

**CHARTER**  
**for the**  
**CITY OF ANN ARBOR**  
**MICHIGAN**

**Adopted April 9, 1956**  
**(with Amendments through November, 2009)**



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# CITY CHARTER

## PREAMBLE

We, the People of the City of Ann Arbor, in order to secure the benefits of efficient self-government and otherwise to promote our common welfare, do ordain and establish this charter for the government of our City, pursuant to authority granted by the Constitution and laws of the State of Michigan.

## CHAPTER 1 NAME AND BOUNDARIES

### Name

SECTION 1.1. The City shall be a body corporate under the name, "The City of Ann Arbor."

### Boundaries

SECTION 1.2. The City shall embrace the territory constituting the City of Ann Arbor on the effective date of this charter, together with such annexations thereto and less any detachments therefrom that may be made from time to time. Upon annexation or detachment of territory, the boundaries shall be deemed thereby to be changed without amendment of this section. The Clerk shall maintain and keep available in the Clerk's Office for public inspection an official description of the current boundaries of the City.

### Wards

SECTION 1.3.

- (a) The City shall be divided into five (5) wards, but no more than five (5) wards, the boundaries of which shall be determined by action of the Council, as provided by Michigan law, and according to the following standards:
  - (1) Each of the five wards, as far as is practically possible, shall be compact, contiguous, regular in shape and shall follow or conform to natural boundaries and limits so as to provide the least possible change or alteration of existing ward boundaries.
  - (2) The five wards should each have the general character of a peshaped segment of the City with the point of such segment lying near the center of the city so as to make each ward a very rough cross section of the community population from the center outward.

- (3) Each of the five wards should be maintained with a population as nearly equal to the population of the other four wards, as is practically possible, on the basis of the last preceding federal decennial census.
- (4) Existing ward boundaries shall be continued until the Council has taken action as required by State law and as provided herein.
- (b) Whenever any territory is annexed to the City, the Council shall forthwith, by ordinance, provide for including such territory in an adjoining ward or wards as the case may be.
- (c) The wards of the City shall be divided into election precincts in the manner provided and required by law.

*(Amended by election of April 3, 1967)*

## **CHAPTER 2 DEFINITIONS**

### **Definitions**

SECTION 2.1. Except as otherwise specifically provided or indicated by the context of this charter:

- (1) "Administrative Unit" means a department, office, or agency of the City;
- (2) "Charter" means this charter, as amended from time to time;
- (3) "City" means the City of Ann Arbor;
- (4) "Council" means the City Council of the City of Ann Arbor, and includes any term employed in any State or federal law referring to or denoting governing bodies of cities;
- (5) "Members elect" of the Council or any city board or commission means the total number of members of the Council or of the board or commission;
- (6) "Person" includes corporations, both public and private, partnerships, and associations, as well as individuals;
- (7) "Printed" and "printing" include reproductions by printing, engraving, stencil duplication, lithographing, or any similar method;

- (8) "Written" and "in writing" include hand written script, printing, and typewriting, and teletype and telegraphic communications;
- (9) The singular number includes the plural, and the plural number includes the singular.

### **CHAPTER 3 GENERAL MUNICIPAL POWERS**

#### **General Powers of the City**

SECTION 3.1. The City shall have all powers possible for a city to have under the Constitution and laws of Michigan as fully and completely as though they were specifically mentioned in this charter. The mention of particular powers in the charter shall not be construed as limiting in any way the general powers stated in this section. *(Amended by election of April 2, 1990)*

### **CHAPTER 4 COUNCIL AND MAYOR**

#### **The Council**

##### SECTION 4.1.

- (a) The Council shall be composed of the Mayor and ten Council Members.
- (b) Subject only to limitations and exceptions provided by this charter or other provisions of law, all powers of the City shall be vested in and exercised by the Council.
- (c) The Council shall be the judge of the eligibility, election, and qualification of its members.

#### **The Mayor**

SECTION 4.2. In addition to any powers and duties otherwise provided by law, the Mayor shall:

- (1) be the presiding officer of the Council;

- (2) have all the powers and duties of a Council Member, including the power and the duty to vote;
- (3) have the veto powers as provided in Section 4.5 of this charter;
- (4) give the Council information concerning the affairs of the City and recommend such measures as deemed expedient;
- (5) in emergencies, have the powers conferred by law upon sheriffs to prevent disorder, preserve the public peace and health, and provide for the safety of persons and property;
- (6) execute or authenticate by signature such instruments as the Council, this charter, or any State or federal law shall require;
- (7) be the ceremonial head of the City;
- (8) appoint all Council Committees and be a member thereof and make other appointments as provided in this charter or by the Council.

### **The Mayor Pro Tem**

#### SECTION 4.3.

- (a) At its first meeting after the newly elected members have taken office following each regular city election, the Council shall elect one of its members Mayor Pro Tem for a term expiring at the first Council meeting following the next regular city election. The election of the Mayor Pro Tem shall be by the concurring vote of at least six members of the Council.
- (b) The Mayor Pro Tem shall perform the duties and have the powers of the Mayor when, on account of a vacancy in the office, absence from the City, disability, or for any other reason, the Mayor is unable to perform the duties of office. If both the Mayor and Mayor Pro Tem are temporarily unable to perform the duties of the office of Mayor, the Council shall designate another of its members as Acting Mayor to perform such duties temporarily.
- (c) When acting as Mayor, the Mayor Pro Tem or the Acting Mayor shall vote as a Council Member, and shall not possess the veto power.

## Meetings of the Council

### SECTION 4.4.

- (a) The Council shall fix the time and place of its regular meetings and shall hold at least two regular meetings in each month. If any day prescribed for a regular meeting of the Council is a holiday, such regular meeting shall be held at the same time and place on the next secular day, except that when such holiday is an election day, the meeting shall be held on the following Thursday.
- (b) Special meetings of the Council shall be held at the regular meeting place thereof and shall be called by the Clerk on written request of the Mayor or any three members of the Council. Written notice stating the time and purpose of a special meeting shall be delivered to each member of the Council or left at the member's usual place of residence at least three hours prior to the time set for the meeting. The Clerk shall record a certificate of service of notice in the journal of such meeting. A special meeting may be held notwithstanding lack of notice if all members are present, or if a quorum is present and each absent member has filed with the Clerk a written waiver of notice. A vote taken by the Council at a prior meeting shall not be reconsidered at a special meeting, unless as many members are present as were present when the original vote was taken. Except by unanimous consent of all members of the Council, a matter shall not be acted upon at any special meeting unless it has been included in the notice of the meeting.
- (c) All meetings of the Council shall be open to the public and the rules of the Council shall provide that citizens shall have a reasonable opportunity to be heard. The public shall have access to the minutes and records of all meetings. Within ten days after any meeting, all proceedings shall be printed in such form as shall be prescribed by rule of the Council.
- (d) Six members of the Council shall be a quorum for the transaction of business. In the absence of a quorum, any number less than a quorum may adjourn to a later time.
- (e) The Council shall determine its own rules and order of business. It shall keep a journal, in the English language, of its proceedings. The journal shall be signed by the Clerk after approval by the Council.
- (f) Except as otherwise provided in this charter, each member of the Council present shall cast a "yes" or "no" vote on each question before the Council, unless excused therefrom by a vote of at least six members.
- (g) The affirmative vote of at least six members of the Council, or of such greater

number as may be required by this charter, or other provisions of law, shall be required for the adoption or passage of any resolution or ordinance, or the taking of any official Council action. No office may be created or abolished, nor any street, alley, or public ground vacated, nor private property taken for public use, unless by a concurring vote of at least eight members of the Council.

- (h) The Council may compel the attendance of its members and other officers of the City at its meetings, may take disciplinary action for non-attendance as prescribed by ordinance or by Council rules, and may prescribe, by ordinance, the punishment for any misbehavior or the contemptuous or disorderly conduct of any member or any person present at any meeting of the Council.
- (i) A member of the Council shall not vote on a question in which the member has a financial interest, other than the general public interest, or on any question involving the member's own conduct. If a question is raised under this section at any Council meeting concerning the eligibility of a member of the Council to vote on any matter, such question shall be finally determined by the concurring vote of at least six members of the Council, not including such member.

## **Veto Power of Mayor**

### **SECTION 4.5.**

- (a) Within seventy-two hours, exclusive of Sundays and holidays, after a meeting of the Council, the Clerk shall present the record of the meeting to the Mayor for approval. Except in cases of appointment or removal of officers by the Council, the Mayor may disapprove, in whole or in part, any action taken by the Council by resolution, order, or otherwise. The Mayor shall file the disapproval and reasons therefor, in writing, with the Clerk within seventy-two hours, exclusive of Sundays and holidays, following presentation of the record to the Mayor. Such disapproval shall be reported by the Clerk at the next regular meeting of the Council or at a special meeting called for consideration thereof. Council action disapproved by the Mayor shall be of no effect, unless re-affirmed by the concurring vote of at least eight members of the Council within thirty days from the time such disapproval is reported by the Clerk.
- (b) Within seventy-two hours, exclusive of Sundays and holidays, after the adoption of an ordinance, the Clerk shall present it to the Mayor. The Mayor may approve or disapprove. If the Mayor disapproves, the Mayor shall return the ordinance to the Clerk with the objections thereto in writing. The Clerk shall lay the ordinance and the objections of the Mayor before the council at



its next regular meeting or at a special meeting called for consideration thereof. If, within thirty days thereafter, at least eight members of the Council vote to readopt the ordinance, it shall become effective without the approval of the Mayor. If the Mayor fails to act within ten days after an ordinance is presented, it shall be deemed to have been approved. The Clerk shall certify on each ordinance and also in the journal the actions taken under this section and the dates thereof.

## **CHAPTER 5 ADMINISTRATION**

### **City Administrator**

#### SECTION 5.1.

- (a) The City Administrator shall be the administrative agent of the Council, shall perform the duties of office under its authority, and shall be accountable to the Council for the performance of those duties. The City Administrator shall be chosen on the basis of executive and administrative qualifications.
  
- (b) It shall be the duty of the City Administrator to:
  - (1) Direct, supervise, and coordinate the work of the Police Department, the Fire Department, the Department of Public Works, the Utilities Department, the Department of Parks and Recreation, the Department of Building and Safety Engineering, the Clerk, the Controller, and such additional administrative units as the Council may, from time to time, designate;
  - (2) Assume the duties of any administrative officer who is required to be appointed upon the City Administrator's recommendation, when so directed by the Council;
  - (3) Assemble the budgets prepared by the several administrative units and present the same to the Council, with the City Administrator's recommendations, in accordance with the provisions of Chapter 8 of this charter;
  - (4) Establish and maintain a central purchasing service for the several administrative units of the City;

- (5) Maintain an employment office and central personnel service for the several administrative units;
- (6) Maintain an inventory of city-owned property;
- (7) Keep informed concerning the administration of the several administrative units; and, to that end, the heads of all administrative units shall furnish the City Administrator such information and periodical or special reports as the City Administrator or the Council may deem necessary;
- (8) In case of conflict of authority between administrative units, or in case of absence of administrative authority occasioned by inadequacy of charter or ordinance provisions, resolve the conflict or supply the necessary authority, so far as may be consistent with law, this charter, and the ordinances of the City, and direct the necessary action to be taken in conformance therewith, making a full report immediately to the Council of the problem and the action taken thereon, with a recommendation for corrective legislation;
- (9) Attend all meetings of the Council, with the right to take part in all discussions, but without the right to vote;
- (10) Recommend to the Council, from time to time, such measures as deemed necessary or appropriate for the improvement of the City or its services;
- (11) Furnish the Council with information respecting the City's affairs and prepare and submit such reports as may be required, including an annual report which shall consolidate the reports of the several administrative units;
- (12) Possess such further powers and perform such additional duties as may be granted or required, from time to time, by the Council, so far as may be consistent with State law and this charter; and
- (13) Do everything necessary and proper to execute the foregoing powers.

### **City Attorney**

#### SECTION 5.2.

- (a) The Attorney shall be attorney and counsel for the City, and shall be responsible solely to the Council. The Attorney shall:

- (1) Advise the heads of administrative units in matters relating to their official duties, when so requested, and shall file with the Clerk a copy of all the Attorney's written opinions;
  - (2) Prosecute ordinance violations and shall represent the City in cases before courts and other tribunals and file with the Clerk copies of such records and files relating thereto as the Council may direct;
  - (3) Prepare or review all ordinances, regulations, contracts, bonds, and such other instruments as may be required by this charter or by the Council, and shall promptly give an opinion as to the legality thereof;
  - (4) Attend all meetings of the Council; and
  - (5) Perform such other duties as may be prescribed by this charter or the Council.
- (b) The Attorney may, with the approval of the Council, delegate one or more duties to an assistant who shall be appointed by the Attorney and whose compensation shall be fixed by the Council.
- (c) Upon the Attorney's recommendations, or upon its own initiative, the Council may retain special legal Counsel to handle any matter in which the City has an interest, or to assist the Attorney therein.

## **Clerk**

### SECTION 5.3. The Clerk shall:

- (a) Be the clerk of the Council and shall attend its meetings and keep its journal;
- (b) Keep a public record of all proceedings of the Council, and shall authenticate the same by signing it;
- (c) Shall certify by the Clerk's signature all ordinances and resolutions enacted or adopted by the Council;
- (d) Be custodian of all papers, documents, bonds, and records pertaining to the City, unless the custody thereof is otherwise provided by law or this charter;
- (e) Be custodian of the city seal and shall affix it to documents and attest the same;

- (f) Give notice to the proper officials of the expiration or termination of each franchise and contract to which the City is a party, and to city officers, personally, of the expiration of the terms of their respective offices and of any official bonds required of them;
- (g) Under authority of the Council, sign or countersign all contracts, deeds, licenses, or other public documents, on behalf of the City, and shall keep a record thereof;
- (h) Publish and post all notices, proceedings, and other matters required to be published or posted by law, this charter, or ordinance;
- (i) Be the chief elections officer of the City; and
- (j) Perform such other duties as may be required by law, this charter, or the ordinances and resolutions of the Council.

### **Treasurer**

SECTION 5.4. The Treasurer shall:

- (a) Have custody of all moneys, funds and securities of the City, keep account thereof, deposit the same in the manner and in the places designated by the Council, and report the same forthwith in detail to the Controller;
- (b) Except as otherwise provided by this charter or by ordinance, collect all moneys of the City, including charges for water and sewer services. The Treasurer shall receive from other officers and employees all moneys belonging to and receivable by the City that may be collected by them, and shall give receipt therefor;
- (c) For the collection of taxes have and exercise all of the powers and immunities which are granted and reserved by this charter and by law;
- (d) Disburse all city funds in accordance with the provisions of law and this charter and shall sign or countersign all checks or warrants accordingly; and
- (e) Perform such other duties as may be prescribed by law, this charter, or ordinances or resolutions of the Council.

### **Assessor**

SECTION 5.5. The Assessor shall have all the powers and all the duties provided by law, this charter, or ordinances or resolutions of the Council.

