XIII.

City Treasurer.

Section 1. The City Treasurer shall have the custody of all moneys, bonds, mortgages, notes, leases and evidences of value belonging to the city. He shall receive all moneys belonging to and receivable by the corporation, and keep an account of all receipts and expenditures thereof. He shall pay no money out of the treasury except in pursuance of and by authority of law, and upon warrants signed by the Clerk and Mayor, which shall specify the purpose for which the amounts thereof are to be paid. He shall keep an account of, and be charged with, all taxes and money appropriated, raised or received for each fund of the corporation, and shall keep a separate account of each fund, and shall credit thereto all moneys raised, paid in, or appropriated therefor, and shall pay every warrant out of the particular fund constituted or raised for the purpose for which the warrant was issued, and having the name of such fund indorsed thereon by the Clerk.

Section 2. The Treasurer shall render to the Clerk on the first Monday of every month, and oftener if required, a report of the amounts received and credited by him to each fund, and on what account received, and of the amounts paid out by him from each fund during the preceding month, and the amount of money remaining in each fund on the day of his report.

Section 3. The City Treasurer shall be treasurer of the school district, and shall have the custody of the funds belonging to and receivable by such district from all sources for school, library and school house purposes. He shall receive from the County Treasurer, for the use of such district, all school and library moneys coming to his hands to which the district shall be entitled; and for that purpose such district shall be considered under the laws relating to the distribution of primary school and library moneys, the same as a township. Said City Treasurer shall keep an accurate account of all the school and library moneys of the district in such a manner as the Board of Education may require, and account therefor to said Board whenever they shall direct. He shall pay out no moneys of the district except upon such warrants or vouchers as the Board of Education may prescribe. Before entering upon the duties of his office, either as a City Treasurer or the Treasurer of the public schools, the said Treasurer shall give bonds to the public schools of the city in such sum and with

such sureties as the Board of Education shall direct, for the due performance of the duties of his office as Treasurer of such district, and shall renew such bonds from time to time with further sureties as said Board may require.

Section 4. The City Treasurer shall keep all moneys in his hands belonging to the city and to the public, separate and distinct from his own moneys; and he is hereby prohibited from using, either directly or indirectly, the corporation moneys, warrants, or evidences of debt, or any of the school or library funds in his custody or keeping, for his own use or benefit or that of any other person. Any violation of this section shall subject him to immediate removal from office by the City Commission, who are hereby authorized to declare the office vacant for such offense, and to appoint his successor.

Section 5. The City Treasurer shall be the collector of state and county taxes within the city. He shall also collect all other taxes and assessments levied within the city, whether the same be for general city purposes or for special improvements, and he shall in addition thereto perform all such duties in relation to the collection of taxes as may be covered by the general laws of the state.

CHAPTER XIV.

Legal Department.

Section 1. The Commission shall make provision for the proper care of all litigation in which the city may be interested, and to that end they are hereby empowered to engage the services of any competent attorney whenever in their opinion such services shall be needed, and to agree with him as to his compensation therefor.

Section 2. The Commission may also engage any practicing lawyer to act as prosecuting attorney for the prosecution of all offenders against any ordinance of the city, and to fix his compensation therefor, whether the same shall be in the nature of a fixed salary, or by way of fees for services rendered.

Section 3. The Commission, whenever in its opinion the same shall be necessary, may employ such counsel and procure such legal advice upon any subject as they may desire, and may pay therefor in such manner as to them may seem most economical, whether by annual retainer or otherwise, as may be agreed upon.

Section 4. Services of all process in suits against the city shall be made on the Mayor or City Clerk.

CHAPTER XV.

City Assessor.

Section 1. The City Assessor shall annually estimate and assess the value of all taxable real and personal property in the city, and

make an assessment roll in the same manner as supervisors of townships. There shall be spread upon said roll any and all taxes duly certified by the Board of Supervisors of the county, or by other proper authority. He shall make all specials assessments authorized by the charter of this city, and for the purpose of such special assessment that portion of the annual assessment roll applicable thereto shall be taken as the value of the property to be assessed.

Section 2. The City Assessor shall attend all meetings of the Board of Review, and shall furnish the said Board information concerning the assessment roll made by him of property assessed thereon. Such assessor shall receive such compensation for his service as may be fixed by the Commission.

CHAPTER XVI.

Pounds.

Section 1. The Commission may provide and maintain one or more pounds in the city, and may appoint poundmasters, prescribe their powers and duties, and fix their compensation, and may authorize the impounding of all beasts and fowls found in the streets or otherwise at large, contrary to any ordinance of the city; and if there shall be no pound or poundmaster, they may provide for the impounding of such beasts and fowls by some person duly appointed for that purpose in some suitable place under his immediate care and inspection, and may confer on him the powers and duties of poundmaster.

CHAPTER XVII.

Cemeteries.

Section 1. The present cemetery belonging to the city of Cadillac shall continue to be managed in the future, as in the past, by the present Cemetery Board and their successors in office, and for that purpose Chapter XV of Act No. 215 of the Public Acts of 1895, relative to incorporation of fourth class cities, shall be considered as part of this charter, except that all powers therein granted to the City Council in relation to cemeteries shall hereafter be exercised by the Commission herein provided for.

CHAPTER XVIII.

Public Health.

Section 1. It shall be the duty of the Commission to protect the public health of the inhabitants of the city, and for that purpose they are hereby clothed with all the power granted to City Councils by

Chapter XIV of Act No. 215 of the Public Acts of 1895, relative to incorporation of fourth class cities; and said act and all amendments thereto shall be considered as a part of this charter, and the Commission shall possess all the powers therein granted to city councils; and to that end may appoint a health officer whenever they decide to do so.

CHAPTER XIX.

The Commission.

Section 1. The Commission may, by resolution, declare that certain specific sidewalks, curbing, gutters and shade trees adjacent to any property abutting upon any public street, shall be constructed, repaired, planted or removed. Upon the passage of such resolution, the City Manager shall cause written notice of the passage thereof to be served upon the owner or agent of the owner, of each parcel of land abutting upon such street, who may be a resident of the city, in the manner provided by law for the service of summons in civil actions. He shall return a copy of the notice, with the time and manner of service endorsed thereon, signed by the person serving it, to the City Clerk, who shall file and preserve such return. For the purpose of such service, if the owner of any such property be not a resident of the city, any person charged with the collection of rent, or the payment of taxes on such property, or having control thereof in any way, shall be regarded as the agent of the owner, and service upon such person shall have the like force and effect as though personal service were made upon the owner thereof. If it appears in any such return, however, that the owner is a non-resident, or that neither said owner or agent could be found, one publication of a copy of the resolution in a daily newspaper of general circulation in the city shall be deemed sufficient notice to such owner.

Section 2. If such sidewalks, curbing or gutters be not constructed or repaired, or such trees planted or removed within fifteen days of the service of the notice provided for in the preceding section, or the completion of the publication thereof, the General Manager may proceed by direct employment of labor, or by contract, to carry out the said construction or repair at the expense of the owner; as in case of other improvements; and all such expense shall be reported by the General Manager to the Commission. The Commission shall thereupon, by ordinance, assess the cost and expense thereof upon the owner or owners of all the property bounding or abutting thereon or benefitted thereby, and such assessment shall be collected in the same manner as other assessments, with a penalty of five per cent and interest for failure to pay at the time fixed by the assessment resolution.

Section 3. The Commission may at any time borrow money and authorize the issuance of notes or bonds therefor, in anticipation of the collection of assessments levied for the purpose of paying the cost

of constructing or repairing sidewalks, curbing and gutters, which are to be or have been constructed by the General Manager upon the failure of the owners of the property to construct or repair the same, pursuant to notice as hereinbefore provided.

Section 4. The Commission shall provide, by ordinance, for the care, supervision, control and improvement of public highways, streets, avenues, alleys, sidewalks, public grounds, bridges, aqueducts and viaducts within the city, and shall cause them to be kept open, in repair, and free from nuisance.

Section 5. When it deems it necessary the Commission may cause any street, alley or public highway to be opened, straightened, altered, diverted, narrowed, widened or vacated.

Section 6. No street or alley hereafter dedicated to public use by the proprietor of ground platted in the city shall be deemed a public street or alley, or under the care and control of the Commission unless the dedication be accepted and confirmed by ordinance passed for such purpose, or unless the provisions hereof relating to subdivisions shall have been complied with.

Section 7. The Commission in vacating any street or part of street or changing the name of any street, may include in one ordinance the change of name or the vacation or narrowing of more than one street, avenue or alley, but before vacating any street or part thereof, or narrowing any street, the Commission shall first pass a resolution declaring its intention so to do. The General Manager shall cause notice of such resolution to be served in the manner that service of summons is required to be made in civil actions upon all persons whose property abuts upon the portion of the street affected by the proposed vacation or narrowing, and by publication once in one daily newspaper of general circulation in the city as to all the persons who cannot be personally served. Said notice shall state the time and place at which objections can be heard before the Commission. The Commission may by ordinance declare such vacation or narrowing, and such order of the Commission vacating or narrowing a street or alley which has been dedicated to public use by the proprietor shall, to the extent to which it is vacated or narrowed, operate as a revocation of the acceptance thereof by the Commission; but the right of way and easement therein of any lot owner shall not be impaired thereby.

