

**Charter  
of the  
City of Hartford  
County of Van Buren  
State of Michigan**

Approved by the Electors November 5, 1991  
Effective January 1, 1992

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# Charter of the City of Hartford

August 13, 1990

## PREAMBLE

We the people of the City of Hartford, Michigan, pursuant to the authority of the Constitution and Laws of the State of Michigan, in order to promote our common welfare and to obtain the benefits of local self-government, do adopt the following Charter:

## CHAPTER I

### MUNICIPAL POWERS

#### GENERAL POWERS OF THE CITY

##### Section 1.1

The inhabitants of the City of Hartford, Michigan, as its limits now are, or hereafter may be established, shall continue to be a body politic and corporate, to be known as the "City of Hartford". And as such shall have and may exercise all power in the management and control of municipal property and in the administration of the control of municipal property and in the administration of the municipal government which now are, or hereafter may be conferred upon, or reserved to cities under the Constitution and Laws of the State as fully and completely as though said power were specifically enumerated herein, and no enumeration of particular powers by this charter shall be held to be exclusive.

#### EXERCISE OF POWERS

##### Section 1.2

Where no procedure is set forth in this charter for the exercise of any power granted to or possessed by the City and its officers, resort may be had to any procedure set forth in any statute of the State of Michigan. If alternate procedures are to be found in different statutes, then the City Commission shall select that procedure which it deems most expeditious and to the best advantage of the City and its inhabitants. Where no procedures for the exercise of any power of the City is set forth, either in this charter or in any statute of the State of Michigan, the City Commission may prescribe by ordinance or resolution a reasonable procedure for the exercise thereof.

#### CONSTRUCTION

##### Section 1.3

The Powers of the City under this charter shall be construed liberally in favor of the City, and the specific mention of particular powers herein shall not be construed as limiting in any way the general powers stated herein.

INTERGOVERNMENTAL RELATIONS

Section 1.4

The City may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any one or more governmental entities, division, or agencies thereof or any Quasi Governmental agency the exercise of which powers and functions are deemed in the best interests of the residents of the City of Hartford.

**CHAPTER II**

**BOUNDARIES**

CITY BOUNDARIES

Section 2.1

The real property set forth herein shall constitute the City of Hartford and be subject to municipal control thereof unless detached there from or added thereto as provided by law as follows:

Commencing at the North one-quarter point of Section 16, Township 3 South, Range 16 West, Van Buren County, Michigan; thence east along the North line of Section 16 and the North line of Section 15; thence South along the North South centerline of Section 15 to the South one-quarter point of Section 15; thence West on the South line of Section 15 to the Southwest corner of Section 15; thence West along the south line of Section 16 to the South one-quarter point of Section 16; thence North along the North South center line of Section 16 to beginning.

**CHAPTER III**

**CITY COMMISSION**

GENERAL POWERS AND DUTIES

Section 3.1

All powers of the City shall be vested in the commission, except as otherwise provided by law or this charter and the commission shall provide for the exercise and performance of all duties and obligations imposed on the City by law.

STRUCTURE OF CITY COMMISSION

Section 3.2

The City Commission shall consist of one (1) Mayor and six (6) Council members elected by the qualified voters of the City at large. At the first regular City Commission

meeting held more than fourteen (14) days after a regular election, the City Commission shall elect one of its members as Mayor Pro-Tem to serve a one-year term. The Mayor shall be elected from the City at large at the General City Election in every odd-numbered year. The term is for two (2) years.

WRITTEN JOURNAL OF PROCEEDINGS

Section 3.3

The City Clerk shall keep a written or printed journal in the English language of each session of the City Commission.

QUALIFICATIONS

Section 3.4

Each City Commissioner must be a duly registered elector in the City and shall have been a resident of the City for not less than one (1) year immediately prior to being elected. Any dispute as to eligibility shall be resolved by the majority of the City Commissioners.

TERM OF OFFICE

Section 3.5

Each City Commissioner shall serve a term of two (2) years.

OATH OF OFFICE

Section 3.6

At the first regular City Commission meeting held more than fourteen (14) days after an election, the City Commission shall meet at the usual place and time for the holding of meetings of the City Commission, at which time newly elected commissioners shall take and subscribe to the Oath of Office prescribed by the State Constitution, which shall be filed and kept in the Office of the Clerk, and at which time the newly elected Commissioners shall assume the duties of their office.

MAYOR

Section 3.7

The Mayor shall be the executive head of the City, shall preside at all meetings of the City Commission and shall authenticate by signature such instruments as may be required by law or the Charter. The Mayor shall exercise all powers conferred by Laws of the State of Michigan, this Charter, City Ordinance or Resolution. The Mayor shall have a voice and vote in all proceedings but shall have no veto power. The Mayor may represent the City in all matters required by this Charter or by majority vote of the City Commission.

MAYOR PRO-TEM

Section 3.8

The Mayor Pro-Tem shall act in the place and stead of the Mayor then the Mayor is absent and may perform any and all such other duties as allowed by Law, this Charter, City Ordinance or Resolution.

