

# CHARTER OF THE VILLAGE OF HOPKINS

*ALLEGAN COUNTY, MICHIGAN*

## PREAMBLE

We, the electors of that part of the township of Hopkins lately set apart according to the provisions of law, to be organized as a village, in order to organize and constitute the inhabitants and territory a body corporate and to establish non-partisan government there-for, do hereby frame, adopt and ordain this Charter for said village, pursuant to the Constitution and "Home Rule Law" of the State of Michigan.

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# CHAPTER 1

## Name, Boundaries

### Sec. 1.

The name of the corporation created hereby shall be the "Village of Hopkins".

### Sec. 2.

The Territory comprising the Village of Hopkins shall be all the lands and territory included within the following boundaries: Commencing at the northeast corner of the north-West quarter of the north-west quarter of Section Twenty-nine, in the township of Hopkins, in the county of Allegan, in the State of Michigan, thence south eighty rods, thence west two hundred fifty rods, thence north two hundred one rods, thence east two hundred fifty rods, thence south one hundred twenty-one rods to the place of beginning,

# CHAPTER 2

## OFFICERS

### Sec. 2.1

The following officers shall be elected, viz: A president, six trustees, one clerk, one treasurer, who shall be ex officio collector, and one assessor. The president and trustees shall constitute the village council.

### Sec. 2.2

The president shall, by and with the consent of the council, appoint a village marshal and a street commissioner; and such other officers as shall be provided for by resolution or ordinance of the council, and the council may, from time to time, provide by ordinance or resolution for the appointment of such other officers, whose election or appointment is not herein especially provided for, as they shall deem necessary to carry out the provisions of this charter, and the powers and duties of such officers shall be prescribed by the council; Provided, that the marshal may also be appointed as street commissioner.

### Sec. 2.3

Appointments to office, excepting appointments to fill vacancies shall be made on the second Monday in April in each year, unless a different time shall be prescribed in the ordinance or resolution creating the office; but appointments which, for any cause, shall not be made on that day, or on the day provided in the ordinance or resolution creating the office, may be made at any subsequent regular, or special meeting of the council.

### Sec. 2.4

The president, clerk, treasurer and assessor shall hold their respective offices for the term of one year from the second Monday of March of the year when elected, and until their successors are elected and qualified and enter upon the duties of their offices.

### Sec. 2.5

The trustees shall hold their offices for the term of two years, from the second Monday in March of the year when elected and until their successors are qualified and enter upon the duties of their offices; except that at the first election held pursuant to the provisions of this Charter three trustees shall be elected for the term of one year and three for the term of two years, from the second Monday, in the year when elected, and annually thereafter three trustees shall be elected for the term of two years.

### Sec. 2.6

All appointive officers, except officers appointed to fill vacancies in elective offices shall hold their respective offices until the second Monday of April next after such appointment, and until

their successors are qualified and enter upon the duties of their offices, unless a different term of office shall be prescribed in this Charter, or in the ordinance or resolution creating the office. Officers appointed to fill vacancies shall hold their office until the next annual election, and until their successors are elected or appointed and qualified. All persons elected or appointed to office shall enter upon the duties thereof, upon taking the oath of office and filing the requisite security, if any is required of them.

### **Sec. 2.7**

No person shall be elected or appointed to any office unless he shall be an elector of the village. And no person shall be elected or appointed to any office in the village who has been or is a defaulter to the village or to any board of officers thereof, or to any school district, county or other municipal corporation of the state. All votes for any appointment of any such defaulter shall be void. All officers of the village, elected or appointed, shall take and subscribe the oath of office prescribed by the constitution of the state, and file the same with the clerk, and in case of failure to do so, within ten days after receiving notice of their election or appointment, shall be deemed to have declined the office,

### **Sec. 2.8**

Every officer elected or appointed in the village, before entering upon the duties of his office, and within the time prescribed for filing his official oath, shall file with the village clerk such bond or security as may be required by law, or by any ordinance or resolution of the council, and with such sureties as shall be approved by the council, conditioned for the due performance of the duties of his office, except that the bond or security given by the clerk shall be deposited with the treasurer.

### **Sec. 2.9**

The council may, any time, require any officer to execute and file with the clerk additional or new official bonds, with such new or further sureties as said council shall deem requisite for the interest of the corporation. Any failure to comply with such requirement within fifteen days shall subject the officer to immediate removal from office by the council.

## **VACANCIES IN OFFICE**

### **Sec. 2.10**

Resignations of officers shall be made to the council.

### **Sec. 2.11**

If any officer shall cease to be a resident of the village during his term of office, the office shall be thereby vacated. If any officer shall be a defaulter, the office shall thereby be vacated.

### **Sec. 2.12**

If any person elected or appointed to office shall fail to take and file the oath of office, or shall fail to give the bond or security required for the due performance of the duties of his office,

within the time herein limited therefor, the council may declare the office vacant, unless previously thereto he shall file the oath and give the requisite bond or security.

### **Sec. 2.13**

Any vacancy occurring in the office of president, trustees or any other elective office, shall be filled by appointment by the council, and such appointee shall hold his office until the next annual election thereafter.

All vacancies in any other office shall be filled by the president, by and with the consent of the council.

### **Sec. 2.14**

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

### **Sec. 2.15**

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

# CHAPTER 3

## Nominations, Registrations and Elections

### Sec. 3.1

Nominations for the various offices to be filled by the electors shall be made by caucus or petition. Caucuses shall be held not less than twenty nor more than thirty days previous to election. Five days notice by posting shall be given of the time and place of holding any caucus. Each caucus shall be non-partisan and shall elect its own chairman, secretary and tellers; and it shall be the duty of the chairman and secretary, immediately following such caucus, to certify to the village clerk the names of all persons nominated for the respective offices. Nominations by petition shall be made by filing with the village clerk, not less than fifteen days nor more than twenty days before election, a petition signed by not less than twenty electors, asking that the names of persons therein stated be placed on the ballot as candidates for any elective office therein stated, which is to be filled at the following election. The names of no candidates shall be placed on the election ballot unless nominated either by caucus or petition as herein stated.

### Sec. 3.2

At any general or special election held in said village at which elective offices are to be filled, it shall be the duty of the clerk of said village to prepare the ballots therefor in such number and manner as required by the state law, except that the names of all candidates for elective offices shall be printed on one ballot and shall be headed: "Official Ballot for Village Offices", but shall have no party designation or mark whatever. The names of the candidates to be voted for shall appear on such ballot in the following order:

## President Trustees Clerk Treasurer Assessor

### Sec. 3.3

All candidates for each office shall be grouped, and immediately above, the names of all candidates for an office there shall appear the words, "Vote for One", except when more than one is to be elected for the same office; it shall be indicated above the names of the candidates the number to be voted for. The provisions of the general law for transposing and alternating the names of the candidates shall apply to the said ballot.

### Sec. 3.4

After the first election an annual election of officers shall be held on the second Monday in March in each year, at such place in the village as the council shall designate.

### **Sec. 3.5**

Special elections may be appointed by resolution of the council, and held at such times as they shall determine, the purpose and object of which shall be fully set forth in the resolution appointing such election.

### **Sec. 3.6**

The president and clerk, and two of the trustees, or any four of the trustees, to be appointed by the council, shall be the inspectors of election. The president, when present, shall be chairman of the board of election inspectors, and the clerk, if present, shall act as clerk of the election, and the inspectors shall appoint one of their number to act as second clerk. In case four of the inspectors do not attend at the opening of the polls, or shall not remain in attendance, such vacancy shall be filled as provided by the general election laws of the state, and in case either the president or clerk, or both of them, are absent, the inspectors shall designate from their number a chairman and a clerk. Each inspector of election shall receive as compensation three dollars per day.

### **Sec. 3.7**

Notice of the time and place of holding any election, and of the officers to be elected, and the questions to be voted upon, shall, except as herein otherwise provided, be given by the clerk, at least ten days before such election, by posting such notices in three public places in the village; and in case of a special election, the notice shall set forth the purpose and object of the election as fully as the same are required to be set forth in the resolution appointing such election,

### **Sec. 3.8**

The council shall, at least ten days previous to any election, appoint a board of three election commissioners who shall be the board of election commissioners for such village for such election, and they shall perform such duties relative to the preparation and printing of ballots as are required by law of the boards of election commissioners of counties. The council shall also provide and cause to be kept by the clerk, for use at all elections, suitable ballot boxes of the kind required by law to be kept and used in townships.

### **Sec. 3.9**

On the day of elections, the polls shall be opened at twelve O'clock noon, or as soon thereafter as may be, and shall be kept open until seven o'clock in the afternoon, at which hour they shall be finally closed. The inspectors shall cause proclamations to be made upon opening the polls, and shall also cause proclamation to be made of the polls, one hour, thirty minutes, and fifteen minutes, respectively, before the closing thereof,

### **Sec. 3.10**

All elections in said village shall be conducted as nearly as may be in the manner provided by law for holding general elections in the state, except as herein otherwise provided; and the inspectors of such elections shall have the same powers 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. If at any election vacancies are to be filled, or if any person is to be elected for less than a full term of office, the term shall be designated on the ballot.