## **Controller**

SECTION 5.6. The Controller shall be the chief accounting officer of the City. The Controller shall:

- (1) Establish and maintain a general accounting plan for the city government, which shall conform to any uniform system of accounting prescribed for cities by law;
- (2) Act as advisor and chief assistant to the City Administrator in the formulation of each annual budget proposal;
- (3) Keep a separate account of each item of budget appropriation made by the Council to a city administrative unit and to other governmental units and agencies, to the extent and in the manner required by law;
- (4) Prescribe and supervise the keeping of detailed accounting records by administrative units;
- (5) Keep account of all funds collected by each administrative unit;
- (6) Submit to the Council, through the City Administrator, by the tenth working day of each month, a statement showing the balances at the close of the preceding month, in all funds and budget items, the amount of the City's known liabilities and budget items to which the same are to be charged, and all other information necessary to show the City's financial condition;
- (7) Prepare for the City Administrator, within sixty days following the end of each fiscal year, a complete financial statement and report of the City's financial condition as of the end of the year;
- (8) Approve all purchase orders as to the sufficiency of appropriations therefor, before such orders are placed by an administrative unit;
- (9) Sign all checks or warrants for the disbursement of funds from the City's treasury;
- (10) Audit the financial records of each administrative unit; and
- (11) Perform such other duties as may be prescribed by this charter or the ordinances and resolutions of the Council.

## **Administrative Departments**

SECTION 5.7. The Administrative Departments shall be: Police Department, Fire Department, Department of Public Works, Utilities Department, Department of Health, Department of Parks and Recreation, Planning Department, Department of Building and Safety Engineering, and other administrative departments established by the Council. Administrative departments and administrative offices may be abolished, reorganized or merged by the Council. *(Amended by election of April 6, 1964).*

### **Police Department**

#### SECTION 5.8.

- (a) The Police Department shall be in the immediate charge of the Chief of Police, who shall be responsible directly to the City Administrator.
- (b) Police officers shall have all the powers, immunities, and privileges granted to peace officers by law for the making of arrests, the preservation of order, and the safety of persons and property in the City. Any person arrested shall be taken before the proper magistrate or court for examination or trial, without unnecessary delay. Police officers shall make and sign complaints to the proper officers and magistrates against any person known to be, or upon complaint or information believed to be, guilty of any violation of this charter or of ordinances of the City, or of the penal laws of the State or of the United States. For the purposes of this section, violations of this charter or ordinances for which a penalty is provided shall be deemed to be misdemeanors.

### **Fire Department**

#### SECTION 5.9.

- (a) The Fire Department shall be in the immediate charge of the Fire Chief, who shall be responsible directly to the City Administrator.
- (b) The Fire Department shall be responsible for the prevention and extinguishment of fires and the protection of persons and property against age and accident resulting therefrom. The Fire Chief shall be responsible for the use, care, and management of the City's fire fighting apparatus and property. The Fire Chief shall conduct supervisory and educational programs for the purpose of reducing the risk of fires within the City. The Fire Chief, or any of the authorized subordinates, may command any person present at a fire to aid in the extinguishment thereof and to assist in the protection of life

or property. Any person who willfully disobeys any such lawful requirement, shall be deemed guilty of a violation of this charter.

- (c) The Fire Chief or any of the authorized subordinates, with the concurrence of the Mayor, or of the City Administrator, or of any two Council Members, may cause any building to be pulled down or destroyed, when deemed necessary in order to arrest the progress of a fire. In such case no action shall be maintained against the City or any person therefor. If any person, having an interest in such a building, applies to the Council within three months after the fire for compensation for damages to the building, the Council shall authorize the payment of such compensation as it deems just. The Council may ascertain the amount of such compensation by agreement with the owner or owners of the property, or by the appraisal of a jury elected in the same manner as in the case of juries to appraise damages for the taking of property for public use. No compensation shall be paid on account of any loss which would probably have occurred to such building, if it had not been pulled down or destroyed.
- (d) Employment in the Fire Department shall be subject to the following provisions:
  - (1) No person in the Fire Department, who is engaged in fire fighting or subject to the hazards thereof, shall be on duty in such employment more than twenty-four hours, or shall be off duty less than twenty-four consecutive hours, out of any forty-eight hour period: Provided, that all persons in the employ of the Fire Department who are engaged in fire fighting or subject to the hazards thereof shall be entitled to an additional twenty-four consecutive hours off duty in every eight-day period, thereby requiring fire-fighters to work not more than an average of sixty-three hours per week.
  - (2) The provisions of the above paragraph shall not apply to the Fire Chief or the Assistant Fire Chief, or to the members or employees of the Fire Department when required to remain on duty by the Fire Chief, the aides, or assistants, in cases of public necessity arising from great conflagration, riot, flood, or epidemic of pestilence or disease.
  - (3) Any officer, employee or agent of the City, who requires any employee who is engaged in fire fighting or subject to the hazards thereof, save as herein-before provided, to be on duty in such employment for a longer time than hereinbefore provided or to be off duty for a lesser time than hereinbefore provided, shall be guilty of a violation of this charter.

## **Department of Public Works**

### SECTION 5.10.

- (a) The Department of Public Works shall be in the immediate charge of the Superintendent of Public Works, who shall be responsible directly to the City Administrator.
- (b) The Department of Public Works shall be responsible for:
  - (1) Planning, laying out, construction, maintenance, alteration, repair, improvement, and control of streets, sidewalks, sewers, and sewage disposal facilities, and all other public grounds, buildings, facilities, and equipment which are not placed under the charge of some other department by this charter or by the Council in accordance with authority granted by this charter;
  - (2) Administration and operation of all municipal public utilities and of vehicle storage and parking services, except as otherwise provided by this charter or by the Council in accordance with authority granted by this charter; and
  - (3) Furnishing of other services provided by the City, except as otherwise provided by this charter or by the Council in accordance with authority granted by this charter.

## **Utilities Department**

### SECTION 5.11.

- (a) The Utilities Department shall be in the immediate charge of the Superintendent of Utilities, who shall be responsible directly to the City Administrator.
- (b) The Utilities Department shall be responsible for:
  - (1) Planning, laying out, construction, maintenance, alteration, repair, improvement, and control of water mains and the water supply and treatment plant and facilities, and the operation and administration of the water supply and treatment systems; and
  - (2) Administration and operation of other municipal utility facilities and services and of vehicle storage and parking facilities, when authorized by the Council.



- (c) In all matters relating to the use of the streets and other public ways, the Utilities Department shall cooperate with the Department of Public Works as required and directed by the City Administrator.

## **Department of Health**

### SECTION 5.12.

- (a) The Department of Health shall be in the immediate charge of the Health Officer, who shall be responsible directly to the Board of Health. The Health Officer shall be either a Doctor of Medicine or a Doctor of Public Health.
- (b) The Board of Health shall consist of five members appointed by the Mayor with the approval of the Council. At least two members of the Board shall be active practitioners of the medical profession, one of whom may be a Doctor of Public Health. The term of each member of the Board shall be three years. Board appointments shall be made during the month of May in each year, to assume office on the first of July following appointment. The terms of office of the first Board appointed hereunder shall be fixed by the Mayor so that the term of one member will be for one year, two for two years, and two for three years. The Board shall organize annually at its first meeting following the first day of July, by electing one of its members chairman and shall meet at least once a month. The members of the Board shall serve without compensation.
- (c) The Board of Health shall exercise the powers granted to city boards of health by law, shall recommend health measures to the Council, and shall enforce the health regulations adopted by it or by the Council. Regulations adopted by the Board shall not be effective until approved by the Attorney as to form, filed with the Clerk, and approved by the Council.
- (d) In the event that the functions of the Board of Health are merged with, absorbed by, or otherwise joined with any health department, board, or agency of the County of Washtenaw or other unit of government in any manner provided or permitted by law, the powers and authority of the Board of Health shall be changed, diminished, or cease to exist to the extent provided in connection with such merger, absorption, or joining for so long as the functions of the Board are performed by the health department, board, or agency created thereby.

## **Department of Parks and Recreation**

### SECTION 5.13.

- (a) The Department of Parks and Recreation shall be in the immediate charge of the Superintendent of Parks and Recreation, who shall be responsible directly to the City Administrator.
- (b) The Department of Parks and Recreation shall be responsible for the maintenance, improvement, and operation of all public parks and cemeteries, and all buildings, improvements, and equipment thereon used for park or cemetery purposes. It shall care for all shade trees located on lands which are devoted to public purposes and shall control all lawn extensions between sidewalks and street curbs. It shall also be responsible for the maintenance, improvement, and operation of the municipal airport, unless otherwise provided by the Council.
- (c) The Council may by ordinance, join with school districts or other authorities or municipal units for the conduct of recreational programs, in any manner permitted by law. If a recreation board is created for such purpose, the Mayor shall appoint the representatives of the City thereon with the approval of the Council.

## **Planning Department**

### SECTION 5.14.

- (a) The Planning Department shall be in the immediate charge of the Planning Director, who shall be responsible directly to the Planning Commission.
- (b) The Planning Commission shall consist of nine members, who shall be appointed by the Mayor with the approval of the Council. One member so appointed shall be a member of the Council. In making appointments of members of the Planning Commission, the Mayor shall appoint persons who, in so far as possible, represent different professions and occupations having an interest in the growth and development of the City. The term of office of each member of the Planning Commission, except the Council Member, shall be three years. The Council Member shall be appointed for a one-year term. The terms of office of members of the Commission shall begin on the first day of July nearest the date of their appointment. The terms of office of the first Planning Commission appointed hereunder shall be fixed by the Mayor so that the terms of three members, including the Council Member, will be for one year, three for two years, and three for three years. The Council Member shall cease to be a member of the Commission if the member

ceases to be a member of the Council. Members of the Planning Commission shall serve without compensation.

- (c) The Commission shall organize annually at its first meeting following the first day of July, by electing one of its members as Chair, and shall meet at least once a month.
- (d) The Council shall not determine or alter zoning boundaries, or impose or amend zoning regulations, until thirty days after a report on such changes or amendments has been requested from the Planning Commission by the Council.
- (e) The Council may, by ordinance, in addition to the powers and functions herein provided, delegate to the Planning Commission other powers and functions permitted by law concerning city planning.

### **Department of Building and Safety Engineering**

#### SECTION 5.15.

- (a) The Department of Building and Safety Engineering shall be in the immediate charge of the Director of Building and Safety Engineering, who shall be responsible directly to the City Administrator.
- (b) The Department of Building and Safety Engineering shall be responsible for the administration of all laws, ordinances, and regulations concerning the erection, maintenance, and safety of buildings, and the equipment and fixtures therein, including, but not by way of limitation, electrical and plumbing codes, housing and zoning laws, and other applicable state laws.

### **Additional Departmental Powers and Duties**

SECTION 5.16. The Council, from time to time, may prescribe additional powers and duties, not inconsistent with this charter, to be exercised by administrative departments.

### **Boards and Commissions**

#### SECTION 5.17.

- (a) The Council may create citizen boards for each of the following departments: Police Department, Fire Department, Department of Public Works, Utilities Department, Department of Parks and Recreation, and Department of Building and Safety Engineering. It may, in addition, create such a board for any department established pursuant to this charter. The Council shall

prescribe the number of persons on each such board, the terms of office, the method of appointment of members, the board officers and the method of their selection, and provisions concerning the holding of regular and special meetings. No person serving on such board continuously for six years shall be eligible to reappointment, until the lapse of three years. Each board shall serve as an advisory body to give counsel and advice to the head of the department and to the City Administrator in respect to all such matters coming within the authority of its department as the Council prescribes and shall have authority to make recommendations respecting such matters to the department head, the City Administrator, and the Council. The City Administrator, the Mayor, and Council Members shall be privileged to attend the meetings of each such board and to take part in its discussions and shall receive copies of the minutes of the board's meetings and of all reports prepared by it. The creation and operation of any such board shall not serve to impair the authority and responsibility of the department head, the City Administrator, and the Council as otherwise provided in this charter.

- (b) The Council may create special commissions, including commissions on housing, human relations, and civil defense, with authority to make studies, submit reports and recommendations, and to take such other action as may be prescribed by the Council not inconsistent with this Charter.
- (c) The Council may create quasi-judicial appeal boards and any other boards or commissions required by law.

## **Personnel Administration**

### **SECTION 5.18.**

- (a) The personnel of the City, other than elective and appointive officers, shall be deemed City employees.
- (b) The City may, with respect to city employees, establish a merit system for their selection, tenure, promotion, demotion, discharge, and discipline.
- (c) In the selection, discharge and fixing of terms and conditions of employment of city employees, the City shall not discriminate on grounds of race, color, religion, or national origin.
- (d) Within budget appropriations and subject to any employment practices and regulations, including wage and salary scales established by the Council or under its authority, employees in each administrative unit or agency shall be employed by the head of such unit.

- (e) The City may adopt and make available to its officers and employees any recognized standard plan of group, life, hospital, health, or accident insurance, and, in accordance with authority granted by federal or state laws, and subject to the procedure thereby established, the City may participate as employer in any federal or state annuity, pension, disability, retirement, old age, survivors' insurance, or other social security system, and for this purpose pay the taxes or contributions required of employers in support of such system.

## **CHAPTER 6**

*(Chapter 6 was deleted by amendment of City Charter approved by electorate April 7, 1969)*

## **CHAPTER 7 CITY LEGISLATION**

### **Legislative Power**

SECTION 7.1. The legislative power of the City is vested exclusively in the Council, except as otherwise provided by this charter or by law.

### **Prior Legislation Preserved**

SECTION 7.2. All ordinances, resolutions, rules, and regulations, to the extent that they are consistent with the provisions of this charter, which are in force on the effective date of this charter, shall continue in full force until repealed or amended.

### **Introduction, Consideration, and Style of Ordinances**

#### SECTION 7.3.

- (a) Each proposed ordinance shall be introduced in written form. The style of all ordinances passed by the Council shall be, "The City of Ann Arbor Ordains:".
- (b) Each proposed ordinance shall receive two readings, which may be by title only, unless ordered by the Council to be read in full or in part. After the first reading of a proposed ordinance, the Council shall determine whether it shall be advanced to a second reading. The second reading shall not be given earlier than the next regular Council meeting.

- (c) Each proposed ordinance advanced to a second reading shall be printed and distributed to each member of the Council at least twenty-four hours before the meeting at which it is to be presented for a second reading.
- (d) A zoning ordinance or an amendment or revision thereof shall be published in one or more newspapers of general circulation in the City or any other media otherwise permitted by law, and opportunity for a public hearing allowed thereon before final action is taken by the Council.
- (e) Each ordinance adopted by the Council shall be identified by a number.
- (f) An ordinance may be repealed, revised, altered, or amended only by an ordinance passed in the manner provided in this section. An ordinance may be repealed by reference to its number and title only.
- (g) If a section of an ordinance is amended or revised it shall be reenacted and published at length.
- (h) Each ordinance shall be recorded by the Clerk, forthwith, in the "Record of Ordinances", and the enactment of such ordinance shall be certified by the Clerk therein.