RESTRICTION UPON COMMISSION

Section 3.9

- A. Except where authorized by law, no Commissioner shall hold any other City Office or City Employment, except as a noncompensated volunteer, during the Commissioner's term of office. No former Commissioner shall hold any compensated or appointed City Office or City employment until one (1) year after the expiration of the Commissioner's term of office.
- B. The Commission and its members shall deal with City Officers, employees and volunteers, who are subject to the direction and supervision of the City Manager, solely through the City Manager and neither the Commission nor its members shall give orders to a City Officer, employee or volunteer publicly or privately.
- C. Neither the Commission nor its members shall in any manner dictate the appointment or removal of any City Officer, employee or volunteer whom the City Manager is empowered to appoint or remove, but the commission may express its views and fully and freely discuss with the City Manager the appointment or removal of City Officers, employees or volunteers.
- D. No city Commissioner shall vote on any matter in which a relative of the Commissioner, by blood or marriage within the second degree of consanguinity or affinity, has a financial interest, directly or indirectly.
- E. The City Commission shall not abolish the following departments or utilities without a majority vote of the electors:
  - 1. Police Department
  - 2. Fire Department
  - 3. Public Works Department
  - 4. Office of City Manager

SALARIES

Section 3.10

The salary of each Commissioner, including the City Manager, Mayor, and Mayor Pro-Tem shall be set by the City Commission.

VACANCIES IN OFFICE

Section 3.11

The office of any Commissioner or Mayor shall become vacant if, before the expiration of the term of such office, any of the following events occur:

- A. A vacancy is created pursuant to law.

- B. Death.
- C. The effective date of a written resignation.
- D. Ceases to reside in the City of Hartford.
- E. Misses either four (4) consecutive regular meetings of the Commission or twenty-five percent (25) % of all meetings, regular or special, in any calendar year, unless said absences are excused by majority vote of the Commission and the reasons therefore entered in the proceedings of the Commission.
- F. After a finding of misconduct, misfeasance or malfeasance directly related to or connected with performance of official duties constituting willful or intentional neglect, gross negligence or failure to discharge the duties of the office. Such a finding shall be made by not less than 2/3 majority vote of the total membership of the Commission, after a due process hearing has been held with prior written notice of findings.

The Mayor shall be presiding officer at the hearing.

FILLING OF VACANCIES

Section 3.12

If a vacancy occurs, as set forth in Section 3.11, the vacancy shall be filled as follows:

- A. The remainder of that term of office shall be filled by the City Commission by majority vote within sixty (60) days.
- B. In the event three or more vacancies exist simultaneously, irrespective of when the next election is scheduled, a Special Election shall be held as soon as possible to fill all existing vacancies.

PROCEDURE

Section 3.13

The City Commission shall be governed by the following procedure unless otherwise established by law:

- A. Meetings. The City Commission shall meet at such time as may be prescribed by ordinance or resolution provided that there shall be a regular meeting not less than once (1) per month. Special meeting may be called at any time by the Mayor or by two (2) other Commissioners, and by giving each commissioner such notice as may be practicable or required by law. All meetings shall be open to the public, except as may be provided by law. Any person may address the Commission upon matters pending before it.
- B. Rules and Minutes. The Commission shall keep its own rules and order of business. Minutes shall be kept and be available upon request or as otherwise provided by law.
- C. Quorum. A majority of the Commissioners shall constitute a quorum for the transaction of business. In the absence of a quorum, the meeting shall be adjourned to the next regular scheduled meeting date. The Mayor shall be included in the quorum.

- D. Voting. An affirmative vote of a majority of commissioners in office and Mayor shall be necessary to adopt any Ordinance or Resolution or take any other action allowed by law or this Charter unless otherwise required by law. Voting on all Ordinances or Resolutions shall be by roll call and the yes and no's shall be recorded and entered upon the record.

## CHAPTER IV

### ADMINISTRATIVE OFFICIALS

#### APPOINTMENT OF ADMINISTRATIVE OFFICIALS

##### Section 4.1

- A. The City Commission, by majority vote, may establish such City Offices as it deems necessary for the efficient and proper transaction of city affairs, including but not limited to, City Manager, City Clerk, City Treasurer, City Assessor, City Attorney, City Accountant, Police Chief, Superintendent of Public Works and prescribe the function of all such offices, except that no function assigned by this Charter may be discontinued or assigned to an office other than as set forth herein.
- B. All offices shall be under the direction and supervision of the City Manager and shall be administered by an officer or officers appointed by and subject to the direction and supervision of the City Manager. With the consent of the City Commission, the City Manager may hold one (1) or more offices, as may be permitted by law and may appoint one (1) person to hold two or more offices.
- C. Except upon unanimous vote of the City Commission, relatives by blood or marriage of the City Manager or any Commissioner within the second degree of consanguinity or affinity may not be appointed to City office during the tenure of the City Manager or during the related Commissioner's term of office.

#### ADMINISTRATION OF THE CITY

##### Section 4.2

- A. The City Commission, by a majority vote of total membership, shall appoint a City Manager for an indefinite term and determine the City Manager's compensation.
- B. The City Manager shall be a qualified administrator with the education and experience commensurate with the position. He or she must be a citizen of the United States and of good moral character. During the City Manager's tenure, the City Manager shall reside in the City of Hartford. He may with approval of the Commission live outside the City of Hartford until relocation has been completed.