### **Sec. 3.11**

Immediately after closing the polls, the inspectors of election shall, without adjourning, publicly canvass the votes received by declare the results, and shall on the same day or the next day make a statement in writing, setting forth in words at full length, the whole number of votes given for each office, the names of the persons for whom such votes for each office were given, and the number of votes so given for each question voted upon, and the number of votes for and against the same, .which statement shall be certified under the hands of the inspectors to be correct, and they shall deposit such statement and certificate on the day of the election or on the next day, together with said poll lists, and the register of electors, and the boxes containing said ballots in the office of the village clerk. The manner of canvassing said votes shall be the same as prescribed by law for canvassing votes at general elections held in this state, and the inspectors shall in all other respects, except as herein otherwise provided, conform as nearly as may be to the duties required of inspectors of election at general elections.

### **Sec. 3.12**

The council shall convene on Thursday next succeeding such election, at their usual place of meeting and determine the result of the election upon each question and proposition voted upon, and what persons were duly elected and the said election to the several offices respectively; and thereupon the clerk shall make duplicate certificates 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 or which certificates he shall file in the office of the county clerk of the county in which the village is located, and the other shall be filed in the office of the village clerk.

### **Sec. 3.13**

If there shall be no choice for any office by reason of two or more candidates having received an equal number of votes, the council shall at the meeting mentioned in the preceding section, determine by lot between such persons which shall be considered elected to such office.

### **Sec. 3.14**

It shall be the duty of the clerk, within five days ceter the meeting and determination of the council, as provided in this chapter, to notify each person elected, in writing, of his election; and he shall also within five days after the appointment of any person to any office, in like manner notify such person of the appointment,

### **Sec. 3.15**

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

# CHAPTER 4 DUTIES OF OFFICERS

## PRESIDENT

### Sec. 4.1

The president shall be the chief executive officer of the village. He shall preside at the meetings of the council. He shall be deemed a member of the council, but he shall have no right to vote upon any question except in case of a tie, in which case he shall give the deciding vote, He shall from time to time give the council information concerning the affairs of the corporation and recommend such measures as he may deem expedient. It shall be his duty to exercise supervision over the affairs of the village and over the public property belonging thereto, see that the laws relating to the village and the ordinances and regulations of the council are enforced.

### Sec. 4.2

The president shall be a conservator of the peace, and may exercise within the village the powers conferred upon sheriffs to suppress disorder; and shall have authority to commend the assistance of all able-bodied citizen to aid in the enforcement of the ordinances of the council, and to suppress riot and disorderly conduct.

### Sec. 4.3

The president may remove any officer appointed by him at any time when he shall deem it for the public interest and may suspend any policeman for neglect of duty. He shall have authority at all times to examine the books, records, and papers of any agent, employee, or officer of the corporation, and shall perform generally all such duties as are or may be prescribed by the ordinances of the village,

### Sec. 4.4

In the absence or disability of the president, the president pro tempore of the council shall perform the duties of the president.

## CLERK

### Sec. 4.5

The clerk shall keep the corporate seal and all the documents, official bonds, papers, files and records of the village, not by this Charter or the ordinances of the village entrusted to some other officer; he shall be clerk of the council, and shall attend its meetings. In case of the absence of the clerk, or if from any cause he shall be unable to discharge, or be disqualified from performing the duties required of him, then the council may appoint one of their own number, or some other person, to perform the duties of the clerk for the time being. The clerk shall record all the proceedings and resolutions of the council, and shall record, or to cause to

be recorded all the ordinances of the village. He shall countersign and registrar all licenses granted; he shall, when required, make and certify, under the seal of the village, 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 continued, to the same extent as the original would be. He shall possess and exercise the powers of the township clerk so far as the same are required to be performed within the village, except as to the filling of chattel mortgages; and he shall have authority to administer oaths and affirmations.

#### **Sec. 4.6**

The clerk shall be the general accountant for the village; and all claims against the corporation shall be filed with him for adjustment. After examination thereof, he shall report the same, with all accompanying vouchers and counter-claims of the village, and the true balance as found by him, to the council for allowances, and when allowed shall draw his warrant upon the treasurer for the payment thereof, designating thereon the fund from which payment is to be made, and take proper receipts therefore; but no warrant shall be drawn upon any fund after the same has been exhausted, when any tax or money shall be levied, raised or appropriated, the clerk shall report the amount thereof to the village treasurer, stating the objects and funds for which it is levied, raised, or appropriated, and the amounts there or to be credited to each fund.

#### **Sec. 4.7**

The clerk shall have charge of all the books, vouchers and documents relating to the accounts, contracts, debts, and revenues of the corporation; he shall counter sign and register all bonds issued, and keep a list of all property and effects belonging to the village, and of all its debts and liabilities; he shall keep a complete set of books, exhibiting the financial condition of the corporation in all its departments, funds, resources, and liabilities, with a proper classification thereof, and showing the purpose for which each fund was raised; he shall also keep an account with the treasurer, in which he shall charge him with all the moneys received for each of the several funds of the village, and credit him with all warrants drawn thereon, keeping an account with each fund.

#### **Sec. 4.8**

The clerk shall report to the council, whenever required, a detailed statement of the receipts, expenditures, and financial condition of the village, of debts to be paid, and moneys necessary to meet the estimated expenses of the corporation, and shall perform such other duties pertaining to his office as the council may require.

## **TREASURER**

#### **Sec. 4.9**

The treasurer shall have the custody of all moneys, bonds other than official mortgages, notes, leases, and evidences of value belonging to the village; 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 president, which are to be paid; he shall collect and keep an account of and be charged with all taxes and moneys appropriated, raised, or

received for each fund of the corporation, and shall keep a separate account of each fund, and shall credit thereto all moneys raised, paid in, or appropriated therefor, and shall pay every warrant out of the particular fund raised for the purpose for which the warrant was issued.

#### **Sec. 4.10**

The treasurer shall render to the clerk on the first Monday of every month, if required a report of the amounts received and credited by him to each fund, and on what account received, and 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. He shall also exhibit to the council annually on the first Monday in March, and as often and for such period as the council may require, a full and detailed account of the receipts and disbursements of the treasury since the date of his last annual report, classifying them therein by the funds to which such receipts are credited and out of which such disbursements are made, and the balance remaining in each fund; which account shall be filed in the office of the clerk.

#### **Sec. 4.11**

The treasurer shall take vouchers for all money paid from the treasury, showing the amount and fund from which payment was made, which vouchers upon settlement with the proper officers of the village shall be surrendered and filed with the clerk.

#### **Sec. 4.12**

The treasurer shall keep all moneys in his hands belonging to the village separate and distinct from his own moneys, and he is hereby prohibited from using, either directly or indirectly, the corporation moneys, warrants, or evidence of debt in his custody or keeping, for his own use or benefit, or that of any other person; any violation of the provisions of this section shall work a forfeiture of his office, and the council, on proof of the fact, are authorized to declare the office vacant and appoint his successor for the remainder of his term.

## **MARSHAL**

#### **Sec. 4.13**

The marshal shall be the chief of police of the village. As police officer he shall be subject to the direction of the president and council. It shall be his duty to see that all the ordinances and regulations of the council, made for the preservation of quiet, good order, and for the safety and protection of the inhabitants of the village, are promptly enforced. As peace officer he shall, within said village, be vested with all the powers conferred upon sheriff's for the preservation of quiet and good order. He shall have power to serve and execute all process directed or delivered to him, in all proceedings for violations of the ordinances of the village. Such process may be served anywhere within the county in which said village is located.

#### **Sec. 4.14**

The marshal shall keep a record of all arrests and the cause thereof, and shall enter therein, within twenty-four hours after any person shall be arrested, the name of the person so arrested, the cause of the arrest the age and nationality of the person arrested, and if discharged, without

being taken before a court, the reason for such discharge, which record shall be the property of the village,

### **Sec. 4.15**

The marshal shall report in writing and on oath to the council at their first meeting in each month, all arrests made by him and the cause thereof, and all persons discharged from arrest during the month; also the number remaining in confinement for breaches of the ordinances of the village; the amount of all fines and fees collected by him. ALL moneys collected or received by the marshal, unless otherwise directed by this Charter, shall be paid into the village treasury during the same week when received, and the treasurer's receipt therefor shall be filed with the clerk.

### **Sec. 4.16**

The marshal may collect and receive the same fees for services performed by him as are allowed to constables for like services.

## **SURVEYOR**

### **Sec. 4.17**

The village surveyor, if one is appointed, shall have and exercise within the village, the like powers and duties as are conferred by law upon county surveyors; and the like effect and validity shall be given to his official acts, surveys and plats as are given by law to the acts and surveys of county surveyors, He shall make all necessary plats, maps, surveys, diagrams, and estimates required by the council or officers of the village, relating to the public improvements, buildings, grounds, and streets of the village; and all plats, maps, surveys and diagrams made by him as such surveyor shall be the property of the village, and shall at the expiration of his term be delivered by him to his successor in office.