## **Publication of Ordinances**

### SECTION 7.4.

- (a) Each ordinance shall be published within ten days after its enactment in one of the following two methods:
  - (1) The full text thereof may be published in a newspaper of general circulation in the City of Ann Arbor or by posting to the City's website or by any other means or method determined by City Council appropriate to properly inform the general public in matters of municipal concerns, or *(Amended by election of November 3, 2009.)*
  - (2) In cases of ordinances over five hundred words in length, a digest, summary or statement of the purpose of the ordinance, approved by the Council, may be published in a newspaper of general circulation in the City of Ann Arbor or by posting to the City's website or by any other means or methods determined by City Council appropriate to properly inform the general public in matters of municipal concerns, including with such publication, a notice that printed copies of the full text of the ordinance are available for inspection by, and distribution to, the public, at the office of the City Clerk. If Method (2) is used,

then printed copies shall promptly be so made available, as stated in such notice. *(Amended by election of November 3, 2009.)*

The effective date of an ordinance shall be stated therein, but shall not be less than ten days from the date of its publication if such ordinance imposes a penalty. *(Amended May 22, 1956)*

- (b) In the event of the codification or compilation of the ordinances, the deposit of two hundred printed copies in the office of the Clerk, available for public inspection and sale at cost, shall constitute publication thereof.

## **Penalties**

SECTION 7.5. The Council may provide in any ordinance adopted by it for punishment of violations thereof by a fine not to exceed five hundred dollars or imprisonment for not more than ninety days, or both, in the discretion of the court. Imprisonment for violations of ordinances may be in the city or the county jail, or in any work house of the State which is authorized by law to receive prisoners of the City.

## **Time Limit for Prosecution of Ordinance Violations**

SECTION 7.6. No prosecution for the violation of an ordinance shall be commenced more than two years after the commission of the offense.

## **Proceedings for Prosecution of Ordinance Violations**

SECTION 7.7. All proceedings relative to the arrest, custody, and trial of persons accused of the violation of ordinances shall be governed by and conform as nearly as may be with the provisions of law relating to proceedings in criminal cases. *(Amended by election of April 7, 1969)*

## **Technical Codes**

SECTION 7.8. The Council may adopt by ordinance, any provision of state law or any detailed technical code or set of regulations promulgated by the State, or by a department, board, or agency thereof, or by any organization or association organized and conducted for the purpose of developing any such code or set of regulations, by reference thereto in the adopting ordinance and without publishing the technical code or set of regulations in full. The code or set of regulations shall be fully identified in the ordinance, and a statement of the purpose of the code or set of regulations shall be published with the adopting ordinance. Such publication shall contain notice that a copy of the code or set of regulations is available for public inspection in the office of the Clerk. Printed copies of the code or set of regulations shall be kept in the office of the Clerk, available for public distribution at cost.

## **Judicial Notice of City Ordinances**

SECTION 7.9. Acting under the authority of Section 18 of Act No. 279 of the Michigan Public Acts of 1909, as amended by Act No. 86 of the Michigan Public Acts of 1941, the People of the City of Ann Arbor do expressly include the provisions of Section 96 of Act No. 331 of the Michigan Local Acts of 1889, as follows:

“In all courts having authority to hear, try, or determine any matter or cause arising under the ordinances of said city, and in all proceedings in said city relating to or arising under the ordinances, or any ordinance thereof, judicial notice shall be taken of the enactment, existence, provisions and continuing force of the ordinances of the city; and whenever it shall be necessary to prove any of the laws, regulations or ordinances of said city, or any resolution adopted by the common council, the same may be read in all courts of justice and in all the proceedings: First, From a record thereof kept by the city clerk in the record of ordinances; Second, From a copy thereof, or of such record thereof, certified by the city clerk under the seal of the city; Third, From any volume of ordinances purporting to have been written or printed by the authority of the council.”

## **Initiative of Ordinances**

SECTION 7.10. Voters may propose ordinances by initiative petitions. If the initiative petitions are in the form required by this section and contain signatures of registered voters of a number not less than 20% of all the votes cast for the office of Mayor at the most recent mayoral election, the question of approval of the ordinance shall be submitted to the voters in the next city election which is at least 90 days after the filing of the petitions. Signatures dated more than one year prior to the filing of the petition shall not be counted.

An initiative petition shall be substantially in the form required for the statutory initiative petitions under General Election Law. It shall contain the full text of the ordinance proposed. The proposed ordinance shall be in the ordinance form required by this Charter. The petition may contain a proposed ballot question. If the petition contains such a ballot question, that shall be the question submitted to the voters, unless the City Council by resolution determines that another question more fairly represents the proposal to the voters.

If the ordinance is approved by a majority of the voters voting on the question, the City Clerk shall forthwith publish the ordinance in the manner prescribed by this Charter. The ordinance shall take effect 10 days after such publication, or on such later date as specified in the ordinance.

During the two years following the election approving an ordinance pursuant to this section, the City Council may amend or repeal the ordinance only by an ordinance approved by at least eight affirmative votes. *(Section 7.10 added by election of April 2, 1984)*



## **CHAPTER 8 BUDGET PROCEDURE AND GENERAL FINANCE**

### **Fiscal Year**

SECTION 8.1. The fiscal year of the City shall begin on the first day of July of each year.

### **Budget Procedure**

SECTION 8.2. On or before the first day of February of each year, each City officer and department head shall submit to the City Administrator estimates of revenues and expenditures of their office or department for the next fiscal year. The City Administrator shall review these estimates and revise the estimates as he deems advisable in preparing a proposed budget and shall present that proposed budget to the Council at its second regular meeting in April. *(Amended by election of April 3, 1967)*

### **Budget Statement of City Administrator**

SECTION 8.3. The City Administrator shall submit to the Council, with each budget proposal, a budget statement, which shall explain the budget proposal and shall contain an outline and explanation of the proposed financial policies of the City relating to its current and future operations.

### **Budget Proposal**

SECTION 8.4. The budget proposal shall present a complete financial plan for the next fiscal year. It shall include such information and supporting schedules as the City Administrator or the Council may deem necessary.

### **Budget Proposal a Public Record**

SECTION 8.5. Each budget proposal, together with all supporting schedules and the City Administrator's budget statement, shall be a matter of public record. A copy thereof shall be available for public inspection in the office of the Clerk at all reasonable times.

### **Adoption of Budget**

SECTION 8.6. Not later than its second meeting in May, the Council shall, by resolution concurred in by at least seven members, adopt the budget for the next fiscal year. The Council shall, in such resolution, make an appropriation of the money needed for municipal purposes during the next fiscal year. The Council shall, in such resolution, make an appropriation of the money needed for municipal purposes during the next fiscal year

and determine the amount necessary to be raised by taxes upon real and personal property for such purposes.

### **City Tax Limit**

#### SECTION 8.7.

- (a) The aggregate amount which the City may raise by general tax upon real and personal property for general city operations shall not, in any one year, exceed three-fourths of one percent of the assessed value of all the taxable real and personal property in the City, except as otherwise permitted by law or by this charter. In any calendar year in which the Uniform City Income Tax Ordinance is in effect on the day when the budget is adopted, the City may not levy any part of the three-fourths of one percent property tax previously mentioned but may still levy such other general tax upon real and personal property as is otherwise permitted by law or by another subsection of this charter. *(Amended by election of Nov. 3, 1969)*
- (b) The amount so determined may be increased beyond the foregoing limit for one year periods by a majority vote of the electors voting thereon at an election at which such proposition is submitted by the Council. Such increase shall be limited to an amount which will not cause the total amount authorized by this section to exceed one per cent of the assessed value of all the taxable real and personal property in the City for the year in which such increase shall be authorized.
- (c) The tax limitation herein fixed shall be subject to the provisions of law relative to the assessment and levy of taxes for the payment of principal and interest for bonds or other evidences of indebtedness issued by the City.

### **Failure of Council to Adopt Budget**

SECTION 8.8. Should the Council fail to adopt a budget for the next fiscal year at or before the second meeting of the Council in May, the budget proposal as recommended to the Council by the City Administrator, shall be deemed to have been finally adopted by the Council and, without further action by the Council, shall constitute an appropriation of the money needed for municipal purposes during the next fiscal year. It shall be deemed due and legal authority for a levy of the amount necessary to be raised by taxes upon real and personal property subject to the provisions of Section 8.7 of this chapter. If any budget adopted in this manner requires an amount to be raised by taxes upon property in excess of the limitation provided in Section 8.7 hereof, the budget and appropriations and each item thereof shall be adjusted by the City Administrator to conform to such limitation.

## **Effects of Adoption of Budget**

### SECTION 8.9.

- (a) Upon the adoption of any budget, the several amounts stated therein as proposed expenditures shall be appropriated to the respective objects and purposes named therein.
- (b) A copy of the budget so adopted, certified by the Clerk, shall be filed in the office of the Controller. A copy of the budget as adopted, or of appropriate portions thereof, shall be furnished by the Clerk to the head of each administrative unit and, upon request, shall be furnished at cost to interested citizens and civic organizations.

## **Transfer of Appropriations**

SECTION 8.10. After the budget has been adopted, no money shall be drawn from the treasury nor shall any obligation for the expenditure of money be incurred for payment during the fiscal year to which the budget applies, except pursuant to an appropriation therefor. The Council may, however, transfer any unencumbered operating appropriation balance, or any portion thereof, from one operating fund or account to another, upon the concurring vote of not less than eight members of the

Council. The disposition of any unencumbered balance remaining in any budget appropriation at the end of the fiscal year shall be determined by the Council.

## **Budget Control**

### SECTION 8.11.

- (a) If, when the City Administrator submits to the Council data showing the financial position of the City, it appears that the income of the City is less than anticipated, the Council may, except as to amounts required for debt and interest charges, revise or amend the budget as may be necessary to keep expenditures within the income of the City, after a public hearing thereon which shall be held and notice thereof given as required by this charter before the adoption of the budget.

## **Contractual Claims Against City**

### SECTION 8.12.

- (a) All contractual claims against the City shall be filed with the Clerk, who shall transmit them to the Controller.
- (b) The Controller shall verify the correctness of each claim and, subject to further procedure established by the Council for auditing and approving claims, shall approve for payment each claim so verified, if a sufficient appropriation is available for the purpose, and shall draw and sign a check or warrant therefor. A certificate of the Controller's approval shall be filed with the Treasurer before the Treasurer countersigns any check on the funds of the City therefor. Any officer who signs or countersigns a check on any funds of the City, except as herein provided, shall be deemed guilty of a violation of this charter.

## **Notice to City of Claim for Injuries**

SECTION 8.13. The City shall not be liable in damages for injury to person or property by reason of negligence of the City, its officers, or employees, or by reason of any defective highway, public work, public service improvement, or facility of the City's or by reason of any obstruction, ice, snow, or other encumbrance thereon, unless, within sixty days after such injury occurred, the person damaged or that person's representative causes to be served upon the Clerk a written notice, stating that such person intends to hold the City liable for such damages. Such notice shall set forth substantially the time and place of the injury, the manner in which it occurred, the nature of the act or defect complained of, the extent of the injury so far as known, and the names and addresses of witnesses known to the claimant. No person shall bring action against the City for damages to person or property arising out of any of the reasons or circumstances aforesaid, unless brought within the period prescribed by law, nor unless the person has first presented to the Clerk a claim in writing and under oath, setting forth specifically the nature and presented to the Council for action. It shall be a sufficient bar to any action upon any such claim that the notice of injury and the verified proof of claim required by this section were not filed within the time and in the manner herein provided.

## **Withdrawal of City Funds**

SECTION 8.14. All funds of the City drawn from the treasury shall be drawn pursuant to an appropriation by the Council and by checks signed by the Controller and countersigned by the Treasurer. Each check shall specify the fund or funds from which it is payable.

## **Independent Audit**

SECTION 8.15. An independent audit shall be made of all accounts of the City at least annually, and more frequently if the Council deems it necessary. The annual audit shall be made by certified public accountants employed by the Council and shall be completed within ninety days following the close of the fiscal year. The audit shall be made public in such manner as the Council may determine.

## **Funds for Public Improvement**

### SECTION 8.16.

- (a) The City may establish and maintain a fund or funds for the purpose of accumulating moneys to be used for making, acquiring, extending, altering, or repairing authorized public improvements. Moneys so accumulated may be transferred, encumbered, or otherwise disposed of only for the purpose for which they were accumulated, unless another purpose is approved by a resolution concurred in by at least eight members of the Council, after public hearing. No such moneys shall be so transferred, encumbered, or otherwise disposed of, except for the purpose of making, acquiring, extending, altering, or repairing public improvements.
- (b) Whenever property is acquired for any public improvement, the cost of the property, and of the proceedings required to acquire it, may be added to the cost of the improvement.

## **Municipal Borrowing**

### SECTION 8.17.

- (a) The Council, subject to the applicable provisions of law and this charter, may, by proper ordinance or resolution, authorize the borrowing of money for any purpose within the scope of the powers vested in the City and the issuance of bonds of the City or other evidences of indebtedness therefor, and may pledge the full faith, credit, and resources of the City for the payment of the obligation created thereby.
- (b) The Council, subject to the applicable provisions of law and this charter, may authorize the borrowing of money in anticipation of the payment of special assessments made for the purpose of defraying the cost of any public improvement, or in anticipation of the payment of any combination of such special assessments, and the issuing of bonds therefor. Such special assessment bonds may be an obligation of the special assessment district or districts or may be both an obligation of the special assessment district or districts and a general obligation of the City. All collections on each special

assessment roll or combination of rolls, to the extent that the same are pledged for the payment of the principal of and interest on bonds issued in anticipation of the payment thereof, shall be set apart in a separate fund for the payment of such principal and interest and shall be used for no other purpose.

- (c) The Council may, subject to law and the State Constitution, authorize the issuance and sale of mortgage bonds for the purpose of acquiring, owning, purchasing, constructing, or operating any public utility beyond the general limit of bonded indebtedness prescribed by law: Provided that such mortgage bonds, issued beyond the general limit of bonded indebtedness prescribed by law, shall not impose any liability on the City but shall be secured only upon the property and revenues of such public utility, including a franchise, stating the terms upon which, in case of foreclosure, the purchaser may operate the public utility, which franchise shall in no case extend for a longer period than twenty years from the date of sale of such public utility and franchise on foreclosure. In the event of the issuance of such bonds, there shall be created, in such cases as may be required by law, a sinking fund by setting aside such percentage of the gross or net earnings of the public utility as may be deemed sufficient for the payment of the mortgage bonds at maturity.
- (d) In case of fire, flood, or other calamity, the Council may, subject to law, authorize the issuance of emergency bonds which shall be general obligations of the City for the relief of the inhabitants of the City and for the preservation of municipal property.
- (e) No bonds shall be sold to obtain funds for any purpose other than that for which they were specifically authorized, and, if any such bonds are not sold within three years after authorization, such authorization shall be null and void.
- (f) Each bond or other evidence of indebtedness shall contain on its face a statement specifying the purpose for which the same is issued and no officer of the City shall use the proceeds thereof for any other purpose, except as hereinafter provided.
- (g) Whenever the proceeds of any bond issue, or any part thereof, shall remain unexpended and unencumbered for the purpose for which said bond issue was made, the Council may, by the affirmative vote of a majority of the members elect, authorize the use of such unexpended and unencumbered funds in any manner permitted by law or for the retirement of such bond issue, or, if such bond issue shall have been fully retired or if any of such funds remain after such retirement, then for the retirement of other bonds or obligations of the City.

- (h) All bonds and other evidences of indebtedness by the City shall be executed with the facsimile signature of the Mayor and signed by the Clerk, under the seal of the City. Interest coupons may be executed with the facsimile signature of the Mayor and Clerk. *(Amended by election of April 1, 1968)*
- (i) A complete and detailed record of all bonds and other evidences of indebtedness issued by the City shall be kept by the Controller. Upon the payment of any bond or other evidence of indebtedness, the same shall be marked "Cancelled."
- (j) A violation of any of the provisions of this section shall constitute a violation of this charter.