- C. The City Manager shall be the chief administrative officer of the City and shall have the following powers and duties:
- (1) Enforce and administer the City Charter and all City Ordinances, rules, resolutions and policies;
  - (2) Enforce and administer all city contracts and franchises;
  - (3) Supervise all public utilities, improvements, works, undertaking and finances of the city;
  - (4) Appoint, supervise, discipline and remove, if necessary, employees, representatives, agents or volunteers of the City except those elected or appointed by the City Commission pursuant to the City Charter.
  - (5) Attend all meetings of the City Commission, and take part therein, but without vote;
  - (6) Prepare, on or before the first regular meeting in May of each year, an annual itemized budget and keep the Commission fully advised as to the financial condition and needs of the City;
  - (7) Purchase all supplies, including insurance for the City, and approve all vouchers for the payment of same;
  - (8) Conduct all sales of personal property, which the City Commission may authorize to be sold as having become unnecessary, or unfit for City use.
  - (9) Recommend to the City, for adoption, such measures as are deemed necessary or expedient;
  - (10) Be a member ex-officio of all committees of the Commission.
  - (11) Be responsible to the City Commission for the efficient administration of all city departments and utilities;
  - (12) Be responsible to the City Commission for the proper discharge of all just obligations of the City;
  - (13) Perform, such other duties as the City Commission may direct that naturally pertain to the general management of City affairs, and execute and perform all administrative functions of the City that are not imposed upon some other official;
  - (14) Determine the compensation of all non-contractual hourly employees of the City.

CITY ATTORNEY

Section 4.3

The City Commission may appoint a City Attorney, or attorneys, and determine the City Attorney's compensation. The City Attorney shall serve at the pleasure of the City Commission.

REMOVAL OF CITY OFFICIALS

Section 4.4

Unless otherwise agreed to by express written contract, the City Manager shall serve at the pleasure of the City Commission. All other administrative officials not

specifically referred to herein and not subject to an express written contract, shall serve at the pleasure of the City and may be removed without cause by the City Manager.

## **CHAPTER V**

### **ELECTIONS**

#### NOMINATIONS BY PETITION

##### Section 5.1

A.

##### Odd number years

Any person desiring any elective office of the City shall file a petition with the City Clerk signed by no less than twenty (20) no more than forty (40) registered electors of the City. Said petition shall be filed not later than 4:00 p.m. on the 7<sup>th</sup> Tuesday prior to the date of a regular city election or in the case of a special election, within the time set by the City Commission.

##### Even number years

The due date for nominating petitions must be no later than the first Tuesday following the first Monday in August.

B. Blank petitions in substantially the same form as required by the laws of the State for State and County officers, except for references to political parties, shall be prepared and furnished by the City Clerk. Persons shall not sign their names to a greater number of petitions for a City office than there are offices to be filled at that election.

C. The City Clerk shall accept for filing only such petitions for qualified candidates as are on official petition forms and contain the required number of signatures. The City Clerk shall, within five days after the final filing date, determine the sufficiency of signatures on each petition filed and immediately notify in writing any candidates whose petition is found to be insufficient. Petitions which contain the required number of signatures for qualified candidates shall be marked "approved" with the date of approval placed thereon.

#### REGULAR ELECTIONS

##### Section 5.2

- A. A regular municipal election shall be held on the first Tuesday after the first Monday in November of every year.
- B. At the regular municipal election held in November of 1991 and every two (2) years thereafter, there shall be elected three (3) city Commissioners and one (1) Mayor, each having a term of two (2) years. At the regular municipal election held in November of 1992 and every two (2) years thereafter, there

shall be elected three (3) City Commissioners each having a term of Two (2) years. City Commissioners terms shall commence as provided by this charter. Commissioners shall serve for the term for which they are elected or until their successors are elected and have assumed office, unless a commissioner shall no longer possess the qualifications for office set forth in Chapter III herein, in which event there shall be deemed a vacancy in office.

WARDS AND PRECINCTS

Section 5.4

Unless and until otherwise provided for by Ordinance of Law the City shall consist of one voting ward and one precinct.

NON-PARTISAN

Section 5.5

Election to the City Commission and Mayor shall be by non-partisan ballot.

REGISTRATION

Section 5.6

Qualified electors in the City of Hartford shall register, except as to political parties, in accordance with the general election laws of this State.

ELECTION LAWS

Section 5.7

Unless otherwise set forth herein, elections in the City of Hartford shall be held in accordance with the general election laws of this State.

## **CHAPTER VI**

### **CITY LEGISLATION**

LEGISLATION LEGISLATIVE POWERS

Section 6.1

The City of Hartford shall have the power to regulate, control, prohibit, or provide for, by Ordinance or Resolution, such matters as may be allowed by law or this Charter for the purposes of preserving, protecting, or promoting the health safety and welfare of its residents

PRIOR LEGISLATION

Section 6.2

All Ordinances, Resolutions, rules, regulations and policies not inconsistent with the provisions of this Charter, and which are in force and effect at the time of adoption of this Charter shall continue in full force and effect until or unless repealed or amended.