## **STREET COMMISSIONER**

### **Sec. 4.18**

It shall be the duty of the street commissioner to perform, or cause to be performed, all such labor, repairs, and improvements upon the highways, streets, sidewalks, alleys and parks within the village, as the council shall direct to be done by or under his supervision; and to oversee and do whatever may be required of him in relation thereto by the council.

### **Sec. 4.19**

He shall make a report to the council, in writing and on oath, once in each month giving an exact statement of all labor performed by him or under his supervision and the charges therefor; the amount of material used and the expense thereof and the street or place where such material was used or labor performed; and further showing the items and purpose of all expenses incurred since his last preceding report,

## **ASSESSOR**

### **Sec. 4.20**

The assessor shall perform such duties in relation to assessing property and levying taxes in the village as are prescribed by this Charter,

## **COMPENSATION**

### **Sec. 4.21**

The president and trustee shall serve without compensation. All other officers shall receive such compensation as the council may prescribe.

# CHAPTER 5

## VILLAGE COUNCIL

### Sec. 5.1

The legislative authority of the village shall be vested in a council consisting of the president and trustees.

### Sec. 5.2

The president shall be president of the council and preside at the meetings thereof,

### Sec. 5.3

On the second Monday in April in each year, or as soon thereafter as may be, the council shall appoint one or their number president pro tempore of the council, who in the absence of the president shall preside at the meetings thereof, and exercise the powers and duties of the president.

In the absence of the president and president pro tempore, the council shall appoint one of their number to preside.

### Sec. 5.4

The council shall hold regular stated meetings for the transaction of business at such times as it shall prescribe, not less than one of which shall be held in each month. The president or any three members of the council may appoint special meetings thereof, notice of which, in writing, shall be given to each trustee, or be left at his place of residence at least two hours before the meeting: Provided, That is all the members of the council shall be present at any special meeting without proper notice, such notice shall be deemed to have been waived.

### Sec. 5.5

The council shall prescribe the rules of its own proceedings, and shall keep a record thereof. All meetings and sessions of the council shall be public. A majority of the trustees shall be a quorum for the transaction of business; a less number may adjourn from time to time and compel the attendance of absent members in such manner as shall be prescribed by ordinance. But no orifice shall be created or abolished nor any tax or assessment be imposed; street alley or public ground be vacated, real estate or any interest therein purchased, leased, sold, or disposed of, or any public improvements ordered, unless by a concurring vote of two-thirds of all the trustees elect, which vote shall be taken by yeas and nays, and entered upon the journal; no money shall be appropriated except by ordinance or resolution of the council, nor shall any such ordinance be passed, no any resolution appropriating money be adopted, except by a concurring yea and nay vote of two-thirds of all the trustees elect.

## **Sec. 5.6**

No member of the council, nor any officer of the corporation, shall be directly or indirectly in any contract or service made by, or to be performed for the corporation: Provided, that this shall not prevent officers receiving compensation authorized by this charter. Any violation of the provisions of this section shall result in forfeiture of the office, and on proof thereof the council may declare the office vacant.

## **Sec. 5.7**

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

# CHAPTER 6

## ORDINANCES

### **Sec. 6.1**

The style of all ordinances shall be: "The Village of Hopkins Ordains:". All ordinances except as herein otherwise provided shall require, for their passage, the concurrence of a majority of the council. No ordinance imposing a penalty shall take effect in less than twenty days after its passage,

### **Sec 6.2**

When by the provisions of this Charter the council of said village has authority to pass ordinances for any purpose, they may prescribe lines, penalties and forfeitures not exceeding one hundred dollars, or imprisonment not exceeding ninety days, or both, in the discretion of the court, together with the costs of the prosecution, for each violation of any of said ordinances, and may provide that the offender on failing to pay such fine, penalty or forfeiture and the costs or prosecution, may be imprisoned for any time not exceeding ninety days, unless payment thereof be sooner made, and also that the offender be kept at labor during such imprisonment. Such fine, penalty or forfeiture and imprisonment for the violation of any ordinance, shall be prescribed in the ordinance, and if imprisonment be adjudged in any case, it may be in the village prison or in the county jail of the county in which the village is located, or in any other place of confinement provided by the village for such purpose, in the discretion of the court.

### **Sec. 6.3**

All ordinances, when regularly enacted, shall be recorded by the clerk of the council, in a book to be called, "The Record of Ordinances", and it shall be the duty of the president and clerk to authenticate the same by their official signatures upon such record.

### **Sec. 6.4**

Within one week after the passage of any ordinance, the same shall be published by posting copies of the ordinance in three of the most public places in the village; and the clerk shall, immediately after such posting, enter in the record of ordinances; in a blank space to be left for such purpose under the record of the ordinance, a certificate under his hand, stating the time and places of such publication and posting. Such certificate shall be prima facie evidence of the due posting of the ordinance.

# CHAPTER 7

## POWERS OF THE COUNCIL

### Sec. 7.1

Every village subject to the provisions of this Charter, shall, . in addition to such other powers are as conferred, have the general power and authority granted in this chapter, and the council may pass such other powers as are conferred, have the general power and authority granted in this chapter and the council may pass such ordinances in relation thereto as it may deem proper, namely:

First- To restrain and prevent vice and immorality;

Second - To punish vagrants, disorderly persons and common prostitutes;

Third - To abate nuisances and preserve the public health;

Fourth - To prohibit and suppress disorderly and gambling houses;

Fifth - To regulate, license, or suppress billiard tables and ball alleys, and cards;

Sixth - To suppress gambling;

Seventh - To regulate and license public shows and exhibitions ;

Eighth - To license auctioneers, license and regulate hawkers and peddlers, and to regulate or prohibit sales of property at auction, except sales made pursuant to some order of court or public law; and also to require transient traders and dealers to take out licenses before engaging in business, and may regulate by ordinance the terms and conditions of issuing the same;

Ninth - To license and regulate hacks and other public vehicles;

Tenth - To provide for and regulate the inspection of provisions;

Eleventh - To regulate or prohibit the selling, storing or transportation of combustible or explosive substances or materials within the village, and to regulate and restrain the making of fires in the streets or other open spaces in the village;

Twelfth - To make ordinances for the organization and regulation of the fire department and for the prevention and extinguishment of fires, and to establish and maintain definite fire limits;

Thirteenth - To license and regulate solicitors for passengers or for baggage for any hotel, tavern, public house, boat, or railroad; also draymen, carmen, truckman, porters, runners, drivers of cabs, hackney coaches, omnibuses, carriages, sleighs, express vehicles and vehicles of every description used and employed for hire, and to fix and regulate the amounts and rates of their compensation;

Fourteenth - To prevent and punish horse racing and immoderate driving in any street, park, or alley, and to authorize the stopping and detaining of any person who shall be guilty of immoderate driving or riding in any street, park or alley in the village;

Sixteenth<sup>1</sup> - To prevent the running at large of dogs, to require them to be muzzled, and to authorize their destruction is found at large, in violation of any ordinance of the village;

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<sup>1</sup> *EDITOR'S NOTE: FIFTEEN DOES NOT APPEAR IN ORIGINAL PRINTING*

Seventeenth - To establish lines and grades upon which buildings may be erected, and beyond which such buildings shall not extend;

Eighteenth - To prevent the erection and provide for the removal of all buildings deemed unsafe;

Nineteenth - To regulate the placing and provide for the preservation of horse or hitching posts, and to regulate the parking of vehicles;

Twentieth - To declare and define the powers and duties of the officers of the village, whose powers and duties are not specifically prescribed in this Charter;

Twenty-first - To require the treasurer, marshal, and such other officers of the village as the council shall deem proper, to give bonds for the discharge of their official duties;

Twenty-second - To see that the several officers of the village perform their duties faithfully and that proper measures are taken to punish neglect of duty on the part of any such officers;

Twenty-third - To provide for the care, custody and preservation of the public property of the village;

Twenty-fourth - To provide for clearing the streams, ponds and waters of the village, and the races connected therewith, of all driftwood and noxious matter; to prohibit matter tending to render the waters thereof impure, unwholesome and offensive, or drawing the water therefrom at such times and to such extent as to make the localities near them unhealthy, or cause the atmosphere in their vicinity to be unwholesome or offensive;

Twenty-fifth - To compel the owner or occupant of any property, tallow chandler shop, soap or candle factory, butcher shop or stall, slaughter house, barn, privy, sewer, hon-pen, or other offensive, nauseous or unwholesome structure, place or house, to cleanse, remove or abate the same, whenever the council shall deem it necessary for the health, comfort or convenience of the inhabitants of said village;

Twenty-sixth - to direct and regulate the construction of cellars, bars, private drains, sinks and privies; to compel the owner or occupant to fill up, cleanse, drain, alter, relay, or repair the same, or connect the same with any public sewer adjacent thereto, or to cause the same to be done by some proper officer of the corporation, and to assess the expenses thereof on the lot or premises having such cellar, barn, private drain, sink, or privy thereon;

Twenty-seventh - To provide for and regulate the lighting of the streets, alleys, and public places; to establish and maintain a lighting plant and to sell and dispose of electricity, gas or other lighting forces, upon such terms as shall be deemed just and reasonable by the common council; to regulate the setting of lamps and lamp posts, and provide for the protection and safety of the same; and to regulate the placing posts, poles and wires;

Twenty-eighth - And further, the council shall have authority to enact all ordinances, and to make all such regulations, consistent with the laws and constitution of the state, as they may deem necessary for the safety, order and good government of the village, and the general welfare of the inhabitants of the same; and to provide means for paying its liabilities and defraying the contingent expenses of the village, subject only to the limitations and restrictions in this charter contained but no exclusive right, privileges or permits shall be granted by the council to any person or persons, or to any corporation, for any purpose whatever.