Section 8. The Commission shall be empowered to license and regulate the keepers of hotels, taverns, and other public houses, grocers and keepers of ordinaries, and victualing and other houses or places for furnishing meals or food; to restrain, license and regulate saloons, and to regulate and prescribe the location thereof; to forbid and prevent the vending or other disposition of liquors and intoxicating drink in violation of the laws of this State, and to forbid the selling or giving to be drunk of any intoxicating liquors to any minor, drunkard or other person in the habit of getting intoxicated; to regulate and license the performing, engaging in and carrying on of any

and all trades, callings, vocations, occupations and professions within the city of Cadillac; to regulate, require and enforce the setting of shade trees in the streets of said city, and to provide for the preservation of the same.

Section 9. The Commission shall be the judge of the election and qualification of its own members, subject to review by the courts in cases of contest.

Section 10. The Commission shall determine its own rules of procedure, may punish its members for disorderly conduct, and may compel the attendance of its members.

Section 11. The Commission shall prescribe the time of its meetings, which shall be held at the City Hall, provided that at least one regular meeting be held each month, and shall prescribe the manner in which special meetings thereof may be called.

Section 12. No member of the Commission shall hold any other office or employment, except that to which he is elected, the compensation for which is paid out of the public treasury; nor be elected or appointed to any office, the compensation of which was increased or fixed by the Commission while he was a member thereof, until the expiration of one year from the date when he ceases to be a member of the Commission.

Section 13. The Commission is authorized to negotiate with one or more banks within the city giving sufficient security to have all, or such portion of the city or school funds as may be agreed upon, deposited with such bank, and to receive from such bank interest on daily balance at such rate of interest as may be agreed upon, and thereafter to cause such city or school money to be deposited and remain in such bank during the time agreed upon, except such amounts as may be withdrawn by warrants issued in the ordinary course of business under the provisions of this charter.

Section 14. The Commission shall, in addition to all powers herein expressly granted, have and possess all the powers heretofore granted or which may be hereafter granted by the general laws of this state to city councils, or that may belong to such bodies by reason of their being the legislative body within such city.

Section 15. The city of Cadillac, may, by a resolution or ordinance, regulate, restrict and limit the number and locations of oil and gasoline stations within the city; it may also, by resolution or ordinance, regulate all kinds of business within said city, and, if in its judgment, any business will be injurious to the public health, safety, welfare or morals of the city or its citizens, it may prohibit the same.

CHAPTER XX.

Recorder's and Justice's Courts.

Section 1. There shall be, and hereby is, established a Recorder's Court of the city of Cadillac, and at the first municipal election

held under this charter, and every four years thereafter, there shall be elected a Recorder in said city, who shall be a resident qualified elector of said city. He shall hold his office for four years from and after the first day of January next following his election. Upon being notified of his election, the said Recorder shall qualify within the same time and in the same manner, and with like effect, as in the case of other city officers, and shall file with the Mayor of the said city a bond to the city of Cadillac in the penal sum of two thousand dollars, with sufficient sureties to be approved by the Mayor, conditioned upon the faithful performance of his duties as such recorder.

Section 2. Such court shall be entitled "The Recorder's Court of the city of Cadillac," and shall have such general powers, and such powers and jurisdiction in civil and criminal matters, as are by the laws of the state of Michigan conferred upon justices of the peace of townships, and shall have exclusive jurisdiction to hear, try and determine all actions and prosecutions for the recovery and enforcement of fines, penalties and forfeitures imposed by the ordinances of the city, and to punish offenders for the violation thereof. It shall also have exclusive jurisdiction to hear, try and determine all actions and prosecutions arising from violation of any law of the state when such offenses are committed within the city of Cadillac, and of that degree usually cognizable by justices of the peace, and shall also have exclusive jurisdiction to examine all parties charged with having committed within the city of Cadillac such offenses as are not so cognizable by justices of the peace, and to hold such parties for trial to the circuit court for the county of Wexford; and appeals from judgments in said recorder's court may be taken to the circuit court for the county of Wexford in the same manner and under such conditions and limitations as appeals from judgments in justice courts are had by law.

Section 3. The Judge of the Recorder's court shall receive an annual salary of six hundred dollars, to be payable in monthly instalments; provided however, that one-half of the salary so prescribed shall be paid by the county of Wexford in consideration of the services in criminal cases as above prescribed.

Section 4. All fines, penalties and costs collected or received by the said Recorder, for and on account of the violation of the penal laws of the state, shall be paid over to the County Treasurer on or before the first Monday of the month next following the collection or receipt thereof; and all fines, penalties and costs for violation of any ordinance of the city shall be paid over to the City Treasurer within the same time above provided, and the recorder shall take receipts from the county and City Treasurers respectively for all sums paid over and shall file the same with the county or City Clerk, as the case may be.

Section 5. The Recorder shall report to the Prosecuting Attorney all criminal prosecutions commenced in said court, and shall certify all convictions to the County Clerk in the manner as required by law for justices of the peace, and shall report to the City Commission at

the first regular meeting of each month all fines, penalties and costs received by him since the last preceding report, and the amount thereof paid to the City Treasurer. Such reports shall also show the name of every person prosecuted in said court under the said ordinance, and the disposition of each case, with the time, costs and time of imprisonment, if any, in each case

Section 6. At the first election held under this charter there shall be elected one Justice of the Peace, and one Justice of the Peace shall be elected every four years at the municipal election. The term of office of a Justice elected under the provisions of this charter shall commence on the first day of January next following his election. He shall take and file an oath of office with the County Clerk of Wexford county within the same time and in the same manner as in cases of Justices of the Peace elected in townships. He shall also, within the time limited for filing his official oath, file with the County Clerk the security for the performance of the duties of his office required by law in cases of Justices of the Peace elected in townships, except that said official bond or surety shall be executed in the presence of and approved by the Mayor of the City of Cadillac; and any Justice of the Peace elected under this charter who shall enter upon the execution of his office before he has filed his official oath and bond or security, and such other bond and security to the city as may be required by law or by the ordinance or resolution of the Commission, shall be liable to the same penalties as are provided in cases of Justices of the Peace elected in townships.

Section 7. The Justice of the Peace elected in the city, under the provisions of this charter, shall have and exercise therein and within the county the same jurisdiction and powers in all civil and criminal matters, causes, suits and proceedings, and shall perform the same duties in all respects as far as occasion may require, as are or may be, conferred upon, or required of Justices of the Peace by the general laws of the state.

Section 8. The proceedings in all suits and actions before such justice, and in the exercise of the powers and duties conferred upon, and required of, him, and the proceedings in all suits and actions before the Recorder hereinbefore provided for, shall, except as otherwise provided by law, be according to and governed by the general laws applicable to courts of Justices of the Peace, and to the proceedings before such officers.

Section 9. Every Justice of the Peace shall enter, in the docket kept by him, the titles of all suits and prosecutions commenced or prosecuted before him, and all the proceedings and the judgment rendered in every such cause, and the items of all costs taxed or allowed therein; and also the amounts and dates of payment of all fines, penalties and forfeitures, moneys and costs received by him on account of any such suits or proceeding. Such docket shall be submitted by the Justice at all times to the examination of any person desiring to examine the same, and shall be produced by the Justice to the Commission whenever required.

Section 10. All fines, penalties, and forfeitures collected or received by any Justice of the Peace for or on account of violations of the penal laws of the state, shall be paid over by such Justice to the County Treasurer on or before the first Monday of the month next after the collection or receipt thereof. And the Justice shall take the receipt of the City Treasurer therefor and file with the same with the City Clerk.

Section 11. Every such Justice shall report, on oath to the Commission at the first regular meeting thereof in each month, the name of every person against whom a prosecution has been commenced, or judgment rendered for any of the fines, penalties, or forfeitures mentioned in the preceding section, and the amount of all moneys received by him on account thereof, or on account of any such suit or prosecution, the amount thereof paid to the City Treasurer since the last preceding report.

Section 12. All fines recovered for the violations of the penal laws of the state, when collected and paid into the city treasury shall be disposed of as provided by law. The expenses of prosecution before Justices of the Peace of the city for violation of said criminal laws and in punishing the offenders, shall be paid by the county in which the city is located.

Section 13. Each Justice of the Peace in addition to any other security required by law to be given for the performance of his official duties shall, before entering upon the duties of his office, give a bond to the city, in a penalty of One Thousand Dollars, with sufficient sureties to be approved by the Mayor, which approval shall be endorsed upon the bond, conditioned for the faithful performance of the duties of Justice of the Peace within and for the city.

Section 14. Any Justice of the Peace who shall be guilty of misconduct in office, or who shall wilfully neglect or refuse to perform or discharge any of the duties of his office required by this act or any of the ordinances of the city, shall be deemed guilty of a misdemeanor, and punishable accordingly, and may be suspended from office by the Commission during its pleasure.

Section 15. Every Justice of the Peace of the city shall account on oath to the Commission at its first meeting in each month, for all such moneys, goods, wares and property seized as stolen property, as shall then remain unclaimed in his office, and shall make such disposition thereof as shall be prescribed by the ordinance of the city.

Section 16. In the absence of the Recorder from the city, or whenever he shall be unable to perform the duties of his office, the Justice of the Peace elected under the provisions of this charter shall act in his place, and shall have and exercise all the powers and duties, and shall be subject to all the requirements conferred upon and required of said recorder by the provisions of this charter; and during the period of such service the compensation provided by law for the Recorder shall be paid instead to the said Justice.