LEGISLATIVE ENACTMENT

Section 6.3

All legislation of the City of Hartford shall be by ordinance or resolution of the City Commission. All acts or omissions carrying a penalty for the violation thereof shall be by ordinance. Each ordinance shall be in writing and numbered consecutively. The enacting clause of all ordinances shall be. "The City of Hartford Ordains". Excepting ordinances, which are declared by the Commission to be emergency ordinances, no ordinance shall be passed at the same commission meeting at which it was introduced. No ordinance shall be revised, altered or amended by reference to its title. An amendment or modification of an existing ordinance shall be made by majority vote of the City Commission and published in its entirety. All ordinances enacted shall be recorded by the Clerk and kept in an ordinance book.

PENALTIES

Section 6.4

Each ordinance shall contain penalty provisions for the violation thereof. Punishment for the violation of any ordinance of this charter shall not exceed a fine of five hundred (\$500.00) dollars, imprisonment for ninety (90) days or both, or the maximum allowed by law whichever is greater.

PUBLICATION OF ORDINANCES

Section 6.5

Each ordinance shall be published within fifteen (15) days after its adoption or as required by law. All ordinances shall become effective immediately upon publication thereof unless otherwise required by law.

TECHNICAL CODES

Section 6.6

Ordinances and codes of a technical nature may be enacted and published by reference in a manner allowed for by law.

COMPILATION

Section 6.7

Copies of all ordinances which are in effect, the charter and all amendments to the same shall be prepared and kept in the office of the City Clerk available for public distribution.

ORDINANCES INITIATION AND REFERENDUM

Section 6.8

An ordinance may be initiated or a referendum on an ordinance enacted by the commission may be had by petition as provided herein. A petition must be signed by not less than fifteen percent (15%) of the registered electors of the City, who have signed the petition within ninety (90) days of the date of filing the petition with the City Clerk. Each signature shall be accompanied by the signor's address and the date of signing. Each petition must be accompanied by a sworn affidavit of the circulator that each signature is the genuine signature of the person whose name it purports to be and that it was signed in the presence of the circulator. A petition shall be filed with the City Clerk who, within ten (10) days upon receipt of the petition, shall canvass the signatures to determine their sufficiency, any signatures obtained more than ninety (90) days before the filing of the petition shall not be counted. If the petition does not contain sufficient number of signatures or does not comply with the circulator and allow ten (10) days after notification for the filing of supplemental documents. If the deficiencies in the petition are not corrected within ten days from the date of notification, the Clerk shall return all the petitions to the circulator. If the deficiency is corrected within ten (1) days from the date of notification, the Clerk shall present the petition to the commission at its next regular meeting.

COMMISSION PROCEDURE

Section 6.9

Upon receipt of the petition from the City Clerk, the City Commission shall, within thirty (30) days, either:

- A. Adopt the ordinance as submitted;/or
- B. Repeal the ordinance, or a portion thereof, to which the petition refers; or
- C. Submit the petition to the electors pursuant to Section 6.10.

ORDINANCE PROPOSAL ELECTION

Section 6.10

Should the Commission submit the proposal to the Electors, it may be submitted at the regular or special election provided that the election is held no later than one hundred eighty (180) days from petition filing. Unless otherwise required by Law, the result shall be determined by majority vote of the electors voting in the election. Should two (2) or more ordinances adopted at the same election have conflicting provisions, only the one receiving the highest vote shall be deemed adopted. An ordinance adopted by the electorate as a result of petition may not be amended or repealed by the commission for a period of two years after its effective date.

INTERIM SUSPENSION

Section 6.11

A petition to repeal an ordinance or portion thereof certified by the Clerk to be sufficient and proper shall automatically suspend the operation of the ordinance until repealed by the commission or determination by election.

## CHAPTER VII

### GENERAL FINANCE

#### FISCAL YEAR

##### Section 7.1

The fiscal year of the City shall begin on the first day of July and end on the 30<sup>th</sup> day of June each year.

#### PRESENT FISCAL YEAR EXTENDED

##### Section 7.2

The present fiscal year for the City beginning January 1, 1991, and ending on December 31, 1991, shall be extended to June 30, 1992.

#### UNIFORM BUDGET AND ACCOUNTING

##### Section 7.3

The budgeting and accounting systems of the City shall comply with a uniform system of municipal budgeting and accounting required by law.

#### PRESENTATION OF BUDGET DOCUMENT

##### Section 7.4

The City Manager shall present the budget document to the City Commission at or before its first meeting in April of each year.

#### BUDGET DOCUMENTS

##### Section 7.5

The budget document shall present a complete financial plan for the ensuing fiscal year. It shall include at least the following information:

- A. Detailed estimates of all proposed expenditures for each department and office of the City showing the expenditures for corresponding items for the current and last preceding fiscal year, with reason for increases and decreases recommended, as compared with appropriations for the current year;
- B. An estimate of all capital projects pending or which the City Manager believes should be undertaken (within the budget year and within the next four (4) succeeding years)
- C. Statements of bonded and other indebtedness of the city, showing the debt redemption and interest requirements, the debt authorized and unissued and the conditions of sinking funds, if any;
- D. Detailed statements of estimates of all anticipated income to the city from taxes and sources other than current taxes and borrowing, compared with the amounts received by the city from each of the same or similar sources for the previous fiscal year;

- E. A statement of the estimated unencumbered balances or deficits at the end of the fiscal year;
- F. An estimate of the amount of money to be raised from current and delinquent taxes and the amount to be raised from bond issues which together with income from other sources will be necessary to meet the proposed expenditures;
- G. Such other supporting schedules as the city commission or state law may require.