# **PUBLIC BUILDINGS, GROUNDS AND PARKS**

## **Sec. 7.2**

Any village may acquire, purchase, and erect such public buildings as may be required for the use of the corporation, and may purchase, appropriate, and own such real estate as may be necessary for public grounds, parks, markets, public good and for the execution of powers conferred in this Charter; and such buildings and grounds, or any part thereof, may be sold at public sale, or leased, as occasion may require: Provided, however, That no public parks shall be sold without the consent of a majority of the qualified electors of the village.

## **Sec. 7.3**

When the council shall deem it for the public interest, grounds and buildings for the village prison, hospital, and pest-house, may be purchased, erected and maintained beyond the corporate limits of the village; and in such cases the council shall have authority to enforce beyond the corporate limits of the village, and over such lands, buildings and property in the same manner and to the same extent as if they were within the village, all such ordinances and police regulations as may be necessary for the care and protection there of, and for the management and control of the persons kept or confined in such prison, pest-house or hospital.

## **Sec. 7.4**

The council shall have authority to lay out, establish, or vacate and discontinue public parks and rounds within the village, and to improve, light and ornament the same, and to regulate the use thereof, and to protect the same and the appertenances thereor from obstruction, encroachment and in jury.

# **STREETS AND SIDEWALKS**

## **Sec. 7.5**

The council shall have supervision and control of all public highways, bridges, streets, avenues, alleys, sidewalks and public grounds within the village, and shall have the like authority over the same as is given by the general laws of the state.

## **Sec. 7.6**

The council shall have control of all sidewalks in the public streets and alleys of the village, and may prescribe the grade thereof", and change the same when deemed necessary. They shall have power to build, maintain, and keep in repair the sidewalks and crosswalks in the public streets and alleys, and to charge the expense of constructing and maintaining such sidewalks upon the lots and premises adjacent to and abutting upon such walks. The council shall also have authority to require the owners and occupants of lots and premises to build, rebuild and maintain sidewalks in the public streets adjacent to and abutting upon such lots and premises and to keep them in re pair at all times, and to construct and lay the same upon such lines and grades, and of such width,materials and manner of construction, and within such time as the

council shall, by ordinance or resolution prescribe, the expense thereof to be paid by such owner or occupant; or the council may, by a two-thirds vote of all the trustees elect, pay such part of the expense of building or rebuilding such walk as they may deem proper from the general street fund or from the street district fund of any street district in which such walk may be located.

### **Sec. 7.7**

The council shall also have power either by ordinance or resolution to cause and require the owners and occupants of any lot or premises to remove all snow and ice from the sidewalks in front of or adjacent to such lot and premises, and to keep the same free from obstructions, encroachments, incumbrances, filth and other nuisances: Provided, That the council may, by a two-thirds vote of all the trustees elect, provide by ordinance for the re building, maintaining and keeping in repair of all sidewalks within the village, and for the removing of all ice and snow therefrom, the expense thereof from the general street fund, or from the street district fund of any street district in which such sidewalk may be located.

### **Sec. 7.8**

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

### **Sec. 7.9**

The council shall have power to regulate and prohibit the placing of signs, awnings, aiming posts and other things upon or over sidewalks, and to regulate or prohibit the construction and use of openings in the sidewalks, and of all vaults, structures and excavations under the same.

### **Sec. 7.10**

The council shall have power to lay out, establish, open, make, widen, extend, straighten, alter, close, vacate, or abolish any highway, street, lane, alley, sidewalk, sewer, drain, water course, bridge, or culvert in the village whenever they shall deem the same a public improvement, or necessary for the public convenience; and if in so doing, it shall be necessary to take or use

private property, the, same may be taken in the manner provided in the general law for the taking of private property for public use. The expense of such improvement may be paid by special assessments upon the property adjacent to or benefitted by such improvement, in the manner in this charter provided for levying and collecting special assessments, or in the discretion of the council, a portion of such costs and expenses may be paid by special assessments as aforesaid, and the balance from the general highway fund.

### **Sec. 7.11**

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

### **Sec. 7.12**

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

### **Sec. 7.13**

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

### **Sec. 7.14**

Whenever the grade of any street or sidewalk shall have been heretofore or shall hereafter be established, and improvements shall there. after be made by the owner or occupant oi the adjacent property in conformity to such grade, such grade shall not be changed without compensation to the over for all damages to such property resulting therefrom, to be ascertained by a jury, as provided in chapter thirteen of the general law governing villages or said damages may be ascertained and agreed upon by and between such village and the owner or occupant of such premises. Whenever such damage shall be ascertained or agreed upon, as heretofore provided, such damages or such part thereof as the council shall deem equitable and

just, shall be paid by the village, or the council may cause such damages, or such part thereof as may be just and proper, to be assessed upon such real estate as may be benefited by reason of the change of such grade, and whenever the council shall determine to assess such damages, or any part thereof, upon the property benefited, it shall determine and define a district in said village which in its judgment is benefited by the improvement out of which said damages arise, and shall cause the same to be assessed upon such district, which said assessment shall be upon the owners or occupants of the taxable real estate in said district, in proportion as nearly as may be to the advantage or benefit each lot, parcel, or subdivision is deemed to acquire by the improvement out of which such damages arise; but the property on account of which such damages were awarded shall not be included in said district. The assessment shall be made, and the amount levied and collected in the same manner as other assessments on a district deemed to be benefited, in the grading and improvement of streets, as provided for in this charter; and all of the provisions of chapter eight of the general law governing villages relative to special assessments and the collection thereof, shall apply thereto. Such damages, when collected as aforesaid, or when determined upon by the village, shall be paid to the person entitled thereto.

## **PAVING AND IMPROVEMENTS**

### **Sec. 7.15**

The council shall have authority to construct and maintain bridges and culverts where needed; and to grade, pave, curb, gravel, plank, and otherwise improve and repair the highways, streets, lanes, avenues and alleys of the village.

### **Sec. 7.16**

The expense of constructing and maintaining bridges, and the whole, or such part as the council shall determine, of the expense of improving and working including grading and graveling upon the streets and highways, may be paid from the general highway fund, to be raised by tax upon all the property in the village; or, the village may be divided into street districts, and a part of the whole expense of improving and working the streets, in each district may be paid from 3 street district de to be raised by a tax upon the property in the district. The expense of grading, paving, graveling, and planking any street may be defrayed by a special assessment upon the lots and premises abutting upon such improvements, in proportion to their number of feet front upon the street; or a part of such expense may be so paid and the remaining may be paid from the general highway iund, or from the street district fund, as the council may decide, The lots and premises to be assessed according to their frontage upon a street improvement as aforesaid, shall constitute a special assessment district. The term paving shall include curbing and the construction of crosswalk in the paved streets; Provided, That the council shall make no street improvement, the expense of which is to be defrayed in whole or in part by a special assessment upon the premises abutting upon such street unless a petition signed by at least sixty per cent of the owners of the foot frontage abutting on such improvement has been present to said council requesting the council to make such improvement.

### **Sec. 7.17**

When expenses for any such improvement shall be assessed in a special assessment district, and there shall be lands belonging to the village, school buildings or other public buildings on public grounds not taxable, fronting upon such improvements, such part of the expense of such improvements, as in the opinion of the council or board of assessors making the special assessment would be justly apportionable to such public grounds, buildings, and village property, and to any interior squares or spaces formed by the intersection of streets, were they taxable, shall be paid from the general highway fund, and the balance of such expense shall be assessed upon the taxable lots and premises included in the special assessment district, in proportion to their number of feet frontage upon such improvement. When such assessment is to be made upon lots in proportion to their frontage upon the improvement, if the shape or size of any lot an assessment thereon in proportion to its frontage would be unjust and disproportionate to the assessment upon other lots, the council or board of assessors making the assessments may assess such lot such number of feet frontage as, in their opinion, will be just.

## **STREET REGULATIONS**

### **Sec. 7.18**

The council shall have power to prohibit and prevent obstructions and incumbrances in and encroachments upon the public highways, streets and alleys of the village, and remove the same; and to punish those who shall obstruct, encumber, encroach or maintain any encroachment, upon or in any such highway, street, or alley; and to require all such persons to remove every such obstruction, incumbrance or encroachment.