### **Funds for Public Transit**

SECTION 8.18. In addition to any other amount which the City is authorized to raise by general tax upon real and personal property by this Charter or any other provision of law, the City shall annually levy a tax of two and one-half mills on all taxable real and personal property situated within the City for the purpose of providing funds for operating and equipping a public transportation system for the City. *(Section 8.18 added by election of April 2, 1973)*

### **Funds for Park Maintenance and Capital Improvements**

SECTION 8.19. In addition to any other amount which the City is authorized to raise by general tax upon the real and personal property by this Charter or any other provision of law, the City shall, in 2007 through 2012, annually levy a tax of 1.10 mills on all taxable real and personal property situated within the City for the purpose financing park maintenance activities in the following categories: forestry and horticulture, natural area preservation, park operations, park equipment repairs, park security, and recreation facilities; and for the purpose of financing park capital improvement projects for active parks, forestry and horticulture, historic preservation, neighborhood parks and urban plazas, pathways, trails, boardwalks, greenways, the Huron River watershed, recreation facilities and park equipment acquisitions. *(Section 8.19 added by election of April 4, 1983; amended by elections of April 3, 1989, November 8, 1994, November 7, 2000 and November 7, 2006).*

### **Funds for Street Reconstruction**

SECTION 8.20. In addition to any other amount which the City is authorized to raise by general tax upon the real and personal property by this Charter or any other provision of law, the City shall, in 2007 through 2011, annually levy a tax of up to 2 mills on all taxable real and personal property situated within the City for the purpose of providing funds for the reconstruction or resurfacing of streets. *(Section 8.20 added by election of April 2, 1984; amended by elections of April 4, 1988, April 1, 1991, November 5, 1996, November 6,*

2001 and November 7, 2006.)

SECTION 8.22. *(Section 8.22 deleted by election of November 7, 2006).*

### **Funds for Land Acquisition**

SECTION 8.23. In addition to any other amount which the City is authorized to raise by general tax upon the real and personal property situated in the City, by this Charter or any other provision of law, the City shall, in 2004 through 2034, annually levy a tax of one-half mill on all taxable real and personal property situated within the City for the purpose of funding the acquisition of land for parks and the acquisition and management of land and land rights in undeveloped and developed land both within and outside the City of Ann Arbor for the purpose of preserving and protecting open space, natural habitats and the City's Sourcewaters. *(Section 8.23 added by election of November 2, 1999; amended by election of November 4, 2003).*

## **CHAPTER 9 TAXATION**

### **Power to Tax**

SECTION 9.1. In order to carry out its purposes, powers, and duties, the City may assess, levy, and collect ad valorem taxes upon real and personal property.

### **Subjects of Taxation**

SECTION 9.2. The subjects of ad valorem taxation for municipal purposes shall be the same as for state, county, and school purposes under the general law.

### **Tax Procedure**

SECTION 9.3. Except as otherwise provided by this charter, city taxes shall be levied, collected, and returned in the manner provided by law. In the event of failure of any tax through defective procedure of any assessment, collection, or sale, the Council may provide for its re-assessment upon the property chargeable therewith in the first instance.



## **Personal Property--Jeopardy Assessment**

SECTION 9.4. If the Treasurer finds that any person, who is, or may be, liable for taxes upon personal property, the taxable situs of which was in the City on tax day, intends to depart from the City or to remove therefrom personal property, which is, or may be, liable for taxation, or intends to conceal himself or his property, or intends to do any other act tending to prejudice, or to render wholly or partly ineffectual, the proceedings to collect the tax, unless proceedings therefor cannot be brought without delay, he shall cause notice of his finding to be given such person, together with a demand for the immediate payment of the tax. Thereupon, the tax shall become immediately due and payable and the Treasurer shall have and exercise all the powers granted by law to township and city treasurers for the collection thereof. If the exact amount of any such tax has not, at the time of such finding, been determined because the same has not been spread upon the tax roll, the Treasurer shall estimate the amount of the tax upon such personal property and the estimate shall be presumed to be the amount of tax upon such property which, together with other taxes which have accrued by the Treasurer shall, upon the giving of the notice herein provided, become a lien upon the property liable for the tax. The lien shall be of the same type and legal effect as the lien upon personal property provided in Section 9.18 of this chapter. If the estimate of the Treasurer is in excess of the amount of tax spread against such property upon the tax roll, he shall refund the excess upon the demand of the person from whom it was collected or his legal representative. If such person furnishes evidence, satisfactory to the Treasurer, by bond or otherwise, that he will duly pay that which the Treasurer's findings relates, then such tax or taxes shall not be payable prior to the time otherwise fixed for payment thereof.

## **Exemptions**

SECTION 9.5. The power of taxation shall never be surrendered or suspended by any grant or contract to which the City shall be a party. No exemptions from ad valorem taxation shall be allowed, except such as are expressly required or permitted by state law.

## **Assessment**

SECTION 9.6. The Assessor shall, annually, prepare an assessment roll of all property in the City and shall place a value, in accordance with law, upon all taxable property, both real and personal in the City. The value shall be determined by the Assessor in accordance with established assessment rules, techniques, and procedures. The value shall be determined according to the facts existing on the date fixed by law as tax day, for the assessment of property throughout the State, for the year for which the roll is made, and no change of the status or of the location of any such property, after that day, shall be considered by the Assessor or the Board of Review.

## **Assessment Procedure**

SECTION 9.7. The process of assessment of property within the City for purpose of taxation shall be continuous, but all assessments, as the same shall appear on the annual assessment and tax rolls of the City, shall be corrected by the Assessor to and shall stand as of the tax day of the year to which they apply.

## **Time for Making Assessment Rolls**

SECTION 9.8. On or before the first day of the meeting of the Board of Review in each year, the Assessor shall complete and certify an assessment roll in the manner and form required by law. In making such assessment roll, the Assessor shall possess all the powers and immunities vested in, and shall be charged with all the duties imposed upon, assessing officers by law. On the date and at the time of convening of the Board of Review in each year the Assessor shall deliver the completed assessment roll to the Board of Review.

## **Notice of Change of Assessments**

SECTION 9.9. The Assessor shall give notice by first class mail to each owner of property which has been added to the assessment roll or the value of which has been increased or decreased on such roll. The notice shall be addressed to the owner according to the records of the Assessor's office and mailed not less than ten days before the date of the convening of the Board of Review. Neither the failure of the Assessor to give notice nor the failure of a person to receive notice shall invalidate any assessment roll or any assessment thereon.

## **Board of Review**

SECTION 9.10.

- (a) The Board of Review shall be composed of three members who shall be selected upon the basis of their knowledge of the subject of taxation and of property values. No member of the Board shall hold any other elected or appointed public office or be employed in any unit of government of any agency or any authority in Washtenaw County which has the authority to levy taxes on any property in the City of Ann Arbor. The Mayor, with the approval of the Council, shall appoint one member of the Board, in January of each

year, to serve a full three-year term, commencing February 1 of the year of appointment. *(Amended by election of April 7, 1977)*

- (b) The Board of Review shall convene at nine o'clock in the forenoon on the third Monday in March in each year at the council chambers and shall continue in session for six hours during that day and each of the following three days for the purpose of examining and reviewing the assessment roll of the City. The Council may, by appropriate action, extend this period. On the first day of its meeting in each year, the Board shall elect one of its members as Chair. The Board shall have all powers vested in and be charged with all duties imposed by law upon boards of review in townships.

### **Notice of Meetings of Board of Review**

SECTION 9.11. The Council shall provide for giving notice to the public of the time and place of the meeting of the Board of Review. Such notice shall be given not less than ten days before the convening of the Board and as often thereafter as the Council deems fit. If, for any reason, the meetings of the Board are not held, as in this chapter required, the Council shall give such further notice as time and circumstances warrant.

### **Notice of Assessment Changes**

SECTION 9.12. The Board of Review shall give notice, prior to adjournment, to each owner of property according to the records of the Assessor's office, whose property is added to the assessment roll by it, or the value of whose property is increased or decreased thereon by it. Neither the failure on the part of the Board of Review to so give notice in any particular case, nor the failure of a person to receive notice, shall invalidate the assessment roll or any assessment thereon.

### **Confirmation of Assessment Roll**

SECTION 9.13. The Board of Review shall hold a meeting on the Monday following the date of its first session, and, at that meeting, shall complete the review of the assessment roll submitted to it by the Assessor and shall endorse and approve the same as provided and required by law. The omission of such endorsement shall not affect the validity of such assessment roll. If, for any cause, a quorum of the Board of Review does not assemble, or in the event that the Board fails or refuses to act during the days set for the meeting thereof, the roll as prepared by the Assessor shall stand as if approved by the Board of Review, without further formality. After the review of the assessment roll has been completed and the roll endorsed and signed as required by law, the Board of Review shall re-deliver the roll to the Assessor.

## **Records of the Board of Review**

SECTION 9.14. The Assessor shall be the secretary of the Board of Review, shall attend its meetings with the privilege of participating therein, but without the right to vote upon any decision made by the Board, shall give the Board information relating to matters under consideration by it, and shall keep a permanent record of all proceedings of the Board, which record shall be filed with the Clerk within thirty days after the adjournment of the Board.

## **Validity of Assessment Roll**

SECTION 9.15. Upon the completion of the roll and from and after midnight ending the last day of the meeting of the Board of Review, the same shall be the assessment roll of the City for county, school, and city taxes on real and personal property that may be authorized by law, and shall be conclusively presumed by all courts and tribunals to be valid and shall not be set aside except for causes set forth in the general laws of the State.

## **Clerk to Certify Levy**

SECTION 9.16. Within three days after the Council has adopted budget for the ensuing year, the Clerk shall certify to the Assessor the total with such assessments and other lawful charges as the Council shall authorize to be spread against or charged to property and persons appearing upon the roll.

## **City Tax Roll**

SECTION 9.17. Upon receiving the certification of the amount to be raised, as provided in the preceding section, the Assessor shall proceed to spread the amounts of the general city tax upon the assessment roll according to and in proportion to the several valuations set forth therein. To avoid fractions in computation on any tax roll, the Assessor may add to the amount of the several taxes to be raised not more than the amount permitted by law, which added amount when collected shall be credited to the general funds of the City. For convenience, any city tax roll may be divided into volumes. Assessments and other lawful charges authorized by the Council to be spread against or charged to property of persons upon the roll shall also be spread and charged thereon as directed by the Council.

## **Taxes Lien on Property**

SECTION 9.18. The City taxes thus assessed against personal property shall become at once a debt due to the City from the persons to whom they are assessed, and the amounts assessed on any interest in real property shall on the first day of July become a lien upon such real property, and the lien until payment thereof. All personal taxes shall also be a first lien, prior, superior, and paramount, upon all personal property of the person

so assessed from and after the first day of July in each year and shall so remain until paid. Such tax liens shall take precedence over all other claims, encumbrances, and liens upon the said personal property, whether created by arising before or after the assessment of said personal property taxes, and no transfer of personal property assessed for taxes thereon shall operate to divest or destroy the lien, except where the personal property is actually sold in the regular course of retail trade.

### **Tax Roll Certified for Collection**

#### **SECTION 9.19.**

- (a) After extending the taxes aforesaid and not later than the third Monday in June in each year, the Assessor shall certify the tax roll, and shall annex the Assessor's warrant thereto, directing and requiring the Treasurer to collect from the several persons named in the roll the several sums mentioned therein opposite their respective names as tax, assessment, or charge, and granting to and vesting in the Treasurer, for the purpose of collecting the taxes, assessments, and charges on the roll, all the power and immunities granted by law to township treasurers for the collection of taxes.
- (b) The Assessor shall, at the same time, deliver to the Controller a statement showing the amount of the taxes assessed upon the roll and the Controller shall make an entry thereof in the books of the Controller's office and charge the gross amount thereof to the Treasurer.

### **Notification of Taxes Due**

SECTION 9.20. The Treasurer shall not be required to make personal demand for the payment of taxes, but, upon receipt of the city tax roll, shall forthwith mail a tax statement to each person named in the tax roll and shall give at least six days notice of the date upon which city taxes are due, by publication in a newspaper of the City, which notice shall be sufficient demand for the payment of all taxes assessed in the city tax roll. Neither the failure on the part of the Treasurer to give notice or to mail a tax statement, nor the failure of any person to receive the notice or the tax statement, shall invalidate the taxes on the tax roll or release any person or property assessed from the penalty provided in this chapter in case of non-payment.

### **Tax Payment Schedule**

#### **SECTION 9.21.**

- (a) City taxes shall be due on the first day of July of the fiscal year when levied. All taxes, assessments, and charges on the tax roll which are paid during the month of July shall be collected by the Treasurer without additional charge.

A charge of one per cent shall be added to all taxes, assessments, and charges paid during the month of August. All taxes, assessments, and charges not paid before the first day of September shall be carried forward and, together with a charge of five per cent, shall be added to the December tax roll.

- (b) All taxes, other than city taxes collectible by the Treasurer, shall be collected at the time and in the manner provided by law. All taxes, city taxes, assessments, and charges paid during the month of December shall be collected by the Treasurer without additional charge. A charge of one per cent shall be added to all taxes, assessments, and charges paid during the month of January. A charge of two per cent shall be added to all taxes, assessments, and charges paid during the month of February.
- (c) All unpaid taxes, assessments, and charges on the December tax roll shall become delinquent on March 1, and the tax roll shall thereupon be returned to the Treasurer of Washtenaw County to be collected in the manner provided by law.

### **Procedure for Collecting Taxes on Personal Property**

SECTION 9.22. Respecting taxes levied against personal property, the Treasurer shall have power to levy upon and sell at public sale the personal property of a person refusing or neglecting to pay the tax, in the manner provided by law and shall have the same powers respecting the property assessed and the person who is the owner or custodian thereof as provided by law for the collection of such taxes.

### **State, County and School Taxes**

SECTION 9.23. For the purpose of assessing and collecting taxes in the City for state, county, and school purposes, the City shall be considered the same as a township, and all provisions of law relative to the collection of such taxes, the accounting therefore to the appropriate taxing units, and the returning of taxes to the County Treasurer for non-payment thereof shall apply to the performance thereof by the Treasurer, who shall perform the duties and have the powers granted to township treasurers by law.

### **Lien for Taxes, Assessments, and Charges**

SECTION 9.24. All taxes, assessments, and charges spread on tax rolls shall, until paid, be a lien upon the property against which they were levied.

## **Proportioning of Tax on Portion of Taxed Item**

SECTION 9.25. Any person owning an undivided share or other part of any parcel of real property assessed as one description, may pay the taxes assessed against such description or may pay the share or part owed by that person by paying an amount having the same relation to the whole tax as the value of the part on which payment is made bears to the value of the whole description. The receipt given and the record of the Treasurer shall show the payment and the interest with respect to which it was made.

## **Protection of City Lien**

SECTION 9.26. Consistent with the provisions of law, the City shall have power to acquire any premises within the City, either by purchase at any tax or other public sale, or by purchase from the State or the fee owner, when the purchase of such property is necessary to protect the lien of the City for any city taxes, assessments, and charges. The City may hold, lease, or sell the property so acquired. Any such acquisition shall be deemed for a public purpose.