BUDGET HEARING

Section 7.6

Before the final adoption of the budget, a public hearing shall be held on the proposed budget with notice of that hearing to be published in a newspaper of general circulation at least six days prior to the hearing. The notice shall include the time and place of the hearing and the location of a copy of the proposed budget for prior inspection by the public.

ADOPTION

Section 7.7

The commission shall not later than the first day of June, adopt by resolution a budget for the ensuing fiscal year and make appropriations for that purpose. Appropriations may only be made for purposes allowed for by law or this charter and may include, but not be limited to, governmental purposes and public or private non-profit institutions engaged in civic, artistic or cultural activities within the city. The commission shall set by resolution the amount necessary to be raised by property taxes, which amount shall not be greater than the amount permitted by law.

TRANSFER OF FUNDS

Section 7.8

After the budget has been adopted, no money shall be drawn from the treasury of the city, nor shall any obligation for the expenditure of money be incurred except pursuant to the budget appropriation. The commission may authorize transfer of money to any unencumbered appropriation, balance or any portion thereof from one department, fund or agency to another during the fiscal year. The balance of any appropriation which has not been expended at the end of the fiscal year may be reapportioned during the fiscal year as determined by the commission.

BUDGET CONTROL

Section 7.9

At the beginning of each quarter during the fiscal year and more often if required by the city commission the city manager shall submit to the data showing the relation between the estimated and actual income and expenses to date; and if it shall appear that the income is less than anticipated the commission may reduce appropriations, except any amounts required for debt and interest charges to such degree as may be necessary to

keep expenditures within income and designated reserves. If the revenues exceed the amounts estimated in the budget the commission may make supplemental appropriations.

DEPOSITORY

Section 7.10

The commission shall designate the depository or depositories for city monies and shall provide for the regular deposit of all city monies. The commission shall require the maximum security for city deposits as may be authorized by law, except that personal surety bonds shall not be deemed proper security.

INDEPENDENT AUDIT

Section 7.11

An independent audit shall be made of all city accounts at least annually and more frequently if deemed necessary by the commission. Such audit shall be made by an independent accountant and shall comply with generally accepted auditing standards. The commission may secure such additional independent audits as it deems necessary or advisable.

## **CHAPTER VIII**

### **BORROWING**

BORROWING AUTHORITY

Section 8.1

Subject to law and this charter, the commission may, by ordinance or resolution, authorize the borrowing of money for any purpose within the scope of powers vested in the city and permitted by law and may authorize the issuance of bonds or other evidences of indebtedness which shall include, but not be limited to the following types:

- a. General obligation bonds which pledge the full faith, credit and resources of the city for repayment thereof.
- b. Notes in anticipation of collection of taxes provided the proceeds of such notes be spent only in accordance with the appropriations as provided by section 7.7.
- c. In the case of fire, flood or other calamity, the city commission may borrow for the relief of the inhabitants of the city and for the preservation of municipal property a sum not to exceed three-eighths ( $3/8$ ) of one (1) percent of the assessed value of all real and personal property in the city due in not more than five (5) years.
- d. Special assessment bonds in anticipation of the payment of special assessments made of the purpose of paying for cost of any public improvement.
- e. Mortgage bonds for the acquiring, owning, purchasing, construction, improving or operation of any public utility.
- f. Bonds for the refunding of the indebtedness of the city.

- g. Revenue bonds authorized by law which are secured only by the revenues from a public improvement or public utility and do not constitute a general obligation of the city.
- h. Bonds in anticipation of future payments from the motor vehicle highway fund or any other fund of the state as permitted by law.

PREPARATION OF RECORD OF BONDS

Section 8.2

Each bond or other evidence of indebtedness shall contain on its face a statement specifying the purpose for which it is issued. It shall be unlawful for any officer of the city to use the proceeds there from for any other purpose. Any officer who violates this provision shall be guilty of a misdemeanor. All bonds or other evidences of indebtedness shall bear the signature of the mayor and city clerk under seal of the city. A complete and detailed record of all bonds and other evidences of indebtedness issued by the city shall be kept by the city clerk or other designee(s).

INSTALLMENT PURCHASES

Section 8.3

The city commission may authorize and enter into any installment contract or agreement for the purchase of lands, property or equipment for public purposes as may be permitted by law. All deferred payments shall be included in the budget for the year for which the installment is payable.

LIMITS OF BORROWING AUTHORITY

Section 8.4

The net indebtedness incurred for all public purposes shall not at any time exceed the maximum amount permitted by law.

**CHAPTER IX**

**TAXATION**

POWER TO TAX

Section 9.1

The city shall have the authority to assess, levy and collect taxes, rents, and excises, except as otherwise provided by law, in the amount not to exceed one and two-tenths percent (1.2%) of the assessed value of the real and personal property in the city. Assessments, levies and collections shall be made in a manner provided by law or this chapter.

ASSESSMENT DATE

Section 9.2

Unless otherwise provided by law the 31<sup>st</sup> day of December in each year shall be the assessment date for both real and personal property in the city.

ASSESSMENT ROLLS

Section 9.3

The assessor shall make complete assessment rolls of the city in the form and manner provided by law not later than the first Monday in March of each year.