### **Sec. 7.19**

The council may provide for and regulate the planting of shade and ornamental trees in public highways, streets and avenues of the village, and for the protection thereof, and the trimming of all trees in or that overhang such highways, streets or avenues, or which obstruct public lighting, and may light the streets and public places, and regulate the setting of lamps and lamp posts therein and protect the same.

### **Sec. 7.20**

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

### **Sec. 7.21**

The council may regulate the use of public highways, streets, alleys and avenues of the village, subject to the right of travel and passage therein. They shall have authority to prescribe the stands for all vehicles kept for hire, or used for the transportation of persons or property for hire;

to designate the places where loads of wood, coal, hay and other articles may stand for sale; to regulate traffic and sales in the streets and upon sidewalks; to regulate or prohibit the display use or placing of signs, advertisements, banners, awnings, posts, poles, or Lamps in or over the streets; to regulate or prohibit all such sports, amusement proceedings and gatherings of crowds in the streets as may interfere with the lawful use thereof, or render travel or passage therein inconvenient or unsafe; to prohibit and prevent the running at large of beasts and found in the streets and elsewhere in the village, and to impose penalties upon the owners or keepers thereof permitting the same; to cleanse and purify the streets, and to prohibit, prevent, remove and abate all nuisances therein, and to require the authors and maintainers thereof to remove the same, and to punish them for the creation or maintenance thereof, and generally to prescribe and enforce all such police regulations over and in respect to the public streets as may be necessary to secure good order and safety to persons and property in the lawful use thereof, and to promote the general welfare; and in addition to all other powers herein granted, the council shall have the same authority and powers over and in respect to the public streets of the village as are conferred by law upon highway commissioners in townships.

## **SEHERS, DRAINS AND WATER-COURSES**

### **Sec. 7.22**

The council may establish, construct and maintain sewers, drains and water-courses whenever and wherever necessary, and of such dimensions and material, and under such regulations as they may deem proper for the drainage of the village, and private property, or the use thereof, may be taken therefor in the same manner provided by the general law governing villages for taking private property for public use. But in all cases where the council shall deem it practicable, such sewer, drain and water-courses shall be constructed in the public streets and grounds.

### **Sec. 7.23**

The expense of constructing sewers, drains and water-courses may be paid by general tax upon all the taxable property in the village; or such expenses may be defrayed by special assessment upon the lands and premises benefited by the drainage, in proportion to the benefits resulting to each lot or parcel of land respectively; or such part of the expense as the council shall determine may be defrayed by special assessment, and the remaining may be paid by general tax; Provided, That, no sewer, drain or water-course, the expense of which is to be defrayed by special assessment upon the lots, lands and pre. mises benefited thereby, shall be ordered constructed by the council unless a retition, signed by sixty per cent of the persons benefited thereby, has been filed with the council requesting that such improvement be made. And, if the council shall declare that the expense of any sewer or any part thereof, shall be paid by a special assessment upon the lands and premises benefited, then such special assessment may be maid in five parts, each part to contain a list of the lots or parcels of land constituting the special assessment district which said special assessment district shall be determined by the council with the names of the owners, is known, or occupants of each lot or parcel of land; and one-fifth of the cost or expense of the work shall be assessed upon each one of said five parts. Such parts of the assessment roll shall be numbered one, two, three, four and five, respectively, and any person so electing may pay part one and have an extension of time for the payment of parts two, three, four and five of one, two, three and four years respectively. If part one is not

paid on or before the same shall become due, the whole shall be due and no extension of time shall be granted thereon. Deferred payments shall draw interest at the rate of six per cent per annum from the date of confirmation of such special assessment roll by the council, and if any default shall be made in the payment of an installment or of the interest thereon the whole amount of the assessment then yet remaining unpaid shall mature and become due and payable; and thereupon the same proceedings shall be had for the collection of the amounts still due, as are authorized by the general law governing villages in case the owners or occupants have not elected to pay in installments. The village council shall have the power to issue bonds of the village, bearing not to exceed six per cent interest, to the full amount of the unpaid assessments, and pledging the faith and credit of the village for the payment of said bonds out of such assessments when collected. Said bonds shall run for one, two, three, and four years respectively, and all payments made on the deferred assessment shall be paid on and constitute a sinking fund for the payment of said bonds at maturity. Owners and occupants electing to pay by installments shall pay the full amount of the interest on each installment due to the maturity thereof, but may pay the principal and such interest into the village treasury before maturity. Contractors for the construction of sewers may be required to take their pay in such special sewer bonds; and if the council so declares, the notice of such declaration shall be included in the advertisement, or notice, calling for proposals to construct such sewers. The council shall, however, first advertise said bonds for sale for four consecutive weeks in some newspaper of general circulation within or near said village, and in such manner as they may determine, and all bids received for such bonds shall be opened in public and contracts for said bonds awarded to the highest responsible bidder; or after advertising or sale said bonds as above set forth, the council may reject all bids and require the contractor or contractors to accept any or all of his pay in such bonds at not less than their par value; but no such bonds shall, in any event be sold or otherwise disposed of, at less than their par value.

## **Sec. 7.24**

Before proceeding to the construction of any sewer, drain or watercourse, the expense or any part of the expense of which is to be defrayed by special assessment, the council shall cause a map to be made of those lands and premises which, in their opinion, will be benefited by the drainage, and which they intend to assess for the cost of the sewer or drain. Said lands shall constitute a sewer district; and said map shall show the boundaries and divisions of all the lots and premises in the district, and the proposed route and location of the sewer through the same; also its depth, grade and dimensions. Said map with an estimate of the cost of the proposed work, shall be deposited with the clerk, and notice shall be given by posting copies of such notice for two weeks in three public places in the village, of the intention to construct the sewer or drain, and where the map and estimates can be found, and appointing a time when the council will meet to hear any suggestions and objections from persons interested or liable to be assessed for the work.

## **Sec. 7.25**

When the council shall determine to construct any such sewer, drain or water-course, they shall so declare by resolution, designating the lands or district to be assessed, and describing, by reference to the map and diagram mentioned in the preceding section, the route, location, depth, grade and dimensions of the work, and shall state in the same resolution what part of the expense, if any, is to be paid by general tax and what part by special assessment, according to the benefits; such map and diagram as adopted shall be filed with the clerk.

## **Sec. 7.26**

Special assessments for the purpose aforesaid shall be made in the manner provided in chapter eight of the general law governing villages.

## **Sec. 7.27**

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

## **Sec. 7.28**

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

## **Sec. 7.29**

The council may charge and collect annually from persons whose premises are connected by private drains with the public sewers, such reasonable sum, not exceeding two dollars per year, as they may deem just, in proportion to the amount of drainage through such private drain; and such charge shall be Lien upon the premises, and may be collected by special assessment thereon.

## **Sec. 7.30**

Such part of the expense of providing ditches and improving Watercourses, as the council shall determine, may be defrayed by special assessment upon the lands and premises benefited thereby in proportion to such benefits.

## **Sec. 7.31**

The expense repairing public sewers, ditches and water-courses may be paid by general tax. The expenses of reconstructing public sewers may be defrayed in the manner herein prescribed for paying the expenses of the construction thereof.

## **Sec. 7.32**

The council may enact such ordinances as may be necessary for the protection and control of the public drains and sewers, and to carry into effect the powers herein conferred in respect to the drainage of the village,

# **POLICE**

## **Sec. 7.33**

The council of the village may provide for and establish a police force, and may authorize the president to appoint, by and with the consent of the council, from time to time, such number of policemen and night watch men as they shall deem expedient for the good government of the village, and for the protection of the persons and property of the inhabitants, and they may authorize the president of the village, in cases of emergency and danger, to appoint, temporarily, such number of policemen as in his judgement the occasion may require.

## **Sec. 7.34**

The council shall make all necessary rules for the government of the police, and prescribe the powers and duties of policemen and watchmen, and they may invest them with such authority as may be necessary for the preservation of quiet and food order in the village,

## **Sec. 7.35**

The village marshal shall be the chief of the police, and subject to the president, shall have the direction of the police of the village. For the preservation of the peace, the police and watchmen shall have all the powers given, by law, to constables. It shall be their duty to suppress all riots, disturbances and breaches of the peace; to arrest all persons fleeing from justice, to apprehend upon view any person found in the act of committing any offense against the laws of the state, or violating the ordinances of the village in any manner involving a breach of the peace, and to take the offender before the proper magistrate or officer, to be punished; to make complaints before the proper magistrate of any person known or believed by them to be guilty of crime or any violation of the ordinances of the council; and to serve all processes that may be delivered to them for that purpose, and - generally to perform all such duties as may be required by the council for the good government of the village.