## **CHAPTER 10 SPECIAL ASSESSMENTS**

### **General Powers Relative to Special Assessments**

SECTION 10.1. The Council may determine the necessity for any public improvement, and determine that the whole or any part of the cost thereof shall be defrayed by special assessment upon the property especially benefited. The Council may authorize public improvements other than those for which petitions have been filed, whether the cost thereof is to be defrayed from the general funds of the City or by special assessments upon the property especially benefited.

### **Petitions for Public Improvements**

SECTION 10.2. Petitions for making public improvements, any part of the expense of which is to be borne by special assessments, shall be filed with the Clerk. All such petitions filed during any calendar year shall be considered by the Council not later than January 31st of the next calendar year.

### **Preliminary Resolution for Public Improvement**

SECTION 10.3. No control or expenditure, except for the necessary procedures of the Council and for the preparing of necessary profiles, plans, specifications, and estimates of cost, shall be made for any public improvement, the cost of which is to be paid by

special assessment upon the property especially benefited thereby, until the Council has passed a resolution determining to proceed with such public improvement.

### **Assessments on Single Lots**

SECTION 10.4. When any expenditure is made on account of any separate or single lot, parcel of land, or lands, or premises, which, by the provisions of this charter or by law, the City is authorized to charge and collect as a special assessment against the same, and which assessment is not of that class of special assessment required to be made pro rata upon lots or parcels of land in a special assessment district, a statement of the labor or services for which such expenditure was incurred, verified by the Controller, with a description of the lot and the name of the owner or person chargeable therewith, if known, shall be reported to the Council in the manner prescribed by it. The Council shall determine the part of such expenditure that shall be charged, and the person against whom, if known, and the premises upon which the same shall be levied, as a special assessment. As often as the Council deems expedient, the Clerk shall give notice of the several amounts so determined and reported to the several persons chargeable therewith. Such notice shall be sent by first class mail to the last known addresses of such persons as shown on the assessment roll of the City, or by publication. Such notice shall state the basis of the assessment, and the amount thereof, and shall give a reasonable time, not less than thirty days, within which payment shall be made to the Treasurer. In all cases where payment is not made within the time set, the fact shall be reported by the Treasurer to the Assessor, who shall charge such amounts, together with a penalty of ten per cent of such amounts against the persons or real property chargeable therewith, on the next tax roll.

### **Special Assessment Procedure by Ordinance.**

SECTION 10.5. The Council shall, by general ordinance, prescribe a complete special assessment procedure.

### **Special Assessment Accounts**

SECTION 10.6. Except as otherwise provided in this charter, moneys raised by special assessment to defray the cost of any public improvement shall be held in a special fund to pay only such cost and, to the extent required, to repay any money borrowed or advanced therefor and the accrued interest thereon.

### **Contested Assessments**

SECTION 10.7. No suit or action shall be instituted or maintained for the purpose of contesting or enjoining the collection of a special assessment unless written notice, stating an intention to contest the collection thereof and setting forth the grounds of such contest, is filed with the Clerk. Such notice shall be filed within fifteen days after the date of the resolution of the Council confirming the assessment roll for such improvement, or, in the



case of an assessment upon a single lot or premises, ordering the special assessment. Any such suit or action must be commenced within ninety days following the giving of notice.

### **Reassessment for Benefits**

SECTION 10.8. Whenever the Council deems any special assessment invalid or defective, or whenever a court adjudges an assessment to be illegal in whole or in part, the Council may cause a new assessment to be levied for the same purpose, whether or not the improvement or any part thereof has been completed, or any part of the special assessment collected. In reassessment proceedings hereunder, it shall not be necessary for the Council to redetermine the necessity of the improvement or to hold a hearing thereon. If any portion of the original special assessment is collected and not refunded, it shall be applied upon the reassessment, and the reassessment shall to that extent, be deemed satisfied. If more than the amount reassessed is collected, the balance shall be refunded to the person making such payment.

## **CHAPTER 11**

*(Chapter 11 was deleted by Amendment of City Charter approved by electorate April 7, 1969)*

## **CHAPTER 12 OFFICERS**

### **City Officers**

#### **SECTION 12.1.**

- (a) The elective officers of the City shall be the Mayor and two Council Members from each of the five wards.
- (b) The appointive officers shall be the City Administrator and the Attorney, who shall be appointed by the Council; the Assessor and the Treasurer, the Clerk, the Controller, the Director of Building and Safety Engineering, the Fire Chief, the Police Chief, the Superintendent of Parks and Recreation, the Superintendent of Public Works, and the Superintendent of Utilities, who shall be appointed by the Council on the recommendation of the City Administrator; the Health Officer, who shall be appointed by the Council on the recommendation of the Board of Health with the advice of the City Administrator; the Planning Director, who shall be appointed by the Council on the recommendation of the Planning Commission with the advice of the

City Administrator; and persons appointed to other offices or to boards and commissions established pursuant to law, this charter, or ordinance.

### **Eligibility for City Office--General Qualifications**

SECTION 12.2. Except as otherwise provided in this charter, a person is eligible to hold a City office if the person has been a registered elector of the City, or of territory annexed to the City or both, and, in the case of a Council Member, a resident of the ward from which elected, for at least one year immediately preceding election or appointment. This requirement may be waived as to appointive officers by resolution concurred in by not less than seven members of the Council.

### **Certain Persons Ineligible for City Office or Employment**

#### SECTION 12.3.

- (a) A person who has been convicted of violating any provision of the election laws of the State or of the City, or who has been convicted of an infamous crime or of an offense involving a violation of an oath of office, or who is in default to the City, shall not be eligible for any city office or employment.
- (b) A person who holds or has held an elective city office shall not be eligible for appointment to a city office or employment, for which compensation is paid by the City, until one year has elapsed following the term for which that person was elected or appointed.

### **Terms of Office**

#### SECTION 12.4.

- (a) The term of office of each member of the Council, including the Mayor, except as by this section provided, shall be two years. Such term shall commence on the Monday next following the regular City election at which such officers are elected. The term of the members of the Council elected on April 6, 1992 shall terminate on the Monday following the regular City election held on November 2, 1993.\* The term of the Mayor and members of the Council elected on April 5, 1993 shall commence on the Monday next following their election and shall terminate on the Monday following the regular City election held on November 8, 1994. *(Amended by election of November 3, 1992; \*Modified by Washtenaw County Circuit Court order of May 26, 1993)*
- (b) Each appointive officer, except members of City boards and commissions, shall serve at the pleasure of the appointing officer or authority.

- (c) All other officers of the City shall serve for the terms specifically stated in this charter or in the law or ordinance creating the office.
- (d) With the consent of the Council, an officer may continue provisionally, in office, after the expiration of the term of office, until a successor has been elected or appointed and has qualified for and assumed the duties of the office.

### **Time and Notice of Appointments**

#### SECTION 12.5.

- (a) All regular appointments of officers for definite terms, except members of the Board of Review and of the Board of Trustees of the Retirement System, shall be made by the appointing authority on the first Monday in May or as soon thereafter as possible. The term of each such appointee shall commence on the first day of June.
- (b) Within three days after the Council has made or approved an appointment the Clerk shall mail to the appointee a certificate of such appointment.

### **Compensation of Officers**

#### SECTION 12.6.

- (a) Each member of the Council, except the Mayor, shall serve without pay. The compensation of the Mayor shall be fixed by the Council. When authorized by the Council, necessary expenses may be allowed to its members when actually incurred on behalf of the City.
- (b) The Council shall fix the compensation for all officers, except as otherwise provided in this charter or by law, and shall provide therefor in each annual budget.

### **Oath of Office**

SECTION 12.7. Every officer, before entering upon the duties of office, and all employees designated by the Council, before entering upon their employment, shall take the oath prescribed by Section 2 of Article XVI of the Constitution of the State, and shall file the same with the Clerk.

### **Surety Bonds**

SECTION 12.8. The Council may require any officer or employee to give a bond, to be approved by the Attorney, in such sum as the Council determines. The bond shall be conditioned upon the faithful and proper performance of the duties of the office or employment concerned. All officers and employees who receive, distribute, or are responsible for city funds or investments shall be bonded. The resignation, removal, or discharge of any officer or employee, or the appointment of another person to the office or employment, shall not exonerate the officer or employee or their sureties from any liability incurred by them. All official bonds shall be corporate surety bonds and the premiums thereof shall be paid by the City. No official bond shall be issued for a term exceeding three years, except bonds which are required of officers who are elected for terms of office which are longer than three years. The bonds of all officers and employees shall be filed with the Clerk, except that the Clerk's bond shall be filed with the Treasurer. The requirements of this section may be met by the purchase by the City of one or more blanket corporate surety bonds covering all or any group or groups of the offices and employments of the City. Any officer or employee who is covered by a blanket surety bond need not be bonded individually for the purpose of qualifying for office.

### **Giving of Surety by Officers Forbidden**

SECTION 12.9. No officer shall give recognizance, give or become surety, or be the agent of any surety in connection with any license granted by the city or with respect to which the approval of the Council or any officer of the City is required. A violation of this section shall be a violation of this charter.

### **Vacancies in Office**

SECTION 12.10. A city office shall become vacant upon the occurrence of any of the following events: Expiration of the term of office; death of the incumbent; resignation; removal from office; ceasing to be an inhabitant of the City, or of the ward, from which elected or appointed; conviction of an infamous crime, or of an offense involving a violation of oath of office; default to the City, unless such default is eliminated within thirty days after written notice thereof by the Clerk upon the direction of the Council, or, unless the officer in good faith contests liability for the default; a decision of a competent tribunal declaring the officer's election or appointment void; failure to take the oath or file the bond required for the office, within fifteen days from the date of election or appointment or within such other time as the Council may fix; or any other event which, by law, creates a vacancy.

### **Resignations**

SECTION 12.11. A resignation from office shall become effective immediately upon the acceptance thereof by the appointing authority in the case of appointive officers, and by the Council in the case of elective officers. Resignations of elective officers and of officers appointed by the Council shall be made in writing and filed with the Clerk. Resignations of all other appointive officers shall be made in writing to the Mayor. The Mayor or the Clerk shall announce the resignation of any officer to the Council at its next meeting.

## **Removals of Officers**

### SECTION 12.12.

- (a) The Council may remove from office any elective officer by a resolution concurred in by at least eight members. Provisions shall be made by ordinance for preferring charges against an elective officer and for a public hearing thereon by the Council. An elective officer may not be removed unless a charge is preferred against that officer in writing and an opportunity given to make a defense thereto.
- (b) Officers appointed by the Mayor may be suspended or removed by the Mayor with the concurrence of at least six members of the Council. The Council may remove from office any administrative officer appointed by it by a resolution concurred in by at least six members.
- (c) The City Administrator may, for good cause, suspend any officer whose appointment by the Council is required to be made upon the recommendation of the City Administrator. Within twenty-four hours after any such suspension, the City Administrator shall file with the Clerk a statement of the reasons therefor. The Council shall either remove or reinstate the officer within thirty days after the filing of the statement.

## **Recall**

SECTION 12.13. An elective officer may be recalled in the manner provided by the general laws of the State. A vacancy created by recall shall be filled in the manner prescribed by law.

## **Filling Vacancies**

### SECTION 12.14.

- (a) If a vacancy occurs in an elective office, the Council shall, within thirty days thereafter, fill the vacancy for the balance of the unexpired term thereof: Provided that, if the vacancy occurs on the Council within forty days prior to a regular city election, it shall not be filled until after the next organization of the Council.

- (b) If a vacancy occurs in an appointive office, except that of City Administrator, such vacancy shall be filled within thirty days thereafter, in the manner provided for making the original appointment: Provided, That, such time may be extended, for not to exceed sixty days, by council resolution setting forth the reasons therefor.
- (c) If a vacancy occurs in the office of the City Administrator, the Council shall fill such vacancy as promptly as possible. During the vacancy, the  
  
Council may appoint an Acting City Administrator to act until the new appointee assumes his duties.

### **Delivery of Office to Successor**

SECTION 12.15. Whenever an officer or employee resigns, or is removed from office, or that person's tenure in office expires, that person shall deliver, forthwith, to the successor in the office or to the City Administrator, all books, papers, moneys, and effects in that person's custody which were necessary to or were obtained as a part of the performance of the duties. A violation of this section shall be a violation of this charter.

## **CHAPTER 13 CITY ELECTIONS**

### **Officers to be Elected**

#### SECTION 13.1.

- (a) At the City primary election held in August, 1993, and at the regular City election held in November, 1993, and at each City primary election and regular City election thereafter, one member of the Council shall be nominated and elected from each ward. *(Amended by election of November 3, 1992)*
- (b) At the City primary election held in August, 1994, and at the regular City election held in November, 1994, and at the City primary election and regular City election held in each even numbered year thereafter, a Mayor shall be nominated and elected from the City at large. *(Amended by election of November 3, 1992)*

## **Regular City Elections**

SECTION 13.2. A regular City election shall be held on April 5, 1993, on November 2, 1993 and in succeeding years on the first Tuesday following the first Monday in November of each year. *(Amended by election of November 3, 1992)*

## **Special Elections**

SECTION 13.3. Special City elections shall be held when called by resolution of the Council adopted at least forty-five days in advance of such election, or when required by this charter or the general laws of the State. Any resolution calling a special election shall set forth the purpose of the election. The number of special city elections held in any calendar year shall not exceed the number permitted by law.

## **Primary Elections**

SECTION 13.4.

- (a) A City primary election shall be held on February 15, 1993, on August 3, 1993, and in succeeding years on the first Tuesday following the first Monday in August of each year. If, upon expiration of the time for filing nomination petitions for any elective office, it appears that petitions have been filed for no more than one candidate for the office from each political party nominating candidates therefor, no primary election shall be held with respect to the office. The candidates receiving the highest number of votes of their respective parties at any city primary election shall be declared the nominees for election to the respective offices for which they are candidates. As to any office with respect to which no primary is necessary, persons named in petitions as candidates for election to the office shall be certified by the Clerk to the Election Commission to be placed upon the ballot for the next subsequent regular election under the party heading set forth in the nomination petitions for the candidates. *(Amended by election of November 3, 1992)*
- (b) No person who is a sticker candidate for nomination, or whose name is written in on the ballots at any primary election, shall be declared nominated unless that person receives at least fifty votes.

## **Election Procedure**

SECTION 13.5. Except as otherwise provided herein, the general election laws of the State shall control, as nearly as may be, all procedures relating to registration for and to the calling and conduct of City elections.

## **Qualifications of Electors**

SECTION 13.6. Each person who is a resident of the City and an elector of the State, or who will be such at the time of the next ensuing City primary or election, may register as an elector of the City in the election precinct in which he resides.

## **Election Commission**

SECTION 13.7. The Clerk, the Chief of Police, and the Attorney shall be the Election Commission. The Clerk shall be chairman. The Election Commission shall have charge of all activities and duties required of it by law and this charter relating to the conduct of City elections. The compensation of all election personnel shall be determined in advance by the Council. In any case of doubt concerning election procedure, the Election Commission shall prescribe the procedure to be followed.