BOARD OF REVIEW

Section 9.4

A board of review consisting of three (3) members shall be appointed by the city commission and serve according to law. Compensation of the board of review shall be determined by the city commission. The board of review shall convene at such times as provided by law and at such place as designated by the city commission. Notice of the meeting of the board of review shall be given in accordance with law.

At its first meeting each year the board of review shall elect one of its member as chairperson. The assessor shall be secretary of the board and shall attend all meetings with the privilege of participating and commenting but without the right to vote upon any decision of the board. It shall be the duty of the secretary to keep a permanent record of all proceedings and to record all resolutions and decisions of the board. A majority of the members of the board shall constitute a quorum. The members of the board shall take the oath of office which shall be filed with the city clerk. For the purpose of reviewing and/or correcting assessments the board of review shall have all powers granted by law. It shall hear the complaint of all persons considering themselves aggrieved by assessments and if it shall appear that any person or property has been wrongfully assessed or omitted from the roll the board shall correct the roll in such manner as it shall deem just. No change of status of any property may be made after final consideration by the board unless otherwise directed by a court or tribunal of competent jurisdiction.

ENDORSEMENT OF ROLL

Section 9.5

After the board shall have completed its review of the assessment roll a majority of its members shall immediately endorse thereon and sign a statement to the effect that same is the assessment roll of the city for the year in which it has been prepared. The omission of such endorsement shall not affect the validity of such roll. Upon completion of the roll the same shall be the assessment roll of the city for county, school and city taxes and for any other taxes on real or personal property that may be authorized by law and shall be conclusively presumed by all courts and tribunals to be valid and shall not be set aside except for cause allowed for by law.

CLERK TO CERTIFY TAX LEVY

Section 9.6

Within three (3) days after the city commission has adopted the budget for the ensuing year the city clerk shall certify to the assessor the total amount which the commission determines shall be raised by general tax; all amounts of special assessments which the commission requires to be assessed or reassessed upon any property or against any person; and all other amounts which the commission may determine shall be charged, assessed or reassessed against any person or property.

CITY TAX ROLL

Section 9.7

After the last day for the meeting of the board of review the assessor shall upon receiving the certification of the several amounts to be raised as provided in the proceeding section proceed forthwith to spread upon the assessment roll the several amounts determined by the commission to be charged, assessed or reassessed against person or property and shall also proceed to spread the amounts of the general city tax according to and in proportion to the several evaluations set forth in said assessment roll. For the purpose of avoiding fractions in computation, the assessor may add to the amount of the several taxes to be raised not more than one-half of one percent (.5%). The amount so added shall belong to the city to the extent permitted by law.

TAX ROLL CERTIFIED FOR COLLECTION

Section 9.8

Not later than June 15 of each year the assessor shall certify said tax roll with his warrant attached thereto directing and requiring the city treasurer to collect from the persons named therein the various sums mentioned and granting to treasurer all powers and immunities possessed by township treasurers for the collection of taxes under law.

COLLECTION OF TAXES

Section 9.9

City taxes shall be due and payable on the 1<sup>st</sup> day of July of each year. To all taxes paid after September 30<sup>th</sup> there shall be added a penalty as permitted by law and to all taxes paid after said date there shall be added interest at the rate of one percent for each month or fraction thereof between said date and the date of payment or the first day of march of the next succeeding calendar year whichever date shall occur first. The added penalties and interest herein provided shall belong to the city and shall constitute a charge and lien against the property to which the taxes themselves apply collectible in the same manner as the taxes to which they are added.

DELINQUENT TAX ROLL TO COUNTY TREASURER

Section 9.10

Any taxes on the city tax roll which remain unpaid on the first day of march following the date when said roll was received by the city treasurer shall be returned to

the county treasurer in the same manner and with like effect as returns by township treasurers for township, school and county taxes. Such returns shall be made upon a delinquent tax roll to be prepared by the city treasurer and shall include all additional charges and fees herein before provided which charges and fees shall be added to the amount assessed in said tax roll against each description. The taxes thus returned shall be collected in the same manner as other taxes returned to county treasurer and shall remain a lien upon the lands against which they are assessed until paid.

TAXES AS LIEN ON PROPERTY

Section 9.11

Every tax assessed shall become a lien upon such real property on the first day of July and liens for such amount and for all interest and other charges thereon shall continue until such taxes are paid. All personal property taxes shall be a first lien prior superior and paramount upon all personal property of the person so assessed from and after the first day of July in each year and shall so remain until paid which said tax lien shall have precedence over all other claims, encumbrances and liens upon said personal property whatsoever.

PROTECTION OF CITY LIENS

Section 9.12

The city shall have the power to acquire by purchase any premises within the city at any tax or other public sale, or direct purchase from the state of Michigan or the fee owner when such is necessary to protect the lien of the city for taxes or special assessments or both on said premises and may hold lease or sell the same. Any such procedure exercised by the city for the protection of its tax lien shall be deemed to be for a public purpose.

STATE, COUNTY AND SCHOOL TAXES

Section 9.13

For the purpose of assessing and collecting taxes, the City shall have the same powers and immunities as a township. Except as stated herein, all provisions of law pertaining to the collection of such taxes and the fees to be paid therefore, the accounting therefore to the appropriate taxing units, and the returning of property to the county treasurer for nonpayment thereof shall apply to the performance thereof by the treasurer, who shall perform the same duties and have the same powers as township treasurers under law.