# **PUBLIC HEALTH**

## **Sec. 7.36**

The council may enact all such ordinances as may be deemed necessary for the preservation and protection of the health of the inhabitants of the village, and to prevent the introduction of malignant, infectious, or contagious disease within the village or within one mile thereof;. and for the removal of persons having such diseases, or who, from exposure thereto, or otherwise, may be suspected or believed to be liable to communicate the same, yond the corporate limits, or to such hospital or place of treatment within the village as the council may prescribe and the public safety may require,

## **Sec. 7.37**

The council shall have power to prevent and remove or abate all nuisances dangerous to life or health within the village, and may require any persons corporation or company causing such

nuisance, and the owner or occupant or any lot or premises upon or in which any such nuisance or cause of disease may be found, to remove or abate the same upon such notice, and within such time as the council may by ordinance or resolution direct.

### **Sec. 7.38**

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

### **Sec. 7.39**

If the owner or occupant of any lot or premises, when required by the council or board of health to remove any unsafe building or structure, or to cleanse, purify or drain such lot or premises, or to abate or remove any nuisance therefrom, shall neglect so to do, and the council shall incur any expense in causing the same to be done, such expense may be charged upon such lot or premises, and collected as a special assessment thereon; or such expense may be recovered by the village in an action of debt or assumpsit against the owner or occupant of any such lot or premises.

### **Sec. 7.40**

The council, when they shall deem it necessary, may from time to time assign, by ordinance, certain places for the exercise of any trade or employment offensive to the inhabitants, or dangerous to the public health; and may forbid the exercise thereof in places not so assigned; and may change or revoke such assignments at pleasure; and whenever a business on in any place so assigned or in any other place in the village, shall become harmful and dangerous to the health of the neighborhood, the council may prohibit the further exercise of such business or employment at such place.

### **Sec. 7.41**

The council may provide for the appointment of the necessary officers and employees for the management of the village hospital and for the care and treatment therein of such sick and diseased persons as to the council or board of health of the village shall seem proper; and by direction of the council or board, persons having any malignant, infectious or contagious disease, may be removed to such hospital, and there detained and treated, when the public safety may so require, and the council may provide such restraints and punishments as may be necessary to prevent any such person from departing from such hospital until duly discharged.

### **Sec. 7.42**

The council shall have and exercise all the powers and authority conferred upon board of health by the general laws of the state so far as the same are applicable; and they may enact such

ordinances as may be necessary for regulating the proceedings and mode of exercising such powers.

### **Sec. 7.43**

When the council shall deem it necessary, they may establish a board of health for the village, and appoint officers therefor, and make rules for its government, and invest it with such powers and authority as may be necessary for the protection and preservation of the health of the inhabitants.

# CHAPTER 8

## IMPROVEMENTS AND ASSESSMENTS

### Sec. 8.1

The cost and expense of the following improvements, including the necessary lands therefor, viz; for public buildings and offices for the use of the village officers, engine houses, and structures for the fire department, for water works, for lighting purposes, parks, watch-houses, village prisons, shall be paid from the proper general funds of the village. When the cost and expenses of any local or public improvement is to be defrayed in whole or in part by special assessment upon lands abutting upon and adjacent to or otherwise benefited by the improvement, such assessment may be made as provided in Chapter eight of the general law of the State of Michigan governing villages.

# CHAPTER 9

## FINANCE AND TAXATION

### Sec. 1.

The council shall have authority to raise, by general tax upon the real and personal property liable to taxation in said village (exclusive of special assessments for highway and street purposes and construction of sewers) such sum not exceeding in any one year one per cent of the assessed value of such property as they shall deem necessary for the purpose of defraying all of the expenses and liabilities of the corporation, and to carry into effect the powers granted by this charter. The moneys so raised shall constitute a "general fund",

### Sec. 2.

The council may raise by special assessment upon lands in sewer districts and special assessment districts, for the purpose of defraying the cost and expense of grading, paving, planking and graveling streets, and for constructing drains and sewers, and for making other local improvements, charged upon the lands in the district in proportion to frontage or benefits, such sums as they shall deem necessary to defray the costs of such improvements, but not to exceed in any one year five per cent of the assessed value of the property in the district chargeable with such expense; Moneys raised by special assessments to pay the cost of any such local improvement shall be held as a special fund to pay such cost and expense, or to repay moneys borrowed therefor.

### Sec. 3.

The council shall also raise annually such further sum, not exceeding five mills on the dollar of the assessed value of the property in the village, as may be needed for any interest and sinking fund to pay the funded debt of the village, if any and the interest thereon. The money so raised shall be used for the purpose aforesaid and for no other.

### Sec. 4.

Within two weeks next preceding any annual village election, the council shall audit and settle the accounts of the treasurer and other officers of the village and so far as practicable of all persons having claims against the village, and shall make out 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 during the year for all purposes, and the amount raised for each fund; the amount levied by special assessment and the amount collected on each; also the items and amounts received from all other sources during the year; also the several items of all expenditures made during the year, and the objects thereof, classifying the same for each purpose separately, and containing such other information as shall be necessary to a full understanding of the financial concerns of the village. Said statement signed by the president and clerk, shall be filed in the office of the clerk.

## **Sec. 5.**

The assessor of said village, in each year, at and within the same time as required by the general laws of this state for the assessment of property in the townships of this state, shall, make an assessment roll containing a description of all the real property and the aggregate amount of all the personal property liable under the laws of the state to taxation in the village, and the name of the owner, agent or person liable to pay taxes there in if linown, and shall set down in such roll the valuation of such property, at its true cash value, placing the value of the real and personal property in separate columns; and in so doing he shall conform to and be governed by the provisions of Larr governing supervisors of totinships performing like services: Provided That, whenever in any year it shall not be necessary to raise any money by taxation in the village, the council may so determine by resolution, and when so determined by the council they shall certify such determination to the assessor, and such assessor shall not make any assessments of property in such village for such year: And Provided further,. That the council may, by resolution, direct the assessor to take the assessment and make an assessment roll on or before such data as shall be deemed to be for the best interest of the village not later than the first day of Hay in each year.

## **Sec. 6.**

Immediately after the completion of such assessment roll, the assessor shall give notice thereof, and of the time and place in said village, when and where the assessment will be reviewed, and that any persons deeming themselves aggrieved by the assessment may then be heard. Such notice shall be given by posting copies thereof in six public places in the village, not less than seven days before the day of review.

## **Sec. 7.**

The assessor and two qualified freeholders and electors of the village, to be annually appointed by the council, shall constitute a board of review of the assessments. At the time appointed for the review, the board shall meet at the place designated in the notice and continue in session one day, for the purpose of reviewing and correcting such assessments; and for such purpose the board of review shall have the same powers, and perform like duties in all respects, as are conferred upon and required of review in townships, in reviewing assessments in townships. They shall hear complaints of all persons considering themselves aggrieved by such assessment and if it shall appear that any person has been wrongfully assessed, or omitted from the roll, the board shall correct the roll. in such manner as they shall deem just.

## **Sec. 8.**

Said board of review shall make a record of all changes made in the roll, which record shall be signed by them and deposited with the clerk.

## **Sec. 9.**

Immediately after the review of the assessment roll as aforesaid, the board of review shall certify the roll under their hands to the council.

## **Sec. 10.**

The council, after an examination of the assessment roll, shall certify the same to the assessor, together with the amount which they required to be raised by general tax for all purposes; and all amounts of special assessments which they require to be reassessed upon any lands, premises, or against any person, with a particular description of the lands and property to be reassessed upon each parcel of land, and the name or names, so far as known, of the persons chargeable with such tax, which certificate, endorsed upon or annexed to the roll, shall be signed by the president and clerk.

## **Sec. 11.**

Upon receiving the assessment roll, with the certificate of the several amounts to be raised thereon, as provided in the preceding section, the assessor shall proceed to estimate, apportion, and set down in columns opposite to the several valuations, of real and personal property on the roll, in proportion to the individual and particular estimates and valuations, the respective sums in dollars and cents, apportionable to each; placing the general fund taxes in one column; the street district taxes, if any, in another column; all special assessment taxes in a third column; and the total of all taxes assessed to each valuation shall be carried into the last column of the roll. The assessor shall also foot up the amounts carried to the last column, as afore said, and certify upon the roll the aggregate amounts of the taxes levied therein.

## **Sec. 12.**

After extending the taxes as aforesaid, and not later than the third Monday of June in each year or in case the council shall have fixed by resolution, in accordance with the provision in section five of this chapter, not later than the first Monday in May the assessor shall cause said assessment roll, certified under his hand, to be delivered to the treasurer, with the warrant of the president of the village annexed thereto, directing and requiring him to collect from the several persons named in said roll the several sums mentioned therein opposite to their respective names, as a tax or assessment, and authorizing him, in case any person named therein shall neglect or refuse to pay such sums to levy the same by distress and sale of his, her or their goods and chattels, together with the costs and charges of such distress and sale, and directing him to collect all taxes by a certain day therein to be named, not less than thirty nor more than fifty days from the date of said warrant. The president may renew said warrant from time to time, by order of the council, and for such time as the council. shall direct; Provided, That the time shall not be extended later than the third Monday of October in any year.