## **Nomination Petitions**

### SECTION 13.8.

- (a) A person desiring to qualify as a candidate for an elective City office shall file with the Clerk a nomination petition consisting of one or more official petition forms. Each petition filed by or on behalf of a person seeking nomination to the offices of Mayor shall be signed by not less than 250 nor more than 350 registered electors including at least 50 signatures of residents of each ward. Each petition filed by or on behalf of a person seeking nomination to the office of Council Member shall be signed by not less than 100 nor more than 200 registered electors of the ward from which the person seeks to be elected. *(Amended by election of April 4, 1988).*
- (b) Official petition forms, substantially similar to those required by law for state and county officers, shall be prepared and furnished by the Clerk. Before the Clerk furnishes petition forms to any person, the Clerk shall enter thereon, in ink or by typewriter, the name of the person in whose behalf the petition is to be circulated and the name of the office for which the person is a candidate. No petition form which has been altered with respect to such entries shall be received by the Clerk for filing. Nomination petitions for the purpose of filling a vacancy shall so state. Petitions shall be filed with the Clerk not later than 5:00 p.m., on the seventh Monday prior to the date of the regular City primary election. The Clerk shall publish notice of the last day, time, and place for filing nomination petitions at least one week but not more than three weeks before that date.



- (c) Upon the filing thereof, nomination petitions shall be public records and open to public inspection, but only in the presence and upon the authority of the Clerk or an authorized employee of the Clerk's Office.

### **Circulation and Signing of Nomination Petitions**

#### SECTION 13.9.

- (a) Signatures on a petition form shall be disregarded unless the form was circulated by a registered elector of the City or the ward, as the case may be, from which the candidate named thereon seeks election. Each petition form filed as a part of a nomination petition shall be verified by the person who circulated it. The verification shall state that the signatures on the petition form were obtained by the circulator thereof, were signed in the circulator's presence, and that the circulator has good reason to believe and does believe that each of the signers is a registered elector of the City or ward from which the candidate named on the petition form seeks to be elected.
- (b) If any person signs a greater number of petitions for any office than there will be persons elected to that office, that person's signature shall be disregarded on all petitions for that office.

### **Checking and Approval of Petitions**

#### SECTION 13.10.

- (a) The Clerk shall accept for filing only nomination petitions on official forms containing on their face the required number of signatures for candidates having the qualifications required for elective city officers. When petitions are filed by persons other than the person whose name appears as a candidate, they may be accepted for filing only when accompanied by the written consent of the person in whose behalf the petition was circulated.
- (b) Upon receipt of any petition, the Clerk shall check or sample-check the signatures thereon with the registration records of the City to determine whether the signatures are the signatures of duly qualified and registered electors.
- (c) Within five days after the final filing date, the Clerk shall determine the sufficiency of the signatures on each petition, and, if the Clerk finds that any petition does not contain the required number of signatures, the Clerk shall immediately notify the candidate, in writing, of the insufficiency of the petition. When a petition is found by the Clerk to contain the required number of signatures, the Clerk shall give written notice to the candidate whose name appears thereon.

## **Form of Ballots**

SECTION 13.11. The names of all persons nominated for election to each office shall be placed upon the ballot. The form of the ballot used in any City primary or election and the printing and numbering thereof shall conform, as nearly as may be, with the requirements of the general election laws of the State.

## **Canvass of Votes**

SECTION 13.12. The members of the Council, who are not candidates for elective office, shall be the Board of Canvassers to canvass the votes cast at all City primaries and elections. The Board of Canvassers shall meet on the first Thursday after each City primary and election, shall publicly canvass the returns of such primary or election, shall determine the vote upon all questions and propositions, and shall declare whether the same have been adopted or rejected and what persons have been nominated or elected. In the event that a majority of the Board does not convene to canvass the returns of any primary or election, such members as do convene, together with the Clerk, the Attorney, and the Chief of Police, or any two of them, shall constitute the Board of Canvassers for such purpose. *(Superseded by Michigan Election Law 168.30a)*

## **Recount**

SECTION 13.13.

- (a) A recount of the votes cast at any primary or election for any office, or upon any proposition, may be had in accordance with the general election laws of the State.
- (b) Each petition for a recount of votes cast at a City primary or election shall be filed with the Clerk within six days after the canvass thereof and any counter petition shall be filed within twenty-four hours thereafter.

## **Tie Vote**

SECTION 13.14. If, at any primary or election, there shall be no choice between candidates by reason of two or more persons having received an equal number of votes, the Council shall name a date for the appearance of such persons for the purpose of determining the nomination or election by lot, as provided by law. Should any candidate fail to appear, in person or by representative, at the time and place named by the Council, such determination shall be made by lot in that person's absence, at the direction and under the supervision of the Council. Such determination shall be final.

## **Certificate of Nomination or Election**

SECTION 13.15. Within three days after the final determination of the result of an election to nominate or elect a candidate for office, the Clerk shall mail to each person who is nominated for election or elected, and to the County Clerk, a certificate of such nomination or election. Each such certificate shall be sent by first class mail to the address shown on the nomination petition filed by or on behalf of the person so nominated or elected.

## **Financial Statements**

SECTION 13.16. Before any person may assume an office to which that person has been elected, that person shall file with the Clerk of Washtenaw County the statement of election expense required by law. A true copy thereof shall also be filed with the City Clerk.

## **CHAPTER 14 CONTRACTS**

### **Authority of Council**

#### SECTION 14.1.

- (a) The authority to authorize the making of contracts on behalf of the City is vested in the Council and, except as otherwise provided by this charter, shall be exercised in accordance with the provisions of law and this chapter.
- (b) All contracts, except as otherwise provided in this charter or by ordinance of the Council in accordance with the provisions of Section 14.2 of this charter, shall be approved by the Council and shall be signed on behalf of the City by the Mayor and the Clerk.

### **Purchase and Sale of Personal Property**

SECTION 14.2. The Council shall by ordinance establish the procedures for contracts for all services and for the purchase and sale of personal property under the direction of the City Administrator. The ordinance shall provide the dollar limit within which purchases of personal property may be made without the necessity of securing competitive bids, and the dollar limit within which purchases may be made and contracts for services entered into without the necessity of council approval. Such dollar limits shall, in no case, exceed twenty-five thousand dollars (\$25,000.00). No purchase shall be made or service contract entered into unless a sufficient appropriation is available. *(Amended by elections of April 2, 1990 and November 7, 1995).*

## Limitations on Contractual Power

### SECTION 14.3.

- (a) The City shall not purchase, sell, or lease any real estate or any interest therein except by resolution concurred in by at least eight members of the Council.
- (b) The City shall not sell without the approval, by a majority vote of the electors of the City voting on the question at a regular or special election, any City park, or land in the City acquired for park, cemetery, or any part thereof. *(Amended by election of November 4, 2008.)*

*(Subsection (c) deleted by amendment April 4, 1966)*

- (d) Except as provided by ordinance authorized by Section 14.2 of this chapter, each contract for public improvements or for supplies or materials shall be let to the lowest responsible bidder after reasonable opportunity for competitive bidding. All bids shall be opened in public by the City Administrator, or if the City Administrator is absent or incapacitated, by the City Clerk. The Council may reject any or all bids if deemed advisable. If all bids are rejected, or if no bids are received, the Council may obtain new bids or authorize the City Administrator to negotiate in the open market for a contract at a reasonable price, or to purchase in the open market, or to have the work performed by city employees.
- (e) No contract shall be made with any person who is in default to the City.
- (f) No extra compensation shall be paid to any agent, employee, or contractor after the service has been rendered or the contract entered into.

## Business Dealings with City

SECTION 14.4. An officer of the City, who intends to have business dealings with the City, either directly or indirectly, whereby the officer may acquire any income or benefits, other than such as are provided as remuneration for the officer's official duties, shall file with the Clerk a statement, under oath, setting forth the nature of such business dealings, and the officer's interest therein. The statement shall be filed with the Clerk not less than ten days before the date when action may be taken by the Council or any other agency of the City upon the matter involved. The statement shall be spread upon the proceedings of the Council and published in full therewith. Approval of any such business dealings shall require a concurring vote of at least eight members of the Council, not including any member disqualified under Section 4.4 of this charter. Any business dealing made in violation of this section shall be void.

## **CHAPTER 15 PUBLIC UTILITY SERVICES**

### **General Powers Respecting Municipal Utilities**

#### SECTION 15.1.

- (a) The City shall have all the powers granted by law to acquire, construct, own, operate, improve, enlarge, extend, repair, and maintain public utilities, either within or without its corporate limits and either within or without the corporate limits of Washtenaw County, including, but not by way of limitation, public utilities for supplying water and water treatment, sewage disposal and treatment, electric light and power, gas, public transportation, or any of them, to the municipality and the inhabitants thereof; and also to sell water, electricity, gas, transportation, and other utility services beyond its corporate limits as authorized by law.
- (b) The Council may provide by ordinance for the establishment of a public utility, but an ordinance providing for a newly owned and operated utility shall be enacted only after such hearings and procedure as required by law.

### **Financing and Acquisition of Municipal Utilities**

SECTION 15.2. The City may finance the acquisition of privately-owned utility properties, the purchase of land, and the cost of all construction and property installation for utility purposes by borrowing in accordance with the provisions of Chapter 8 of this charter.

### **Disposal of Municipal Utility Plants and Property**

SECTION 15.3. Unless approved by the affirmative vote of three-fifths of the electors voting thereon at a regular or special election, the City shall not sell, exchange, lease, or in any way dispose of any property, easement, equipment, privilege, or asset needed to continue the operation of any municipal utility furnishing water, gas, electric power, or transportation service. All contracts, grants, leases, or other forms of transfer in violation of this section shall be void and of no effect as against the City. The restrictions of this section shall not apply to the sale or exchange of articles of machinery or equipment of any municipally owned public utility, which are no longer useful or which are replaced by new machinery or equipment, or to the leasing of property not necessary for the operation of the utility, or to the exchange of property or easements for other needed property or easements.

### **Rates**

#### SECTION 15.4.

- (a) The Council shall fix just and reasonable rates and such other charges as may be deemed advisable for supplying municipal utility services to the inhabitants of the City and others. Discrimination in rates within any classification of users shall not be permitted, nor shall free service be permitted. Increased rates shall be charged for service outside the corporate limits of the City.
- (b) The rates and charges for any municipal utility shall be fixed on a basis at least adequate to compensate the City for the cost of such service. Transactions pertaining to the ownership and operation of each municipal utility shall be recorded in a separate group of accounts, which shall be classified in accordance with generally acceptable utility accounting practices. Charges for all service furnished to, or rendered by, other city departments or administrative units shall be recorded. An annual report shall be prepared to show the financial position of each utility and the results of its operation. A copy of such report shall be available for inspection at the office of the Clerk.

#### **Collection of Municipal Utilities Rates and Charges**

#### SECTION 15.5.

- (a) The Council shall provide by ordinance for the collection of rates and charges for public utility services furnished by the City. When any person fails or refuses to pay to the City any sums due on utility bills, the service upon which such delinquency exists may be discontinued and suit may be brought for the collection thereof.
- (b) Except as otherwise provided by law, the City shall have as security for the collection of all charges for utility services furnished by it a lien upon the premises to which such utility services were supplied and, for such purposes, shall have all the powers granted to cities by law. Such lien shall become effective immediately on the distribution or supplying of such utility services to such premises.
- (c) Except as otherwise provided by law, all unpaid charges for utility services furnished to any such premises, which, on the thirty-first day of March of each year, have remained unpaid for a period of three months or more, shall be reported by the Controller to the Council at the first meeting thereof in the month of April. The Council thereupon shall order the publication in a newspaper of general circulation in the City of notice that all such unpaid utility charges not paid by the thirtieth day of April will be assessed upon the City's tax roll against the premises to which such utility services were

supplied or furnished, and such charges shall then be spread upon the City's tax roll and shall be collected in the same manner as the city taxes.

- (d) As further security for the payment of charges for utility services, the Council may require meter deposits of occupants of premises to which such services are supplied.

## **Public Utility Franchises**

SECTION 15.6. The City may grant a franchise to any person for the use of the streets and other public places of the City for the furnishing of any public utility service to the City and its inhabitants, franchises and renewals, amendments, and extensions thereof shall be granted only by ordinance. Public utility franchises shall include provisions for fixing rates and charges, and may provide for readjustments thereof at periodic intervals. The City may, with respect to any public utility franchise granted after the effective date of this charter, whether or not so provided in the granting ordinance:

- (1) Repeal the same for the violation of any of its provisions, for the misuse or non-use thereof, or for failure to comply with any provision thereof, or for failure to comply with any regulation imposed under authority of this section;
- (2) Require proper and adequate extension of plant and the maintenance thereof at the highest practicable standard of efficiency;
- (3) Establish reasonable standards of service and quality of products, and prevent unjust discrimination in service or rates;
- (4) Require continuous and uninterrupted service to the public in accordance with the terms of the franchise throughout the entire period thereof;
- (5) Impose other regulations determined by the Council to be conducive to the health, safety, welfare, and convenience of the public.
- (6) Require the public utility to permit joint use of its property and appurtenances located in the streets, alleys, and public places of the City, by the City and other utilities, insofar as such joint use may be reasonably practicable and upon payment of reasonable rental therefor, and, in the absence of agreement, upon application by the public utility, provide for arbitration of the terms and conditions of such joint use and the compensation to be paid therefor;

- (7) Require the public utility to pay any part of the cost of improvement or maintenance of the streets, alleys, bridges, and public places of the City, that arises from its use thereof, and to protect and save the City harmless from all damages arising from such use;
- (8) Require the public utility to file with the Clerk a true copy of each financial report which is filed by it with any agency of the State or the United States and such other reports concerning the public utility and its financial operation and status as the Council may request.

### **Limitations on the Granting of Franchises**

SECTION 15.7. No franchise shall be granted by the City for a term exceeding thirty years and no exclusive franchise shall ever be granted. Each franchise shall include a provision requiring the franchise to take effect within one year after the adoption of the ordinance granting it, except in the case of grants to take effect at the end of an existing franchise. An irrevocable franchise and any extension or amendment of such franchise may not be granted by the City, unless it has first received the affirmative vote of at least three-fifths of the electors of the City voting thereon at a regular or special election. A franchise ordinance may be approved by the Council, for referral to the electorate, only after a public hearing has been held thereon and after the grantee named therein has filed with the Clerk the franchisee's unconditional acceptance of all the terms of the franchise. No special election for such purpose may be ordered by the Council, unless the expense of holding such election, as determined by the Council, has first been paid to the Treasurer by the grantee.

### **Procedure for Granting Franchises**

SECTION 15.8. Every ordinance granting a franchise, license, or right to occupy or use the streets, highways, bridges, or public places in the City shall remain on file with the Clerk for public inspection in its final form for at least thirty days before the final adoption thereof, or the approval thereof for referral to the electorate.

### **Sale or Assignment of Franchises**

SECTION 15.9. The grantee of a franchise may not sell, assign, sublet, or allow another to use the same, unless the Council gives its consent: Provided, That, nothing in this section shall limit the right of the grantee of any public utility franchise to mortgage its property or franchise, or shall restrict the rights of the purchaser, upon foreclosure sale, to operate the same, except that such mortgagee or purchaser shall be subject to the terms of the franchise and provisions of this chapter.