Section 17. In case of vacancy in the office of Recorder, the Commission shall appoint some duly qualified person to fill such vacancy until the next regular city election. Any vacancy in the office of Justice of the Peace shall be filled for the unexpired term in the manner provided for filling vacancies in that office, by election at any general election or charter election held in the city, or at any special election held for that purpose in accordance with the provisions of the general laws of this state for filling vacancies in the office of Justice of the Peace.

CHAPTER XXI.

Finance and Taxation.

Section 1. The fiscal year of the city shall commence on the first day of January in each year.

Section 2. The Commission shall have authority, within the limits herein prescribed, to raise annually by taxation such sums of money as may be necessary to defray the expenses and pay the liabilities of the city, and to carry into effect the powers in this charter granted.

Section 3. The revenue raised by general taxation upon all property in the city, or by loan to be repaid by such tax, shall be divided into such and so many funds as the Commission may by ordinance or resolution determine.

Section 4. Revenues and moneys raised by taxation in any special assessment district in the city shall be divided into special assessment funds. The money raised by special assessment in any special assessment district for sewers, paving, repairs, or improvements of any kind, shall constitute a special fund for the purpose for which it was raised, and such fund shall be used for no other purpose whatever; provided, if there be a surplus after paying for such special improvement, it may be credited to some other fund, when it does not exceed ten per cent of the amount collected, as the Commission may determine, but if it exceeds such per cent it shall be returned to those from whom it was collected.

Section 5. The aggregate amount which the Commission may raise by general tax upon the taxable real and personal property in the city, for the purpose of defraying the general expenses and liabilities of the corporation, shall not exceed in any year one and one-half per cent of the assessed value of all real and personal property in the city.

Section 6. In addition to the above amount, the Commission may raise by special assessment, in a special assessment district, for the purpose of grading, paving, curbing and otherwise improving the streets, and for constructing sewers and drains, and building retaining walls upon or along any stream or water front and making other local improvements chargeable upon the lands and property in the dis-

trict, according to frontage or benefits, and for all other purposes for which the main sewer funds and special assessment funds are constituted, such sums as they shall deem necessary, but not exceeding in any year five per cent on the assessed value of the property in such special assessment district, as shown by the last preceding assessment rolls of the city.

Section 7. On or before the 31st day of December in each year, the City Clerk and General Manager (and for this purpose they shall be known as the Board of Estimates) shall furnish to the Commission estimates in writing of the probable expenses and liabilities to be incurred for the ensuing fiscal year, specifying in detail such probable expenditures, including a statement of the salaries of all city officers, the amounts necessary for the payment of all debts and interest to fall due, or lands to be acquired, or buildings to be erected or repaired, or bridges to be built, for paving or other improvements of the streets, for constructing sewers, for the support of the various departments, and for every other purpose for which in their opinion any money will be required to be paid from any of the several general funds of the city during the year; and also the estimated amount of revenue from all sources other than tax levy. The estimate thus made shall be styled "The Annual City Budget."

Section 8. The annual city budget provided for in the last section shall also contain a statement of the amount expended in each fund during the current year, together with the amount then on hand in each. It shall also contain a fairly concise statement showing the use to which all money is intended to be put, together with such recommendations as to them may seem best. The budget when completed shall be signed by the Board of Estimates and filed with the City Clerk.

Section 9. The Commission shall immediately on receipt of the same proceed to hold a public hearing on this budget; notice of which public hearing shall be given by two publications in some newspaper of general circulation in the city; the first of which notices shall be published at least fifteen days previous to said meeting, and ample opportunity shall be given for all citizens to be present and to participate in such hearing.

Section 10. The Commission shall, at its regular meeting in February of each year, take up and consider the Annual City Budget thus filed with the City Clerk, and shall pass an ordinance to be termed the Annual City Appropriation Bill. They shall take up the matter thus recommended by the Board of Estimates, and pass upon each item separately. They may include the amount asked for in such budget, or they may reduce the same when in their opinion the best interests of the city demand it, but they shall have no power to increase the amount thus designated.

Section 11. The annual appropriation bill mentioned in the last section shall make provision for and shall appropriate the several amounts required to defray the expenditures and liabilities of the

corporation for the next fiscal year, payable from the several funds as estimated and determined upon. The commission shall also at the same time determine what portion of any such item so mentioned in such appropriation bill it is desirable or necessary to raise by loan. Such determination shall be included in such appropriation bill whenever it is decided to raise any part of such money by loan, and the terms and amount of such loan shall be clearly specified and whether such loan shall be secured by bonds or otherwise. Whenever the amount of said Annual Appropriation bill shall exceed the tax limit provided for in section 5 of this chapter the commission shall submit the question of raising such additional amount, or any other portion thereof, to the electors of the city for their approval or rejection at the next election occurring in said city. The said commission may also in its discretion at any time when the total amount does not exceed the tax limit, provide that some portion of each annual appropriation bill may be provided for in the manner specified in section 29 of Chapter XXII. of this charter for special assessment. Whenever it shall be determined that the proposition to raise such additional amount shall be submitted to a vote of the electors, the commission shall pass a Resolution with Preamble clearly setting forth the reasons therefor, and distinctly state the purpose of the proposed expenditure, the amount to be raised therefor, the time when such loan shall be paid, the denomination of the bonds to be issued and the time when the proposition will be submitted to the electors. Such resolution shall be published daily in one of the newspapers of the city for at least two weeks before the day of election at which such vote is to be taken. All sums mentioned in said annual appropriation bill to be raised by tax or loan shall be plainly stated therein and so certified, and when received shall be paid into the several general funds of the city to which they belong.

Section 12. All sums ordered in the annual appropriation bill in any year to be raised for the several general funds, or for school, library and other purposes, and all sums ordered in said bill to be levied or assessed as special assessments, shall forthwith be certified by the City Clerk to the Assessor and shall be levied and collected upon the assessed valuation of all taxable property within the city.

Section 13. No improvement, work, repairs or expense, to be paid out of any general fund (excepting as herein otherwise provided), shall be ordered, commenced or contracted for, or incurred in any fiscal year, unless in pursuance of an appropriation specially made therefor in the last preceding annual appropriation bill; nor shall any expenditure be made or liability be incurred in any year, for any such work, improvement, repairs, or for any purpose, exceeding the appropriation for that purpose in said bill.

Section 14. The Commission shall have authority to raise money by loan in anticipation of the receipts from special or general assessments for the purpose of defraying the cost of the improvement for which the assessment was levied. Such loans shall not exceed the amount of the assessment for the completion of the whole work, nor

shall any such loan be negotiated and made, nor any indebtedness incurred, until after the special assessment has been determined and levied. The Commission is hereby authorized to pledge the credit of the city in support of any loan made under the provisions of this section.

Section 15. All moneys and taxes raised, loaned or appropriated for the purpose of any particular funds shall be paid into and credited to such fund, and shall be applied to the purpose for which said moneys were raised and received, and to none other. Moneys not received or appropriated for any particular fund shall be credited to the general fund, and moneys belonging to one fund shall not be transferred into any other fund.

Section 16. No money shall be drawn from the treasury, except in pursuance of the authority and appropriation of the Commission, and upon warrants of the Clerk, countersigned by the Mayor. Such warrant shall specify the fund from which it is payable, and shall be paid from no other fund.

Section 17. Neither the Commission nor any officer or employee of the city shall have authority to make any contract involving the expenditure of public money, or impose upon the city any liability to pay money, until a definite amount of money shall have been appropriated for the payment of all pecuniary liability of the city under such contract, or in consequence thereof to mature during the period covered by the contract and such contract, if made, shall be ab initio null and void as to the city; provided, first, that nothing herein contained shall prevent the Commission from providing for the payment of any expenses, the necessity of which is caused by any casualty, accident or public calamity arising after the passage of the annual appropriation ordinance; and second, that the provisions of this section shall not apply to or limit the authority conferred in relation to the bonded indebtedness.

Section 18. If during any fiscal year there shall arise some unforeseen emergency by which any bridge, street, sewer, or public highway shall become dangerous to the public health, convenience or welfare, or by which it shall become a public necessity to expend money on the repair of any public building to an amount exceeding the sum then on hand available for that purpose, the Commission shall so declare by resolution stating the circumstances which cause such conditions, which resolution shall thereupon declare an expenditure necessary for the public health, convenience or welfare, and shall spread such resolution at large upon its minutes. Upon the passage of the above resolution, but not otherwise, the Commission may borrow such sum, not exceeding \$1,000.00, as may be necessary to repair such damage or provide for such public health, convenience or welfare, which loan shall be included in the next annual budget, and, when collected, applied to the extinguishment of said debt; provided, however, that no new construction work shall be provided for in this manner. And in case a greater sum than \$1,000.00 shall be needed because of such emergency, then and in that case such further sum as may be needed

may in like manner be borrowed for such purpose, provided such action shall be approved by the electors of the city when submitted to them at a general or special election called for that purpose.

Section 19. In case of fire, flood or other calamity, the Commission may borrow for the relief of the inhabitants of said city, and for the preservation of municipal property, a sum not exceeding one-fourth of one per cent of the assessed value of all real and personal property in the city, such sum to be due and payable in not more than three years. For any such loans, lawfully made, the bonds of the city may be issued, bearing a rate of interest not exceeding five per cent. A record showing the dates, numbers and amounts of such loans or bonds shall be kept by the City Clerk.