## **Sec. 13.**

Immediately upon receiving the tax roll, with the warrant there. to, annexed, as provided in section twelve, the treasurer shall proceed to collect the taxes levied therein according to the direction of said warrant, together with such percentage thereon for collection fees shall be authorized by the council.

## **Sec. 14.**

In case any person shall neglect or refuse to pay any tax imposed upon any real or personal property belonging to him, as aforesaid, the treasurer shall levy the same by distress' and sale

of the goods and chattels of the said person liable to pay the same, wherever such goods and chattels may be found, either in said village or elsewhere in the county where such village is located, or in any adjoining county, first giving public notice of such sale in the manner and for the time required by law in case of such sales made by township treasurers and for such purpose and for the collection of the taxes aforesaid, the treasurer may bring suit therefor, and shall have all the powers and perform the like duties, so far as applicable, as are conferred upon or required of township treasurers, in the collection of taxes levied in townships.

### **Sec. 15.**

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

### **Sec. 16.**

Whenever the treasurer shall be unable to collect any tax assessed upon personal property in the village it shall be lawful for the treasurer of the village to bring suit, in the name of the village, for the recovery thereof, against the person or persons against whom the tax was assessed, before any court of competent jurisdiction, and to take and use all a lawful means provided by law for the collection of debts to enforce the payment of such tax; and in such cases all the provisions of law applicable to suits and the evidence therein, brought by township treasurers in the name of their township for such purpose, shall apply.

### **Sec. 17.**

The council may borrow, in any year, in anticipation of the collection of taxes for the same year, such sum, not exceeding one-half of the tax, as may be necessary to defray current expenses. The money so borrowed shall be so repaid from such tax when collected. And they may in like manner borrow, in anticipation of the collection of special assessments actually made for any local improvement, such sum, not exceeding the assessment as may be necessary for the prosecution or completion of the improvement; and the assessment, when collected, shall be applied in payment of the loan.

### **Sec. 18.**

Should any greater amount be required in any year for the purchase of grounds for erecting public buildings, or for other necessary corporate purposes, than can be raised by the council under the foregoing provisions of this chapter, such amount may be raised by tax or loan, or partly by tax and partly by loan, if authorized by a two-thirds vote of the electors voting upon the question at an annual or special village election; Provided, that the amount that may be voted or raised in any year, under the provisions of this section, shall not exceed two per cent of the assessed valuation of the property in the village, as shown by the last preceding tax roll made therein. And provided further, that in no case shall the total indebtedness of said village exceed

five per cent of the total assessed valuation of said village as shown by the last tax roll of said village.

### **Sec. 19.**

The proposition to raise 'such additional amount shall be submitted to a vote of the electors by an ordinance or resolution of the council, distinctly stating the purpose of the expenditure for which said money is required, the amount proposed to be raised therefor, and whether by tax or loan, and appointing the time when the vote will be taken. Such ordinance or resolution shall be posted in six of the most public places in the village at least two weeks before the election at which the vote is to be taken. Such vote shall be by ballot; the contents of the ballots shall be prescribed in the ordinance or resolution submitting the proposition to the electors,

### **Sec. 20.**

No money shall be drawn from the treasury except in pursuance of the authority and appropriation of the council, and upon the warrant of the clerk countersigned by the president, Such warrant shall specify the fund from which it is payable, and shall be paid from no other fund. No warrant shall be drawn upon the treasury after the fund from which it should be paid has been exhausted. Any such warrant shall be void as against the village.

### **Sec. 21.**

No loans shall be made by the council or by its authority in any year, exceeding the amounts prescribed in this charter. For any loans law fully made, the bonds of the village may be issued bearing a legal rate of interest. A record showing the dates, numbers, and amounts of the bonds issued, and when due, shall be kept by the clerk. When deemed necessary by the council to extend the time of payment, new bonds may be issued in place of former bonds falling due, in such manner as merely to change, but not increase the indebtedness of the village, Each bond shall show upon its face the class of indebtedness to which it belongs, and from what fund it is payable. The village council shall have power to issue bonds for the purpose of funding the existing floating indebtedness of the village; Provided, That a majority of the legal voters of such village, voting upon such proposition, at a general or special election called by the council for that purpose shall vote in favor thereof. The question of issuing said funding bonds shall be submitted to the legal voters of said village by giving due notice thereof by causing the date, place and object of such election to be stated in written or printed notices to be posted in six public places in said village at least twenty days before the time fixed by said council for such election, which notice shall state the amount of money proposed to be raised by such. funding bonds.

Vote upon such proposition shall be by ballot either printed or written or partly printed or partly written and such ballots shall be in the following form:

Proposition to issue village funding bonds. Yes ( )

Proposition to issue village funding bonds. No

The election shall be conducted and the votes canvassed in all respects as in other village elections, Said funding bonds shall be issued by the village council in denominations not exceeding \$10,000.00 each, at a rate of interest not exceeding five per centum per annum, payable semi-annually and for a period not exceeding twenty-five years, as the village council shall by resolution direct, and no such funding bonds shall be used or negotiated at less than

their par.yalue and shall be made payable in substantially equal serial annual installments within said twenty-five year period. In case any bonds are issued under the provisions of this charter, it shall be the duty of the village council to raise in each year by tax upon the taxable property of such village such sums of money as shall be sufficient to pay the amount of said bonds and the interest thereon as fast as the same shall become due.

## **Sec. 22.**

Every bond issued by any village, 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 village to sign or issue any such bond without such matters are set forth on the face of the same as aforesaid, or to use such bonds or the proceeds from the sale thereof, for any other object than that mentioned on the face of such bond and any other officer who shall violate any of the provisions of this section shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be punished by a fine not exceeding one thousand dollars, or by imprisonment in the county jail for a period not exceeding one year, or by both such fine and imprisonment in the discretion of the court.

# CHAPTER 10

## FIRES AND FIRE DEPARTMENT,

### Sec. 1.

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

### Sec. 2.

The council may purchase and provide suitable fire engines and apparatus for the extinguishment of fires; and may sink wells and constrict cisterns and reservoirs in the streets, public grounds and other suitable places in the village, and make all necessary provisions for a convenient supply of water for the use of the departments.

### Sec. 3.

The council may also provide or erect all necessary buildings for keeping the engines, carriages, teams and fire apparatus of the department,

### Sec. 4

The council may provide, by ordinance or resolution, for the appointment of a chief of the fire department, who shall be subject to the direction of the president and the regulations of the council shall have the supervision of and direction of the department and the care and management of the fire engines, apparatus and property,

### Sec. 5.

The chief of the fire department, or other officer acting as such, may command any person present at a fire to aid in the extinguishment thereof, and to assist in the protection of property threat. If any person shall willfully disobey any such lawful requirement or other lawful order of any such officer he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment in the county jail for a period not exceeding ninety days, or by a fine not exceeding one hundred dollars, or by both such fine and imprisonment in the discretion of the court.

### Sec. 6.

The Council may provide by ordinance for the appointment of and may appoint such number of fire wardens as may be deemed necessary; and for the examination by them from time to time,

of the staves, furnaces, and heating apparatus and devices in all dwellings, buildings, and structures within the village, and in all places where combustible or explosive substances are kept and to cause all such as are unsafe with respect to fire, to be put in a safe condition.

### **Sec. 7.**

The council may prescribe by ordinance from time to time, limits or districts within said village within which wooden buildings and structures shall not be erected, placed, or enlarged, and to direct the manner of constructing buildings within such district, with respect to protection against fire, and the material of which the outer walls and roofs shall be constructed,

### **Sec. 8.**

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

### **Sec. 9.**

Every building or structure which may be erected, placed, enlarged, or kept, in violation of any ordinance or regulation lawfully made for the prevention of fires, is hereby declared to be a nuisance, and may be abated or removed by the direction of the council.

### **Sec. 10.**

The officers, firemen, and employees of the department shall receive such compensation as the council may prescribe, (and during their term of service shall be exempt from serving on juries). The council may provide suitable compensation for an injury which any fireman may receive to his person or property, in consequence of the performance of his duty at any fire.

### **Sec. 11.**

The chief in charge of the department at any fire, with the concurrence of the president or any two trustees, may cause any building to be pulled down or destroyed, when deemed necessary in order to arrest the progress of the fire. Whenever any building is so pulled down or destroyed, any person having an interest in such building may present his claim for damages to the council of such village, and it shall thereupon be the duty of the council to pay such claimant such damages as may be just under all of the circumstances, taking into consideration the fact whether or not such loss would probably have occurred to such building if it had not been pulled down or destroyed, and whether the same was insured or not. If the council and such claimant shall not be able to agree upon the amount of damages to be paid such claimant, then the amount of such damages shall be ascertained by the appraisal of a jury to be selected in the same manner as in cases of a jury to appraise damages for taking private property for public use. Such jury may visit the premises and may hear all the proofs in the case, and shall allow such claimant such amount of damages as they may deem proper under all the circumstances, as above stated. If such jury shall not be able to agree, a new jury shall be empaneled as above

provided until a jury has been obtained that shall agree, and the council shall pay such claimant the amount or damages fixed by the jury. There shall be no appeal from the verdict of such jury either by the village or any claimant.