## **CHAPTER 16 CONTROLLED SUBSTANCES**

### **Restrictions on Alcoholic Beverages**

SECTION 16.1. The City Council, in addition to the powers and duties specially conferred upon them by this Charter and law, shall have power, within said city, to enact, make, continue, modify, establish, amend and repeal such ordinances, by-laws

and regulations as they may deem desirable, within said city, for the following purposes:

To forbid and prevent the vending or other disposition of liquors and intoxicating drinks in violation of the laws of this State, and to forbid the selling or giving to be drunk any intoxicating or fermented liquors to any common drunkard, or to any child or young person. *(Amended by elections of April 6, 1964, November 3, 1964, November 8, 1966, and April 7, 1969)*

### **Restrictions of Marijuana**

SECTION 16.2.

- (a) No person shall possess, control, use, give away, or sell marijuana or cannabis, which is defined as all parts of the plant *cannabis sativa* L., whether growing or not; its seeds or resin; and every compound, manufacture, salt, derivative, mixture, or preparation of the above, unless such possession, control, use, or sale is pursuant to a license or prescription as provided in Public Act 196 of 1971, as amended. This definition does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compounds, manufacture, sale, derivative, mixture or preparation of the mature stalks, except the resin extracted therefrom, fiber, oil or cake, or the sterilized seed of the plant which is incapable of germination.
  
- (b) Violations of this section shall be civil infractions. Persons convicted of violating this section shall be fined \$25.00 for the first offense, \$50.00 for the second offense, \$100.00 for the third or subsequent offense and no incarceration, probation, nor any other punitive or rehabilitative measure shall be imposed. Fines and all other costs shall be waived upon proof that the defendant is recommended by a physician, practitioner or other qualified health professional to use or provide the marijuana or cannabis for medical treatment. The court may waive all or part of the fine upon proof that the defendant attended a substance abuse program. It is an affirmative defense to a prosecution under this section that the use or intended use of the

marijuana or cannabis relieves, or has the potential to relieve, the pain, disability, discomfort or other adverse symptoms of illness or medical treatment, or restores, maintains or improves, or has the potential to restore, maintain or improve, the health or medical quality of life of the user or intended user or users of the marijuana or cannabis. Requirements of this subsection shall not be construed to exclude the assertion of other defenses. *(Amended by election of April 2, 1990 and November 2, 2004)*

- (c) In all arrests and prosecutions for violations of this section, appearance tickets and the relevant procedures set forth in Public Act 147 of 1968, as amended, shall be used.
- (d) No Ann Arbor police officer, or his or her agent, shall complain of the possession, control, use, giving away, or sale of marijuana or cannabis to any other authority except the Ann Arbor city attorney; and the city attorney shall not refer any said complaint to any other authority for prosecution.
- (e) No Ann Arbor police officer, or his or her agent, shall complain and the city attorney shall not refer for prosecution any complaint, of the possession, control, use, giving away, sale or cultivation of marijuana or cannabis upon proof that the defendant is recommended by a physician, practitioner or other qualified health professional to use or provide the marijuana or cannabis for medical treatment. *(Amended by election of November 2, 2004)*
- (f) Should the State of Michigan enact lesser penalties than that set forth in subsection (b) above, or entirely repeal penalties for the possession, control, use, giving away, or sale of marijuana or cannabis, then this section, or the relevant portions thereof, shall be null and void. *(Amended by election of November 2, 2004)*
- (g) The people of the City of Ann Arbor specifically determine that the provisions herein contained concerning marijuana or cannabis are necessary to serve the local purposes of providing just and equitable legal treatment of the citizens of this community, and in particular of the youth of this community present as university students or otherwise; and to provide for the public peace and safety by preserving the respect of such citizens for the law and law enforcement agencies of the City. *(Amended by election of November 2, 2004)*

*(Section 16.2 added by election of April 2, 1974)*

## **CHAPTER 17 EMPLOYEES RETIREMENT SYSTEM**

### **Establishment of System**

SECTION 17.1. The Council shall establish by ordinance a retirement system for City personnel upon terms and conditions no less beneficial to City personnel than the terms and conditions contained in the Employees Retirement System previously established in this Charter. Until such an ordinance is in effect, the Employees Retirement System previously established in this Charter shall remain in effect. All rights and benefits heretofore accruing to any person under a previous City Retirement System shall remain in full force and effect.

### **Board of Trustees**

#### SECTION 17.2.

- (a) The general administration, management and responsibility for the proper operation of the retirement system and for making effective and construing the provisions of the retirement system ordinance adopted pursuant to this Charter, shall be vested in the Board of Trustees previously established in this Charter. The Board shall consist of nine trustees as follows:
  - (1) The City Administrator and the Controller to serve by virtue of their respective offices;
  - (2) Three Trustees appointed by the Council and to serve at the pleasure of the Council;
  - (3) Two Trustees elected by the general city members from their own number (general city members being members other than Policemen and Firemen members); and
  - (4) Two Trustees elected by the Policemen and Firemen members from their own number.
- (b) The Trustees shall serve without additional compensation for their services as Trustees, except that member Trustees shall suffer no loss in compensation on account of their services as Trustees.
- (c) The election of member Trustees provided in paragraphs (3) and (4) of subsection (a) of this section shall be held under such rules and regulations as the board shall from time to time adopt.

- (d) The regular term of office of the appointed citizen Trustees shall be three years. If a vacancy occurs in the office of Trustee, the Mayor, within thirty days of the date of vacancy, shall fill the vacancy by appointment for the unexpired term. Each such appointee shall be a representative of the group in which the vacancy occurs.
- (e) The Council by ordinance shall provide for the holding of regular Board meetings, for the selection of Board officers and for other administrative matters relating to the Board.

### **Special Tax**

SECTION 17.3. The Council shall cause to be levied each year a City Employee Pension and Benefit Tax not to exceed two and one-half mills on all taxable real estate and personal property situated within the City. This tax shall be used for making payments into pension or benefit funds maintained by any unit of government for the retirement or disability of City Employees. This tax shall be in addition to any other limitation imposed on the tax rates of the City by Charter provision or State law. *(Amended by elections of April 1, 1968 and April 17, 1969)*

## **CHAPTER 18 MISCELLANEOUS**

### **Vested Rights and Liabilities Continued**

SECTION 18.1. After the effective date of this charter, the City shall be vested with all property, money, contracts, rights, credits, effects, and the records, files, books, and papers belonging to it under and by virtue of its previous charter. No right or liability, contract, lease, or franchise, either in favor of or against the City, and no suit or prosecution of any character, shall be affected in any manner by any change resulting from the adoption of this charter, but the same shall stand or proceed, as if no change had been made: All debts and liabilities of the City shall continue to be its debts and liabilities, and all debts to it and fines and penalties, imposed and existing at the time of such change, shall be collected by the City. All trusts, established for any municipal purpose, shall be continued in accordance with the terms thereof, subject to the *cy pres* doctrine.

### **City Records to be Public**

SECTION 18.2. All records of the City shall be public, shall be kept in City offices except when required for official reasons or for purposes of safekeeping to be elsewhere, and shall be available for inspection at all reasonable times. No person shall dispose of, mutilate, or destroy any record of the City, except as provided by law, and any person who shall do so contrary to law shall be guilty of a violation of this charter.

## **Trusts**

SECTION 18.3. The Council may, in its discretion, receive and hold any money or property in trust for any municipal purpose and shall apply the same to the execution of such trust and for no other purpose, except in cases where the cy pres doctrine applies.

## **Quorum**

SECTION 18.4. Except as otherwise expressly provided in this charter, a quorum of any board or commission created by or under authority of this charter shall consist of a majority of its members, and the concurring vote of a majority of the members of each such board or commission shall be necessary for official action by it.

## **Sundays and Holidays**

SECTION 18.5. Except as otherwise expressly provided in this charter, whenever the date fixed by this charter or by law or ordinance for the doing or completion of any act falls on a Sunday or legal holiday, such act shall be done or completed on the next succeeding day, which is not a Sunday or legal holiday.

## **Penalties for Violations of Charter**

SECTION 18.6. Any person found guilty of an act constituting a violation of this charter may be punished by a fine not exceeding \$500.00 or by imprisonment for not to exceed 90 days, or both, in the discretion of the court, except as otherwise provided in Chapter 16 and 20 of this charter.

## **Chapter and Section Headings**

SECTION 18.7. The chapter and section headings used in this charter are for convenience only, and shall not be considered as part of the charter.

## **Amendments**

SECTION 18.8. This charter may be amended at any time in the manner provided by law. Should two or more amendments adopted at the same election have conflicting provisions, the amendment receiving the largest affirmative vote shall prevail as to those provisions.

## **Severability of Charter Provisions**

SECTION 18.9. If any provisions, section, or clause of this charter, or the application thereof to any person or circumstance, is held invalid, such invalidity shall not affect any remaining portion or application of the charter, which can be given effect without the invalid portion or application, and, to this end, this charter is declared to be severable.

## **CHAPTER 19 RENTAL ACTS**

### **TRUTH IN RENTING**

#### **Statements of Local Problems and Purpose**

Section 19.1. The people of the City of Ann Arbor find that a serious and persistent problem exists for City tenants in protecting their legal rights as tenants due to tenants' lack of reliable information concerning their legal rights and duties with regard to their housing.

Specifically, the people find that even after several years of distribution of a required City tenants' rights and duties booklet, a majority of City tenants are unable to answer correctly even simple questions concerning their legal rights; that the City-written booklets, which are meant to explain many of the tenants' rights and duties, are inadequate insofar as much necessary and important legal information is omitted or unreasonably compromised by City-appointed authors for reason of political necessity; that these City-written booklets which every landlord has been required by law to give to each of his or her tenants are frequently not distributed to tenants, and landlords are not prosecuted for their repeated failures; that leases, which should be a source of accurate information concerning tenants' rights and obligations frequently contain invalid, unenforceable and misleading terms written by many City landlords, and tenants are often unaware of where they can go for legal help and advice concerning their rights and duties.

The result is that tenants' rights to repairs and other legal rights are frequently misrepresented and abused, and tenants who do not know their rights and duties cannot prevent such abuse. Unless the problem is corrected, serious threats to the health, safety, and welfare of City residents will continue unabated.

The purpose of this Truth in Renting Act is to equip City tenants with knowledge to protect their legal rights, and therefore to help protect the health, safety and welfare of the City's residents.

## Definitions

SECTION 19.2. For the purposes of this law only:

- (a) "Landlord" means an owner, lessor, or sublessor of the rental unit or the property of which it is a part when the owner, lessor or sublessor is a commercial provider of residential rental property, and in addition means a person authorized to exercise any aspect of the management of the premises, including a person who, directly or indirectly, acts as a rental agent, receives rent or any part thereof, other than as a *bona fide* purchaser, and who has no obligation to deliver the whole of such receipts to another person.
- (b) "Commercial provider of residential rental property" means a person, partnership, corporation or other legal entity in the business of renting one or more units of residential rental property; and does not include a person who sublets the dwelling used for his or her personal home for part of the term, and does not include a person who rents his or her home occasionally during temporary absences such as while on vacation or sabbatical.
- (c) "Tenant" means any person who occupies a residential rental unit with the landlord's consent for an agreed upon consideration.
- (d) "Rental unit" means a structure or part thereof used as a home, residence or sleeping unit by a single person or household unit, or any grounds or other facilities or area promised for the use of a residential tenant and includes, but without limitation, apartment units, boarding houses, rooming houses, mobile home spaces and single and two-family dwellings.
- (e) "Rental agreement" means an agreement, which establishes or modifies the terms, conditions, rules, regulations or any other provisions concerning the use and occupancy of a rental unit.

## Deceptive Clauses Prohibited

SECTION 19.3. No landlord may include in a rental agreement for a rental unit located in the City of Ann Arbor a clause which the landlord knows to be deceptive and which purports to take away a right of a tenant which cannot be taken away by contract under Michigan law.

## Notice Required; Form and Contents

### SECTION 19.4.

- (a) Every landlord renting a rental unit located within the City of Ann Arbor shall give the tenants of each rental unit a notice as required below.
- (b) If the landlord is required by Act 348, 1972, effective April 1, 1973, of the State of Michigan, to give notice to the tenant pursuant to Sec. 3 of said act, the notice required below shall be on the same document and just below the notice required by that act.
- (c) If the landlord is not required by Act 348, 1972 to give notice to the tenant pursuant to Sec. 3 of said act because the landlord does not require a security deposit, or because Act 348, 1972 is legally invalid for any reason, or for any other reason; or if Sec. 19.3(b) hereof is legally invalid for any reason, then the notice required hereunder shall be in a written instrument or in the lease if written, given or mailed to the tenant by first class mail no later than 14 days from the date the tenant assumes possession, and shall also be in a written instrument or in the lease, if written, given or mailed to the tenant by first class mail no later than 14 days after the renewal of any lease.
- (d) The landlord of a sublessor of a rental unit, which sublessor is not a commercial provider of residential rental property, when the landlord participates in the sublease arrangement by approving the subtenants, providing the sublease or rental agreement, or making any rule limiting the sublease, shall provide the subtenants the notice required hereunder in a written instrument or in a written lease, given or mailed to the subtenants by first class mail no later than 14 days from the date the subtenants assume possession.
- (e) The notice shall be in eleven point boldface type or larger.
- (f) The notice shall be surrounded by a solid black border at least one-eighth inch thick, shall be the only notice on the document enclosed by a border, and shall have at least one-half inch white space between the interior of the border and the notice type; and at least one inch white space between the exterior of the border and any type outside of the border, and at least one inch white space between the exterior of the border and the page edge.
- (g) The content of the notice shall be in exactly the following words and word order:

"Some things your landlord writes in the lease or says to you



may not be correct representations of your rights."

"Also, you may have rights and duties not mentioned in your lease. Such rights may include rights to repairs, rights to withhold rent to get repairs done, and rights to join a tenants union or to form your own union. Such duties may include the duty to pay rent due and the duty not to cause a serious health hazard or damage beyond reasonable wear and tear."

"Additionally, some lease clauses may be subject to differing legal interpretations. If you think that a clause in your lease or something your landlord says to you is unfair, you may contact your own lawyer, legal aid society, or tenants union lawyer for their opinions."

## **Criminal Remedies**

### SECTION 19.5.

- (a) Failure by any person to comply with this law by failure to provide a tenant with notice in the form, content and manner set forth herein, or by inclusion in a lease a clause known by the person to be deceptive or invalid under Michigan law, shall be a misdemeanor punishable by a fine of zero to \$25.00 and in the case of second offense, committed after conviction for a first offense under this law, by a fine of zero to \$500.00 or imprisonment for zero to 90 days, or both, in the discretion of the court.
- (b) Violations of this provision may be prosecuted by the Office of the City Attorney. Said prosecution shall not bar nor be barred by any civil action by any person, nor by any other prosecution by any other authority for other criminal violations.

## **Date of Effect of This Law**

SECTION 19.6. The requirements of this section shall take effect for all leases or tenancies entered into on and after the ninety-first day following the addition of this chapter to the Charter.

*(Sections 19.1-6 added by election of April 6, 1978)*

## **FAIR RENTAL INFORMATION**

### **Statements of Local Problems and Purpose**

SECTION 19.7. The people of the City of Ann Arbor find that a serious and persistent problem exists for City tenants in protecting their legal rights as tenants due to tenants' lack of reliable information concerning their rights and duties with regard to their housing.