Section 20. It shall be the duty of said Commission each and every year, so long as the city shall remain in debt, to include in the taxes levied, a sum not less than the amount of the bonds and interest coming due in said year.

Section 21. The Commission is hereby prohibited, except as herein otherwise provided, from borrowing any money, or authorizing the creation of any liability or indebtedness against the city, in any one year, exceeding in the aggregate the amount of one-half of one per cent of the assessed valuation of the property in said city; nor shall it be lawful for said city ever to create an indebtedness from time to time to exceed five per cent of the then assessed valuation of the property of the city. In case any sum or sums of money shall be borrowed by the Commission, the same shall be paid out of the sum raised by taxes for such year, if the payment is not otherwise provided for, and all sums of money borrowed by said city shall be applied to the purpose for which the sum was borrowed, and to no other purpose whatever.

Section 22. Immediately upon the close of the fiscal year the Commission shall audit and settle the accounts of the City Treasurer and other officers of the city, and the accounts also, so far as practicable, of all persons having claims against the city, or accounts with it not previously audited; and shall make a statement in detail of the receipts and expenditures of the corporation during the preceding year, which statement shall distinctly show the amount of all taxes raised for each fund, the amount levied by special assessment and amount collected on each, and the amount borrowed, and upon what time and terms and for what purpose; also the items and amounts received from all sources during the year, and the expenses thereof, classifying the expenditures for each purpose separately. Said statement shall also show the amount and items of all indebtedness outstanding against the city, and to whom payable, and upon what rate of interest; the amount of salary or compensation paid or payable to each officer of the city for the year, and such other information as shall be necessary to a full understanding of all the financial concerns of the city.

Section 23. Said statement, signed by the Mayor and City Clerk shall be filed in the office of the City Clerk, and a copy thereof published in one of the newspapers of the city.

Section 24. Every bond issued by the city shall be made payable within thirty years from the date of issue, and shall contain on its face a statement specifying the object for which the same is issued: and if issued for the purpose of raising money for any public improvement, the particular public improvement shall also be specified on the face of such bond. And it shall be unlawful for any officer of such city to sign or issue any such bond unless such matters are set forth on the face of the same, as aforesaid or to use such bonds, or proceeds from the sale thereof, for any other object than that mentioned on the face of such bond.

Section 25. An assessment of all property in the city shall be made annually by the City Assessor, and the property subject to taxation for municipal purposes shall be the same as for state, county and school purposes under the general tax law.

Section 26. On the first Monday in March of each year the City Assessor shall make and complete an assessment roll of the city, upon which he shall set down the name of every person liable to be taxed in the city, with a full description of all the real and personal property therein liable to be taxed; provided, that the description of personal property on said roll may be made by using the word "personal," except in cases where the general law requires the kind of personal property assessed to be designated upon the roll. In making said assessment roll, the City Assessor shall be governed by all the provisions of the general law for the assessment of property in townships. All personal property found in the city may be assessed therein, whether the owner thereof reside in the city or elsewhere.

Section 27. The Mayor and four Commissioners shall constitute a Board of Equalization and Review of the assessment roll of the city, and shall by virtue of their office be supervisors of the city, and as such represent the city upon the Board of Supervisors of the County of Wexford. A majority of the Board shall constitute a quorum for the transaction of business. They shall have power, and it shall be their duty to examine said assessment roll and they shall have authority to and shall correct any errors or deficiencies found therein, either as names, valuations or descriptions; and of their own motion, or on cause shown, may reduce or increase the valuation of any property, and shall add to said assessment roll any property in said city that may have been omitted, and shall value the same, and shall strike from said roll any property wrongfully thereon, and generally shall perfect said roll in any respect deemed necessary and proper; for which services they shall each receive three dollars per day while actually employed.

Section 28. The said board shall meet on the first Tuesday in April in each year, at the room of the Commission, at nine o'clock in the forenoon, notice of which meeting and the time and place of

holding the same shall be given by the City Clerk at least two weeks prior to the time of meeting by publishing a notice thereof in one or more of the newspapers of said city, and also by posting the same in three public places in said city, at which time and place the Assessor shall submit to said board the general assessment rolls. They shall select one of their number as chairman, and shall continue in session at least four days and not more than six days successively, and at least eight hours in each day, during said session; and any person or persons desiring to do so may examine his, her or their assessments on such roll and may show cause, if any exists, why the valuation thereof should be changed; and the said board shall forthwith consider and act upon such petition or request and decide the same, and their decision shall be final. They may examine on oath any person or persons touching the matter of his, her, or their assessment, and the chairman or any member of said board, may administer oaths. They shall keep a record of the proceedings and all changes made in said roll, and the amount added to or deducted from the total valuation shall be entered upon such record, which record shall be deposited with the City Clerk, who shall be Clerk of said board. The decision of a majority of all members of said board upon all questions shall govern. The roll as prepared by the Assessor shall stand as approved and adopted as the act of the Board of Review, except when changed as herein provided. Said Board shall have the same power and perform the same duties in all respects as Boards of Review in townships, in reviewing and correcting assessments made by Supervisors of townships, except as in this charter otherwise provided. After the said Board of Review shall have completed the revision of said roll, the City Clerk shall endorse and sign a statement upon the roll to the effect that the same is the general assessment roll for the city for the year in which it has been prepared, as approved by the Board of Review. Such statement may be in the following form, namely:

STATE OF MICHIGAN,
County of Wexford, ss.

I hereby certify that the Board of Review of the City of Cadillac, has reviewed, equalized and corrected the within assessment roll, and has deducted from (or added to, as the case may be).....dollars from (or to, as the case may be,) the valuation of the real estate made by the Assessor; and has determined the aggregate value of such real estate to be.....dollars, and the total value of the personal estate to be.....dollars for the year A. D.....

Dated.....

City Clerk.....

Upon the completion of such roll and its endorsement in manner aforesaid, it shall be returned to the Assessor, and shall be conclusively presumed by all courts and tribunals to be valid, and shall not be set aside, except for causes mentioned in the general laws of the

state relating to the assessment of property and the levy and collection of taxes thereon. The omission of such endorsement, however, shall not effect the validity of any such roll.

Section 29. After the confirmation of the assessment roll, and on or before the first Monday in May in each year, the City Clerk shall apportion the several taxes to be raised in said city, except school taxes, according and in proportion to the equalized valuation entered by the Board of Review in the assessment roll of the city. Such taxes shall be entered in separate columns with appropriate headings. The total of all taxes assessed against any one valuation or parcel of property shall be added and carried out in the last column upon the right hand side of such roll. The City Clerk shall carefully foot the several columns of valuation and taxes, and make a detailed statement thereof, and said Clerk shall immediately charge the amount of taxes to the City Treasurer.

Section 30. The City Clerk shall thereupon prepare a copy of said assessment roll with the taxes assessed as hereinbefore provided, and annex thereto a warrant signed by him, commanding the City Treasurer to collect the several sums mentioned in the last column of such roll on or before the thirty-first day of October next following, and deliver said tax roll and warrant to the City Treasurer on or before the first Monday in May. The said warrant shall authorize and command the Treasurer, in case any person named in the assessment roll shall neglect or refuse to pay his tax, to levy the same by distress and sale of goods and chattels of such person, and the said Treasurer shall have the same power and authority to enforce collection of said taxes, by seizure and sale of personal property, or by suit, as is conferred upon township treasurers by the general tax law. This roll shall be known as the "City Tax Roll," and shall be a duplicate copy of the assessment roll, prepared for school, state and county taxation after the same has been reviewed, but before the taxes have been spread thereon.

Section 31. Upon receiving such tax roll and warrant, the City Treasurer shall proceed to collect such taxes; and to receive payment of such taxes he shall remain in his office on all week days from nine o'clock a. m. to five o'clock p. m. from the second Monday in May to the first day of October in each year, and at such other times as the Commission may prescribe.

Section 32. The taxes so assessed on the "City Tax Roll," shall become due and payable on the second Monday in May, and shall be payable in the office of the City Treasurer from the second Monday in May to the second Monday in June without penalty; and shall be payable from the second Monday in June to the first day of July with the addition of one per cent penalty; and from July 1st to August 31st with two per cent penalty; and from September 1st to October 31st with three per cent penalty; and four per cent penalty shall be collected on all taxes remaining unpaid after October 31st, and shall be returned as delinquent after that date; provided, that for the first fiscal year under this charter, but not afterwards, the Commission

shall have the authority to extend the time of payment and grant further time for the collection of said taxes upon such terms as the Commission shall deem just and equitable.

Section 33. The City Treasurer shall give six days notice to the tax payers of the city that such rolls have been delivered to him, by publishing such notice in a daily newspaper published in said city, for the six secular days next preceding the second Monday in May, which notice shall be a sufficient demand for the payment of all taxes on said rolls, and that payment therein specified may be made to him at any time up to and including the second Monday in June without any collection fees therefor. Provided, that the failure to give the notice specified in this section for the payment of such tax shall not invalidate the said tax, nor release the persons assessed from the penalty herein specified.