# CHAPTER 11

## WATER WORKS

### Sec. 1.

The village may acquire, purchase, erect and maintain such reservoirs, canals, aqueducts, sluices, buildings, engines, water wheels, pumps, hydraulic machines, distributing pipes and other apparatus, appurtenance and machinery, and may acquire, purchase, appropriate and on such grounds., real estate, rights and privileges as may be necessary and proper for the securing, constructing, rebuilding, repairing, extending and maintenance of such water works or filtration plants as it may require.

### Sec. 2.

It shall be lawful for said village, subject to the provisions of this charter, to borrow any sum of money, not exceeding five percent of the assessed value of the property in said village as shown by the last preceding tax roll, to be used exclusively for the purpose of purchasing, constructing, repairing, rebuilding, extending and maintaining water works, or filtration plants as provided in the preceding section, and for the payment of any indebtedness incurred by the village in purchasing, constructing repairing, rebuilding, extending and maintaining water works or filtration plants. The council shall have the power to fix the time and place of the payment of the principal and interest of the debt contracted under the provisions of this chapter and to issue bonds of the village therefore, but the rate of such interest shall not exceed six per cent per annum. Such bonds shall not be sold for less than their par value; Provided, That the total amount expended for the purchasing, construct ing, repairing, rebuilding, extending and maintaining such water works, or for the payment of any indebtedness incured by the village in purchasing, constructing repairing, rebuilding, extending and maintaining such works shall not exceed the amount of the estimate of expense provided for in section three of this chapter.

### Sec. 3.

Before any money shall be borrowed, appropriated, raised, or expended for the purchase, construction, repairing, rebuilding, or extending of water works, for filtration plants in said.village, or for the payment of any indebtedness incurred by the village in purchasing, constructing, repairing, rebuilding, extending and maintaining water works or filtration plants, the council shall cause to be made an estimate oz. the expense thereof, and the question of raising the amount required for such purpose or purposes and of the amount required to pay any indebtedness incurred by the village for the purchasing, constructing, reairing, rebuilding, extending or maintaining of water works or filtration plants in the village shall be submitted to the electors of the village at its annual election or a special election called for that purpose by the council as provided in this charter, and shall be determined as two-thirds of the electors voting at such election shall decide, provided, however, after water works or filtration plants have been purchased or constructed in a village by virtue of any provisions of this charter, the council may then raise and expend in making repairs or alterations or in extending such works, such sums

as it may see fit without submitting the question to the Electors of the village; Provided, That the sum to be raised for such purpose shall be included in and shall not increase the total amount which by the provision of this charter the council is authorized to raise.

#### **Sec. 4.**

The connecting or supplying pipes, leading from buildings or yards to the distributing pipes, shall be inserted and kept in repair at the expense of the former or occupant of the building or yard, and shall not be inserted or connected with the main pipes until a permit therefore shall be obtained from the council. All such connecting or supply pipes shall be constructed and connected in the manner prescribed by ordinance.

#### **Sec. 5.**

The council shall establish a scale of rates to be charged and paid for supply of water, to be called water rates, and which rates shall be appropriate to different classes of buildings in the village, with reference to their dimension, value, exposure, to fires, ordinary or extraordinary uses for dwellings, stores, shops, hotels, factories, livery stables, barns and of all other buildings, establishments and trades, yards, number of families or occupants or consumption of water, as near as may be practicable, and from time to time, either modify, amend, increase or diminish such rates; and the council may prescribe by ordinance, when and to whom such water rates shall be paid, and what steps shall be taken to enforce payment thereof, and may provide in case of non-payment, that the supply of water may be shut off or stopped as to any person or persons neglecting or refusing to make such payment.

#### **Sec. 6.**

The council may enact such ordinances, and adopt such resolutions, as may be necessary for the care, protection, preservation, and control of the water works, and the fixtures, appurtenances, apparatus, buildings, and machinery connected therewith or belonging thereto, and to carry into effect the provisions of this chapter, and the powers therein conferred in respect to the construction, management and control of such water works,

# CHAPTER 12

## LIGHTING

### Sec. 1.

Whenever the council shall, by resolution, declare that it is expedient for the village to acquire by purchase, or to construct as the case may be, works for the purpose of supplying the village and the inhabitants thereof, or either, with gas, electric, or other lights, then the council shall have power to take such action as shall be deemed expedient to accomplish such purpose.

### Sec. 2.

In case the council shall declare that it is expedient for said village to acquire by purchase or to construct, as the case may be, works for the purpose of supplying the village and the inhabitants thereof, or either, with electric or other lights, then the council shall cause to be made and recorded in their proceedings an estimate of the expense thereof, and the question of raising the amount required for such purpose shall be submitted to the electors of the village at its annual election, or at a special election called for that purpose by the council as provided in this chapter, and shall be determined as two-thirds of the electors voting at such election by ballot shall decide.

### Sec. 3.

After lighting works have been purchased or constructed as afore said, in such village, the council may then raise and expend in making repairs or alterations, or in extending such works such sum as it may deem advisable without submitting the question to the elector's or the village: Provided, That the sum to be so raised, in any one year, shall be included in, and shall not increase the total amount which, by the provisions of this charter, the council is authorized to raise: Provided further, That upon approval of two-thirds of the electors of said village, the council may, in lieu of raising such funds by tax, borrow money and issue bonds for such repair, alteration or extension of such lighting works, under the same provisions of section two as apply to the acquiring or construction of such works.

### Sec. 4.

The council may contract from year to year, or for a period of time not exceeding ten years, with any person or persons, or with any duly authorized corporation, for the supplying of such village or the inhabitants thereof, or both, with gas electric or other lights, upon such terms and conditions as may be agreed; and may grant to such persons, person or corporation the right to the use of the streets, alleys, and public grounds of such village as shall be necessary to enable such person, persons or corporation to construct and operate proper works for the supplying of such light upon such terms and conditions as shall be specified in such contract.

**Sec. 5.**

The council may enact such ordinances and adopt such resolutions as may be necessary for the care, protection, preservation and control of the lighting works, and all the fixtures, appurtenances, apparatus, buildings, and machinery connected therewith or belonging thereto, and to carry into effect the provisions of this chapter, and the powers herein conferred in respect to the erection, purchase, management and control of such works,

# CHAPTER 13

## APPROPRIATION OF PRIVATE PROPERTY

### Sec. 1.

Private property may be taken and appropriated for public use in the village of Hopkins for the purpose of opening, widening, altering and extending streets, alleys and avenues; for the construction of bridges, for public buildings and for other public structures; for public grounds, parks; and for the improvement of water courses and sewers, drains and ditches; for public hospitals, pest-houses; quarantine: grounds; and for other necessary and public uses; and all proceedings therefore shall be in conformity to the provisions of Chapter thirteen of the General Law governing villages.

# CHAPTER 14

## GENERAL PROVISIONS

### **Sec. 1.**

If any section or part of a section of this charter proves to be invalid or unconstitutional, the effect shall not be to invalidate or impair the validity, force or effect of any other section or part of a section of this charter unless it clearly appears that such other section or part of a section is wholly or necessarily dependent for its operation upon the section or part of a section so held invalid or unconstitutional.

### **Sec. 2.**

Upon the approval of this charter by the Governor of the State of Michigan and by a majority vote of the qualified electors voting thereof and upon filing two printed copies thereof officially certified by the village clerk in the office of the Secretary of State of Michigan and a like number with the County Clerk of the County of Allegan, with the vote for and against said charter duly certified by the village clerk, then this charter shall thereupon be in full force and effect and, shall thereupon become law.

# CHARTER COMMISSION CERTIFICATE

By this instrument it is hereby certified that the foregoing charter was framed on and before the date hereof by the charter commission of the village of Hopkins, and it is proposed by said commission for approval by the Governor of the State of Michigan and adoption by the electors of said village of Hopkins as the first charter of said village.

Dated at Hopkins, State of Michigan this 17th day of February,

All Members of Charter Commission

RUSSELL C. FURBER, President

FLOYD T. ROBERTS, Secretary

Charter Commission

CLAUDE B. HOFFMASTER,

WM. H. WATKINS,

JOHN D. MCKINNON

GOVERNOR'S APPROVAL

Approved: March 8, A. D. 1921.

ALEX J. GROESBECK, Governor of the State of Michigan.

49328 April, 4, 1967

Department of State  
James M. Hare, Sec. of State Lansing, Michigan 48913

Dear Sir:

I certify that at the annual Village Election held on March 13, 1957 the following proposition was placed on the ballot.

Shall Section 21, Chapter 4 of the Charter of the Village of Hopkins be amended so as to read as follows:

Compensation

Section 21 - The president and the duly qualified members of the Village Council shall receive a salary of \$100.00 per annum. All other officers shall receive such compensation as the council may prescribe.

There being 67 votes cast, 58 in favor and 9. against. The proposition was declared passed.

John P. Linsley

Village Clerk