## **CHAPTER X**

### **PUBLIC IMPROVEMENTS AND SPECIAL ASSESSMENTS**

#### GENERAL POWERS

##### Section 10.1

The City is hereby given the power to acquire, establish, construct and maintain streets, alleys, parks, parking places, public buildings, facilities for furnishing light, heat, power, water sewage disposal and all other facilities for serving the interests of the residents of the City. The City shall have the power to determine that the whole or any part of the cost of any public improvement shall be defrayed by special assessment upon property in special assessment districts, including the power of reassessment when property is especially benefited.

#### PROCEDURE SET BY ORDINANCE

##### Section 10.2

The City Commission shall prescribe, by ordinance, a complete special assessment procedure governing the initiation of projects, preparation of plans and costs estimates, notice of hearings, confirmation of the assessment rolls and any other matters concerning the making and financing of improvements by special assessments.

## **CHAPTER XI**

### **MUNICIPALLY OWNED UTILITIES**

#### GENERAL POWERS

##### Section 11.1

The City shall possess and hereby reserves to itself all the powers granted to cities by law to acquire, construct, own, operate, improve, enlarge, extend, repair, maintain and provide, either within or without its corporate limits, including, but not limited to, public utilities for supplying water, light, heat, power, gas, sewage treatment, land fill and garbage and trash disposal facilities. The City shall have the power to sell and deliver such public utility services without its corporate limits for a fee set by the city commission not to exceed any limitations established by law.

#### PROCEDURE SET BY ORDINANCE

##### Section 11.2

The City commission may enact such ordinances or adopt such resolutions as may be necessary for the care, protection, preservation, control, and operation of any public utility owned or operated by the city.

RATES AND CHARGES

Section 11.3

The city commission shall provide for the charging of such just and reasonable rates as may be necessary for the operation of any utility.

COLLECTION OF UTILITY CHARGES

Section 11.4

The city commission shall provide for the collection of all public utility charges and, for such purpose, shall have all the power granted to cities by law. When any person, firm, or corporation shall fail or refuse to pay any utility charges due, the service upon which such delinquency exists may be discontinued, a lien placed upon the premises to which services was provided and any and all procedures for collection, including suit in any court of competent jurisdiction, may be instituted by the City for the collection of such charges and may include the costs of collection.

ACCOUNTS

Section 11.5

Accounts shall be kept for each public utility owned or operated by the City distinct from other city accounts, and in such a manner as to show the true and complete financial result thereof. The City manager shall annually cause to be made and published for public distribution, a report showing the financial results thereof, which report (s) shall give accurate and full information concerning the financial conditions of said utilities and such further information as the city commission may require.

**CHAPTER XII**

**FRANCHISES AND PERMITS**

FRANCHISES

Section 12.1

The City Commission shall have the power to grant franchises for the operation of public utilities within the City. All franchises shall be subject to revocation at the will of the City unless such franchises are approved by the voters pursuant to Article VII, Section 25 of the Constitution of 1963. All franchises presently in operation shall continue and not be deemed repealed by the adoption of this charter. All franchises, renewals, extensions, amendments, transfers and assignments shall only be granted by ordinance. No exclusive franchise shall be granted. No franchise shall be granted for a period longer than thirty (30) Years. No irrevocable franchise which does not provide the City the right to repeal or terminate the franchise for misuse, non-use, or failure to comply with the terms and provisions of the franchise, shall become effective until it has been approved by three-fifth of the majority of the electors voting at a regular or special election. No proposed ordinance shall be submitted to the electors until the grantee has

filed its unconditional acceptance of the franchise and paid to the City Treasurer a sum determined by the City Commission to be sufficient to pay for the election expenses incurred as a result of submitting the proposed franchise to the electors. No franchise shall be transferred, directly or indirectly, except with the prior consent of the City Commission.

RIGHT OF REGULATION  
Section 12.2

- A public utility or service franchise shall be subject to the right of the City:
- (a) To repeal the same for misuse or non-use, or failure to comply;
  - (b) To require proper and adequate extension of physical plant, service and maintenance thereof at the highest practicable standards of efficiency;
  - (c) To establish reasonable standards of service and quality of products, and to prevent unjust discrimination in services or rates;
  - (d) To make independent audit and require explanation of accounts at any time, and to require reports annually;
  - (e) To require continuous and uninterrupted service to the public in accordance with the terms of the franchise throughout the period thereof;
  - (f) To use, control and regulate the use of its streets, alleys, bridges and public places and the space above the beneath them;
  - (g) To impose such other regulations as may be determined by the City Commission to be conducive to the safety, welfare and accommodation of the public.

REGULATION OF RATES  
Section 12.3

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

CONDEMNATION  
Section 12.4

The City shall have the right to acquire by condemnation or otherwise the property of any public utility in accordance with law.

REVOCABLE PERMITS  
Section 12.5

Temporary permits for public utilities, revocable at any time at the will of the City Commission, may be granted by the City Commission by resolution on such terms and

conditions as it shall determine provided that such permits shall in no event be construed to be franchises or amendments to franchises.