Section 34. The taxes thus assessed shall become at once a debt to the city from the person to whom they are assessed, and the amounts assessed on any interest in real estate shall, on the second Monday in May, become a lien upon such real property, and the lien for such amount, and for all interest and charges thereon, shall continue until payment thereof; and all personal taxes shall also be a lien on all personal property of such person so assessed from and after the second Monday in May in each year and shall take precedence of any sale, assessment, chattel mortgage, levy, or other lien on such personal property executed or made after said second Monday in May, except where such property is actually sold in the regular course of trade.

Section 35. All such taxes shall be collected on or before the thirty-first day of October in each year, and all provisions of the general tax law in relation to the making of the assessment roll, and the levying, collecting and paying of said taxes, are hereby adopted so far as the same are applicable.

Section 36. If the City Treasurer shall be unable to collect any of the taxes on such roll assessed on real property before the thirty-first day of October in each year, he shall make a statement of the same, with a full and perfect description of such property with the taxes upon each parcel thereof, which statement shall be verified by his affidavit that such taxes remain unpaid, and that he has not upon diligent inquiry been able to secure any goods or chattels liable to pay such sum whereon he could levy the same; and he shall also make a statement showing the taxes upon personal property remaining unpaid, and the names of the persons against whom they are assessed, and the amount against each, which statement he shall verify by his affidavit that the amount so mentioned as uncollected remains unpaid, and that he has not been able after diligent inquiry to discover any goods or chattels belonging to the persons liable to pay such sum, whereon he could levy the same. He shall also make a statement showing the amount of all moneys collected by him on account of taxes on said roll, which statement shall be filed with the City Clerk. The Commission shall direct the City Clerk to assess in

the annual tax roll for state, county and school taxes all such delinquent taxes so returned, with a penalty of four cents on each dollar of the sum total of taxes assessed to each particular description of land or other property, and which penalty shall be carried out opposite to each particular description of land or other property in a column provided for that purpose, placing the aggregate sum of unpaid one mill library and general city taxes in the column headed "The Delinquent City Taxes;" and all unpaid special district assessments shall be placed in the column headed "Special Assessments;" and the aggregate sum thereof, including the four per cent penalty tax, shall be placed in the column headed "Total Delinquent City Taxes."

Section 37. The City Clerk shall keep the original assessment rolls in his office until the annual meeting of the Board of Supervisors of Wexford county, and he shall then present such rolls to said board which rolls shall be the assessment rolls of the city for all taxation purposes whatever, except the levying of taxes to be collected in the months of June, July, August, September and October as herein provided.

Section 38. On the first day of November the City Clerk shall apportion and spread upon the tax rolls all school, state and county taxes, certified to him by the Board of Supervisors, delinquent city taxes and such other taxes as are legally required to be spread on the rolls.

Section 39. Within thirty days after the first of November the City Clerk shall deliver a certified copy of the above mentioned assessment roll to the City Treasurer, to be filed in his office, to which roll shall be annexed a warrant signed by the City Clerk and directed to the Treasurer, in all respects as near as may be as warrants to Township Treasurers for the collection of state, county and township taxes.

Section 40. Upon receiving said tax roll as herein provided, the City Treasurer shall give notice to the tax payers of the city that such roll has been delivered to him, and that the taxes therein levied may be paid to him at his office any time from the first day of December up to and including the ninth day of January next ensuing, without any charge for collection, but that four per cent collection fee will be charged and collected upon all taxes remaining unpaid on said tenth day of January. Said notice shall be given by publishing the same six successive times in a daily newspaper published in said city. But any defect in said notice, or any omission to comply with the provisions of this section, shall not invalidate said tax roll, or any measure thereafter to be taken to enforce collection of the taxes thereon.

Section 41. The fees and penalties for the collection of all taxes provided for by this charter, or by the general laws of the state, shall belong to the City, and shall be paid by said City Treasurer into the city treasury at the end of each month.

Section 42. For the collection of all taxes remaining unpaid on the general tax roll on the tenth day of January, the City Treasurer shall proceed in the same manner as township treasurers are required by law to do for the collection of taxes in townships, and shall for that purpose have all the power and authority conferred by law upon township treasurers for such purposes. And it is hereby made mandatory upon the City Treasurer to exhaust all legal remedies for the collection of unpaid personal taxes before the return thereof.

Section 43. The said City Treasurer shall pay to the County Treasurer all moneys payable to him at the same time and in the same manner as is required of Township Treasurers by the general tax law, and he shall make return of delinquent taxes to the County Treasurer according to the general law of the state relating to Township Treasurers and said general law shall govern in all things relating to the levy and collection of taxes not herein otherwise provided for.

Section 44. If the City Treasurer shall be unable to collect any taxes on his roll assessed on real property, he shall make return thereof to the County Treasurer, and shall also make a statement showing the taxes upon personal property remaining unpaid in the same manner as is required of Township Treasurers by the general tax law.

Section 45. Should any amount be required in any year for the improvement of public grounds then owned by the City, or or general street improvement and to be paid for from the general funds of the City, but not authorized by the foregoing provisions of this chapter nor included in the last Annual City Budget, such amount may be raised by loan if authorized by a majority vote of the electors voting upon the questions at an Annual or Special election called for that purpose. The amount that may be voted or raised in any year under the provision of this section shall not exceed two percent of the assessed valuation of the property of the city as shown upon the preceding tax roll made therein.

Section 46. The proposition to raise such amount shall be submitted to a vote of the electors by an ordinance or resolution of the City Commission distinctly stating the purpose of the proposed expenditure and the amount proposed to be raised therefore. Such ordinance or resolution shall be passed by the Commission and published in one of the newspapers of the city, and copies thereof posted in five of the most public places in each voting precinct of the city at least two weeks before the election at which the vote is to be taken.

Section 47—No loan shall be made by the City Commission in any one year exceeding the amount prescribed in this chapter. For all loans lawfully made the bonds of the city may be issued bearing a legal rate of interest. A record showing the date, numbers and amounts of all bonds issued and when due shall be kept by the City Clerk. When deemed necessary by the City Commission the time of the payment of any bond issued under the foregoing provisions may be extended, and new bonds may be issued by the Commission in place of the former bonds falling due, in such a manner as merely to change,

but not to increase, the indebtedness of the City. Each bond shall show upon its face the class of indebtedness to which it belongs, and from what fund it is payable. When such bond is for the purpose of refunding any former bond without increasing the indebtedness of the City, such bond may be authorized by the City Commission, and executed by the Mayor and Clerk, without submitting the same to the electors of the City.

CHAPTER XXII.

Special Assessments.

Section 1. When, by the provisions of this charter, the cost and expense of any local or public improvement may be defrayed in whole or in part by special assessment upon the lands abutting upon, or adjacent thereto, or otherwise benefitted by the improvement, such assessment may be made as in this charter provided.

Section 2. The residents and the property owners upon any street or district desiring to have any public improvement made therein, whether the same is to be paid by special assessment or not, may petition therefore, and file such petition with the City Clerk. Upon the filing of such petition the City Clerk shall number it in its order for that year, make a record thereof, and then turn the same over to the General Manager. The General Manager shall thereupon investigate the subject, and if in his opinion the improvement is desirable, he shall include the same in the next appropriate annual budget for improvements.

BUDGET FOR SPECIAL IMPROVEMENT.

Section 3. On or before the first day of January in each year the General Manager shall prepare and present to the Commission a budget of all improvements proposed to be made during the ensuing year to be paid for in whole or in part by special assessment. This budget shall contain the following information:

1. Location and general description of each improvement.
2. Estimated cost of the same.
3. Method of financing.
4. Method of assessment, mode of payment, number of annual payments, and such other information as the Commission may require.
5. A schedule showing which of these improvements, in his opinion, it is most necessary to make, and the order in which they should be taken up.

Section 4. The Commission shall, immediately upon the receipt of such budget, make the same provision for a public hearing as is prescribed in case of general improvements, which hearing may be held at the same time as the hearing upon general improvements or

at a separate time, whichever shall be decided upon by the Commission; and like notice shall be given to the public of the time and place of such hearing as that prescribed for general improvements.

Section 5. If, at or previous to the public hearing mentioned in the last section in relation to any special assessment, and previous to the passage of the resolution hereinafter mentioned declaring the same a necessary public improvement, one-half of the owners in number, and at least fifty per cent of the assessed value of the property to be taxed for any such public improvement, shall remonstrate against the making of the same, and shall file such remonstrance against the making of such improvement with the City Clerk, the Commission shall drop said improvement from such special improvement budget for that year; and if, at or previous to the public hearing mentioned in the last section, and previous to the passage of the resolution hereinafter mentioned declaring the necessary public improvements for that year, but not afterwards, one-half the number of persons to be taxed for any public improvement shall file with the City Clerk a petition requesting that such improvement be made during the current year, then and in that case such improvement petitioned for shall be considered as part of the budget presented by the General Manager, and be dealt with accordingly.

Section 6. Immediately after such public hearing shall have been held, the Commission shall approve by resolution the whole of such budget or such portion thereof as to them shall seem best, and shall enter such resolution at large upon their minutes. Such resolution shall contain a statement that the Commission declares such improvement, in each case, a necessary public improvement, and shall therein state what portion of the expense thereof shall be paid by special assessment, and what part, if any, shall be appropriated from the general funds of the city, and shall in the same resolution designate the district of land and the premises upon which each special assessment shall be levied.