Specifically, the people find that even after several years of distribution of a required City tenants' rights and duties booklet, a majority of City tenants are unable to answer correctly even simple questions concerning their legal rights; that the City-written booklets, which are meant to explain many of the tenants' rights and duties, are inadequate in so far as much necessary and important legal information is omitted or unreasonably compromised by City-appointed authors for reason of political necessity; that these City-written booklets, which every landlord has been required by law to give to each of his or her tenants, are frequently not distributed to tenants, and landlords are not prosecuted for their repeated failures; that leases, which should be a source of accurate information concerning tenants' rights and obligations, frequently contain invalid, unenforceable and misleading terms written by many City landlords, and tenants are often unaware of where they can go for legal help and advice concerning their rights and duties.

The result is that tenants' rights to repairs and other legal rights are frequently misrepresented and abused, and tenants who do not know their rights and duties cannot prevent such abuse. Unless the problem is corrected serious threats to the health, safety, and welfare of City residents will continue unabated.

The people find that the advocacy system, in debates, newspapers, courts and in every arena where free expression is practiced, has long been established as an effective means of allowing the recipient of the information to get a fair and accurate point of view.

The people find that if knowledgeable spokespeople for landlords and tenants present their respective materials, tenants will get a fairer presentation of their duties, rights and associated information which the respective sides deem relevant. In this fashion the City finds that tenants will be better able than before to secure and enforce just human rights which are associated with their health, safety, and welfare.

Passage of this act is intended to increase the flow of information in the City, not reduce it, and is not intended to interfere with the right of the City or any person to disseminate any other booklet or information to any person.

## Definitions

SECTION 19.8. For the purposes of this law only:

- (a) "Landlord" means an owner, lessor, or sublessor of the rental unit or the property of which it is a part when the owner, lessor, or sublessor is a commercial provider of residential rental property, and in addition means a person authorized to exercise any aspect of the management of the premises, including a person who, directly or indirectly, acts as a rental agent, receives rent or any part thereof, other than as a bona fide purchaser, and who has no obligation to deliver the whole of such receipts to another person.
- (b) "Commercial provider of residential rental property" means a person, partnership, corporation or other legal entity in the business of renting one or more units of residential rental property, and does not include a person who sublets the dwelling used for his or her personal home for part of the term, and does not include a person who rents his or her personal home occasionally during temporary absences such as while on vacation or sabbatical.
- (c) "Tenant" means any person who occupies a residential rental unit with the landlord's consent for an agreed upon consideration.
- (d) "Rental unit" means a structure or part thereof used as a home, residence or sleeping unit by a single person or household unit, or any grounds or other facilities or area promised for the use of a residential tenant and includes, but without limitation, apartment units, boarding houses, rooming houses, mobile home spaces and single and two-family dwellings.
- (e) "Rental agreement" means an agreement which establishes or modifies the terms, conditions, rules, regulations or any other provisions concerning the use and occupancy of a rental unit.
- (f) "Bona fide tenant group" means an advocate group giving vigorous support to tenants and advocating the securing, enforcement, and protection of tenants' rights and interests. Tenants unions, legal aid societies or agencies with the primary purpose of providing legal services to the poor, and law reform groups may be bona fide tenant groups, provided they comply with this definition.
- (g) "Bona fide landlord group" means an advocate group giving vigorous support to landlords and advocating the securing, enforcement, and protection of landlords' rights and interests.

## **Booklet Required: Form and Contents**

### SECTION 19.9.

- (a) The City shall provide the City Clerk with booklets explaining the rights and duties of tenants, which booklets shall be written as provided below.
- (b) The booklet shall be comprised of three sections. The City may limit the size of the booklet to any reasonable length, but in no event to fewer than a total of 24 eight-and-a-half by eleven-inch pages; and in any event each section will have a maximum page limit equal to one-third the total page limit for the booklet.
  - (1) One section of the booklet shall be written by or at the direction of any number of City-appointed authors chosen at the discretion of the Mayor, such selection subject to any relevant City or State law. It will be printed on white colored paper.
  - (2) One section shall be written by or at the direction of a team of not more than three tenant advocate authors chosen by the Mayor in accordance with the procedures described below. This section will be printed on light green colored paper.
  - (3) One section shall be written by or at the direction of not more than three landlord advocates chosen by the Mayor in accordance with the procedures described below. This section will be printed on light blue colored paper.
- (c) The contents of the City-written section shall be subject to the approval of the Mayor and City Council.
- (d) The contents of each of the tenant and landlord advocate sections shall not be subject to any form of censorship, editing, redrafting or change in any manner by any City official or any person other than the three advocate authors appointed to write that section.
- (e) Each section shall be written in such type or letter styles and sizes as are selected by their respective authors, subject only to page limits provided herein, and subject to such reasonable limits as are necessitated by the printing method used.
- (f) The City shall write a front cover for the booklet. The cover:
  - (1) shall have the following title: Rights and Duties of Tenants in letters at

least one inch high; and

- (2) shall have the following statement printed on the cover, (The first two paragraphs shall be in upper and lower case. The third paragraph shall be in upper case bold, in letters at least the size of the letters of the first two paragraphs.):

"This booklet contains information about your rights and duties as a tenant in Ann Arbor. The booklet is divided into three sections. The white section is written by the City. The green section is written by tenant advocates. The blue section is written by landlord advocates."

"Portions of the booklet are written by advocates because the people of the City believe that the tenants can obtain the most accurate and fair understanding of their rights and duties as tenants by an uncompromised and uncensored presentation of materials by advocates for often conflicting points of view. The landlord and tenant sections are both written or approved by attorneys."

"The three sections of the booklet are the opinions of their authors. If you have any questions concerning your rights and duties as a tenant, consult your own lawyer, free legal aid society, or tenants' union lawyer."

- (3) shall have the date of printing,
  - (4) and, may have an illustration chosen by the City.
- (g) The City shall write a back cover for the booklet. The back cover

- (1) shall have the following statement:

"The three sections of this booklet on the rights and duties of tenants are the opinions of their authors. If you have any questions concerning your rights and duties as a tenant, consult your lawyer, free legal aid society, or tenants union lawyer."

- (2) and may have an illustration chosen by the City.
- (h) On the first interior page of the booklet section written by the City shall be the following statement:

"This booklet is distributed to tenants by their landlords as required by City Charter, sections 19.7 to 19.13. A landlord's failure to distribute this book as required by law shall be punishable by a fine up to \$500.00, but may not be punished by jail."

- (i) On the cover page of the city, landlord, and tenant sections respectively shall appear, in 11 point type or larger surrounded by a box, the words--

"This section is written by authors appointed by the City," or "This section is written by landlord advocates. They are attorneys who have agreed to present a landlord's point of view on your rights and duties," or "This section is written by tenant advocates. They are attorneys who have agreed to present a tenant's point of view on your rights and duties."--

according to which section is involved. Each respective section cover page may have outside of the box such other material as is written by the respective authors.

- (j) At the top of each page other than the cover page, of the city, tenant, and landlord sections respectively shall appear in eight point type or larger surrounded by a box the words:

"This section written by the City," or "This section written by tenant advocates," or "This section written by landlord advocates," according to which section is involved.

- (k) The authors shall write their respective sections of the first booklet within three weeks after appointment of authors.
- (l) Once a year, each section of the booklet shall be reapproved or amended or rewritten at the sole discretion of the respective appointed authors.
- (m) The City shall have the booklets printed and ready two weeks after they are written, and shall keep an adequate supply on hand.
- (n) The Mayor may extend the time limits for selection of authors and preparation of the booklet only as absolutely essential to production of the booklet.

## Selection of Advocate Authors

19.10. Selection of the advocate authors will be made by the Mayor, subject to the following:

- (a) Within 30 days after the effective date of this charter amendment, and within 30 days after a new mayor takes office if that mayor desires to replace authors, and within 30 days after notice of resignation or death of an author, the Mayor will solicit applications for the respective author position or positions to be filled. Solicitation will be through adequate notice, reasonably calculated to provide actual notice, in a newspaper of general circulation in the City of Ann Arbor and through notice to bona fide landlord and tenant groups who request such notice, and through any other reasonable means.
- (b) Applications will be taken for four weeks after adequate notice of the request for applicants, which notice will state the deadline for submission of applications and qualifications for applicants.
- (c) Advocate authors must be members of the State Bar of Michigan.
- (d) Within two weeks after applications are closed the Mayor will choose the advocate authors based only on their qualifications for these posts. There will be three landlord advocate authors and three tenant advocate authors.
- (e) Qualifications for the post of tenant advocate author shall include the following qualifications whose respective importance shall be weighed by the Mayor in his or her good faith discretion to produce the most qualified authors:
  - (1) endorsement by bona fide tenant groups
  - (2) membership in bona fide tenant groups
  - (3) experience representing tenants in legal case work
  - (4) experience writing pro-tenant information concerning landlord/tenant law
  - (5) experience representing tenant groups in writing landlord/tenant legislation
  - (6) experience representing tenant groups in negotiating landlord/tenant legislation
  - (7) absence of conflict of interest with a pro-tenant position

- (8) clear dedication to pro-tenant advocacy

In the making of a selection or renewal of a selection, the Mayor may not consider the content of the author's contribution to the booklet, but only the author's qualifications.

- (f) Qualifications for the post of landlord advocate author shall include:
  - (1) endorsement of bona fide landlord groups
  - (2) membership in bona fide landlord groups
  - (3) experience representing landlords in legal case work
  - (4) experience writing pro-landlord information concerning landlord/tenant law
  - (5) experience representing landlord groups in writing legislation
  - (6) experience representing landlord groups in negotiating landlord/tenant legislation
  - (7) absence of conflict of interest with a pro-landlord position
  - (8) clear dedication to pro-landlord advocacy

In the making of a selection or renewal of a selection, the Mayor may not consider the content of the author's contribution to the booklet, but only the author's qualifications.

- (g) The most qualified applicants shall be chosen by the mayor as the advocate authors.
- (h) The City shall provide no compensation to any author for work on the booklet.

In the event that no qualified people apply, the Mayor shall use all reasonable means to find and appoint the most qualified applicants available.

- (i) The term of each author shall be until the author resigns or until a new mayor not the mayor who appointed the author selects new authors as provided for herein. In the event that an author resigns, the mayor shall temporarily replace that author until the selection of a regular replacement author.



## **Distribution of Booklets**

19.11. The City Clerk shall make the three-section booklets available to local landlords and their agents to pick up without charge for distribution by local landlords to tenants and prospective tenants. Tenants and prospective tenants also may pick up a copy of the book at the City Clerk's office without charge. In collating the booklets the City shall put the city-written section first in order. In half of the booklets the tenant advocate section will be second and the landlord advocate section will be third. In one half of the booklets the landlord advocate section will be second and the tenant advocate section third. Nothing about the collating and distribution of the booklet may unnecessarily interfere with the tenants' notice of the information. The City shall make available to local landlords sufficient copies of the booklet to permit those landlords to comply with this section. In the event the Clerk makes available to local landlords sufficient copies of the booklet to permit those landlords to comply with this section, no owner of rental property located in Ann Arbor or agent of such an owner shall lease or contract to lease such property without furnishing to the tenant, before the time of leasing or contracting, a copy of the most current edition of said booklet. Landlords with leases or contracts to lease entered into 30 or more days after the chapter is passed and still unexpired 30 days after the City Clerk has published notice of availability of booklets under this chapter, must distribute the booklet to their tenants prior to receiving rent even if those tenants received a tenants' rights and duties booklet required by a city ordinance. In the event a housing unit is being leased to more than one tenant, it shall be sufficient to give a single booklet for each housing unit. In the event the lease or contract to lease is accomplished by mail, rather than face to face, the booklet shall be furnished the tenant by mail. A landlord shall be deemed to have furnished a tenant a copy of the booklet if the landlord mails it to the tenant or gives a copy of the booklet to the tenant in person. For purposes of this section, the renewal of a lease shall be considered the same as the making of a new lease; however, if a landlord has previously furnished the tenant or tenants of a unit with a copy of the booklet, the landlord is not required to furnish another copy upon lease renewal to the identical group of tenants, unless the previous booklet has been succeeded by a new edition with changes in it, or unless the time since the tenants have been given a booklet exceeds 1-1/2 years.

## **Notice, Date of Effect**

SECTION 19.12. This chapter shall only apply to leasing and contract to lease transactions entered into 30 days or more after the passage of the chapter. Landlords shall not be required to distribute booklets under this chapter until 30 days after the City Clerk has published in a newspaper of general circulation in Ann Arbor a notice to landlords informing them of this section and of the availability of said booklets at the City Clerk's office. The Clerk shall publish such notice promptly upon receipt of such booklets from the City of Ann Arbor. This chapter shall apply only to residential leases.

## **Enforcement**

### **SECTION 19.13.**

- (a) Failure by any person to comply with this law by failure to provide a tenant with a booklet in the form, content and manner set forth herein, shall be a misdemeanor punishable by a fine of from zero to \$500.00 in the discretion of the court, but may not be punished by jail.
- (b) Violations of this provision may be prosecuted by the Office of the City Attorney. Said prosecution shall not bar nor be barred by any civil action by any person, nor by any other prosecution by any other authority for other criminal violations.

*(Sections 19.7-13 added by election of April 6, 1978)*

## **CHAPTER 20 ZONE OF REPRODUCTIVE FREEDOM**

### **Declaration of Zone**

SECTION 20.1. The people of the City of Ann Arbor declare the City to be a Zone of Reproductive Freedom.

### **Restrictions on Reproductive Freedom**

#### **SECTION 20.2.**

- (a) No person within the City of Ann Arbor shall violate any law, rule, or regulation of this state which restricts or prohibits the right of any woman to an abortion, or which restricts or prohibits the right of a person to perform an abortion, as such right existed on January 20, 1981.
- (b) Any violation of Section 20.2(a) shall be subject to a sentence of up to \$5.00, including judgment fees and costs, and no probation or any other punitive or rehabilitative measure shall be imposed; provided, however, that this section shall not be construed to prohibit deferred sentencing. The District Court clerk shall accept any plea of guilty, which is made in the same manner as admissions of responsibility are accepted at the Parking Violations Bureau of the Fifteenth District Court as of December 1, 1989. Persons of any age pleading guilty of violations of this section shall be allowed to tender the sum of \$5.00 to the District Court clerk as a full and complete satisfaction and

discharge of liability, and no appearance before a district judge or other judicial officer shall be required.

- (c) In all arrests and prosecutions for violation of this section, appearance tickets and the relevant procedures set forth in Public Act 147 of 1968, as amended, shall be used.
- (d) No city officer, agent, or employee shall complain of the violation of Section 20.2(a) to any other authority except the Ann Arbor city attorney; and the city attorney shall not refer any said complaint to any other authority for prosecution.
- (e) The people of the City of Ann Arbor specifically determine that the provisions contained in this chapter are necessary to serve the local purposes of providing just and equitable legal treatment of the citizens of this community, and in particular those women seeking safe abortions; and of providing for the public peace and safety by preserving the respect of such citizens for the law, and for the law enforcement agencies of the City. Such provisions are necessary within the City because of the widespread local support for reproductive freedom.

*(Sections 20.1-2 added by election of April 2, 1990)*

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