ASSIGNMENTS OF FRANCHISES

Section 12.6

No franchise granted by the City Commission shall ever be leased, assigned, sold, transferred or otherwise alienated except with prior approval of the City Commission.

JOINT USE

Section 12.7

Every public utility, during the term of its franchise, may be required by the City to permit joint use of its property, appurtenances and equipment located in the streets, alleys, right of ways and public places by the City or other public utilities, provided that such joint use is reasonable and upon payment of a reasonable rental. In the event of disagreement as to the reasonable rental, the City Commission shall provide for binding arbitration as to the compensation, terms and conditions of the proposed joint use, which arbitration award shall be final.

USE OF STREET AND PUBLIC PLACES

Section 12.8

The right to use, control and regulate the use of its streets, alleys, bridges, right of ways and public places and the space above and beneath them is hereby reserved to the City, to which every public utility shall be subject. Every public utility shall pay and cost of improvements or maintenances which shall arise from its use of streets, alleys, bridges, right of ways and public places and shall indemnify and hold harmless the City from all liability, claims, demands, damages, costs, interest and attorney's fees arising, directly or indirectly, from the public utilities use of the streets, alleys, bridges, right of ways and public places.

**CHAPTER XIII**

**MISCELLANEOUS**

NO ESTIMATES BY REPRESENTATION

Section 13.1

No officer, employee, representative, agent or independent contractor of the City shall have the power to make any representation of fact in any franchise, contract, document or agreement which is contrary to any public record of the City. Any such representation shall be null, void and of no effect.

PUBLIC RECORDS

Section 13.2

Except where otherwise provided by law, all records of the City shall be public and in the English language.

HEADINGS

Section 13.3

The chapter and section headings used in the charter are for reference only and shall not be considered a part of this charter.

REPEAL OF PRIOR CITY ORDINANCES

Section 13.4

All prior city ordinances regulations, resolutions or policies or parts thereof inconsistent with the provisions of this charter are hereby repealed. All prior ordinances, resolutions, regulations, or policies or parts thereof which are consistent with the provisions herein, shall continue in full force until or unless repealed or amended.

AFFECT OF ILLEGALITY ON ANY PART OF CHARTER

Section 13.5

Should any provision or section, or part thereof, of this charter be held by any court of competent jurisdiction to be construed as affecting the validity of this charter as a whole or any of the remaining provision or section, or portions thereof; it being the intent of the charter commission and of the electors, that such unconstitutionality or illegality shall not affect the validity of any part of this charter, except that specifically affected by such holding. Further, it is declared that it is was the intent of the charter commission and of the electors in preparing and adopting this charter, that said instrument should conform in all respects with the provisions and requirements of law. In the event that any provision of this charter shall conflict with or contravene the provision of any law, the provisions of that law shall govern and take precedence.

OBLIGATIONS UNAFFECTED

Section 13.6

All taxes and assessments levied or assessed and all charges thereon and all fines and penalties imposed, uncollected at the time of this charter, shall be collected as if such change had not been made; if a different remedy is provided by this charter, or by any ordinance or resolutions, the remedy shall be deemed cumulative to the remedies already provided.

AMENDMENT

Section 13.7

This charter may be amended at any time in the manner provided by law. Should two (2) or more amendments, adopted at the same elections have conflicting provisions, the one receiving the highest number of votes shall prevail as to those provisions.

DEFINITIONS

Section 13.8

Where the terms "person" or "persons" are used in this charter, same shall be deemed to include any persons, firm, partnership, association or corporation.

**CHAPTER XIV**

**SCHEDULE**

PURPOSE AND STATUS OF SCHEDULE

Section 14.1

The purpose of this schedule is to inaugurate the government to the City of Hartford under this charter and to provide for the transition of the government of the City under the previous charter. It shall constitute a part of this charter only to that extent and for the time required to accomplish that purpose.

OFFICERS OF THE CITY

Section 14.2

The elected officers of the City holding office on the effective date of the charter shall continue to hold the offices to which they were elected for the balance of the terms for which they were elected and shall conduct their several offices subject to provisions of this charter. When the terms of the elected officers shall expire, they shall be selected in accordance with the provisions of this charter.

ELECTION

Section 14.3

This charter shall be submitted to a vote of qualified electors of the City of Hartford at an election which shall be held on November 5, 1991. All provisions for the submission of the question of adopting this charter at such election shall be made in the manner provided by law. If at such election, the majority of electors voting thereon shall vote in favor of the adoption of this charter, then the City Clerk shall perform all other acts required by law to carry this charter into effect.

CITY MANAGER APPOINTMENT DATE

Section 14.4

- a. The City Commission shall appoint a City Manager within 90 days after acceptance of proposed charter.
- b. If for any reason the position of City Manager becomes vacant, the City Commission shall fill the vacancy within 60 days.

BALLOT QUESTION

Section 14.5

Shall the proposed charter be adopted as the charter for the City of Hartford?

YES

NO

Instruction: a “yes” vote indicates that you are in favor of the adoption of the proposed charter. A “no” vote indicates that you are opposed to the adoption of the proposed charter.

EFFECTIVE DATE OF CHARTER

Section 14.6

If this charter is adopted at the election thereon, it shall take effect and become the charter of the City of Hartford on January 1, 1992