Section 7. The cost and expense of any improvement which may be defrayed by special assessment shall include the cost of construction only, and in no case shall the whole amount levied upon any lot or premises for any one improvement exceed 25 per cent of the value of such lot or land, as valued and assessed for state and county taxation in the last preceding tax roll. Any cost exceeding the per cent which would otherwise be chargeable upon such lot or premises shall be paid from the general funds of the city.

Section 8. Special assessments, to defray the estimated cost of any improvement, shall be levied before the making of the improvement.

Section 9. Whenever any special assessment is to be made according to a resolution of the Commission made in the manner prescribed in Section 6, the Commission shall direct such assessment to be made by the City Assessor against the premises or locality constituting the district to be assessed therefor. If there shall be included in

any special assessment district, lots belonging to the city, school buildings, other public buildings or public grounds not taxable, such part of the expense of such improvements as in the opinion of the Commission making the special assessment would be justly apportionable to such public grounds, buildings and city property, and to any interior square or places formed by the intersection of streets, were they taxable, shall be paid from the general fund, or from the proper street district fund, or partly from each, as the Commission shall determine to be just.

Section 10. Upon receiving such order the City Clerk shall at once make a transcript of that portion of the last annual assessment roll covering the property to be assessed, so far as the description of each parcel of land, the name of the owner, if known, and the valuation thereof is concerned, which transcript, when completed shall constitute the special assessment roll for that district. The City Assessor shall thereupon levy as a special assessment upon each lot or parcel of land in such special assessment roll, and against the person chargeable therewith, if known, the amount which such Assessor shall fix as his just proportion according to the benefit derived by him. In all cases where the ownership of any description is unknown to the Clerk, he shall in lieu of the name of the owner insert the word "Unknown;" and if, by mistake or otherwise, any person shall be improperly designated as the owner of any lot, parcel of land or premises, or if the same shall be assessed without the name of the owner, such assessment shall not for any such cause be vitiated, but shall, in all respects, be as valid a claim upon and against such lot, parcel of land or premises, as though assessed in the name of the proper owner, and when the assessment roll shall have been confirmed, be a lien upon such lot, parcel of land or premises, and be collected as in other cases.

Section 11. All special assessments for street improvements (except sidewalks and cement gutters, which shall be assessed according to frontage) shall be made according to benefits, and in estimating the benefit to any block because of the improvements of any street, adjacent thereto, one-half of such block shall be considered as included in the district benefitted thereby, but the proportion of such benefit to be paid by any lot, whether abutting upon such street or not, shall be determined in the first instance by the assessing officer at the time of making such roll, subject, however, to proper review as in this charter provided for special assessments.

Section 12. When any expense shall be incurred by the city upon or in respect to any separate or single lot, parcel of land, or premises which, by the provisions of this act, the Commission is authorized to charge and collect as a special assessment against the same, and not being of that class of special assessments required to be made pro rata upon several lots or parcels of land in an assessment district, the General Manager shall make an account of the labor or services for which such expense was incurred, verified by the officer or person performing the labor or services, with a description of the lot of premises upon or in respect to which the expense was incurred, and

the name of the owner or person chargeable therewith shall be reported to the Commission in such manner as they shall prescribe. The Commission shall thereupon determine what amount or part of every such expense shall be charged, and the person, if known, against whom, and the premises upon which the same shall be levied as a special assessment, and report the same to the City Clerk.

Section 13. The City Clerk shall thereupon file such report, together with the determination of the Commission, in his office, and at once present a bill thereof to the party charged therewith for payment. If such payment shall not be made before the time of making out the next annual city tax roll, then, and in that case, the City Clerk shall report that fact to the assessing officer, and he shall thereupon place such sum, with interest at the rate of seven per cent per annum from the date of rendering such bill, upon the next annual tax roll, in a column specially marked for that purpose, as a charge against the premises designated by the Commission in its original order; and the assessment and all taxes levied thereon shall thereafter be in all things governed by the general tax laws of the state and the provisions of this charter in relation to special assessment.

Section 14. Whenever any such special assessment roll shall have been completed by the City Assessor he shall report the same back to the Commission. Such report, together with the special assessment roll, shall thereupon remain on file in the City Clerk's office for ten full days open to public inspection. Any person having any objection to any portion of such roll may make objection thereto in writing and file the same with the City Clerk. If no objection shall be made within the said ten days the special assessment roll shall stand confirmed as of course, and the City Clerk shall certify the same accordingly and affix his warrant thereto for collection.

Section 15. If any objections shall be filed in the manner prescribed in the last section, the City Clerk shall report the same to the Commission at its next regular meeting. The Commission shall thereupon take up such objections and consider the same in connection with the said assessment roll, and make a final determination of the whole subject; and they shall thereupon direct the City Clerk to make any correction in such roll which to them may seem best, or they may refuse to make any change therein. In either case the Commission shall order the Clerk to certify the same as confirmed, and affix his warrant thereto for collection.

Section 16. All special assessments shall, from the date of confirmation thereof, constitute a lien upon the respective lots or parcels of land assessed, and shall be charged against the person to whom assessed until paid.

Section 17. Upon the confirmation of any special assessment, the amount thereof may be divided into not more than five installments, one of which shall be collected each year, at such times as the City Commission shall determine, with annual interest at a rate not

exceeding six per cent per annum; but the whole assessment after confirmation, may be paid to the City Treasurer at any time in full, with proportionate interest thereon.

Section 18. All special assessments, except such installments thereof as the City Commission shall make payable at a future time, as provided in the preceeding section, shall be due and payable on confirmation.

Section 19. If any special assessment be divided into installments, it shall not be necessary to make a special assessment roll for each installment, but the assessment on the original assessment roll shall be divided into installments, and each installment as the same becomes due, with the accrued interest upon all unpaid installments, shall be collected from said original assessment roll.

Section 20. Should any special assessment prove insufficient to pay for the improvement or work for which it was levied, and the expenses incident thereto, the City Commission may, with the limitations prescribed for such assessments, make an additional pro rata assessment to supply the deficiency; and in case a larger amount shall be collected than was necessary, the excess may be refunded ratably to those by whom it was paid in accordance with Section 4, Chapter XXI of this charter.

Section 21. Whenever any special assessment shall, in the opinion of the City Commission, 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 City Commission 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 re-assessment, and for the collection thereof, shall be conducted in the same manner as provided for the original assessment, and whenever any sum or part thereof, levied upon any premises in the assessment so set aside has been paid and not refunded, the payment so made shall be applied upon the re-assessment on said premises, and the re-assessment to that extent shall be deemed satisfied.

Section 22. No judgment or decree, nor any act of the City Commission vacating a special assessment, shall destroy or impair the lien of the city upon the premises assessed for such amount of the assessment as may be equitably charged against the same, lawfully assessed thereon.

Section 23. When any special assessment shall be confirmed, and be payable as hereinbefore provided, the City Clerk shall, within ten days thereafter, attach his warrant for the collection of said special assessment roll, therein commanding the City Treasurer to collect from each person the amount assessed to and set opposite his name therein, and in case any person named in said roll shall neglect or refuse to pay his assessment on demand, then to levy and collect the same by distress and sale of goods and chattels of such person; and return said roll and warrant, together with his doings thereon, within sixty days from date of warrant.

Section 24. Upon receiving said special assessment roll and warrant, the City Treasurer shall proceed to collect the amount assessed thereon. If any person shall neglect or refuse to pay his assessment on demand, the Treasurer shall seize and levy upon any personal property found within the city, or elsewhere within the county, belonging to such person, and sell the same at public auction, first giving six days' notice of the time and place of such sale by posting such notice in three of the most public places in the city or township where such property may be found. The proceeds of such sale, or so much thereof as may be necessary for that purpose, shall be applied to the payment of the assessment and a percentage of five per centum upon the amount of the assessment for the costs and expenses of said seizure and sale, and the surplus, if any, shall be paid to the person entitled thereto.

Section 25. The Treasurer shall make return of said assessment roll and warrant to the City Clerk, according to the requirements of the warrant; and if any of the assessments in said roll shall be returned unpaid, the Treasurer shall attach to his return a statement, verified by affidavit, containing a list of the persons delinquent, and a description of the lots and premises upon which the assessment remains unpaid, and the amount unpaid on each.

Section 26. Said warrant may be renewed from time to time by the City Clerk if the Commission shall so direct, and for such time as they shall determine, and during the time of such renewal the warrant shall have the same force, and the City Treasurer shall perform the same duties and make the like returns, as above provided. In case any assessment shall be finally returned by the City Treasurer unpaid as aforesaid, the same may be certified to by the City Clerk in the manner provided in Sections 29 and 36 of Chapter XXI of this charter, and shall then be re-assessed, with interest included at the rate of seven per cent per annum from the date of the confirmation of the assessment until the second Monday in May next, if the next roll be for the city taxes, payable the second Monday in next May, or until the first day of December if the next city tax roll be for general taxes payable December first, and then be collected in all respects as other taxes are collected.

Section 27. At any time after a special assessment has become payable, the same may be collected by suit, in the name of the city, against the persons assessed in an action of assumpsit, in any court having jurisdiction of the amount. In every such action a declaration upon the common counts for money paid shall be sufficient. The special assessment roll, and certified order or resolution confirming the same shall be prima facie evidence of the regularity of all the proceedings in making the assessment, and the right of the city to recover judgment therefor.

Section 28. If in any such action it shall appear that, by reason of any irregularities or informalities, the assessment has not been properly made against the defendant, or upon the lot or premises sought to be charged, the court may, nevertheless, on satisfactory

proof that expense has been incurred by the city, and that the same is a proper charge against the defendant, or the lot or premises in question, render judgment for the amount properly chargeable against such defendant, or upon such lot or premises.

Section 29. It shall be within the power of the Commission to direct and empower the Mayor and Clerk to issue and negotiate, for, and in behalf of the city, not exceeding five per cent annual interest notes, free of taxation, for the aggregate amount of any special assessment tax, the time for the payment of which has been extended beyond the year of the original warrant for their collection; such notes shall be made payable at the office of the City Treasurer, and shall fall due at such time as the Commission shall determine such tax can be collected; and the proceeds of such notes shall be deposited with the City Treasurer, and by him disbursed, on the order of the Commission, in payment of the cost and expense of the public improvement on account of which they have been issued, and for no other purpose whatever; and the proceeds of such extended tax, when collected, shall be used for the payment of said notes, and for no other purpose.

Section 30. The Commission shall also have power to provide for the construction, repair, and maintenance through the performance by contract, or directly by the employment of labor, of all things in the nature of local improvements, and to provide for the payment of any part of the cost of any such improvement by levying and collecting special assessments upon abutting, adjacent and contiguous or other specially benefitted property, but the amount assessed against any property to pay for such local improvements shall not exceed the amount provided in Section 7.

CHAPTER XXIII.

Sewers and Drains.

Section 1. The Commission shall continue the present sewer system of the city, and may in the future establish and maintain such additional sewer systems as they may deem necessary, and of such dimensions and materials and under such regulations as they may deem proper for the drainage of the city; and private property, or the use thereof, may be taken therefor in the manner prescribed in this charter or in the statutes of the State of Michigan for the taking of such property for public use. But in all cases when the Commission shall find it practicable, such sewers and drains shall be constructed in public streets and grounds.

Section 2. Whenever it may become necessary in the opinion of the Commission to provide additional sewerage and drains for the city or for any part thereof, it shall be their duty to devise, or cause a plan of such sewerage or drainage to be devised, for all that part of the city to be affected thereby.

Section 3. Such plan shall, in the discretion of the Commission, be formed with a view to the division of the city into main sewer districts, each to include one or more main principal sewers, with the necessary branches and connections; the districts to be numbered and so arranged as to be as nearly independent of each other as may be. Plats and diagrams of such plans, when completed and adopted by the Commission, shall be filed in the office of the City Engineer.

Section 4. Main sewer districts may be subdivided into special sewer districts, in such manner that each special district shall include one or more lateral or branch sewers connecting with the main sewer; and such lands as, in the opinion of the Commission, will be benefitted by the construction thereof, may be formed of territory not included in any main sewer district.

Section 5. The Commission may, however, provide for main or trunk sewers without reference to sewer districts, and may direct the preparing of diagrams or plats thereof, which, when approved by the Commission shall be recorded in the office of the City Engineer, in the book of sewer records.

Section 6. The cost and expense of establishing and making any main or trunk sewer, constructed without reference to sewer districts, shall be paid from the general sewer fund, excepting such portion or portions thereof as the Commission shall deem to be of benefit to adjacent private property, which property shall be described and the benefits thereto determined, assessed and taxed in the manner as hereinafter provided. Such part as the Commission shall determine, being not less than one-sixth of the cost and expense of any main sewer district, or the cost of any lateral, branch or local sewer constructed within a special sewer district, shall be paid from the general sewer fund, and the remainder of such costs and expenses shall be defrayed by special assessment upon all the taxable lands and premises included within the main or special sewer district, as the case may be, in proportion to the estimated benefits accruing to each parcel respectively, from the construction of the sewer. Assessments according to the benefits, as aforesaid, shall be made without reference to any improvements or buildings upon the lands.

Section 7. When the Commission shall determine to construct any such district sewer, they shall so declare by resolution, designating the district, and describing by reference to the diagram and plat thereof mentioned in the preceding sections, the route and location, grade and dimensions of the sewer, and shall determine in the same resolution what part of the estimated expense of the sewer shall be paid from the general sewer fund, and what part shall be defrayed by special assessment according to benefits; and they shall cause such plat and diagram as adopted to be recorded in the office of the City Engineer, in the book of sewer records.

CHAPTER XXIV.

Franchises and Public Utilities.

Section 1. No franchise shall be granted by the city for a longer period than thirty years. No license shall be granted by the Commission for a longer term than one year.

Section 2. No franchise or grant (except licenses for the sale of intoxicating liquors), which is not revocable at the will of the Commission, shall be granted or become operative until the same shall have been referred to the people at a general or special election, and shall have received the approval of a majority of the electors voting thereon at such election.

Section 3. No persons, firm or corporation shall ever be granted any exclusive franchise, license, right or privilege whatever, and no franchise shall be renewed before one year prior to its expiration.

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

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

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

Section 7. No franchise, lease, or rights to use the streets or the public places or property of the city shall be granted by the city without fair compensation to the city therefor. Where the franchise, lease or grant fixes the rate of fare or the price of service rendered or commodity furnished by the grantee, such rate of fare or price of service or commodity furnished shall be subject to review and change at the end of every ten year period during the life of said franchise in such manner and form as in said franchise shall be provided. No such compensation by any such grantee shall ever be in lieu of any lawful taxation upon its property, or of any license or charges which are not levied on account of such use.

Section 8. The Commission shall, by ordinance, provide for efficient inspection and regulation of all public utilities operated in the city, and to that end shall provide means for the inspection of the quality and pressure of the gas furnished to consumers, the candle power, voltage and insulation of electric wires, heat and power furnished the city and its inhabitants, and the inspection and installation of meters for registering the consumption of any commodity sold by any grantee operating under any franchise grant or license from the city of Cadillac or the state of Michigan, it being the intention of this section to provide means for securing to the city efficient service from all public utilities operated in the city, and the proper observance by such operators of the conditions imposed by their respective franchises, and by the ordinances of the city and the laws of the state.

CHAPTER XXV.

Board of Education.

Section 1. The City of Cadillac under this charter shall constitute a single school district. Such school district shall be a body corporate by the name and style of "The Public Schools of the City of Cadillac," and shall possess all the usual powers of school districts under the general laws of the state.

Section 2. The public schools of the city shall be under the control of a Board of Education consisting of the Mayor and four members, who shall be elected in the manner herein provided.

Section 3. The members of the Board of Education shall be elected by the voters of the whole city qualified to cast a ballot for school officers by the general laws of the state; provided, however, that no person shall be deemed eligible to this office, unless his name appear upon the then assessment roll of the city, and he be the owner in his own right of the property so assessed against him.

Section 4. The election for members of the Board of Education shall be held at the same time and place, and conducted in the same manner, and by the same officers in charge, as other regular charter elections, but the officers in charge of such elections shall prepare a separate ballot box to receive all ballots cast for members of the Board of Education, and no other officer shall be voted for on such ballot.

Section 5. The City Clerk shall be clerk of the Board of Education, and shall perform such duties as may be required by the board. He shall be the purchasing agent for the Board, in accordance with Chapter XII of this charter. The Board of Education shall have full charge and control of all matters pertaining to the conduct of all public schools within said city, and shall exercise such powers, and perform such duties, with respect thereto as may be conferred or im-

posed upon them by law or by ordinance of the city. The Board shall elect from among its members a President and Vice-President, and during the absence or disability of the President, the Vice-President shall perform his duties and exercise his functions, except as otherwise in this charter expressly provided. The President shall preside over all the meetings of the Board, and exercise such other powers, and perform such other duties with respect to the business of the schools of the city, as are conferred or imposed upon the President of the Board of Education by law or by any ordinance of the city. The Board shall make, establish and enforce all necessary and proper rules and regulations for the government and progress of the public schools of the city, for the investigation of charges against any person in the employ of the department, and for carrying into effect all laws and ordinances pertaining to the public schools; and shall adopt and enforce an efficiency system, and shall make all rules and regulations necessary to carry the same into effect. The Board shall hold regular meetings at least once in each month, and at such times as shall be determined by its rules. Special meetings may be called at any time by the President or any three members of the Board; provided, however, that notice of such special meeting shall be personally served upon each member of the Board, unless he be absent from the city, not less than twelve hours prior to such meetings. Three members of the Board shall constitute a quorum for the transaction of business, but the affirmative vote of three members shall be necessary to pass or adopt any measure or to transact any other business affecting the public schools of the city.

Section 6. The Board shall determine the rules of its proceedings; provided, however, that the yeas and nays shall be taken on all questions and be entered on the records of the Board. All meetings of the Board shall be open to the public, and its records shall be open to public inspection.

Section 7. Any member or officer of the Board of Education who shall, while in office, unlawfully or corruptly accept any donation or gratuity in money, or any valuable thing, either directly or indirectly, from or in behalf of any teacher, or candidate or applicant for a position as teacher, upon any pretense whatever, shall be guilty of malfeasance; and any member of the Board of Education, officer or other persons connected with the school department, or drawing a salary from the Board of Education, who shall unlawfully or corruptly gain any advantage or benefit from any contract, payments under which are to be made, in whole or in part, from the Public School fund, or from moneys raised from taxation or otherwise for the support of the public schools, shall be guilty of malfeasance.

Section 8. In case of disaster from fire, flood, wind, riot, earthquake, or public enemy, the Board of Education may incur extraordinary expenditures in excess of the annual limit provided by law and in this charter for the repair, construction, and furnishings of school houses; and the City Commission may, by ordinance, cause to be transferred to the school fund, from any moneys in any other fund

not otherwise appropriated, sufficient moneys to liquidate such extraordinary expenditures.

Section 9. Whenever necessary the Board of Education shall elect a Superintendent of Schools, and such other assistants, teachers, clerks, janitors and employes as may be necessary, prescribe their duties, and fix and order paid their compensation.

Section 10. The Board shall also make and deliver to the City Clerk, annually, in the month of September, an estimate and report of the amounts necessary to be raised in addition to other school funds for the entire support of the public schools, including fuel, pay of teachers, repairs and other incidental expenses, and the payment of interest and indebtedness falling due, and for the purchase of grounds and the construction of school buildings, and for all purposes of expenditures which the Board is authorized or required to make during the ensuing year, specifying the different objects of expense as particularly as may be; which estimate shall be styled "The Annual School Budget."

Section 11. Upon the filing of such annual school budget the Commission may approve thereof and cause the same to be raised by tax as hereinafter provided. If the Commission shall so desire, it may appoint a time and place where it will meet with the said School Board to discuss such school budget. They shall at such meeting take up the matters contained in the school budget and pass upon each item separately. They may include the amount asked for in such budget, or may reduce the same when in their opinion the best interests of the city demand it, but they shall have no power to increase the amount thus designated.

Section 12. All sums thus ordered to be raised for school purposes shall be certified by the City Clerk to the Board of Supervisors on or before the second Monday in October of each year. All sums ordered by said Commission to be levied shall be certified to said Board, and shall be levied and collected in the same manner as state and county taxes are to be levied in this city.

Section 13. The Board shall cause a census to be taken annually of all children between the ages of five and twenty years, residing in the district, within the time and in the manner required by law, and report the same, and make and transmit all other necessary reports to the proper officers, as designated by law, in order that the district may receive its share of the primary school funds and library moneys. For the purpose of distribution of the primary school funds and moneys collected from fines and penalties, the city shall be considered the same as a township; and said Board shall be entitled to receive from the County Treasurer or other officer, for the use of the public schools, all moneys appropriated or apportioned to the city for primary schools and district libraries.

Section 14. The said Board shall also, in the month of July, in each year, make and publish a statement of all the receipts and expenditures of the district for the preceding year, showing the items

thereof, and the sources of income, the amount of salaries paid to officers, teachers and employes, and to whom paid, the obligations incurred during the year, and the amount of indebtedness outstanding and to whom payable; and also the officers, teachers and employes engaged for the ensuing year, and the amounts payable to each, and such other general information concerning the schools and school property that said Board may deem of interest to the people of the city.

CHAPTER XXVI.

Public Library.

Section 1. The public library now owned by the City of Cadillac shall be and remain the property of the municipal corporation hereby formed and shall continue to be managed as at present by a Library Board; except that the Commission may reduce the number of members comprising such Board to such number, not less than three, as they may deem best.

Section 2. It shall be the duty of the Library Board to make and file with the City Clerk, annually, on or before the third Monday in September, an estimate and report of the amounts necessary to be raised for the entire support and maintenance of the said library including fuel, pay of Librarian, repairs, additions, incidental expenses, and improvements and extensions considered necessary and desirable, specifying the different objects of expense as particularly as may be. Upon the filing of such report, it shall be the duty of the Commission to examine the same, and if it meets with its approval, to cause the same to be raised by tax upon the taxable property of the city. The said Commission may include the amount asked for in such report, or it may reduce the same when, in its opinion, the best interests of the city demand it, but it shall have no power to increase the amount thus asked for; provided, that no less than twenty-five hundred dollars shall be raised in any one year for the support of the library.

Section 3. In all things not herein specified said Board shall be governed by Act No. 164 of the Public Acts of 1877, and all amendments thereto, relating to free public library and reading room.

CHAPTER XXVII.

Vacancy.

Section 1. A vacancy shall exist in any elective office when an elected officer fails to qualify within the time required by this Charter, dies, resigns, is removed from office, removes from the city, or from the ward from which he was elected, absents himself contin-

uously therefrom for more than ninety days, or is convicted of a felony.

SCHEDULE.

That no inconvenience may arise from changes in the charter of the city of Cadillac, and in order to carry the same into complete operation, it is hereby declared:

Section 1. All proceedings relative to the assessment of taxes provided for in this charter to be taken during the winter of 1913-1914, and the collection of taxes during the summer of 1914, shall not be operative; but, as the money provided for the necessary expense of running the city for that year has already been raised, the provisions of the present charter shall govern in relation thereto except when the provisions of this charter may be made applicable.

Section 2. All officers and employes of the city shall continue to perform the same service as at present, until relieved therefrom by some person duly appointed to succeed them in office or to perform the work which they have heretofore done; except that the justices of the peace now in office shall continue until their several terms expire, at which time they shall deliver their docket and all books and papers pertaining to said office to the City Clerk and thereafter the Justice of the Peace elected under this charter shall be considered as their successor in office for the purpose of enforcing any judgment therein.

Section 3. Upon the first election held under the provisions of this charter the Commissioner from the first and third election precincts shall be chosen for a term of two years only, and two members of the school board shall in like manner be chosen for a term of two years only, and the Justice of the Peace first elected shall also be chosen for two years; and thereafter the provisions of this charter shall apply to all officers of the city alike.

Section 4. All contracts entered into by the city or for its benefit prior to the taking effect of this charter shall continue in full force and effect. All public work begun prior to the taking effect of this charter may be continued and perfected hereunder. Public improvements for which legislative steps shall have been taken under the laws in force at the time this charter takes effect may be carried to completion in accordance with the provisions of such laws.

Section 5. All ordinances and resolutions in force at the time of the taking effect of this charter, not inconsistent with its provisions, shall continue in force until amended or repealed.

Section 6. For the purpose of nominating and electing officers and exercising the powers of the city as provided herein, this charter shall take effect from the time of its approval by the electors of the city. For the purpose of establishing departments, divisions and offices, and distributing the functions thereof, and for all other purposes it shall take effect on the first day of March, 1914.

Section 7. This charter shall be submitted to the electors of the city of Cadillac, Michigan, for their approval or rejection on the second Tuesday of December, 1913; provided that said charter shall be published in the Cadillac Evening News, a newspaper published and circulated in said city, at least twenty days prior to said date of submission.

Section 8. If this charter shall be approved, the first election under its provisions shall be held on the second Tuesday of February, 1914, and the persons elected to the various offices at that election shall qualify on or before the first day of March, 1914, and on that day they shall take office and the provisions of this charter shall be in full force and effect.

October 28th, 1913.

By Commissioner Sawyer:

Resolved, That the charter commission of the City of Cadillac, Michigan, does hereby adopt the foregoing proposed charter and the Clerk is hereby instructed to transmit the same to the Governor of the State of Michigan, in accordance with the provisions of the statute, for his approval.

The above Resolution was presented at a regular meeting of the charter commission held at the Council Room in Cadillac on the 28th day of October, 1913, and was seconded by Commissioner Reiser.

The vote on the adoption of the same was as follows:

Ayes—Commissioners Gaffney, Reiser, Sawyer, VanVranken, Willman, Wilcox.

Nays—None.

GEORGE JOHNSTON,

City Clerk and Clerk of the Cadillac Charter Commission,
Countersigned by the following Commissioners.

JOHN P. WILCOX,
JOHN W. REISER,
JOHN A. WILLMAN,
EUGENE F. SAWYER,
FRANCIS O. GAFFNEY,
GEORGE D. VANVRANKEN,
CHARLES THOMPSON.

(Seal)

Approved: Lansing, Michigan, Nov. 3, 1913.

WOODBRIDGE N. FERRIS,
Governor of the State of Michigan.

Received from Governor W. N. Ferris and filed in the City Clerk's office of the City of Cadillac this 7th day of November, 1913.

GEORGE JOHNSTON,
City Clerk.

Revised to September 1, 1937.

H. L. WORDEN, City Clerk.

INDEX TO CHARTER SUBJECTS.

	Chap.	Page
Appointments	10	15
Ballots	5	7
Board of Education	25	50
Board of Registration	3	4
Boundaries	1	3
Cemeteries	17	23
City Assessor	15	22
City Clerk	12	18
City Treasurer	13	21
Commission	19	24
Drains	23	47
Elections	4	5
Finance and Taxation	21	30
Franchises	24	49
General Manager	11	15
Initiative	7	11
Justice of the Peace	20	27
Legal Department	14	22
Liabilities	2	3
Library	26	53
Nominations	5	5
Ordinances	9	13
Petitions	5	6
Pounds	16	23
Public Health	18	23
Public Utilities	24	49
Recall	6	9
Recorder's Court	20	26
Referendum	8	12
Registration	3	4
Rights and Liabilities	2	3
Schedule	27	53
Sewers	23	47
Special Assessments	22	41
Vacancies	27	53